Attachment 17

All Correspondence Received

from the Public

(See enclosed USB drive for additional digital video files)

See City Clerk's Office for access to USB drive

355 South Grand Avenue
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

LATHAM&WATKINS LLP

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October 18, 2016

VIA EMAIL

Honorable Planning Commission
Attention: Karen Myron, Planning Commission Clerk
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: New Wanda Project; City Planning Commission Meeting (October 19, 2016)

Dear Chair Shooshani and Honorable Planning Commissioners:

This afternoon, less than 24 hours before tomorrow's hearing on Wanda's project, we received a further revised Specific Plan, this time with 46 separate detailed Figures.

These Figures are the heart of the Specific Plan. These Figures detail the buildings' locations, distribution of uses, access and circulation, and many other Project details. One need only spend a few minutes looking at the Figures to understand that a tremendous amount of work went into creating them. A comparable amount of time, therefore, is necessary to review them and for the Planning Commission to assure itself that the Figures reflect the Commission's intentions and goals and to ensure that the Specific Plan's narrative and Figures are consistent.

Already we know that the Specific Plan's language is filled with mistakes and inaccuracies. We highlighted some of these in our submittal to you earlier this afternoon and hope that you will address them. The same review of the Figures needs to occur before the Commission can make any recommendation to the City Council to avoid compounding these mistakes.

We are highly dubious that with your busy schedules that you will have time to fully review and understand these Figures before tomorrow's hearing. The City's pattern of releasing documents at the last minute is unfair to you and unfair to the public. We therefore ask that you continue tomorrow's hearing to allow yourselves and the public the time to review and comment on the Specific Plan and its Figures and that you commit to reopening the public hearing to allow the public an opportunity to comment on this substantial new information.

Very truly yours,

Benjamin J. Hanelin
of LATHAM & WATKINS LLP

Andre Sahakian

From:	Benjamin.Hanelin@lw.com
Sent:	Tuesday, October 18, 2016 1:27 PM
To:	Andre Sahakian
Cc:	WebCBH MAYORANDCITYCOUNCIL; John Mirisch; Lili Bosse; Ryan Gohlich; Susan Healy Keene; tkahan@alagemcapital.com; GEORGE.MIHLSTEN@lw.com
Subject:	New Wanda Commercial/Residential Project (9900 Wilshire): Submittal for 10/19 CPC Meeting
Attachments:	Resolution 1504 - Beverly Hilton Specific Plan.pdf; Beverly Hills Hotel Specific Plan Amendment (Staff Report and Resolution....pdf; L-9900_WILSHIRE_BLVD-Wilshire Blvd 9900 (Reso No 1501).pdf; CPC 10_18 Submission re New Wanda Project.pdf; L-9900 _WILSHIRE_BLVD-Wilshire Blvd 9900 (Reso No 1500).pdf

Good afternoon, Andre.

Attached are some materials for tomorrow's Planning Commission meeting on the new Wanda project. If you would please distribute these documents and this email to the Planning Commission this afternoon we would very much appreciate it as I do not have the Commissioners' email addresses.

The attached document labeled "CPC 10_18 Submission re New Wanda Project" summarizes the missing information, inconsistencies, and questions raised by the draft Specific Plan, draft Resolutions, and draft Development Agreement.

Also attached are Planning Commission resolutions for three of the four existing Specific Plans in Beverly Hills (9900 Wilshire, Beverly Hilton, and Beverly Hills Hotel). As each resolution shows, the Planning Commission had a complete specific plan, inclusive of all figures and exhibits, prior to making a recommendation to the City Council. Regarding 9900, also attached is the Planning Commission's 2008 recommendation on the Development Agreement. That document, too, like the Specific Plan, was complete.

To the best of our knowledge, the Planning Commission has not been provided with the figures for Wanda's proposed revisions to the 9900 Specific Plan or a fully negotiated Development Agreement. Given the incomplete status of these documents we do not understand how the Planning Commission can make the findings and recommendations that it is being asked to make.

Thank you for your consideration of these issues.

Best regards,

Benjamin

Benjamin J. Hanelin
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Direct Dial: +1.213.891.8015
Fax: +1.213.891.8763
Email: benjamin.hanelin@lw.com
http://www.lw.com

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Latham & Watkins LLP

Attachment 3

Planning Commission Specific Plan Resolution with Attachments (Conditions of Approval and Beverly Hilton Specific Plan)

RESOLUTION NO. 1504

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT THE BEVERLY HILTON SPECIFIC PLAN FOR REVITALIZATION OF THE EXISTING BEVERLY HILTON HOTEL TO ALLOW A NEW LUXURY HOTEL, A NEW LUXURY CONDOMINIUM BUILDING, GARDENS, AND MODIFICATIONS TO THE EXISTING BEVERLY HILTON HOTEL WHICH RESULT IN A DECREASE IN THE TOTAL NUMBER OF HOTEL ROOMS

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. The City of Beverly Hills has adopted a General Plan for the City, and is considering adoption of a Specific Plan for the systematic implementation of the General Plan for that property in the City known as 9876 Wilshire Boulevard, described in the legal description attached hereto as Exhibit A, and incorporated herein by reference. The project site is also known as the Beverly Hilton Hotel site.

Section 2. The Planning Commission considered a proposed Specific Plan from Oasis West Realty, LLC, ("Developer") for the project site. After several public hearings and in response to comments from the public and the Planning Comission, the Developer's proposed project consists of a 9-story condominium building with 32 units (Residence A building), an 18-story condominium building with 68 units (Residence B), a 14-story luxury hotel building with 140 hotel rooms and 8 condominium units with a 2-story element including a restaurant, a 2-story conference center and a 3-story poolside room building with 30 hotel rooms (collectively "Developer Proposal"). The Planning Commission considered but rejected the Developer Proposal in favor of the Revised Project as described more fully in the Specific Plan attached hereto as Exhibit B.

Section 3. The Planning Commission finds, and recommends that the City Council find, that the Beverly Hilton Specific Plan as modified by the Planning Commission, attached hereto as Exhibit B and incorporated herein by reference, is consistent with the Beverly Hills General Plan for the reasons set forth in Section 5.2 of the Specific Plan and the following:

3.1 The Beverly Hilton Specific Plan is consistent with Section 2.2 of the Land Use Element of the General Plan in that the development contemplated by the Specific Plan is appropriate for the anchor location of the project site, which is located at the western gateway to the City at the intersection of Wilshire Boulevard and Santa Monica Boulevard. The Specific Plan contains a variety of land uses, including hotels, residential condominiums, restaurant, ancillary commercial, and open space. The mix of proposed uses and the project design provides an adequate transition from the single family residential neighborhood to the north as well as the El Rodeo School to the northwest. The design of the buildings and open spaces in the Specific Plan incorporate enhanced setbacks from Wilshire Boulevard, and the building heights step up from north to south. Further, the area is readily accessible from the City's major shopping area and is bounded by Wilshire and Santa Monica Boulevards which are major streets.

3.2 The Specific Plan is consistent with the General Plan Land Use Map, as amended to incorporate the Beverly Hilton Specific Plan designation.

3.3 The Specific Plan would enable development of housing stock of exceptional quality that offers a variety of housing and neighborhoods rarely found elsewhere (Land Use Element Section 1.1.).

3.4 The Specific Plan, and related Development Agreement, help to implement Housing Element Objective 2.2, in that a significant amount of funding will be provided for use in expanding the City's supply of affordable housing (Housing Element Objective 2.2, and Program 2.6.)

3.5 The Specific Plan is consistent with Housing Element Goal 4, which calls for expanding the variety of housing products, because the type of condominiums contemplated are different from other condominiums in the City due to the luxury elements of the project, its location, and the relationship to the proposed luxury hotel from which luxury services will be available.

3.6 The Specific Plan, with open space at the southeast corner of the intersection of Wilshire Boulevard and Merv Griffin Way, is consistent with Section 3.4 of the Open Space Element of the General Plan in that it provides landscape and public open space that furthers the City's distinctive atmosphere for commercial and residential areas.

Section 4. The proposed Project, including the Specific Plan, has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) and City's Local CEQA Guidelines. An Environmental Impact Report was prepared and the Planning Commission, by separate resolution, recommended that the City Council certify the Final Environmental Impact Report ("FEIR") and make environmental findings in connection with the adoption of the Project, including adopting a Statement of Overriding Considerations and a Mitigation

Monitoring Program. That Planning Commission Resolution No. 1502 is incorporated herein by this reference.

Section 5. The Planning Commission hereby recommends that the City Council adopt the Beverly Hilton Specific Plan, attached hereto as Exhibit B, subject to the conditions set forth in Exhibit C and attached hereto.

Section 6. The Secretary shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission.

Adopted:

Noah D. Furie
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Vincent P. Bertoni, AICP
Director of Community Development

David D. Gustavson
Director of Public Works & Transportation

EXHIBIT A

LEGAL DESCRIPTION

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

PARCEL 1:

Lots 1, 2 and 8 and those portions of lots 3 and 7 in block 33 of Beverly, in the City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 13 Pages 62 and 63 of Maps, in the office of the County Recorder of said County, lying Easterly of the following described line:

Beginning at a point in the Northerly line of said block 33 distant South 89° 55' 00" East 335 feet from the Northeast corner of lot 5 of said block 33; thence South 0° 05' 00" West 177 feet; thence Southeasterly to a point in the Northwesterly line of Santa Monica Boulevard 85 feet wide, distant North 50° 28' 30" East 485 feet from the most Southerly corner of block 33.

PARCEL 2:

Those portions of lots 3 and 7 in block 33 of Beverly in the City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 13 Pages 62 and 63 of Maps, in the office of the County Recorder of said County, lying Easterly of the following described line:

Beginning at a point in the Northerly line of said block 33, distant South 89° 55' 00" East 300 feet from the Northeast corner of lot 5 of said block 33; thence South 0° 05' 00" West 177 feet; thence Southeasterly to a point in the Northwesterly line of Santa Monica Boulevard 85 feet wide distant North 50° 28' 30" East 431.22 feet from the most Southerly corner of said block 33.

EXCEPT those portions lying within Parcel 1 above described.

PARCEL 3:

An easement for private road purposes over the West 20 feet of the following described property.

Those portions of lots 3, 4 and 7 in block 33 of Beverly, in the City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 13 Pages 62 and 63 of Maps, in the office of the County Recorder of said County, included within a strip of land 40 feet wide, the center line of which is described as follows:

Beginning at a point in the Northerly line of said lot 3 distant North 89° 55' 00" East 300 feet measured along the Northerly line of said block 33 from the Northwest corner of lot 4 of said block 33; thence South 0° 05' 00" East 177.00 feet; thence Southeasterly South 38° 46' 45" East 583.79 feet to a point on the Southeasterly line of lot 7 of said block 33; distant 431.22 feet from the most Southerly corner of lot 6 of said block 33.

Assessor's Parcel Number: **4327-028-001**

EXHIBIT B

SPECIFIC PLAN

Final Planning Commission Draft

BEVERLY HILTON SPECIFIC PLAN

February 28, 2008

NOTE: This is a draft document that is subject to revision prior to the completion of the CEQA process and the administrative proceedings for The Beverly Hilton Revitalization Plan.

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CHAPTER 1.0
INTRODUCTION

1.1 PURPOSE AND INTENT

This Beverly Hilton Specific Plan (the "Specific Plan") was initiated to provide a framework for the redevelopment of an 8.97-acre site at the western gateway to the City of Beverly Hills (the "City") between Wilshire and Santa Monica Boulevards (the "Specific Plan Area" or "Site"). The existing improvements on the Site include the existing Beverly Hilton hotel buildings and related below and above-ground parking structure. The development of the Site contemplated under the Specific Plan includes 1) the demolition of portions of the existing Beverly Hilton buildings, 2) the demolition of the above-ground and below-ground parking structure, 3) construction of a new luxury hotel at the eastern portion of the Site with up to 140 hotel rooms ("East Luxury Hotel Building"), 4) construction of up to 30 new hotel rooms for the Beverly Hilton Hotel adjacent to the existing pool area ("Poolside Guestrooms"), 5) construction of a 2 story building with up to 22,000 square feet of conference center uses ("Conference Center"), 6) construction of a 16 story residential building with up to 60 units ("Residences Building"), 7) construction of a four level subterranean parking structure with 1,733 marked spaces and the capacity to accommodate 2,183 parking utilizing valet parking, and 8) construction of 120,700 square feet of landscaped gardens, excluding rooftops, with public art in certain locations. The Specific Plan is a comprehensive policy and regulatory plan that shall be applied to the Site.

1.2 SPECIFIC PLAN AREA

A. Project Location

The Specific Plan Area is comprised of a parcel bounded by Wilshire Boulevard to the north, Santa Monica Boulevard to the east and south, and the centerline of Merv Griffin Way to the west. The net area of the Specific Plan Area is approximately 8.97 acres and has a slight grade running from the northwest to the south of the Specific Plan Area, resulting in a grade differential of approximately 10 feet across the site. Figure 1 illustrates the location of the Site and Figure 2 illustrates the Specific Plan Area.

B. Existing Setting

1. Specific Plan Area

The existing development in the Specific Plan Area consists of the original Beverly Hilton hotel, known as the "Wilshire Tower," the 181-room Oasis/Palm Court building located in the northwest area of the Site, the 36-room Lanai Rooms adjoining the swimming pool, and a below and above-ground parking garage. The hotel buildings include guest rooms, meeting spaces, office space, commercial space, and restaurant uses. Figure 3 illustrates the existing Site conditions. The implementation of the Specific Plan permits demolition of some of the existing buildings in the Specific Plan Area, including the parking garages, the Oasis/Palm Court portion of The Beverly Hilton, the Lanai Rooms and the adjoining swimming pool, and the meeting, retail, restaurant and office spaces fronting Wilshire Boulevard. Figure 4 illustrates the buildings on the Site that may be demolished.

2. Surrounding Land Uses

The Site is surrounded by a mix of land uses:

North: Wilshire Boulevard. Beverly Gardens Park is located directly north of the Beverly Hilton on the north side of Wilshire Boulevard. North of Beverly Gardens Park is single family one-story and two-story homes. El Rodeo Elementary School is located across Wilshire Boulevard to the northwest of the Site.

South: Santa Monica Boulevard. The former railroad right-of-way is across the street on the south side of Santa Monica Boulevard and is largely vacant. The property immediately south of the railroad right-of-way includes privately operated surface parking, retail (small shops), restaurants, and office building uses.

East: The area to the east, north of Wilshire Boulevard, is developed with high-rise developments and commercial uses as part of the City of Beverly Hills business triangle. The area to the east, south of Wilshire Boulevard, is developed with low-rise commercial buildings, with multi-story office buildings beyond.

West: Merv Griffin Way and the closed Robinson's-May department store and parking structure are located directly west of the site. A residential project, known as 9900 Wilshire, with ancillary commercial uses, has been proposed for the site.

Figure 5 illustrates the surrounding land uses.

1.3 GOALS AND OBJECTIVES

Implementation of the Specific Plan is designed to achieve the following goals and objectives:

A. To allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.

B. To create a new luxury hotel for the site with facilities, services and amenities on par with a five star/five diamond hotel.

C. To develop an environmentally sensitive and sustainable project.

D. To maintain the integrity of the existing Welton Becket-designed Wilshire Tower.

E. To enhance the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.

F. To develop the Site in a manner that capitalizes on its physical, social, and economic potential without adversely impacting neighboring residential and institutional uses.

G. To expand the variety of high-quality housing options available in close proximity to office and commercial centers, without displacing existing housing or residents.

H. To provide high-quality housing for local and area residents to meet market demand and provide a variety of housing options.

I. To maximize open space and accommodate on-site gardens and landscaped common space that complements the garden character of the Site and City.

J. To promote pedestrian activity in and around the Specific Plan Area.

K. To place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment.

L. To improve vehicular circulation on the Site and in vicinity by providing multiple points of access to the Site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

M. To maintain and enhance the sources and amount of transient occupancy tax for the City.

N. To provide affordable housing consistent with the objectives of the City's adopted or amended Housing Element by providing a contribution to the City's affordable housing trust fund.

O. To create a landmark luxury hotel in Beverly Hills that continues the Beverly Hills tradition of such uses.

1.4 CONTENTS

The Specific Plan consists of the following components:

Chapter 1.0 (Introduction): Chapter 1.0 provides a broad overview of the Specific Plan and its goals.

Chapter 2.0 (Planning Context): Chapter 2.0 describes the planning issues and process for the Specific Plan Area.

Chapter 3.0 (Plan Components): Chapter 3.0 sets forth the general land use concepts for the Specific Plan Area and describes land uses, building placement, traffic circulation and utilities.

Chapter 4.0 (Development Standards and Guidelines): Chapter 4.0 sets forth development standards and guidelines for the Specific Plan Area, including permitted uses, parking, building height, sign standards and architecture and design.

Chapter 5.0 (Implementation and Administration): Chapter 5.0 provides a review of the Specific Plan's relationship to the General Plan and sets forth the implementation and amendment process.

Chapter 6.0 (Operational Standards): Chapter 6.0 sets forth provisions governing the long-term operation of uses within the Specific Plan Area.

Chapter 7.0 (Mitigation Measures): Chapter 7.0 sets forth the mitigation measures that have been adopted by the City Council and incorporates those mitigation measures into the Specific Plan.

Chapter 8.0 (Figures): Chapter 8.0 contains the Figures referenced throughout the remainder of the Specific Plan Area.

CHAPTER 2.0
PLANNING CONTEXT

2.1 INTRODUCTION

This chapter provides an overview of the specific plan process and the public participation in developing the Specific Plan.

2.2 AUTHORITY

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, §§ 65450-65457) authorizes cities to adopt specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan. Any specific plan adopted pursuant to this authority shall be consistent with the adopted general plan. Once the Specific Plan is adopted, related zoning, subdivision, public works projects and development agreements shall then be consistent with the Specific Plan.

2.3 GENERAL PLAN AND ZONING DESIGNATIONS

The Specific Plan Area was designated as Low Density General Commercial on the General Plan land use map and had a zoning designation of C-3 prior to the adoption of this Specific Plan.

In connection with the adoption of the Specific Plan, the Land Use Plan Map in the Land Use Element of the General Plan is being amended to designate the Specific Plan Area as "Specific Plan". The zoning designation for the Specific Plan Area also is being amended to change the designation for the Specific Plan Area to the "Beverly Hilton Specific Plan" zone. Section 5.2 of the Specific Plan provides an analysis of the Specific Plan's consistency with the City's General Plan.

2.4 RELATIONSHIP TO THE MUNICIPAL CODE

As set forth in Title 10, Chapter 3, Article 15.8 of the Beverly Hills Municipal Code (the "Municipal Code"), this Specific Plan supersedes other development regulations and standards set forth in the Beverly Hills Zoning Ordinance (Chapter 3 of Title 10 of the Beverly Hills Municipal Code) for the Specific Plan Area. Except where the provisions of this Specific Plan expressly provide otherwise, the policies of this Specific Plan are applied in lieu of the provisions of the Zoning Ordinance. For development standards not established as part of the Specific Plan, the standards in the Zoning Ordinance apply. In addition, any terms used in this Specific Plan that are not defined or described herein shall have the meanings, if any, set forth for them in the Zoning Ordinance.

2.5 PUBLIC PARTICIPATION

The proposed development authorized by the Specific Plan was first presented at a joint meeting of the City Council and Planning Commission on April 4, 2006. City staff conducted a public scoping meeting on September 18, 2006, for the purposes of obtaining public input regarding the potential environmental impacts associated with the Specific Plan, which were analyzed as part

of the environmental review of the Specific Plan mandated by the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report was circulated for public review from August 7, 2007 to September 21, 2007. Portions of the Draft Environmental Impact Report were recirculated for public review from October 15, 2007 to November 13, 2007. The Planning Commission conducted public hearings on August 22, 2007, September 10, 2007, October 3, 2007, November 1, 2007, November 8, 2007, December 13, 2007, January 31, 2008, February 7, 2008, and February 20, 2008 and took public comment on the proposed development of the Site and the Specific Plan. The City Council conducted public hearings_____ on and took public comment on the proposed development of the Site and the Specific Plan. The public was provided an opportunity at each of the hearings to provide input into the development of the Specific Plan and other entitlements for the proposed project. The Specific Plan reflects changes to the originally proposed Specific Plan recommended by the Planning Commission and City Council.

2.6 CEQA COMPLIANCE

A Final Environmental Impact Report (the "Final EIR") has been prepared for the Specific Plan pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the City's Local Environmental Guidelines. The Final EIR addresses the potential environmental impacts resulting from the implementation of the proposed Specific Plan and sets forth mitigation measures to lessen those environmental impacts. These mitigation measures have been incorporated into the Specific Plan and are listed in Chapter 7.0.

CHAPTER 3.0
PLAN COMPONENTS

3.1 INTRODUCTION

The Specific Plan is a comprehensive policy and regulatory document that shall be used to guide development of the Site. This chapter addresses (a) the location, distribution and extent of land uses within the Specific Plan Area and (b) the location, distribution and extent of essential facilities serving the Specific Plan Area.

3.2 LAND USES

The land use concept for the Specific Plan Area provides for a complementary development consisting of two luxury hotels and ancillary uses, luxury residential units, an underground parking garage, and outdoor amenities and gardens. Figure 6 illustrates the basic site plan for development within the Specific Plan Area.

3.3 SITE PLANNING

A. Building Placement

The location and distribution of buildings and open space shall be substantially as shown on Figure 6 of the Specific Plan.

The number of hotel rooms within the Specific Plan Area shall not exceed five hundred and twenty-two (522) and a maximum of sixty (60) residential units shall be permitted within the Specific Plan Area. No more than 20,523 square feet of restaurant uses shall be developed in the Specific Plan Area.

Development authorized by the Specific Plan includes the following:

1. Wilshire Tower

The original Wilshire Tower shall remain as a hotel use, including ancillary uses, and shall not exceed its current three hundred and fifty-two (352) rooms. In addition, the Wilshire Tower may include replacement conference rooms and offices within a new building connected on the east side of the Wilshire Tower and fronting Wilshire Boulevard. The Specific Plan area would include replacement rooms in the area adjacent to the existing pool area. No condominium units shall be located in the Wilshire Tower without an amendment to the Specific Plan and approval of a subsequent tract map.

Given the significance of the Wilshire Tower, any material changes to the exterior features of the Wilshire Tower, including colors, materials, and signage, subject to the approval of the Director of Community Development ("Director").

2. Residences Building

The residential component on the southwest side of the Specific Plan Area at the corner of Santa Monica Boulevard and Merv Griffin Way shall be limited to a maximum of sixty (60) residential units.

3. New East Luxury Hotel Building

The new East Luxury Hotel Building shall be located at the easternmost area of the Site near the intersection of Wilshire and Santa Monica Boulevards as shown on Figure 6. This building shall contain not more than one hundred and forty (140) hotel rooms.

The new East Luxury Hotel Building shall be built (including construction design and materials used) and shall operate at the same or better standard (on an overall basis and in all material respects) as urban hotels that are operated under the Ritz-Carlton and/or Four Seasons names, and which have an "AAA" rating of four (4) or five (5) diamonds or "Mobil" rating of four (4) or five (5) stars, with a preference for five (5) diamonds or stars. If such rating systems no longer exist, then a comparable rating under a hotel rating system generally accepted in the travel industry, as mutually agreed by the Owner and the City, shall be used to determine compliance with this provision.

4. Conference Center Building

The new Conference Center Building shall be located on the northeast portion of the site, near Wilshire Boulevard and to the east of the main garden area open to Wilshire Boulevard as shown on Figure 6. This building shall contain a conference center of no more than twenty-two thousand (22,000) square feet.

5. Poolside Guestrooms

New Beverly Hilton Guestrooms shall be located near the existing and future pool area for The Beverly Hilton. This building or series of buildings shall contain a maximum of thirty (30) hotel rooms.

B. Circulation

1. Local Circulation

The Specific Plan Area is located within the area bounded by Wilshire Boulevard to the north, Santa Monica Boulevard to the south, and Merv Griffin Way to the west. Other key streets in the vicinity include Whittier Drive and Elevado Avenue to the north. The locations of these streets are shown on Figure 8.

Wilshire Boulevard is an east-west arterial roadway that runs between Ocean Avenue in Santa Monica to the west and Grand Avenue in downtown Los Angeles to the east. In the vicinity of the Specific Plan Area, Wilshire Boulevard provides six lanes of travel, which are divided by painted medians and two-way left turn lanes. On-street parking is not permitted before 7:00 p.m. on Wilshire Boulevard within the immediate vicinity of the Specific Plan Area. Wilshire Boulevard is on the Congestion Management Plan (CMP) road system as a part of the CMP roadway network. Wilshire Boulevard includes many major busways operated by the

Metropolitan Transportation Authority ("Metro"), and a bus stop is located adjacent to the Specific Plan Area just west of Santa Monica Boulevard.

Santa Monica Boulevard has been designated by the City as a Major Class 1 Highway and a state highway (SR 2). It is an east-west arterial roadway that runs between the City of Santa Monica to the west and Sunset Boulevard in Silver Lake to the east. The Santa Monica Boulevard Transit Parkway Project which was completed in 2007 consisted of the reconstruction and reconfiguration of 2.5 miles of Santa Monica Boulevard between I-405 on the west and Beverly Hills city limit on the east (Moreno Drive). This segment of the boulevard has three eastbound and three westbound travel lanes. The project includes a new street lighting and traffic signal system, a landscaped median, bicycle lanes and bus priority features. Santa Monica Boulevard is on the CMP road system as part of the CMP roadway network. Santa Monica Boulevard includes many major busways operated by Metro, and a bus stop is located adjacent to the Specific Plan Area just south of Wilshire Boulevard.

Whittier Drive is a local residential street. It is a north-south roadway, the southern terminus of which is directly across the street from the northern terminus of Merv Griffin Way. Nearby, Trenton Drive, a local residential street, originates at Whittier Drive and travels east and south, terminating at Wilshire Boulevard. Carmelita Avenue, a local residential street, begins at its intersection with Wilshire Boulevard and, running primarily west-east, ends near the eastern border of the City of Beverly Hills at Santa Monica Boulevard.

Transportation improvements and facilities, including, but not limited to driveways and parking facilities, shall be constructed within the Specific Plan Area to minimize the parking and circulation impacts on surrounding streets. The driveways and access points to parking facilities to be constructed within the Specific Plan Area shall be substantially as shown on Figure 8.

The access points, driveways and roadway improvements shall be substantially as shown on Figure 8. The primary vehicular ingress and egress for the Wilshire Tower shall be from Merv Griffin Way through a motor court, which shall include direct vehicular access to the subterranean parking garage. Primary access for delivery vehicles shall be provided from Santa Monica Boulevard, with additional loading areas provided along Merv Griffin Way. The primary vehicular ingress and egress for the residential units located on the west side of the Specific Plan Area shall be from Merv Griffin Way, with direct access to the subterranean parking garage. The primary vehicular access for the East Luxury Hotel Building shall be from Wilshire Boulevard and Santa Monica Boulevard, through a motor court, and shall include direct vehicular access to the subterranean parking garage.

Improvements shall be made to Wilshire Boulevard, Santa Monica Boulevard and Merv Griffin way, as described in Section 7.1 of Chapter 7.0.

2. Traffic Impacts

A traffic impact study was prepared in connection with consideration of the Specific Plan and related EIR. The study analyzed the impact of the Specific Plan and concluded that the implementation of the Specific Plan would have no significant adverse traffic impacts.

3. Pedestrian Circulation

The pedestrian character of the portion of Wilshire Boulevard and Santa Monica Boulevard adjoining the Site shall be created with landscaping and lighting improvements with the implementation of the entirety of The Beverly Hilton Revitalization Plan. The Merv Griffin Way frontage shall be improved with attention to pedestrian scale and details. See Figure 21.

4. Parking Facilities

The subterranean parking structure shall provide not less than 1,733 marked parking spaces in four levels for all on-site uses proposed, substantially as shown in Figures 9A through 9D, including separate residential and hotel parking areas. The subterranean parking structure shall provide capacity for no less than 2,183 vehicles, utilizing valet parking operations, substantially as shown in Figure 10. These spaces shall provide parking for all land uses within the Specific Plan Area.

3.4 UTILITIES

Due to the long-time operation of hotel and other related commercial uses in the Specific Plan Area and the urbanized nature of the surrounding area, the Specific Plan Area is currently provided with adequate facilities for sewage, water, drainage, solid waste disposal, and energy. As limited in size and intensity of use by the Specific Plan, the Specific Plan Area shall not require the development of additional sewage, water, solid waste disposal, energy, or other essential facilities. However, the project shall pay its fair share to mitigate any cumulative impacts on City facilities. In addition, all utility construction, connections and maintenance shall conform to the provisions of the Beverly Hills Municipal Code.

A. Water

The City provides water to the Specific Plan Area. Figure 11 shows the location and size of the water distribution system that serves the Specific Plan Area. The existing supply and distribution of water can accommodate the level of water demand from the hotel, commercial and residential uses proposed in the Specific Plan Area.

B. Sewer

Figure 12 shows the present size and location of the sewer facilities servicing the Specific Plan Area. Wastewater generated from the Specific Plan Area would be conveyed through these lines and treated at the Hyperion Water Treatment Plant in El Segundo. The calculations prepared by the City in connection with its review of the Specific Plan indicate that the existing sewer lines are adequate to accommodate the level of wastewater generated by the Specific Plan.

C. Solid Waste Disposal

Solid waste disposal for the Specific Plan Area is provided through a franchise with the City. All solid waste generated by the Specific Plan Area shall be disposed of at landfills in Los Angeles or Riverside Counties. The City's solid waste is currently disposed of at the following landfills: Puente Hills Landfill, Bradley West Landfill, Chiquita Canyon Landfill, Sunshine Canyon Landfill, and El Sobrante Landfill (Riverside County), although other solid waste facilities may be used. Based on the projected solid waste generation, the Specific Plan Area will not have

significant solid waste disposal impacts and existing solid waste disposal facilities and landfill capacities are sufficient to accommodate the Specific Plan's projected solid waste.

D. Storm Drain

The Specific Plan Area is currently developed with hotel and parking structures. Implementation of the Specific Plan will not increase the amount of impermeable land or result in changes in absorption rates that would increase the amount of stormwater runoff from the Specific Plan Area. In addition, development within the Specific Plan Area shall comply with all requirements of the City's National Pollution Discharge Elimination System Permit (NPDES) and the City's stormwater and urban runoff management ordinance (Article 5, Chapter 4, Title 9 of the Beverly Hills Municipal Code). The storm drain plan for the Specific Plan Area is shown on Figure 13 of this Specific Plan.

E. Energy

The Southern California Edison Company provides electricity to the Specific Plan Area. The Southern California Gas Company provides natural gas to the Specific Plan Area. According to the studies prepared for the Specific Plan, the existing supply and distribution of electricity and natural gas can accommodate the level of demand from the uses proposed in the Specific Plan. Figures 14 and 15 illustrate electrical and gas facilities, respectively.

F. Graywater System

The project shall include a graywater system to reduce overall water demands, and specifically, limit the demand for irrigation water. The graywater system may include: (1) dual piping to maintain graywater separate from potable water; (2) tanks to hold the graywater before and after treatment; (3) graywater treatment system including filtering and disinfecting systems; and (4) booster pumps to ensure water is delivered at pressures adequate for their intended uses. The graywater system shall collect drainage discharged from sinks, service sinks, bathtubs, showers, and clothes washers. The "gray" wastewater shall then be filtered and treated until it reaches a level of quality consistent with its intended re-use. For example, graywater may be used for flushing water in toilets and urinals in the Project's residences and hotel rooms, as well as public restrooms in the common areas. The remaining graywater shall be used for irrigation and other non-potable water using systems, thus reducing the Project's overall water demands and, in particular, demand for water which would otherwise be used for irrigation. The Residence Building, new East Luxury Hotel Building, Conference Center Building, Poolside Guestrooms, gardens and project landscaping shall be served by and incorporated into the design of the graywater system. The portions of the existing Beverly Hilton Hotel buildings that will be retained as part of the Specific Plan are not required to be served by or incorporated into the design of the graywater system, but incorporation of such retained buildings into the graywater system is encouraged whenever feasible.

CHAPTER 4.0
DEVELOPMENT STANDARDS AND GUIDELINES

4.1 GENERAL PROVISIONS

The Specific Plan is a policy and regulatory document, and all development within the Specific Plan Area shall be governed by the Specific Plan in accordance with the development standards and guidelines contained herein.

4.2 PERMITTED USES

The uses allowed in the Specific Plan Area shall be limited to those uses shown on Figure 6 or otherwise described in this Section. Uses allowed in the Specific Plan area shall recognize the existing Hotel uses and the Business Triangle Commercial Area to the northeast of the site. Ancillary uses for the hotels include, without limitation, lobbies, lounges, function and pre-function spaces, retail, restaurants and open air dining, bars, health and day spas, fitness center, pools, roof-top uses including pools, recreational facilities and gardens, parking, storage, laundry and dry cleaning facilities, and central power, heating and air conditioning facilities. Ancillary uses for the condominiums include health spas, private fitness centers, pools, screening rooms, resident-serving retail uses, meeting rooms, roof-top uses including pools, recreational facilities and gardens, common and outdoor living areas, parking, storage, central power, heating and air conditioning facilities, other and amenities associated with luxury residential units for use by residents and their guests. Permitted uses shall also include the other permitted uses shown on Figure 6 or otherwise described in Section 4.2 of Chapter 4.0, and similar uses approved by the Director of Planning and Community Development (the "Director").

The uses set forth below are permitted uses within the Specific Plan Area. If a use is not listed below or is not a similar use that the Director of Community Development determines is consistent with the goals and objectives of the Specific Plan, then such use is presumed to be prohibited unless a Conditional Use Permit is approved by the Planning Commission pursuant to the procedures set forth in Section 10-03-3800 of the Municipal Code. The Planning Commission may approve otherwise prohibited uses if the Commission determines, in addition to the required conditional use permit findings, that such uses do not materially alter the distribution, location and extent of the uses of land as set forth in the Specific Plan and the uses fulfill the intent of the Specific Plan as descried in Section 1.3 (Goals and Objectives) of the Specific Plan.

A. Hotel Area

The following uses are permitted within the portion of the Specific Plan Area designated for hotel use, as shown on Figure 6:

- Airline ticket office.
- Alcohol sales (on-site and off-site) and consumption in conjunction with the uses listed under food and beverage establishments or in conjunction with open-air dining in the public right-

of-way pursuant to Section 10-03-3505 of the Municipal Code, subject only to issuance of a Department of Alcoholic Beverage Control license.

- Art shop or gallery.
- Barber shop.
- Beauty salon.
- Bookstore.
- Business/conference center.
- Car rental office.
- Clothing and shoe stores.
- Day spa.
- Decorating or interior design shop.
- Florist.
- Food and beverage establishments, including bakeries, cafes, delicatessens, beer and wine shops, ice cream parlors, open air dining areas, located outside the public right-of-way, restaurants (full service), bars (in conjunction with restaurants) and specialty food, but excluding drive-up, drive-in and drive-through.
- Gift/novelties shop.
- Hotel and related ancillary facilities, including food and beverage establishments, meeting rooms, ballrooms, and other commercial uses listed in this Section.
- Jewelry store.
- Indoor live entertainment as an ancillary use in conjunction with a hotel.
- Outdoor live entertainment as an ancillary use in conjunction with a hotel, subject to the City's Noise Ordinance, and only in those areas identified on Figure 7.
- Retail stores and shops as ancillary uses in conjunction with a hotel.
- Newsstand.
- Ancillary parking garage.
- Photography shop or art gallery.
- Stationery stores.
- Travel agency.
- Other similar uses determined by the Director to be consistent with the goals and objectives of the Specific Plan.

B. Residential Area

The Specific Plan Area for the Residences building portions shall be designated for residential use, as shown on Figure 6. Uses permitted in the Residences building areas designated for residential use shall include residential dwellings, including condominiums, and the usual and customary accessory and appurtenant uses thereto, including without limitation the ancillary uses. Ancillary uses for the condominiums include health spas, private fitness centers, pools, private screening rooms, resident-serving retail uses, meeting rooms, roof-top uses including pools, recreational facilities and gardens, common and private outdoor living areas, parking, storage, central power, heating and air conditioning facilities, other and amenities associated with luxury residential units. Uses shall also include the other uses shown on Figure 6 or

otherwise described in Section 4.2 of Chapter 4.0, and similar uses approved by the Planning Commission.

4.3 PARKING

A. Parking Requirements

Not less than 1,733 marked parking spaces shall be provided for all on-site uses existing and proposed at the time of the implementation of the Specific Plan, substantially as shown in Figures 9A through 9D. Capacity for no less than 2,183 vehicles utilizing valet parking shall be provided on-site using marked and unmarked spaces, substantially as shown in Figure 10. These spaces shall provide parking for all land uses within the Specific Plan Area.

Additional parking, calculated pursuant to the provisions of the Beverly Hills Municipal Code parking standards, shall be provided for any additional use or uses that may be approved pursuant to the conditional use permit process set forth in Section 4.2 of this Specific Plan.

B. General Parking Provisions

All hotel, restaurant, retail, and other commercial parking shall be separated from the parking for the residents and their guests. Entry into the residential parking area shall be restricted by key-card or similarly secured access. The guest parking and valet parking for the residential component shall be located within the separately designated residential parking area. Valet parking, in addition to self parking, shall be available for residents and their guests. Valet and self parking shall be provided for hotel and restaurant patrons. A total of 1,733 marked spaces in four subterranean levels shall be provided. Of these 1,733 parking spaces, a total of 156 shall be reserved for use exclusively by owners and guests of the residential condominiums.

1. Parking Stall Dimensions and Aisle Width

   a. Standard Space: 8'-6" x 19'-0" (minimum).

   b. Compact Space: 8'-0" x 16'-0" (minimum). Not more than 25% of the total required parking stalls for all uses may be designed as compact stalls. Such restriction shall not apply to parking stalls in excess of the number of required stalls.

   c. Minimum Aisle Width: 24'-0" where the parking is provided at a 90° angle to a drive aisle. The Director of Transportation and Engineering shall determine the appropriate aisle width where parking spaces are provided at less than a 90° angle to a drive aisle.

2. Tandem Spaces

Each required parking stall within a parking area or garage shall be individually and easily accessible, except that automobiles may be parked in tandem in the following instances:

a. In a public parking area providing attendants to park vehicles at all times said garage or parking area is open for use.

b. In a parking area serving the residential units where the tandem parking is not more than two cars in depth, and provided that at least one parking stall per dwelling unit is individually and easily accessible. Residentially-assigned tandem spaces shall be assigned to the same residential unit.

C. Loading Areas

Four (4) short-term drop-off areas and three (3) longer-term loading areas shall be provided for the Specific Plan Area substantially in the locations and dimensions shown on Figure 8.

D. Hotel Access Areas

A primary hotel access area off of Merv Griffin Way shall be provided for the Wilshire Tower, substantially as shown on Figure 8. In addition, a primary hotel access area for the East Luxury Hotel Building shall be provided off of Wilshire Boulevard and Santa Monica Boulevards, substantially as shown on Figure 8.

4.4 STREET IMPROVEMENTS

A. Wilshire Boulevard Improvements

East bound Wilshire Boulevard shall include 2 left-turn lanes, 2 though lanes, and one through/right-turn lane at its intersection with Santa Monica Boulevard. The current drop off area on Wilshire Boulevard at the existing entrance to The Beverly Hilton shall be removed. From the location of the to be removed hotel drop-off area to approximately 160' west of the Santa Monica Boulevard intersection, a driveway parallel with Wilshire Boulevard shall be included as part of the construction for the East Hotel building. The curb radius at the corner of Wilshire Boulevard and Santa Monica Boulevard shall be redesigned and improved to provide safer right turns from Wilshire Boulevard to Santa Monica Boulevard. Also, as part of the street widening and streetscape improvements, the existing traffic signal at the intersection is proposed to be reconstructed and retimed to improve the efficiency of he Wilshire Boulevard and Santa Monica Boulevard intersection operation.

In addition to the roadway improvements, a new improved parkway varying from 10-27 feet in width shall provide for a new sidewalk, transit facilities and enhanced landscaping along the Wilshire Boulevard frontage as part of the project as shown on Figure 8.

B. Santa Monica Boulevard Improvements

Santa Monica Boulevard will be enhanced through a landscaped median located east of the intersection with Merv Griffin Way. A new traffic signal at the intersection of Merv Griffin Way and Santa Monica Boulevard is proposed to provide safe and efficient access to the site and Wilshire Boulevard. A curb line setback along Santa Monica Boulevard will be created to accommodate a new westbound lane. A new on-site staging area along the Santa Monica Boulevard edge of the property will utilize existing driveways while allowing for additional production and delivery vehicle capacity and parking to satisfy event requirements and operation needs for the hotels and residences. Furthermore, the site access plan will remove one existing driveway currently located on Santa Monica Boulevard. See Figure 8.

C. Merv Griffin Way/Whittier Drive Improvements

Merv Griffin Way will be aligned with Whittier Drive at its intersection with Wilshire Boulevard to provide a more efficient and safer intersection. The reconstructed intersection will include three lanes northbound, including a right-turn lane, with two lanes southbound to Santa Monica Boulevard to increase the capacity of the intersection. In addition, a curb line setback along Merv Griffin Way north of the Hotel Entrance will allow for additional production and delivery vehicle circulation and parking satisfying event requirements and other operation needs for the hotels and residences. See Figure 8.

4.5 FLOOR AREA RATIO

The Floor to Area Ratio ("FAR") of the Specific Plan Area in its entirety shall not exceed 2.16:1, notwithstanding the specific lot configurations of the Site. Individual parcels or lots may exceed the permitted FAR, provided the FAR for the Specific Plan Area when calculated as a whole shall not exceed the maximum permitted FAR of 2.16:1.

4.6 BUILDING HEIGHT

Height for any structure on the Site shall be expressed as being measured from the adjacent grade.[1] Due to the natural slope of the parcel, there is an approximately 10 foot decrease in elevation from the northwest to the south, which results in a range of building heights across the site. In determining the height of a building or structure, none of the structures, improvements, features and other elements, and limitations applicable to such, now or hereafter excluded from the calculation of height in the definition of "Height of Building" in Section 10-3-100 of the Municipal Code (or any successor provision) shall be considered when determining the height of a building or structure pursuant to this Section 4.5. Figures 16A through 16F establish the permitted heights of buildings within the Specific Plan Area.

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[1] "Height of Building" for nonresidential uses is defined in section 10-3-100 of the Beverly Hills Municipal Code, in part, as follows: "'height' shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure." This height shall be expressed as height from the "datum point."

The height of the Conference Center on Wilshire Boulevard shall not exceed 38 feet from the adjacent grade[2] and two stories. The height of Residences at the corner of Merv Griffin Way and Santa Monica Boulevard shall not exceed 207 feet from the adjacent grade[3] and 16 stories. The height of the East Luxury Hotel Building shall not exceed 150 feet from the adjacent grade[4] and 12 stories. The heights of buildings shall be in substantial compliance with Figures 16A through 16F.

4.7 SIGN STANDARDS

The City's Architectural Commission shall review and approve, subject to any required conditions, a unified sign plan for the Specific Plan Area (the "Unified Sign Plan") that encompasses all exterior signage, including both permanent and temporary signs, and includes locations of all new signage. Thereafter, all signs that, in the determination of the Director, are consistent with the adopted Unified Sign Plan shall be issued a building permit without further discretionary review. The Director may consult with the Planning Commission, if desired, to review the unified sign plan. All other signs shall be subject to architectural review pursuant to the procedures set forth in Chapter 4 of Title 10 of the Municipal Code. Signage for the Specific Plan Area shall be designed to identify entry locations and other key locations in the Specific Plan Area. Nothing in this Section shall modify the display of any existing sign, including the existing signs reading "the BEVERLY HILTON."

4.8 OUTDOOR LIGHTING

A. Outdoor Lighting Plan

The City's Architectural Commission shall review and approve, subject to any required conditions, an outdoor lighting plan for the Specific Plan Area (the "Outdoor Lighting Plan") that encompasses all exterior lighting fixtures. Thereafter, all exterior lighting fixtures that, in the determination of the Director, are consistent with the adopted Outdoor Lighting Plan shall be permitted, subject to the issuance of any necessary permits, without further discretionary review. The Outdoor Lighting Plan shall incorporate the provisions specified in Subsection B through H of this Section.

B. Perimeter Street and Landscape Lighting

Light fixtures for the perimeter streets shall provide safe roadway and sidewalk lighting from well shielded fixtures, with light directed down to the pavement to prevent light spillover onto adjacent properties. Light fixtures shall be of a medium height (20 to 25 feet tall) to meet the roadway illumination requirements, the City of Beverly Hills street lighting standards, and coordinate with the street width. Lighting for the pedestrian walkways at Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard frontage sidewalk and landscape setback shall be a uniform brightness to provide the required safety and security lighting along the street. The

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[2] 29 feet from the datum point.

[3] 189 feet from the datum point.

[4] 136 feet from the datum point.

type and design of the light fixtures shall reflect the unique, contemporary character of the project's architectural design. Landscape lighting shall highlight the plant forms and patterns from concealed light sources, directed from the street side back to the interior of the Site to minimize any off-site glare or brightness.

C. On-Site Street, Sidewalk and Landscape Lighting

The lighting for the primary and secondary vehicular entrances shall provide required lighting for safety and security for pedestrian and vehicles, while defining unique exterior spaces at night with the pattern and intensity of light. Lighting fixtures at these entrances shall be lower scale height to create a more domestic quality with contemporary design details, well shielded to limit any high brightness or glare, and integrated with the spacing and design of the landscape forms. The proposed light fixtures include low height (15 feet tall) light poles, bollards, grade mounted landscape up-lights, in-ground burial up-lights, wall brackets and water feature lighting to create a distinct design character.

D. Motor Court Entry and Landscape

The lighting for the Motor Courts shall define the main exterior space with a slightly higher light level to allow for safe interaction of hotel guests, residents, staff, and vehicular traffic. The extent and form of the motor court shall be defined by a fixtures including low height (15 feet tall) light poles, bollards, grade mounted landscape up-lights, in-ground burial up-lights.

E. Pool Deck Level and Guest Amenities

Lighting at the outdoor activity and amenity spaces shall be low intensity, with the space defined by light washing building surfaces and landscape forms. The design incorporates distinct quality lighting comprised of decorative lanterns, concealed point and linear sources, recessed downlights and in ground up-lights. All proposed light sources shall be shielded to limit glare and improve comfort.

F. Building Façades

Exterior façade lighting shall define the project location and identity, and provide indirect light to adjacent exterior spaces on the Site. Lighting for the façades shall be integrated into the building elevation design, feature and accent the unique details of the architectural design, and located and specified to limit direct light to the building façade and the adjacent on-site landscape zones. Light fixtures shall be shielded so that no light is projected across the property lines onto adjacent properties.

G. Service Yard

Exterior service and maintenance areas shall be illuminated for safety with uniform brightness at the ground plane. Lights shall be shielded to direct light down to the walking or working surfaces. Service lights shall be switched via photocell, time clock, or motion switch to minimize the hours of operation to coordinate with the hours of use of the service or loading area.

H. Art Installation Lighting.

Lighting for sculpture or art installations shall be medium surface brightness, with light sources directed to contain the visibility of the light sources to within the project property lines.

I. Historic Streetlamps.

The street lights adjacent to the Site have been found to be potentially historic and shall be preserved and reinstalled along the Specific Plan Area of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project developer, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

4.9 ARCHITECTURE AND DESIGN

A. Existing Site at the Time of Implementation of the Specific Plan

The Specific Plan provides for the removal of the above grade parking structure, the Oasis / Palm Court building which negatively impacted Merv Griffin Way by its location, obsolete portions of the Wilshire Tower, and extensive amounts of concrete paving, to create a landscaped campus setting with significantly increased open space filled with gardens.

The plan includes a remodeled pool area, new Poolside Guestrooms, a Conference Center, a luxury hotel, a residence building, and low rise roof top landscaping as well as an extensive amount of outdoor artwork. The overall goal of the Specific Plan is to transform the existing limited open space and hard paved surfaces of the existing 8.97 acre site with more landscaping which celebrates the garden city quality of Beverly Hills.

B. Poolside Guestrooms

The Poolside Guestrooms shall be located along Santa Monica Boulevard facing The Beverly Hilton pool area. The building/s shall reflect modern architecture design principles that honor the original Welton Becket architecture of The Beverly Hilton Wilshire Tower. The architectural design shall reflect the California climate and indoor/outdoor living through extensive transparency, open balconies and high degree of connectivity between the interior and exterior landscaped spaces.

The Poolside Guestrooms shall be constructed substantially as shown on Figure 17.

C. Residences Building

The Residences Building shall be located near the intersection of Merv Griffin Way and Santa Monica Boulevard. The building shall be set back from Santa Monica Boulevard approximately 19 feet. The building shall reflect modern architecture design principles that honor the original Welton Becket architecture of The Beverly Hilton Wilshire Tower. The architectural design shall reflect the California climate and indoor/outdoor living through extensive transparency, open balconies and high degree of connectivity between the interior and exterior landscaped spaces.

The Residences Building shall be constructed substantially as shown on Figure 18.

D. Conference Center

The Conference Center shall be located on Wilshire Boulevard. The building shall be set back from Wilshire Boulevard approximately 30 feet or more. The building shall be designed to reflect modern architectural design and shall be designed to facilitate the existing conference business of The Beverly Hilton.

The Conference Center shall be constructed substantially as shown on Figure 19.

E. East Luxury Hotel Building

The East Luxury Hotel Building shall be located near the intersection of Wilshire Boulevard and Santa Monica Boulevard. The building shall be set back from Wilshire Boulevard approximately 30 feet. The building shall be designed to reflect modern architecture design principles that honor the original Welton Becket architecture of The Beverly Hilton Wilshire Tower. The architectural design shall reflect the California climate and indoor/outdoor living through extensive transparency, open balconies and high degree of connectivity between the interior and exterior landscaped spaces.

The East Luxury Hotel Building shall be constructed substantially as shown on Figures 20A and 20B.

F. Open Space / Landscaping

The landscaping shall be developed substantially as shown on Figures 21 and 22. The location and type of all plant material shall respond to and complement the architectural design of the buildings in the Specific Plan Area and shall be integrated with the buildings as an additional architectural element. Landscaping shall be used to highlight entries, contrast with or reinforce building lines and volumes, and soften hard structural lines and building mass.

The landscaping shall be designed to enhance the garden quality of the City and shall incorporate mature plant material.

G. Ancillary Services and Parking

All parking and the distribution of services shall be located below grade. By setting back from the property edges, the entirety of the plan shall allow for additional traffic capacity along Wilshire Boulevard and Santa Monica Boulevard. Merv Griffin Way shall be aligned, widened and landscaped. Significant amounts of open landscaped space shall be provided at the Wilshire Boulevard and Merv Griffin Way entrance to the Specific Plan Area. Pedestrian sidewalks adjacent to landscaped areas shall be provided continuously around the property as part of the construction of the entire plan. See Figure 21.

H. Architectural Review

The architectural aspects of the development contemplated in the Specific Plan shall be reviewed by the City's Architectural Commission as part of the City's overall review of the Specific Plan. All development that, in the determination of the Director, is in substantial conformance with the Specific Plan shall be issued a building permit without further discretionary architectural review after final review by the Architectural Commission. All future construction and modifications to the exterior of the structures within the Specific Plan Area that is not in substantial conformance with the Specific Plan shall be subject to architectural review pursuant to the procedures set forth in Article 30 of Chapter 3 of Title 10 of the Municipal Code.

4.10 GREEN BUILDING STANDARDS

Development of new permanent structures in the Specific Plan area shall incorporate green construction standards and seek certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The intent of LEED is to provide a national definition and standard of what constitutes green building and then to provide third party certification to assure correct implementation of the standard. LEED is based on a point system which determines one of four levels of certification a given building or project can achieve. The LEED categories include Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, Indoor Environmental Quality, and Innovation and Design Process.

The project—but not any development existing on-site at the time of the implantation of the Specific Plan—shall incorporate green building standards that minimize, the extent reasonably feasible, the project's environmental impacts and improve the health and well being of the project's inhabitants and visitors. Any major improvements made to buildings existing on-site at the time of the implementation of the Specific Plan shall comply with Title 24, Part 6 of the California Code of Regulations, regarding energy efficiency, or its equivalent. A major improvement shall be defined as any improvements that exceed 50% of the replacement cost of the specific building undergoing improvement.

Key strategies for new construction shall include:

- Energy efficiency in excess of that required by the California Energy Performance Standard (Title 24) through strategies such as efficient heating and cooling equipment, glazing selection, and window shading from balconies and other overhangs to minimize heat gain while allowing the penetration of natural light;

- Water efficiency through the installation of low water use bathroom fixtures and faucets, and water efficient landscape systems;

- Low-emitting materials, green housekeeping products and other strategies to provide high quality interior air;

- Recycling a minimum of 75% of all construction and demolition debris;

- Subterranean parking to minimize "urban heat island;"

- An urban site close to transit and local services;

- An education program featuring the project's green strategies to educate project residents, visitors and the local community; and
- The involvement during design and construction of a LEED Accredited Professional.
- A grey water system as set forth in Section 3.4F of this Specific Plan.

CHAPTER 5.0
IMPLEMENTATION AND ADMINISTRATION

5.1 PURPOSE

This chapter sets forth criteria for determining consistency with the Beverly Hills General Plan (the "General Plan"), the relationship between the Specific Plan and the General Plan and provisions for amendments to the Specific Plan, and financing.

5.2 RELATIONSHIP TO THE GENERAL PLAN

The General Plan serves as the long-term planning guide for future development throughout the City. The General Plan operates as a guide to the type of community desired for the future and provides the means to accomplish that goal. California law requires a specific plan to be consistent with the adopted general plan. The Specific Plan has been adopted in conjunction with general plan amendments to (a) add text in the Land Use Element regarding the development of the Specific Plan Area that is consistent with the development permitted under the Specific Plan, (b) amend the Land Use Element to change the land use designation for the Specific Plan Area from "Low Density General Commercial" to "Beverly Hilton Specific Plan" in order to permit a mix of residential and hotel uses in the Specific Plan Area in a manner consistent with the General Plan (collectively, the "General Plan Amendments").

The Specific Plan is consistent with the General Plan, as amended, and advances the policies, objectives, goals, recommendations and characteristics identified below.

A. Land Use Element

The Land Use Element of the General Plan contains the following policies, recommendations and characteristics that are important to the Specific Plan:

> Section 1.1: "Beverly Hills is fortunate in that it is able to serve a variety of residential and commercial demands in a manner and combination which is difficult to duplicate elsewhere in the Los Angeles area... The characteristics which contribute to the special opportunities available in Beverly Hills include:
>
> - The quality of the physical environment, such as its extensive network of trees and landscaping. ...
> - The pride of its residents and businesses, as reflected in many ways, such as the architecture, landscaping and overall concern for the welfare of the community, as evidenced in the wide-ranging commitments to participation in community affairs.
> - The exceptional quality of its housing stock which offers a variety of housing and neighborhoods rarely found elsewhere."

> Section 2.2: It is also recommended that certain anchor locations be set aside to permit development of a higher intensity type of development which is not otherwise provided in the community. These areas should be located so as to be accessible from the City's major shopping areas and close to the City's major streets.

The Specific Plan is consistent with each of these policies, recommendations and characteristics. The implementation of the Specific Plan shall enhance the quality of the physical environment in Beverly Hills and foster a strong sense of place with the development of an architectural landmark at this important gateway to Beverly Hills, which features gardens, trees, public art and quality landscaping that complements the Beverly Gardens Park and the Electric Fountain on the north side of Wilshire Boulevard. The Specific Plan will also enhance the exceptional qualities of Beverly Hills by adding a luxury branded hotel and hotel amenities to the City. Urban residential housing will also be added to the existing housing stock of the City of Beverly Hills, offering additional high-quality housing options to current and prospective residents. The Specific Plan would also add variety to existing housing and neighborhoods rarely found elsewhere in the City. The Specific Plan's use of mixed commercial/residential uses will not only expand the variety of housing types available, but will also improve commercial/residential transitions in the area by creating residential uses on the south side of Wilshire Boulevard, adjacent to single family residential uses north of Wilshire Boulevard. The Specific Plan will also create an anchor location for this alternative hotel/residential use, not currently available in Beverly Hills. In addition, the General Plan Amendments include amendments to the Land Use Element that result in the consistency of the Specific Plan with the Land Use Element. The design of the Specific Plan with taller buildings set along the Santa Monica Boulevard frontage and the expanded open space and building setbacks along Wilshire Boulevard create an adequate transition to single family residential neighborhoods to the north.

B. Open Space Element

The Open Space Element of the General Plan contains the following statement that is important to the Specific Plan:

> Section 2.3: "Possibly the City's greatest informal resource, however, is the elaborate network of landscaping and vistas which fosters a sense of spaciousness within an urban setting which sets this Community apart. Although a significant portion of the vegetation is a result of strategically located parks and the City's own tree-planting efforts, a substantial contribution is the result of the pride and initiative of private investment."

The Specific Plan contributes to this valuable resource by maximizing open space opportunities and landscaping in the Specific Plan Area. By adding a substantial area as open gardens, the Specific Plan adds to the City's existing elaborate network of landscaping and vistas throughout the City. In addition, the proposed landscaping improvements along Wilshire Boulevard complement the existing Beverly Gardens Park on the north side of Wilshire Boulevard. The private investment in the open space on the site will further embrace the garden quality of the City and enhance Beverly Gardens Park with no need for public financing.

C. Circulation Element

The Circulation Element of the Beverly Hills General Plan contains the following policies that are important to the Specific Plan:

> Section 2.1: "Through traffic (traffic neither destined for nor originating within Beverly Hills) should be encouraged to traverse Beverly Hills as efficiently as possible on selected streets only. These include Santa Monica, San Vicente, La Cienega, and Robertson Boulevards and Burton Way."
>
> "Access traffic (traffic destined for and/or originating in Beverly Hills) should be restricted to the extent possible to "through traffic" streets as well as certain north-south streets."
>
> Section 2.2: "Accessible parking in adequate quantities is not merely a convenience; it is a utility."
>
> "Centrally located parking facilities which can provide common parking for commercial establishments .... should be encouraged."

The Specific Plan is consistent with these provisions of the Circulation Element. The parking for the site provides adequate centrally located, uniformly operated parking facilities that can provide parking for hotel and residential uses as well as employees, guests and visitors to the Specific Plan Area, ensuring that residents and visitors alike have adequate access to parking, eliminating the need for parking on residential streets or other unrelated locations. It also includes new access points that shall diminish the traffic load on Merv Griffin Way and limit cut-through traffic on residential streets by improving both on-site circulation and access to Santa Monica Boulevard and Wilshire Boulevard, the two commercial corridors adjacent to the Specific Plan Area. Additionally, improvements to Wilshire and Santa Monica Boulevards shall enhance the traffic flow in the surrounding area for both through traffic and access traffic.

D. Housing Element

The Housing Element of the General Plan contains the following policies that are important to the Specific Plan:

> Program 4.3: "Develop standards for mixed residential-commercial developments, with and without low income housing components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas, such as:
>
> -South side of Wilshire Boulevard, east of Beverly Drive (Between Stanley Drive and LeDoux Road, extend to the north side of Charleville Boulevard).
>
> -Eastern area of the Business Triangle.
>
> -South side of Burton Way (commercially zoned parcels).
>
> -Olympic Boulevard (commercially zoned parcels).

-La Cienega Boulevard north of Wilshire Boulevard.

-City-owned property where some or all of the residential units would be for lower-income housing.

-East side of Beverly Drive.

-9876 Wilshire Boulevard ("The Beverly Hilton site")."

5.3 ADMINISTRATION

Although every effort has been made to include provisions in the Specific Plan that are clear, the necessity of interpreting such provisions in light of specific and unusual cases may occur from time to time. When such interpretations are necessary, the Director of Community Development shall be responsible for the interpretation of the provisions of the Specific Plan. The Director shall be the City administrator responsible for enforcing the regulations, site development standards and procedures set forth in the Specific Plan. The Director shall have the administrative authority for interpretation related to the enforcement of the Specific Plan.

5.4 AMENDMENTS TO THE SPECIFIC PLAN

Formal amendments ("Amendments") to the Specific Plan require the review and approval of both the Planning Commission and the City Council. Amendments are governed by the provisions of Section 65450 et seq. of the California Government Code and require compliance with specific notice and public hearing requirements. An amendment to the Specific Plan shall be required for (a) proposed modifications that would substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan, including (i) any increase in the total number of hotel guest rooms or residential units, of the overall floor area of the residential or hotel uses, or (ii) any increase in the total capacity of function rooms or areas or (b) a material increase in the maximum height of the buildings.

Notwithstanding the foregoing, the Director may, without the review and approval of the Planning Commission or the City Council, approve administrative modifications to the Specific Plan that do not substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan. An Administrative Modification shall be required with respect to changes to the site plan and building elevations that would materially alter the approved architectural style or modulation of the buildings. An Administrative Modification shall be processed pursuant to the procedures set forth in Article 36 of Chapter 3 of the Municipal Code for "Minor Accommodations to Certain Development Standards". The applicant or any person aggrieved by any decision regarding an Administrative Modification may appeal to the City Council as provided in Section 10-3-3604 of the Municipal Code (or any successor provision).

Notwithstanding anything to the contrary in this Section, the following modifications to the Specific Plan shall not require a formal amendment to the Specific Plan or an Administrative Modification: (a) the relocation or alteration of ancillary uses provided the Director determines that the relocation or alteration does not increase parking demand, (b) variations between the

conceptual plans set forth in Chapter 8.0 and the final construction documents for the Specific Plan Area development, provided the final construction documents substantially conform to the conceptual plans set forth in Chapter 8.0; (c) changes to the number and location of the residential and hotel parking spaces in the subterranean parking structure, provided that the subterranean parking structure includes a sufficient number of parking spaces to satisfy the parking requirements in Section 4.3 of Chapter 4.0; (d) changes to the configuration of the subterranean parking structure, provided that the access points to the subterranean parking structure do not materially change and do not present any safety issues; (e) changes to the locations of the permitted retail and restaurant uses within the hotel buildings provided that the Director determines that the changes do not increase parking demand; changes to the location of open air dining areas provided that the Director determines that the changes do not increase parking demand; (f) the substitution of similar types of plant species in the landscaping plan; or (g) minor changes to the site plan and building elevations, provided such changes do not materially alter the approved architectural style, modulation or height of the buildings.

5.5 CONSISTENCY REVIEW

Prior to the issuance of building permits, the Director shall review all construction drawings for all structures and uses anticipated in the Specific Plan Area for consistency with the Specific Plan. Building permits shall be issued only after the Director has determined the structures and uses contemplated to be consistent with the Specific Plan.

FINANCING

The developer shall be responsible for all on-site improvements and shall pay its fair share allocation of any off-site improvements as required to mitigate significant environmental impacts associated with implementation of the Specific Plan, as identified in the Final EIR. No public funds are necessary to implement the Specific Plan.

CHAPTER 6.0
OPERATIONAL STANDARDS

6.1 HOTELS

The hotels shall be operated in compliance with the following operational standards:

A. Recreational Facilities. Except as provided in Subsection B below for the Spa and Fitness Center, all indoor and outdoor recreational facilities shall be limited to guests who are renting hotel guest rooms in the Specific Plan Area and residents of the Specific Plan Area.

B. Spa and Fitness Center. Any spa, fitness center and treatment rooms shall primarily serve guests who are renting hotel guest rooms in the Specific Plan Area and residents of the Specific Plan Area.

C. Open Air Dining Facilities. All open air dining areas located within the Specific Plan Area shall comply with the following standards:

1. The design and colors used for chairs, tables, lighting and other fixtures shall generally be consistent with the architectural style and colors used on the related building façade.

2. No advertising, other than advertising for the related restaurant, is permitted on any umbrellas.

3. Lights may only illuminate the open air dining area; they cannot emit spillover light on any adjacent public sidewalk.

4. No alcoholic beverages shall be served or consumed in the open air dining area without the required license and approval from the State Department of Alcoholic Beverages Control.

5. No umbrellas or other overhead furniture or fixtures shall have a clearance of less than seven feet and no such articles shall extend beyond the seating area.

6. Portable heaters shall be located a minimum of three feet from any combustible material and shall be located entirely within the seating area.

7. The seating area and any adjacent pedestrian travel aisle shall be maintained in a clean and orderly state at all times.

8. The open air dining area shall comply with all applicable provisions of the Beverly Hills Building Code, including, but not limited to, maintaining

proper building ingress and egress at all times, observing maximum seating capacities, providing proper circulation and providing appropriate handicapped access.

6.2 RESIDENTIAL

The residential units shall be operated in compliance with the following operational standards:

Outdoor living areas such as balconies shall not be used to store personal property in a manner that is visible from the public or private right-of-way, nor shall such outdoor areas be used to hang laundry. All outdoor living areas shall be maintained in a safe, clean, orderly, sanitary, and aesthetic condition. The covenants, conditions and restrictions to be reviewed by the City Attorney and recorded with respect to the Specific Plan Area shall include the foregoing standards.

6.3 CONSTRUCTION WITHIN THE SPECIFIC PLAN AREA

All construction within the Specific Plan Area shall comply with the mitigation measures identified in the EIR prepared for the Specific Plan and as incorporated into Chapter 7.0 of this Specific Plan. A conformity review permit, obtained through the Building and Safety Department, will be required prior to the construction of (1) the East Luxury Hotel Building and related structures including the Conference Center Building, and/or (2) the Residences Building and immediate area improvements.

CHAPTER 7.0 - MITIGATION MEASURES

This Section 7.0 shall consist of the Mitigation Monitoring and Reporting Program adopted for the Specific Plan.

CHAPTER 7.0
FIGURES

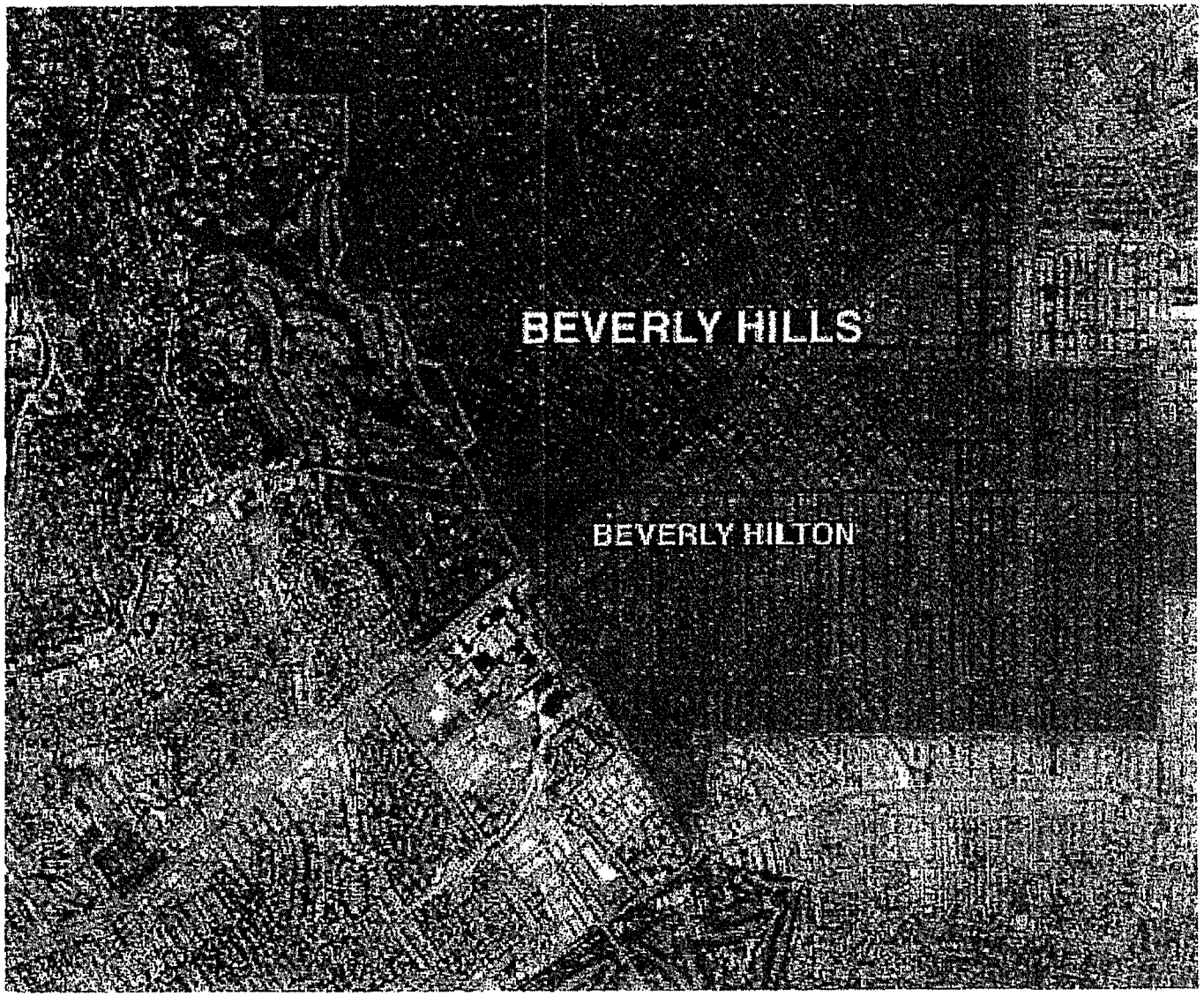
LIST OF FIGURES

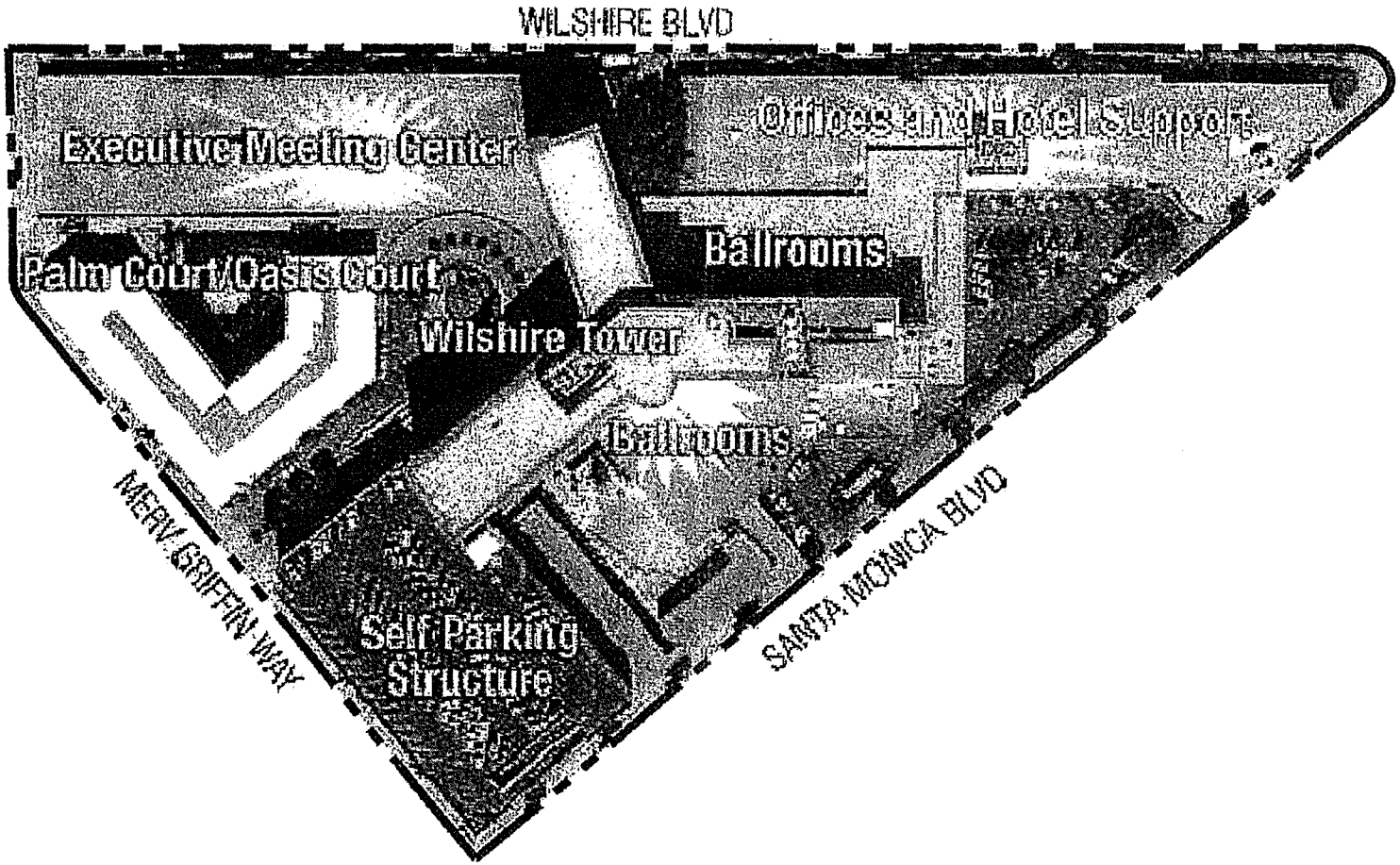
1. Specific Plan Area Location Map
2. Specific Plan Area
3. Existing Site Conditions
4. Existing Above-Grade Buildings to be Demolished
5. Surrounding Land Uses
6. Specific Plan Site Plan / Building Placement
7. Outdoor Event Locations
8. Surrounding Circulation and On-site Circulation: Access and Driveways
9. Parking Plan (9A-9D)
10. Parking Plan using maximized valet
11. Water System Plan
12. Sewer System Plan
13. Storm Drain Plan
14. Electric Facilities Plan
15. Natural Gas Plan
16. Building Heights (16A-16F)
17. Poolside Guestrooms Design
18. Residences Building Design
19. Conference Center Design
20. East Luxury Hotel Building Design (20A-20B)
21. Open Space/Landscape Design
22. Ground Level Open Space

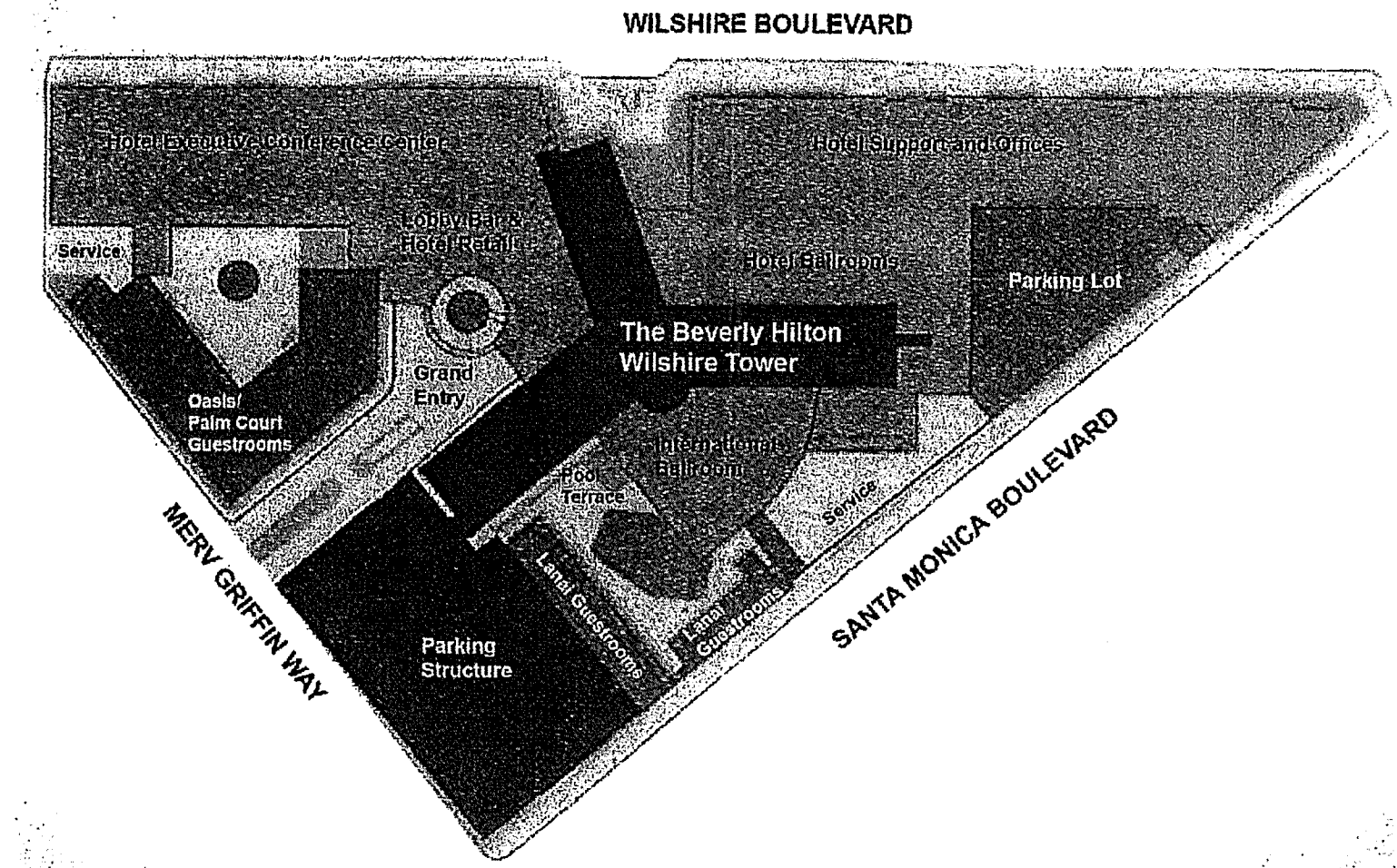
The Beverly Hilton Revitalization Plan

Specific Plan Figures

March 14, 2008


BEVERLY HILLS
BEVERLY HILTON

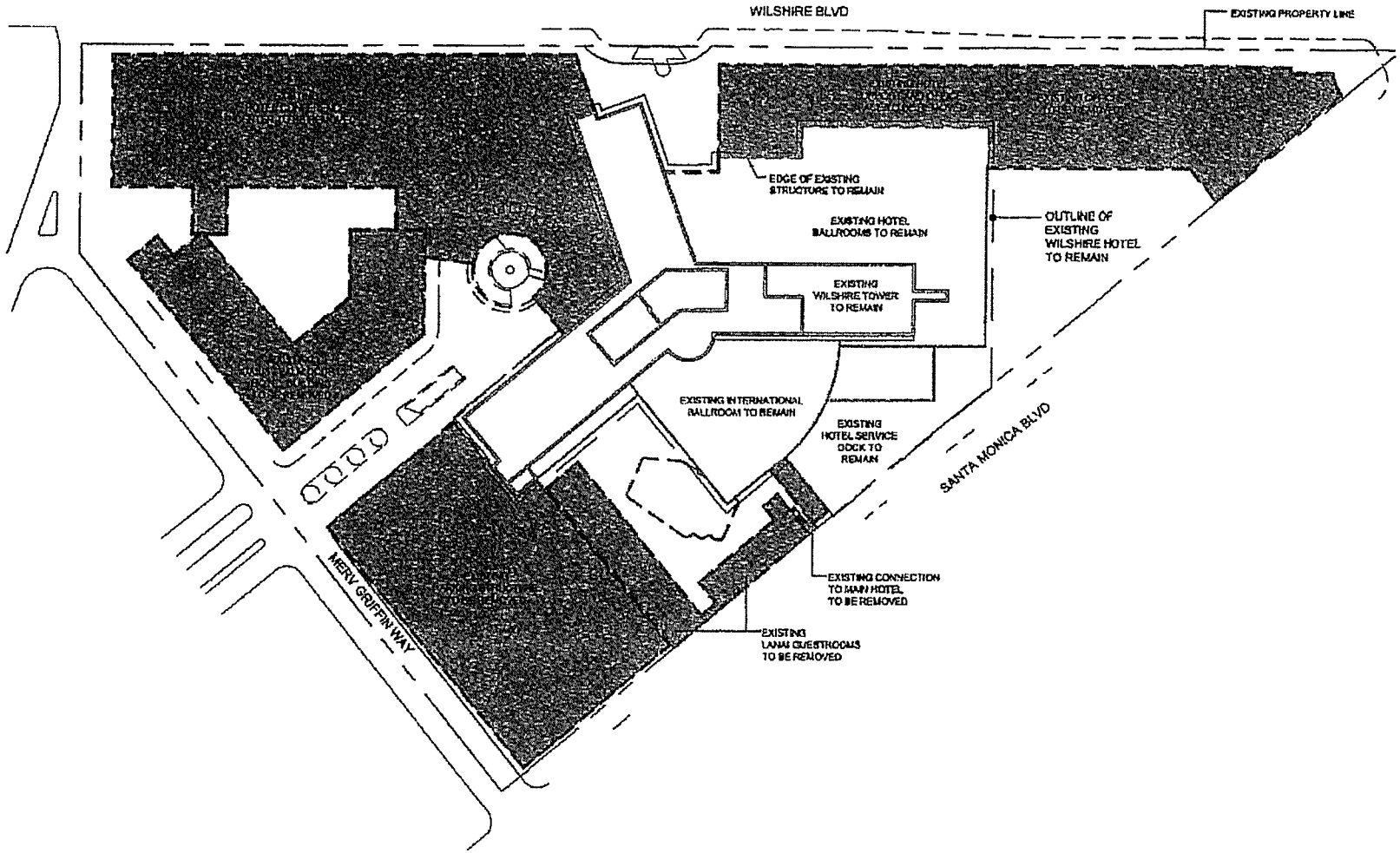

WILSHIRE BLVD
Executive Meeting Center
Offices and Hotel Support
Palm Court/Oasis Court
Ballrooms
Wilshire Tower
Ballrooms
MERV GRIFFIN WAY
SANTA MONICA BLVD
Self Parking Structure



The Beverly Hilton Specific Plan

Figure 3 - Existing Site Conditions

March 14, 2008

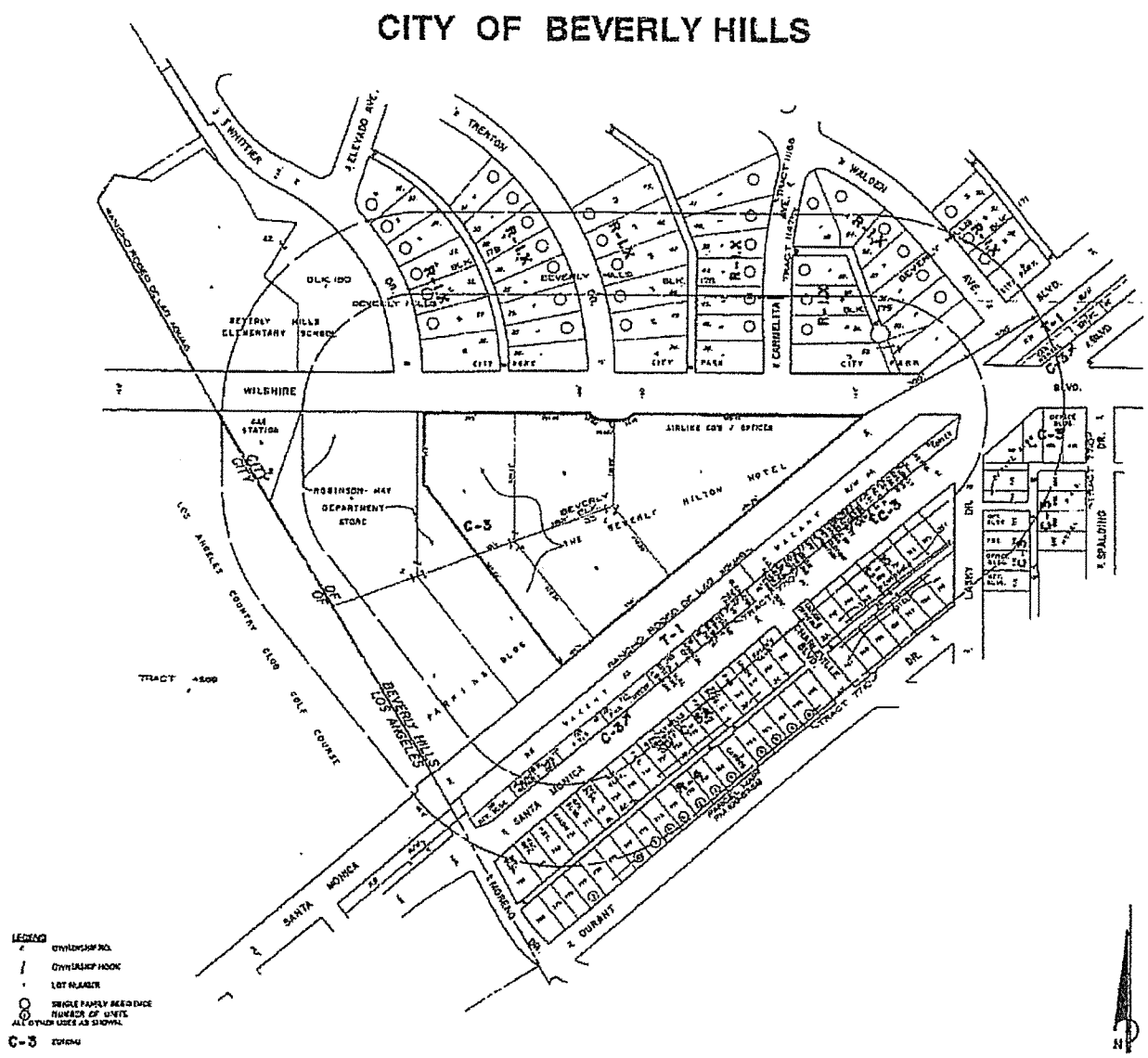


The Beverly Hilton Specific Plan

Figure 4 - Existing Above Grade Buildings to be Demolished

Scale: 1" = 120'-0"

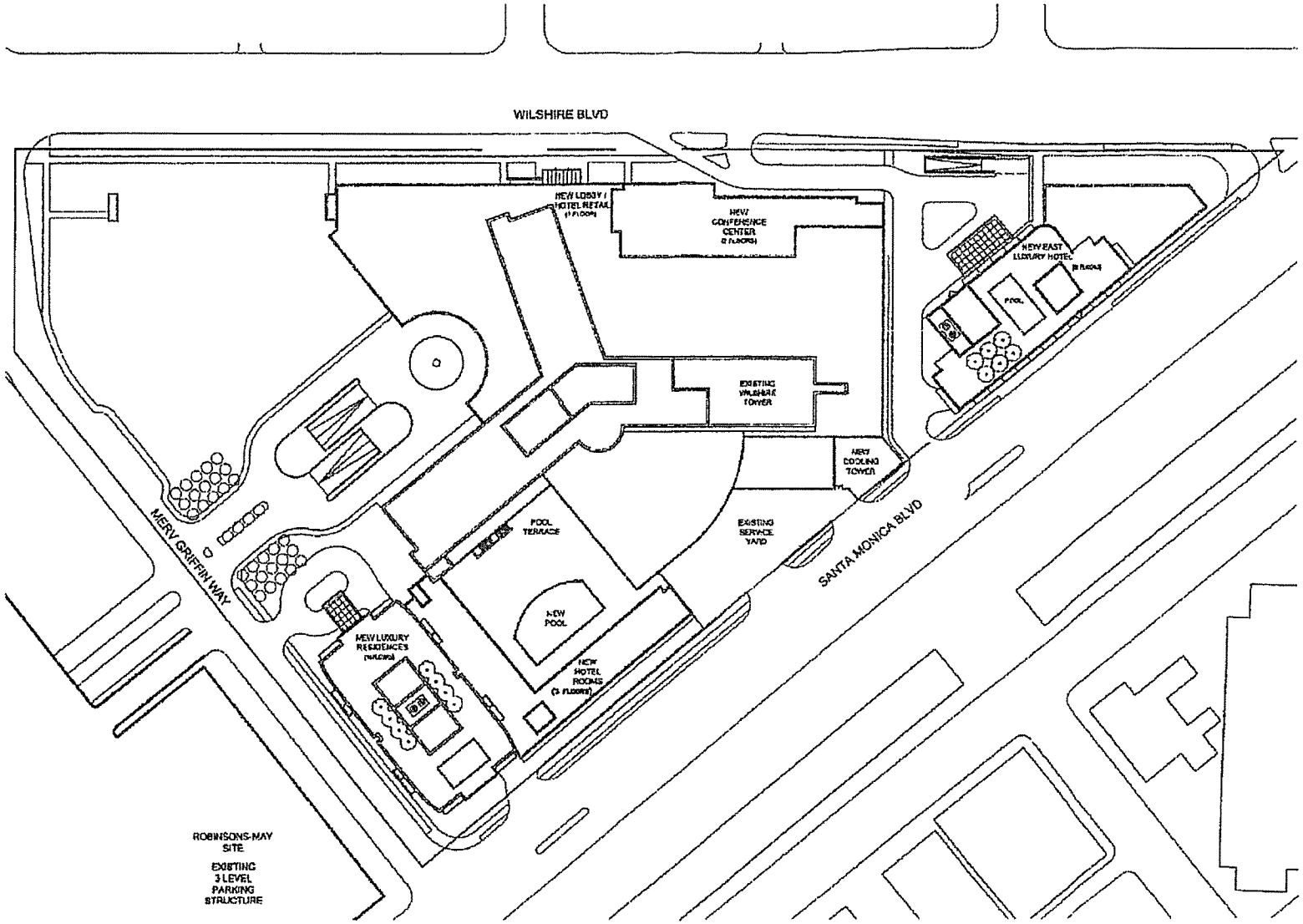
March 14, 2008



The Beverly Hilton Specific Plan

Figure 5 - Surrounding Land Uses

March 14, 2008

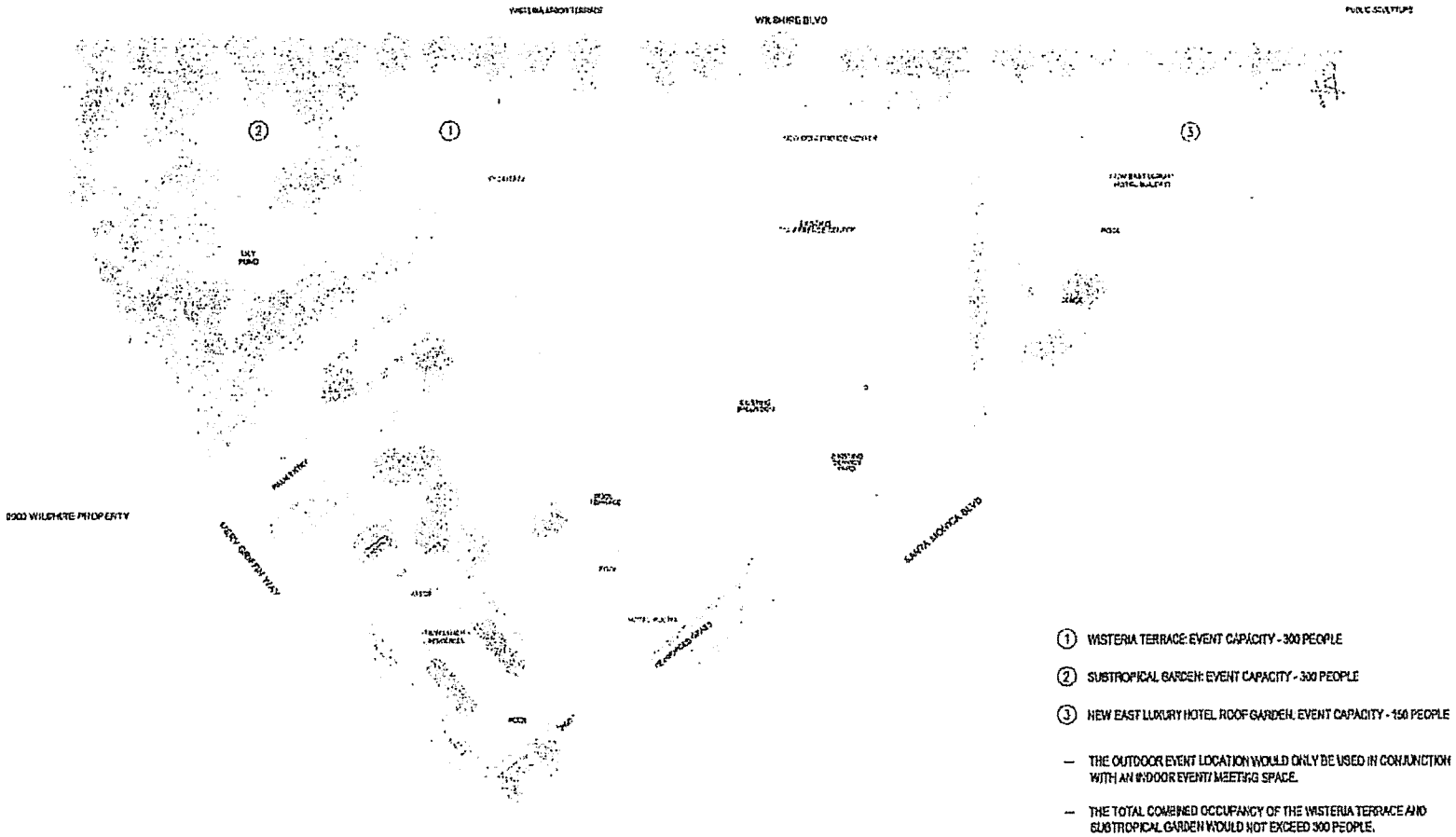


The Beverly Hilton Specific Plan

Figure 6 - Specific Plan Site Plan / Building Placement Plan

Scale: 1" = 120'-0"

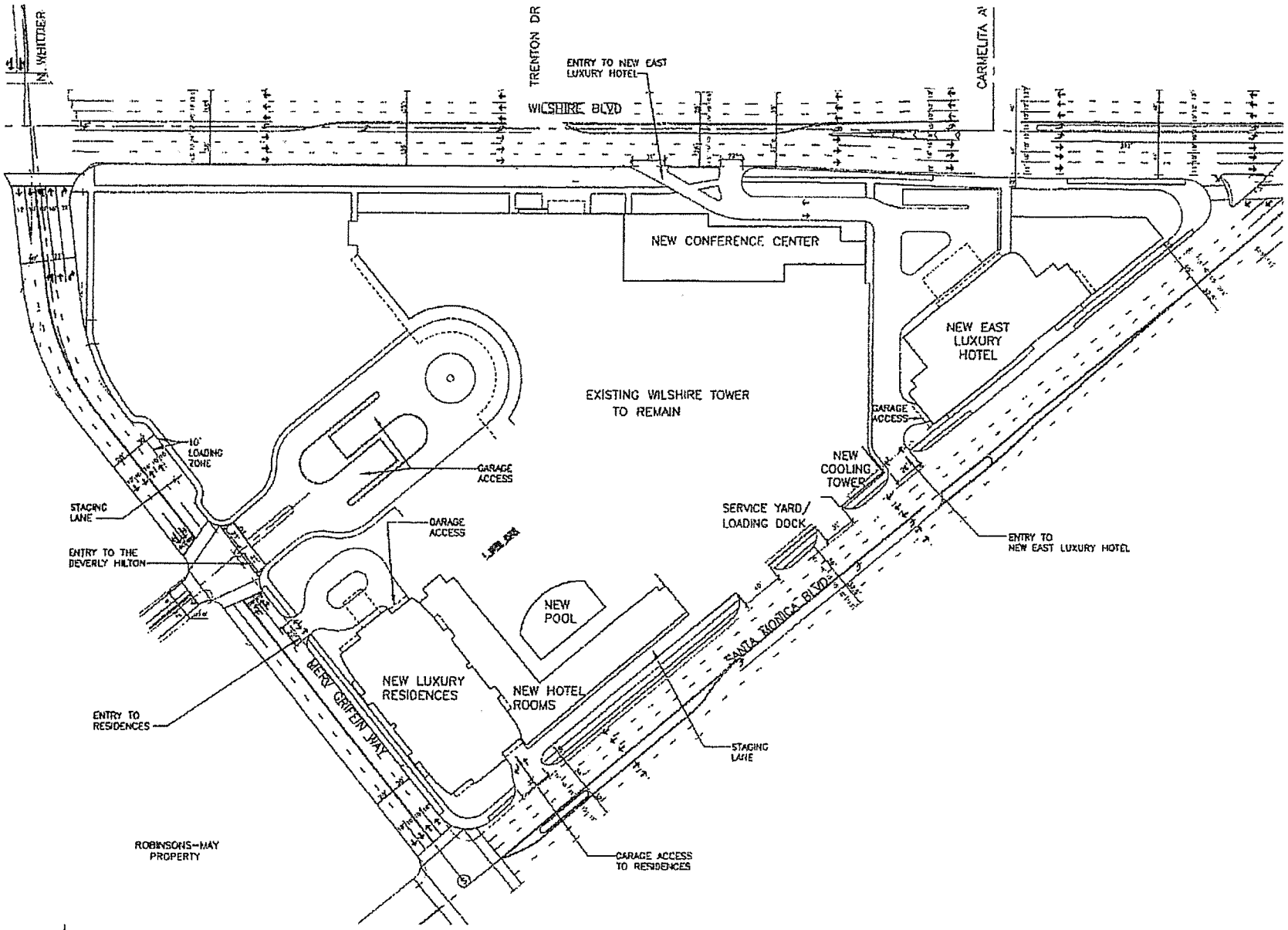
March 14, 2008



The Beverly Hilton Specific Plan

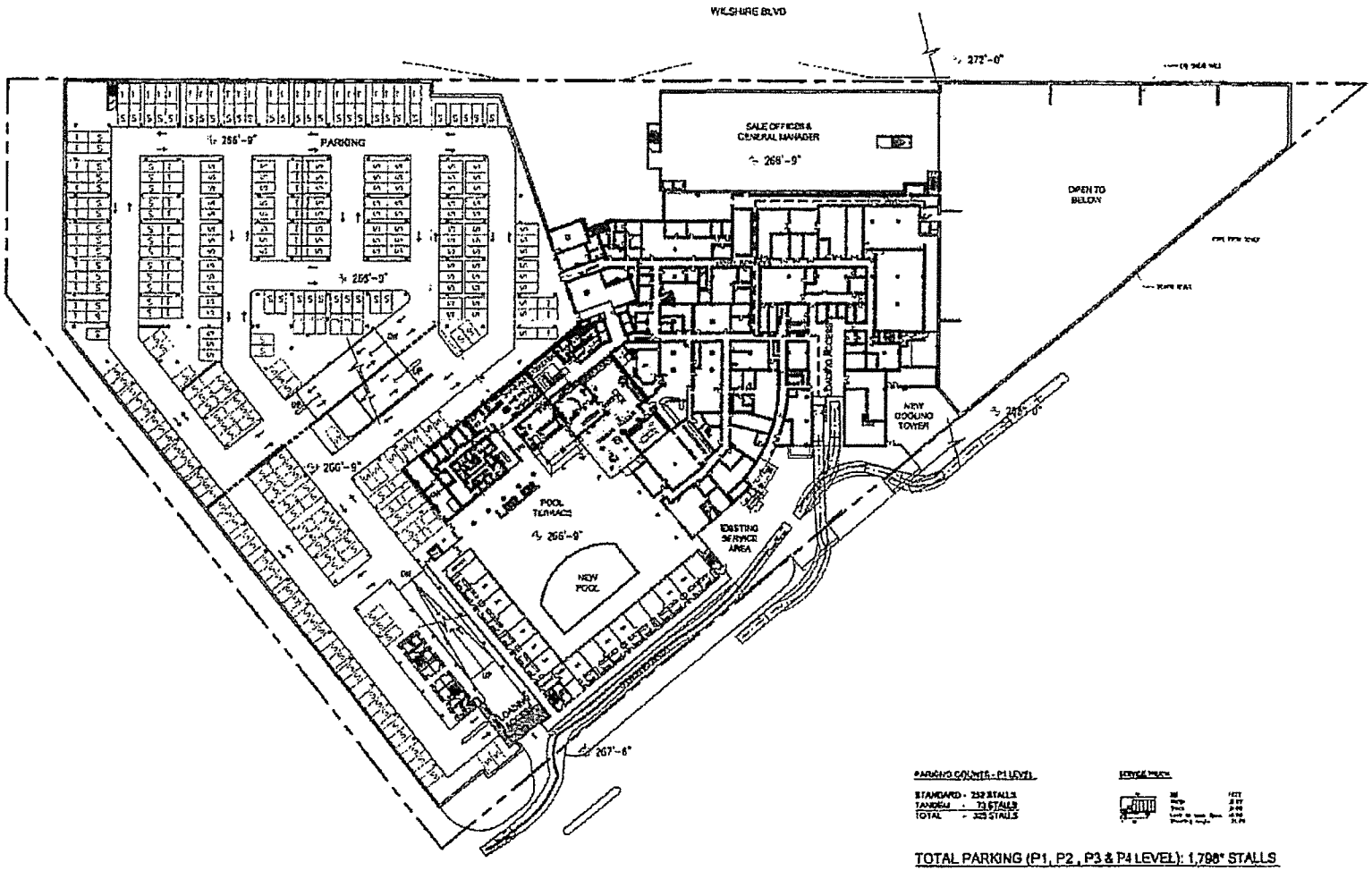
Figure 7 - Outdoor Event Location

March 14, 2008



The Beverly Hilton Specific Plan

Figure 8 - Surrounding Circulation and On-Site Circulation/ Access, Driveways - *Scale: 1" = 120'-0"* *March 14, 2008*



PARKING COUNTS - P1 LEVEL

STANDARD - 252 STALLS
TANDEM - 73 STALLS
TOTAL - 325 STALLS

TOTAL PARKING (P1, P2, P3 & P4 LEVEL): 1,798* STALLS

*A 3.6% REDUCTION FOR VENTILATION SHAFTS AND ACCESSIBLE STALLS WILL REDUCE THE NUMBER OF PARKING SPACES FROM 1,798 TO 1,733.**

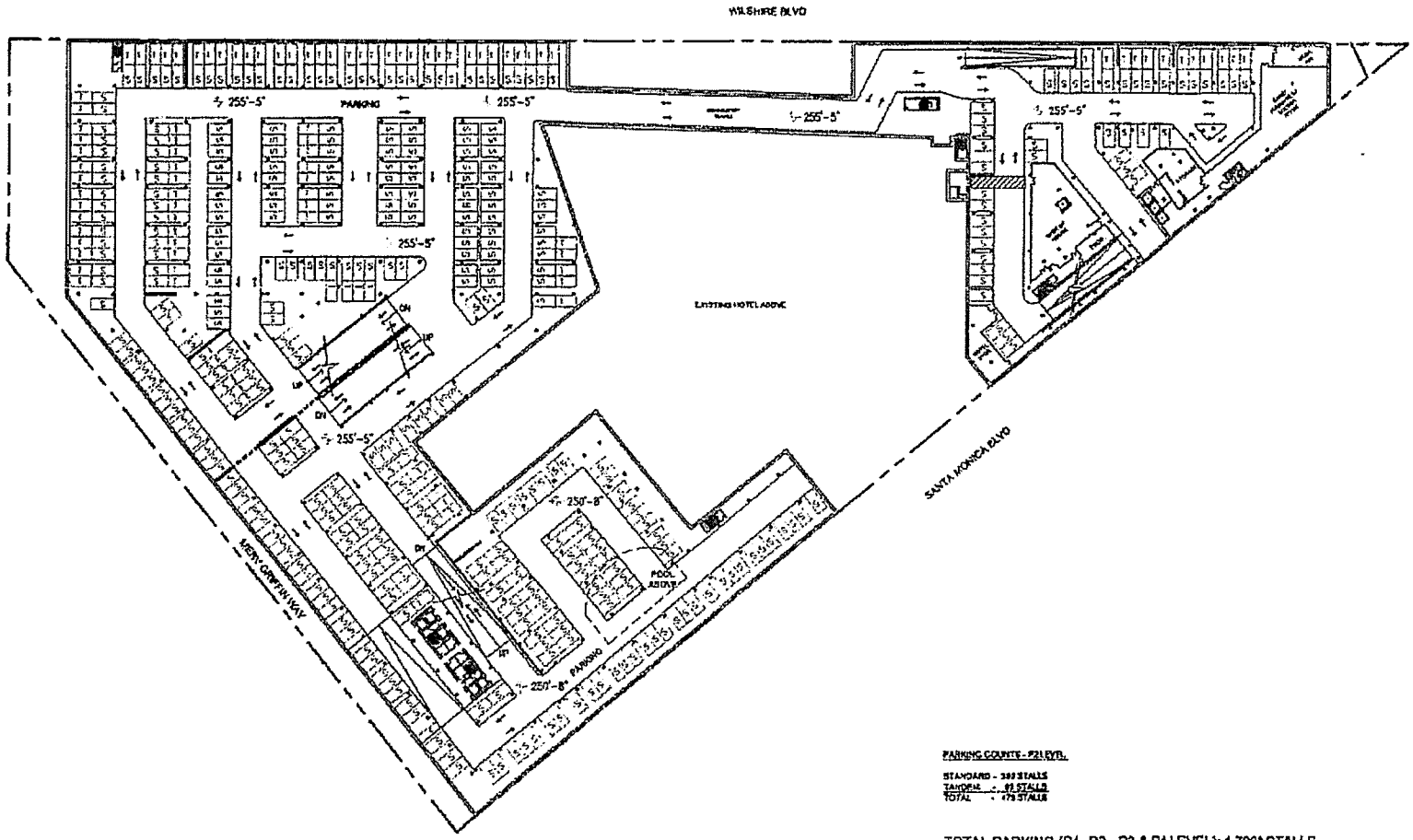
**MAXIMIZED VALET OPERATION WILL INCREASE PARKING CAPACITY FROM 1,733 TO 2,183 SPACES.

The Beverly Hilton Specific Plan

Figure 9A - Parking Level P1 Plan

Scale: 1" = 120'-0"

March 14, 2008



PARKING COUNTS - P2 LEVEL

STANDARD - 387 STALLS
TANDEM - 91 STALLS
TOTAL - 478 STALLS

TOTAL PARKING (P1, P2, P3 & P4 LEVEL): 1,798* STALLS

*A 3.6% REDUCTION FOR VENTILATION SHAFTS AND ACCESSIBLE STALLS WILL REDUCE THE NUMBER OF PARKING SPACES FROM 1,798 TO 1,750.**

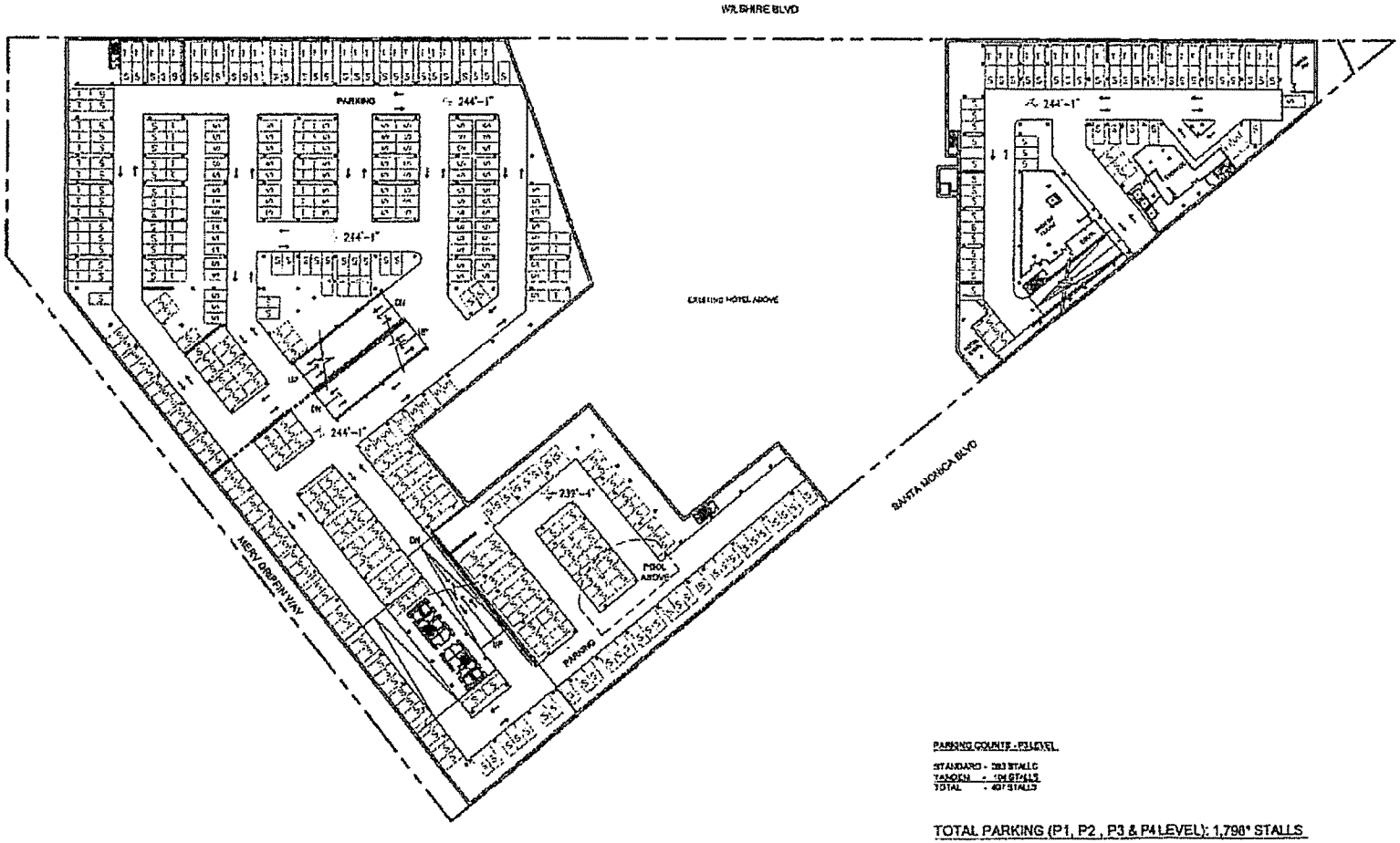
**MAXIMIZED VALET OPERATION WILL INCREASE PARKING CAPACITY FROM 1,750 TO 2,180 SPACES.

The Beverly Hilton Specific Plan

Figure 9B - Parking Level P2 Plan

Scale: 1" = 120'-0"

March 14, 2008



PARKING COUNTS - P3 LEVEL

STANDARD - 283 STALLS
TANDEM - 104 STALLS
TOTAL - 407 STALLS

TOTAL PARKING (P1, P2 , P3 & P4 LEVEL): 1,798* STALLS

*A 3.8% REDUCTION FOR VENTILATION SHAFTS AND ACCESSIBLE STALLS WILL REDUCE THE NUMBER OF PARKING SPACES FROM 1,798 TO 1,733**

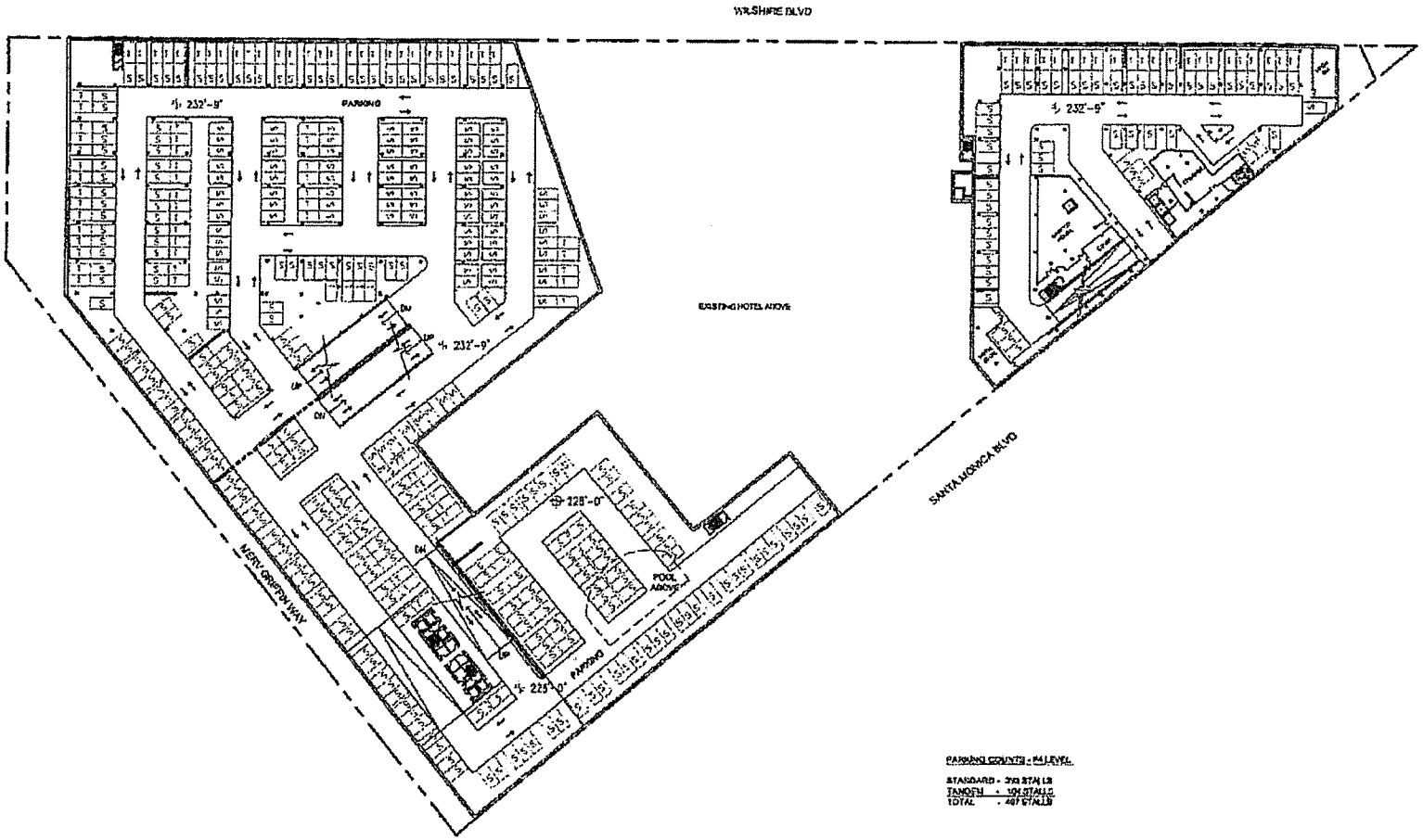
**MAXIMIZED VALET OPERATION WILL INCREASE PARKING CAPACITY FROM 1,733 TO 2,160 SPACES.

The Beverly Hilton Specific Plan

Figure 9C - Parking Level P3 Plan

Scale: 1" = 120'-0"

March 14, 2008



PARKING COUNTS - P4 LEVEL

STANDARD - 398 STALLS
TANDEM - 101 STALLS
TOTAL - 499 STALLS

TOTAL PARKING (P1, P2, P3 & P4 LEVEL): 1,798* STALLS

*A 0.6% REDUCTION FOR VENTILATION SHAFTS AND ACCESSIBLE STALLS WILL REDUCE THE NUMBER OF PARKING SPACES FROM 1,799 TO 1,793.**

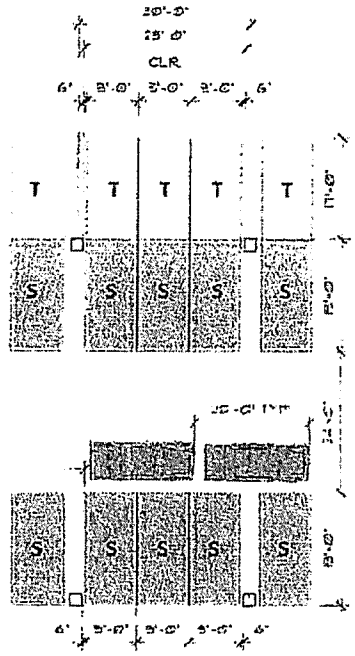
**MAXIMIZED VALET OPERATION WILL INCREASE PARKING CAPACITY FROM 1,793 TO 2,160 SPACES.

The Beverly Hilton Specific Plan

Figure 9D - Parking Level P4 Plan

Scale: 1" = 120'-0"

March 14, 2008



Legend

- Standard Spaces
- Tandem Spaces
- Drive Aisle
- Aisle Valet Parking

Level III Valet Operations

- In Non-Residential Parking Areas Only
- Behind Single or Tandem Parking Spaces
- No Parking in Primary Circulation Lanes
- Increases Maximum Parking Capacity from 1,733 to 2,183 Spaces

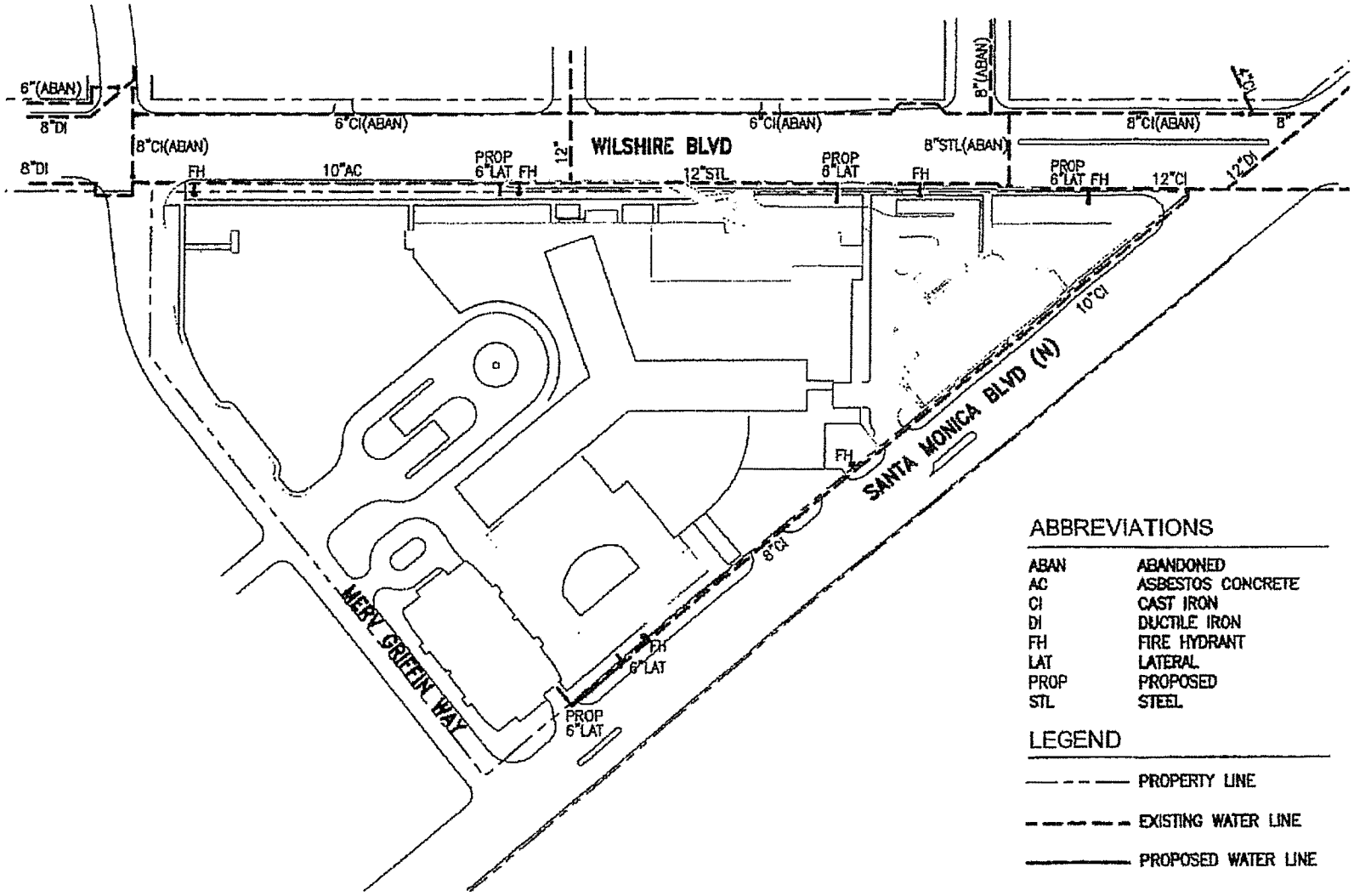
Note
Not to Scale

Level III Valet Operations

The Beverly Hilton Specific Plan

Figure 10 - Parking Plan Using Maximized Valet

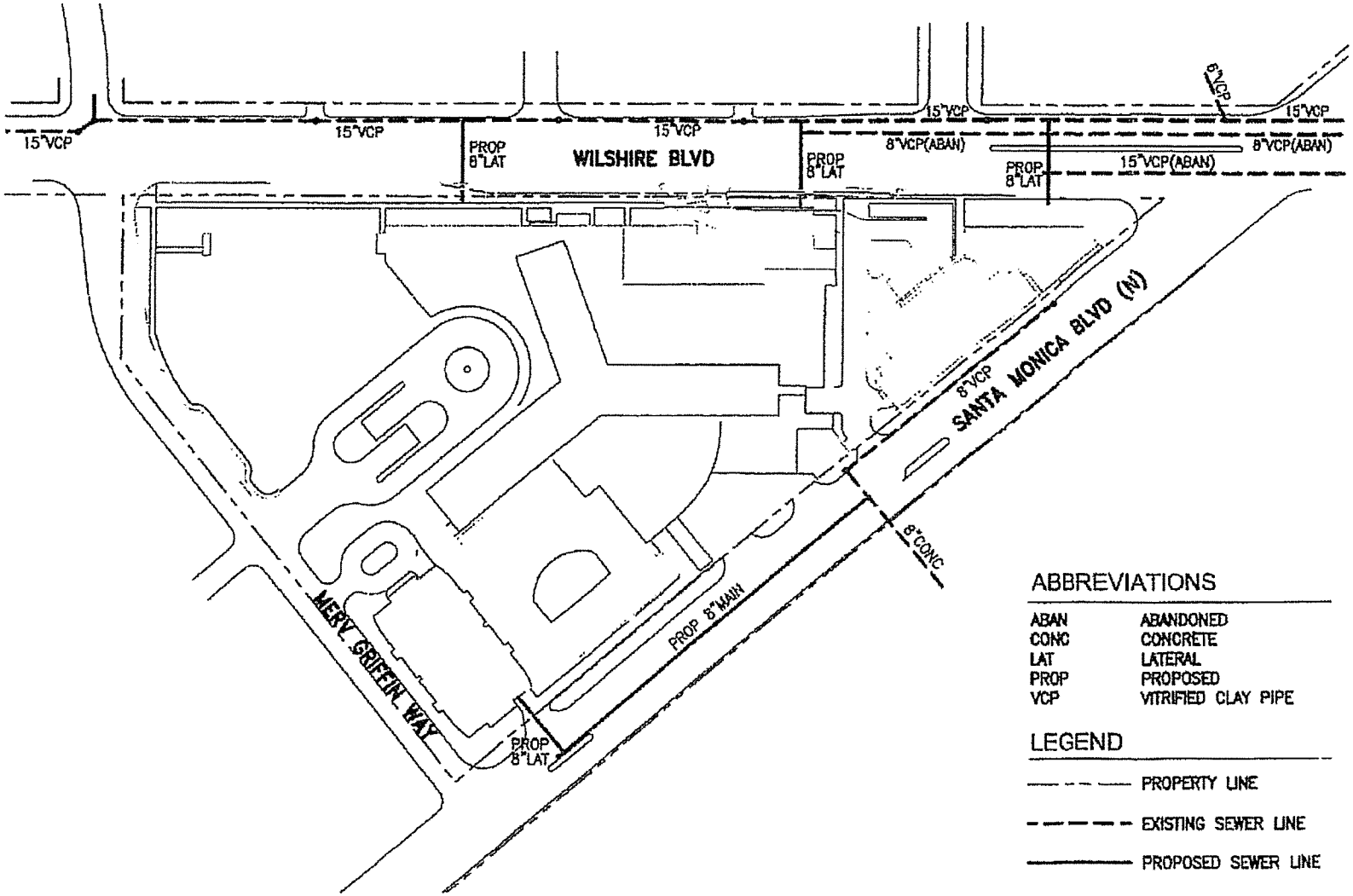
March 14, 2008

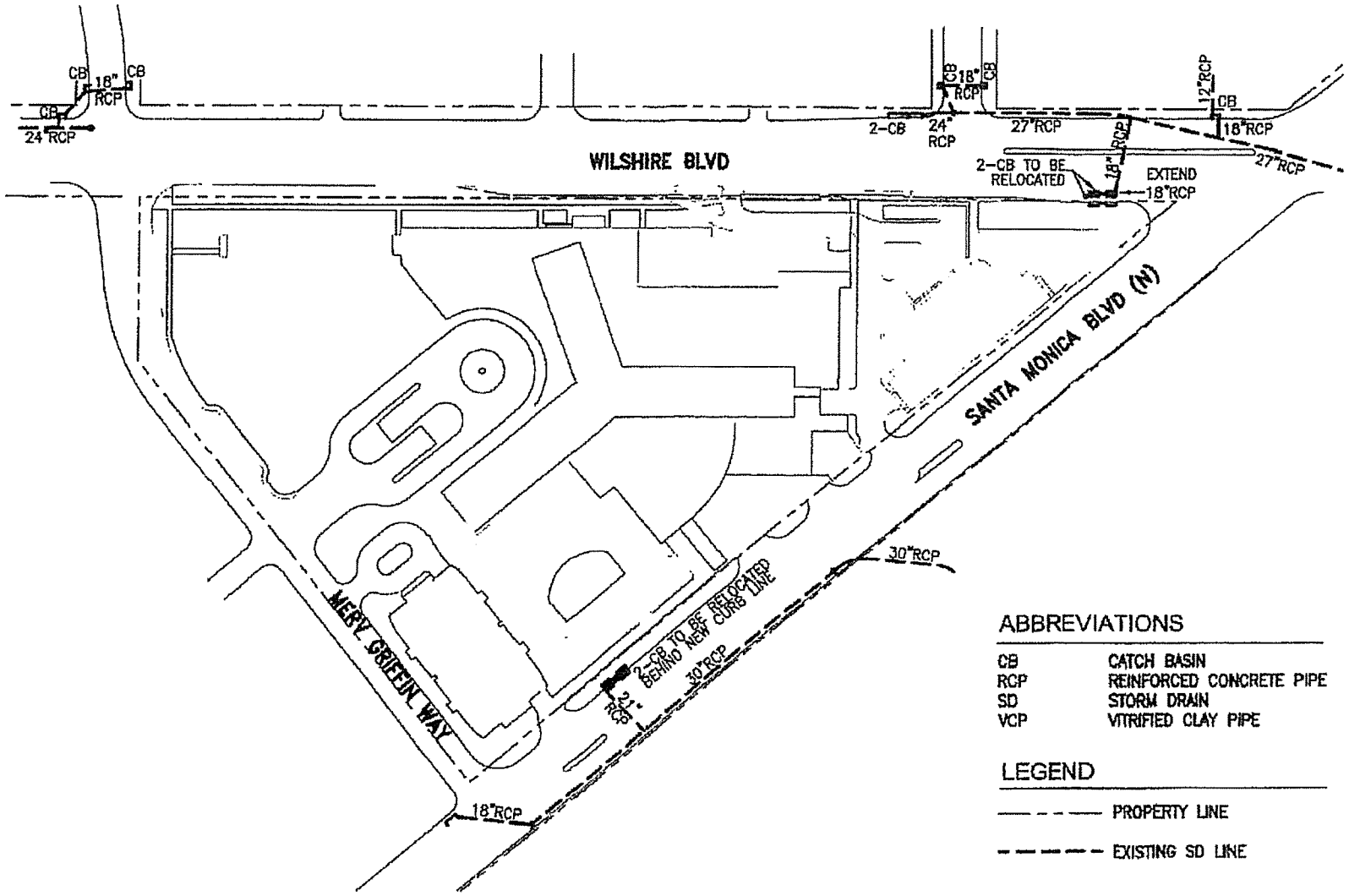


The Beverly Hilton Specific Plan

Figure 11 - Water System Plan

March 14, 2008

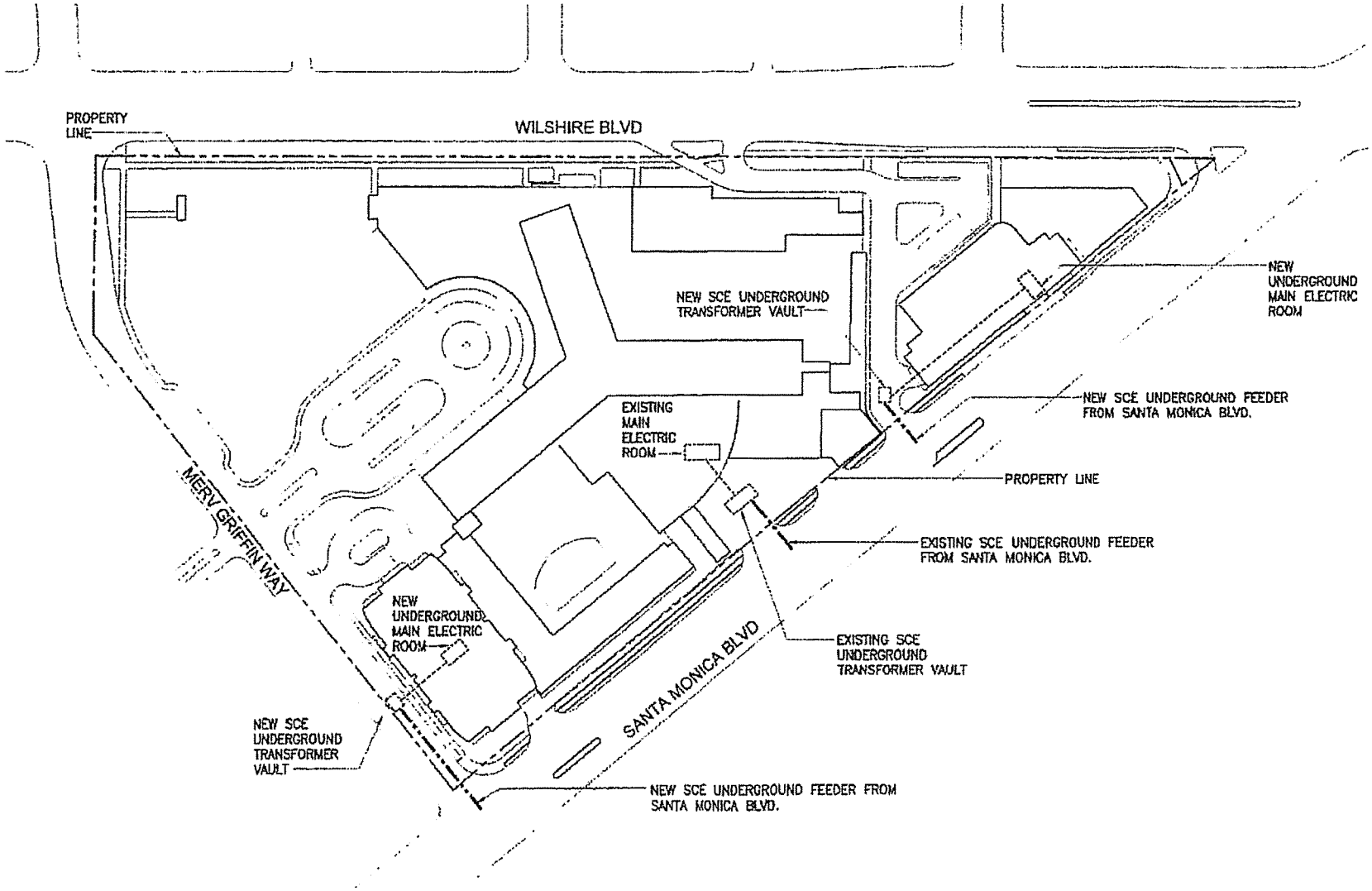

15"VCP
15"VCP
PROP 8"LAT
WILSHIRE BLVD
15"VCP
PROP 8"LAT
15"VCP
8"VCP(ABAN)
PROP 8"LAT
15"VCP(ABAN)
8"VCP
15"VCP
8"VCP(ABAN)
SANTA MONICA BLVD (N)
8"VCP
8"CONC
PROP 8"MAIN
MERV GRIFFIN WAY
PROP 8"LAT
ABBREVIATIONS
ABAN ABANDONED
CONC CONCRETE
LAT LATERAL
PROP PROPOSED
VCP VITRIFIED CLAY PIPE
LEGEND
PROPERTY LINE
EXISTING SEWER LINE
PROPOSED SEWER LINE



The Beverly Hilton Specific Plan

Figure 13 - Storm Drain System Plan

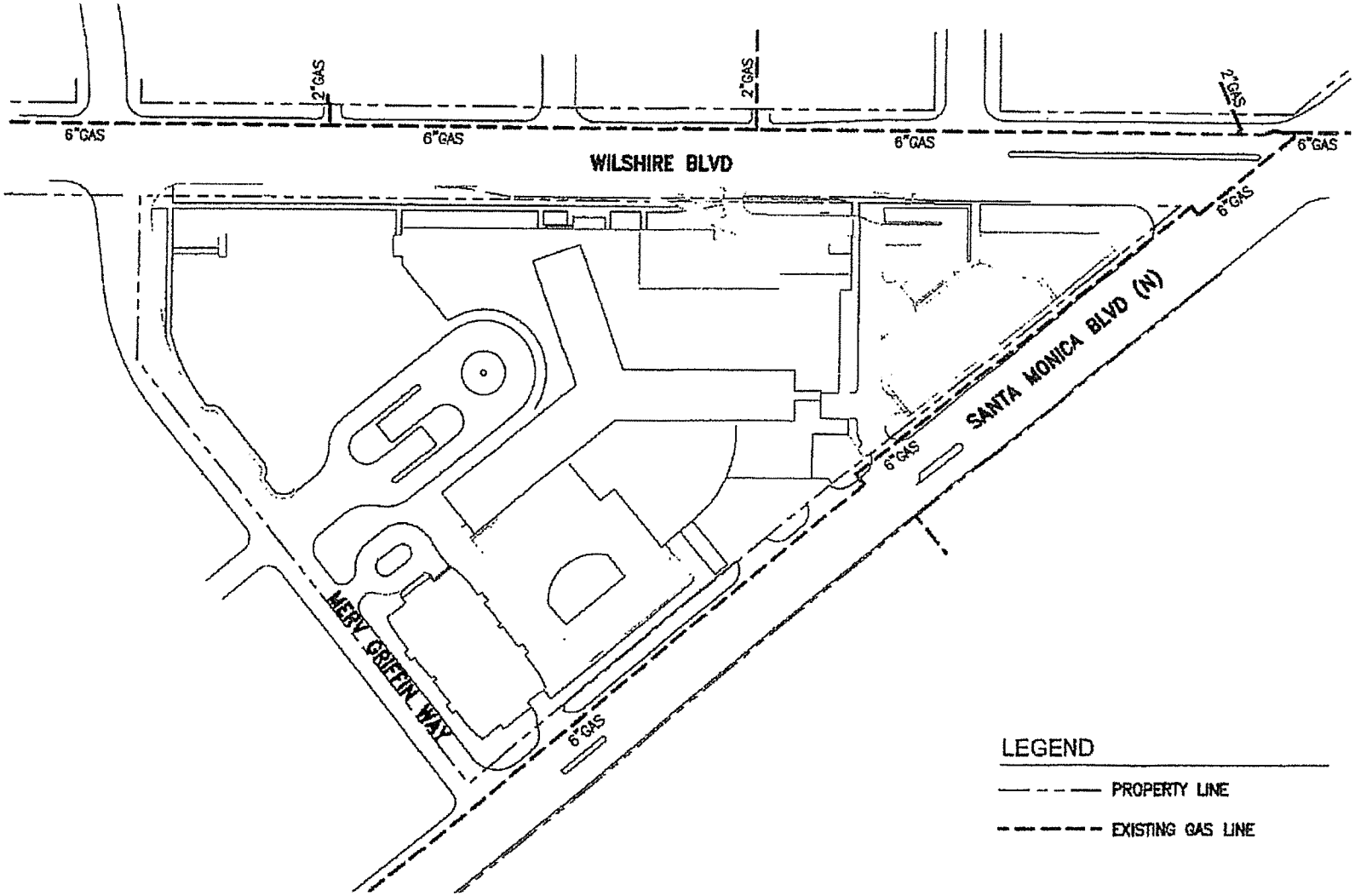
March 14, 2008



The Beverly Hilton Specific Plan

Figure 14 - Electric Facilities Plan

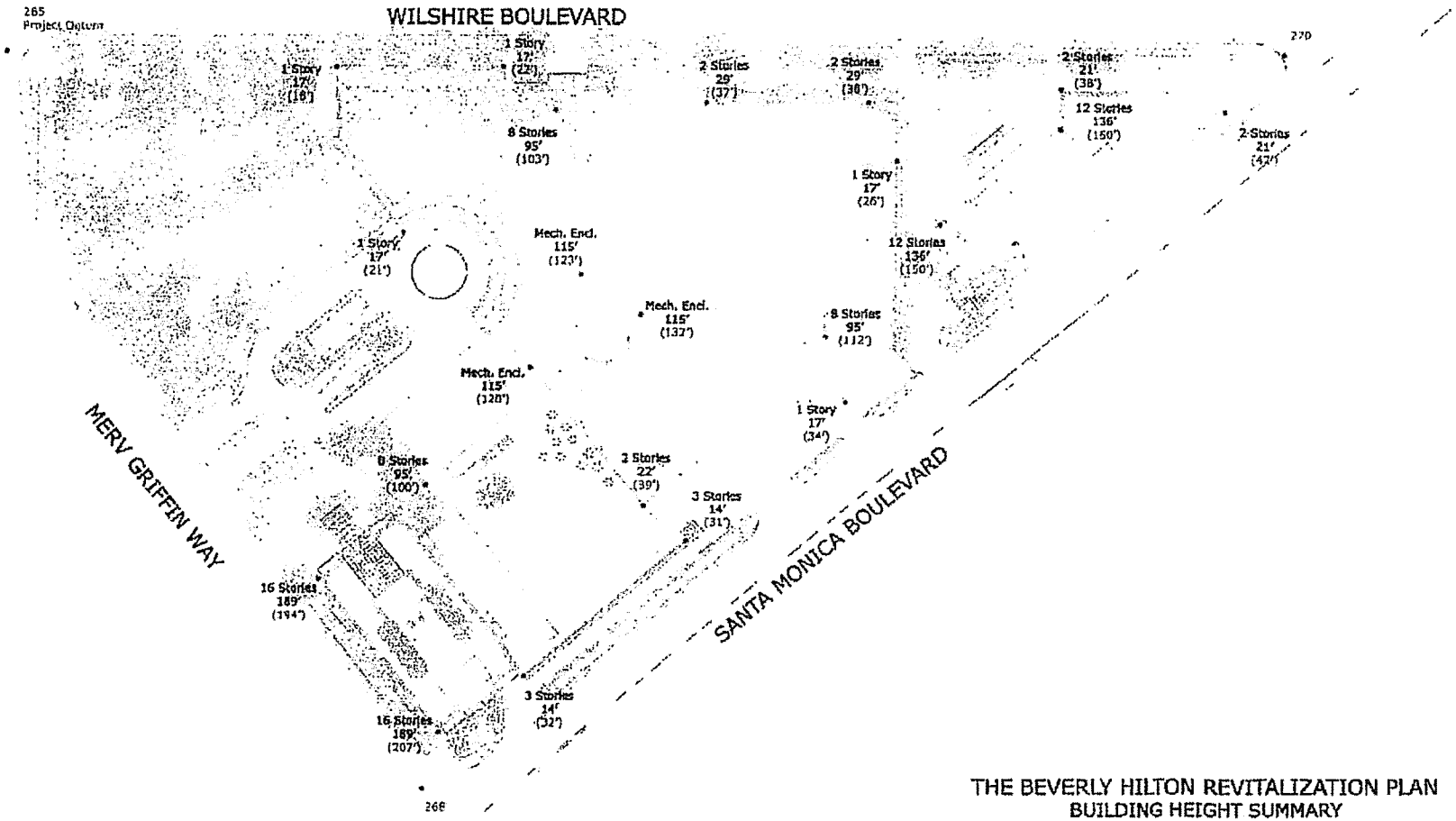
March 14, 2008



The Beverly Hilton Specific Plan

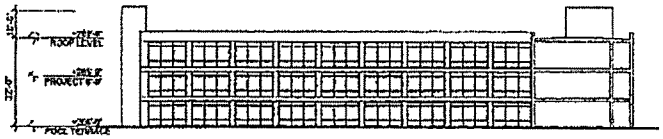
Figure 15 - Natural Gas Plan

March 14, 2008

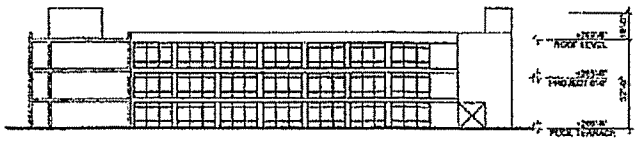


THE BEVERLY HILTON REVITALIZATION PLAN
BUILDING HEIGHT SUMMARY

BUILDING HEIGHT BY CITY CODE
(BUILDING HEIGHT TO ADJACENT GRADE)
EXISTING GROUND LEVEL ELEVATIONS



1 NORTH ELEVATION



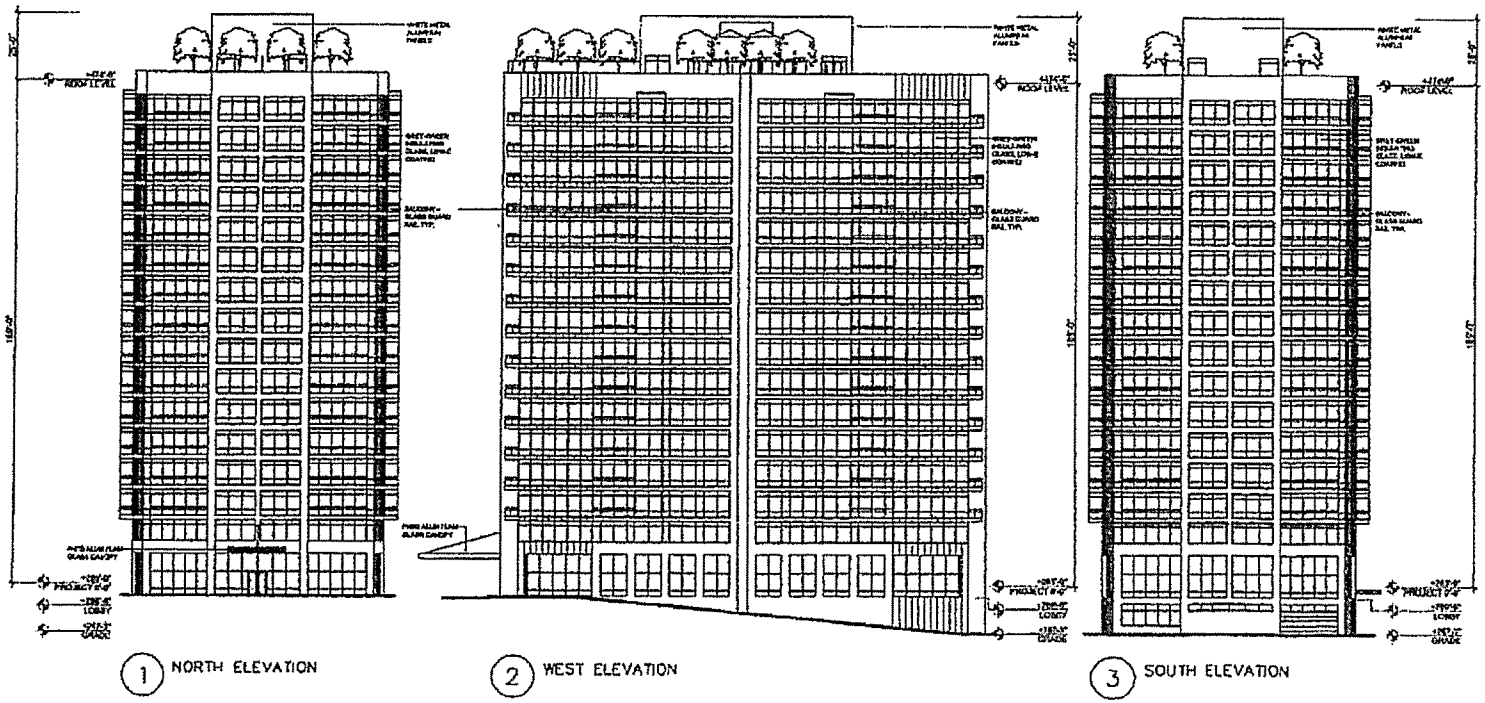
2 EAST ELEVATION

The Beverly Hilton Specific Plan

Figure 16B - Building Heights (New Hotel Rooms Elevations)

Scale: 1" = 60'-0"

March 14, 2008

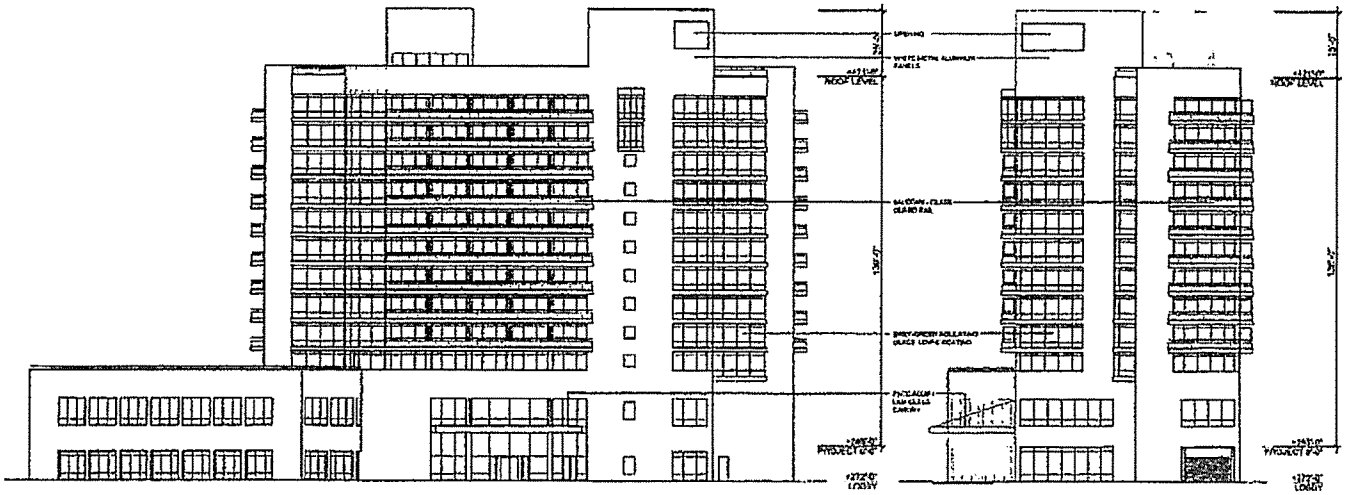


The Beverly Hilton Specific Plan

Figure 16C - Building Heights (New Luxury Residences Elevations)

Scale: 1" = 60'-0"

March 14, 2008



1 NORTH ELEVATION

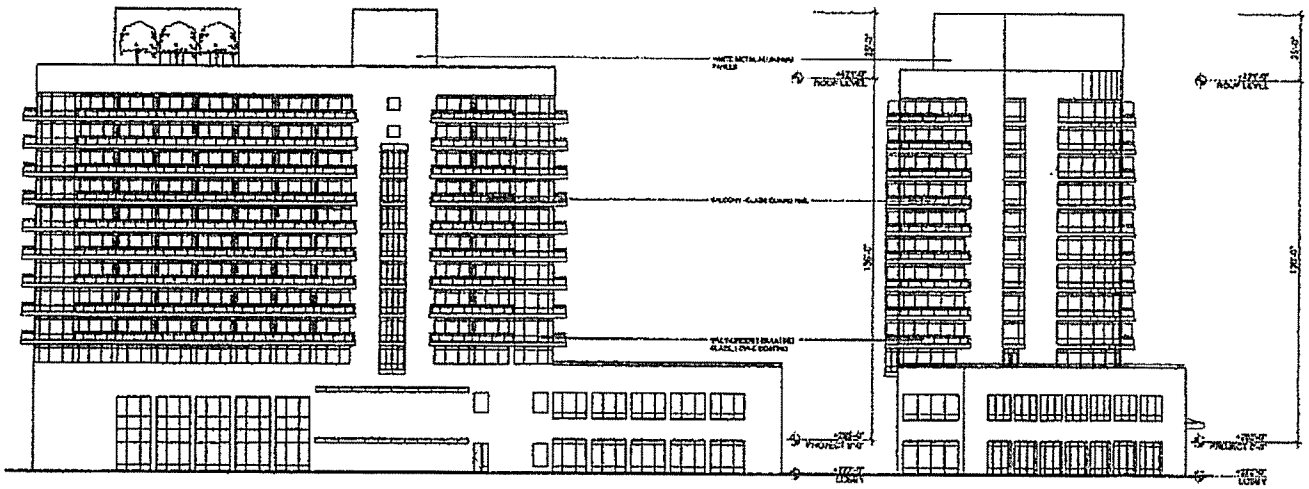
2 WEST ELEVATION

The Beverly Hilton Specific Plan

Figure 16D - Building Heights (New East Luxury Hotel Elevations)

Scale: 1" = 60'-0"

March 14, 2008



1 SOUTH ELEVATION

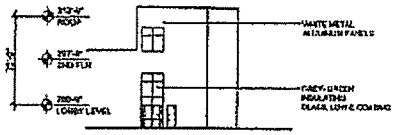
2 EAST ELEVATION

The Beverly Hilton Specific Plan

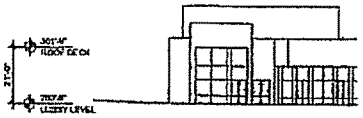
Figure 16E - Building Heights (New East Luxury Hotel Elevations)

Scale: 1" = 60'-0"

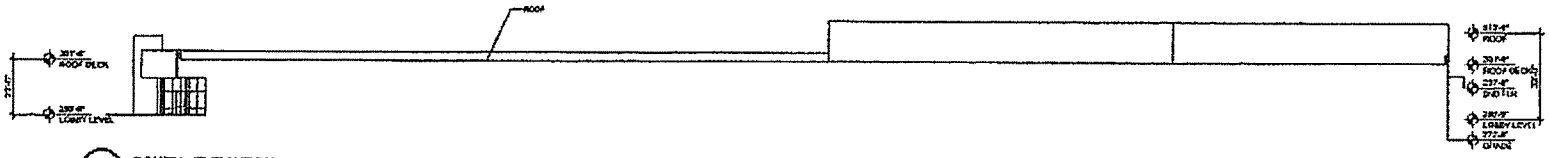
March 14, 2008



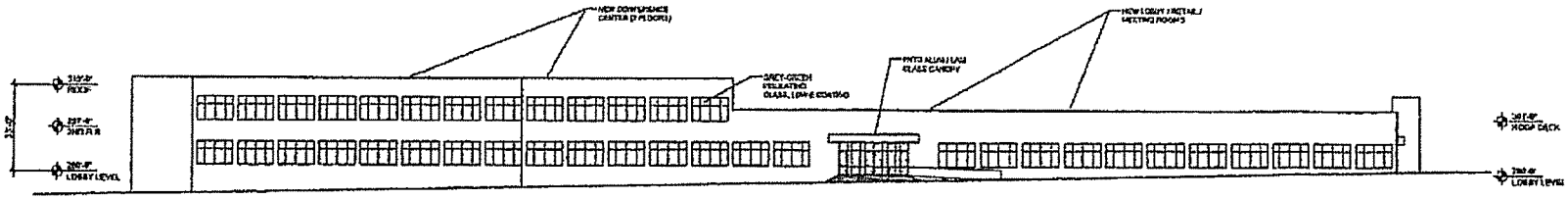
4 EAST ELEVATION



3 WEST ELEVATION



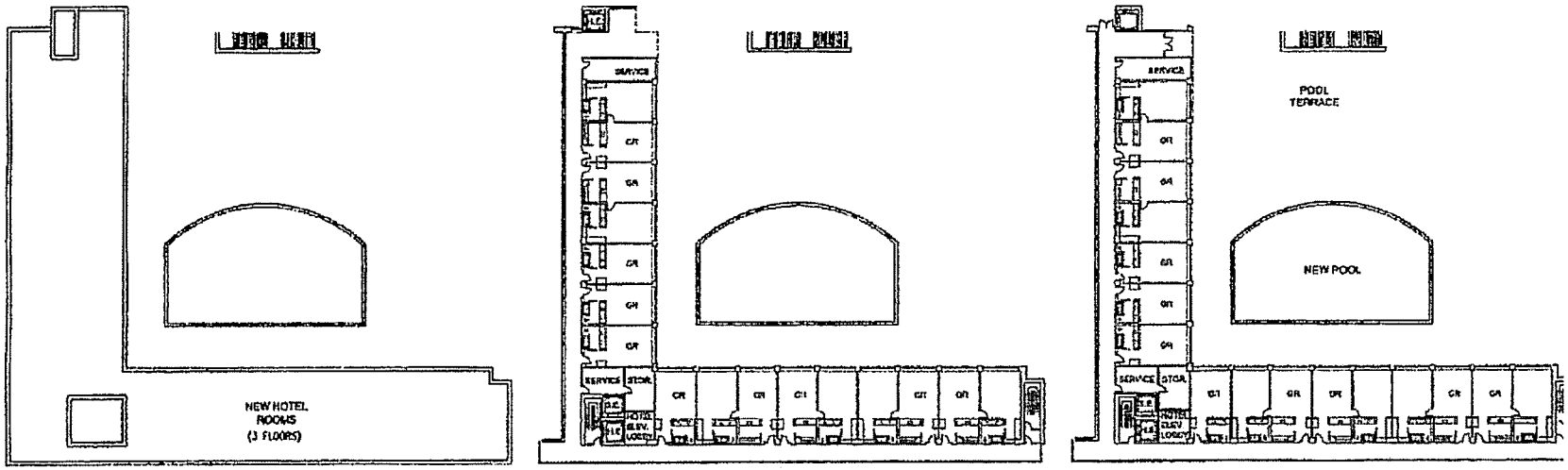
2 SOUTH ELEVATION



1 NORTH ELEVATION

The Beverly Hilton Specific Plan

Figure 16F - Building Heights (New Conference Center Elevations) *Scale: 1" = 60'-0"* *March 14, 2008*



3 ROOF PLAN

2 GROUND & SECOND FLOOR PLAN

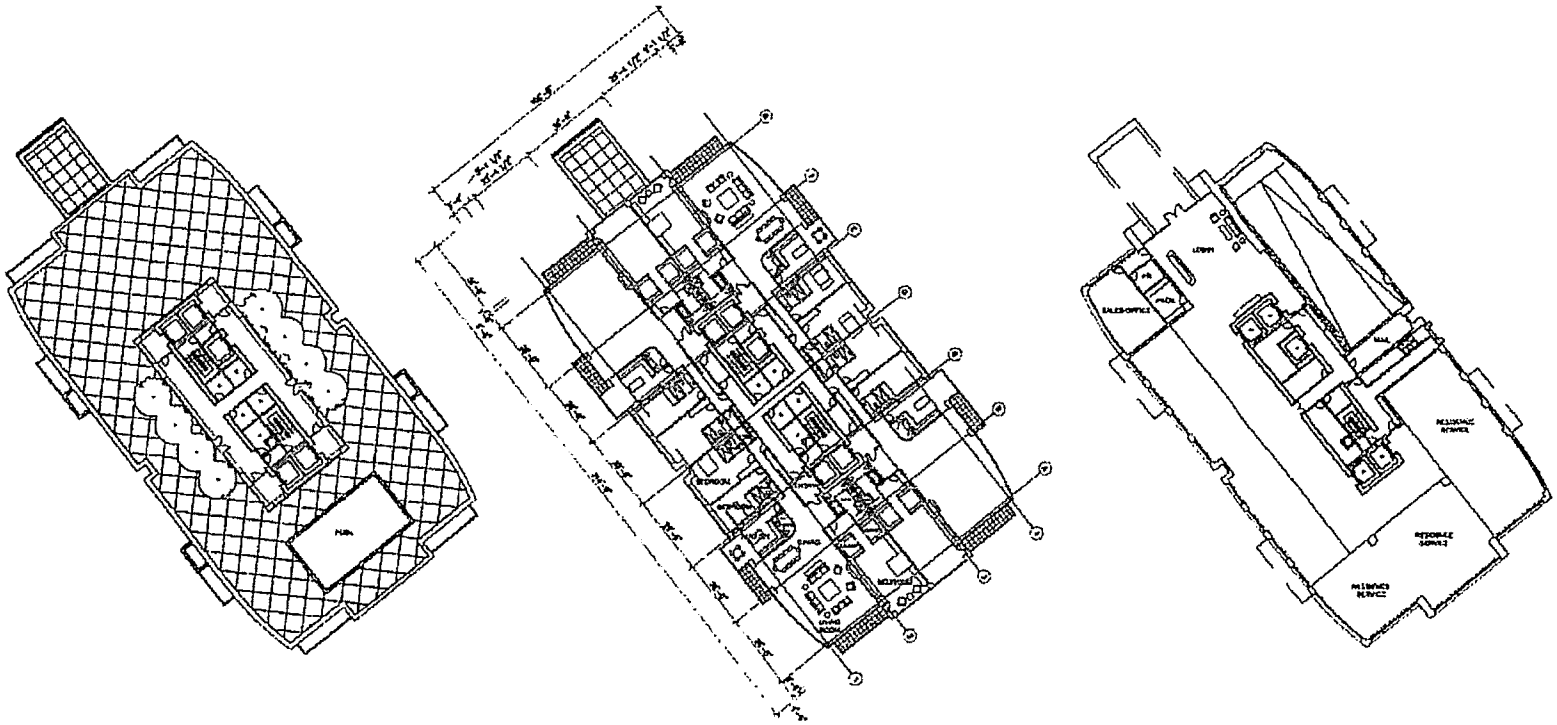
1 P1 LEVEL FLOOR PLAN

The Beverly Hilton Specific Plan

Figure 17 - New Hotel Rooms Building Design

Scale: 1" = 60'-0"

March 14, 2008



3 POOL TERRACE

2 TYPICAL FLOOR PLAN

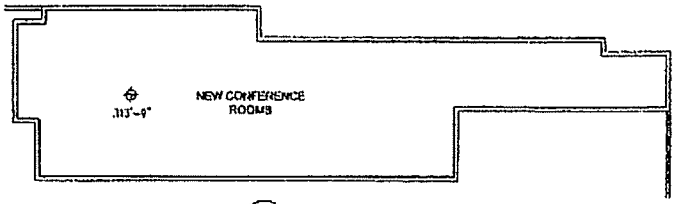
1 LOBBY PLAN

The Beverly Hilton Specific Plan

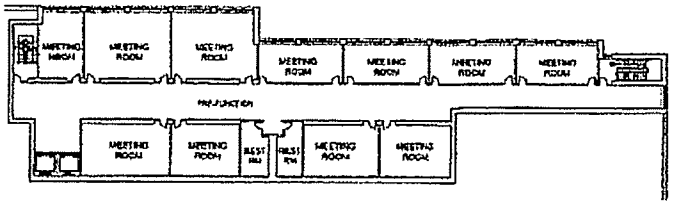
Figure 18 - New Luxury Residences Building Design

Scale: 1" = 60'-0"

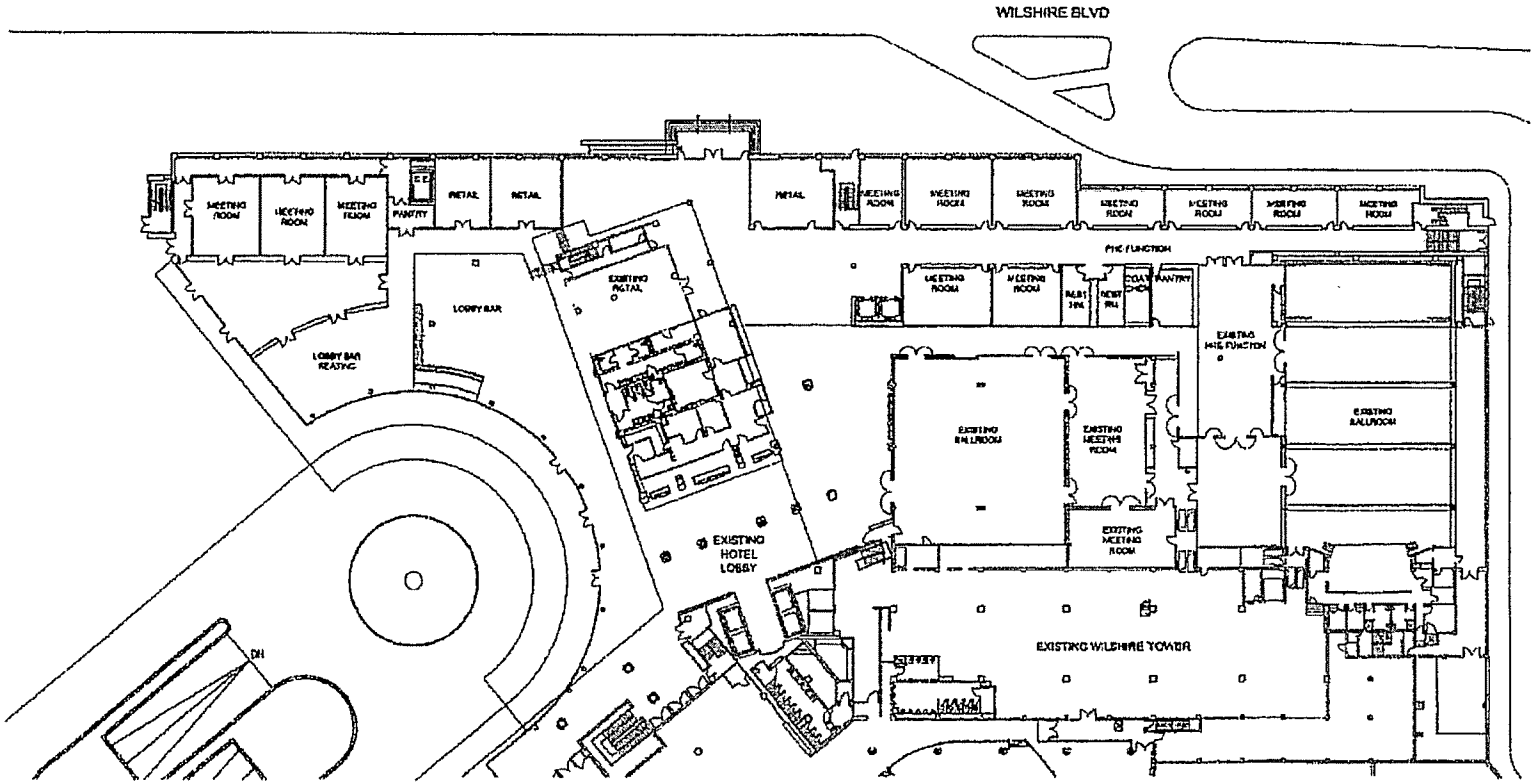
March 14, 2008



3 NEW CONFERENCE CENTER ROOF PLAN



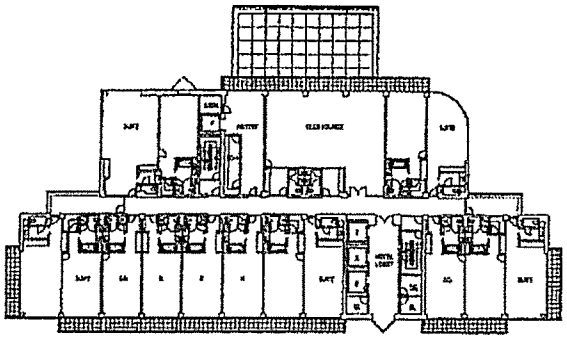
2 NEW CONFERENCE CENTER 2ND FLOOR



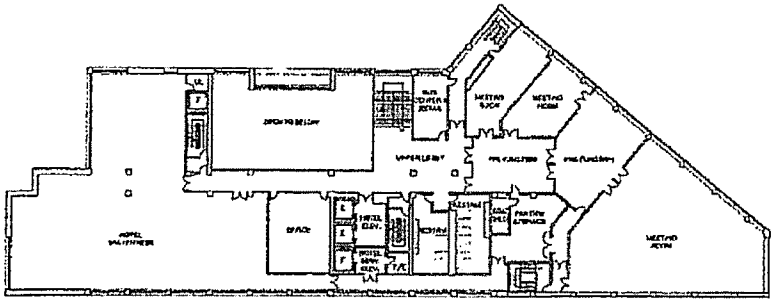
1 NEW WILSHIRE LOBBY ENTRY – LOBBY LEVEL PLAN

The Beverly Hilton Specific Plan

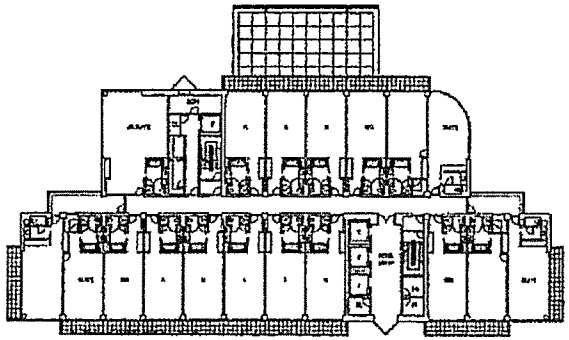
Figure 19 - New Conference Center Design - (New Conference Center & New Lobby/ Retail Design) *Scale: 1" = 60'-0"* *March 14, 2008*



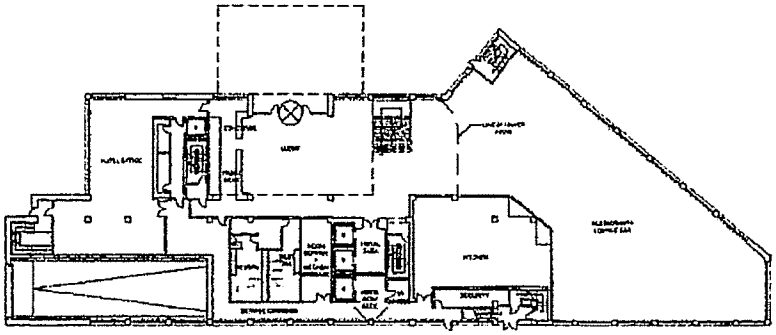
4 NEW EAST LUXURY HOTEL CLUB FLOOR 11TH



2 SECOND LEVEL PLAN



3 NEW EAST LUXURY HOTEL FLOORS 3RD–10TH



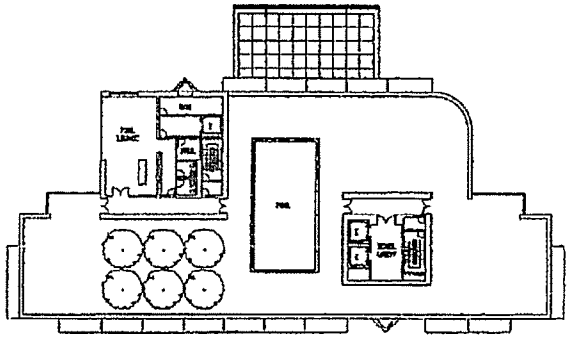
1 GROUND LEVEL PLAN

The Beverly Hilton Specific Plan

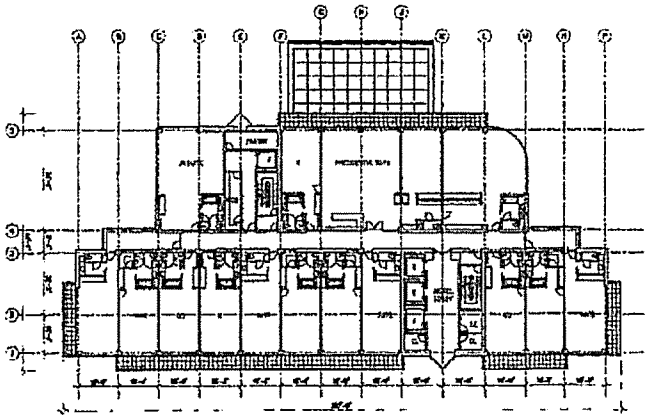
Figure 20A - New East Luxury Hotel Building Design

Scale: 1" = 60'-0"

March 14, 2008



2 POOL TERRACE PLAN

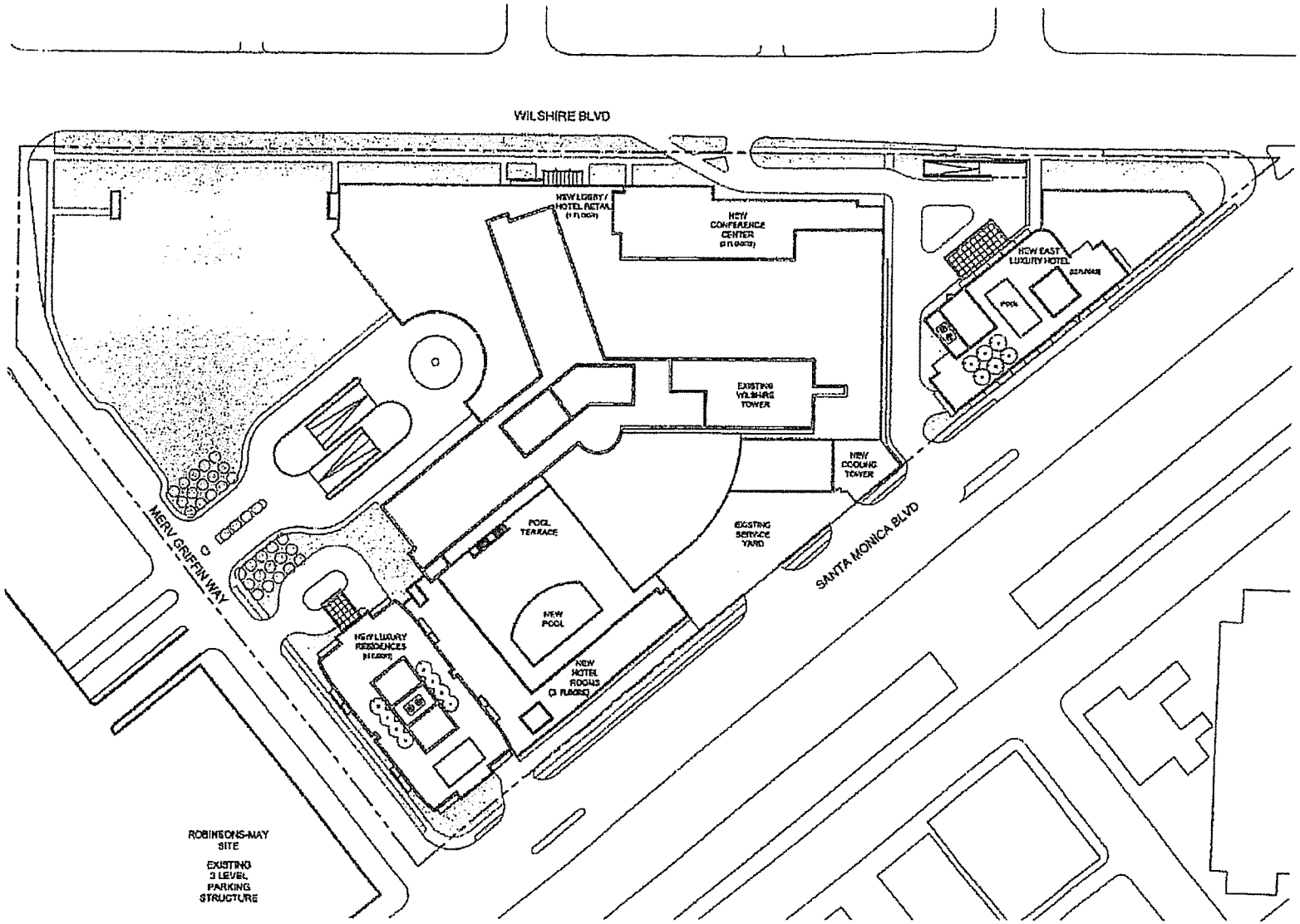


1 NEW EAST LUXURY HOTEL PRESIDENTIAL FLOOR 12TH

The Beverly Hilton Specific Plan

Figure 21 - Open Space / Landscape Design

March 14, 2008



The Beverly Hilton Specific Plan

Figure 22 - Ground Level Open Space (Shaded Area)

Scale: 1" = 120'-0"

March 14, 2008

EXHIBIT C

CONDITIONS OF APPROVAL

Community Development/Planning Project Conditions

1. Compliance with Plans. The Project shall be built in substantial compliance with the plans bearing a revision date of March 14, 2008 and submitted for review to the City Council along with the Planning Commission's recommendations on the project. These plans shall be kept on file with the City Clerk's office and the Department of Community Development/ Planning, inclusive of Exhibit 1, "Standard Conditions List," and Exhibit 3, "Mitigation Monitoring Program," which are incorporated herein by reference and made conditions to the approval of the Project. The Project shall be subject to additional conditions as may be imposed by the Architectural Commission.

2. Minor Amendments. Minor amendments to the Conditions of Approval may be approved by the Director of Community Development and shall not require an amendment to the Beverly Hilton Specific Plan.

3. Number of Residential Units. In no case shall the Project include more than 60 residential units in accordance with the approved plans and details contained in approved Beverly Hilton Specific Plan.

4. Number of Hotel Units. In no case shall the Project include more than 522 hotel rooms in accordance with the approved plans and details contained in the approved Beverly Hilton Specific Plan.

5. Square Footage. In no case shall the site include more than 842,625 square feet in the locations shown on in the Specific Plan.

6. General Parking Requirements. The Project shall provide not less than 1,733 marked parking spaces for all on-site uses existing and proposed at the time of the implementation of the Specific Plan, substantially as shown in Figure 9. Further, the Project shall provide capacity for not less than 2,183 vehicles utilizing valet parking shall be provided on-site using marked and unmarked spaces, substantially as shown in Figure 10. These spaces shall provide parking for all land uses within the Specific Plan Area.

7. Residential Parking. A total of not less than 195 standard size parking spaces, as defined by Section 4.2 B.1. of the Specific Plan, shall be provided for the Residence Building. Of these, not more than 380 spaces may be tandem. Tandem spaces may not be used for guest parking. Parking spaces for residential units shall be used solely for the parking of the personal vehicles of residents, their guests, and employees associated with the condominium units. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required and shall not be dedicated to or used to provide parking for any off-site use. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such. Residential parking spaces for resident guests and employees shall not be leased, sold, transferred, or otherwise separated from the Residences Building and shall not be dedicated to or used to provide parking for any off-site use. The required Codes, Covenants and Restrictions for the Residences Building shall incorporate the restrictions set forth in this condition.

8. Parking Accessibility. The final parking plan approved by the Building and Safety Division shall meet the minimum number and dimensions for residential and hotel parking

stalls in accordance with the requirements of the Americans with Disabilities Act ("ADA") for an accessible parking space.

9. Employee Parking. The commercial and hotel components of the Project shall not be required to provide free employee parking. However, the owner(s) and/or operator(s) of the commercial and hotel components of the Project shall conduct an annual survey of off-site parking for employees, and if determined that employee parking is occurring in residential neighborhoods, then the Director of Community Development shall have the authority to require commercial tenants and hotels to provide free on-site parking for all employees. An employee shall be defined as a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

10. Outdoor Event Noise. In addition to the provisions of the Specific Plan, outdoor live entertainment as an ancillary use in conjunction with the hotel shall be subject to the City's Noise Ordinance.

11. Pedestrian Signage. Prior to the issuance of occupancy permits for the Project, the Applicant shall install sufficient signage, as determined by the City Traffic Engineer, on both the interior and exterior of the parking garage to protect pedestrians from drivers entering/exiting all access points of the residential and hotel garages.

12. Signage. Prior to the issuance of a building permit, the Applicant shall submit the unified sign plan required by Section 4.6 of the Specific Plan for review and approval. Said unified sign plan shall include, but not be limited to, provision of appropriate signage

and precautionary devices inside the parking garage. Thereafter, all project signage shall conform to the approved unified sign plan.

13. Parking Valet/Operations Plan. Prior to the issuance of any occupancy permit, the applicant shall prepare and shall have received approval from the City's Planning Division and Transportation Division of a Parking Valet/Operations Plan for both hotel and restaurant tandem parking operations and residential parking operations. The residential parking operations plan shall include plans to meet the parking needs generated by large on-site events and parties (i.e. to include the aggregate number of people generated for multiple, simultaneous small events occurring at the Residences Building). Thereafter, the applicant and subsequent homeowners association shall implement said plan for any large on-site events and parties. The requirement for this residential operations plan shall be incorporated into the Covenants, Codes and Restrictions for the condominiums.

14. Parking Garage Safety/Technology. The Applicant shall install state-of-the-art devices or equipment as approved by the City's Police and Fire Departments to ensure that wireless telecommunication reception in the parking garage is adequate for police, fire and other emergency responders and the health and safety of residents and visitors in the parking structure.

15. Loading. Prior to issuance of occupancy permits and subject to the review and approval of the Directors of Community Development and Public Works and Transportation, the Applicant shall provide a Loading Management Plan to minimize loading-related impacts from the Project on adjacent land uses. The Loading Management Plan shall identify permissible hours for loading and shall designate a delivery monitor to monitor the loading area and deliveries in order to control the circulation activities and to

prevent overcrowding in the loading area. The City hereby retains the authority to impose additional conditions on the Project to address loading, delivery and parking issues, including without limitation the authority to require valet parking for patrons of the commercial uses. The Applicant shall comply with the approved Loading Management Plan and any additional conditions imposed after adoption of this Resolution and after adoption of the Loading Management Plan, in order to address parking, loading and delivery issues. The Loading Management Plan shall prohibit loading activities on Wilshire and Santa Monica Boulevards. Further, the access points from Santa Monica Boulevard to the loading area shall be the minimum width feasible as determined by the City's Traffic Engineer.

16. Public and Common Areas. All public and common areas and facilities shall be clearly depicted, described, or both in the final plans reviewed by the Department of Community Development/Planning prior to issuance of a building permit.

17. Rooftop Uses. Rooftop uses at the Waldorf=Astoria Hotel and residential building are limited to uses as shown on the approved plans.

18. Green Building Design. The Project shall be constructed to meet the "Certified" rating pursuant to the City's green building rating system, which means achieving not less than 26 points out of a possible 69 points as set forth in the City's Green Building/Sustainability Checklist ("Checklist") attached hereto and incorporated herein as Exhibit 4. A green building plan shall be submitted as part of the application for a building permit. The green building plan shall indicate which points in the Checklist that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The Applicant shall be required to implement all points shown in the final green building

plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official may conduct other inspections as needed to ensure compliance with this condition. The Applicant may request amendment of the green building plan and such amendment may be approved by the Building Official as along as the cumulative point total is at least 26. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the Applicant shall comply with said Ordinance. As outlined in Section 4.8 of the Beverly Hilton Specific Plan, the applicant will also seek certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. If a conflict occurs between the City's Green Building standards and the LEED standards, the strictest standard shall apply.

19. Gray Water Usage Requirement. The Applicant shall install a gray water system as required by Section 3.4 F of the Specific Plan, including sufficient plumbing features to allow gray water to be used for landscaped areas on the property. All plumbing requirements shall be subject to review and approval by the City's Building and Safety Division.

20. Architectural Commission Review. Prior to the issuance of building permits, the design, materials and finishes of the building, and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the property to provide an appropriate visual and aesthetically pleasing transition between the property and the neighboring property on the west side of Merv Griffin Way. Landscape plans shall be prepared by a licensed landscape architect.

21. Final Building Plans. Final building plans shall be consistent with the preliminary plans approved by this Resolution and shall be prepared by a licensed professional.

22. Traffic/Crossing Guard. During Project construction, the Applicant shall hire a crossing guard to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica Boulevard at the beginning and end of each school day. In addition, if deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way to and from school.

23. Hiring Practices. The Applicant shall require the Constructor Manger/Supervisor to verify that no construction workers have prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on site Construction Manger/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District during the performance of their duties, unless required within the scope of their duties and with the knowledge and authorization of the Construction Manager/Supervisor. The Applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers. Compliance with this provision shall be verified by the Environmental Compliance Monitor.

24. Traffic Signal at Merv Griffin Way/Santa Monica Boulevard. The Applicant shall install a traffic light at the Merv Griffin Way/Santa Monica Boulevard intersection. Installation and plans for the traffic light are subject to review and approval by the City's Traffic Engineer and Building and Safety Division. The Applicant may be entitled to a fair

share reimbursement from other projects that impact this intersection and necessitate the traffic light. The traffic light shall be installed prior to the certificate of occupancy of the first building or the Applicant shall have deposited on file with the City an amount equal to their share of the traffic light materials and installation prior to the occupancy of any new building on the site. New buildings include the East Luxury Hotel, the Residences Building, Poolside Guestrooms and Conference Center Building.

25. Wilshire Boulevard and Santa Monica Boulevard Roadway Improvements. Prior to the issuance of any certificate of occupancy, the Applicant shall provide the right-of-way dedications to the City as shown on the approved plans and subject to review and approval by the City's Public Works Director. As approved by the Public Works Director, the applicant shall install and pay for improvements to the Wilshire and Santa Monica Boulevard right-of-way adjacent to the Project as shown on the approved plans, including but not limited to landscaping and street improvements.

Landscaping and Irrigation

26. Prior to final building inspection, the Applicant shall install all proposed irrigation and landscaping, including irrigation controllers, staking, and mulching, in accordance with the Architectural Commission's approval of the final project design.

27. Prior to occupancy, the Applicant shall submit a letter from the Project landscape architect certifying that all landscape material and irrigation has been installed and is functioning according to the approved landscape plans.

28. The property owners and successors in interest, including but not limited to any homeowners association, shall be responsible for the maintenance of the site drainage the maintenance of the common areas and facilities, the exterior of the building, sidewalks,

parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way and all public and private open areas on the site including the eastern half of Merv Griffin Way.

Other City Departments' Requirements

29. The Applicant shall comply with all applicable conditions and permits required from the Public Works and Transportation Department and Community Services-Recreation and Parks Department attached as Exhibit 1. The Applicant shall secure all necessary permits from the Engineering Division of Public Works prior to commencement of any demolition or Project related work.

30. An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show any existing street furniture within the public right-of-way (ROW) fronting the proposed improvement site. All new construction and relocation of any existing street furniture must be clearly shown.

31. The Project shall comply with all applicable conditions from the Fire Department as may be identified through the plan check process.

Construction Management

32. The Applicant shall comply with a Construction Management Plan that shall be submitted to and approved by the Department of Community Development prior to issuance of a building permit. The Construction Management Plan shall incorporate the Construction Traffic Management Plan and the Construction Workers Parking Plan as described in the attached Mitigation Measures for the project. The Construction Management Plan shall also include, at a minimum, the following requirements:

a. Costs of parking and transportation to and from the construction parking area for construction workers shall be paid by the Project Applicant.

b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.

c. A plan for the proposed demolition/construction staging for the 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 shall be included in the Construction Management Plan. The construction haul route shall be reviewed and approved by the City Traffic Engineer and the Director of Community Development. The approved haul route is subject to change if the haul route creates unanticipated traffic congestion or noise impacts.

33. Requests for after hours construction permits shall be reviewed by the City's Building Official in accordance with BHMC Section 5-1-206. The Building Official shall confer with the Environmental Compliance Monitor and revise any after hours permits as necessary to mitigate noise to residential neighbors to the project.

34. The Applicant shall maintain a current construction schedule on the project's web page and provide the web page address on construction signage placed on the boundary of the property or in a location visible to the public as determined by the Environmental Compliance Monitor.

35. A cash deposit of $25,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. The $25,000

deposit shall be replenished as deemed necessary by the City's Building and Safety Division. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of $25,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice and the deposit of an additional $25,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

36. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties. The final height of the fence shall be approved by the Director of Community Development in

consultation with design professionals knowledgeable in the fields of noise and dust mitigation. The design of the construction fence shall be subject to Architectural Commission review and approval. The Applicant shall, as feasible, provide temporary landscape improvements to improve the appearance of the site around the fence during the construction period.

37. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a Community Liaison Officer as outlined in the attached Mitigation Measures, directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the Community Liaison Officer shall be transmitted to the Director of Community Development, the City's Building Official, the Beverly Hills Unified School District Superintendent and the El Rodeo School Principal. In addition, the Applicant shall post the name and telephone number of the Community Liaison Officer on the site in a location readily visible to the general public as approved by the Director of Community Development. Said signs shall also include the name and number of a City contact from the Community Development Department. The Applicant representative's telephone number provided shall be manned during construction hours.

38. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of $50.00 for a documentary handling fee in connection with Fish and Game Code requirements in

addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.

Property Maintenance

39. The property owners association and the hotels shall be responsible for the operation and maintenance of the private sewer connection(s) to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way and all public and private open areas on the site including the eastern half of Merv Griffin Way and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes, conditions and restrictions for this Project, or other enforceable restriction of the site, including the hotels, shall specifically reflect this obligation.

General Conditions.

40. All electrical transformers and other such mechanical equipment shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit. Screening and/or relocation may be required if the proposed locations have the potential to adversely affect the appearance of the building from the public right-of-way.

41. The Codes, Covenants and Restrictions (CC&R's) for this Project shall disclose the fact that the maintenance of public improvements (street payment, sidewalk, curb, gutter, water and sewer lines) along Wilshire and Santa Monica Boulevards is usually performed at night.

42. In accordance with the requirements set forth in City Council Resolution 71-R-4269, the applicant shall file a formal written request with the Civil Engineering Department for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Civil Engineering Department. An indemnity bond must be submitted and approved by the City Attorney prior to excavation.

43. The Project shall comply with the applicable standard conditions and shall obtain all necessary permits from the Public Works/Engineering Department. The Standard Conditions List is attached hereto as Exhibit 1 and incorporated herein by this reference.

44. The Applicant shall comply with the requirements of the Street Tree Mitigation Plan of the Recreation and Parks Department, attached hereto as Exhibit 2 and incorporated herein by this reference.

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

46. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution, and the Applicant shall comply with all such modified or additional conditions.

47. Prior to the earlier of either the issuance of any occupancy permit or the sale or lease of any residential unit in the project, a subdivision map shall be approved by the City and the final map for such subdivision shall have been recorded with the County of Los Angeles Recorder and the condominium plan filed with the Department of Real Estate.

48. Prior to the approval of any final map, the applicant shall prepare and submit CC&R's for review and approval by the Community Development Department and the City Attorney. The CC&R's shall be recorded prior to the approval of any final map.

49. Prior to the recordation of any final subdivision map, the applicant shall record a reciprocal parking and access easement in form and content satisfactory to the Community Development Director and the City Attorney.

50. Unanticipated Traffic Impacts. In the event that the Director of Community Development determines that operation of the project is having unanticipated traffic or parking impacts, the Director shall require the owners of the hotels, Homeowners Association, or both, to provide an analysis of the traffic or parking impacts and recommend and implement mitigation for the impacts. If, in the opinion of the Director, the owners of the hotels, Homeowners Association, or both, fails to implement sufficient mitigation to mitigate the unanticipated traffic or parking impacts, then the Director shall schedule a hearing before the Planning Commission concerning the impacts being created by the project. The owner or Homeowners Association shall receive at least ten days notice of such hearing. Upon conclusion of the hearing, the Planning Commission may impose additional conditions upon the project as necessary to mitigate any unanticipated traffic or parking impacts caused by the project, and the owners of the hotels, Homeowners Association, or both, shall forthwith comply with any such additional conditions at their sole expense. However, the owners of the hotels, Homeowners Association, or both, may appeal the decision of the Planning Commission to the City Council pursuant to the provisions of the Beverly Hills Municipal Code and any decision of the Planning Commission shall be stayed pending a decision by the City Council on appeal.

51. The Construction Management Plan shall contain a provision prohibiting construction trucks from queuing on Santa Monica Boulevard or Wilshire Boulevard during all aspects of construction.

52. The Environmental Compliance Monitor identified in Traffic Mitigation Measure TRAF-1 shall be responsible for monitoring compliance with both the conditions of approval and all the mitigation measures.

53. An air cleaning/filtering system shall be installed in the condominium buildings subject to the review and approval of the Building Official to assist in the removal of pollutants from the adjacent streets.

54. The outdoor roof areas shall not be rented separately from the ballrooms and meeting rooms and shall be utilized only in conjunction with an event occurring inside the hotel.

55. During evening hours, hotel employees shall be prohibited from parking in public parking structures, and shall instead occur in privately owned parking structures unless prior approval for parking is obtained through a special event permit or other appropriate permit from the City.

56. The existing setback for the building overhang adjacent to The Beverly Hilton's lobby/retail section just west of the existing Wilshire Tower shall be increased 6.4 feet, for a total setback of 13.9 feet from the property line as shown on Exhibit 5 attached hereto.

Exhibit 1 to Conditions of Approval

Standard Conditions of Approval

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.

2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.

3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of *$5,638.80**, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)

4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed 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. (See attached Trees and Construction document.)

   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.

Standard Conditions List
for the Planning Commission

6. 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.

7. 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.

8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

9. 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.

10. 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.

11. 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.

12. 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-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the project.

13. 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.

Standard Conditions List
for the Planning Commission

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.

17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.

18. 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.

19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

Exhibit 2 to Conditions of Approval

Tree Mitigation Conditions

PROTECTING
CITY
PARKWAY
&
STREET TREES
DURING
PRIVATE
PROPERTY
CONSTRUCTION

PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION

In addition to their numerous environmental benefits, trees in the parkway areas along the streets of Beverly Hills are a tremendous asset to residential and commercial communities. Street trees are protected by Beverly Hills Municipal Code (Sec. 5-6.1001) as follows: "It is illegal for parties who are not official representatives or authorized agents of the City of Beverly Hills to prune, remove, make attachment to, or otherwise damage a City street, park or protected tree." It is a violation of this City code to affix a sign, residence number plaque, mirror, light fixture, etc. to a City tree.

The maintenance and protection of street trees is a shared responsibility between property owners and the City of Beverly Hills. If you feel that a street tree is unhealthy, damaged or in need of pruning, please contact the Department of Recreation and Parks Urban Forestry Division at 310.550.4638.

Construction activities can have severe and long lasting effects on the health of trees. Consideration must be given to street trees during a project's planning stages. Tree loss or damage can have a significant effect on the uniformity and value of a tree canopy along a street. The planning and implemention of any construction project must include the preservation of this important City asset.

Planning and protecting the health of trees during construction is part of doing business in the City of Beverly Hills.

This brochure is provided to assist you to avoid endangering City trees during your construction project.

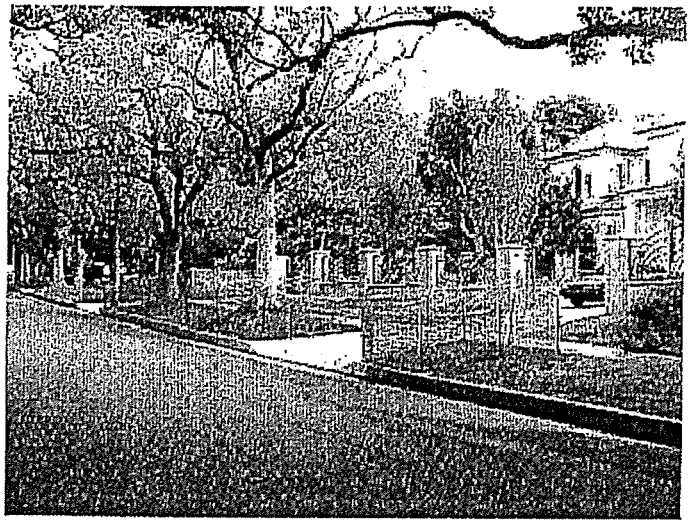
PROJECT PLANNING

- During the design process, please consider the long term effects that construction may have on City trees. Plan activities carefully, as the City of Beverly Hills will seek compensation for any damage to the trees caused by your construction activities.
- For any projects that include construction work in the public right-of-way, plans that accurately depict the public right-of-way will need the approval of the Departments of Recreation and Parks and Civil Engineering prior to any permits being issued by the Department of Building and Safety.
- All preliminary plans, sketches and drawings should identify all City parkway trees adjacent to the project site. The actual location and canopy diameter of City trees must be shown clearly on the plans.
- A City tree protection plan must be included in the inital plan submittal package. The tree protection plan may include a fenced tree protection zone, and must demonstrate how the parkway will be watered and maintained for the duration of the project. If it is determined that the proposed construction work will jeopardize the health of a street tree, or if the tree protection plan is deemed inadequate, you may be asked to provide a detailed report by a certified arborist showing the adequate protection of the tree and its value based on the International Society of Arboriculture(ISA) recognized standards.
- The negative effects of construction may take years to become apparent in the decline of trees. A claim may be filed with you and your general liability carrier should damage become apparent at a later date.
- You may wish to retain an International Society of Arboriculture (ISA) Certified Arborist to assist you with your project. Contact information is provided in this brochure.

Do not design projects at the expense of trees.

PROJECT APPROVAL

- All construction related permits will be processed by the Department of Building and Safety. Public Works permits are required for trucking, hauling and work conducted in the public right-of-way.
- The tree protection plan must be approved by the Recreation and Parks Urban Forest Division. If a tree protection zone fence is required, it must be installed and inspected prior to the commencement of any demolition or construction work. These inspections can be arranged by calling (310) 550-4638.



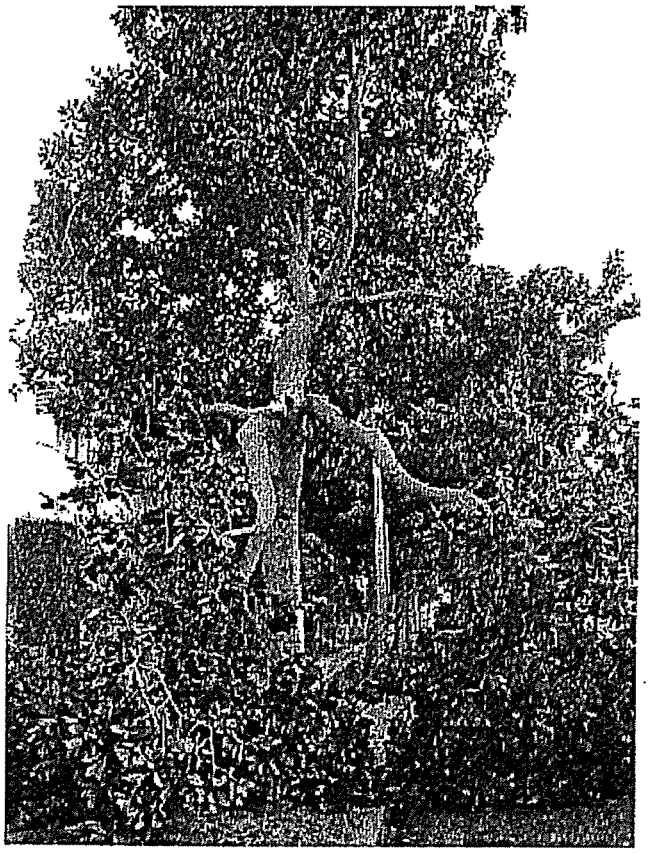
Maintain the tree protection zone fencing and parkway condition at all times.

SPECIFICATIONS

- A tree protection zone may require that the entire parkway be fenced. Fencing may be of a chain link or flexible configuration, but may not exceed 4 feet in height. Fence installation should be such that lines of sight are maintained so as to avoid any vehicle or pedestrian hazards. A warning sign must be displayed on the street side of the fence. The size of the sign must be no less than 8.5 x 11 inches. The sign must clearly state: "Warning: Tree Protection Zone". The sign shall clearly list the name and current contact information of the project owner or authorized representative.

DURING THE PROJECT

- Maintain the integrity of the tree protection zone fencing and keep the parkway site clean and maintained at all times.
- The site will be inspected by Building and Safety Department and the Urban Forest Division of the Recreation and Parks Department. If the tree protection plan is not complied with, or proves inadequate, additional measures may be required.
- It is recommended that trees be deep watered on a weekly basis for the duration of the project.



Do not allow cranes or other equipment to damage City trees.

CONTACT/RESOURCE INFORMATION

City of Beverly Hills contact information

- Recreation and Parks Department-
  Urban Forest Division Office: (310) 550-4638
  recreationandparks@beverlyhills.org

- Civil Engineering Department-
  Administration Office: (310) 285-2506
  civilengineering@beverlyhills.org

- Building and Safety Department-
  Permit Desk: (310) 285-1141
  buildingandsafety@beverlyhills.org

Determining the value of trees

- Council of Tree and Landscape Appraisers (CTLA), 2000. *Guide for Plant Appraisal*, 9th Ed. Savoy, IL: ISA, 143 pp.
  Order this reference guide online at:
  http://www.wcisa.net/pbItem.asp?PubID=30

  A library use only copy of this publication is available in the reference section of:
  The Beverly Hills Public Library
  444 North Rexford Drive
  Beverly Hills, CA 90210
  (310) 288-2244

Find an International Society of Arboriculture (ISA) Certified Arborist

- Western Chapter ISA: (530) 892-1006

- ISA, find an Arborist by phone: (217) 355-9411

- ISA, find an Arborist online: http://www.isa-arbor.com/arborists/arbsearch.html

Exhibit 3 to Conditions of Approval

Mitigation Monitoring and

Reporting Program

MITIGATION MONITORING PLAN

Section 2.0 and Section 4.0 of the Final EIR identify the mitigation measures that will be implemented to reduce the impacts associated with the Beverly Hilton Revitalization Plan. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code,

> *... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. These measures correspond to those outlined in **Section 2.0** and discussed in **Section 4.0**. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Beverly Hills departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Aesthetics, Light, and Glare						
LG-1	Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the project site, to prevent light spillover onto adjacent properties or roadways.	Community Development Department	The project lighting plan filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Air Quality						
AQ-1	The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes.	Community Development Department	The project applicant shall submit a Construction Traffic Emission Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Emission Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
AQ-2	The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-3	The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.	See above.	See above.	See above.		
AQ-4	The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.	See above.	See above.	See above.		
AQ-5	The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.	See above.	See above.	See above.		
AQ-6	The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.	See above.	See above.	See above.		
AQ-7	Prior to use in construction, the project applicant and contractor will evaluate the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies, such as particulate traps, selective catalytic reduction, oxidation catalysts, and air enhancement technologies, shall be evaluated. These technologies will be required if they are verified by CARB and/or the U.S. EPA and are commercially available and can feasibly be retrofitted onto construction equipment.	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-8	The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 mph or less.	See above.	See above.	See above.		
AQ-9	The Contractor shall ensure that the project site is watered at least three times daily during dry weather.	See above.	See above.	See above.		
AQ-10	The Contractor shall install wind monitoring equipment on site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 mph per Southern California Air Quality Management District (SCAQMD) guidelines.	See above.	See above.	See above.		
AQ-11	The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).	See above.	See above.	See above.		
AQ-12	The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).	See above.	See above.	See above.		
AQ-13	The Contractor shall replace ground cover in disturbed areas as quickly as possible.	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-14	The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements: • The third-party consultant shall be approved by the City of Beverly Hills Planning Department. • Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.	Community Development Department	The Community Development Department shall hire a third-party air quality consultant. Weekly monitoring reports shall be submitted to the Community Development Department for review. The project proponent shall submit a corrective action plan, if necessary.	During demolition and grading.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM_{10} concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The monitoring network shall include at least one anemometer to measure wind speeds and directions. • Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment. • Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity). • Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.					
	• Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM_{10} concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM_{10} concentrations on a publicly accessible website.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
• Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM_{10} thresholds are exceeded. • Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-15	The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line. • The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9(Title 40, Code of Federal Regulation, Part 60, Appendix A).	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Cultural Resources						
CR-1	Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS) / Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. The project applicant shall provide applicable photographs and reports to the Community Development Department.	Prior to issuance of grading and building permits.		
CR-2	Potentially historic street lights adjacent to the project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards..	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic street lights will be relocated, as advised.	Prior to issuance of grading and building permits.		
CR-3	Potentially historic sign posts adjacent to the project site on Merv Griffin Way shall be preserved and reinstalled in approximately the same locations, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic sign posts will be relocated, as advised.	Prior to issuance of grading and building permits.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
CR-4	If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5 (f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
CR-5	If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5 (d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur 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. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.					
CR-64	In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.	Community Development Department	The project applicant shall provide proof that a certified paleontologist has investigated and has made appropriate recommendations.	During project construction.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Geology and Soils						
GEO-1	The proposed project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.	Community Development Department/ Building & Safety Division	The construction plans filled with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		
Hazards and Hazardous Materials						
HAZ-1	The sampling of all suspect asbestos-containing materials (ACMs) such as roofing, wall finishes and non-friable floor finishes, shall be conducted prior to demolition. If the suspect ACMs are confirmed to contain asbestos, their removal in accordance with applicable regulations shall be necessary prior to impact by renovation or demolition activities.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HAZ-2	Construction activities shall comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. This rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of ACMs generated or handled during these activities. The rule requires that SCAQMD be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site shall be removed prior to demolition or renovation in accordance with the requirements of Rule 1403.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-3	Prior to demolition activities, the sampling of suspect materials for lead content shall be conducted. If these surfaces are determined to contain concentrations of lead at or above regulatory limits, their removal by a licensed abatement contractor in accordance with applicable regulations shall be necessary prior to demolition or renovation activities.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HAZ-4	During demolition or renovation activities, the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by the California Occupational Health and Safety Administration (Cal/OSHA), Title 8, California Code of Regulations (CCR), Construction Safety Orders for Lead, Section 1532.1.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-5	The demolition debris waste stream shall be analyzed for lead content during materials separation to ensure compliance with U.S. Environmental Protection Agency (EPA) regulations related to transportation and disposal of hazardous materials.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-6	All personnel workers potentially exposed to lead-containing materials shall be trained and protected in accordance with federal OSHA regulations.	Community Development Department/ Building & Safety Division Department of Public Works	Proof of training and protection in accordance with federal OSHA regulations shall be provided to the Director of Community Development.	This measure shall be in effect until the issuance of the certificate of occupancy		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HAZ-7	Fluorescent light ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement, "No PCBs," the ballast(s) shall be properly removed by a licensed PCB removal contractor and disposed of as PCB-containing waste prior to demolition.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Hydrology and Water Quality						
HYDRO -1	Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and Stormwater Pollution and Prevention (SWPPP) shall be prepared by the applicant in accordance with, and in order to partially fulfill, the California State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Construction 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 could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a NOI and SWPPP.	Prior to the issuance of grading and building permits.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HYDRO -2	Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a Storm Water Pollution Prevention Plan.	Prior to the issuance of grading and building permits.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Noise						
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: • Excavation, grading, and other construction activities related to the proposed project shall be restricted to the hours of operation allowed under 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 Director of Community Development.	Community Development Department School District	The project applicant shall submit a Construction Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the northern boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least one-half 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 single-family residences and elementary school located north of the project site 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.		The applicant shall work with the School District to ensure that no construction activity generating the highest noise levels is undertaken during any designated testing periods occurring at El Rodeo School. The exact dates and times shall be determined by the School District.			

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• 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 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 ten minutes, both on site and off site. Construction vehicles will not be staged on streets located in the City of Beverly Hills. • 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.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the <School District>.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-2	The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.	Community Development Department/ Building & Safety Division	The project plans filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-3	The applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-4	The Beverly Hilton Revitalization Plan project applicant shall coordinate with the 9900 Wilshire project applicant regarding the following: • All temporary roadway closures shall be coordinated to limit overlap of roadway closures; • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Fire Protection and Emergency Services						
FIRE-1	The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the Beverly Hills Fire Department (BHFD) to provide a safe response route and to decrease response times to emergencies.	Department of Public Works/Civil Engineering Division and Community Development Department Fire Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure for the BHFD to review. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
FIRE-2	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Transportation, Traffic, Parking, and Circulation						
TRAF-1	An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.	Community Development Department	An independent Environmental Monitor shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-2	The Environmental Monitor shall pro-actively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance from members of the public when impacts raise special concerns by members of the public.	See above.	See above.	See above.		

Beverly Hilton Revitalization Plan Environmental Impact Report — Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-3	A contact person shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the project site to address day-to-day issues.	Community Development Department	An independent Construction Relations Officer shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-4	The Developer and Environmental Monitor shall each provide monthly project updates to the City, unless otherwise warranted due to resident complaints.	Community Development Department	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the CDD Director.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-5	The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following: • Maintain existing access for land uses in the proximity of the project site during project construction. • Schedule deliveries and pick-ups of construction materials for non-peak travel periods. • Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time. • Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard. • Construction equipment traffic from the contractors shall be controlled by flagman.	Community Development Department	The project applicant shall submit a Construction Traffic Management Plan and a Construction Working Parking Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Management Plan	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Identify designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project. • Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets. • Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses. • Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.		and the Construction Working Parking Management Plan.			

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive. • The Final Construction Management Plan shall be submitted and approved by the City no later than 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-6	The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During 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 specify the method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the following measures:	Community Development Department	The primary contractor shall submit to the department a program and affidavit attesting to the compliance with this measure as part of the Construction Workers Parking Plan, which will be reviewed by the Community Development Department/Building & Safety Department.	The program and affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets north of Wilshire or in public parking structures; • No parking for construction workers shall be permitted except only within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and					

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities.					
TRAF-7	The project applicant shall revise the project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-8	The applicant for The Beverly Hilton Revitalization Plan shall coordinate with the applicant for the 9900 Wilshire project during all phases of construction regarding the following: • All temporary roadway closures shall be coordinated to limit overlap of roadway closures; • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Water						
WTR-1	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Wastewater						
WW-1	The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.	Los Angeles County Department of Public Works	Los Angeles County of Department of Public Works shall regularly inspect the FOG inceptor.	This measure shall be implemented prior to issuance of the proposed restaurant's business license and shall remain effective throughout the life of the project.		
Energy						
ENG-1	Prior to submittal of final plans, the applicant shall make necessary alterations to the generation or distribution system as required by Southern California Edison (SCE). The applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE, which states that electricity will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from SCE.	This measure shall be implemented prior to submittal of final plans.		

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
ENG-2	Prior to submittal of final plans, the applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from the Gas Company.	This measure shall be met prior to submittal of final plans.		

Exhibit 4 to Conditions of Approval

Green Building Checklist

Attachment 3

City of Beverly Hills
Green Building/Sustainability Checklist

New Commercial, Multi-Family and Mixed-Use Development

Project Name:	
Project Address:	

Compliance Level

Buildings > 25,000 sq. ft. = Silver (33 - 38 points) or Certified (26 - 32 points) - if the lot is vacant
Buildings > 10,000 to 24,999 sq. ft. = Certified
Buildings < 10,000 sq. ft. = 10% above Title 24 and Solar Ready Construction

Sustainable Sites — 14 Points Maximum

C.E.	**Construction Activity Pollution Prevention**	Required	SS P1**
C.E.	**Stormwater Design Requirement**	Required	
OWNER	**Development Density & Community Connectivity**	1	SS 2**
OWNER	**Brownfield Redevelopment**	1	SS 3**
ARCH.	**Alternative Transportation,** Public Transportation Access	1	SS 4.1**
ARCH.	**Alternative Transportation,** Bicycle Storage & Changing Rooms	1	SS 4.2**
ARCH.	**Alternative Transportation,** Low-Emitting & Fuel-Efficient Vehicles	1	SS 4.3**
C.E.	**Alternative Transportation,** Parking Capacity	1	SS 4.4**
C.E.	**Site Development,** Protect of Restore Habitat	1	SS 5.1**
C.E.	**Site Development,** Maximize Open Space	1	SS 5.2**
C.E.	**Stormwater Design,** Quantity Control	1	SS 6.1**
C.E.	**Stormwater Design,** Quality Control	1	SS 6.2**
C.E./ARCH.	**Heat Island Effect,** Non-Roof	1	SS 7.1**
C.E./ARCH.	**Heat Island Effect,** Roof	1	SS 7.2**
E.E.	**Light Pollution Reduction**	1	SS 8**

Water Efficiency — 5 Points Maximum

LANDSCAPE	**Water Efficient Landscaping,** Reduce by 50%	1	WE 1.1**
LANDSCAPE	**Water Efficient Landscaping,** No Potable Use or No Irrigation	1	WE 1.2**
M.E.	**Innovative Wastewater Technologies**	1	WE 2**
M.E.	**Water Use Reduction,** 20% Reduction	1	WE 3.1**
M.E.	**Water Use Reduction,** 30% Reduction	1	WE 3.2**

Energy & Atmosphere — 17 Points Maximum

COMM.	**Fundamental Commissioning of the Building Energy Systems**	Required	EA P1**
M.E.	**Minimum Energy Performance**	Required	EA P2**
M.E.	**Fundamental Refrigerant Management**	Required	EA P3**
M.E.	**Optimize Energy Performance** (Report from M.E. based on ASHRAE is required)	1 to 10	EA 1**
M.E.	**On-Site Renewable Energy** (Report from M.E. based on ASHRAE is required)	1 to 3	EA 2**
COMM.	**Enhanced Commissioning**	1	EA 3**
M.E.	**Enhanced Refrigerant Management**	1	EA 4**
M.E.	**Measurement & Verification**	1	EA 5**
OWNER	**Green Power**	1	EA 6**

Materials & Resources — 13 Points Maximum

ARCH.	**Storage & Collection of Recyclables**	Required	MR P1**
ARCH.	**Building Reuse**, Maintain 75% of Existing Walls, Floors & Roof	1	MR 1.1**
ARCH.	**Building Reuse**, Maintain 100% of Existing Walls, Floors & Roof	1	MR 1.2**
ARCH.	**Building Reuse**, Maintain 50% of Interior Non-Structural Elements	1	MR 1.3**
CONT.	**Construction Waste Management**, Divert 50% from Disposal	1	MR 2.1**
CONT.	**Construction Waste Management**, Divert 75% from Disposal	1	MR 2.2**
ARCH.	**Materials Reuse**, 5%	1	MR 3.1**
ARCH.	**Materials Reuse**,10%	1	MR 3.2**
ARCH.	**Recycled Content**, 10% (post-consumer + ½ pre-consumer)	1	MR 4.1**
ARCH.	**Recycled Content**, 20% (post-consumer + ½ pre-consumer)	1	MR 4.2**
ARCH.	**Regional Materials**, 10% Extracted, Processed & Manufactured Regionally	1	MR 5.1**
ARCH.	**Regional Materials**, 20% Extracted, Processed & Manufactured Regionally	1	MR 5.2**
ARCH.	**Rapidly Renewable Materials**	1	MR 6**
ARCH.	**Certified Wood**	1	MR 7**

Indoor Environmental Quality — 15 Points Maximum

M.E.	**Minimum IAQ Performance**	Required	EQ P1**
LEED AP	**Environmental Tobacco Smoke** (ETS) **Control**	Required	EQ P2**
M.E.	**Outdoor Air Delivery Monitoring**	1	EQ 1**
M.E.	**Increased Ventilation**	1	EQ 2**
CONT.	**Construction IAQ Management Plan**, During Construction	1	*EQ 3.1***
CONT.	**Construction IAQ Management Plan**, Before Occupancy	1	EQ 3.2**
ARCH.	**Low-Emitting Materials**, Adhesives & Sealants	1	EQ 4.1**
ARCH.	**Low-Emitting Materials**, Paints & Coatings	1	EQ 4.2**
ARCH.	**Low-Emitting Materials**, Carpet Systems	1	EQ 4.3**

ARCH.	**Low-Emitting Materials**, Composite Wood & Agrifiber Products	1	EQ 4.4**
LEED AP	**Indoor Chemical & Pollutant Source Control**	1	EQ 5**
M.E.	**Controllability of Systems**, Lighting	1	EQ 6.1**
M.E.	**Controllability of Systems**, Thermal Comfort	1	EQ 6.2**
M.E.	**Thermal Comfort**, Design	1	EQ 7.1**
M.E.	**Thermal Comfort**, Verification	1	EQ 7.2**
ARCH.	**Daylight & Views**, Daylight 75% of Spaces	1	EQ 8.1**
ARCH.	**Daylight & Views**, Views for 90% of Spaces	1	EQ 8.2**

Innovation & Design Process — 5 Points Maximum

ALL PROFS.	**Innovation in Design**: Provide Specific Title	1	ID 1.1**
ALL PROFS.	**Innovation in Design**: Provide Specific Title	1	ID 1.2**
ALL PROFS.	**Innovation in Design**: Provide Specific Title	1	ID 1.3**
ALL PROFS.	**Innovation in Design**: Provide Specific Title	1	ID 1.4**
	LEED® Accredited Professional	1	ID 2**

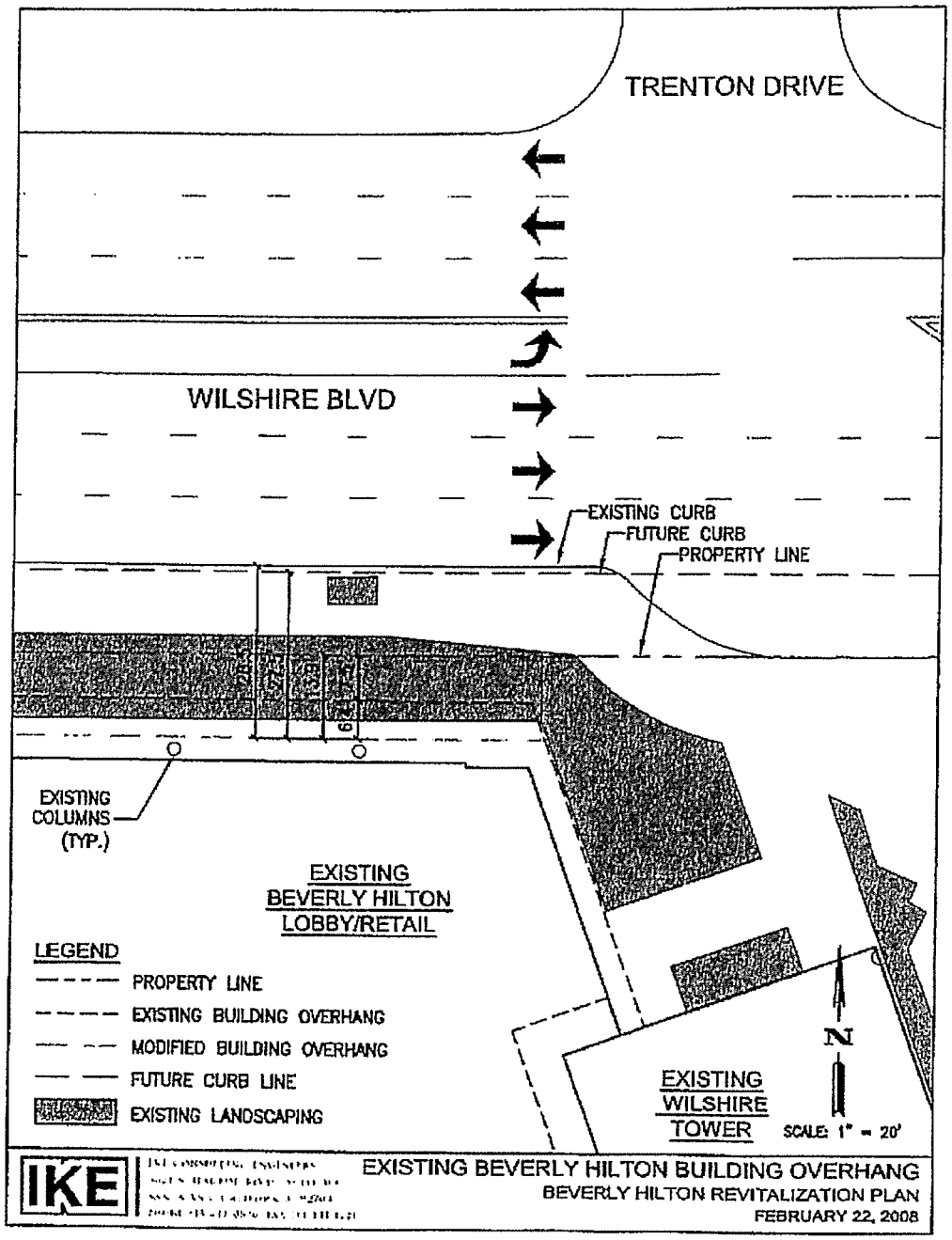
Project Totals (Pre-certification estimates) =

* Certified 26- 32 points; Silver 33 - 38 points; Gold 39 - 51 points; Platinum 52 - 69 points

** Refers to LEED Source Book for New Construction for Intent and Requirement of each category

Exhibit 5 to Conditions of Approval

Building Overhang Exhibit


TRENTON DRIVE
WILSHIRE BLVD
EXISTING CURB
FUTURE CURB
PROPERTY LINE
EXISTING COLUMNS (TYP.)
EXISTING BEVERLY HILTON LOBBY/RETAIL
LEGEND
PROPERTY LINE
EXISTING BUILDING OVERHANG
MODIFIED BUILDING OVERHANG
FUTURE CURB LINE
EXISTING LANDSCAPING
EXISTING WILSHIRE TOWER
N
SCALE: 1" = 20'
IKE
EXISTING BEVERLY HILTON BUILDING OVERHANG
BEVERLY HILTON REVITALIZATION PLAN
FEBRUARY 22, 2008

STAFF REPORT

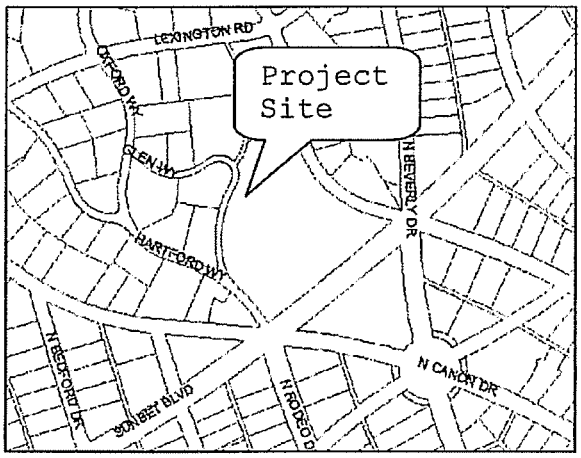
CITY OF BEVERLY HILLS

For the Planning Commission
Meeting of December 11, 2008

TO: The Planning Commission

FROM: Georgana Millican
Associate Planner

THROUGH: Jonathan Lait, AICP
City Planner



SUBJECT: A request for an amendment to the Beverly Hills Hotel Specific Plan to allow construction of two (2) one-story hotel bungalows with three hotel rooms each (total of six hotel rooms) and a new 8 ½ foot wall for the **Beverly Hills Hotel** located at **9641 Sunset Boulevard**.

RECOMMENDATION

Staff recommends the Planning Commission adopt the attached resolution recommending approval of the proposed amendment to the Beverly Hills Hotel Specific Plan to the City Council.

EXECUTIVE SUMMARY

The proposed project is a request for an Amendment to the Beverly Hills Hotel Specific Plan (attached) to allow construction of two (2) new one-story hotel bungalows with three hotel rooms each (a total of six hotel rooms) for the Beverly Hills Hotel located at 9641 Sunset Boulevard. With the additional six rooms, the total number of rooms would be 210, consistent with the Beverly Hills Hotel Specific Plan, which allows a maximum of 210 hotel rooms; however an Amendment is required for the construction of any new bungalows. As proposed, the bungalows would replace the two (2) existing tennis courts and the project would include replacement of the existing fence and tennis court screening on Glen Way with an 8 ½ foot wall and landscaped planters.

The Planning Commission is being asked to review the proposed Specific Plan Amendment for consistency with the adopted Beverly Hills Hotel Specific Plan and to then provide a written recommendation to the City Council. If the City Council determines that the proposed amendment is in the public interest, then the Council may amend the Specific Plan.

BACKGROUND

The Beverly Hills Hotel was designed in the Mission Revival Style and was built in 1912 prior to the incorporation of the City of Beverly Hills. The hotel is considered to be an important structure to the history of the City and was developed by the Rodeo Land and Water Company and has been a Southern California landmark ever since. It played a significant role in attracting tourists and residents to the area and originally catered to wealthy Easterners who typically stayed for several months to escape the winter cold of their native states and celebrities who stayed in the private bungalows. In addition, the hotel served as the social center of Beverly Hills.

Prior to 1992, the City did not have a specific set of regulations governing the Beverly Hills Hotel site. On August 11, 1992, the City adopted Resolution No. 92-R-8617, establishing the Beverly Hills Hotel Specific Plan which is intended to guide any further development of the hotel site and implement the City's General Plan which designates the area for luxury hotel and ancillary uses. If at any time in the future, the Beverly Hills Specific Plan Area is not used for hotel uses, then the area is to be used for single family residential purposes consistent with all requirements of the R-1.X zone. However, residential uses are not permitted within the Specific Plan Area unless all hotel uses within the Specific Plan Area are terminated and cease to exist.

On October 5, 1994, the City Council adopted Resolution No. 94-R-9035, amending various sections of the Specific Plan related to construction management, bonding and mitigation measures.

The Beverly Hills Hotel Specific Plan details development standards for the hotel including the number of rentable rooms, total square footage of function spaces and dining and bar area, number of parking spaces, location of parking, hotel character preservation requirements, and bungalow heights and square footages. The Specific Plan provides for minor modifications to the Beverly Hills Hotel to be reviewed by the Director of Community Development for compliance with the Specific Plan. However, all of the buildings, walls, fences, landscaping and open space are shown on diagrams that are referenced to and included as a part of the Specific Plan which also states that "Unless consistent with Diagrams 1 through 8 of this Specific Plan, no buildings, walls, fences or other structures shall be erected, expanded or altered." As proposed, the

bungalows would replace the two tennis courts on the property and the design includes a new 8 ½ foot high wall and landscape planters in place of the existing tennis court fences. Therefore, the Specific Plan and its associated Diagrams and Exhibits must be amended to show the removal of the existing tennis courts and associated structures and the new bungalow buildings.

GENERAL INFORMATION	
Applicant	Lee Silver
Project Owner	Sajatera, Inc., dba The Beverly Hills Hotel
Zoning District	Beverly Hills Hotel Specific Plan Area

PROJECT DESCRIPTION

The proposed project is the construction of two new bungalow buildings, each with three separately rentable rooms, for a total of six new hotel rooms. As proposed, each of the two bungalows would be one-story, with a height of twenty feet (20'), and approximately 3,200 square feet. The bungalows are proposed to replace two existing tennis courts located at the west corner of the main hotel building along Glen Way, one court above the loading dock and the other court is above the central plant. The design of the proposed bungalows is consistent with the design of the historic character defining features of the Beverly Hills Hotel including pink stucco clad walls, hipped roofs with clay tiles, and is compatible with the materials and features of the main hotel building and the existing bungalows.

The project also includes replacement of the existing tennis court fences and screening along Glen Way with a new 8 ½ foot wall with landscaped planters with projecting pilasters every twenty feet (20') to obscure the visibility of the new buildings from Glen Way and adjacent properties, a new twelve foot trellis and low raised planters to soften the distance between the main hotel building and the new bungalows. A landscape design for the new elements is consistent with the existing landscaping design, hardscape and plant materials of the hotel.

NEIGHBORHOOD SETTING

The site is located on the north side of the Sunset Boulevard between North Crescent Drive and Hartford Way/Glen Way in the single family residential district of the Hillside Area. The surrounding area is characterized by large single family residences both North and South of Sunset Boulevard and the Will Rogers Memorial Park across Sunset Boulevard, south of the project site.

As proposed, the bungalows are in keeping within the existing hotel design style and residential character of the area.

ANALYSIS AND FINDINGS

Beverly Hills Hotel Specific Plan Consistency

The applicant proposes an amendment to the existing Specific Plan to ensure internal consistencies with Specific Plan and the project.

Number of Rooms

The approved Specific Plan calls for a maximum of 210 separately rentable rooms while currently the hotel has 204 separately rentable rooms. With the proposed addition of the two bungalows, each with three separately rentable rooms, the number of hotel rooms will be consistent with the 210 rooms analyzed and accounted for in the Specific Plan. The total number of rooms therefore does not require a Specific Plan amendment.

Parking

The adopted Beverly Hills Hotel Specific Plan required a total of 692 parking spaces for the hotel. The parking required took into account a total build out of 210 guest rooms. The current proposal does not modify the number of parking spaces provided or required and with the proposed additional six guest rooms, the number of guest rooms at the hotel will be 210.

Total Square Footage of Bungalows

The Specific Plan states that the maximum cumulative square footage for all bungalows on the site shall remain substantially as it existed on July 1, 1992 and shall not exceed 40,617 square feet. Additionally, minor additions of up to 350 square feet per bungalow for a total cumulative square footage of additions of 4,500 square feet was permitted within the Specific Plan along with the conversion of the Octagon building to

a bungalow with a maximum square footage of 2,500 square feet (this building was converted and is referred to on the plans as bungalow #22). The total square footage of bungalows accounted for in the Specific Plan is 47,617 square feet.

The current proposal would add 6,400 square feet (3,200 square feet per bungalow) to the total cumulative bungalow square footage. This requires that the Specific Plan be amended to allow for a cumulative maximum square footage of 54,017 for the bungalows.

Height of Walls

The Specific Plan also limits the height of walls and fences within the Specific Plan Area to six feet. The current proposal calls for the replacement of the existing tennis court fence and screening with a new 8 ½ foot high stucco clad wall with landscaped planters. The landscape planters would be interrupted every 20 feet with pilasters that are reflective of the historic architecture of the hotel. The Applicant is requesting that the six foot maximum wall and fence heights in the Specific Plan be amended to allow the proposed new wall which is intended to provide screening and obscure the visibility of the new bungalows from Glen Way and adjacent properties. The proposed walls largely obscure the visibility of the bungalows from Glen Way and additionally the design of the walls and landscaping soften the appearance of the walls and bungalows as viewed by adjacent properties and from Glen Way and are consistent with the residential character of the area.

Hotel Character Preservation

The Specific Plan requires that all renovations and construction within the Specific Plan Area be designed to preserve and enhance the mission revival heritage and other design styles of the hotel and integrate the traditional design concepts of the Beverly Hills Hotel. In addition, all renovations shall meet the Secretary of the Interior's Standards for Rehabilitation as they existed on January 1, 1992.

Robert Chattel of Chattel Architecture Planning and Preservation, Inc., reviewed the proposed project to evaluate any potential historic resource impacts and for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings "Secretary's Standards" (report attached). The report states that it was determined that the existing tennis courts are neither old nor historic or character defining features of the hotel. The report also concludes that the proposal to construct the new bungalows with associated landscaping and walls conforms to the Secretary's Standards and the provisions of the Specific Plan and will not cause a substantial

adverse change in the significance of the historic resource or significant effect on the environment.

As proposed, the modifications to the Beverly Hills Hotel Specific Plan Area are not anticipated to materially alter the distribution, location or extent of the land uses set forth in the Specific Plan. The proposed removal of the tennis courts and replacement with the two new bungalows fulfills the intent of the Specific Plan to preserve the unique character of the Beverly Hills Hotel Specific Plan Area. Additionally the new bungalows and associated wall and landscaping is consistent with the residential character of the area and are designed to blend into the area. Therefore the proposed project and Specific Plan Amendment is not anticipated to adversely impact the surrounding neighborhoods.

Construction Management Plan

The Beverly Hills Specific Plan currently contains regulations related to construction that is long since completed and no longer applicable. Staff is recommending that this language be replaced with language requiring construction within the Specific Plan Area to be subject to a construction management plan subject to review and approval by the Building Official prior to the issuance of any building permits. In addition, any such construction would be subject to the submittal of a bond or other security to ensure that such construction is completed in accordance with the Specific Plan and any building permits issued.

Neighborhood Impact

The proposal would add two bungalow buildings to the existing hotel operations, for a total of six new rentable rooms. Although the roofs of the bungalows would be visible from the adjacent street (Glen Way), they are proposed to be screened with residential style landscaping and fencing to minimize any visual impacts. In addition, the visible portions of the roof would be compatible with and complimentary to the existing built environment.

Parking for the hotel is consistent with Specific Plan requirements and the proposed addition of two bungalows would not impact traffic or circulation in the area. The Specific Plan contains regulations for neighborhood protection during special events and prohibits hotel-related parking in residential areas. No changes to these requirements are proposed in conjunction with the proposed amendment. Should the amendment be approved, staff has proposed language to the Specific Plan to ensure that a construction management plan is submitted for review and approval to the City

prior to the issuance of any building permits to ensure that short term construction impacts to the residential neighborhood are minimized

There are no active or recent code enforcement cases involving the Beverly Hills Hotel and the proposed addition of the two bungalows is not expected to impact the neighboring residential properties in any way.

General Plan Consistency

The adopted General Plan of the City designates the area as a Specific Plan Area for a luxury hotel. Inasmuch as the project includes the addition of two new luxury bungalows, with a total of six new separately rentable rooms and associated walls and landscaping, it is consistent with the General Plan of the City of Beverly Hills.

PUBLIC NOTICE AND COMMENTS

The Project noticed 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 of the property. The notice of proposed project and public hearing was mailed on November 25, 2008, published in the *Beverly Hills Courier* on Friday, November 29, 2008 and published in the Beverly Hills Weekly on Thursday, December 4, 2008. As of this writing, staff has not received any comments regarding this notice.

The Applicant's held an open house at the Beverly Hills Hotel to present and answer questions regarding the proposal on November 19, 2008 at 7 p.m. A letter invitation was sent to all the neighbors on the radius map within 500 feet of the hotel. A total of six neighbors attended the meeting.

ENVIRONMENTAL DETERMINATION

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. Staff has determined that the proposed project qualifies for a Categorical Exemption (Sec. 15303 (c)), Class 3 "new construction or conversion of small structure" because the project is less than 10,000 square feet in size on a site zoned for this use and which is served by all necessary public services. Further, the areas surrounding the site are not environmentally sensitive, and the use will not use significant amounts of hazardous substances. Therefore, under the authority provided by the CEQA Guidelines, no significant environmental impacts are anticipated.

RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission adopt the resolution recommending approval of the Specific Plan Amendment by the City Council subject to the following conditions which are required by the Specific Plan:

1. The proposed project shall be in substantial conformance with the plans reviewed by the Planning Commission at the meeting of December 11, 2008.

2. The proposed project is subject to architectural review pursuant to the procedures set forth in Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code.

3. Prior to the issuance of any building or construction permits within the Specific Plan Area, a construction management plan shall be submitted for review and approval by the Building Official and the Director of the Public Works Department as appropriate.

4. Prior to or contemporaneously with the issuance of any building permits within the Specific Plan Area, the owner of the Beverly Hills Hotel shall provide the City with a bond, letter of credit or other security, in form and content satisfactory to the City Attorney and in an amount satisfactory to the Director of Community Development, to ensure that the exterior improvements to the Beverly Hills Hotel and the structural improvements necessary to support those exterior improvements, as well as all landscaping for the Specific Plan Area, shall be completed in accordance with the Specific Plan and any proposed building permits.

Georgana Millican
Associate Planner

Attachments:

A) Draft Resolution
B) Draft Amended Beverly Hills Hotel Specific Plan
C) Beverly Hills Hotel Specific Plan
D) Historic Report
E) Application

ATTACHMENT "A"

Draft Resolution

RESOLUTION NO. -R-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVE AN AMENDMENT TO THE BEVERLY HILLS HOTEL SPECIFIC PLAN

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

Section 1. In order to more comprehensively regulate the rehabilitation of the Beverly Hills Hotel, bungalows and grounds, and to allow for the construction of two new bungalow buildings, and in order to systematically implement the City of Beverly Hills General Plan, the City adopted the Beverly Hills Hotel Specific Plan on August 11, 1992 by Resolution No. 92-R-8617. The City Council subsequently approved an amendment to the Specific Plan on October 5, 1994, by Resolution No. 94-R-9035.

Section 2. Sajahtera, Inc., dba Beverly Hills Hotel, has applied for an Amendment to the Beverly Hills Hotel Specific Plan to allow for the construction of two new bungalow buildings, each with three separately rentable rooms, for a total of six new hotel rooms. Each of the two bungalows is one-story, with a maximum height of twenty feet (20'), and contains approximately 3,200 square feet. The proposed bungalow buildings would replace the existing tennis courts, and fences and screening along Glen Way would be provided with a new 8 ½ foot wall with landscaped planters.

Section 3. On December 11,2008, the Planning Commission held a duly notice public hearing to consider the requested Specific Plan Amendment. The Planning Commission

took testimony, and considered the staff report, public testimony during its deliberation of the proposal.

Section 4. This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.*("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. The proposed project qualifies for a Categorical Exemption (Sec. 15303 (c)), Class 3 "new construction or conversion of small structure" because the project is less than 10,000 square feet in size on a site zoned for this use and which is served by all necessary public services. Further, the areas surrounding the site are not environmentally sensitive, and the use will not use significant amounts of hazardous substances. Therefore, under the authority provided by CEQA, no significant environmental impacts are anticipated and the project is exempt from further review. The Planning Commission therefore recommends that the City Council determine that the project is exempt from CEQA for the foregoing reasons.

Section 5. The General Plan Land Use Plan of the City of Beverly Hills designates the property as a Specific Plan for a luxury hotel. Inasmuch as the project includes the addition of two new luxury bungalows, with a total of six new separately rentable rooms and associated walls and landscaping, it is consistent with the General Plan of the City of Beverly Hills.

Section 6. The Planning Commission recommends that the City Council adopt a resolution amending the Beverly Hills Hotel Specific Plan with revisions as shown in the redlined Specific Plan attached hereto as Exhibit "A," and incorporated herein by reference.

Section 7. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Kathy Reims,
Chair of the Planning Commission
of the City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
City Planner

ATTACHMENT "B"

Draft Amended Beverly Hills Specific Plan

Beverly Hills Hotel Specific Plan

As amended Date, 2009

INTRODUCTION

Since 1912, before the incorporation of the City of Beverly Hills, the Beverly Hills Hotel and its grounds have occupied their current location. Commissioned by Burton Green and Margaret J. Anderson, the Beverly Hills Hotel and the Hotel Specific Plan Area have grown with the City and function as symbols of the City and its beginnings. In addition, the Hotel and the Specific Plan Area are located in a unique portion of the City. Unlike any other hotel area of the City, the Beverly Hills Hotel Specific Plan Area is surrounded by residential uses and was built to attract those uses. However, before the adoption of this Specific Plan, the City has never enacted a set of comprehensive regulations to address this unique area of the City.

This Specific Plan was adopted by resolution of the City Council on August 11, 1992 ~~will~~ to guide the further development of the Specific Plan Area and will systematically implement the City's General Plan. In order to systematically implement the General Plan, the Specific Plan will authorize the development and use of the Specific Plan Area in substantial compliance with the requirements of the Plan, including the diagrams and exhibits contained in the Plan.

The Specific Plan was amended on October 5, 1994 by City Council Resolution No. 94-R-9035 to revise certain construction management and bonding issues.

The Specific Plan was amended a second time in 2009, to allow for two new bungalows, identified as Bungalow 23 and Bungalow 24 in the location of the former tennis courts, which were removed as part of the project. Where-ever diagrams, exhibits and footnotes are referred to in this document, the references shall be inclusive of Figures 1-11, associated with Bungalows 23 and 24 and where any references are made to tennis courts in this Specific Plan, those references shall be construed to mean where modified in the tennis court areas by the new Figures 1-11. In the event that Bungalows 23 and/or 24 are removed, the regulations pertaining to the tennis courts remain. The second amendment also removed construction management language that related to specific construction already completed and replaced it with language requiring a construction management plan and bonding for prior to the issuance of any building permits within the Specific Plan Area.

RELATIONSHIP TO GENERAL PLAN

The location of the Specific Plan Area is shown on the map set forth as Exhibit A to this Specific Plan.

The General Plan provides that the Beverly Hills Hotel Specific Plan Area may be governed by this Specific Plan and used for hotel purposes. This Specific Plan is designed to

ensure that the Beverly Hills Hotel Specific Plan Area is developed with the hotel uses designated in the General Plan and that such development will fulfill the General Plan development goals, objectives and policies.

Consistent with the goals, objectives and policies of the City of Beverly Hills General Plan, if the Beverly Hills Hotel Specific Plan Area is not used for hotel purposes, then the Specific Plan Area shall be used only for single family residential purposes. All residential development shall be consistent with the requirements of the R-1.X Zone.

Development of the Specific Plan Area, as specifically conditioned by this Specific Plan and in substantial accordance with the plans set forth in the diagrams and exhibits incorporated as part of this Specific Plan, would be consistent with the General Plan and would meet all of the policy goals and requirements set forth in both the General Plan and this Specific Plan.

DISTRIBUTION, LOCATION, AND EXTENT OF USES OF LAND

The uses allowed in the Specific Plan Area shall be limited to a luxury hotel and ancillary uses, or single family uses as provided below. Ancillary luxury hotel uses may include without limitation, lobbies, function and pre-function spaces, restaurants, bars, fitness centers, pools and spas, game courts, parking, and central power, heating facilities and air conditioning facilities.

The location and distribution of buildings, walls, fences and open space, including building levels located below grade, shall be substantially as shown on Diagrams 1 through 8 of this Specific Plan. Within the open space, the location, distribution and type of landscaping shall be substantially as shown on Diagram 9 of this Specific Plan, as further defined by Exhibit B of this Specific Plan, the Landscaping Conservation Study. Unless consistent with Diagrams 1 through 8 of this Specific Plan, no buildings, walls, fences or other structures shall be erected, expanded or altered.

In order to preserve the character of the Beverly Hills Hotel Specific Plan Area in a manner that is consistent with its history as a luxury hotel and grounds rather than a convention or retail center, the function spaces shall not exceed a total floor area of 15,800 square feet distributed over 3 function rooms. In addition, the total floor area devoted to retail uses within the Specific Plan Area shall not exceed 5,408 square feet and the total dining and bar area devoted to restaurant and bar uses shall not exceed 10,140 square feet. Finally, the total number of separately rentable rooms within the Specific Plan Area shall not exceed 210.

Also in order to preserve the character of the Beverly Hills Hotel Specific Plan Area in a manner that is consistent with its history as a luxury hotel and grounds, and to ensure that all subsequent owners are made aware of the requirements of this Specific Plan, the owner of the Beverly Hills Hotel shall enter into a covenant and agreement with the City, in form and content satisfactory to the Beverly Hills City Attorney, accepting the provisions of this Specific Plan and notifying subsequent property owners of its existence. The owner of the Beverly Hills Hotel shall also enter into a lot tie agreement with the City of Beverly Hills, in form and content satisfactory to the Beverly Hills City Attorney, to hold all of the lots located in the Specific Plan

Area together as a single parcel. Both the agreement accepting the Specific Plan provisions and the lot tie agreement shall be recorded with the Los Angeles County Recorder before issuance of any building permit or other permit to engage in construction operations that would bring the Specific Plan Area, as it existed on January 1, 1992, into conformity with this Specific Plan. Furthermore, although the lot tie agreement will require that the owner of the property in the Specific Plan Area must hold all of the lots as a single parcel, that agreement shall also provide that during the term of the agreement the owner of the property shall not be prohibited from resubdividing the lots in accordance with the ordinances, procedures and policies in effect at the time of subdivision. In addition, if at any time after recordation of the lot tie agreement the City approves a final map of such resubdivision or if this Specific Plan is no longer in effect, then the lot tie agreement shall automatically terminate and the City shall record a document certifying such termination. Except as stated above, the lot tie agreement shall not be terminated or modified except upon written agreement between the property owner or owners and the City.

Notwithstanding any other provision of this Specific Plan, if the Beverly Hills Hotel Specific Plan Area is no longer used for hotel purposes, then the Specific Plan Area shall be used only for single family residential purposes. Residential uses shall not be permitted within the Specific Plan Area unless all hotel uses within the Specific Plan Area are terminated and cease to exist. All residential development shall be consistent with the requirements of the R-1.X Zone.

DISTRIBUTION LOCATION AND EXTENT OF ESSENTIAL FACILITIES

Due to the long history of hotel uses within the Beverly Hills Hotel Specific Plan Area, the land uses within the Specific Plan Area are currently supported with adequate sewage, water, drainage, solid waste disposal, energy and other essential facilities. As limited in size and intensity of use by this Specific Plan, the land uses within the Specific Plan Area will not require new or additional sewage, water, solid waste disposal, energy, or other essential facilities within the Specific Plan Area. However, all utility construction, connections and maintenance shall conform to the provisions of the Beverly Hills Municipal Code.

Additional drainage facilities for the Specific Plan Area shall be provided only to the extent necessary to channel surface water into the existing storm drainage system. The drainage for the Beverly Hills Hotel Specific Plan Area shall be constructed substantially as shown on Diagram 10 of this Specific Plan. No additional drainage facilities shall be required to be constructed within the Specific Plan Area to support the Specific Plan Area.

Private transportation facilities including, but not limited to, driveways and parking facilities shall be constructed to support the land uses within the Specific Plan Area and to minimize the parking and traffic impacts on surrounding neighborhoods. In order to implement these goals, the requirements of this Specific Plan, including the specific measures set forth in the following five paragraphs, will ensure that the land uses described in the Plan are adequately supported by private transportation facilities.

The primary vehicle entrance to the specific Plan Area shall be from Crescent Drive. The primary vehicle exit from the Specific Plan Area shall be onto Hartford Way. All vehicle entrances and exits shall be constructed substantially as shown on Diagram 1 of this

Specific Plan and as shown in more detail on Diagrams 11, 12, 15, 16, and 17 of this Specific Plan. Furthermore, in order to better integrate traffic exiting the Hotel with traffic along Hartford Way, the Beverly Hills Director of Transportation may require additional modifications to the primary vehicle exit which are not inconsistent with these diagrams. For example, the Director may require, but shall not be limited to requiring, specific striping of the exit driveway or specific signage restricting vehicle turns. If the Director requires additional modifications, the modifications shall be implemented at the expense of the owner of the Beverly Hills Hotel.

All parking required to support the land uses within the Specific Plan Area shall be provided within the Specific Plan Area. Nineteen (19) self parking spaces shall be dedicated to patrons of the Hotel and Bungalows along the primary exit driveway, substantially as shown on Diagram 1 of the Specific Plan. The remaining twenty-four (24) parking spaces along the entrance and exit driveway, substantially as shown on Diagram 1, shall be dedicated to patron parking and shall not be available to commercial car rental businesses or other uses.

No valet parking for uses within the Specific Plan Area shall be permitted outside of the Specific Plan Area. All persons who work within the Specific Plan Area shall be provided free parking within the Specific Plan Area. However, if parking demand for uses in the Specific Plan Area is anticipated to exceed the parking capacity within the Specific Plan Area at any time or times, then the owner of the Beverly Hills Hotel shall provide free parking for Beverly Hills Hotel employees in Beverly Hills city-owned parking lots, or if the employees cannot be accommodated in such lots, then free parking shall be provided in a different lot, satisfactory to the Beverly Hills Director of Transportation, sufficient to permit all patrons of the Hotel to park, or be parked, within the Specific Plan Area. The owner of the Hotel shall also provide free transportation for employees between such employee parking lots and the Specific Plan Area.

The Owner of the Hotel shall direct employees to refrain from using street parking while working at the Hotel. Furthermore, upon request of the Director of Transportation, and in order to assist the City in monitoring employee street parking, the Owner shall provide the City with the license plate numbers of all vehicles regularly used by employees of the Hotel.

Buses which load or unload persons in the Specific Plan Area shall be directed by the owner of the Hotel to park, and shall park, in the areas specifically designated for the buses on Diagram No. 7 of this Specific Plan.

As limited in size and intensity by this Specific Plan, and provided that employee parking is provided as described above in this Plan, the Specific Plan Area land uses shall be adequately supported by 692 parking spaces that shall be constructed substantially as shown on Diagrams 11 through 17 of this Specific Plan.

As limited in size and intensity by this Specific Plan, the land uses described in the Specific Plan will not need to be supported by new or additional major components of public transportation facilities located within the Specific Plan Area. With regard to existing public transportation facilities, the owner of the Beverly Hills Hotel shall maintain the public transportation shelter located on Sunset Boulevard adjacent to the Specific Plan Area in good and clean condition and repair, satisfactory to the Director of Planning and Community

Development. In addition, the owner of the hotel shall provide and maintain adequate lighting for that shelter, satisfactory to the Director of Planning and Community Development. However, this duty to maintain the transportation shelter and lighting shall continue only as long as that shelter is served by public transportation vehicles.

DEVELOPMENT STANDARDS, CRITERIA, AND REGULATIONS

The development standards and criteria described in this Specific Plan have been designed to preserve the unique hotel character of the Beverly Hills Hotel Specific Plan Area along with the residential character of the surrounding neighborhoods.

A. Hotel Character Preservation.

The design of all renovations to the Beverly Hills Hotel will identify, preserve and retain the form and detailing of those architectural materials and features that are important in defining the character of the Hotel and the Specific Plan Area. All renovations shall meet the Secretary of the Interior's Standards for Rehabilitation as they existed on January 1, 1992. In addition, all renovations and construction shall be designed to preserve and enhance the mission revival heritage and other design styles of the original hotel. Renovation and construction will integrate the traditional design concepts of the Beverly Hills Hotel and preserve those design concepts.

All renovations shall also preserve and enhance the garden-resort atmosphere of the Beverly Hills Hotel.

In order to achieve these goals, all renovations shall comply with the development requirements set forth in the following paragraphs.

As shown in Diagram 18, all renovations shall retain and preserve the bell towers at the main entry and the basic forms of the southern and eastern elevations of the main building substantially as those elements are shown in Diagram 20. The basic forms of the northern elevation of the main building shall also be retained as shown on Diagram 18. In addition, all renovations shall retain and preserve the appearance of the entry drive from Crescent Drive as shown in Exhibit C, and the Beverly Hills Hotel sign as shown in Exhibit D.

All renovations shall retain and repair, or, where required, replace with compatible or like kind material, the Hotel's pink stucco and its tile roofs, as shown in Exhibit E.

Construction of any new portions of the Hotel shall use the same character defining finishes that have been traditionally used in the Hotel, as shown in Exhibit E.

The appearances of the character defining elements of the Polo Lounge and the coffee shop shall be retained in substantially the same form as they appeared in 1991 and as documented in Exhibit F.

The facade of the Beverly Hills Hotel shall be preserved to the extent feasible.

The unobstructed line of sight between Crescent Drive and the Beverly Hills Hotel Bungalows shall be preserved in substantially the same form as it existed on July 1, 1992 as documented in Exhibit G.

B. Height and Bungalow Area.

The height of the major elements of the primary Beverly Hills Hotel building shall be no higher than shown on Diagram 18.

Hotel Bungalows shall be limited to substantially those locations shown on Diagram 1 of this Specific Plan. In addition, the maximum height of each bungalow shall be limited to the height at the time of the adoption of this Specific Plan, and the profiles of the bungalows shall be generally as shown on Diagram 19 of this Specific Plan. The maximum height of each bungalow at the time of adoption of this Specific Plan is listed below.

Bungalow	1 - 20 feet, 0 inches
Bungalow	2 - 14 feet, 6 inches
Bungalow	3 - 22 feet, 6 inches
Bungalow	4 – 17 feet, 0 inches
Bungalow	5 – 17 feet, 0 inches
Bungalow	6 – 19 feet, 6 inches
Bungalow	7 – 16 feet, 6 inches
Bungalow	8 – 16 feet, 0 inches
Bungalow	9 – 24 feet, 0 inches
Bungalow	10 – 22 feet, 0 inches
Bungalow	11/12 – 43 feet, 7 inches
Bungalow	14/17 – 35 feet, 4 inches
Bungalow	18/21 – 35 feet, 3 inches

Further two additional bungalows (individually, "Bungalow 23" and "Bungalow 24", and collectively, the "Additional Bungalows") may be constructed in the location occupied by the two (2) tennis courts located within the Specific Plan Area. The location of Bungalow 23 and Bungalow 24 shall be substantially as shown on Figure 1 attached hereto.

Each of the Additional Bungalows shall contain (1) a maximum of 3,200 square feet, and (2) not more than three separately rentable rooms. The total number of separately rentable rooms within the Specific Plan Area shall in no event exceed the 210 separately rentable rooms permitted under the Specific Plan. Parking for the Additional Bungalows is provided by the 692 parking spaces required by the Specific Plan, the location of which is shown on Figure 2 attached hereto.

Bungalow 23 shall be constructed substantially as shown in Figures 3 and 5 attached hereto, and Bungalow 24 shall be constructed substantially as shown on Figures 4 and 5 attached hereto. Each of the Additional shall be one-story. Figure 5 attached hereto illustrate the height of Bungalow 23 and Bungalow 24. As shown on Figure 5, the height of each of the Additional Bungalows, as measured from the concrete deck of the existing tennis court, shall be 21 feet.

The location, distribution, and type of landscaping, plant material and hardscape installed in connection with the construction of the Additional Bungalows shall be substantially as shown on Figures 6, 7, and 8 attached hereto, and shall include replacement of the existing fence and tennis court screening on Glen Way with an 8 ½ foot wall with landscaped planters and other features, substantially as shown on Figures 9, 10 and 11 attached hereto.

The maximum cumulative square footage for all bungalows ~~shall remain substantially as it existed on July 1, 1992 and therefore~~ shall not substantially exceed ~~40,617~~ 49,517 square feet except that the Director of ~~Planning and~~ Community Development may approve additions of not more than 350 square feet to each existing bungalow if such additions meet the requirements of this Specific Plan and the cumulative square footage of all additions does not exceed 4,500 square feet. ~~In addition, the Director of Planning and Community Development may approve conversion of the Octagon building to a bungalow that does not substantially exceed 2,500 square feet in area.~~

Wall and fence heights in the Specific Plan Area shall be limited to six feet except for areas where the wall height is identified as 8.5 feet in the Specific Plan~~.~~ However, this wall height restriction shall not prohibit the erection of temporary construction barricades which do not comply with these restrictions.

C. Architectural Review

Construction within the Beverly Hills Hotel Specific Plan Area shall be subject to architectural review pursuant to the procedure set forth in Article 30 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code.

D. Construction Regulations

Prior to the issuance of any building or construction permits within the Specific Plan Area, a construction management plan shall be submitted for review and approval by the Building Official and the Director of the Public Works Department as appropriate. ~~Construction and landscaping operations for the reconstruction and landscaping of the Beverly Hills Hotel and grounds, which are necessary to bring the Specific Plan Area, as it existed on January 1, 1992, into conformity with this Specific Plan, (such construction and landscaping operations are hereafter referred to as the "Initial Specific Plan Construction"), shall substantially conform to the schedule contained in the Construction Phasing Plan set forth as Exhibit H, subject to delays beyond the control of the owner of the Beverly Hills Hotel. The Initial Specific Plan Construction shall also conform to the measures contained in the document entitled "Mitigation Measures for Renovation of The Beverly Hills Hotel & Bungalows," set forth as Exhibit I. Furthermore, no Initial Specific Plan Construction on the Hotel bungalows shall occur concurrently with the remainder of the Initial Specific Plan Construction and no more than two Hotel bungalows shall be under construction or renovation at any one time.~~

Prior to or contemporaneously with the issuance of any building permits within the Specific Plan Area, ~~undertaking any Initial Specific Plan Construction,~~ the owner of the Beverly Hills Hotel shall provide the City with a bond, letter of credit or other security, in form and content satisfactory to the City Attorney and in an amount satisfactory to the Director of Building and Safety, to ensure that the exterior improvements to the Beverly Hills Hotel and the structural improvements necessary to support those exterior improvements, as well as all landscaping for the Specific Plan Area, shall be completed in accordance with the Specific Plan and any proposed building permits. ~~issued for the Initial Specific Plan Construction. Additionally, before completion of the landscaping required as part of the Initial Specific Plan Construction and before any temporary or permanent occupancy of the Hotel following any Initial Specific Plan Construction, the owner of the Beverly Hills Hotel shall provide the City with a maintenance bond or other security in form and content satisfactory to the City Attorney and in an amount satisfactory to the Director of Public Works, to ensure maintenance of the exterior improvements and landscaping within the Specific Plan Area, as provided in this Specific Plan, for a period of three years after completion of the Initial Specific Plan Construction. The owner of the Beverly Hills Hotel shall provide sufficient evidence to the City prior to the issuance of any building permits for the project that the owner has the financial capability to satisfactorily complete the Initial Specific Plan Construction.~~

E. Operational Standards.

1. Recreational Facilities.

All fitness centers, game courts other than tennis courts, and other recreational facilities shall be limited to guests who are renting hotel guest rooms in the Specific Plan Area. The area of all fitness centers shall not substantially exceed 1,168 square feet. The tennis courts shall be used only between the hours of 7 a.m. and 10 p.m.

2. Resource Conservation, Development and Utilization.

Development within the Specific Plan Area shall be designed and operated to conserve energy as required by local utility and other agencies with jurisdiction over the Beverly Hills Hotel Specific Plan Area. All development within the Specific Plan Area shall comply with Title 24 of the California Code of Regulations concerning energy conservation standards.

Air conditioning systems will include an outdoor air economizer cycle to obtain free cooling during cold outdoor climactic periods.

Automatic irrigation systems shall be set to irrigate during appropriate hours to minimize water loss due to evaporation or misdirected water flow.

To the extent authorized by law and the City of Beverly Hills, all development within the Beverly Hills Hotel Specific Plan Area shall include commercial sized compactors to reduce the volume of solid waste generated by the development.

Development within the Beverly Hills Hotel Specific Plan Area shall participate in applicable City programs designed to reduce solid waste and solid waste disposal. To the extent that it would be consistent with City solid waste reduction and recycling programs, all development within the Specific Plan Area shall employ trash removal services which recycle solid waste.

Access to existing and future public transportation systems, transit stops and pedestrian walkway systems which serve the Beverly Hills Hotel Specific Plan Area shall be incorporated into all development within the Specific Plan Area.

The owners and operators of development within the Specific Plan Area shall implement a Transportation Demand Management Program that conforms to South Coast Air Quality Management District Regulation XV or its successor.

Air filtration systems shall be designed into all development within the Beverly Hills Hotel Specific Plan Area to reduce any adverse air quality impacts on hotel employees and guests.

The design of development within the Specific Plan Area shall preserve the garden quality of the Specific Plan Area and its surroundings. In order to augment the limited landscaping buffer within the Specific Plan Area along Sunset Boulevard, the owner of the Beverly Hills Hotel shall, at the option of the City of Beverly Hills, plant and maintain, or finance the planting and maintenance of, landscaping, including seasonal flowers, in the median and parkway along Sunset Boulevard adjacent to the Specific Plan Area. Such landscaping shall complement the landscaping within the Specific Plan Area along Sunset Boulevard. If the City chooses to require the owner of the Hotel to provide, or finance the provision of, the landscaping, then before commencement of the Initial Specific Plan Construction, the owner of the Beverly Hills Hotel shall enter into a covenant and agreement with the City of Beverly Hills, in form and content satisfactory to the City, which will obligate the owner to design, plant and maintain or, at the City's discretion, provide funds for the design, planting and maintenance of the median and parkway landscaping, to the satisfaction of the City.

The owner of the Beverly Hills Hotel shall protect all existing street trees adjacent to the Specific Plan Area during the Initial Specific Plan Construction. No street trees, including those trees designated on any Diagrams or other preliminary plans, shall be removed and/or relocated except in compliance with all ordinances and regulations of the City of Beverly Hills and with approval from the Director of Recreation and Parks and the Director of Public Works. 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 regrowth of any relocated or replaced street trees. The security amount will be determined by the Director of Public Works, and shall be in a form approved by the City Attorney.

Operation of the development within the Specific Plan Area shall comply with the "Operation" section of the document entitled "Mitigation Measures for Renovation of the Beverly Hills Hotel and Bungalows" set forth as Exhibit I.

3. Light and Glare.

With the exception of Hotel identification signage approved by the City of Beverly Hills Architectural Commission, all outdoor lighting shall be appropriately shielded so that no significant direct lighting may be viewed from any location outside of the Beverly Hills Hotel Specific Plan Area.

All lighting shall be shielded so that there is no spillage onto properties outside of the Beverly Hills Hotel Specific Plan Area.

4. Loading Areas.

The hours of operation of the loading area shall be restricted to the hours between 7:00 a.m. and 5:00 p.m. except as otherwise necessary in order to comply with the requirements of the South Coast Air Quality Management District or other governmental agency.

The doors enclosing the loading areas shall be opaque, decorative in nature, and compatible in design with the surrounding residential neighborhood, to the satisfaction of the Beverly Hills Architectural Commission. The operation of the doors in combination with the operation of the Hotel shall not cause the ambient noise level at the boundary of the Specific Plan Area to increase more than five decibels.

F. Fire Safety.

At the time that any renovation is performed on any building within the Specific Plan Area, an automatic fire extinguishing system, satisfactory to the Fire Chief, shall be installed in that building. In addition, a fire department phone system shall be provided in the underground parking garage located within the Specific Plan Area.

IMPLEMENTATION PROGPAM

A. Financing.

Development of the Beverly Hills Hotel Specific Plan Area will be financed by private initiative and will not require public assistance.

B. Programs and Regulations.

In order to ensure that this Specific Plan will be implemented and that development will be consistent with the regulations set forth in this Specific Plan, the Initial Specific Plan Construction will be monitored pursuant to the mitigation monitoring program for renovation of The Beverly Hills Hotel and Bungalows set forth as Exhibit J to this Specific Plan. This monitoring program includes the creation of a hotel/neighborhood construction liaison committee, the establishment, at the expense of the owner of the Beverly Hills Hotel, of a 24-hour telephone line for complaints regarding violations of this Specific Plan, and the creation of a city staff monitor who, at the expense of the owner of the Beverly Hills Hotel, will be responsible for ensuring the implementation of this plan.

In addition, in connection with the Initial Specific Plan Construction, the City shall also engage, at the Hotel owner's expense, a professional historic preservation consultant to monitor compliance with the character preservation measures required by this Specific Plan.

Before any permits are issued for the Initial Specific Plan Construction, a historic preservation consultant, under the direction of the City, but at the Hotel owner's expense, shall fully document the state of the Hotel as required in the "Preservation" section of the "Mitigation Measures for Renovation of the Beverly Hills Hotel & Bungalows," set forth as Exhibit I.

Finally, the developer of the Initial Specific Plan Construction shall be advised by a preservation consulting group consisting of representatives from the local and regional preservation and architectural communities, including at least one resident of the City of Beverly Hills appointed by the City Council who has professional training or experience in the area of architecture, historic preservation, planning or design. This group shall be advisory only and shall aid the developer with decisions regarding the preferred methods of preserving the character of the Beverly Hills Hotel consistent with the requirements of this Specific Plan.

Any reconstruction or development within the Specific Plan Area which occurs after the Initial Specific Plan Construction shall be monitored pursuant to a written monitoring plan satisfactory to the Director of Planning and Community Development. The monitoring plan shall ensure that such reconstruction or development will be completed in accordance with the requirements of this Specific Plan.

C. Public Works Projects.

The following small public works projects will be implemented before occupancy of the Initial Specific Plan Construction, and shall be constructed at the expense of the developer of the Initial Specific Plan Construction.

Defective or damaged sidewalks, curbs, gutters, streets and alleys surrounding the Specific Plan Area shall be removed and reconstructed to the satisfaction of the City Engineer.

Curb ramps to aid physically challenged pedestrians shall be constructed at roadway crossings in compliance with California and Beverly Hills specifications.

At the intersections of Sunset Boulevard with Crescent Drive and Sunset Boulevard with Hartford Way, traffic signals shall be upgraded to demand activated controllers as required to meet the demands of the Specific Plan Area, as developed or reconstructed, to the satisfaction of the City's Director of Transportation.

In addition to the above-listed public works projects, if the City restripes Hartford Way in anticipation of, or in response to, occupancy of the Initial Specific Plan Construction, then the owners of the Beverly Hills Hotel shall reimburse the City for the cost of such restriping.

Before occupancy of the Initial Specific Plan Construction, those traffic and parking measures contained in the "Traffic and Parking" section of the "Mitigation Measures for Renovation of the Beverly Hills Hotel & Bungalows," set forth as Exhibit I, shall be implemented.

D. Architectural, Landscaping and Other Modifications to Drawings.

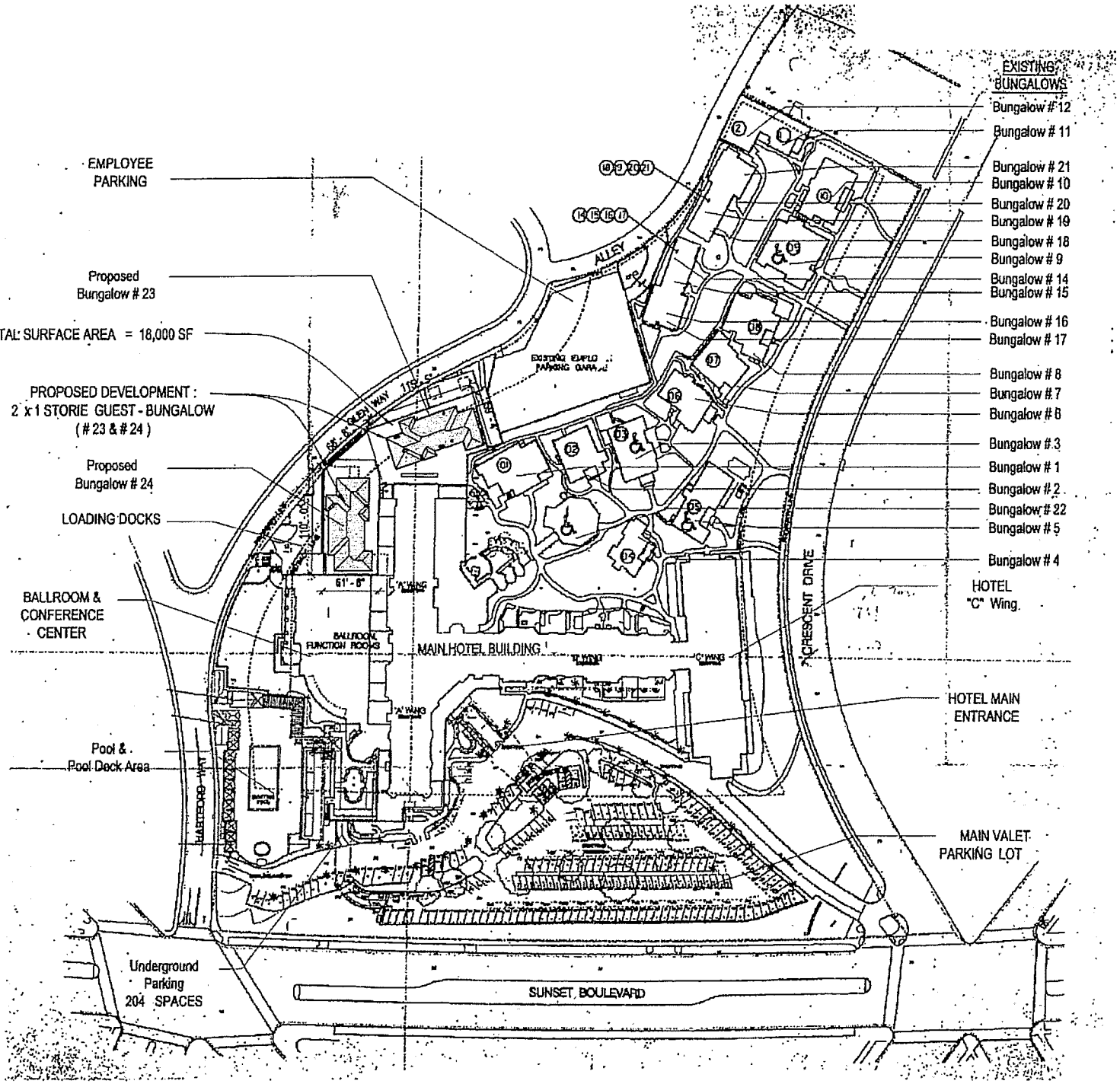
Modifications to the architectural designs, landscaping designs and materials, and auxiliary uses shown on the diagrams contained in this Specific Plan may be approved by the Planning Commission pursuant to the procedure set forth in the Beverly Hills Municipal Code for issuing a conditional use permit. The Planning Commission may approve such modifications if the Commission determines that the modifications do not materially alter the distribution, location and extent of the uses of land as set forth in this Specific Plan and the modifications fulfill the intent of the Specific Plan to preserve the unique character of the Beverly Hills Hotel Specific Plan Area while not adversely impacting the residential character of the surrounding neighborhoods.

In addition to modifications approved by the Planning Commission as described above, insubstantial modifications to the diagrams, plans, construction schedules and landscaping set forth in this Specific Plan may be approved by the Director of Planning and Community Development. Such insubstantial modifications may include, without limitation, small changes to building footprints, the substitution of like types of plant species in the landscaping plan, or minor changes to building elevations.

E. Development Authorization Process.

Development within the Specific Plan Area shall be governed by the zoning requirements set forth in Title 10, Chapter 3, Article 15.5 of the Beverly Hills Municipal Code. That Article requires that all development within the Beverly Hills Hotel Specific Plan Area be consistent with the Beverly Hills Hotel Specific Plan.

Pursuant to Article 15.5, all development within the Specific Plan Area shall be reviewed by the Director of Planning and Community Development for compliance with this Specific Plan. The Director shall have the authority to impose any conditions on such development that are not inconsistent with the Beverly Hills Hotel Specific Plan and that are necessary to ensure compliance with the Beverly Hills Hotel Specific Plan.



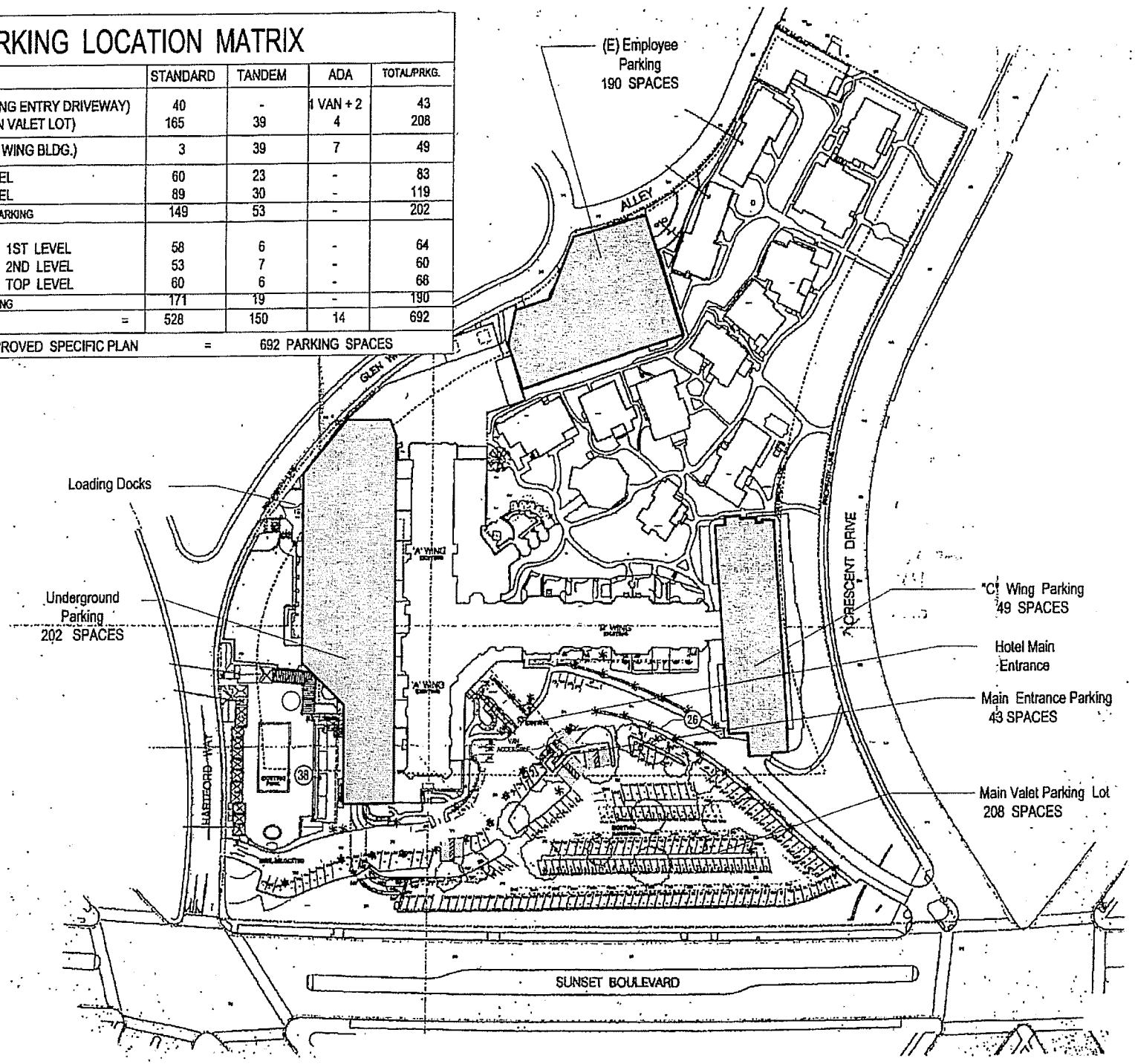
Beverly Hills Hotel **Beverly Hills, CA**

Figure-1

05 6198 000 | New Bungalows - Site Location Plan | 0 1/2 1 5 10 | September 26, 2008 | Gensler

PARKING LOCATION MATRIX

LOCATION	STANDARD	TANDEM	ADA	TOTAL/PRKG.
GROUND LEVEL (ALONG ENTRY DRIVEWAY)	40	-	1 VAN + 2	43
GROUND LEVEL (MAIN VALET LOT)	165	39	4	208
GROUND LEVEL ("C" - WING BLDG.)	3	39	7	49
B-3 PARKING LEVEL	60	23	-	83
B-4 PARKING LEVEL	89	30	-	119
TOTAL UNDERGROUND PARKING	149	53	-	202
EMPLOYEE PARKING 1ST LEVEL	58	6	-	64
EMPLOYEE PARKING 2ND LEVEL	53	7	-	60
EMPLOYEE PARKING TOP LEVEL	60	6	-	66
TOTAL EMPLOYEE PARKING	171	19	-	190
SUB - TOTAL =	528	150	14	692
TOTAL AS PER APPROVED SPECIFIC PLAN = 692 PARKING SPACES				



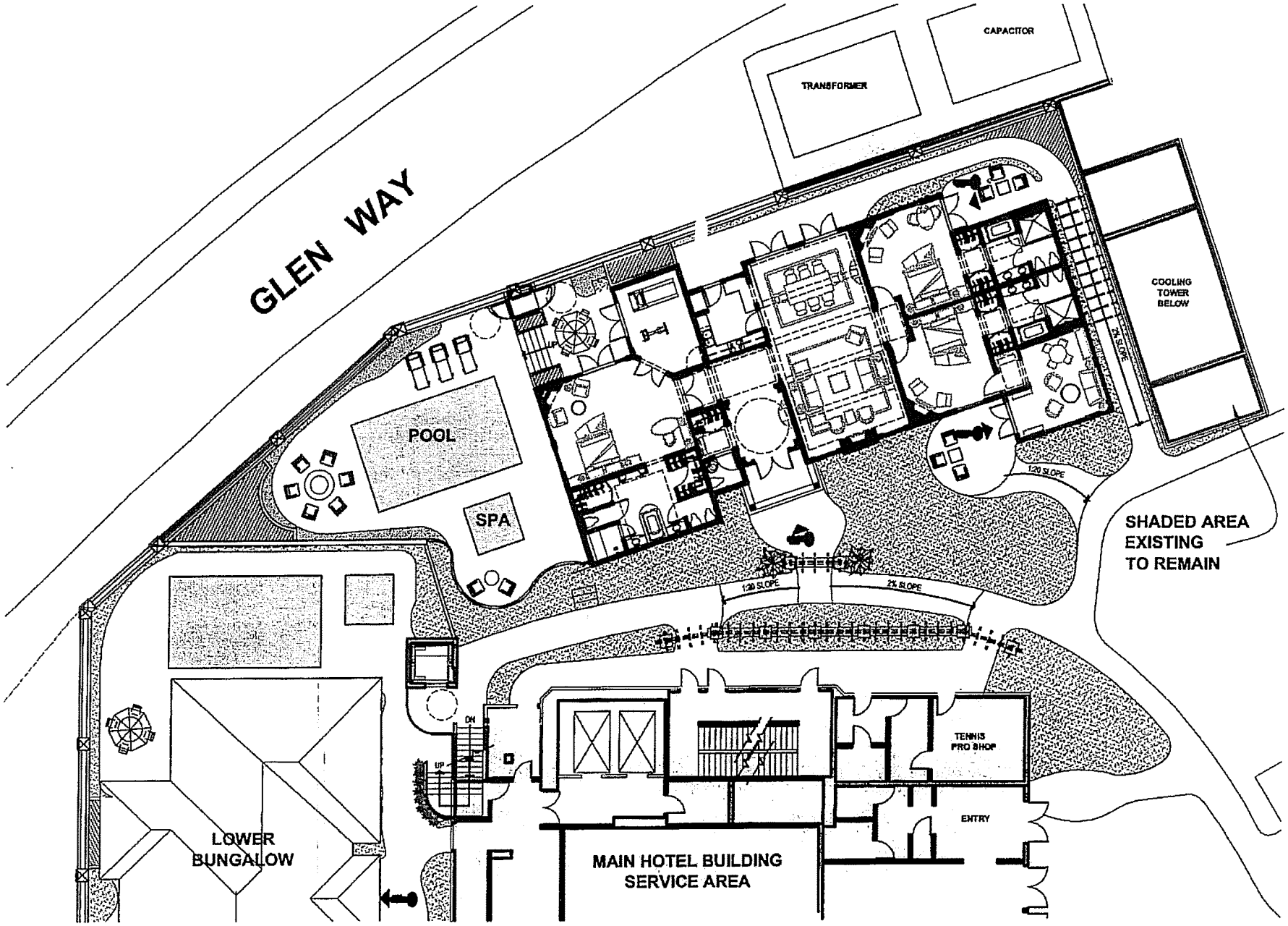
Beverly Hills Hotel **Beverly Hills, CA**

05-6198.000 | Parking Location Matrix and Site Plan

1/2 5 0 1 10

Figure- 2

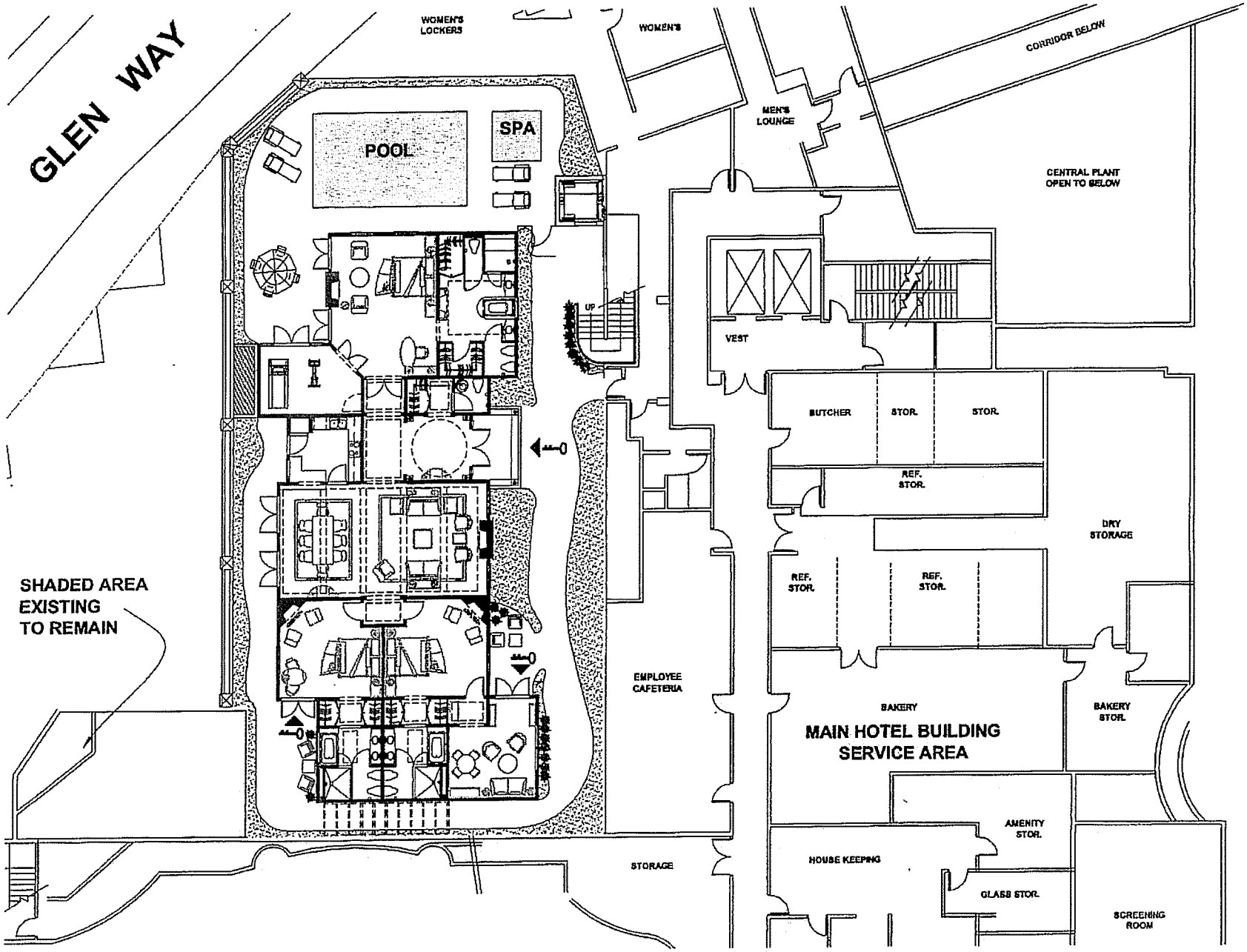
September 26, 2008 | **Gensler**



Beverly Hills Hotel Beverly Hills, CA

Figure- 3

Gensler



Beverly Hills Hotel **Beverly Hills, CA**

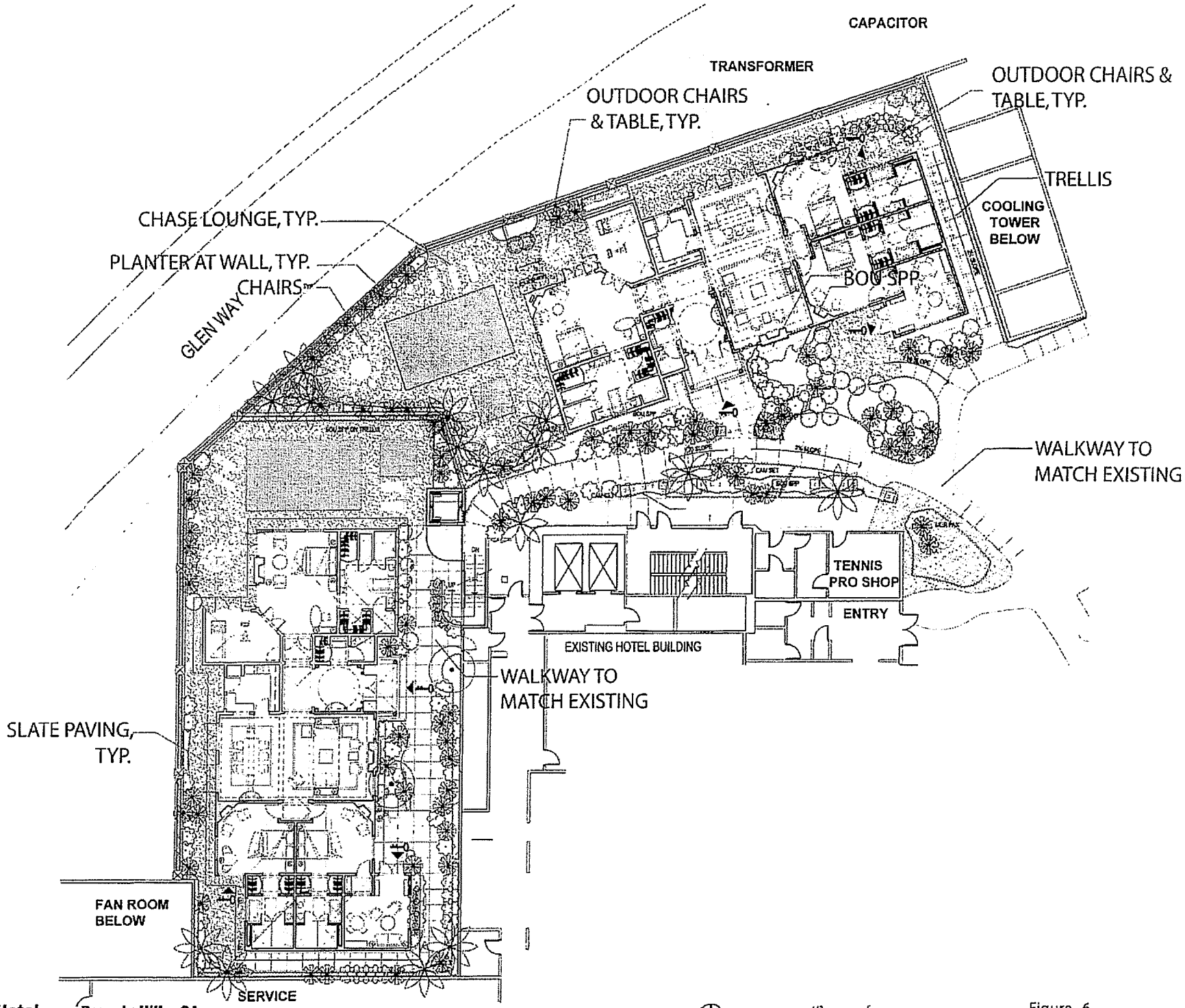
1/2 5
0 1 10

Figure- 4

September 26, 2008

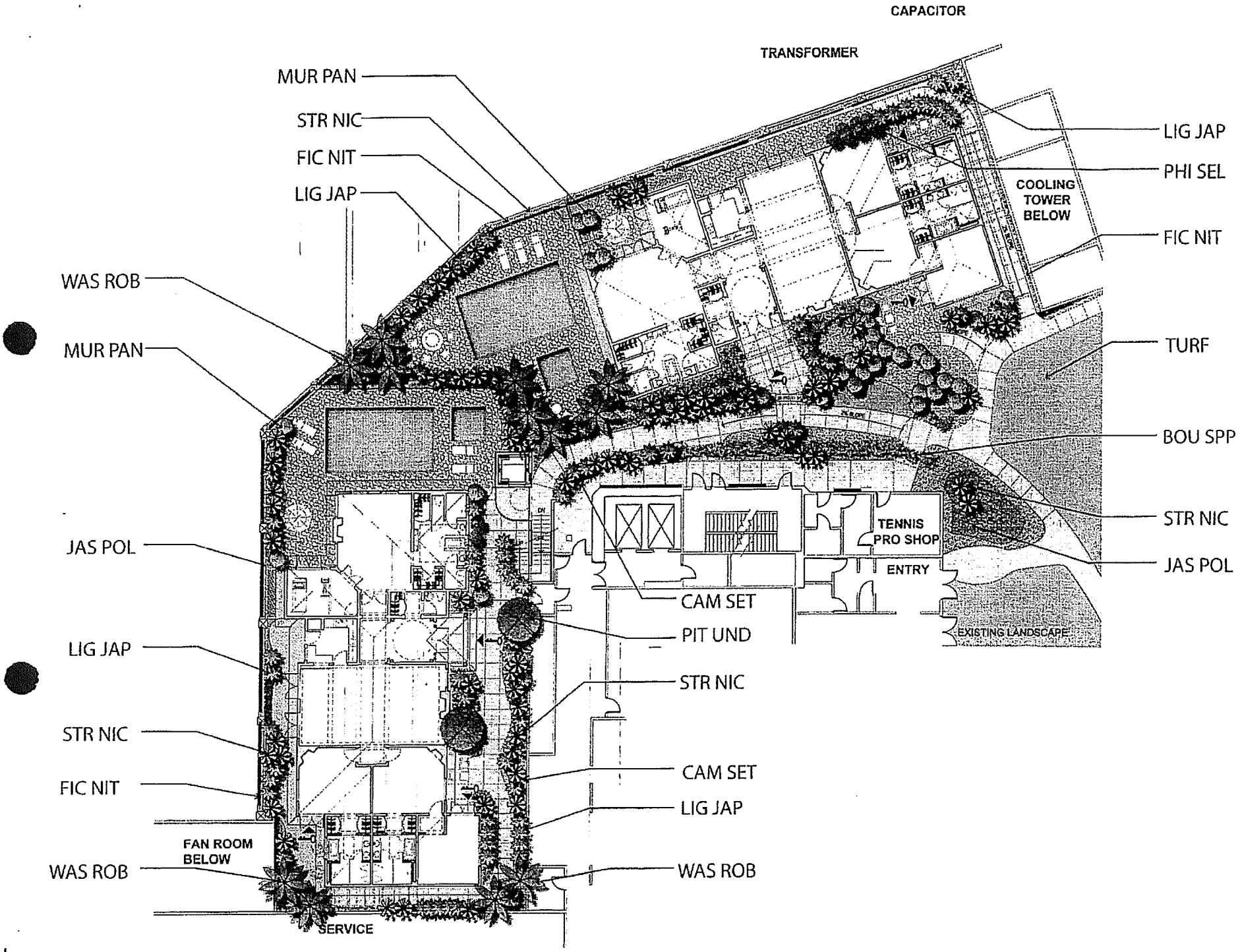
Gensler

1. PLASTER PAINTED PINK TO MATCH EXISTING BUNGALOWS.
2. CLAY TILE ROOF TO MATCH EXISTING BUNGALOW.
3. WOOD WORK PAINTED WHITE TO MATCH EXISTING BUNGALOWS.
4. ORNAMENTA WOOD TRELLIS.
5. POOL DECK FINISH AS INDICATED I LANDSCAPE DRAWINGS.
6. PLANTER.
7. POOL ENCLOSURE
8. NEW EXTERIOR GUEST ELEVATOR
9. NEW PERIMETER WALL
10. STAIRS (BEYOND)
11. EXISTING STRUCTURAL SLAB TO REMAIN



Beverly Hills Hotel Beverly Hills, CA

Figure- 6



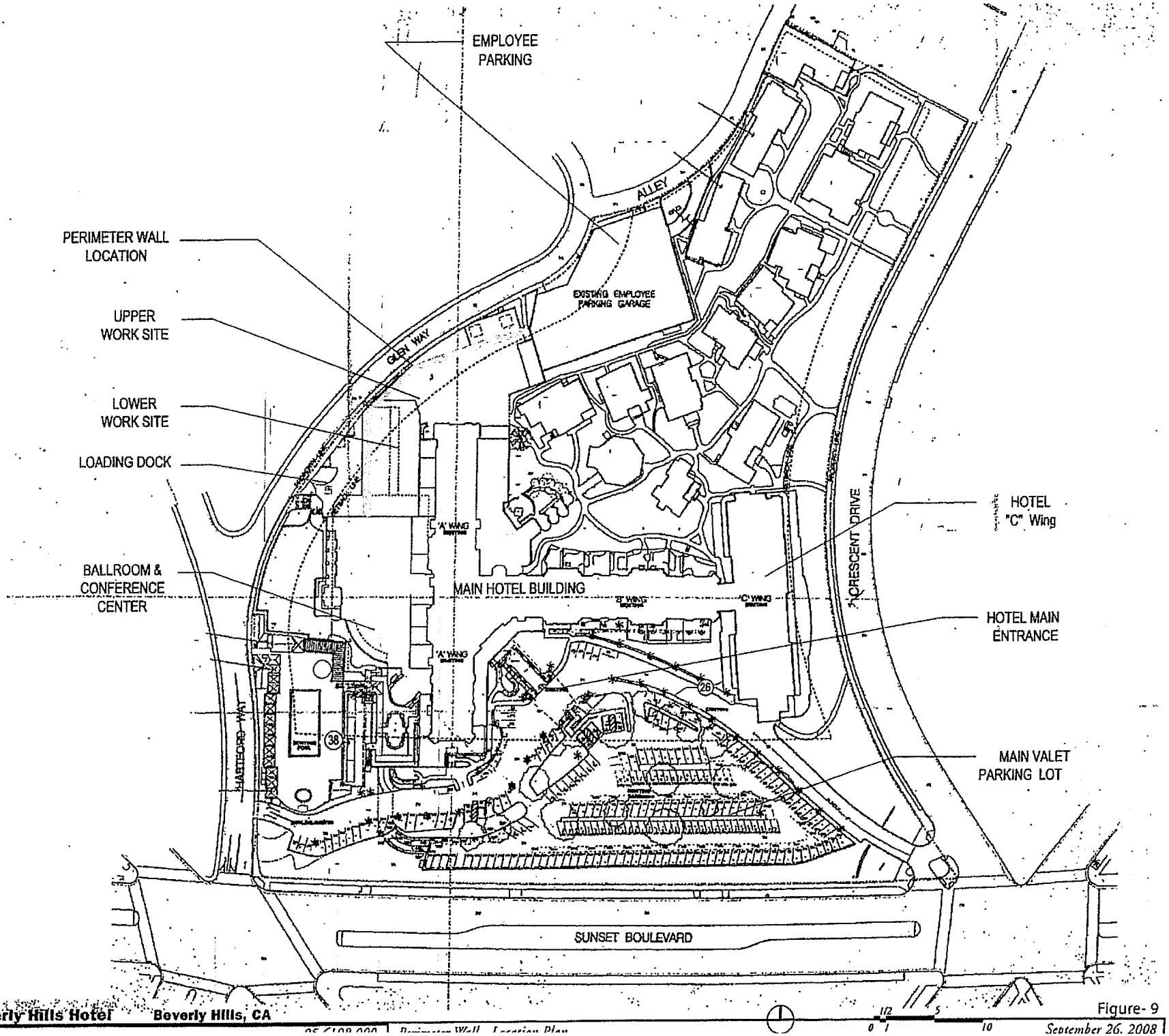
Beverly Hills Hotel **Beverly Hills, CA**

Figure- 7

Gensler

PROPOSED PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
I. PALMS / CYCADS		
WAS ROB	WASHINGTONIA ROBUSTA	MEXICAN FAN PLANT
II. TREES		
FIC NIT	FICUS M. NITIDA "GREEN GEM"	GREEN GEM FICUS
LIG JAP	LIGUSTRUM JAPONICUM	JAPANESE PRIVET
PIT UND	PITTOSPORUM UNDULATUM	VICTORIA BOX
STR UND	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE
III. SHRUBS/GROUNDCOVER		
AZA ALA	AZALEA 'ALASKA'	AZALEA
AZA FIE	AZALEA 'FIELDER'S WHITE'	AZALEA
CAM SET	CAMELIA SASANQUA 'SETSUGEKKA'	SASANQUA CAMELIA
JAS POL	JASMINUM POLYANTHUM	WINTER JASMINE
MUR PAN	MURRAYA PANICULATA	ORANGE JASMINE
PHI SEL	PHILODENDRON SELLOUM	PHILODENDRON
ROS FLO	ROSE FLORIBUNDA 'ICEBERG'	FLORIBUNDA ROSE
IX. VINES		
BOU RED	BOUGAINVILLEA 'SAN DIEGO RED'	BOUGAINVILLEA
FIC PUM	FICUS PUMILA	CLIMBING FICUS
SOL JAS	SLOANUM JASMINOIDES	POTATO VINE



Beverly Hills Hotel Beverly Hills, CA

Figure- 9

September 26, 2008

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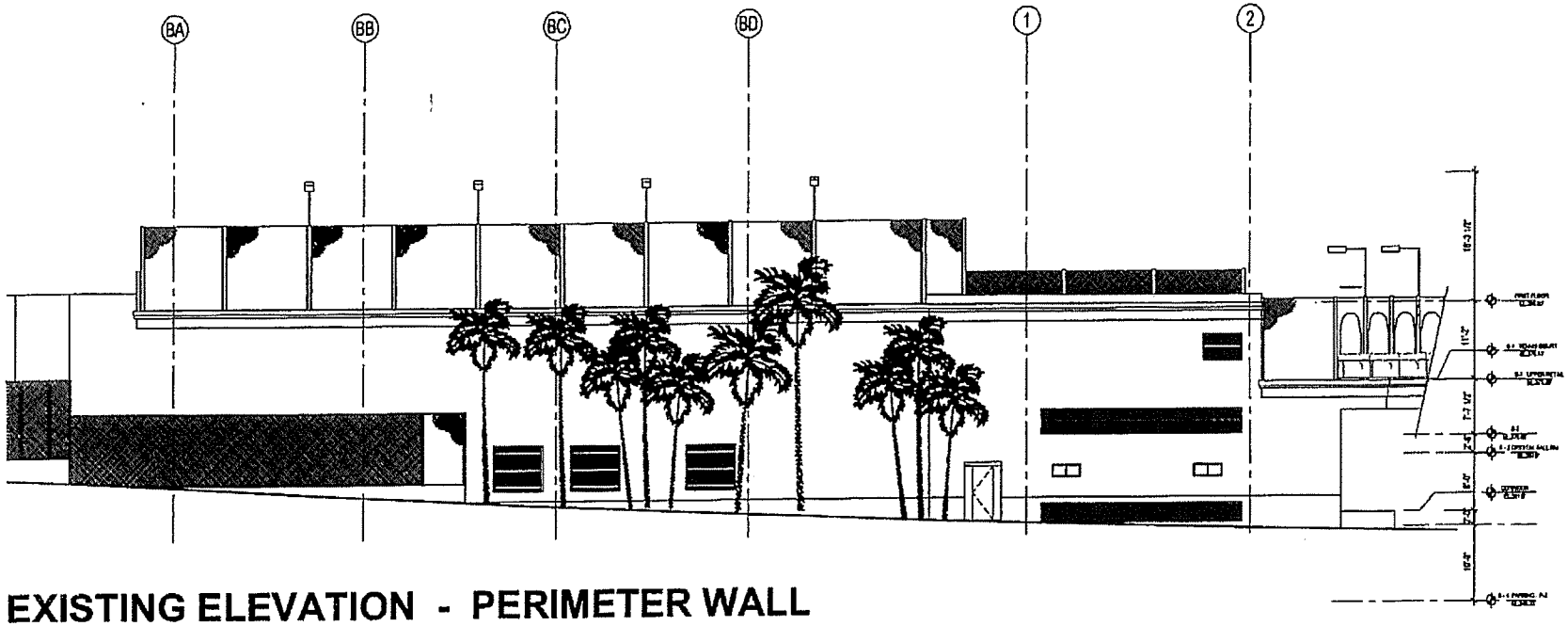
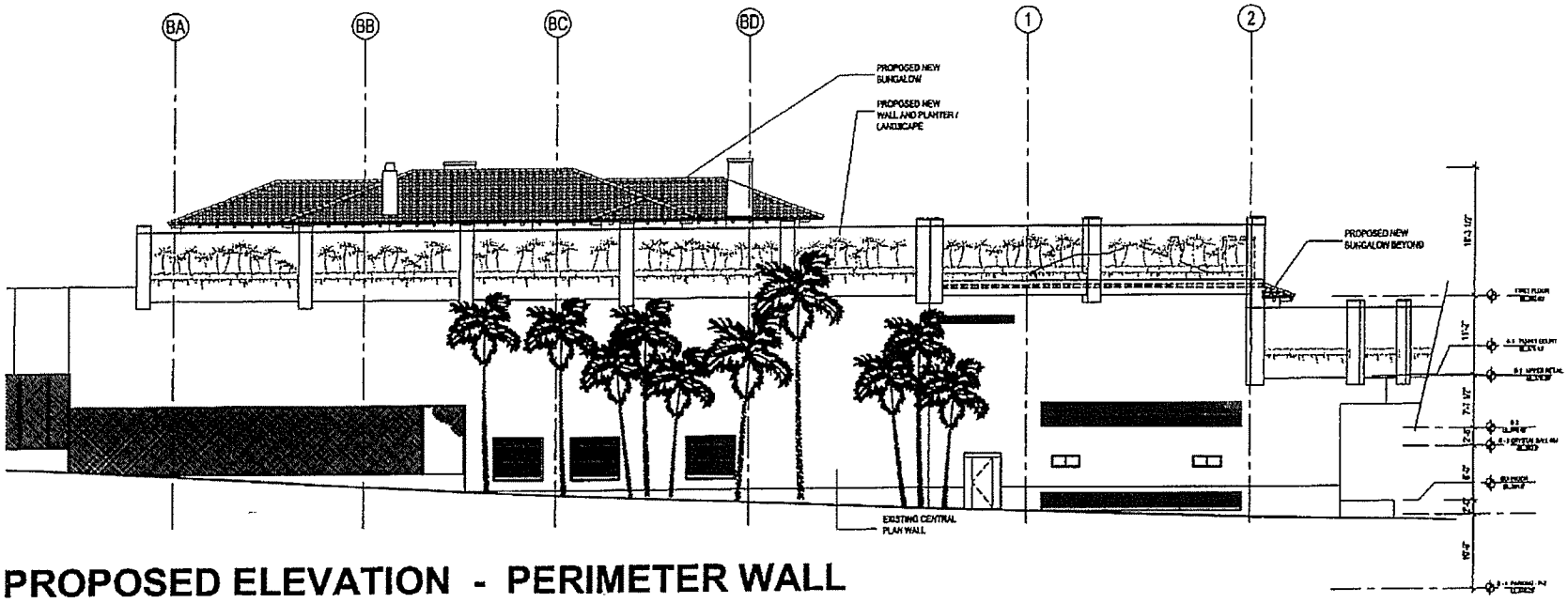
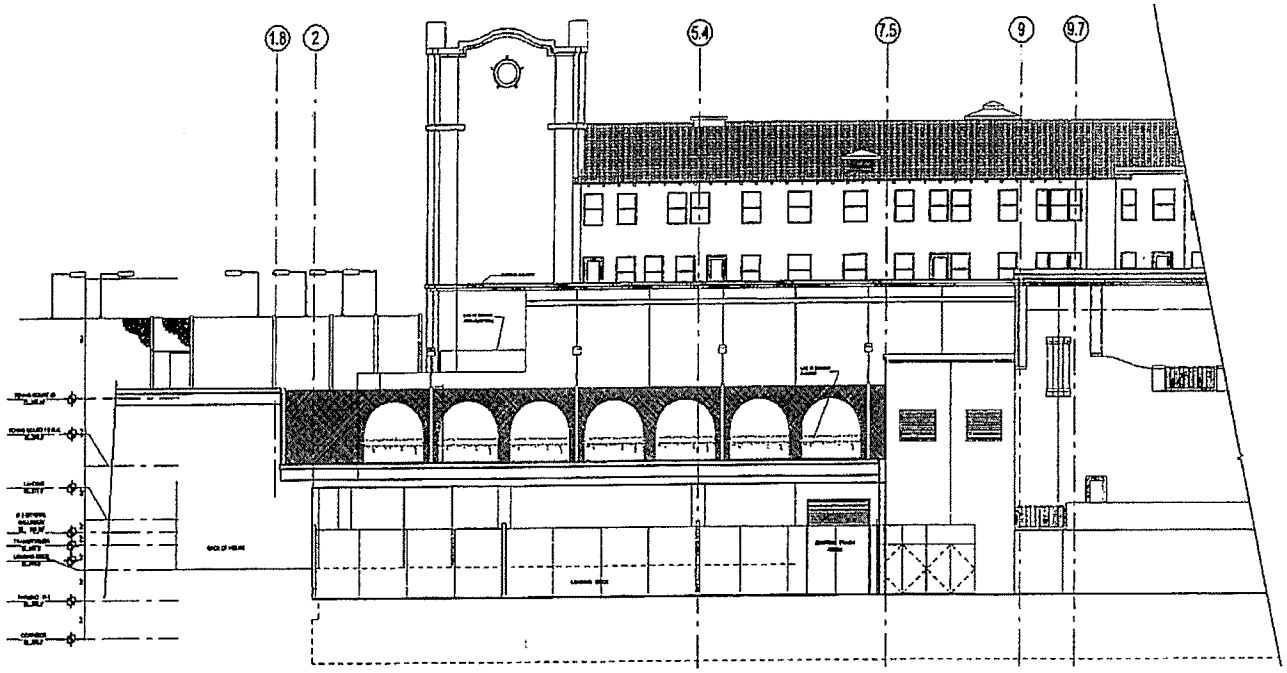


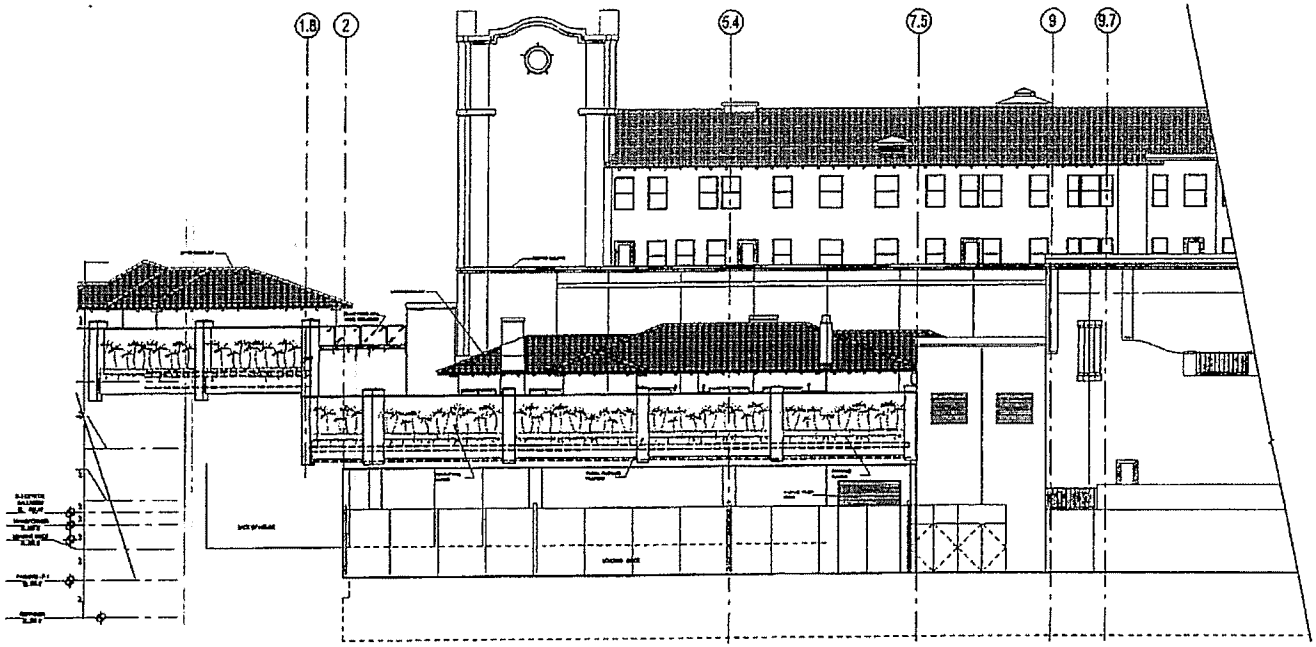
EXISTING ELEVATION - PERIMETER WALL



PROPOSED ELEVATION - PERIMETER WALL



EXISTING ELEVATION - PERIMETER WALL



PROPOSED ELEVATION - PERIMETER WALL

ATTACHMENT "C"

Beverly Hills Hotel Specific Plan
EXHIBITS

ATTACHMENT "D"

Historic Report

Chattel Architecture Planning & Preservation, Inc.

February 4, 2008

VIA EMAIL

Mr. David Reyes, Senior Planner
Planning Department
Department of Community Development
455 North Rexford Drive
Beverly Hills, CA 90210-4817

Re: Beverly Hills Hotel
9641 Sunset Boulevard, Beverly Hills, CA
Proposed tennis court removal and construction of new bungalows
Conformance Review Report

Dear David,

We have been asked to provide a review of the proposed project at the Beverly Hills Hotel, located at 9641 Sunset Boulevard (subject property) in the City of Beverly Hills and to evaluate historical resource impacts of the proposed project under the California Environmental Quality Act (CEQA). The proposed project involves removal of two existing tennis courts and construction of two new bungalows, each with a total of three new keys (six keys total) with associated landscaping. This review does not assess structural or technical feasibility.

The Beverly Hills Hotel was originally surveyed in 1986 with a Department of Parks and Recreation form (1986 DPR form, attachment 1) and assigned a California Historical Resource Status Code of "3S" or appears eligible for National Register of Historic Places (National Register) listing. The property was resurveyed in 2000 (2000 DPR form, attachment 2) and in 2001, it was officially determined eligible for individual listing in the National Register of Historical Places by consensus through Section 106 process of the National Historic Preservation Act of 1966, as amended (Historic Property Data File, June 11, 2007, attachment 3).[1] As a property officially determined eligible for listing in the National Register, the property is listed in the California Register of Historical Resources (California Register).[2]

The 1992 Beverly Hills Hotel Specific Plan (Specific Plan) outlines the historic significance of the hotel site:

> Since 1912, before the incorporation of the City of Beverly Hills, the Beverly Hills Hotel and its grounds have occupied their current location...The Beverly Hills

[1] Historic Property Data File incorrectly locates the Beverly Hills Hotel in the City of Los Angeles. This data input mistake can only be corrected by request to the Office of Historic Preservation.

[2] Public Resources Code §5024.1(d)(1).

> Hotel and the Hotel Specific Plan Area have grown with the City and function as symbols of the City and it's beginning.[3]

As an historical resource has been identified, drawings of the proposed project, prepared by Gensler and dated August 16, 2007, October 17, 2007, and November 7, 2007, are reviewed for conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (*Secretary's Standards*).[4] The principal standard for this project is rehabilitation. CEQA utilizes California Register criteria for identifying historical resources eligibility under statutes §21084.1 and provides that the effects of projects found to be "consistent with" the *Secretary's Standards* "shall generally be considered mitigated below a level of significance and thus *is not significant*" under §15126.4(b)(1) (emphasis added). Further, CEQA provides an exemption for projects "limited to...rehabilitation... in a manner consistent with" the *Secretary's Standards* under regulations §15331.

ENVIRONMENTAL REGULATORY SETTING
California Environmental Quality Act (CEQA)
According to CEQA,

> an historical resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources..., or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant (California Public Resources Code, PRC §21084.1).

If the proposed project were expected to cause *substantial adverse change* in an historical resource, environmental clearance for the project would require mitigation measures to reduce impacts. "Substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (PRC§15064.5 (b)(1)). PRC §15064.5 (b)(2) describes *material impairment* taking place when a project:

> (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register... or
> (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register... or its identification in an historical resources survey... unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
> (C) Demolishes or materially alters those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register... as determined by a lead agency for the purposes of CEQA.

According to CEQA Guidelines §15064.5(b)(3):

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[3] City of Beverly Hills, *Beverly Hills Hotel Specific Plan*, adopted August 11, 1992, 1.
[4] Kay D. Weeks and Anne E. Grimmer (Washington, D.C.: National Park Service, 1995).

> Generally, a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or *The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings*, (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

Thus, CEQA Guidelines indicate that effects on historic resources resulting from a project that is found to be in conformance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (*Secretary's Standards*) are generally considered to be mitigated to a less than significant level and therefore eligible for a Class 31 exemption.

The Specific Plan also utilizes the *Secretary's Standards* by requiring:

> that all renovations meet the Secretary of the Interior's Standards for Rehabilitation...In addition, all renovations and construction shall be designed to preserve and enhance the mission revival heritage and other design styles of the original hotel. Renovation and construction will integrate the traditional design concepts of the Beverly Hills Hotel and preserve those design concepts. All renovations shall also preserve and enhance the garden resort atmosphere of the Beverly Hills Hotel...Construction of any new portions of the Hotel shall use the same character defining finishes that have been traditionally been used in the Hotel.[5]

The following evaluation establishes the regulatory setting and CEQA policies followed by a review for conformance with the *Secretary's Standards* and an assessment of impacts of the proposed project.

ANALYSIS OF PROPOSED PROJECT IMPACTS

The proposed project involves construction of two new bungalows with associated landscaping on the site of two existing tennis courts. Existing tennis courts are located at the west corner of the main hotel building, one above the loading dock (south or lower) and the other above the central plant (north or upper, Attachment 4, Figures 1-5).

Existing tennis courts are neither old nor historic nor character-defining features of the hotel. A 1922 Sanborn fire insurance map shows early tennis courts were located parallel to the southwest elevation of the main hotel building (Figure 6). Several aerial photographs circa 1930 depict two tennis courts in the location shown on the Sanborn map with short sides adjoining (Figure 7, representative of several photographs). When the hotel was first constructed in 1912, it is unclear whether tennis courts were constructed concurrently. However, what is clear is that in the early years of the hotel, tennis courts were the only recreational activity to be incorporated into the grounds and were thus reflective of the southern California climate in which the game could be played year-round.[6] The 1986 DPR form provides, "One of several hostelries which dotted the Southland between San Diego and Santa Barbara, the hotel catered to wealthy Easterners who often spent several months in residence to avoid the chilly winters of their native states." Historically tennis was an upper-middle- and upper- class recreational activity, and it was expected that a resort hotel of this type would provide tennis courts as an amenity.

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[5] *Beverly Hills Hotel Specific Plan*, 10-11.

[6] Horseback riding to Benedict Canyon with a brunch waiting at the Beverly Hill Hotel Camp was also a featured recreational activity of the hotel. (Marc Wanamaker, *Early Beverly Hills* (San Francisco: Arcadia Publishing, 2005) 34.)

In the mid-1930s, a pool was constructed along the southwest elevation of the main building in the location of the early tennis courts and new tennis courts were then constructed to have their long side adjoining directly north of the pool (Figure 8). The existing, present-day tennis courts were constructed as part of a larger project in 1992.[7]

It is interesting to note a general decline in the recreational sport of tennis and use of tennis courts as a result, which is reflected at the Beverly Hills Hotel. As expounded by author Field Maloney in the online magazine, *Slate.com*:

> The rise of golf and the decline of tennis can be explained by the changing popular perceptions of the games. In the '50s and early '60s, tennis and golf were aspirational sports, part of the American upper-middle-class package: If you wanted to join, you played. Tennis, as it outgrew its country-club demographic in the late '60s and '70s, gradually became more of a *sport* than a *lifestyle.* Most tennis was no longer part of a day at the club and all the upturned-collar conversation that entailed. It was simply a couple of hours of hitting a green ball back and forth over a net.[8]

Existing tennis courts were constructed on structure and areas below serve as back-of-house service and are not character-defining features of the hotel. As described in attached DPR forms prepared for the subject property in 1986 and 2000, as well as the 1992 Beverly Hills Hotel Specific Plan, character-defining features of the hotel include the L-shaped 1912 Mission Revival style main hotel building with bell towers at the main entry, pink stucco walls, and tiled hipped roof; the flat-roofed, Modern style 1949 wing with cantilevered balconies; bungalows, where Eastern tourists and Hollywood stars resided for longer periods of time; and lush landscaping that creates "the garden-resort atmosphere" and includes palms and tropical plantings.

After removing the six-inch concrete topping of the existing tennis courts, proposed new bungalows will be constructed atop existing structure. As stated above, this review does not address technical or structural feasibility of the proposed project. We understand additional reinforcement of beams under the existing tennis courts in service areas will be required. Proposed bungalows are designed with stucco-clad exterior walls, clay tile covered hipped roofs and multi-light wood sash windows and doors.

In conformance with the Specific Plan that requires "development within the Specific Plan Area shall preserve the garden quality of the Specific Plan Area,"[9] proposed bungalows will be surrounded by landscaping that incorporates 12-inches of new soil over the existing slab with plantings. Additional landscape features include low, raised planters with palm trees, private pools, and new walkways connecting the proposed bungalows with the adjacent main hotel building and other bungalows. New concrete walkways will match existing walkways in the hotel complex in general width, color and finish texture. A stair will connect the proposed south, lower bungalow with the higher level of existing grounds. Pools will be recessed into the existing structure through modification to service areas. Existing fences lining the tennis courts will be removed and replaced with 8-foot high, stucco-clad concrete block walls with cement caps and new planter following the perimeter elevations along Glen Way. The landscape planters will be interrupted every 20-feet by a projecting pilaster reflective of traditional

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[7] *Beverly Hills Hotel Specific Plan.*

[8] Field Maloney, "Golf vs. Tennis: How one country club sport defeated the other," *Slate.com*, posted September 15, 2005, <http://www.slate.com/id/2126314/>, accessed December 28, 2007.

[9] *Beverly Hills Hotel Specific Plan*, 17.

architecture of the historic hotel. The proposed wall will obscure visibility of the bungalows from Glen Way and nearby properties.

Distance between the proposed bungalows and the main hotel building is a concern. To address this concern, the relationship between the main hotel building and the upper bungalow will be softened by a trellis and low, raised planters that will be constructed at the north service entrance. The 12-foot trellis will be planted with bougainvillea. The trellis and low, raised planter serves to mitigate a potential impact created by the distance of the proposed bungalow to the hotel.

CONFORMANCE WITH SECRETARY'S STANDARDS

Overall, the proposed project generally conforms with the *Secretary's Standards*. In conformance with standard 1, the property will continue to be used as it was historically as a luxury hotel in a garden setting. Loss of the tennis courts, while unfortunate for tennis players, does not significantly impact continued use of the hotel. Bungalows are a historic building type of the subject property and expansion of this use appears compatible and necessary to sustain long-term marketability of the property. Similarly, in conformance with standard 2, the historic character of the property will be retained and character-defining features, spaces, and spatial relationships that characterize the subject property will not be altered. As discussed above, the existing tennis courts, while historically an important recreational amenity of the hotel, are not a character-defining feature and have not taken on significance over time. The proposed project conforms with standard 9 as the proposed bungalows will not destroy historic materials, features and spatial relationships that characterize the subject property. The design of the proposed bungalows, with pink stucco-clad walls and clay tile hipped roofs draws inspiration from the main hotel building and existing bungalows and is compatible with their historic materials, features, size, scale, proportion and massing. Proposed bungalows are set within tropical landscaping, albeit in shallow soil on structure. Finally, in conformance with standard 10, construction of the proposed bungalows and new landscape are reversible and if removed in the future, the essential form and integrity of the subject property and its environment will be unimpaired. As the proposed project appears to conform with the *Secretary's Standards*, integrates traditional design concepts of the hotel, and preserves the garden-resort atmosphere, it also meets requirements of the Specific Plan.

CONCLUSION

The proposed project, to construct two new bungalows with associated landscaping, conforms with the *Secretary's Standards* and provisions of the Specific Plan. It will not cause a substantial adverse change in the significance of the resource and is therefore not anticipated to have a significant effect on the environment (*CEQA Guidelines* §21084.1). In addition, since the project follows the *Secretary's Standards*, it may be eligible for a Class 31 categorical exemption (*CEQA Guidelines* §15331).

Should you have any questions, please call (818) 788-7954.

Very truly yours,

CHATTEL ARCHITECTURE, PLANNING & PRESERVATION, INC.

By: Robert Jay Chattel

Robert Jay Chattel, AIA, President

attachments

Attachment 1
1986 Department of Parks and Recreation Form

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

HISTORIC RESOURCES INVENTORY

Ser. No. 0210-0030
HABS ____ HAER ____ NR 3 SHL ____ Loc ____
UTM: A 11-369060-3801900 B ____
C ____ D ____

IDENTIFICATION

1. Common name: Beverly Hills Hotel
2. Historic name: Beverly Hills Hotel
3. Street or rural address: 9641 Sunset Blvd.

   City Beverly Hills Zip 90210 County Los Angeles
4. Parcel number: 4344-016-002
5. Present Owner: ____ Address: ____

   City ____ Zip ____ Ownership is: Public ____ Private ____
6. Present Use: Hotel Original use: Hotel

DESCRIPTION

7a. Architectural style: Mission Revival

7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The Mission Revival Beverly Hills Hotel has been a focal point of the Beverly Hills landscape for nearly seventy-five years. Located north of Sunset Boulevard atop a lushly landscaped knoll, the L-shaped original building features pink stucco walls, a tiled hip roof, espadanas which terminate each wing and punctuate the north and south elevations, and three bell towers at the intersection of the two wings. Below the towers, the main entrance is marked by an arcade. In 1949, a new wing was added to the original three and four story building, transforming its plan into a "U." Modern in style, the reinforced concrete structure is flat-roofed and punctured by flat-headed openings and cantilevered balconies. In addition to the main buildings, the hotel also includes around a dozen "bungalows" on its property, many of which were originally fully functional single family homes. Other outbuildings include various service structures, arcades, and recreation facilities. Accented by palms and colorful tropical plantings, the hotel, although expanded and somewhat altered, retains its historic integrity.

8. Construction date: 1912
   Estimated ____ Factual X
9. Architect Grey; Elmer
10. Builder Unknown
11. Approx. property size (in feet)
    Frontage ____ Depth ____
    or approx. acreage ____
12. Date(s) of enclosed photograph(s) 1986

13. Condition: Excellent ___ Good X Fair ___ Deteriorated ___ No longer in existence ___

14. Alterations: ___

15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up X
Residential X Industrial ___ Commercial ___ Other: ___

16. Threats to site: None known X Private development ___ Zoning ___ Vandalism ___
Public Works project ___ Other: ___

17. Is the structure: On its original site? X Moved? ___ Unknown? ___

18. Related features: ___

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

No other single structure in the survey area had more impact on the City and the lives of its citizens than the Beverly Hills Hotel. This institution, developed by the Rodeo Land and Water Company in conjunction with Margaret Anderson, its first owner and manager, played a major role in attracting tourists and prospective residents to the area. One of several hostelries which dotted the Southland between San Diego and Santa Barbara, the hotel catered to wealthy Easterners who often spent several months in residence to avoid the chilly winters of their native states. It promised impeccable service, privacy, recreation and relaxation to its patrons. The architect of the Mission Revival hotel, opened in 1912, was Elmer Grey, a strong proponent of the integration of buildings with their surroundings. Grey's commissions in Southern California include a number of Christian Science churches, the Pasadena Playhouse (1925), the Huntington Gallery (1910) and the Wentworth Hotel (now the Huntington; with Myron Hunt, Pasadena, 1913). The hotel immediately became, and continued to be, the social center of Beverly Hills. Celebrities stayed in its
(see continuation sheet)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture 1 Arts & Leisure 2
Economic/Industrial ___ Exploration/Settlement 3
Government ___ Military ___
Religion ___ Social/Education ___

21. Sources (List books, documents, surveys, personal interviews and their dates).
City of Beverly Hills building permits
Los Anglees County Tax Assessor records
Beverly Hills Citizen, various dates
Benedict, Pierce. History of Beverly Hills. 1934

22. Date form prepared November, 1986
By (name) C. McAvoy & L. Heumann
Organization City of Beverly Hills
Address: 450 N. Crescent Dr.
City Beverly Hills Zip 90210
Phone: (213) 550-4881

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):

NORTH

See continuation sheet

CONTINUATION SHEET: 9641 Sunset Boulevard

19. Significance:

private bungalows; royalty enjoyed its lush tropical ambience. Margaret Anderson brought much of her clientele from Hollywood with her and guests remained extremely loyal to the establishment. Mrs. Anderson had no competition until the opening of the Beverly-Wilshire Hotel in 1928, but the two hotels quickly developed different personalities and the popularity of the older hotel did not suffer. Enlarged in 1949, it remains today one of the nation's premiere hotels.

Attachment 2
2000 Department of Parks and Recreation form

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3S

Other Listings
Review Code Reviewer Date / /

Page 1 of 2

*Resource Name or #: Beverly Hills Hotel

P1. Other Identifier: Sprint Cell Site LA35XC879-A

*P2. Location: ☐ Not for Publication ☒ Unrestricted a. County Los Angeles

b. USGS 7.5' Quad _____ Date _____ T ____; R ____; ____ 1/4 of ____ 1/4 of Sec ____; _____ B.M.

c. Address 9641 Sunset Boulevard City Beverly Hills Zip 90210

d. UTM: (Give more than one for large and/or linear feature) Zone ____, _____ mE/ _____ mN

e. Other Locational Data: (e.g. parcel #, legal description, directions to resource, elevation, additional UTMs, etc. as appropriate)

Assessor's Parcel Number: 4344-016-003 The property is bounded by Sunset Boulevard to the southeast, Crescent Drive to the northeast, Glen Way to the west, and Hartford Way to the southwest.

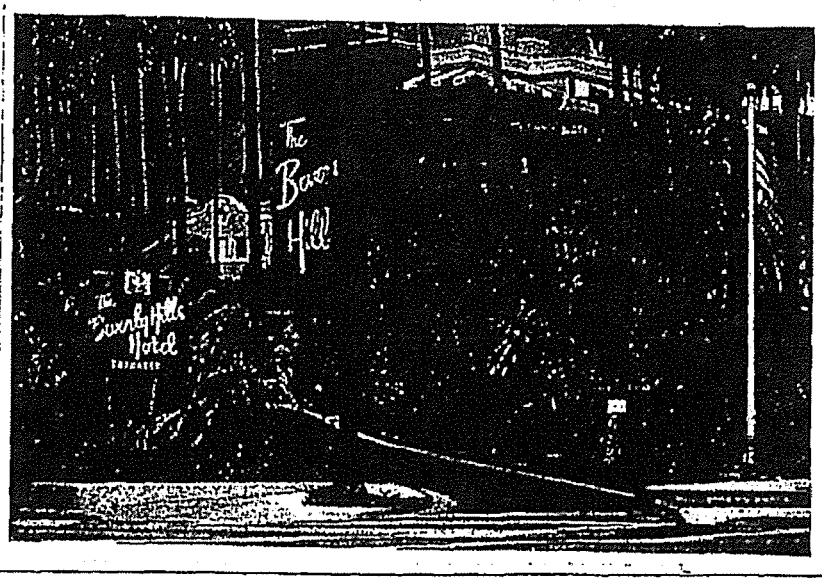
*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.)

The Beverly Hills Hotel, a three to four story Mission Revival structure located north of Sunset Boulevard on a heavily landscaped knoll, was built in two phases. The first and primary portion of the structure is an L shaped building featuring pink stucco walls, a tiled hipped roof, espadanas terminating each wing and accentuating the north and south elevation, and three bell towers at the intersection of its wings, which also features an arcaded entryway. In 1949, a new wing was added to the original building, and the L became a U. The new wing is International in style, constructed of reinforced concrete, flat roofed and punctured by flat-headed openings and cantilevered balconies. In addition to the main buildings, the hotel grounds also contain a dozen or so "bungalows", service structures, arcades, and various recreation facilities.

*P3b. Resource Attributes: (List attributes and codes) HP5. Hotel/Motel

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, etc.)

*P6. Date Constructed/Age and Sources: ☐ Prehistoric ☒ Historic ☐ Both
1911-1912 Original Structure
c. 1949 Addition

*P7. Owner and Address:
Sajahtera Inc.
9641 Sunset Blvd
Beverly Hills, CA 90210
P--Private

*P8. Recorded by: (Name, affiliation, address)
R. Starzak & C. Barrier
Myra L. Frank & Associates, Inc.
811 W. 7th Street, Suite 800
Los Angeles, CA 90017

*P9. Date Recorded: 05/12/2000

*P10. Survey Type: (Describe)
Intensive
Section 106 Compliance
P--Project Review

*P11. Report Citation: (Cite survey report/other sources or "none") For attachment to letter of Section 106 compliance, on behalf of FCC, for Sprint Cell Site LA35XC879-A.

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☒ Building, Structure and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record
☐ Photograph Record ☐ Other: (List)

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Primary #
HRI #

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 3S

*Resource Name or #: Beverly Hills Hotel

B1. Historic Name: Beverly Hills Hotel

B2. Common Name: Sprint Cell Site No. LA35XC879A

B3. Original Use: Hotel B4. Present Use: C--Commercial

*B5. Architectural Style: Mission Revival with International style additions

*B6. Construction History: (Construction date, alterations, and date of alterations.)

Resource underwent substantial alteration in the late 1940s with the addition of a new wing, pool, signage, lobby, and the Polo Lounge. Resource underwent another major (interior) alteration in the 1990s.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

Lawns, gardens, bungalows.

B9a. Architect: Elmer Grey (Paul R. Williams, 1949) b. Builder: Burton Green

*B10. Significance: Theme Motion Picture/City Development Area Beverly Hills

Period of Significance 1910-Present Property Type Hotel Applicable Criteria a,b,c

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The Beverly Hills Hotel, developed in 1911 by Burton Green, founder of the Rodeo Land & Water Company, was designed to jumpstart development of that company's new town: Beverly Hills. From the mid-1910s to the late 1920s, the hotel anchored the new development of Beverly Hills, and from that time on it has been a landmark in Southern California. Therefore it appears eligible for the National Register under criterion A. The hotel was the home of Howard Hughes; Elizabeth Taylor's father once ran an art gallery in the lobby, and she routinely stayed in bungalow number five; the hotel was featured in movies such as "California Suite" and "American Gigolo"; legend has it that Johnny Weissmuller (Tarzan) was "discovered" in the swimming pool; and the hotel itself was once owned by Irene Dunne and Loretta Young. Therefore, it is also eligible for the National Register under Criterion B, for its association with the development of the motion picture industry. The structure is associated both with Elmer Grey, a prominent Los Angeles architect and designer of the Pasadena Playhouse, who designed the original portion of the hotel, and Paul R. Williams, the first African-American member of the American Institute of Architects and architect of many residential and commercial structures in Los Angeles from the 1920s through the 1950s, who designed the 1940s additions ot the structure. Therefore, the resource appears eligible for the National Register under criterion C for the quality of its design by these two master architects.

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

Gebhard & Winter. "Architecture in Los Angeles: A Compleat Guide." 1985.

Stuart, Sandra. "Pink Palace" 1978.

LA Times. p. E1, June 4, 1995 and p. V1, February 19, 1950.

B13. Remarks:

*B14. Evaluator: R. Starzak & C. Barrier

Date of Evaluation: 05/12/2000

(This space reserved for official comments.)

(Sketch Map with north arrow required)

*Required information

Attachment 3
Historic Property Data File, June 11, 2007

PROPERTY-NUMBER	PRIMARY-#	STREET.ADDRESS.....	NAMES.....	CITY.NAME.....	OWN	YR-C	OHP-PROG..	PRG-REFERENCE-NUMBER	STAT-DAT	NRS	CRIT
021228	19-167273	6671 SUNSET BLVD	CROSSROADS OF THE WORLD	LOS ANGELES	P	1936	HIST.RES.	NPS-80000805-0000	09/08/80	1S	
							HIST.SURV.	0053-0332-0000	09/08/80	1S	
022042	19-168069	6683 SUNSET BLVD					HIST.SURV.	0053-0102-0000		7N	
022041	19-168068	6715 SUNSET BLVD	HOLLYWOOD REPORTER	LOS ANGELES	P	1923	HIST.SURV.	0053-0681-0000		5S2	
022040	19-168067	6720 SUNSET BLVD		LOS ANGELES	P	1936	HIST.SURV.	0053 0680-0000		3S	
022039	19-168066	6902 SUNSET BLVD		LOS ANGELES	P	1905	HIST.SURV.	0053-0679-0000		5S2	
022038	19-168065	7045 SUNSET BLVD	PRIME SCHOOL	LOS ANGELES	P	1938	HIST.SURV.	0053-0678-0000		5S2	
023339	19-169361	7101 SUNSET BLVD	TINY NAYLOR'S	LOS ANGELES	P	1919	HIST.SURV.	0053-0677-0000		5S2	
				LOS ANGELES	P	1950	HIST.SURV.	0053-0821-0000		7N	
020913	19-166985	8221 SUNSET BLVD	CHATEAU MARMONT				HIST.SURV.	0053-2397-0000		7R	
020914	19-166986	9641 SUNSET BLVD	BEVERLY HILLS HOTEL	LOS ANGELES	P	1928	HIST.SURV.	0053-0103-0000		3S	
				LOS ANGELES	P	1912	HIST.RES.	DOE-19-01-0258-0000	12/17/01	2S2	AC
							PROJ.REVW.	FCC011101HH	12/17/01	2S2	AC
							HIST.SURV.	0213-0068-0000		3S	
							HIST.SURV.	0053-0104-0000		3S	
097829	19-175312	10643 SUNSET BLVD	MARYMOUNT HIGH SCHOOL	LOS ANGELES	P	1932	HIST.RES.	DOE-19-94-0164-0000	06/06/94	2S2	C
							PROJ.REVW.	HRG940202Z	06/06/94	2S2	C
066130	19-173562	11725 SUNSET BLVD	EASTERN STAR HOME	LOS ANGELES	U		HIST.RES.	DOE-19-89-0058-0000	09/22/89	2S2	C
							PROJ.REVW.	FHWA890824B	09/22/89	2S2	C
021135	19-167190	14253 SUNSET BLVD	RODGERS, WILL, HOUSE / ST HIST PAR	LOS ANGELES	S	1926	HIST.RES.	NPS-71000149-0000	02/24/71	1S	
							HIST.SURV.	0053-0251-0000	01/01/71	1S	
021185	19-167235	15300 SUNSET BLVD	PACIFIC PALISADES BUSINESS BL	LOS ANGELES	P	1924	HIST.SURV.	0053-0289-0000		5S2	
073877	19-174113	2816 SUNSET PL	ESSEX MANOR APARTMENTS	LOS ANGELES	P	0	TAX.(NPS)	015582CA	05/21/82	6X	
098201	19-175561	3751 SUNSWEPT DR		LOS ANGELES	M	1927	HIST.RES.	DOE-19-94-0165-0000	04/27/94	6Y	
							PROJ.REVW.	HRG940202Z	04/27/94	6Y	
153044		1324 SUTHERLAND ST		LOS ANGELES		1905	PROJ.REVW.	HUD050404N	04/19/05	6U	
100315	19-175971	1408 SUTHERLAND ST		LOS ANGELES	P	1922	HIST.RES.	DOE-19-95-0088-0000	02/08/95	6Y	
							PROJ.REVW.	HRG940202Z	02/08/95	6Y	
023180	19-169204	SYCAMORE AVE	1100-1400 BLOCK OF SYCAMORE AVE	LOS ANGELES	P	1910	HIST.SURV.	0053-0738-9999		5S2	
023116	19-169140	1140 SYCAMORE AVE		LOS ANGELES	P	1922	HIST.SURV.	0053-0738-0001		5D2	
023117	19-169141	1143 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0002		5D2	
023119	19-169143	1145 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0004		5D2	
023118	19-169142	1146 SYCAMORE AVE		LOS ANGELES	P	1919	HIST.SURV.	0053-0738-0003		5D2	
023120	19-169144	1147 SYCAMORE AVE		LOS ANGELES	P	1922	HIST.SURV.	0053-0738-0005		5D2	
023121	19 169145	1152 SYCAMORE AVE		LOS ANGELES	P	1922	HIST.SURV.	0053-0738-0006		5D2	
023122	19-169146	1153 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0007		5D2	
023123	19-169147	1154 SYCAMORE AVE		LOS ANGELES	P	1922	HIST.SURV.	0053-0738-0008		5D2	
023124	19-169148	1155 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0009		5D2	
023125	19-169149	1158 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0010		5D2	
023126	19-169150	1200 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0011		5D2	
023127	19-169151	1208 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0012		5D2	
023128	19-169152	1209 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0013		5D2	
023129	19-169153	1212 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0014		5D2	
023130	19-169154	1215 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0015		5D2	
023131	19-169155	1216 SYCAMORE AVE		LOS ANGELES	P	1919	HIST.SURV.	0053-0738-0016		5D2	
023132	19-169156	1217 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0017		5D2	
023133	19 169157	1220 SYCAMORE AVE		LOS ANGELES	P	1919	HIST.SURV.	0053-0738-0018		5D2	
023134	19-169158	1221 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0019		5D2	
023135	19-169159	1224 SYCAMORE AVE		LOS ANGELES	P	1925	HIST.SURV.	0053-0738-0020		5D2	
023136	19-169160	1225 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0021		5D2	
023137	19-169161	1228 SYCAMORE AVE		LOS ANGELES	P	1922	HIST.SURV.	0053-0738-0022		5D2	
023138	19-169162	1229 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0023		5D2	
023139	19-169163	1232 SYCAMORE AVE		LOS ANGELES	P	1919	HIST.SURV.	0053-0738-0024		5D2	
023140	19-169164	1233 SYCAMORE AVE		LOS ANGELES	P	1920	HIST.SURV.	0053-0738-0025		5D2	
023141	19-169165	1234 SYCAMORE AVE		LOS ANGELES	P	1919	HIST.SURV.	0053-0738-0026		5D2	
023142	19-169166	1237 SYCAMORE AVE		LOS ANGELES	P	1921	HIST.SURV.	0053-0738-0027		5D2	

Attachment 4
Figures

Figure 1: Beverly Hills Hotel, view north, note two tennis courts at west corner (Google Earth, 2007)

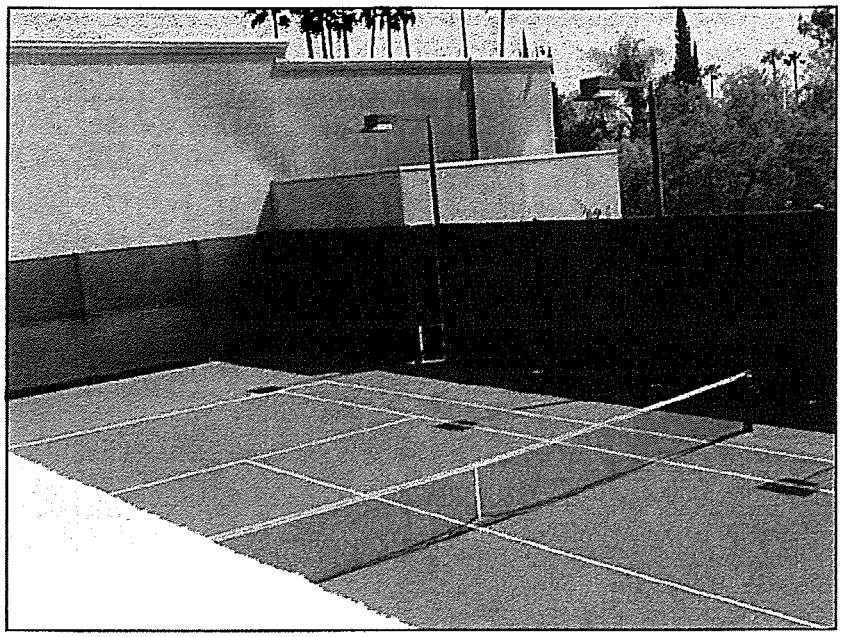


Figure 2: Lower or south tennis court, view southwest (CA, 2007)

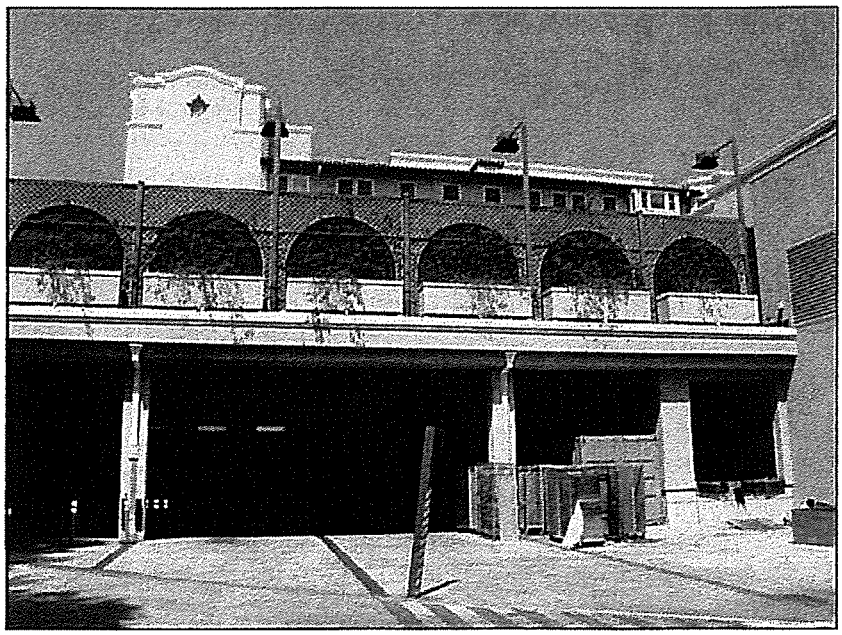


Figure 3: Lower tennis court from loading dock along Glen Way, view east (CA, 2007)

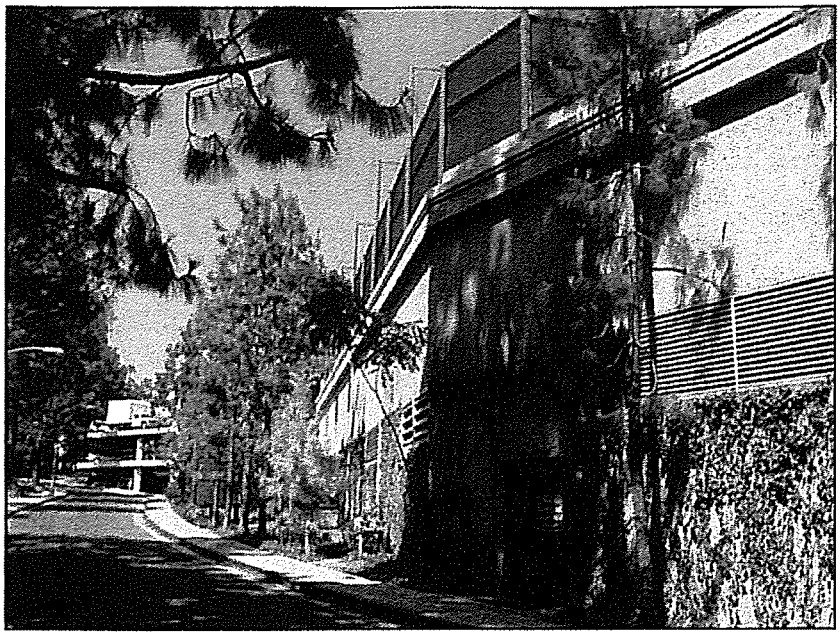


Figure 4: Upper or north tennis court from Glen Way, view northeast (CA, 2007)

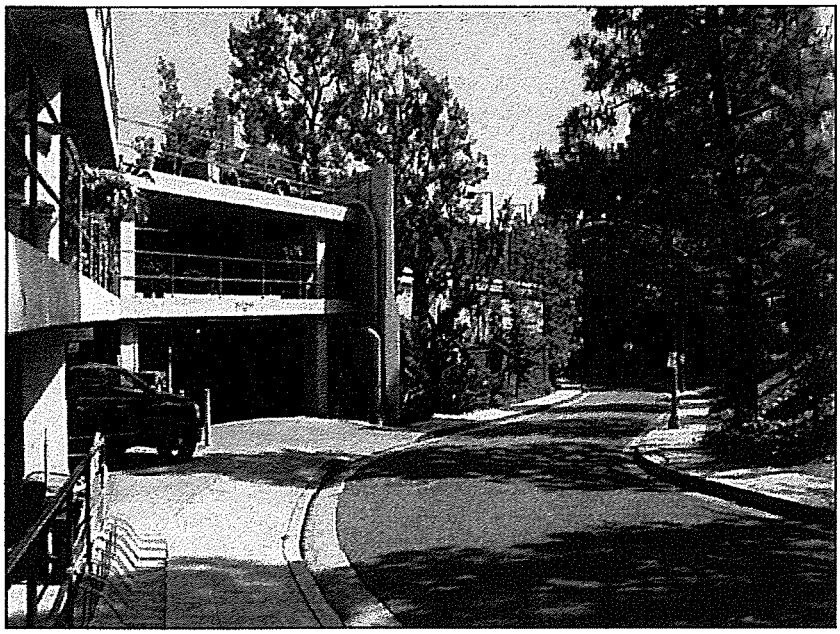


Figure 5: Upper tennis courts from Glen Way, view southwest (CA, 2007)

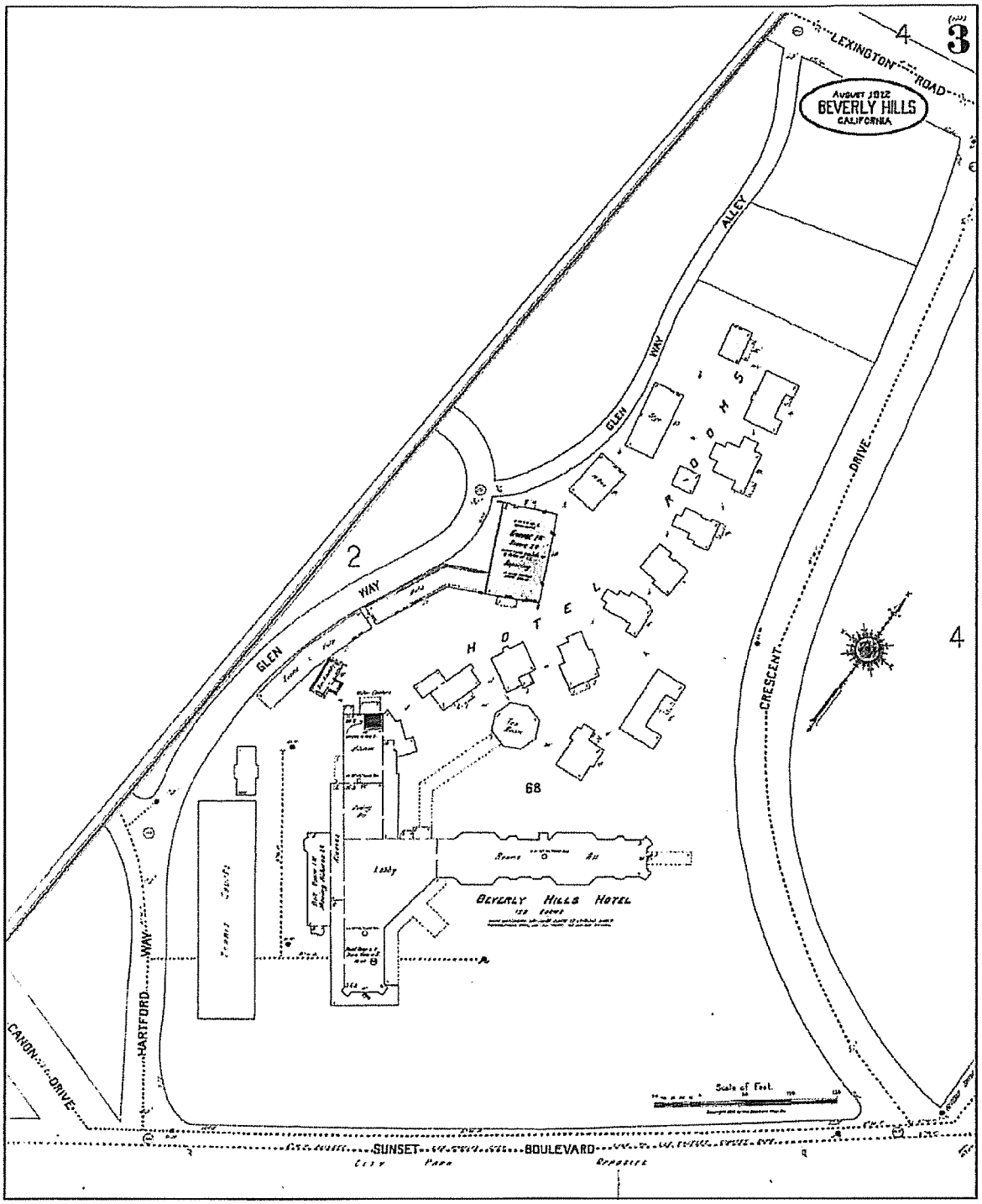


Figure 6: Sanborn Fire Insurance Map, note tennis courts west of main hotel building and bungalows extending north from main building (1922)

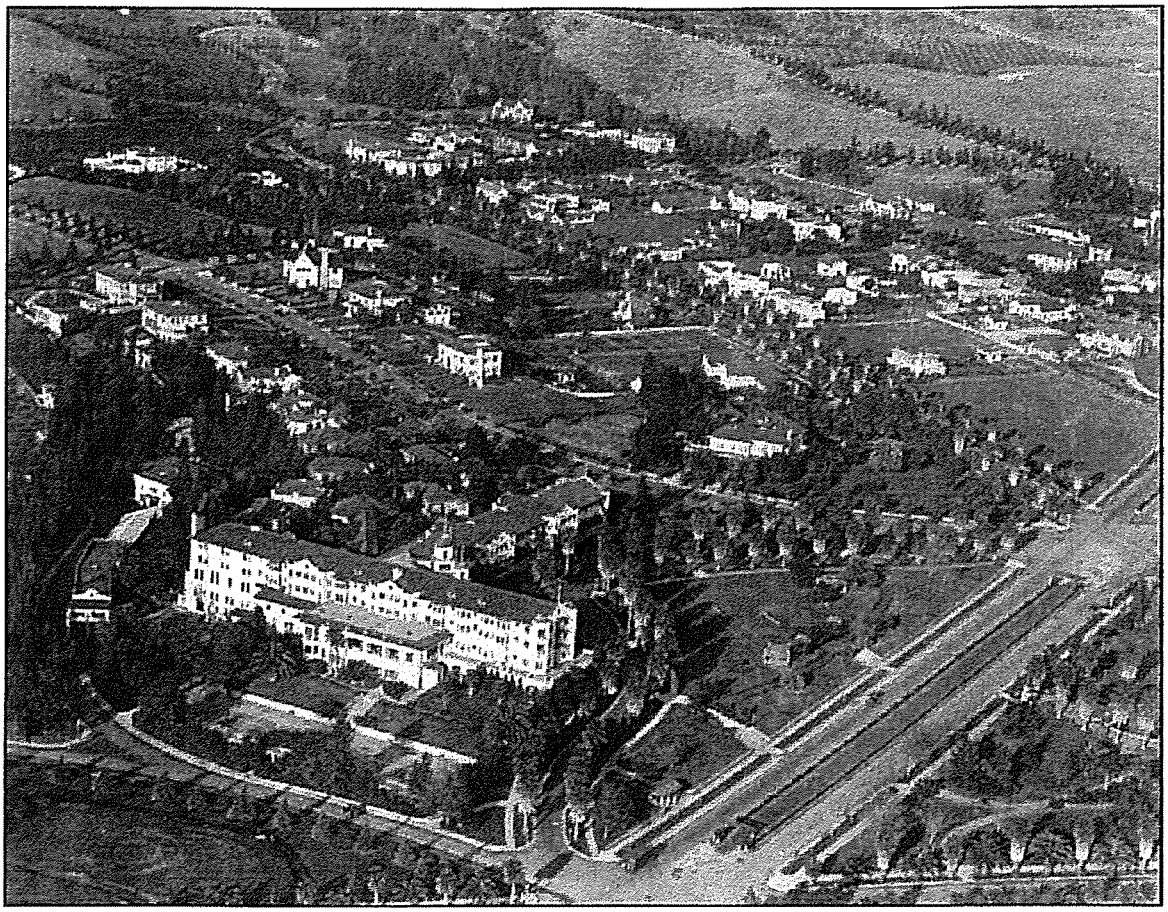


Figure 7: Beverly Hills Hotel, view northeast, note two tennis courts along west elevation of main hotel (Los Angeles Public Library, c.1930)

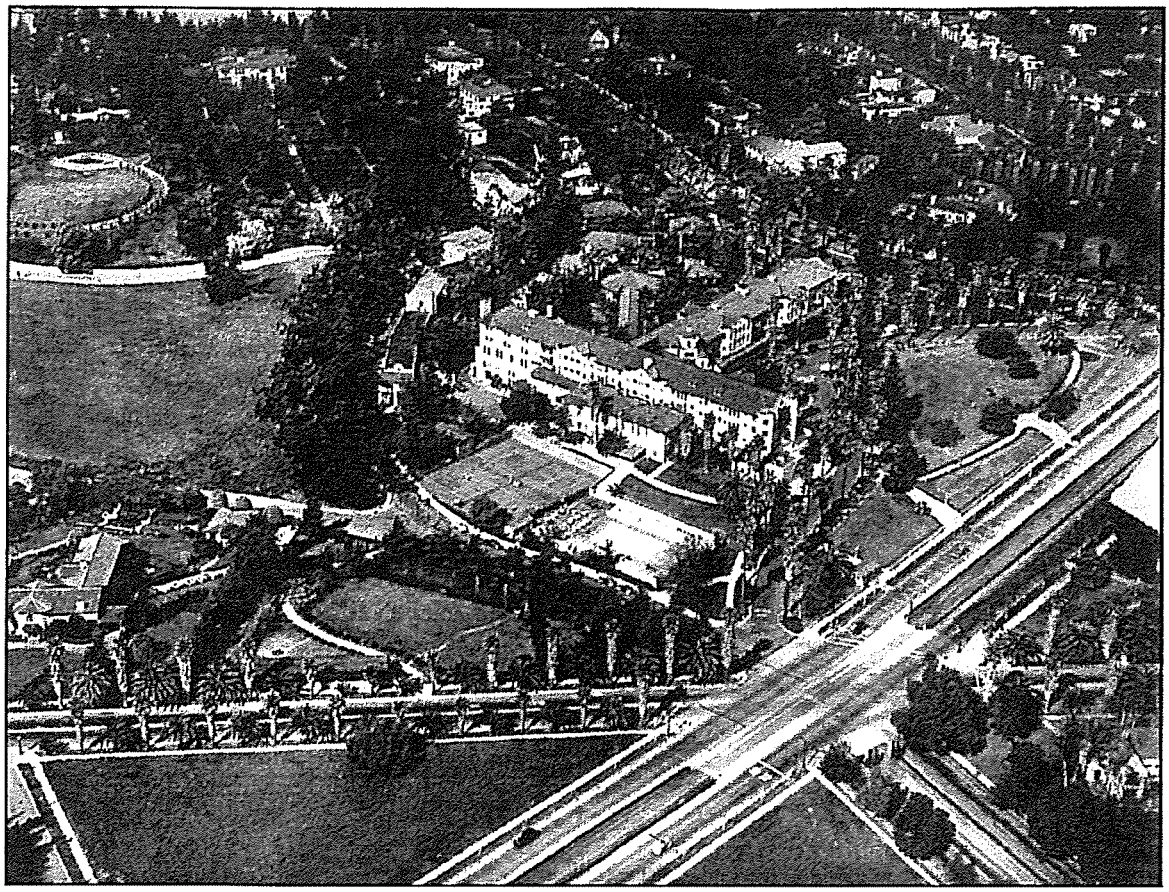


Figure 8: Beverly Hills Hotel, view northeast, note tennis courts north of pool at southwest elevation (c.1939)

ATTACHMENT "E"

Application

APPLICATION FOR ZONE CHANGE, GENERAL PLAN AMENDMENT, SPECIFIC PLAN OR SPECIFIC PLAN AMENDMENT

Please specify what type of application(s) is/are requested:

- ☐ **Zone Change**
- ☐ **General Plan Amendment**
- ☐ **Specific Plan**
- ☒ **Specific Plan Amendment**

ZC/GPA/SP NO._____ **Application Date** 10-10-08

Petitioner's Name: Sajahtera, Inc., a Delaware corporation dba The Beverly Hills Hotel

Petitioner's Address: 9461 Sunset Boulevard, Beverly Hills, CA 90210

Petitioner's Telephone No.: 310-281-2908

Property for which the application is requested (give street address and exact legal description of the property): The Beverly Hills Hotel
9461 Sunset Boulevard, Beverly Hills, CA 90210
See Attachment 1 for legal description

Identify the specific boundaries of area for which each change is sought or for which a change in zone standards is requested.

The Beverly Hills Hotel

What is/are the existing zone or zone standards for the property or area to be rezoned or modified? The Beverly Hills Hotel Specific Plan ("BHHSP")

* See Attachment 2 for a description of the Project and Attachment 3 for the proposed amendment to the BHHSP.

What changes to existing standards is the are requested? Amendment of BHHSP to permit petitioners proposed project ("Project") *

The petitioner requests that the application be granted for the following reasons:

1. The Project enchances the economic viability of the Hotel by replacing the under-utilized tennis courts with 2 bungalows each containing 3 keys.
2. The 6 additional keys will increase the number of hotel keys to the 210 keys permitted under the existing BHHSP.
3. The Project will bring a more residential quality to Glen Way.

EXISTING ON-SITE USES: The Beverly Hills Hotel

Neighboring Uses:

North Residential (North of Glen Way) **South** City Park and Residential (South of Sunset)

East Residential (East of Crescent) West Residential (West of Hartford)

RELATED PROJECT DESCRIPTION, IF ANY:
See Attachment 2 and Attachment 3

SITE DIMENSIONS: _____ **SITE AREA:** _____

EXISTING F.A.R.: _____ **EXISTING LOT COVERAGE:** _____

BUILDING HEIGHT(S): _____ **STORIES ABOVE GRADE:** _____
LEVELS BELOW GRADE: _____

PARKING: **Existing Number of spaces:** _____ **Standard:** _____
Compact: _____ **Tandem:** _____
Total Number of Required Spaces: _____

ADDITIONAL INFORMATION: N/A
Setbacks: Front: _____ **Rear:** _____ **Sides:** _____

Residential:
Number of Existing Units: N/A

Commercial: **Use:** N/A
Hours of Operation: _____
Number of Peak Hour Employees: _____
If Restaurant or Bar, Number of Seats: _____

I declare under penalty of perjury the foregoing is true and correct except as to those matters stated as information and belief.

Executed on 10-7-08, **at** Beverly Hills, California, **California.**

Sajahtera, Inc.
By _____
Petitioner's signature

NOTE: **Signature of petitioner must be acknowledged before a Notary Public**

FOR DEPARTMENT USE ONLY.

(Petitioner may wish to provide information in support of the petition.)

1. How such change will promote orderly change or development in the community.

2. Why the boundaries of the proposed change or the nature of the proposed zone standards are reasonable and consistent with the character and use of the surrounding area.

3. How such change conforms to the City's adopted General Plan.

ATTACHMENT 1

Legal Description of Hotel Site

Lots 1 through 11, inclusive, and Lot 21, all in block 75 of Beverly Hills, in the City of Beverly Hills, in the County of Los Angeles, State of California, as per map recorded in Book 11, at Pages 186 and 187, of Maps, in the Office of the County Recorder of said County.

and

Parcel 3, in the City of Beverly Hills, in the County of Los Angeles, State of California, as shown on Parcel Map no. 16720, filed in Book 186, at Page 98, of Parcel Maps, in the Office of the County Recorder of said County.

Los Angeles County Assessor's Parcel No. 4344-016-003

ATTACHMENT 2

Project Description

The Beverly Hills Hotel Bungalow Project ("Project") is the construction of two (2) new hotel bungalows (Bungalow #23 and Bungalow #24) in the location presently occupied by the two (2) existing tennis courts. Each new bungalow will be one story, contain approximately 3200 square feet, and have 3 separately rentable hotel rooms ("Keys"). The Beverly Hills Hotel Specific Plan ("Specific Plan") provides that the total number of Keys shall not exceed 210. The Project will result in the total number of Keys increasing to 210 from the existing 204 Keys. Parking for the Project is provided by the existing 692 Parking Spaces required by the Specific Plan for the 210 Keys authorized by the Specific Plan.

The Project will also include the following elements: (i) replacement of the existing fence and tennis court screening on Glen Way with an 8 1/2-foot wall along Glen Way, with landscaped planters (interrupted every 20-feet by a projecting pilaster reflective of the traditional architecture of the hotel), so as to bring a residential quality to the Glen Way, and to obscure visibility of the new bungalows from both Glen Way and neighboring properties; (ii) a 12-foot trellis planted with bougainvillea, and low, raised planters, to soften the distance between the main hotel building and the new bungalows; and (iii) a landscape design consistent with the existing landscaping, plant material and hardscape arrangement of the hotel. In addition, the design of the new bungalows, with pink stucco-clad walls and clay tile hipped roofs, draws inspiration from and is compatible with the materials, features, size, scale and massing of the main hotel building and the existing bungalows.

ATTACHMENT 3

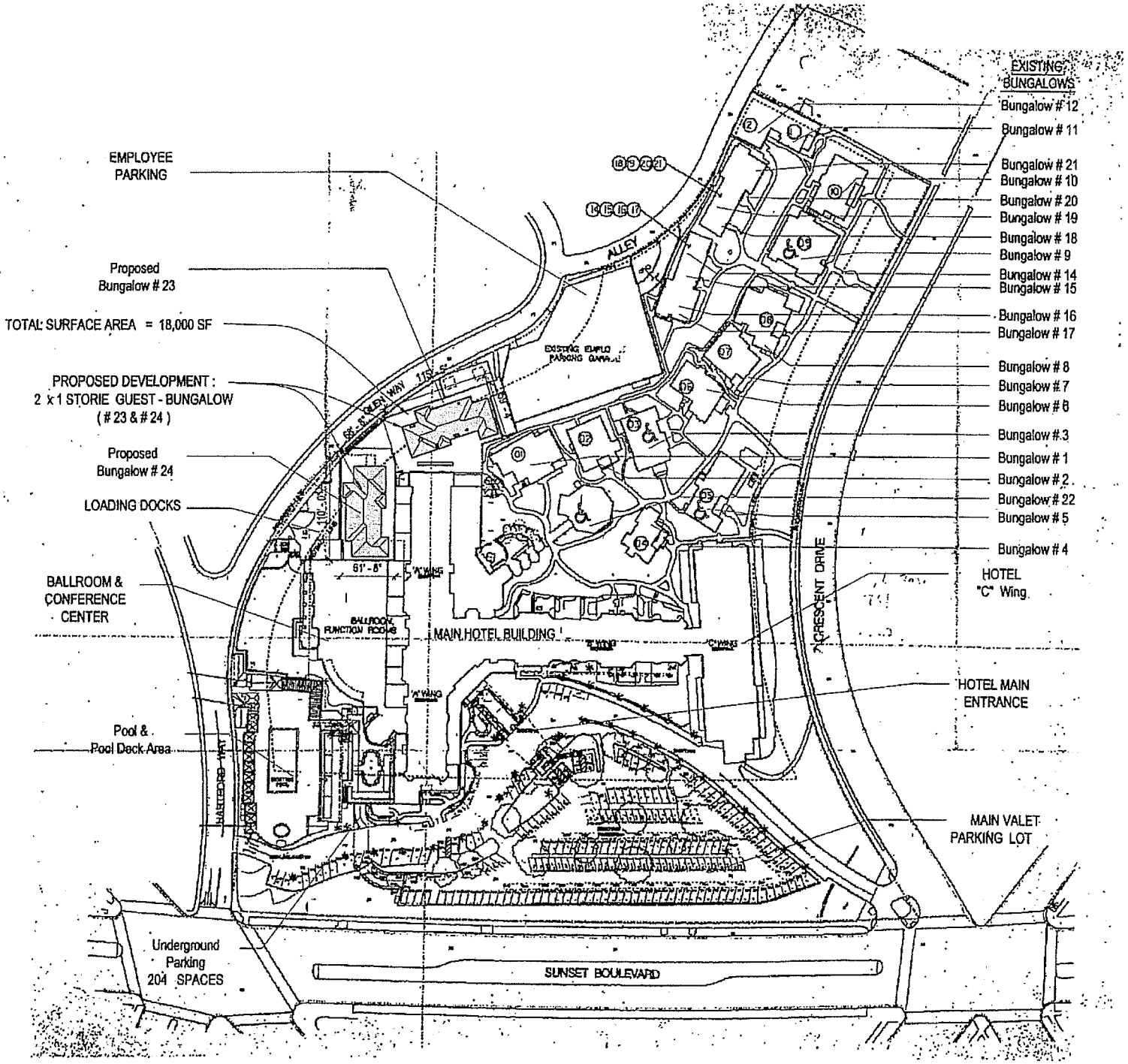
PROPOSED AMENDMENT TO THE

BEVERLY HILLS HOTEL SPECIFIC PLAN

The Beverly Hills Hotel Specific Plan adopted on August 11, 1992 by Resolution No. 99-R-8617, as amended by Resolution No. 94-R-9035 (as so amended, the "Specific Plan")shall be further amended as follows:

Subsection "B" of the "DEVELOPMENT STANDARDS, CRITERIA AND REGULATIONS Section of the Specific Plan is amended to add at the end thereof the following provisions:

> "Notwithstanding any provisions of this Specific Plan expressly or impliedly to the contrary, two additional bungalows (individually, "Bungalow 23" and Bungalow "24", and collectively, the "Additional Bungalows") may be constructed in the location presently occupied by the two (2) tennis courts located within the Specific Plan Area. The location of Bungalow 23 and Bungalow 24 shall be substantially as shown on Figure 1 attached hereto.
>
> Each of the Additional Bungalows shall contain (i) approximately 3200 square feet, and (ii) not more than three separately rentable rooms. The total number of separately rentable rooms within the Specific Plan Area shall in no event exceed the 210 separately rentable rooms permitted under the Specific Plan. Parking for the Additional Bungalows is provided by the 692 parking spaces required by the Specific Plan, the location of which is shown on Figure 2 attached hereto.
>
> Bungalow 23 shall be constructed substantially as shown on Figures 3 and 5 attached hereto, and Bungalow 24 shall be constructed substantially as shown as on Figures 4 and 5 attached hereto. Each of the Additional Bungalows shall be one-story. Figure 5 attached hereto illustrates the height of Bungalow 23 and Bungalow 24. As shown on Figure 5, the height of each of the Additional Bungalows, as measured from the concrete deck of the existing tennis court, shall be approximately 20 feet.
>
> The location, distribution and type of landscaping, plant material and hardscape installed in connection with the construction of the Additional Bungalows shall be substantially as shown on Figures 6, 7 and 8 attached hereto, and shall include replacement of the existing fence and tennis court screening on Glen Way with an approximately 8 ½ foot wall with landscaped planters and other features, substantially as shown on Figures 9, 10 and 11 attached hereto.



Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *New Bungalows - Site Location Plan*

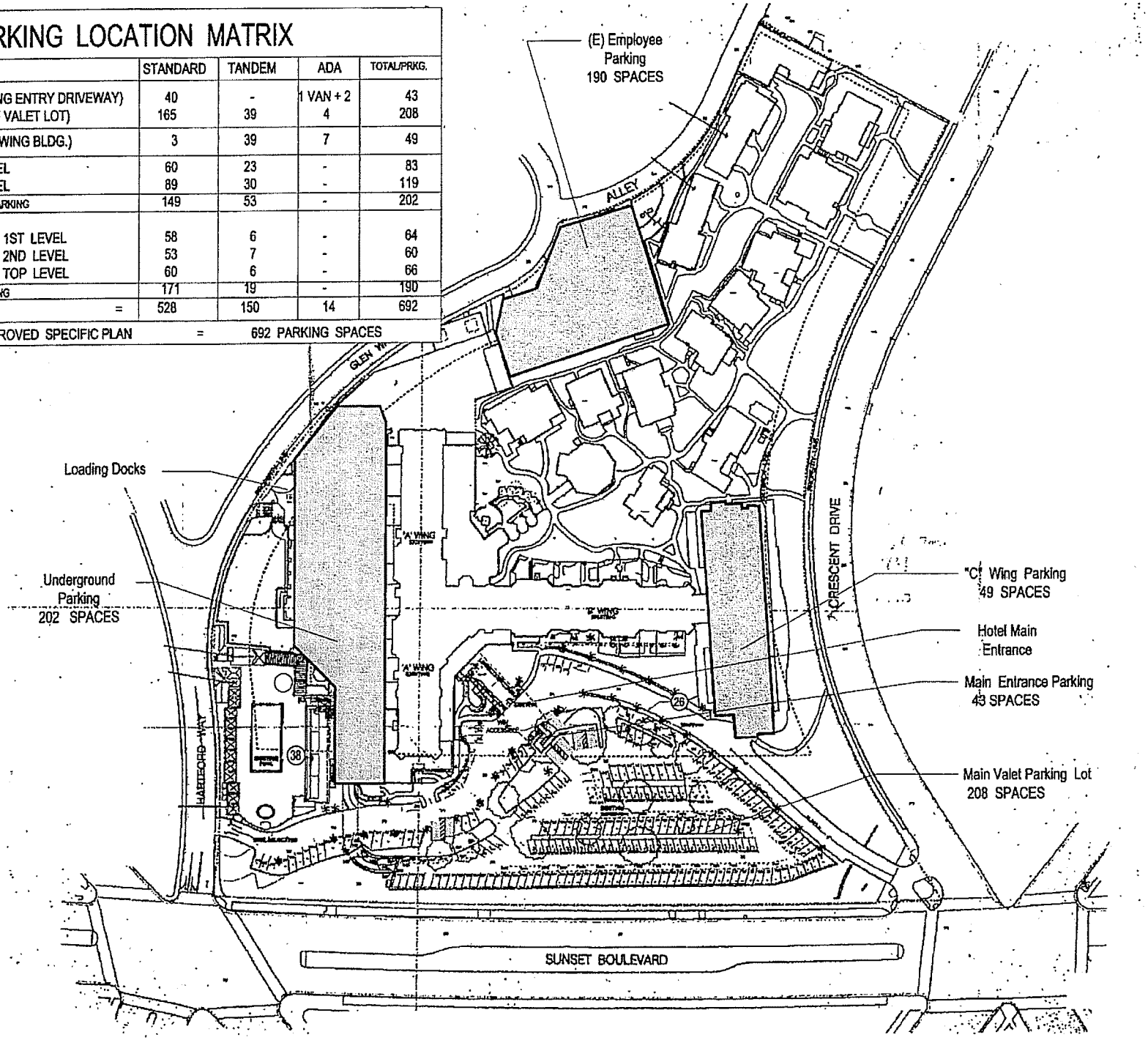
1/2 5 0 1 10

Figure-1

September 26, 2008 | **Gensler**

PARKING LOCATION MATRIX

LOCATION	STANDARD	TANDEM	ADA	TOTAL/PRKG.
GROUND LEVEL (ALONG ENTRY DRIVEWAY)	40	-	1 VAN + 2	43
GROUND LEVEL (MAIN VALET LOT)	165	39	4	208
GROUND LEVEL ("C" - WING BLDG.)	3	39	7	49
B-3 PARKING LEVEL	60	23	-	83
B-4 PARKING LEVEL	89	30	-	119
TOTAL UNDERGROUND PARKING	149	53	-	202
EMPLOYEE PARKING 1ST LEVEL	58	6	-	64
EMPLOYEE PARKING 2ND LEVEL	53	7	-	60
EMPLOYEE PARKING TOP LEVEL	60	6	-	66
TOTAL EMPLOYEE PARKING	171	19	-	190
SUB - TOTAL =	528	150	14	692
TOTAL AS PER APPROVED SPECIFIC PLAN = 692 PARKING SPACES				

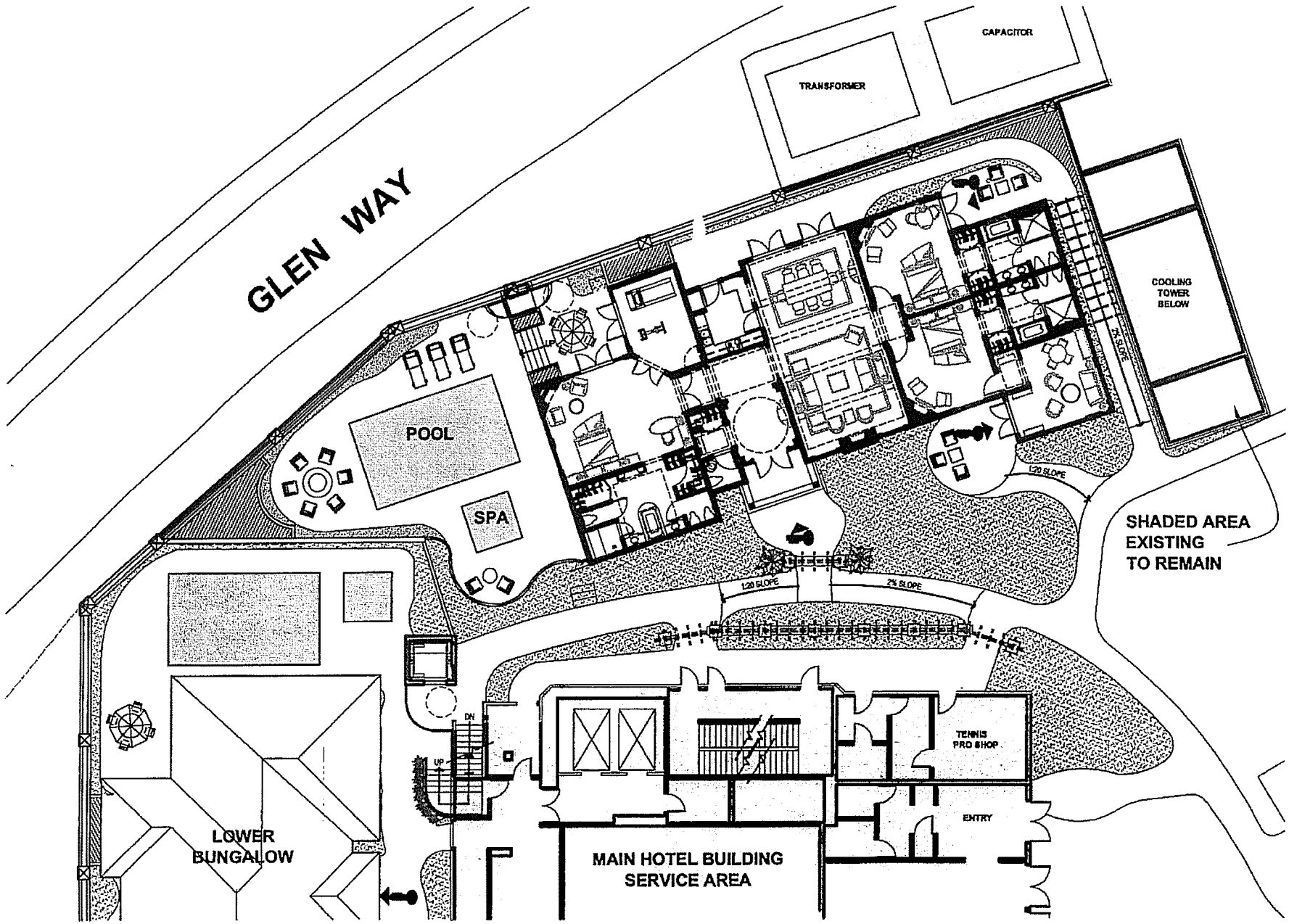


Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *Parking Location Matrix and Site Plan*

Figure- 2

September 26, 2008 | **Gensler**



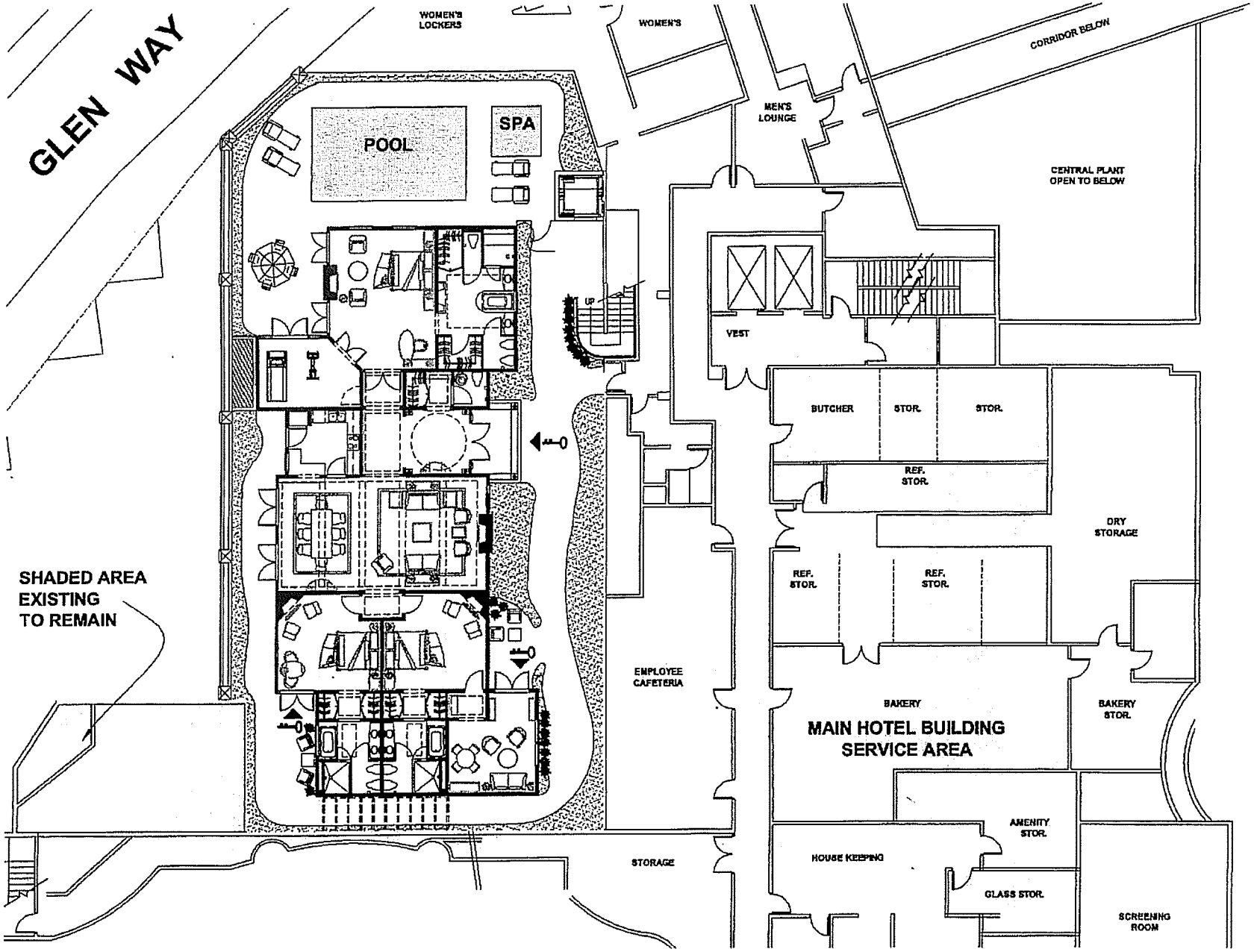
Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *Bungalow #23 - Floor Plan*

0 1 1/2 5 10

Figure- 3

September 26, 2008 | **Gensler**



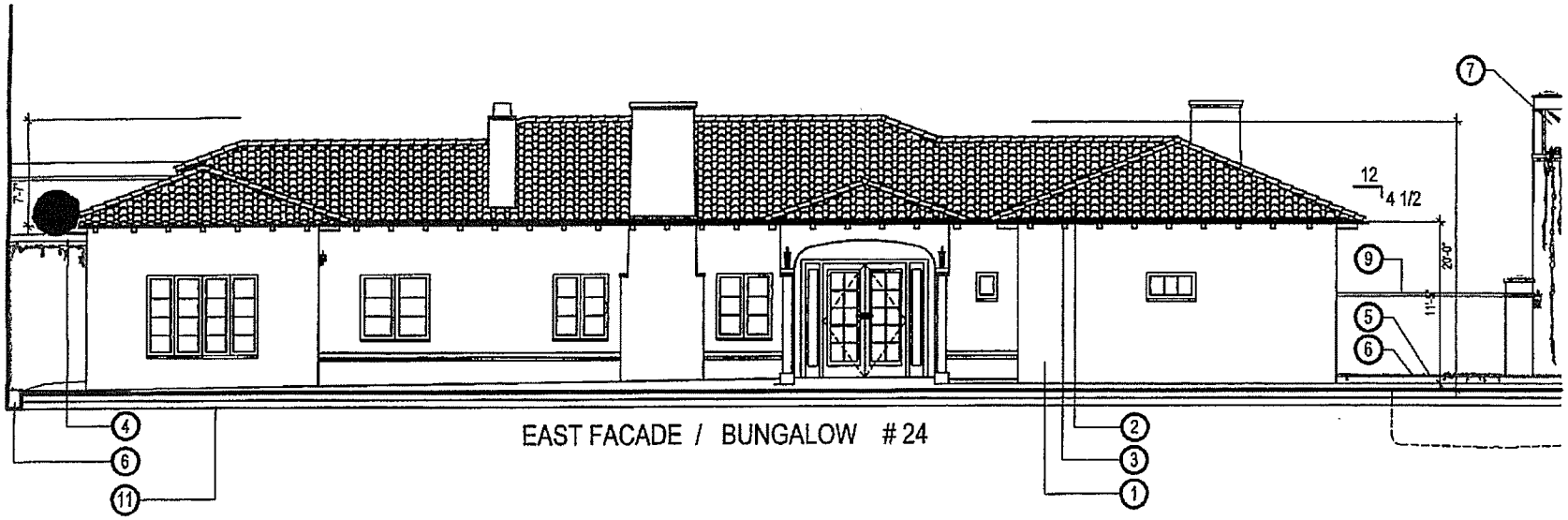
Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *Bungalow #24 - Floor Plan*

0 1/2 1 5 10

Figure- 4

September 26, 2008 | **Gensler**



1. PLASTER PAINTED PINK TO MATCH EXISTING BUNGALOWS.
2. CLAY TILE ROOF TO MATCH EXISTING BUNGALOW.
3. WOOD WORK PAINTED WHITE TO MATCH EXISTING BUNGALOWS.
4. ORNAMENTA WOOD TRELLIS.
5. POOL DECK FINISH AS INDICATED IN LANDSCAPE DRAWINGS.
6. PLANTER.
7. POOL ENCLOSURE
8. NEW EXTERIOR GUEST ELEVATOR
9. NEW PERIMETER WALL
10. STAIRS (BEYOND)
11. EXISTING STRUCTURAL SLAB TO REMAIN

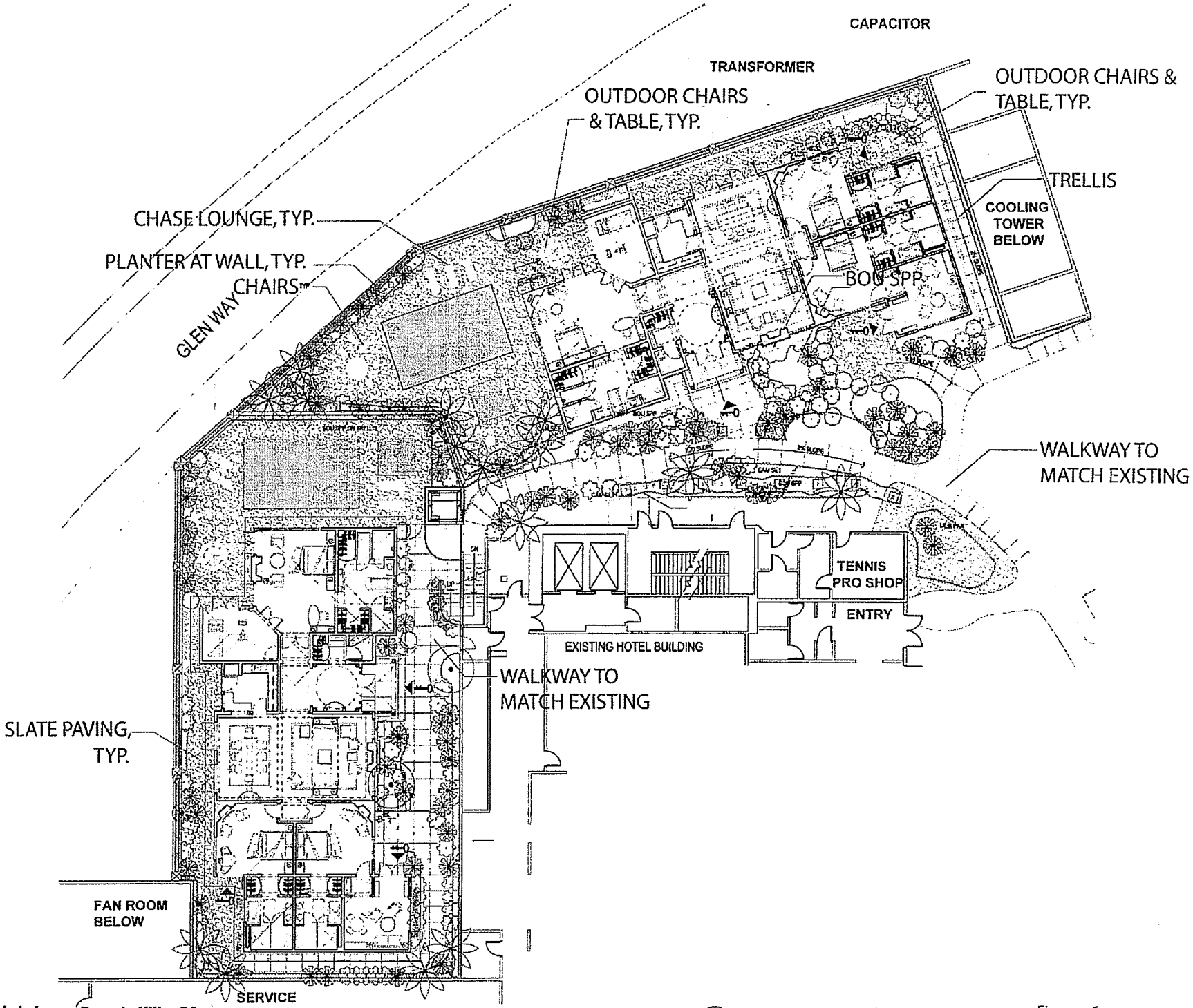
Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | Bungalow #23 & #24 - Elevations

Figure- 5

September 26, 2008

Gensler



Beverly Hills Hotel **Beverly Hills, CA**

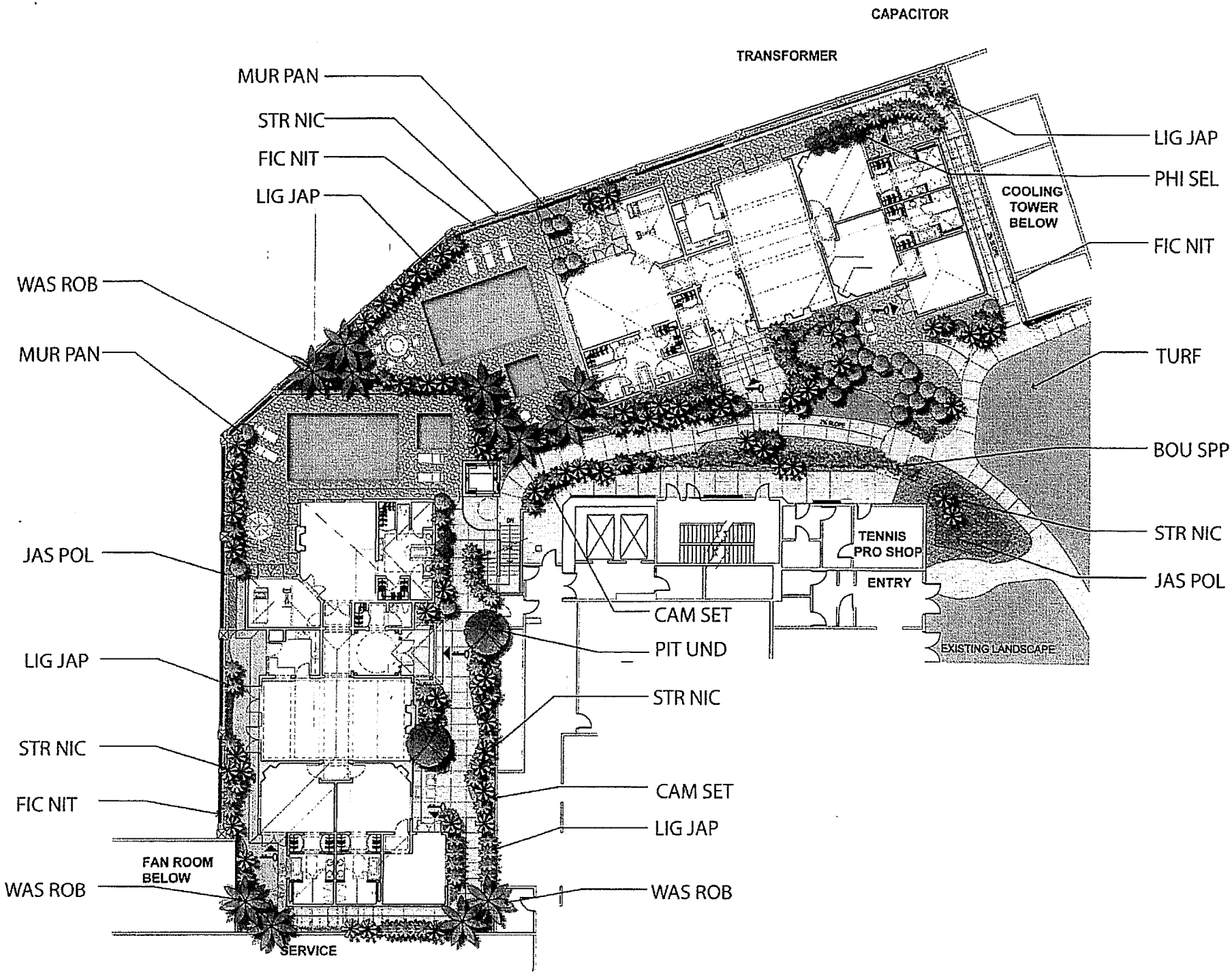
05.6198.000 | *Bungalow #23 & #24 - Hardscape Plan*

1 1/2 5 0 1 10

Figure- 6

September 26, 2008

Gensler



Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *Bungalow #23 & #24 - Landscape Plan*

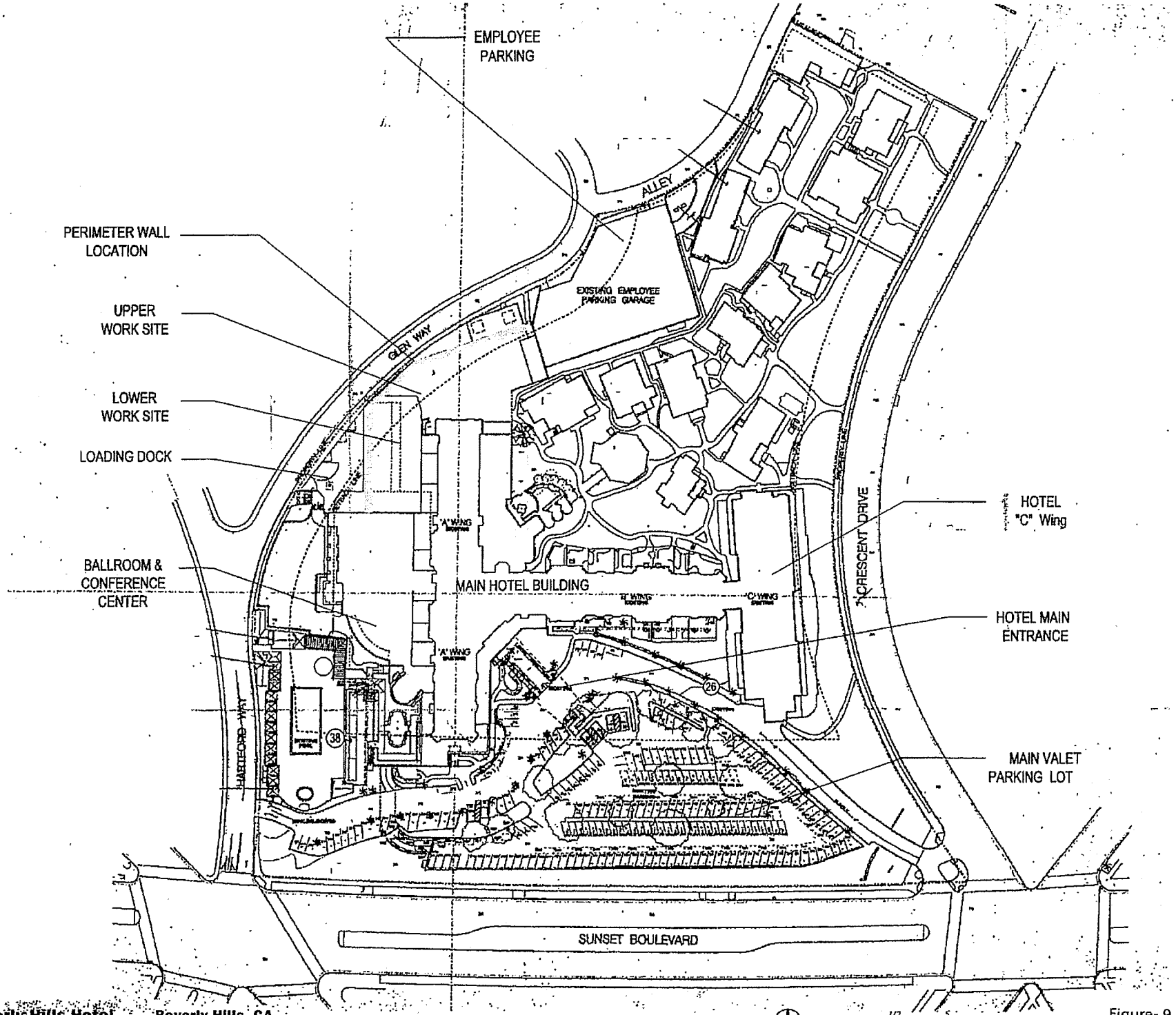
1/2 5 0 1 10

Figure- 7

September 26, 2008 | **Gensler**

PROPOSED PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME
I. PALMS / CYCADS		
WAS ROB	WASHINGTONIA ROBUSTA	MEXICAN FAN PLANT
II. TREES		
FIC NIT	FICUS M. NITIDA "GREEN GEM"	GREEN GEM FICUS
LIG JAP	LIGUSTRUM JAPONICUM	JAPANESE PRIVET
PIT UND	PITTOSPORUM UNDULATUM	VICTORIA BOX
STR UND	STRELITZIA NICOLAI	GIANT BIRD OF PARADISE
III. SHRUBS/GROUNDCOVER		
AZA ALA	AZALEA 'ALASKA'	AZALEA
AZA FIE	AZALEA 'FIELDER'S WHITE'	AZALEA
CAM SET	CAMELIA SASANQUA 'SETSUGEKKA'	SASANQUA CAMELIA
JAS POL	JASMINUM POLYANTHUM	WINTER JASMINE
MUR PAN	MURRAYA PANICULATA	ORANGE JASMINE
PHI SEL	PHILODENDRON SELLOUM	PHILODENDRON
ROS FLO	ROSE FLORIBUNDA 'ICEBERG'	FLORIBUNDA ROSE
IX. VINES		
BOU RED	BOUGAINVILLEA 'SAN DIEGO RED'	BOUGAINVILLEA
FIC PUM	FICUS PUMILA	CLIMBING FICUS
SOL JAS	SLOANUM JASMINOIDES	POTATO VINE

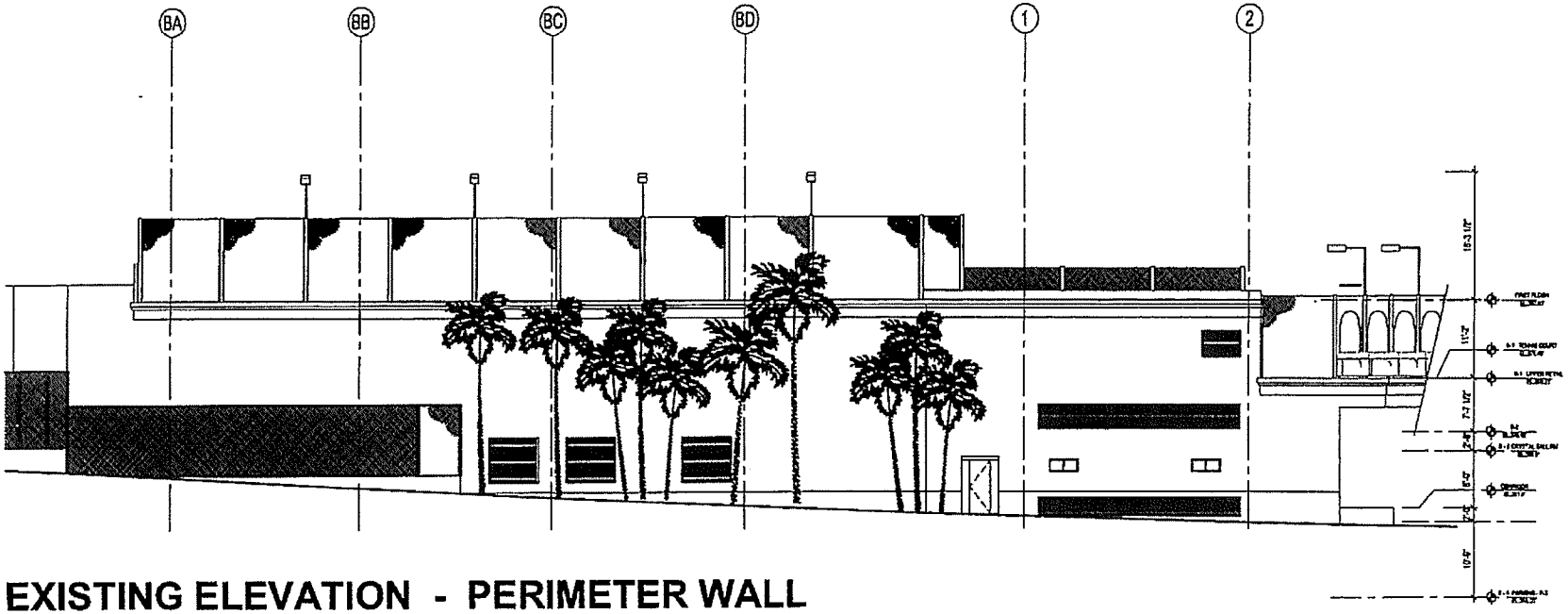


Beverly Hills Hotel **Beverly Hills, CA**

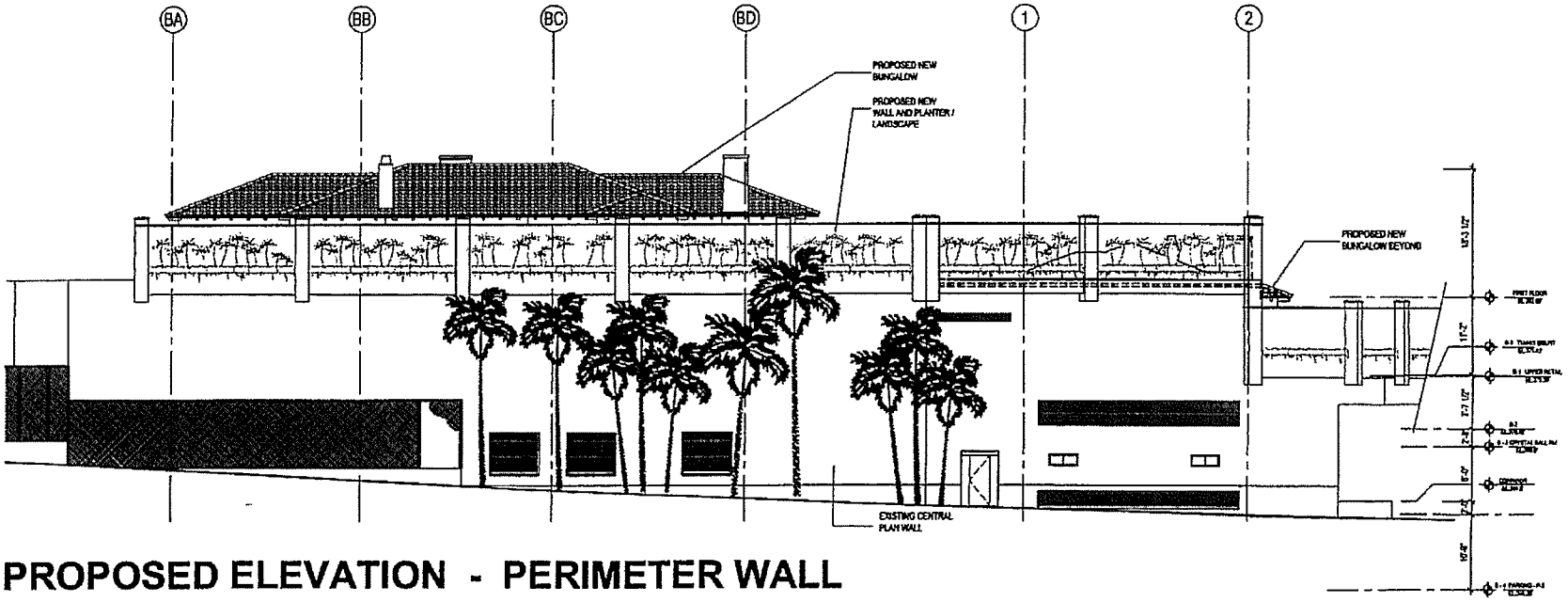
Figure- 9

05.6198.000 | *Perimeter Wall - Location Plan*

September 26, 2008 | **Gensler**



EXISTING ELEVATION - PERIMETER WALL



PROPOSED ELEVATION - PERIMETER WALL

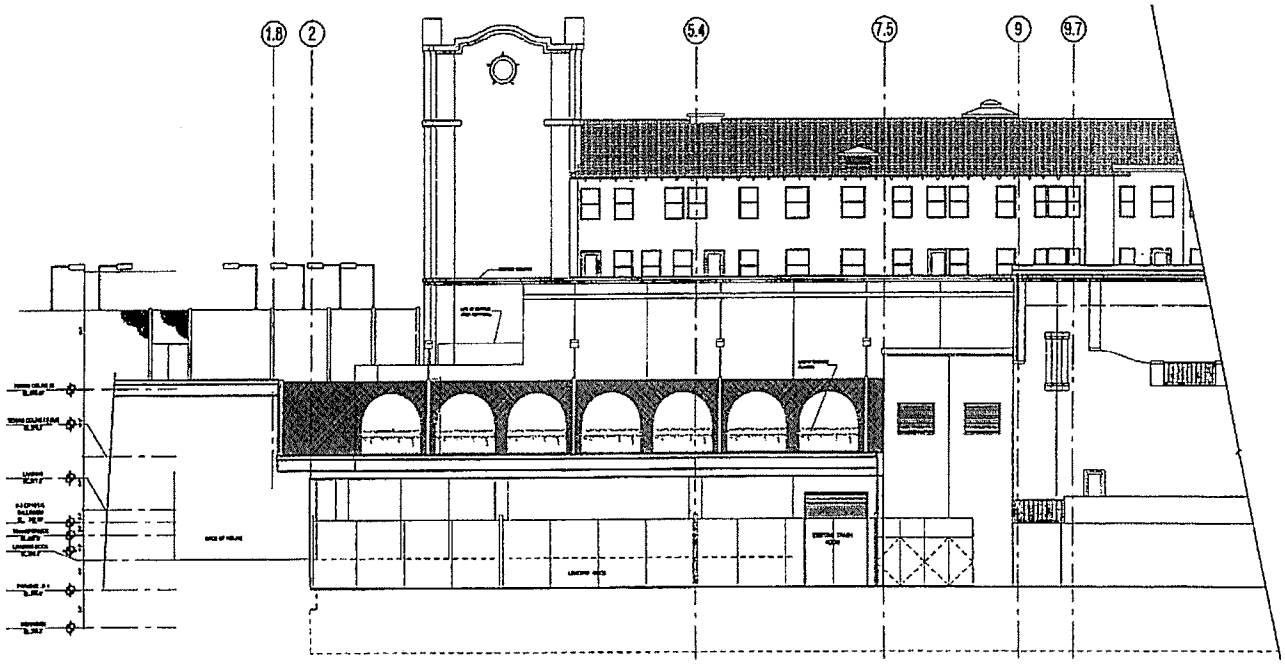
Beverly Hills Hotel **Beverly Hills, CA**

05.6198.000 | *Perimeter Wall Elevation - Lower Bungalow*

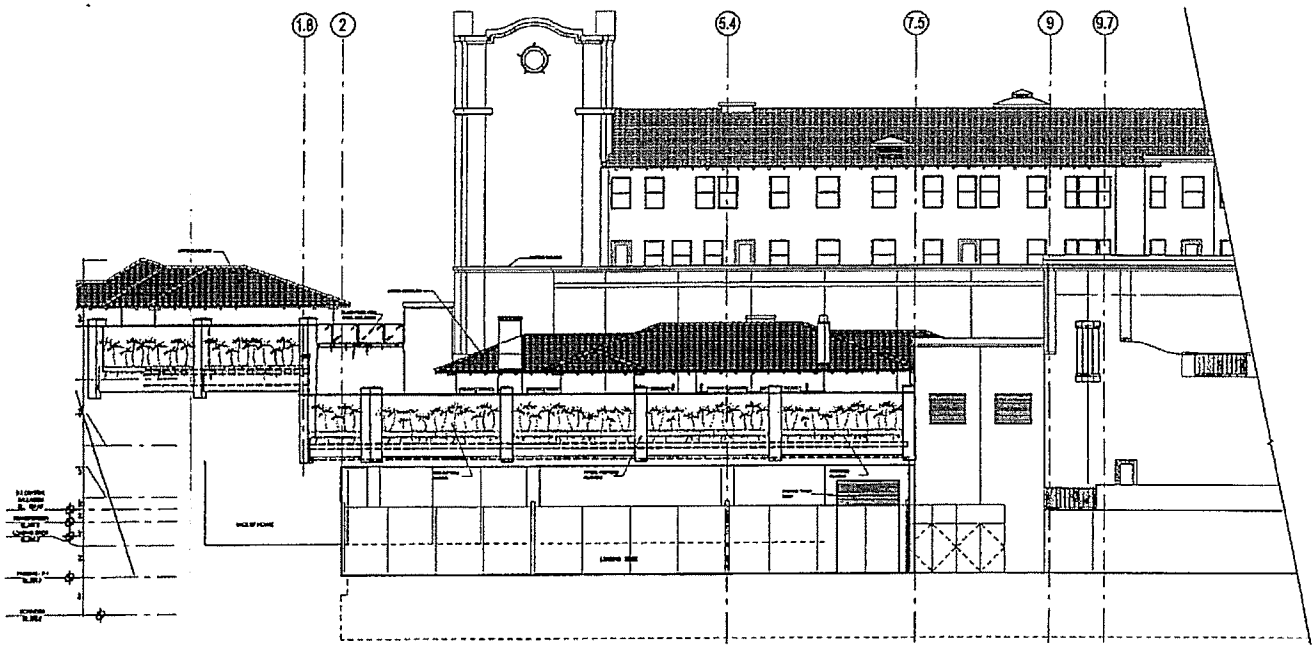
1/2 5
0 1 10

Figure- 10

September 26, 2008 | **Gensler**



EXISTING ELEVATION - PERIMETER WALL



PROPOSED ELEVATION - PERIMETER WALL

RESOLUTION NO. 1501

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PROJECT LOTUS, LLC FOR CONSTRUCTION OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS AND ANCILLARY COMMERCIAL USES, IN ACCORDANCE WITH THE 9900 WILSHIRE SPECIFIC PLAN FOR PROPERTY AT 9900 WILSHIRE BOULEVARD (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE)

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

Section 1. Project Lotus, LLC ("Developer") proposes to enter into a development agreement (herein, the "Development Agreement"), a draft version of which is attached to this Resolution as Exhibit "A" in connection with the construction of a luxury residential condominium project with ancillary commercial uses and gardens to be located at 9900 Wilshire Boulevard (the "Project").

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources. Pursuant to CEQA Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an EIR for the Project to analyze the Project's potential impacts on the environment. The Planning

Commission, by separate Resolution No. 1498 which is hereby incorporated by reference, recommended that the City Council (a) make certain CEQA findings and determinations, (b) certify the EIR (c) adopt a Statement of Overriding Considerations and (d) adopt a Mitigation Monitoring and Reporting Program. The documents and other materials that constitute the record on which this recommendation was made are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On January 24, 2008 and February 7, 2008, the Planning Commission conducted duly noticed public hearings to consider the Development Agreement and the Project. Notices of the time, place and purpose of the public hearings were duly provided in accordance with California Government Code Sections 65867, 65090 and 65091.

Section 4. The Planning Commission finds that the provisions of the Development Agreement are consistent with the City of Beverly Hills General Plan as proposed to be amended and comply with its objectives and policies including the objective of developing large parcels at anchor locations that serve as gateways to the City with a variety of land uses at higher intensities, provided such developments serve as adequate transition to adjacent single family neighborhoods. The Development Agreement implements the terms of the General Plan, the 9900 Specific Plan and City ordinances, including a General Plan Amendment processed in connection with the Project to change the land use designation of the project site from Commercial to 9900 Wilshire Specific Plan, and does not allow development except in conformance with the General Plan, as amended.

Section 5. The Planning Commission hereby recommends that the City Council adopt an ordinance approving a Development Agreement substantially similar to the

draft Agreement attached hereto as Exhibit "A," which incorporates revisions recommended by the Planning Commission with respect to setting aside funds for affordable housing, requiring the Developer to make a school benefit payment to the Beverly Hills Unified School District, and setting aside a portion of the Public Benefit Fee for implementation of improvements to address congestion at the intersection of Santa Monica Boulevard and Wilshire Boulevard.

Section 6. The Secretary shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered into the Book of Resolutions of the Planning Commission.

Adopted: February 21, 2008

Noah D. Furie
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Vincent P. Bertoni, AICP
Director of Community Development

David D. Gustavson
for Director of Public Works & Transportation

EXHIBIT A

DRAFT DEVELOPMENT AGREEMENT

DRAFT Development Agreement

RECORDING REQUESTED BY:
CITY OF BEVERLY HILLS

WHEN RECORDED MAIL TO:

City of Beverly Hills
Attention: City Attorney's Office
455 North Rexford Drive
Room 220
Beverly Hills, CA 90210

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made by and between THE CITY OF BEVERLY HILLS, a California municipal corporation (the "City"), and PROJECT LOTUS, LLC, a Delaware Limited Liability Company (the "Developer"). The City and Developer are individually referred to herein as a "Party" and collectively referred to as the "Parties."

RECITALS

This Agreement is made and entered into with regard to the following facts, each of which is acknowledged as true and correct by the Parties to this Agreement.

A. Developer is the fee owner of that certain real property located in the City of Beverly Hills, California and described in Exhibit A attached hereto and incorporated herein by reference.

B. Developer desires to develop the Project (as hereafter defined).

C. Developer has applied to the City for approval of this mutually binding Agreement, pursuant to the provisions of the Development Agreement Act (as hereafter defined) and other applicable laws.

D. In anticipation of the development of the Project, Developer has made or will make application to the City (in its governmental capacity) for certain approvals, entitlements, findings and permits required for the development and construction of the Project, including, without limitation: (1) a general plan amendment, (2) a specific plan, (3) a zoning code amendment, (4) a vesting tentative tract map, and (5) a development agreement for the Project under the Development Agreement Act.

E. Developer has, as of the Reference Date (as hereafter defined), received approval of the Project Approvals (as hereafter defined) allowing the development and construction of the Project.

F. The City Council has specifically considered the advantages and impacts of this Project upon the welfare of the City and believes that the Project will benefit the City.

G. This Agreement eliminates uncertainty in planning and provides for the orderly development of the Project in a manner consistent with the City's Zoning Regulations (as hereafter defined), the Applicable Rules (as hereafter defined) and the General Plan (as hereafter defined).

H. To provide such certainty, the City desires, by this Agreement, to provide Developer with assurance that Developer can proceed with development of the Project with the uses, density and other land use characteristics specified in the Project Approvals. Developer would not enter into this Agreement, or agree to provide the public benefits and improvements described herein, without the City's agreement that the Project can be developed, during the term of this Agreement, with the uses, density and other land use characteristics specified in the Project Approvals.

I. The City has determined that, as a result of the development of the Project in accordance with the Project Approvals and this Agreement, substantial benefits will accrue to the public.

J. On January 24, 2008 and February 7, 2008, pursuant to the requirements of the Development Agreement Act, the Planning Commission of the City of Beverly Hills conducted a hearing on Developer's application for this Agreement.

K. On __[DATE]__, pursuant to the requirements of the Development Agreement Act, the City Council of the City of Beverly Hills (the "City Council") conducted a hearing on Developer's application for this Agreement.

L. The City Council has found and determined that this Agreement is consistent with the City's General Plan and all other plans, policies, rules and regulations applicable to the Project.

M. On ___[DATE]___, 2008, the City Council adopted Ordinance No._____ approving this Agreement, and such ordinance became effective on __[DATE]__, 2008.

N. By Resolution No. _____ adopted by the City Council on __[DATE]__, the City Council reviewed and certified, after making appropriate findings, the EIR (as hereafter defined) that contemplates this Agreement.

AGREEMENT

NOW THEREFORE, pursuant to the authority contained in the Development Agreement Act, as it applies to the City, and in consideration of the mutual promises and covenants herein contained and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree as follows:

DRAFT Development Agreement

1. Definitions. For all purposes of this Agreement, except as otherwise expressly provided herein, or unless the context of this Agreement otherwise requires, the following words and phrases shall be defined as is set forth below:

(a) "Applicable Rules" means the rules, regulations, ordinances, resolutions, codes, guidelines, and officially adopted procedures and official policies of the City governing the use and development of real property, including, but not limited to, the City's Zoning Regulations and building regulations, adopted as of the Effective Date. Among other matters, the Applicable Rules set forth and govern the permitted uses of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, parking requirements, setbacks, and development standards, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction guidelines, standards and specifications applicable to the development of the Property.

(b) "Beverly Hills Public Art Ordinance" means the requirements set forth in Title 3, Chapter 1, Article 8 of the Beverly Hills Municipal Code.

(c) "Building Permit" means a permit issued by the City pursuant to Title 9 of the Beverly Hills Municipal Code to authorize construction of a building or other structure. "Building Permit" shall not include a demolition permit or excavation and shoring permit, but shall include a foundation permit.

(d) "Business Day" means any day other than a Saturday, Sunday or California or Federal holiday on which banks in the City are customarily closed.

(e) "CEQA" means the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.), as it now exists or may hereafter be amended.

(f) "Change of Control" shall refer to a transaction whereby a transferee acquires a beneficial ownership interest in Developer (or in an Existing Owner) such that after such transaction there is a change of identity of the person or entity that has the power to direct or cause the direction of the management and policies of Developer, whether through the ownership of voting securities, by contract or otherwise.

(g) "Conditions of Approval" shall mean those conditions of approval imposed by the City upon the Project Approvals.

(h) "Developer Fees" shall mean those fees established, adopted, or imposed by the City pursuant to Section 66000 et seq., of the Government Code of the State of California or the California Subdivision Map Act to offset the impact of development on the City's capital facilities, including impact fees, linkage fees, exactions, assessments or fair share charges, or other similar impact fees imposed by the City on or in connection with new development. Notwithstanding the foregoing, Developer shall not be obligated to pay any Developer Fees in connection with the Project, as all Developer Fees are included within the "Public Benefit Contribution" (as defined below). Developer Fees do not mean or include Processing Fees.

(i) "Development Agreement" or "Agreement" means this Agreement.

(j) "Development Agreement Act" means Article 2.5 of Chapter 4 of Division 1 of Title 7 (Sections 65864 through 65869.5) of the California Government Code (as the same may be amended and/or re-codified from time to time).

(k) "Discretionary Action(s)" or "Discretionary Approval(s)" means an action which requires the exercise of judgment, deliberation or discretion on the part of the City, including any board, agency, commission or department and any officer or employee thereof, in the process of approving or disapproving a particular activity, as distinguished from a Ministerial Permit or Ministerial Approval (as hereafter defined).

(l) "Effective Date" shall mean the date this Agreement, fully executed, is recorded in the official records of the Los Angeles County Recorder.

(m)"EIR" shall mean the final Environmental Impact Report (SCH No. 2006071107) which addresses the Project and was prepared, circulated and certified in accordance with applicable law, including, without limitation, CEQA.

(n) "EMS Fee" means the fee paid pursuant to the provisions of Section 10(e) of this Agreement, which payments may be used by the City for various public projects and programs.

(o) "General Plan" means the General Plan of the City, as it exists as of the Effective Date.

(p) "Ministerial Permit(s)," or "Ministerial Approval(s)" means a permit or approval, including, but not limited to, building permits, grading permits, zone clearances, and certificates of occupancy, which requires the City, including any board, agency, commission or department or any officer or employee thereof, to determine whether there has been compliance with applicable rules, statutes, ordinances, conditions of approval, and/or regulations, as distinguished from an activity which is included in the definition of Discretionary Action or Discretionary Approval.

(q) "Mortgage" means any mortgage, deed of trust, encumbrance, sale leaseback or other security interest encumbering all or any portion of the Property, given by Developer for the purpose of securing funds to be used for financing the acquisition of the Property or any portion thereof, the construction of improvements thereon and/or any other expenditures reasonably necessary and appropriate to develop the Project.

(r) "Mortgagee" means the holder of the beneficial interest under any Mortgage.

(s) "Processing Fees" means all processing fees and charges required by the City that are applied uniformly to all construction or development related activity including, but not limited to, fees for land use applications, Building Permit applications, Building Permits, grading permits, hauling permits, encroachment permits, demolition permits, subdivision or parcel maps, lot line adjustments, street vacations, inspections, certificates of occupancy and plan check. Processing Fees shall not mean or include Developer Fees.

(t) "Project" means the development project as described in the final EIR, as modified by the Project Approvals.

(u) "Project Approvals" shall include, collectively, a General Plan Amendment, specific plan, zone change, zoning code amendment, and vesting tentative tract map approved by the City with respect to the Project and shall include any Subsequent Project Approvals (as hereafter defined).

(v) "Property" means the real property described in Exhibit "A" attached hereto.

(w) "Public Benefit Contribution" means the payment from the Developer to the City pursuant to Section 10(d) of this Agreement, which payment may be used by the City for various public projects and programs, and which payment includes any and all Developer Fees (as defined above).

(x) "Reserved Powers" means the power and authority of the City to enact regulations and/or take Discretionary Action if the same is expressly found by the City to be necessary to protect residents of the City, those employed in the City, or visitors to the City, from a condition that is dangerous to public health or safety or if the same is required to comply with California or federal laws (whether enacted previous or subsequent to the Effective Date of this Agreement).

(y) "Sales Transaction" means any transaction evidenced by the recording of a conveyance document that conveys the Property, or any subdivided portion of the Property, and which conveyance would be subject to, and not exempt from, the Los Angeles County Documentary Transfer Tax (Los Angeles County Code, Chapter 4.60) or the City of Los Angeles Real Estate Transfer Tax (Los Angeles City Municipal Code, Chapter 2, Article 1.9) as those taxes existed on the Effective Date of this Agreement. A transaction whereby the possession of all or a portion of the Property is transferred but the seller retains the title as security for the payment of the price shall be deemed a Sales Transaction. Notwithstanding the foregoing, a transfer of all or a portion of the Property as a result of a judicial or non-judicial foreclosure, or by deed in lieu of foreclosure, initiated by a Mortgagee, shall not be deemed a Sales Transaction. For the purposes of triggering the EMS Fee only, a Sales Transaction shall include (i) any sale, assignment, or transfer of fifty percent (50%) or more of the beneficial ownership interest in Developer, whether in one transaction or a series of transactions, provided however, that any transfers of ownership interests among the owners (or the beneficial owners of such owners) of any successor Developer hereunder (each an "Existing Owner"), shall not be deemed a Sales Transaction so long as the EMS Fee shall have been paid in connection with the acquisition of the Property by such successor Developer and the transferee was an Existing Owner at the time of such acquisition, or (ii) any Change of Control.

(z) "Subsequent Land Use Regulations" means any change in or addition to the Applicable Rules adopted after the Effective Date of this Agreement, including, without limitation, any change in any applicable general or specific plan, zoning, subdivision, or building regulation, including, without limitation, any such change by means of an ordinance, initiative, resolution, policy, order or moratorium, initiated or instituted for any reason whatsoever by the Mayor, City Council, Planning Commission or any other board, agency, commission or

department of City, or any officer or employee thereof, or by the electorate, as the case may be, which would, absent this Agreement, otherwise be applicable to the Project.

(aa) "Subsequent Project Approvals" shall mean all further Discretionary Actions or Discretionary Approvals, Ministerial Permits and Ministerial Approvals required or requested with respect to the Project, including, without limitation, any tentative subdivision map, whether vesting or non-vesting. Following adoption or approval, a Subsequent Project Approval shall become a Project Approval.

(bb) "Zoning Regulations" shall mean the official zoning regulations of the City adopted as of the Effective Date of this Agreement.

2. Recitals of Premises. Purpose and Intent.

(a) State Enabling Statute. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted the Development Agreement Act which authorizes any city to enter into binding development agreements establishing certain development rights in real property with persons having legal or equitable interests in such property. Section 65864 of the Development Agreement Act expressly provides as follows:

"The Legislature finds and declares that:

> "(a) The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and a commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
>
> "(b) Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development."

Notwithstanding the foregoing, to ensure that the City remains responsive and accountable to its residents while pursuing the benefits of development agreements contemplated by the Legislature, the City accepts restraints on its police powers contained in development agreements only to the extent and for the duration required to achieve the mutual objectives of the Parties.

(b) The Project. The Developer intends to develop the Property as described in the Project Approvals and the final plans submitted to the City, subject to the Applicable Rules, the Project Approvals, and the Conditions of Approval. The Parties hereby agree that, for the term of this Agreement, the permitted uses, the density and intensity of use, the maximum height and size of proposed buildings, parking requirements, setbacks, and development standards, provisions for reservation or dedication of land for public purposes and location of public

improvements, and the design, improvement, construction and other guidelines, standards and specifications applicable to the development of the Property shall be those set forth in the Project Approvals, the Applicable Rules and this Agreement, including the Conditions of Approval.

3. Property Subject to Agreement. This Agreement shall apply to all of the Property.

4. Application of Agreement. This Agreement shall apply to the development and use of the Property. Such development shall be in accordance with the Project Approvals and this Agreement.

5. Term of Agreement. The initial term of this Agreement shall commence on the Agreement Effective Date, and shall continue for two (2) years. If a vesting tentative subdivision map for the Project is approved by the City, then the term of this Agreement shall be extended until expiration of that vesting tentative map or approval and recordation of a final subdivision map for the Project, whichever is earlier. Additionally, if a final subdivision map for the Project is approved by the City, then the term of this Agreement shall be extended until the expiration of the vested rights that accompany the vesting tentative tract map for the Project. In addition to the above, at any time, the term may be extended by Developer for one year or more provided that the total extension period does not exceed three years. An extension by Developer pursuant to the prior sentence shall be effective upon written request of Developer provided to the City at least ten (10) days before the expiration of the term (including any previous extension) and a concurrent payment to the City of the following amounts: for the first year of extension, Developer shall pay five hundred thousand dollars ($500,000), for the second year of extension, Developer shall pay seven hundred fifty thousand dollars ($750,000) and for the third year of extension, Developer shall pay one million dollars ($1,000,000). Notwithstanding the term set forth above, the obligation to pay the Environmental Mitigation and Sustainability Fee pursuant to Section 10 shall continue indefinitely as provided in Sections 10 and 13.

Additionally, in the event of any litigation or referendum initiated by third parties to attack, set aside, modify, void or annul this Agreement, any of the Project Approvals, or the EIR (a "Challenge"), the term of this Agreement shall be tolled for the period during which such Challenge is proceeding until fully and finally resolved.

6. Timing of Development. The Parties acknowledge that Developer cannot at this time predict when or if the Property will be developed. Such decisions depend upon numerous factors that are not within the control of Developer. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, (the Pardee Case) that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that Developer shall have the right to develop the Property consistent with the Project Approvals and the Conditions of Approval in such order and at such rate and at such times as Developer deems appropriate within the exercise of its sole and subjective business judgment during the term of this Agreement. This provision shall be broadly construed to provide Developer the greatest amount of time and flexibility (in light of the Pardee Case and/or any other similar or distinguishing cases) as necessary or appropriate to permit Developer to complete the development of the project

irrespective of later adopted rules, regulations or initiatives which would otherwise restrict the Developer's time to complete the Project.

7. Permitted Uses; Density; Building Heights and Sizes; Required Dedications. The City and Developer hereby agree that the permitted uses of the Property, the density and intensity of such uses, the maximum heights and sizes of the buildings and improvements to be constructed on the Property, and the reservation and dedication of land for public purposes, if any, required in connection with the development of the Property shall be as set forth in and consistent with the Project Approvals, as they may be lawfully amended from time to time. Developer shall not cause or permit any use of the Property that is not permitted by the Project Approvals, and shall not cause or permit the construction of any building or improvement that exceeds the maximum density, building heights and/or building sizes set forth in or otherwise required by the Project Approvals, as they may be lawfully amended from time to time. In addition, Developer shall not permit the use of the Property for an Adult Entertainment Business or Sexual Encounter Center as defined in the zoning regulations of the City of Beverly Hills.

8. Developer's Rights. Developer shall have and is hereby vested with the rights, during the term of this Agreement, to develop the Project as set forth in the Project Approvals, as they may be lawfully amended from time to time, all of which are hereby incorporated in this Agreement by reference.

9. Changes in Applicable Rules.

(a) Non-Application of Changes in Applicable Rules. The adoption of any Subsequent Land Use Regulations after the Effective Date of this Agreement, or any change in, or addition to, the Applicable Rules (other than changes in Processing Fees as provided in this Agreement), including, without limitation, any changes in the General Plan or the Zoning Regulations (including any regulation relating to the timing, sequencing, or phasing of the Project or construction of all or any part of the Project), adopted after the Effective Date of this Agreement, including, without limitation, any such change by means of ordinance, initiative, resolution, motion, policy, order or moratorium, initiated or instituted for any reason whatsoever and adopted by any board, agency, commission or department of the City, or by the electorate, as the case may be, which would, absent this Agreement, otherwise be applicable to the Project and which would conflict in any way with or be more restrictive than the Applicable Rules or Developer's entitlements under the Project Approvals, shall not be applied to the Project during the term of this Agreement unless such changes represent an exercise of the City's Reserved Powers.

(b) Changes in Uniform Codes. Notwithstanding any provision of this Agreement to the contrary, development of the Project shall be subject to changes occurring from time to time in the provisions of the City's building, mechanical, plumbing and electrical regulations which are based on the recommendations of a multi-state professional organization and become applicable throughout the City, including, but not limited to, the California Building Code, and other similar or related uniform codes.

(c) Changes Mandated by Federal or California Laws or Regulations. Changes in, or additions to, the Applicable Rules adopted or made operative on or after the Effective Date

shall apply to the Project, if such changes or additions are specifically mandated to be applied to developments such as the Project, irrespective of vested rights, by applicable California or federal laws or regulations. Where the City or Developer believes that such a change or addition exists that Party shall provide the other Party hereto with a copy of such California or federal law or regulation and a statement of the nature of its conflict with the provisions of the Applicable Rules and/or of this Agreement. The City's determination as to the applicability of the change or addition to California or federal laws to the Project shall be final and conclusive. However, nothing in this Agreement shall deprive Developer of the rights possessed by any other property owner, absent vested rights, to challenge the appropriateness of the application to the Project of the change or addition.

(d) Changes in Processing Fees Under Applicable Rules. The Project shall be subject to any increase in Processing Fees imposed by the City, provided that such a change is applied on a Citywide basis.

10. Developer's Obligations.

(a) Conditions of Approval. Developer shall comply with the Conditions of Approval.

(b) Reimbursement of Project Approval Costs. No later than the Effective Date, Developer shall reimburse the City for all of its costs to process the Project Approvals, including legal and environmental processing costs related to the Project Approvals and preparation of this Agreement, if any.

(c) Processing Fees. Developer agrees to pay all Processing Fees, including City plan check fees, building inspection fees, and permit fees, at the rate and amount in effect at the time the fee is required to be paid.

(d) Public Benefit Contribution. Subject to adjustment as provided below in subsection (iii), Developer shall pay to the City a Public Benefit Contribution of twenty three million dollars ($23,000,000).

(i) *Timing of Payment.* Developer shall pay to the City ten million dollars ($10,000,000) of the Public Benefit Contribution no later than ninety (90) days after issuance of the first Building Permit for the Project. Developer shall pay to the City an additional five million dollars ($5,000,000) of the Public Benefit Contribution no later than four hundred fifty five (455) days after issuance of the first Building Permit for the Project. Developer shall pay to the City the remaining eight million dollars ($8,000,000) of the Public Benefit Contribution prior to issuance of the first certificate of occupancy (or temporary certificate of occupancy) for any portion of the Project.

(ii) *Security for Payment.* Developer shall secure the payment of the Public Benefit Contribution by arranging for an irrevocable standby letter of credit to be issued to the City, as beneficiary, for twenty three million dollars ($23,000,000) guaranteeing payment of the Public Benefit Contribution in form

(v) *Funding for Improvement of Intersection of Santa Monica and Wilshire Boulevards.* The City Council shall place the sum of ten percent (10%) of the Public Benefit Contribution into a fund to be used solely for the purpose of implementing improvements to address congestion at the intersection of Santa Monica Boulevard and Wilshire Boulevard.

(e) Environmental Mitigation and Sustainability Fee

(i) *Amount of Fee.* Concurrent with the close of each Sales Transaction, the seller shall pay or cause to be paid to City an Environmental Mitigation and Sustainability Fee ("EMS Fee"). The amount of the EMS Fee shall be equal to $4.50 for each $1,000 of the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale). The EMS Fee shall be paid from the escrow account set up for the Sales Transaction. The fee shall be paid upon each Sales Transaction by the then current owner.

(ii) *Adjustment of EMS Fee.* If, after the Effective Date of this Agreement, the City adopts or increases a real estate transfer tax or documentary transfer tax for Beverly Hills, so that the combined total of the City's taxes and the County of Los Angeles Documentary Transfer Tax exceeds the current $1.10 per $1000 of City and County documentary transfer taxes, then the EMS Fee imposed upon all subsequent Sales Transactions shall be reduced by the amount of the combined taxes that exceeds $1.10 per $1000. For example, if City adopts a real estate transfer tax of $2.20 per $1000, thus increasing the combined City and County real estate transfer taxes and documentary transfer taxes to $3.30 per $1,000 of sales price, then the EMS Fee on all subsequent Sales Transactions would be $2.30 per $1000 of sales price ($4.50-$2.20= $2.30). If the City increases the documentary transfer tax or adopts a real estate transfer tax so that the combined taxes exceed $5.60 per $1000 of sales price, then no further EMS Fee shall be due or payable.

(f) Liens for EMS Fee Payable Upon Sale. Developer hereby grants to the City, with power of sale, a lien on the Property, each lot or parcel created by the tentative tract map for the Project, including without limitation, following the creation thereof, each condominium unit in the Project, to secure the payment of the EMS Fee payable upon each Sales Transaction. In the event that the EMS Fee secured by such lien is not paid concurrently with and as a condition to the closing of a Sales Transaction, then the City may enforce such lien by sale by the City, its attorney or any other person or entity authorized by the City Manager to conduct the sale. Any such sale shall be conducted in accordance with California Civil Code Sections 2924, 2924b, 2924c, 2924f, 2924g, and 2924h, or in any other manner permitted or provided by law. The City, through its agent authorized by the City Manager, shall have the power to bid on the encumbered property at the sale, using as a credit bid the amounts secured by such lien, its own funds, or funds borrowed for such purpose, and to acquire the lot or parcel. The City is hereby granted, in trust, the applicable lot or parcel and is appointed as trustee for purposes of noticing and effecting any sale pursuant to the provisions of this Section and is

the City must accept the easement within twenty (20) years from the Effective Date of this Agreement; and (ii) the Metropolitan Transportation Authority, or other appropriate governmental entity, must have secured funding for construction of the station within twenty years from the Effective Date of this Agreement. The easement shall limit the portal so that it does not materially interfere with or limit access to the Project, materially interfere with the structural integrity of the Property or buildings or structures on the Property, or materially interfere with the operations of the Property or the businesses located on the Property.

11. Issuance of Building Permit. The City shall be under no obligation to issue a Building Permit for the Project until: (i) all the fees and other obligations set forth in Section 10 and due before issuance of a Building Permit have been fully paid or otherwise fulfilled; and (ii) any lender whose lien is prior and superior to the lien created by this Agreement or any conveyance or covenant required by this Agreement shall have agreed to subordinate its lien to the lien, conveyances and covenants created and required by this Agreement.

12. Default. Failure by City or Developer to perform any term or provision of this Agreement for a period of thirty (30) days from the receipt of written notice thereof from the other shall constitute a default under this Agreement, subject to extensions of time by mutual consent in writing. Said notice shall specify in detail the nature of the alleged default and the manner in which said default may be satisfactorily cured. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period. Notwithstanding the above, failure to make a Public Benefit Contribution payment shall not constitute a default by Developer if the City has presented the standby letter of credit provided pursuant to Section 10 and been paid the amount of the applicable portion of the Public Benefit Contribution by the issuer of the letter of credit.

Subject to the foregoing, after notice and expiration of the thirty (30) day period without cure, the notifying party, at its option, shall have all rights and remedies provided by law and/or may give notice of intent to terminate this Agreement pursuant to Government Code Section 65868. Following such notice of intent to terminate, the matter shall be scheduled for consideration and review by the City Council within thirty (30) calendar days in the manner set forth in Government Code Sections 65867 and 65868. Following consideration of the evidence presented in said review before the City Council and a determination that a default exists, the Party alleging the default by the other Party may give written notice of termination of this Agreement to the other Party. Upon any such termination, the respective rights, duties and obligations of the Parties hereto shall without further action cease as of the date of such termination (except as to duties and obligations that arose prior to the date of such termination). In no event shall monetary damages be available against the City for any alleged default or breach by the City. In no event shall consequential damages be available against Developer or any seller of any portion of the Property for any alleged default or breach of this Agreement.

13. Termination and Expiration. Upon the expiration of the term or termination of this Agreement, this Agreement shall terminate and be of no further force or effect; provided, however, such termination shall not affect Developer's obligations under Section 10, nor the obligation to pay any claim of any Party hereto arising out of the provisions of this Agreement prior to the effective date of such termination. The obligations under Section 10, and the

obligation to pay any claim arising before the effective date of termination shall continue after termination in perpetuity or until completed.

14. Transfers of Interests in Property or Agreement. In the event of a proposed transfer of interest in the Property or in this Agreement by Developer to a transferee other than a retail purchaser of an individual residential condominium unity, Developer agrees to provide the City at least thirty (30) days written notice of such proposed transfer and shall provide satisfactory evidence that the transferee will assume in writing through an assignment and assumption agreement all remaining obligations of Developer under this Agreement. The assignment and assumption agreement shall be in a form satisfactory to the City Attorney. However, Developer has no obligation to obtain the consent of the City to assign this Agreement to a transferee. Notwithstanding the foregoing: (i) the terms, covenants and conditions of this Agreement shall be binding upon any transferee whether or not such an assignment and assumption agreement is signed by the assignee upon acquiring the Property; and (ii) no such transfer shall relieve Developer (transferor) of any obligations under this Agreement.

15. Mortgagee Protection.

(a) *In General.* The provisions of this Agreement shall not prevent or limit Developer's right to encumber the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to such portion. The City acknowledges that Mortgagees may require certain interpretations and modifications of this Agreement and agrees upon request, from time to time, to meet with Developer and representatives of such Mortgagees to negotiate in good faith any such request for interpretation or modification. The City shall not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement and does not, in the City's sole determination, diminish the City's benefits from this Agreement. Any Mortgagee shall be entitled to the rights and privileges set forth in this Section.

(b) *Notice of Default to Mortgagee.* If a Mortgagee has submitted a request in writing to City in the manner specified herein for giving notices, the City shall exercise its best efforts to provide to such Mortgagee written notification from the City of any failure or default by Developer in the performance of Developer's obligations under this Agreement, which notification shall be provided to such Mortgagee at such time as such notification is delivered to Developer.

(c) *Right of Mortgagee to Cure.* Any Mortgagee shall have the right, but not the obligation, to cure any failure or default by Developer during the cure period allowed Developer under this Agreement, plus an additional sixty (60) days if, in order to cure such failure or default, it is necessary for the Mortgagee to obtain possession of the property such as by seeking the appointment of a receiver or other legal process. Any Mortgagee that undertakes to cure or attempt to cure any such failure or default shall provide written notice to the City that it is undertaking efforts of such a nature; provided that no initiation of any such efforts by a Mortgagee shall obligate such Mortgagee to complete or succeed in any such curative efforts.

(d) *Liability for Past Defaults or Obligations.* Subject to the foregoing, any Mortgagee, including the successful bidder at a foreclosure sale, who comes into possession of the Project or the Property or any part thereof pursuant to foreclosure, eviction or otherwise, shall take such property subject to the terms of this Agreement and in no event shall any such property be released from any obligations associated with its use and development under the provisions of this Agreement. Nothing in this Section shall prevent City from exercising any remedy it may have for a default under this Agreement, provided, however, that in no event shall such Mortgagee personally be liable for any defaults or monetary obligations of Developer arising prior to acquisition of possession of such property by such Mortgagee.

16. Binding Effect. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the Parties and their respective heirs, successors (by merger, reorganization, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons acquiring the Property, or any portion thereof, or any interest therein, whether by operation of law or in any manner whatsoever, and shall inure to the benefit of the parties and their respective heirs, successors and assigns. All of the provisions of this Agreement shall constitute covenants running with the land.

17. Indemnification.

(a) Developer agrees to and shall indemnify, hold harmless, and defend, the City and its respective officers, officials, members, agents, employees, and representatives, from liability or claims for death or personal injury and claims for property damage which may arise from the acts, errors, and/or omissions of Developer or its contractors, subcontractors, agents, employees or other persons acting on its behalf in relation to the Project and/or in any manner arising from this Agreement. The foregoing indemnity applies to all deaths, injuries, and damages, and claims therefor, suffered or alleged to have been suffered by reason of the acts, errors, and/or omissions referred to in this Section 17, regardless of whether or not the City prepared, supplied, or approved plans or specifications, or both. In the event of litigation, the City agrees, at no cost to the City, to cooperate with Developer. This indemnification, hold harmless and defense requirement shall survive the termination or expiration of this Agreement. The City reserves the right, in cases subject to this indemnity, to reasonably approve the attorney selected by Developer to defend Developer and the City in any such action.

(b) In the event of any court action or proceeding challenging the validity of this Agreement, any of the Project Approvals or the EIR prepared and certified for the Project, Developer shall defend, at its own expense, the action or proceeding. In addition, Developer shall reimburse the City for the City's costs in defending any court action or proceeding challenging the validity of this Agreement, any of the Project Approvals or the EIR and Developer shall also pay any award of costs, expenses and fees that the court having jurisdiction over such challenge makes in favor of any challenger and against the City. Developer shall cooperate with the City in any such defense as the City may reasonably request and may not resolve such challenge without the agreement of the City. In the event Developer fails or refuses to reimburse the City for its cost to defend any challenge to this Agreement, the Project Approvals or the EIR, the City shall have the right to terminate this Agreement, subject to the notice and cure requirements of Section 12 above. In all events, the City shall have the right to

resolve any challenge in any manner, in its sole discretion, provided, however, Developer's consent shall be required if the resolution of the challenge shall require a payment by Developer or limit Developer's rights under this Agreement.

In order to ensure compliance with this Section 17(b), within twenty (20) days after notification by the City of the filing of any claim, action or proceeding to attack, set aside, void or annul this Agreement, any of the Project Approvals or the EIR prepared and adopted for the Project, Developer shall deposit with the City cash or other security in the amount of one hundred thousand dollars ($100,000), satisfactory in form to the City Attorney, guaranteeing indemnification or reimbursement to the City of all costs related to any action triggering the obligations of this Section. If the City is required to draw on that cash or security to indemnify or reimburse itself for such costs, Developer shall restore the deposit to its original amount within fifteen (15) days after notice from the City. Additionally, if at any time the City Attorney determines that an additional deposit or additional security up to an additional fifty thousand dollars ($50,000.00) is necessary to secure the obligations of this section, Developer shall provide such additional security within fifteen (15) days of notice from the City Attorney. The City shall promptly notify Developer of any claim, action or proceeding within the scope of this Section and the City shall cooperate fully in the defense of any such claim or action, but shall have the right to resolve any challenge, in any manner, in its sole discretion, provided, however, Developer's consent shall be required if the resolution of the challenge shall require a payment by Developer or limit Developer's rights under this Agreement.

18. Relationship of the Parties. The Parties acknowledge and agree that Developer is not acting as an agent, joint venturer or partner of the City, but each is, in fact, an independent contractual party and not in any way under the control or direction of the City except as is expressly provided to the contrary in this Agreement.

19. Recordation. As provided in Government Code Section 65868.5, the City Clerk shall record a copy of this Agreement with the Registrar-Recorder of the County of Los Angeles within ten (10) days following its execution by both Parties. Developer shall reimburse the City for all costs of such recording, if any.

20. No Third Party Beneficiaries. The only signatories to this Agreement are the City and Developer. There are no third party beneficiaries and this Agreement is not intended and shall not be construed to benefit or be enforceable by any other person whatsoever other than the successors in interest of the signatories.

21. Advice; Neutral Interpretation. Each Party has received independent legal advice from its attorneys with respect to the advisability of executing this Agreement and the meaning of the provisions hereof. This Agreement has been drafted through a joint effort of the Parties and their counsel and therefore shall not be construed against either of the Parties in its capacity as draftsperson, but in accordance with its fair meaning.

22. Certificate of Compliance. At any time during the term of this Agreement, any Mortgagee or other party may request any Party to this Agreement to confirm that (i) this Agreement is unmodified and in full force and effect (or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such

modifications) and that (ii) to the best of such Party's knowledge, no defaults exist under this Agreement or if defaults do exist, to describe the nature of such defaults and (iii) any other information reasonably requested. Each Party hereby agrees to provide a certificate to such lender or other party within ten (10) Business Days of receipt of the written request therefor.

23. Consideration. The City and Developer acknowledge and agree that there is good, sufficient and valuable consideration flowing to the City and to Developer pursuant to this Agreement as more particularly set forth in the Recitals and Section 2 of this Agreement. The Parties further acknowledge and agree that the exchanged consideration hereunder is fair, just and reasonable.

24. Periodic Reviews.

(a) Annual Reviews. The City shall conduct annual reviews to determine whether Developer is acting in good faith compliance with the provisions of this Agreement and Government Code Section 65865.1. The reasonable cost of each annual review conducted during the term of this Agreement shall be reimbursed to the City by Developer. Such reimbursement shall include all direct and indirect expenses reasonably incurred in such annual reviews.

(b) Special Reviews. In addition, the City Council of the City may order a special periodic review of Developer's compliance with this Agreement at any time. The cost of such special reviews shall be borne by the City, unless such a special review demonstrates that Developer is not acting in good faith compliance with the provisions of this Agreement. In such cases, Developer shall reimburse the City for all costs, direct and indirect, incurred in conjunction with such a special review.

(c) Procedure for Review. The City's Director of Community Development (the "Community Development Director") shall conduct the review contemplated by this Section 24 to ascertain whether Developer has complied in good faith with the terms and conditions of this Agreement during the period for which the review is conducted. The Community Development Director shall give Developer written notice that any such review has been commenced, and shall give Developer at least twenty (20) days after Developer's receipt of such notice to provide to the Community Development Director such information as Developer deems relevant to such review. In addition, upon the written request of the Community Development Director, Developer shall furnish such documents or other information as requested by the Community Development Director.

(d) Result of Review. If, following such a review, the Community Development Director finds good faith compliance by Developer with the terms and conditions of this Agreement, the Community Development Director shall issue to Developer an executed certificate of compliance, certifying Developer's good faith compliance with the terms and conditions of this Agreement through the period of such review. Such certificate shall be in recordable form, and shall contain such information as may be necessary to impart constructive record notice of the finding of good faith compliance hereunder. Developer shall have the right to record such certificate of compliance in the Official Records of the County of Los Angeles.

If, following such a review, the Community Development Director finds that Developer has not complied in good faith with the terms and conditions of this Agreement, the Community Development Director shall specify in writing the respects in which Developer has failed to so comply. The Community Development Director shall provide Developer with written notice of such noncompliance as provided in Section 12 and the City may follow the default procedures as set forth in Section 12.

(e) Effect on Default. Nothing in this Section 24 shall be interpreted to prevent the City from providing Developer with a notice of default hereunder at any time, including any time other than during a periodic review under this Section 24, or from terminating this Agreement pursuant to the provisions of Section 12 following any event of default by Developer.

25. Future Litigation Expenses.

(a) Payment of Prevailing Party. If the City or Developer brings an action or proceeding (including, without limitation, any motion, order to show cause, cross-complaint, counterclaim, third-party claim or arbitration proceeding) by reason of default, breach, tortious act, or act or omission, arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit including, but not limited to, reasonable attorneys' fees and expert witness fees.

(b) Scope of Fees. Attorneys' fees under this Section shall include attorneys' fees on any appeal and, in addition, a party entitled to attorneys' fees shall be entitled to all other reasonable costs and expenses incurred in connection with such action. In addition to the foregoing award of attorneys' fees to the prevailing party, the prevailing party in any lawsuit shall be entitled to its attorneys' fees incurred in any post-judgment proceedings to collect or enforce the judgment. This provision is separate and several and shall survive the merger of this Agreement into any judgment on this Agreement.

26. Headings. The section headings used in this Agreement are for convenient reference only and shall not be used in construing this Agreement. The words "include," "including" or other words of like import are intended as words of illustration and not limitation and shall be construed to mean "including, without limitation."

27. Amendment. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the Parties or their successors in interest, as follows:

(i) City and Developer, by mutual agreement, may terminate or amend the terms of this Agreement, and the amendment or termination shall be accomplished in the manner provided under California law for the enactment of Development Agreement amendments.

(ii) Except as may be otherwise agreed to by the Parties, no amendment of this Agreement shall be required in connection with the issuance of any Subsequent Project Approval. Any Subsequent Project Approval issued after the Effective Date of this Agreement automatically shall be incorporated into this Agreement and vested hereby.

28. Alterations. No alteration, amendment or modification of this Agreement shall be valid unless evidenced by a written instrument executed by the parties hereto with the same formality as this Agreement, and made in the manner required by the Development Agreement Act.

29. Waiver. The failure of either Party hereto to insist in any one or more instances upon the strict performance of any of the covenants, agreements, terms, provisions or conditions of this Agreement, or to exercise any election or option herein contained, shall not be construed as a waiver or relinquishment for the future of such covenant, agreement, term, provision, condition, election or option, but the same shall continue and remain in full force and effect. No waiver by any Party hereto of any covenant, agreement, term, provision or condition of this Agreement shall be deemed to have been made unless expressed in writing and signed by an appropriate official or officer on behalf of such Party.

30. Severability. If any article, section, subsection, term or provision of this Agreement, or the application thereof to any party or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of the article, section, subsection, term or provision of this Agreement, or the application of the same to parties or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining article, section, subsection, term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law, except that if any provision of Section 10 is held invalid or unenforceable before approval of a tentative subdivision map for the Project, then this entire Agreement shall be void and unenforceable and of no further force and effect.

31. Force Majeure. Performance by any Party of its obligations hereunder (other than for payment of money) shall be excused during any period of "Permitted Delay," which Permitted Delay shall mean and include delay caused by an event beyond the reasonable control of the Party claiming the delay (and despite the good faith efforts of such Party) that prevents the Party from fulfilling the obligations for which it seeks excuse including without limitation all of the following to the extent that they prevent the Party claiming delay from fulfilling the obligation from which it seeks to be excused: acts of God; civil commotion; riots; strikes; picketing or other labor disputes; shortages of materials or supplies; damage to work in progress by reason of fire, floods, earthquake or other casualties; failure, delay or inability of the other Party to act; terrorism, and litigation brought by a third party attacking the validity of this Agreement, the Project Approvals or the EIR.

32. Notices. All notices, disclosures, demands, acknowledgments, statements, requests, responses and other communications (each, a "Communication") to be given under this Agreement shall be in writing, signed by a signatory hereto (or an officer, agent or attorney of such party) giving such Communication, and shall be deemed effective (i) upon receipt if hand delivered or sent by overnight courier service; or (ii) upon delivery or the date of refusal if sent by the United States mail, postage prepaid, certified mail, return receipt requested, in either case addressed as follows:

To Developer: Project Lotus LLC
Attn: Manager
Rodeo Collection

	424 North Rodeo Drive Third Floor Beverly Hills, CA 90210
With Copy to:	Candy & Candy 100 Brompton Road, Knightsbridge London SW3 1ER United Kingdom
To City:	City Manager City of Beverly Hills 455 North Rexford Drive Third Floor Beverly Hills, California 90210
With Copy to:	City Attorney City of Beverly Hills 455 North Rexford Drive Room 220 Beverly Hills, California 90210

Any signatory hereto may from time to time, by notice given to the other signatories hereto pursuant to the terms of this Section 32 change the address to which communications to such signatory are to be sent or designate one or more additional persons or entities to which communications are to be sent.

33. Applicable Law. This Agreement shall be governed in all respects by the laws of the State of California.

34. Time is of the Essence. Time is of the essence of this Agreement and every term or performance hereunder.

35. Entire Agreement. This Agreement supersedes any prior understanding or written or oral agreements between the Parties hereto respecting the within subject matter and contains the entire understanding between the Parties with respect thereto.

36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

37. Compliance With Law. Notwithstanding any provision of this Agreement, the Parties agree to comply with all federal, state and local laws and to act in good faith and reasonably in carrying out the terms of this Agreement.

38. Authorization. Each person executing this Agreement represents and warrants that he or she is authorized and has the legal capacity to execute and deliver this Agreement on behalf of the Party for which execution has been made.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the ____ day of _____, 200___.

CITY OF BEVERLY HILLS,
A Municipal Corporation

_____
JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

PROJECT LOTUS LLC, a Delaware limited liability company

By: _____
Name: _____
Its: _____

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

DRAFT Development Agreement

EXHIBIT A

The Property situated in the State of California, County of Los Angeles, City of Beverly Hills described as follows:

9900 WILSHIRE LEGAL DESCRIPTION

That certain real property located in the State of California, County of Los Angeles described as follows:

PARCEL 1:

THAT PORTION OF BLOCK 33 OF BEVERLY, SHEET 2, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 4 OF SAID BLOCK 33; THENCE ALONG THE NORTHERLY LINE OF LOT 4 AND A PORTION OF LOT 3 OF SAID BLOCK 33, NORTH 89° 55' 00" EAST 300.00 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE SOUTH 50° 19' 15" WEST 431.22 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE ALONG THE SOUTHWESTERLY LINE OF LOTS 6 AND 4 OF SAID BLOCK 33, NORTH 30° 58' 05" WEST 798.43 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF SAID BLOCK 33; THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 5 NORTH 19° 03' 30" EAST 235.27 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR PRIVATE ROAD PURPOSES OVER THE EASTERLY 20 FEET OF THOSE PORTIONS OF LOTS 3 AND 7 IN BLOCK 33 OF BEVERLY, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND, 40 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 3, DISTANT NORTH 89° 55' 00" EAST 300 FEET MEASURED ALONG THE NORTHERLY LINE OF SAID BLOCK 33 FROM THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33, AS GRANTED BY DEED AND AGREEMENT DATED DECEMBER 20, 1950, AND RECORDED DECEMBER 22, 1950, IN BOOK 35141, PAGE 331, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

DRAFT Development Agreement

EXHIBIT B

Map Exhibit of Public Open Space Area

DRAFT Development Agreement

EXHIBIT C

Form of Open Space Easement

DRAFT Development Agreement

EXHIBIT D

Bus Turnout Location Exhibit

DRAFT Development Agreement

EXHIBIT E

Form of Non-exclusive Easement to Allow Shuttle Service Vehicle Access to Project

DRAFT Development Agreement

EXHIBIT F

Form of Subway Portal Easement

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1501 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on February 21, 2008, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Bosse, Vice Chair Reims, and Chair Furie.

NOES: Commissioners Cole and Marks.

ABSTAIN: None.

ABSENT: None.

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

PLANNING COMMISSION DOES NOT HAVE DOCUMENTS NEEDED TO MAKE RECOMMENDATIONS

- The Planning Commission does not have a complete Specific Plan. <u>There are no Figures. Figures are critical to understanding the Specific Plan.</u>

- The Planning Commission cannot make the following recommendation without a complete and final Specific Plan. A final and complete Specific Plan with all figures and exhibits is needed to make the following recommendations to the City Council.

> <u>Section 6.</u> The Planning Commission hereby recommends that the City Council adopt the amended 9900 Wilshire Specific Plan (for development of the project now known as One Beverly Hills), subject to the conditions set forth in Exhibit C.

<u>Complete Specific Plan with all figures provided to Planning Commission for 9900 Wilshire's all residential project in 2008. Same with 2008 Beverly Hilton Specific Plan and 2008 Beverly Hills Hotel Specific Plan Update. What's different now? Why isn't Specific Plan complete?</u>

SPECIFIC PLAN IS INCOMPLETE: NO FIGURES PROVIDED

2008 Specific Plan

CHAPTER 8.0
FIGURES

LIST OF FIGURES

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38.	Open Space/Landscape Plan	A26
39.	Entry Garden Plan	A27

2016 Revised Specific Plan

CHAPTER 8.0 FIGURES
LIST OF FIGURES

Figures ***not*** listed or provided but figures referenced dozens of times throughout Specific Plan.

SPECIFIC PLAN IS INCOMPLETE: NO FIGURES PROVIDED BUT REFERENCED DOZENS OF TIMES THROUGHOUT: THE DEVIL IS IN THE DETAILS & THE FIGURES ARE THE DETAILS

3.2 LAND USES

A maximum of 1,600 square feet of open air dining within the Specific Plan Area, in substantially the locations shown on Figure 37, shall be permitted in conjunction with the restaurant and the lobby lounge shall not require separate authorization or approval of an Open Air Dining Permit, provided that such open air dining complies with the operational standards set forth in Section 6.4 of Chapter 6.0 of this Specific Plan. Any open air dining proposed in a public right-of-way shall require the issuance of an Open Air Dining Permit in accordance with the procedures set forth in Article 35 of Chapter 3 of Title 10 of the Municipal Code or its successor.

4.7 ARCHITECTURE. AND DESIGN

A. Hotel and Residential Buildings

Adjacent to the hotel's lobby to the east of the South Building lie the Project's meeting room ~~improvements~~facilities, which consist of four meeting rooms (a main meeting room and three smaller meeting rooms) and pre-function space and related back of house facilities. These improvements shall be constructed substantially as shown on Figures __ and __ of the Specific Plan.

SPECIFIC PLAN IS INCOMPLETE: NO FIGURES PROVIDED BUT REFERENCED DOZENS OF TIMES THROUGHOUT: THE DEVIL IS IN THE DETAILS & THE FIGURES ARE THE DETAILS

The uses in the Specific Plan Area shall be limited to those uses shown on Figure 5 or otherwise described in Section 4.2 of Chapter 4.0 of this Specific Plan. Ancillary uses for the hotel and residential condominiums may include, but are not limited to, accessory retail, lobby lounge, restaurants and bar, spa and fitness center, beauty salon, pools, screening rooms, meeting rooms and ballroom, game rooms, common areas, outdoor living areas, parking, storage including wine storage, security offices, back-of-house ("BOH") kitchen, BOH laundry, BOH service facilities for the exclusive use of the residential condominium residents and guests, and other ancillary amenities associated with luxury residential condominiums and luxury hotels approved by the Director of Community Development (the "Director").

The location and distribution of buildings and open space, including building levels located below grade, shall be substantially as shown on Figure 6 of the Specific Plan. Within the open space and public right-of-ways, the location, distribution and type of pedestrian amenities and landscaping shall be substantially as shown on Figure 38 of the Specific Plan. Within the Public Gardens, the location and distribution of pedestrian amenities and the location, distribution and type of landscaping shall be generally as shown on Figure 39 of the Specific Plan. The Specific Plan's development program is summarized in Table I, Section 1.1 in Chapter 1.0.

SPECIFIC PLAN IS INCOMPLETE: NO FIGURES PROVIDED BUT REFERENCED DOZENS OF TIMES THROUGHOUT: THE DEVIL IS IN THE DETAILS & THE FIGURES ARE THE DETAILS

Transportation improvements and facilities, including, but not limited to, alleys, driveways and parking facilities, shall be constructed within the Specific Plan Area to minimize the parking and circulation impacts on surrounding streets including impacts to public transportation. The alleys, driveways and parking facilities to be constructed within the Specific Plan Area shall be substantially as shown on Figures 10 through 12.

The residential access point on Wilshire Boulevard shall be limited to right turns in and right turns out only. The residential access point on Santa Monica Boulevard will provide for right turns in and out, and for left turns in. The access points, driveways and roadway improvements shall be substantially as shown on Figure 10.

4. Parking and Loading Facilities

The subterranean parking structure shall provide approximately 1,140 parking spaces in compliance with Section 4.3 of this Specific Plan and substantially as shown on Figures 11 and 12. All parking

NEWLY RELEASED DRAFT SPECIFIC PLAN RAISES MANY NEW ISSUES THAT PLANNING COMMISSION SHOULD DISCUSS AND ADDRESS

1. Number of and distribution of loading docks
2. Outdoor Uses & Compatibility Issues Between Uses
3. Undefined Scope of Hotel Uses
4. Hotel Development Standards
5. Garden Accessibility

SEE FOLLOWING SLIDES FOR ILLUSTRATION OF EACH ISSUE

NOTE: **Planning Commission still not provided with a true redline against current Specific Plan.** This means it takes three documents to understand what is being changed.

2008 Specific Plan: Loading Docks

4.3 PARKING

C. Loading Docks

Two (2) loading docks shall be provided for the Specific Plan Area substantially in the locations and dimensions shown on Figure 13.

2016 Specific Plan "Redline" in CPC Staff Report: Loading Docks

4.3 PARKING

C. Loading Docks

Two (2) loading docks shall be provided for the Specific Plan Area substantially in the location and dimensions shown on Figure 13. In addition, two (2) trash loading docks may also be provided for the Specific Plan Area.

NOTE: **Four loading docks total.** Wanda represented one "loading dock." Figures would show loading dock locations if they had been provided. If four loading docks, why can't service be taken from western road?

NOTE: **Delivery access previously required on SMB.** Why can't delivery be taken from SMB now? (SP, Sec. 3.3.B.1)

2008 Specific Plan: Outdoor Uses

4.2 PERMITTED USES

A. COMMERCIAL AREA

- Live entertainment, conducted indoors, as an ancillary use in conjunction with a food and beverage establishment.
- Retail stores and shops
- Offices, only on floors other than the ground floor and excluding real estate offices, medical offices, and physical therapy offices.
- Office supply, stationery and gift stores.

2016 Specific Plan "Redline" in CPC Staff Report: Outdoor Uses

- Live entertainment, conducted indoors, as an ancillary use in conjunction with the hotel or a food and beverage establishment, including, but not limited to, live music performances and karaoke.
- Newsstand.
- Outdoor live entertainment as an ancillary use in conjunction with a hotel, subject to the City's Noise Ordinance, and only in those areas identified on Figure ___.

NOTE: **Conditions of Approval prohibit amplified music in outdoor dining areas.** Specific Plan should make clear no amplified music permitted.

2008 Specific Plan: Advertising Limitation

6.4 OPEN AIR DINING

All open air dining areas located within the Specific Plan Area shall comply with the following standards:

A. The design and colors used for chairs, tables, lighting and other fixtures shall generally be consistent with the architectural style and colors used on the related building façade and with the furnishings used in the restaurant interior.

B. No advertising, other than advertising for the related restaurant, is permitted on any umbrellas.

2016 Specific Plan "Redline" in CPC Staff Report: Eliminates Advertising Restriction

6.4 OPEN AIR DINING

All open air dining areas located within the Specific Plan Area shall comply with the following standards:

A. The design and colors used for chairs, tables, lighting and other fixtures shall generally be consistent with the architectural style and colors used on the related building façade and with the furnishings used in the restaurant interior.

B. Lights may only illuminate the open air dining area; they cannot emit spillover light on the adjacent sidewalk.

27

NOTE: Beverly Hilton Specific Plan prohibits advertising on umbrellas other than restaurant related advertising. (Sec. 6.1.C.2.)

STAFF HAS REQUESTED & RECEIVED NO DIRECTION ON USE CONFLICTS

Staff Report - August 23, 2016:

- **Compatibility Concerns Created by New Uses**

  "[T]he Planning Commission may wish to consider the various compatibility issues typically associated with hotel uses in proximity to residential uses." (Staff Report, p. 16.)

  "[T]he Planning Commission may wish to recommend conditions relating to the operating hours of various dining areas on the site in order to minimize disruptions to future residents both at the 9900 Wilshire property, as well as future residents in the proposed condominiums at the Beverly Hilton property across Merv Griffin Way." (Id.)

  "Additionally, the Planning Commission may wish to consider whether it would be necessary to place operational restrictions on use of the ballroom/meeting rooms, outdoor dining areas, or on the rooftop amenities." (Id.)

  "These restrictions could address the use of live and/or amplified sound, hours of operation, frequency of events, or limitations on the number of patrons." (Id.)

SPECIFIC PLAN CONTAINS PROPOSED NEW STANDARDS AND USES FOR HOTEL THAT HAVE NOT BEEN CONSIDERED OR DEFINED

CHAPTER 6.0 - STANDARDS

6.1 HOTELS

A. Recreational Facilities. Except as provided in Subsection 6.1 B below for the Fitness Center and Subsection 6.1C for the Spa, all indoor and outdoor recreational facilities shall be limited to quests who are renting a hotel guest room in the Specific Plan Area and their guests, and residents of the Specific Plan Area and their guests.

B. Fitness Center. The Fitness Center shall primarily serve guests who are renting a hotel guest room in the Specific Plan Area and their guests, and residents of the Specific Plan Area and their guests.

- FEIR states that "fitness facility" is "accessible ***only*** to hotel patrons." (at 31.) If allowing outside guests and residents in 8,000 square foot gym, as Specific Plan allows, need to address traffic generation of change. EIR analysis assumed fitness center limited to hotel patrons.

- Is a single fitness facility for hotel guests and residents? If not, what is the square footage of each facility? Figures, if provided, would show location of each. EIR states "fitness facility" is for hotel patrons only. No reference to residents.

- Square footage of "public spa" and private "fitness center" should be defined. Since only spa is open to public and EIR assumed 7,370 square foot spa, **Specific Plan and Conditions of approval should limit spa to 7,370 square feet and fitness center to 7,065 square feet to be consistent with EIR analysis.** (See Sec. 1.1)

SPECIFIC PLAN CHANGES HOW PUBLIC GARDEN'S ACCESS AND CONTROL IS DESCRIBED. WHY? WHAT IS APPLICANT'S INTENTION WITH THIS CHANGE?

2008 Specific Plan

6.3 PUBLIC GARDENS

The Pubic Gardens shall be open to the public from 8:00 am to dusk (or as otherwise established by the property owner and approved by the Director), provided that the Public Gardens may be closed to the public from time to time for maintenance and repairs, improvement work, and emergencies, as each is determined by the Director to be reasonably required.

NOTE: Highlighting shows changes

Specific Plan "Redline" in CPC Staff Report

6.3 PUBLIC GARDENS

The Public Gardens shall be accessible to the public from 8:00 am to dusk (or as otherwise established by the property association or other entity in charge of the management and maintenance of the Public Gardens that is open to property owners for membership and approved by the Director), provided that the Public Gardens may be closed to the public from time to time for maintenance and repairs, improvement work, and emergencies, as each is determined by the Director to be reasonably required.

ADDITIONAL CONSIDERATION FOR HOTEL & GREEN BUILDING STANDARDS

- **Five-Star Hotel Requirement.** Beverly Hilton Specific Plan requires new Waldorf Astoria to operate at certain rating. New Wanda hotel should have same requirement.

- **Section 3.3.A.** Should enumerate maximum number of hotel rooms and condominium units allowed. Lack of clarity as to whether Wanda could build all condominium project if it chose to do so.

- **Section 4.8 – Green Building.** Building footprints now allowed to cover more than 1/3 of project site. Cannot do so under current Specific Plan. Eliminating this limitation waters down the green building standards and LEED features.

CONDITIONS OF APPROVAL ARE INCOMPLETE & CREATE INCONSISTENCIES WITH DEVELOPMENT AGREEMENT

- Condition 1: Plans referenced in Condition 1 not provided. Should be provided for review prior to recommendation.
- Conditions 20 and 21: Do not address illegal and dangerous turning conditions created by allowing right turns into and out of MGW from Santa Monica Boulevard and Wilshire
- Condition 20: Requiring widening of MGW reduces size of required 0.81-acre park. Park must be enlarged elsewhere to provide required 0.81 acres.
    - These changes must be addressed by Planning Commission given findings and recommendations Planning Commission asked to make
    - Widening of Merv Griffin Way creates potential conflict between trucks merging into southbound lane

City of Beverly Hills
Planning Commission
Meeting
September 26, 2016

9900 Wilshire (One Beverly Hills)

Loading

- Number of weekly trips estimated by applicant: **54**
- Net change of +25

Proposed Project in Comparison to Approved Project:

Estimated Delivery & Garbage Truck Trips for Site Operations

This is Wanda's data

Site Operations	Daily Truck Trips (6:00 AM - 2:30 PM)							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Weekly
Approved Project Total	5	6	5	4	7	2	0	29
One Beverly Hills Total	9	11	9	9	11	5	0	54
Net Additional Total Truck Trips	4	5	4	5	4	3	0	25

Source: Wanda Beverly Hills Properties, LLC

***BUT* ON OCTOBER 10 WANDA SAID 59 TRUCK TRIPS FROM NEW COMMERCIAL USES.**
THAT IS 100% MORE THAN WANDA'S PRIOR REPRESENTATIONS.

Analysis

DEVELOPMENT AGREEMENT NOT COMPLETE

- The Planning Commission does not have a complete Development Agreement.

- The Planning Commission cannot make the following recommendation without a complete and final Development Agreement. Final and complete documents are needed to make the following recommendation to the City Council.

> Section 7. The Planning Commission hereby recommends that the City Council adopt an ordinance approving a Development Agreement substantially similar to the Development Agreement attached hereto as Exhibit D.

Complete Development Agreement provided to Planning Commission for 9900 Wilshire's all residential project in 2008. What's different now? Why isn't Development Agreement provided to Planning Commission?

RESOLUTION NO. 1500

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL ADOPT THE 9900 WILSHIRE SPECIFIC PLAN TO ALLOW LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS, AND ANCILLARY COMMERCIAL USES, AT 9900 WILSHIRE BOULEVARD, (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE)

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. The City of Beverly Hills has adopted a General Plan for the City, and is considering adoption of a Specific Plan for the systematic implementation of the General Plan for that property in the City known as 9900 Wilshire Boulevard, and described in the legal description attached hereto as Exhibit A, and incorporated herein by reference.

Section 2. The Planning Commission finds, and recommends that the City Council find, that the 9900 Wilshire Specific Plan attached hereto as Exhibit B and incorporated herein by reference, is consistent with the Beverly Hills General Plan for the reasons set forth in Section 5.2 of the Specific Plan and the following:

2.1 The 9900 Wilshire Specific Plan is consistent with Section 2.2 of the Land Use Element of the General Plan, as amended, in that the development contemplated by the Specific Plan is appropriate for the anchor location of the project site, which is located at the western gateway to the City along both Wilshire Boulevard and Santa Monica Boulevard. The Specific Plan also contains a variety of land uses, including residential, restaurant and other commercial, and public and private open space. The mix of proposed uses and the project design provides an adequate transition from the single family residential neighborhood to the north as well as the El Rodeo School to the north.

The design of the buildings and open spaces in the Specific Plan incorporate generous setbacks from Wilshire Boulevard, and the building heights step up from north to south. Further, the area is readily accessible from the City's major shopping area and is bounded by Wilshire and Santa Monica Boulevards which are major streets.

2.2 The Specific Plan is consistent with the General Plan Land Use Map, as amended to incorporate the 9900 Wilshire Specific Plan designation.

2.3 The Specific Plan would enable development of housing stock of exceptional quality that offers a variety of housing and neighborhoods rarely found elsewhere (Land Use Element Section 1.1.).

2.4 The Specific Plan, and related Development Agreement, help to implement Housing Element Objective 2.2, in that a significant amount of funding will be provided for use in expanding the City's supply of affordable housing (Housing Element Objective 2.2, and Program 2.6.)

2.5 The Specific Plan is consistent with Housing Element Goal 4, which calls for expanding the variety of housing products, because the type of condominiums contemplated are different from other condominiums in the City due to the project design, the luxury elements of the project, and its location.

2.6 The Specific Plan is consistent with Section 3.4 of the Open Space Element of the General Plan in that it provides landscape and public open space that furthers the City's distinctive atmosphere for commercial and residential areas.

Section 3. The proposed Project, including the Specific Plan, has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) and City's Local CEQA Guidelines. An Environmental Impact Report was prepared and the Planning Commission, by separate Resolution No. 1498, recommended that the City Council certify the Final Environmental Impact Report ("FEIR") and make environmental findings in connection with the adoption of the Project, including adopting a Statement of Overriding Considerations and a Mitigation Monitoring Program. That Planning Commission Resolution No. 1498 is incorporated herein by this reference.

Section 4. The Planning Commission hereby recommends that the City Council adopt the 9900 Wilshire Specific Plan, subject to the conditions set forth in Exhibit C.

Section 5. The Secretary shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission.

Adopted: February 21, 2008

Noah D. Furie
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

Secretary

[Signatures continue on next page]

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Vincent P. Bertoni, AICP
Director of Community Development

David D. Gustavson
Director of Public Works & Transportation

EXHIBIT A

LEGAL DESCRIPTION

9900 WILSHIRE LEGAL DESCRIPTION

That certain real property located in the State of California, County of Los Angeles described as follows:

PARCEL 1:

THAT PORTION OF BLOCK 33 OF BEVERLY, SHEET 2, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 4 OF SAID BLOCK 33; THENCE ALONG THE NORTHERLY LINE OF LOT 4 AND A PORTION OF LOT 3 OF SAID BLOCK 33, NORTH 89° 55' 00" EAST 300.00 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 3 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE SOUTH 50° 19' 15" WEST 431.22 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33; THENCE ALONG THE SOUTHWESTERLY LINE OF LOTS 6 AND 4 OF SAID BLOCK 33, NORTH 30° 58' 05" WEST 798.43 FEET TO THE MOST SOUTHERLY CORNER OF LOT 5 OF SAID BLOCK 33; THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 5 NORTH 19° 03' 30" EAST 235.27 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR PRIVATE ROAD PURPOSES OVER THE EASTERLY 20 FEET OF THOSE PORTIONS OF LOTS 3 AND 7 IN BLOCK 33 OF BEVERLY, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGES 62 AND 63 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, INCLUDED WITHIN A STRIP OF LAND, 40 FEET WIDE, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SAID LOT 3, DISTANT NORTH 89° 55' 00" EAST 300 FEET MEASURED ALONG THE NORTHERLY LINE OF SAID BLOCK 33 FROM THE NORTHWEST CORNER OF LOT 4 OF SAID BLOCK 33; THENCE SOUTH 0° 05' 00" EAST 177.00 FEET; THENCE SOUTHEASTERLY SOUTH 38° 46' 45" EAST 583.79 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 7 OF SAID BLOCK 33, DISTANT 431.22 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 6 OF SAID BLOCK 33, AS GRANTED BY DEED AND AGREEMENT DATED DECEMBER 20, 1950, AND RECORDED DECEMBER 22, 1950, IN BOOK 35141, PAGE 331, OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXHIBIT B

SPECIFIC PLAN

Final Planning Commission Draft
9900 Wilshire
Specific Plan

February 21, 2008

NOTE: This is a Draft document that the Planning Commission Recommends to the City Council, however the City Council may direct that changes be made prior to any adoption of the Plan.

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CHAPTER 1.0 - INTRODUCTION

1.1 PURPOSE AND INTENT

This 9900 Wilshire Specific Plan (the "Specific Plan") was initiated to provide a framework for the redevelopment of a 7.95-acre site at the western gateway to the City of Beverly Hills (the "City") between Wilshire and Santa Monica Boulevards (the "Specific Plan Area" or "Site"). The existing improvements on the Site include the Robinsons-May department store building (the "Existing Building") and related above-ground parking structure. The development of the 9900 Wilshire project in the Specific Plan Area includes a maximum of 235 luxury condominiums, 16,456 square feet of commercial development including a restaurant of not more than 4,800 square feet including not more than 600 square feet of outdoor dining, underground parking private, landscaped gardens with a pool and spa and landscaped perimeter gardens (the "Public Gardens") located along the Wilshire frontage across from the El Rodeo School and Beverly Gardens Park, the western side of Merv Griffin Way, and at the intersection of Santa Monica Boulevard and Merv Griffin Way. Additional landscaping is also provided throughout the sSite, including along Santa Monica Boulevard and the western property line of the Site.

The purpose of the Specific Plan is to facilitate the orderly and efficient development of the Specific Plan Area and establishing appropriate size and density limits, which includes allowing an increase in height above the otherwise applicable height limit. The intent of the Specific Plan is to provide a concise development plan for the Specific Plan Area and to optimize the use of the Specific Plan Area in a manner that capitalizes on the Site's gateway location at the westerly entrance to the City. This would include incorporating garden-quality features that will compliment the adjacent Beverly Gardens Park while allowing higher scale residential development. Allowing an increase in height allows a significant portion of the site to be devoted to open space and landscaped gardens.

The Specific Plan contains policies, standards and guidelines designed to ensure that the Specific Plan Area is improved in a manner that recognizes the site is a critical gateway into the City by incorporating open space and landscaping, thereby contributing to the garden-quality of the City, effectively utilizing architectural elements, thereby providing a world class architectural landmark, and encouraging pedestrian circulation between Wilshire Boulevard, Santa Monica Boulevard and the Specific Plan Area.

1.2 SPECIFIC PLAN AREA

A. Project Location

The Specific Plan Area is comprised of a single legal parcel generally bounded by Wilshire Boulevard to the north, Santa Monica Boulevard to the south, the centerline of Merv Griffin Way to the east, and the Los Angeles Country Club and the Union 76 gas station to the west. The site contains a slope differential of approximately 20 feet, with the northwest corner of the site along Wilshire Boulevard representing the highest elevation and the southeastern portion of the site, at the intersection of Merv Griffin Way and Santa Monica Boulevard, the lowest elevation. The net area of the Specific Plan Area is approximately 7.95 acres. Figure 1 illustrates the location of the Site and Figure 2 illustrates the Specific Plan Area.

B. Existing Setting

1. Specific Plan Area

The improvements in the Specific Plan Area that existed when this Specific Plan was adopted include the 228,000-square-foot Existing Building, a two-level above-ground parking structure, and other street and roadway improvements. Figure 3 illustrates the existing site conditions. The implementation of the Specific Plan will require the demolition of all of the existing improvements in the Specific Plan Area, with the exception of Merv Griffin Way.

2. Surrounding Land Uses

The Site is surrounded by a mix of land uses:

North: Wilshire Boulevard. El Rodeo Elementary School, single family one-story and two-story homes, and Beverly Gardens Park are located across the street on the north side of Wilshire Boulevard.

South: Santa Monica Boulevard. The former railroad right-of-way is across the street on the south side of Santa Monica Boulevard. The property immediately south of the former railroad right-of-way includes privately operated surface parking, an automotive repair facility, retail (small shops) and office building uses.

East: The eastern half width of Merv Griffin Way and the eight-story Beverly Hilton Hotel and related structures and the above-ground parking structure fronting on Santa Monica Boulevard.

West: Los Angeles Country Club and the Union 76 gas station. The westerly boundary of the Site abuts a portion of one of the Los Angeles Country Club golf courses.

Figure 4 illustrates the surrounding land uses.

1.3 GOALS AND OBJECTIVES

Implementation of the Specific Plan will help to achieve the following goals and objectives:

a. To create a world-class architectural landmark with a visual presence at the dual gateway to the City at Wilshire Boulevard and Santa Monica Boulevard that will enhance the beauty and image of Beverly Hills.

b. To develop an environmentally sensitive and sustainable project.

c. To develop a significant portion of the Specific Plan Area as landscaped gardens and other open space to enhance the visual character of the neighborhood and the City.

d. To provide Public Gardens along Wilshire Boulevard, Merv Griffin Way and at the corner of Merv Griffin Way and Santa Monica Boulevard for the use and enjoyment of the public during certain hours that enhances the garden qualities of the City.

e. To redevelop the Specific Plan Area in a manner that does not substantially increase the traffic impacts and related operational air quality and noise impacts associated with the Existing Building.

f. To improve the utilization and visual appearance of the Specific Plan Area by eliminating the existing above-ground parking structure and constructing subterranean parking for the Specific Plan Area.

g. To provide high-quality housing for local and area residents to provide a variety of housing to meet the City's housing needs.

h. To provide new housing within the City without having to tear down existing rental units or otherwise displace existing housing.

i. To provide full-service luxury residential condominiums with vista views.

j. To provide retail space along Santa Monica Boulevard and restaurant space on Merv Griffin Way to (i) serve project residents and others and (ii) enhance pedestrian activity and street life.

k. To improve traffic circulation in and around the Specific Plan Area by providing additional vehicular access points on Wilshire Boulevard and Santa Monica Boulevard for project residents in order to reduce the amount of traffic on Merv Griffin Way.

l. To provide housing in close proximity to the office and retail uses in Beverly Hills.

m. To provide revenue to the City to offset the loss of commercial uses on the site.

n. To provide affordable housing consistent with the City's Housing Element by providing a contribution to the City's affordable housing fund.

1.4 CONTENTS

The Specific Plan consists of the following components:

Chapter 1.0 (Introduction): Chapter 1.0 provides a broad overview of the Specific Plan and its goals.

Chapter 2.0 (Planning Context): Chapter 2.0 describes the planning issues and process for the Specific Plan Area.

Chapter 3.0 (Plan Components): Chapter 3.0 sets forth the general land use concepts for the Specific Plan Area and describes land uses, building placement, traffic circulation and utilities.

Chapter 4.0 (Development Standards and Guidelines): Chapter 4.0 sets forth development standards and guidelines for the Specific Plan Area, including permitted uses, parking, building height, residential outdoor living space, sign standards and architecture and design.

Chapter 5.0 (Implementation and Administration): Chapter 5.0 provides a review of the Specific Plan's relationship to the General Plan and sets forth the implementation and amendment process.

Chapter 6.0 (Operational Standards): Chapter 6.0 sets forth the provisions governing the long-term operation of uses within the Specific Plan Area.

Chapter 7.0 (Mitigation Measures): Chapter 7.0 sets forth the mitigation measures that have been adopted by the City Council and incorporates those mitigation measures into the Specific Plan. [To be inserted upon completion of the EIR process.]

Chapter 8.0 (Figures): Chapter 8.0 contains the Figures referenced throughout the remainder of the Specific Plan.

CHAPTER 2.0 - PLANNING CONTEXT

2.1 INTRODUCTION

This chapter provides an overview of the specific plan process and the public participation in developing the Specific Plan.

2.2 AUTHORITY

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, §§ 65450-65457) authorizes cities to adopt specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan. Any specific plan adopted pursuant to this authority shall be consistent with the adopted general plan. Once the Specific Plan is adopted, all zoning, subdivision, public works projects and development agreements shall then be consistent with the Specific Plan.

2.3 GENERAL PLAN AND ZONING DESIGNATIONS

The Specific Plan Area was designated as Low Density General Commercial on the General Plan land use map and had a zoning designation of C-3 prior to the adoption of this Specific Plan.

In connection with the adoption of the Specific Plan, the Land Use Plan Map in the Land Use Element of the General Plan was amended to designate the Specific Plan Area as "Specific Plan". The zoning designation for the Specific Plan Area was also amended to change the designation for the Specific Plan Area to the "9900 Wilshire Specific Plan" zone. Section 5.2 of the Specific Plan provides an analysis of the Specific Plan's consistency with the City's General Plan.

2.4 RELATIONSHIP TO THE ZONING ORDINANCE

As set forth in Title 10, Chapter 3, Article 15.7of the Beverly Hills Municipal Code (the "Municipal Code"), the Specific Plan supersedes other development regulations and standards set forth in the Beverly Hills Planning and Zoning Ordinances (Chapter 3 of Title 10 of the Municipal Code) for the Specific Plan Area. Except where the provisions of this Specific Plan expressly provide otherwise, the policies of this Specific Plan are applied in lieu of the provisions in the Planning and Zoning Ordinance. For development standards not established as part of the Specific Plan, the standards in the Zoning Ordinance shall apply. In addition, any terms used in this Specific Plan that are not defined or described herein shall have the meanings, if any, set forth for them in the Planning and Zoning Ordinances.

2.5 PUBLIC PARTICIPATION

The proposed development of the Specific Plan was first presented to a joint meeting of the City Council and Planning Commission on December 6, 2005. City staff conducted a public scoping meeting on August 3, 2006 for the purposes of obtaining public input regarding the potential environmental impacts associated with the Specific Plan, which were analyzed as part of the environmental review of the Specific Plan mandated by the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report was circulated for public review from August 7,

2007 to September 28, 2007. Certain sections of the Draft Environmental Impact Report (traffic, noise and air quality) were recirculated for public review from October 15, 2007 to November 15, 2007. The Planning Commission conducted public hearings on August 20th, September 5th, September 24th, October 29th, November 8th, November 28th 2007 and January 10th, January 24th and February 7, 2008. The City Council conducted public hearings on _____. The public was afforded the opportunity at each of the hearings to provide input into the development of the Specific Plan and other entitlements for the proposed project. The Specific Plan reflects changes recommended by the Planning Commission and City Council to the originally proposed Specific Plan, and the Specific Plan underwent important changes as a result of the public participation process.

2.6 CEQA COMPLIANCE

A Final Environmental Impact Report (the "Final EIR") has been prepared for the Specific Plan pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the City's Local Environmental Guidelines. The Final EIR addresses the potential environmental impacts resulting from the implementation of the proposed Specific Plan and sets forth mitigation measures to lessen those environmental impacts. These mitigation measures have been incorporated into the Specific Plan and are listed in Chapter 7.0.

CHAPTER 3.0 - PLAN COMPONENTS

3.1 INTRODUCTION

The Specific Plan is a comprehensive policy and regulatory document that will be used to guide development of the site. This chapter addresses (a) the location, distribution and extent of land uses within the Specific Plan Area and (b) the location, distribution and extent of essential facilities serving the Specific Plan Area.

3.2 LAND USES

The land use concept for the Specific Plan Area encourages a development consisting of luxury residential units, retail and restaurant uses, a central subterranean parking structure and landscaped gardens, including the Public Gardens, and other open space, all on 7.95 net acres of land. Figure 5 illustrates the basic land use concept for the Specific Plan Area.

The uses in the Specific Plan Area shall be limited to those uses shown on Figure 5 or otherwise described in Section 4.2 of Chapter 4.0. Ancillary uses for the condominiums include health spas, private fitness centers, squash courts, pools, screening rooms, meeting rooms, game rooms, common areas, outdoor living areas, parking, storage, residential storage units, wine storage, security offices, back-of-house (BOH) kitchen, BOH laundry, BOH storage/services, for the exclusive use of the condominium residents and guests, and other amenities associated with luxury residential condominiums approved by the Director of Community Development (the "Director).

A maximum of 600 square feet of open air dining within the Specific Plan Area, in substantially the location shown on Figure 2, shall be permitted in conjunction the restaurant and shall not require separate authorization or approval of an Open Air Dining Permit, provided that such open air dining complies with the operational standards set forth in Section 6.4 of Chapter 6.0 of this Specific Plan.. Any open air dining proposed in a public right of way shall require the approval of an Open Air Dining Permit in accordance with the procedures set forth in Article 35 of Chapter 3 of Title 10 of the Municipal Code or its successor.

3.3 SITE PLANNING

A. Building Placement

The location and distribution of buildings and open space, including building levels located below grade, shall be substantially as shown on Figure 6 of the Specific Plan. Within the open space, the location, distribution and type of pedestrian amenities and landscaping shall be substantially as shown on Figure 38 of the Specific Plan. Within the Public Gardens, the location and distribution of pedestrian amenities and the location, distribution and type of landscaping shall be generally as shown on Figure 39 of the Specific Plan.

The total floor area for commercial uses shall not exceed 16,456 square feet, which may include a maximum of 4,800 square feet of floor area for dining and bar uses (including a maximum of 600

square feet of open air dining area). A maximum of 235 residential units shall be permitted in the Specific Plan Area.

B. Circulation

1. Local Circulation

The Specific Plan Area is located within the area bounded by Wilshire Boulevard to the north, Santa Monica Boulevard to the south, Merv Griffin Way to the east, and the Los Angeles Country Club to the west. Other key streets in the vicinity include Whittier Drive and Elevado Avenue. The locations of these streets are shown on Figure 9.

Wilshire Boulevard is an east-west arterial roadway that runs between Ocean Avenue in Santa Monica to the west and Grand Avenue in downtown Los Angeles to the east. In the vicinity of the Specific Plan Area, Wilshire Boulevard provides six lanes of travel, which are divided by painted medians and two-way left turn lanes. On-street parking is not permitted before 7:00 p.m. on Wilshire Boulevard within the immediate vicinity of the Specific Plan Area. Wilshire Boulevard is on the Congestion Management Plan (CMP) road system as a part of the CMP roadway network.

Santa Monica Boulevard has been designated by the City as a Major Class 1 Highway. It is an east-west arterial roadway that runs between the City of Santa Monica to the west and Sunset Boulevard in Silver Lake to the east. The Santa Monica Boulevard Transit Parkway Project which was completed in 2007 consisted of the reconstruction and reconfiguration of 2.5 miles of Santa Monica Boulevard between I-405 on the west and Beverly Hills city limit on the east (Moreno Drive). This segment of the boulevard has three eastbound and three westbound travel lanes. The project includes a new street lighting and traffic signal system, a landscaped median, bicycle lanes and bus priority features. Santa Monica Boulevard is on the CMP road system as part of the CMP roadway network.

Whittier Drive is a local residential street. It is a north-south roadway, the southern terminus of which is directly across the street from the northern terminus of Merv Griffin Way. Elevado Avenue is a residential street. It is a north-south to east-west roadway, the southwestern terminus of which is at Whittier Drive.

Transportation improvements and facilities, including, but not limited to, alleys, driveways and parking facilities, shall be constructed within the Specific Plan Area to minimize the parking and circulation impacts on surrounding streets including impacts to public transportation. The alleys, driveways and parking facilities to be constructed within the Specific Plan Area shall be substantially as shown on Figure 10.

A new residential access road shall be constructed along the western edge of the Specific Plan Area. A new traffic signal at Merv Griffin Way and Santa Monica Boulevard shall be constructed and the intersection of Merv Griffin Way and Wilshire Boulevard shall be modified to provide one left-turn lane, one through lane, and one right-turn lane on the portion of Merv Griffin Way within the Specific Plan Area.

A new delivery access along Santa Monica Boulevard west of Merv Griffin Way shall be provided as well as a new access along Merv Griffin Way between Wilshire Boulevard and Santa Monica Boulevard. These two access points will also provide access for the retail and restaurant components of the project.

A residential access point on Wilshire Boulevard shall be limited to right turns in and right turns out only. The residential access point on Santa Monica Boulevard can provide for right turns in and out, and for left turns in. The access points, driveways and roadway improvements shall be substantially as shown on Figure 10.

Merv Griffin Way is a private street owned in part by the owner of the Specific Plan Area, and in part by the adjacent landowners to the east. Any proposal to realign, close or substantially change Merv Griffin way shall require approval of the Planning Commission, which decision may be appealed to the City Council pursuant to the provisions of Chapter 4 of Title 1 of the City's Municipal Code provided, however, that Merv Griffin Way may be closed to the public from time to time for maintenance and repairs and improvement work if approved by the Public Works Director and for emergencies.

2. Traffic Impacts

A traffic impact study was prepared in connection with consideration of the Specific Plan. Those studies analyzed the impact of the Specific Plan and concluded that the implementation of the Specific Plan would have no significant adverse traffic impacts.

3. Pedestrian Circulation

The commercial area along Santa Monica Boulevard is intended to enhance the pedestrian character of this portion of Santa Monica Boulevard. In addition, the Public Gardens will create an inviting pedestrian opportunity along Wilshire Boulevard, Merv Griffin way and at the corner of Merv Griffin Way and Santa Monica Boulevard that does not exist today.

4. Parking Facilities

The subterranean parking structure will provide approximately 803 parking spaces substantially as shown on Figures 11 and 12, including separate residential (681 with 28 tandem spaces) and commercial (122 for with 31 tandem spaces) areas. These spaces will provide parking for all land uses within the Specific Plan Area.

3.4 UTILITIES

Due to the long-time operation of commercial uses in the Specific Plan Area and the urbanized nature of the surrounding area, the Specific Plan Area is currently provided with adequate facilities for sewage, water, drainage, solid waste disposal, and energy. As limited in size and intensity of use by the Specific Plan, the Specific Plan Area will not require the development of additional sewage, water, solid waste disposal, energy, or other essential facilities. However, the project will be required to pay its fair share to mitigate any cumulative impacts on City facilities. In addition, all utility construction, connections and maintenance shall conform to the provisions of the Beverly

Hills Municipal Code. Implementation of the Specific Plan will require relocation of certain utilities substantially as shown on Figures 31 through 36. The telephone facilities plan shall be substantially as shown on Figure 35.

A. Water

The City provides water to the Specific Plan Area. Figure 31 shows the location and size of the water distribution system that serves the Specific Plan Area. The existing supply and distribution of water can accommodate the level of water demand from the commercial and condominium uses proposed in the Specific Plan Area.

B. Sewer

Figure 32 shows the present size and location of the sewer facilities servicing the Specific Plan Area. Wastewater generated from the Specific Plan Area would be conveyed through these lines and treated at the Hyperion Water Treatment Plant in El Segundo. The calculations prepared by the City in connection with its review of the Specific Plan indicate that the existing sewer lines are adequate to accommodate the level of wastewater generated by the Specific Plan.

C. Solid Waste Disposal

Solid waste disposal for the Specific Plan Area is provided through a franchise with the City. All solid waste generated by the Specific Plan Area will be disposed of at landfills in Los Angeles or Riverside Counties. The City's solid waste is currently disposed of at the following landfills: Puente Hills Landfill, Bradley West Landfill, Chiquita Canyon Landfill, Sunshine Canyon Landfill, and El Sobrante Landfill (Riverside County). Based on the projected solid waste generation, the Specific Plan Area will not have significant solid waste disposal impacts and existing solid waste disposal facilities and landfill capacities are sufficient to accommodate the Specific Plan's projected solid waste.

D. Stormdrain

The Specific Plan Area is currently developed with commercial buildings and parking structures. Implementation of the Specific Plan will not increase the amount of impermeable land or result in changes in absorption rates that would increase the amount of stormwater runoff from the Specific Plan Area. In addition, development within the Specific Plan Area will be required to comply with all requirements of the City's National Pollution Discharge Elimination System (NPDES) Permit and the City's stormwater and urban runoff management ordinance (Article 5, Chapter 4, Title 9 of the Beverly Hills Municipal Code). The storm drain plan for the Specific Plan Area is shown on Figure 33 of the Specific Plan.

E. Energy

The Southern California Edison Company provides electricity to the Specific Plan Area. The Southern California Gas Company provides natural gas to the Specific Plan Area. According to the studies prepared for the Specific Plan, the existing supply and distribution of electricity and natural

gas can accommodate the level of demand from the uses proposed in the Specific Plan. Figures 34 and 36 illustrate electrical and gas facilities, respectively.

F. Graywater System

The project shall include a graywater system to reduce overall water demands, and specifically, limit the demand for irrigation water. The graywater system may include: (1) dual piping to maintain graywater separate from potable water; (2) tanks to hold the graywater before and after treatment; (3) graywater treatment system including filtering and disinfecting systems; and (4) booster pumps to ensure water is delivered at pressures adequate for their intended uses. The graywater system shall collect drainage discharged from sinks, service sinks, bathtubs, showers and clothes washers. This "gray" wastewater shall then be filtered and treated until it reaches a level of quality consistent with its intended re-use. For example, graywater may be used for flushing water in toilets and urinals within the Project's residences, as well as public restrooms in the common areas. The remaining graywater shall be used for irrigation and other non-potable water using systems, thus reducing the Project's overall water demands and, in particular, demand for water which would be otherwise used for irrigation.

CHAPTER 4.0 - DEVELOPMENT STANDARDS AND GUIDELINES

4.1 GENERAL PROVISIONS

The Specific Plan is a policy and regulatory document, and all development within the Specific Plan Area shall be governed by the Specific Plan in accordance with the development standards and guidelines contained herein.

4.2 PERMITTED USES

The uses set forth below are permitted uses within the Specific Plan Area. If a use is not listed below or is not a similar use that the Director of Community Development determines is consistent with the goals and objectives of the Specific Plan, then such use is presumed to be prohibited unless a Conditional Use Permit is approved by the Planning Commission pursuant to the procedures set forth in Section 10-03-3800 of the Municipal Code The Planning Commission may approve such otherwise prohibited uses if the Commission determines that such uses do not materially alter the distribution, location and extent of the uses of land as set forth in the Specific Plan and the uses fulfill the intent of the Specific Plan as descried in Section 1.3 (Goals and Objectives) of the Specific Plan.

A. COMMERCIAL AREA

The following uses are permitted within the portion of the Specific Plan Area designated for commercial use, as shown on Figure 2:

ξ Alcohol sales (on-site and off-site) and consumption in conjunction with the uses listed under food and beverage establishments or in conjunction with open-air dining in the public right-of-

way pursuant to Section 10-03-3505 of the Municipal Code, subject only to issuance of a Department of Alcoholic Beverage Control license.

- ξ Art shop or gallery.
- ξ Bank.
- ξ Clothes dry cleaning (excluding plants).
- ξ Decorating or interior design shop or store.
- ξ Florist.
- ξ Food and beverage establishments, including bakeries, cafes, delicatessens, gourmet beer and wine shops, ice cream parlors, restaurants (full service), bars (in conjunction with restaurants) and specialty food, but excluding drive-up, drive-in and drive-through.
- ξ Live entertainment, conducted indoors, as an ancillary use in conjunction with a food and beverage establishment.
- ξ Retail stores and shops.
- ξ Offices, only on floors other than the ground floor and excluding real estate offices, medical offices, and physical therapy offices.
- ξ Office supply, stationery and gift stores.
- ξ A maximum of 600 square feet of open-air dining as shown in Figure 2 of this Specific Plan.
- ξ Optical/eyewear, including optometry/opticians.
- ξ Parks, gardens and open space.
- ξ Photography shop or gallery.
- ξ Shoe repair shop
- ξ Tailor.
- ξ Other similar uses determined by the Director to be consistent with the goals and objectives of the Specific Plan.

B. RESIDENTIAL AREA

The following uses are permitted on the portion of the Specific Plan Area designated for residential use, as shown on Figure 2:

- ξ Residential dwellings, including condominiums, townhomes, and lofts, and the usual and customary accessory and appurtenant uses thereto, including without limitation the ancillary uses described in Section 3.2 of Chapter 3.0.
- ξ Parks, gardens and open space.
- ξ Other similar uses determined by the Director to be consistent with the goals and objectives of the Specific Plan.

C. PUBLIC GARDENS

The following uses are permitted within the portion of the Specific Plan Area designated for the Public Gardens, as shown on Figure 2:

- ξ Parks, gardens and open space.
- ξ Other similar uses determined by the Director to be consistent with the goals and objectives of the Specific Plan.

The following uses, conduct and activities shall be prohibited in the Public Gardens:

- ξ Making or kindling any fire.
- ξ Consumption of any alcoholic beverages (except in conjunction with a permitted assembly or special event).
- ξ Riding any bicycle, skateboard, roller skates or similar type of device except where such activity is authorized by the property owner.
- ξ Selling, offering for sale, renting or offering for rent goods, wares, merchandise, foodstuffs, refreshments or other kinds of property or services (except when expressly allowed in conjunction with a permitted assembly or special event).

4.3 PARKING

A. Parking Requirements

Type of Use	Parking Spaces
Eating and bar facilities equal to or greater than 1,000 square feet	1 space per 45 square feet of dining and bar floor area plus 1 space per 350 square feet of kitchen and back-of-house floor area.
Eating and bar facilities less than 1,000 square feet	1 space per 350 square feet of floor area
Open air dining	1 space per 45 square feet of dining area
Commercial uses permitted under the Specific Plan and not otherwise specified in this Section 4.3	1 space per 350 square feet of floor area
Multi-family dwelling units	2 spaces for each one-bedroom unit 2-1/2 spaces for each two-bedroom unit 3 spaces for each three- or four-bedroom unit 4 spaces for each five-bedroom or more unit 1 permanent guest parking space for each four dwelling units

B. General Parking Provisions

The dimensions of the parking spaces shall be 9 feet by 19 feet as shown on Figures 11 and 12. All commercial parking shall be separated from the parking for the residents and their guests. Commercial parking shall be located on the first level of the subterranean parking structure. The balance of the parking located on the first level and all parking located on the second level of the parking structure shall be for residents and their guests. Valet parking shall be available for residents and their guests, and shall also be available to commercial patrons. Tandem spaces will only be for residential use; provided, however, that tandem spaces may also be provided for commercial use so long as valet parking is provided for commercial patrons.

C. Loading Docks

Two (2) loading docks shall be provided for the Specific Plan Area substantially in the locations and dimensions shown on Figure 13.

4.4 BUILDING HEIGHT

Figure 7 illustrates the heights of buildings within the Specific Plan Area. The building heights shall be substantially consistent with the heights shown on Figure 7. Due to the natural slope of the Specific Plan Area there is an approximately 20-foot decrease in elevation from the northwest corner of the Specific Plan Area along Wilshire Boulevard to Santa Monica Boulevard, which results in a range of building heights across the site. In addition, the buildings are designed with varied building heights to add architectural interest. The building heights identified below are the highest portion of various sections of the building and should not be construed as the permitted height for the entire building. As shown on Figure 7 (a) the height of the south condominium building near the western boundary of the Specific Plan Area shall not exceed 205 feet from adjacent grade at its highest point, (b) the height of the north condominium building near the western boundary of the Specific Plan Area shall not exceed (i) 108 feet from adjacent grade for the first 90 feet from the northerly end of such north condominium building, and (ii) 161 feet from adjacent grade after the first 150 feet from the northerly end of such condominium building, (c) the height of the commercial building and the Spa Building located along the southern boundary of the Specific Plan Area (fronting Santa Monica Boulevard) shall not exceed 48 feet from adjacent grade, and (d) the height of the commercial building located at the corner of Santa Monica Boulevard and Merv Griffin Way shall not exceed 50 feet from adjacent grade.

The calculation of the height of any building or structure shall be measured from the adjacent grade as shown on Figure 7. The height of the buildings vary in height In determining the height of a building or structure, none of the structures, improvements, features and other elements now or hereafter excluded from the calculation of height in the definition of "Height of Building" in Section 10-3-100 of the Municipal Code (or any successor provision) shall be considered when determining the height of a building or structure pursuant to this Section 4.4; provided, however, that for the purposes of Section 10-3-100 of the Municipal Code (or any successor provision) trellises shall be considered "unoccupied architectural features."

The natural slope of the Specific Plan Area results in an approximately 20-foot decrease in elevation from the northwest corner of the Specific Plan Area along Wilshire Boulevard to Santa Monica Boulevard, allowing a portion of the contemplated commercial space to be tucked underneath a landscaped platform. The restaurant will be setback approximately 90 feet from the Santa Monica Boulevard property line with landscaping provided in front of the restaurant at Santa Monica Boulevard and Merv Griffin Way. Figure 8 illustrates the slope of the Specific Plan Area between Wilshire and Santa Monica Boulevards.

4.5 RESIDENTIAL OUTDOOR LIVING SPACE

The residential units in the Specific Plan Area shall include a minimum of two hundred (200) square feet of usable outdoor living space per unit. The usable outdoor living space shall be

provided through a combination of private balconies in the individual units and common access to the residential landscaped gardens and pool area shown on Figure 38.

4.6 SIGN STANDARDS

The Director of Community Development shall review, subject to any required conditions, a unified sign plan for the Specific Plan Area (the "Unified Sign Plan") that encompasses all exterior signage, including both permanent and temporary signs, subject to appeal to the Planning Commission. Thereafter, all signs that, in the determination of the Director, are consistent with the adopted Unified Sign Plan shall be issued a building permit without further discretionary review. All other signs shall be subject to architectural review pursuant to the procedures set forth in Chapter 4 of Title 10 of the Municipal Code. The unified sign plan shall be consistent with the provisions in the Municipal Code in terms of permitted size but the Director shall have the authority to approve alternative locations of the signage to meet the objectives of the Specific Plan and provide direction to uses on the Site.

4.7 ARCHITECTURE AND DESIGN

A. Residential Buildings

The residential buildings shall be constructed substantially as shown on Figures 14 through 30 of the Specific Plan.

The residential buildings positioned at the west property line are raised above the ground to allow light and views of the golf course landscape to the west to pass below the architecture, and are curvilinear and horizontal to reflect the natural forms and geometry of the open space to the west, and the classic horizontal massing of the Beverly Hilton Hotel.

B. Commercial Buildings

The commercial space shall be constructed substantially as shown on Figure 37 of the Specific Plan.

C. Open Space / Landscaping

The landscaping shall be developed substantially as shown on Figure 38 of the Specific Plan. The location and type of all plant materials shall respond to and complement the architectural design of the buildings in the Specific Plan Area and shall be integrated with the buildings as an additional architectural element. Landscaping shall be used to highlight entries, contrast with or reinforce building lines and volumes, and soften hard structural lines and building mass.

Landscaping shall be used to define pedestrian activity areas such as the commercial space and landscaped gardens. The landscaping shall be designed to enhance the garden quality of the City and shall incorporate mature plant material.

D. Public Gardens

The Public Gardens are on a 0.81 acre (35,468 square feet) area located at the corner of Wilshire Boulevard and Merv Griffin Way, and include a garden pathway along Merv Griffin Way from Wilshire Boulevard to the corner of Merv Griffin Way and Santa Monica Boulevard as generally shown of Figure 39 of the Specific Plan, . The gardens are provided for the use and enjoyment of Beverly Hills residents and visitors, including project residents and visitors. They are designed to enhance the garden qualities of the City. The Gardens shall be open to the public during certain hours, and shall complement and extend the existing Beverly Gardens parkway on the north side of Wilshire Boulevard. The Public Gardens shall be developed substantially as shown on Figure 39 of the Specific Plan. The Public Gardens shall include both functional and aesthetic elements such as water features, paths and benches.

E. Architectural Review

The architectural aspects of the development contemplated in the Specific Plan shall be reviewed by the City's Architectural Commission as part of the City's overall review of the Specific Plan. All development that, in the determination of the Director, is in substantial conformance with the Specific Plan shall be issued a building permit without further discretionary architectural review after the final review by the Architectural Commission. All future construction and modifications to the exterior of the structures within the Specific Plan Area that is not in substantial conformance with the Specific Plan shall be subject to architectural review pursuant to the procedures set forth in Article 30 of Chapter 3 of Title 10 of the Municipal Code.

4.8 GREEN BUILDING STANDARDS

Development in the Specific Plan area shall incorporate green construction standards and seek certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The intent of LEED is to provide a national definition and standard of what constitutes green building and then to provide third party certification to assure correct implementation of the standard. LEED is based on a point system which determines one of four levels of certification a given building or project can achieve. The LEED categories include Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, Indoor Environmental Quality, and Innovation and Design Process.

The following LEEDs features shall be incorporated into the project:

- Balconies and overhangs to shade window glazing, while allowing reflected and diffuse daylight into residential units to enhance the use of natural light and reduce the need for artificial light sources;
- The selection of a developed urban site and the conversion of a substantial portion of the site to green space;
- Close proximity to public transportation;
- Limiting the development footprint to approximately one-third of the project site;

- ξ Landscaping and exterior design utilizing subterranean parking and landscaped and shaded non-roof surfaces and light-colored, low-albedo roof surfaces to reduce local heat island effects;
- ξ The reduction of chlorofluorocarbons (CFCs) from the building systems;
- ξ The recycling of building materials such as asphalt, metals, glass and concrete from demolition site work.
- ξ The selection of materials, such as adhesives, sealants, paints, and carpeting, that reduce off-gassing to improve internal air quality; and
- ξ The involvement during design and construction of a LEED Accredited Professional.
- ξ A gray water system as set forth in Section 3.4F of this Specific Plan.

CHAPTER 5.0 - IMPLEMENTATION AND ADMINISTRATION

5.1 PURPOSE

This chapter sets forth criteria for determining consistency with the Beverly Hills General Plan (the "General Plan"), the relationship between the Specific Plan and the General Plan and provisions for amendments to the Specific Plan, and financing.

5.2 RELATIONSHIP TO THE GENERAL PLAN

The General Plan serves as the long-term planning guide for future development throughout the City. The General Plan operates as a guide to the type of community desired for the future and provides the means to accomplish that goal. California law requires a specific plan to be consistent with the adopted general plan. The Specific Plan has been adopted in conjunction with general plan amendments to (a) add text in the Land use Element identifying this site as a an anchor location which permits higher intensity development, and (b) amend the Land Use Element to change the land use designation for the Specific Plan Area from "Low Density General Commercial" to " Specific Plan" in order to permit a mix of residential condominiums and commercial uses in the Specific Plan Area in a manner consistent with the General Plan (collectively, the "General Plan Amendments").

The Specific Plan is consistent with the General Plan, as amended, and advances the policies, objectives, goals, recommendations and characteristics identified below:

A. Land Use Element

The Land Use Element of the General Plan contains the following policies, recommendations and characteristics that are important to the Specific Plan:

> Section 1.1: "Beverly Hills is fortunate in that it is able to serve a variety of residential and commercial demands in a manner and combination which is difficult to duplicate elsewhere in the Los Angeles area. . . . The characteristics which contribute to the special opportunities available in Beverly Hills include:

- ξ The quality of the physical environment, such as its extensive network of trees and landscaping. . . .
- ξ The scale of the community, which fosters a sense of place and identity rather than a sense of anonymity.
- ξ The pride of its residents and businesses, as reflected in many ways, such as the architecture, landscaping and overall concern for the welfare of the community. . .
- ξ The exceptional quality of its housing stock which offers a variety of housing and neighborhoods rarely found elsewhere."

2.2 Commercial Areas

It is also recommended that certain anchor locations be set aside to permit development of a higher intensity type of development which is not otherwise provided in the community.

The Specific Plan is consistent with each of these policies, recommendations and characteristics. The implementation of the Specific Plan will enhance the quality of the physical environment and foster a strong sense of place with the development of an architectural landmark at this important gateway to Beverly Hills, which features extensive landscaping over approximately 4.28 acres of the Specific Plan Area, including the Public Gardens that complement the Beverly Gardens Park on the north side of Wilshire Boulevard. The scale of the development provides an effective and appropriate transition between the much taller existing and proposed commercial and residential buildings in Century City and the lower-scale development east of the Specific Plan Area and the Beverly Hilton Hotel. The luxury residential condominiums that will be developed in the Specific Plan Area will be of exceptional quality and will offer a variety of housing in the City.

In addition, the site is located at a gateway location at the western entry into the City along Santa Monica and Wilshire Boulevards. The General Plan Amendments include amendments to the Land Use Element that include this gateway site as one of the anchor locations for which the General Plan would allow higher intensity type of development, and specifically additional height for the Site. These anchor locations could include commercial, residential, or mixed uses. The General Plan Amendment incorporates language that would require any development proposed on an anchor location to effectively mitigate the transition to single family residences. The General Plan Amendments result in the consistency of the Specific Plan with the Land Use Element.

B. Open Space Element

The Open Space Element of the General Plan contains the following statement that is important to the Specific Plan:

> Section 2.3: "Possibly the City's greatest informal resource, however, is the elaborate network of landscaping and vistas which fosters a sense of spaciousness within an urban setting which sets this community apart."

While not an express policy, the Specific Plan contributes to this valuable resource by maximizing open space opportunities and landscaping in the Specific Plan Area. The Public Gardens along Wilshire Boulevard, Merv Griffin Way and at the corner of Merv Griffin Way and Santa Monica

5.3 ADMINISTRATION

Although every effort has been made to include provisions in the Specific Plan that are clear, the necessity of interpreting such provisions in light of specific and unusual cases may occur from time to time. When such interpretations are necessary, the Director of Community Development shall be responsible for the interpretation of the provisions of the Specific Plan. The Director shall be the City administrator responsible for enforcing the regulations, site development standards and procedures set forth in the Specific Plan. The Director shall have the administrative authority for interpretation related to the enforcement of the Specific Plan.

5.4 AMENDMENTS AND MODIFICATIONS TO THE SPECIFIC PLAN

Formal amendment ("Amendment") to the Specific Plan will require the review and approval of both the Planning Commission and the City Council. Amendments are governed by the provisions of Section 65450 et seq. of the California Government Code and require compliance with specific notice and public hearing requirements. An Amendment to the Specific Plan shall be required for (a) any proposed modifications that would substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan, including (i) any increase in the total number of residential condominiums or the floor area of the residential or commercial uses or (ii) a reduction in the size or change in the location of the Public Gardens ,and (b) an increase in the maximum height of the buildings.

Notwithstanding the foregoing, the Director of Community Development may, without the review and approval of the Planning Commission or the City Council, approve an Administrative Modifications to the Specific Plan that do not substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan. An Administrative Modification shall be required with respect to changes to the site plan and building elevations that would materially alter the approved architectural style or modulation of the buildings. An Administrative Modification shall be processed pursuant to the procedures set forth in Article 36 of Chapter 3 of Title 10 the Municipal Code for "Minor Accommodations to Certain Development Standards", except that the limitations on the type of accommodations set forth in Section 10-3-3600 shall not apply. The applicant or any person aggrieved by any decision regarding an Administrative Modification may appeal to the City Council as provided in Section 10-3-3604 of the Municipal Code (or any successor provision).

Notwithstanding anything to the contrary in this Section, the following modifications to the Specific Plan shall not require a Amendment to the Specific Plan or an Administrative Modification: (a) the relocation or alteration of residential ancillary uses provided the Director determines that the relocation or alteration does not increase parking demand, (b) variations between the conceptual plans set forth in Chapter 8.0 and the final construction documents for the Specific Plan Area development, provided the final construction documents substantially conform to the conceptual plans set forth in Chapter 8.0; (c) changes to the number and location of the residential and commercial parking spaces in the subterranean parking structure, provided that the subterranean parking structure includes a sufficient number of parking spaces to satisfy the parking requirements in Section 4.3 of Chapter 4.0 of this Specific Plan; (d) changes to the configuration of the subterranean parking structure, provided that the provided the Director determines the access

points to the subterranean parking structure do not materially change and do not present any safety issues; (e) changes to the locations of the permitted retail and restaurant uses provided that the total floor area of the commercial uses does not exceed 16,456 square feet, the total square footage of the restaurant uses (inclusive of open air dining) does not exceed 4,800 square feet, there is no material change to the location of the restaurant and the Director determines that the changes do not increase parking demand; (f) changes to the location of the open air dining area provided that the total square footage of the open air dining area does not exceed 600 square feet, there is no material change to the location of the open air dining, and provided that the Director determines that the changes do not increase parking demand (g) an increase in the square footage of the non-restaurant permitted use(s) in the commercial building, provided that the total floor area for commercial uses does not exceed 16,456 square feet; (h) the substitution of similar types of plant species in the landscaping plan; or (i) minor changes to the site plan, building elevations and Public Entry Gardens, provided such changes do not materially alter the approved architectural style, modulation or height of the buildings or the size or location of the Public Gardens.

5.5 FINANCING

The developer shall be responsible for all on-site improvements and shall pay its fair share allocation of any off-site improvements as required to mitigate significant environmental impacts associated with implementation of the Specific Plan, as identified in the Final EIR. No public funds are necessary to implement the Specific Plan.

CHAPTER 6.0 - STANDARDS

6.1 RESIDENTIAL CONDOMINIUMS

The residential condominiums shall be operated in compliance with the following operational standards:

Outdoor living areas such as balconies shall not be used to store personal property in a manner that is visible from the public or private right-of-way or the Public Gardens, nor shall such outdoor areas be used to hang laundry. All outdoor living areas shall be maintained in a safe, clean, orderly, and condition. The covenants, conditions and restrictions to be recorded with respect to the Specific Plan Area shall include the foregoing standards.

6.2 RETAIL/RESTAURANT

The retail/restaurant space shall be operated in compliance with the following operational standards:

Hours of operation	Retail: 10:00 am to 9:00 pm Restaurant: 7:00 am to 2:00 am

6.3 PUBLIC GARDENS

The Pubic Gardens shall be open to the public from 8:00 am to dusk (or as otherwise established by the property owner and reasonably approved by the Director), provided that the Public Gardens may be closed to the public from time to time for maintenance and repairs, improvement work, and emergencies, as reasonably required.

6.4 OPEN AIR DINING

All open air dining areas located within the Specific Plan Area shall comply with the following standards:

A. The design and colors used for chairs, tables, lighting and other fixtures shall generally be consistent with the architectural style and colors used on the related building façade and with the furnishings used in the restaurant interior.

B. No advertising, other than advertising for the related restaurant, is permitted on any umbrellas.

C. Lights may only illuminate the open air dining area; they cannot emit spillover light on the adjacent sidewalk.

D. No alcoholic beverages shall be served or consumed in the open air dining area without the required license and approval from the State Department of Alcoholic Beverages Control.

E. No umbrellas or other overhead furniture or fixtures shall have a clearance of less than seven feet and no such articles shall extend beyond the seating area.

F. Portable heaters shall be located a minimum of three feet from any combustible material and shall be located entirely within the seating area.

G. The seating area and any adjacent pedestrian travel aisle shall be maintained in a clean and orderly state at all times.

H. The open air dining area shall comply with all applicable provisions of the Beverly Hills Building Code, including, but not limited to, maintaining proper building ingress and egress at all times, observing maximum seating capacities, providing proper circulation and providing appropriate handicapped access.

CHAPTER 7.0 - MITIGATION MEASURES

This Section 7.0 shall consist of the Mitigation Monitoring and Reporting Program adopted for the Specific Plan.

CHAPTER 8.0
FIGURES

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4. Surrounding Land Uses A 4
5. Specific Plan Land Use Concepts A 5
6. Specific Plan Site Plan / Building Placement A 6
7. Building Height A 7
8. Site Section – Wilshire to Santa Monica Boulevards A 8
9. Surrounding Circulation A 9
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14. Condominium Buildings Plan – Mezzanine Level A13
15. Condominium Buildings Plan- Level 1 A14
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18. Condominium Buildings Plan- Level 4 A15
19. Condominium Buildings Plan- Level 5 A16
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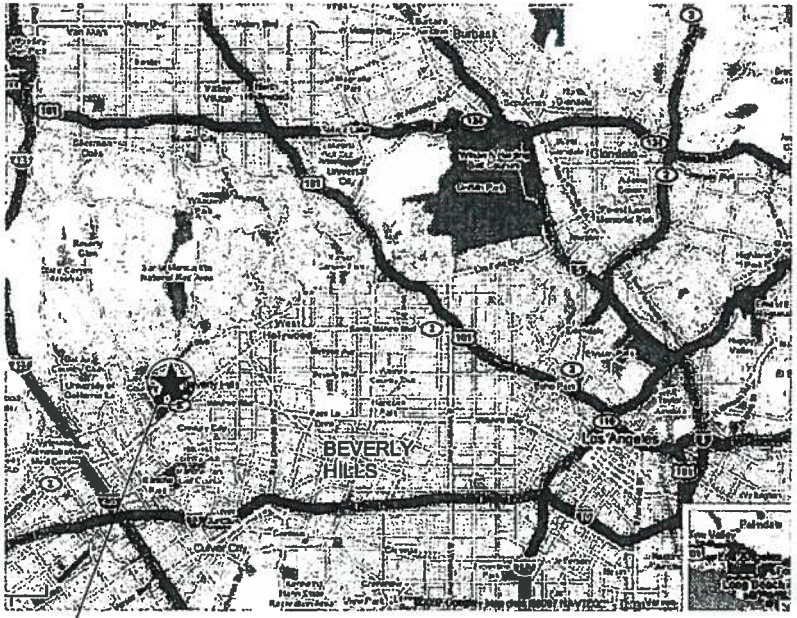
21. Condominium Buildings Plan- Level 7 A17
22. Condominium Buildings Plan- Level 8 A17
23. Condominium Buildings Plan- Level 9 A18
24. Condominium Buildings Plan- Level 10 A18
25. Condominium Buildings Plan- Level 11 A19
26. Condominium Buildings Plan- Level 12 A19
27. Condominium Buildings Plan- Level 13 A20
28. Condominium Buildings Plan- Level 14 A20
29. Condominium Buildings Plan- Level 15 A21
30. Condominium Buildings Plan- Roof Level A21
31. Water System Plan A22
32. Sewer System Plan A22
33. Stormdrain Plan A23
34. Electric Facilities Plan A23
35. Telephone Plan A24
36. Natural Gas Plan A24
37. Retail/Restaurant Plan A25
38. Open Space/Landscape Plan A26
39. Entry Garden Plan A27



PROJECT
AREA

FIGURE 1
SPECIFIC PLAN
AREA LOCATION MAP

9900 WILSHIRE

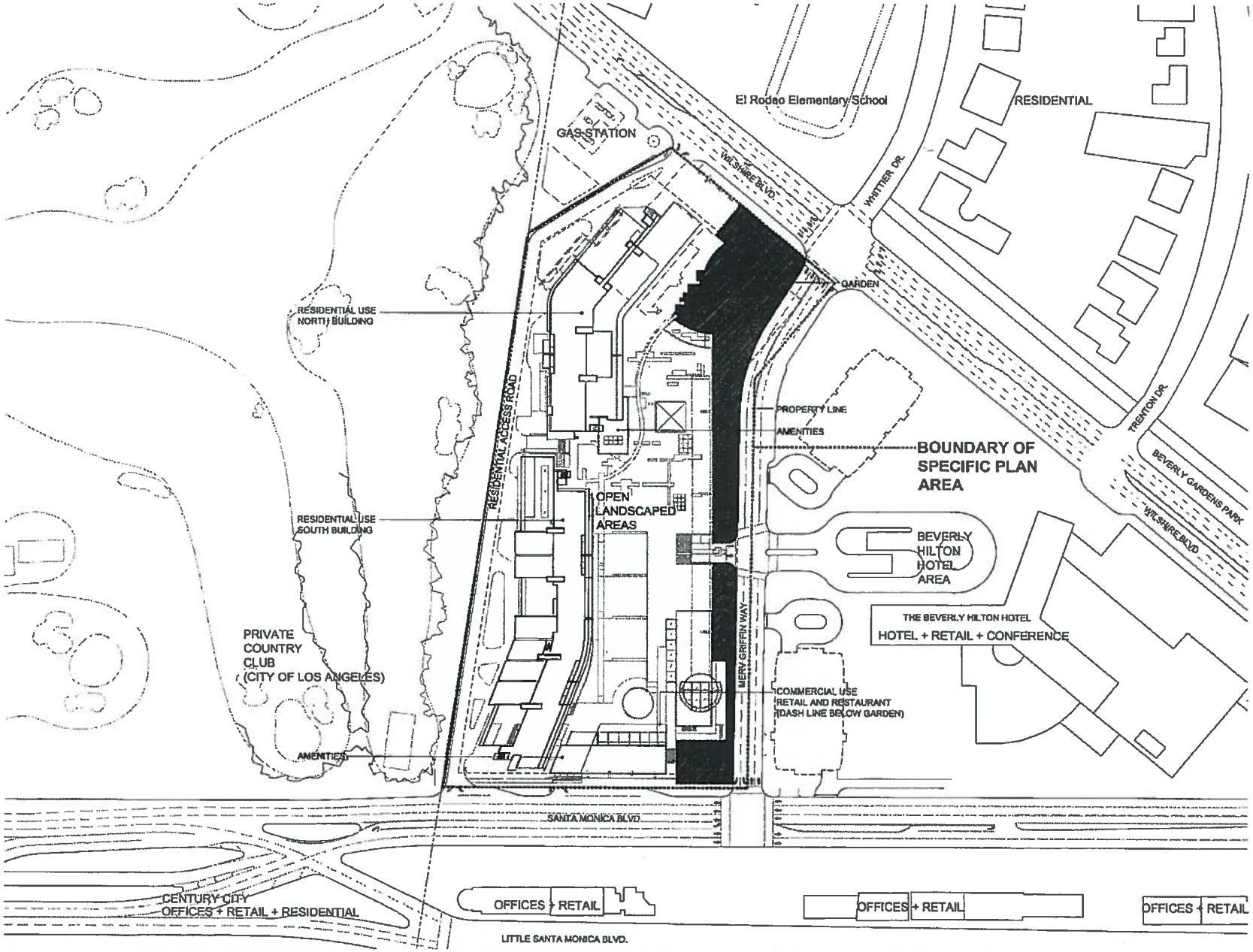


FIGURE 2
SPECIFIC PLAN AREA

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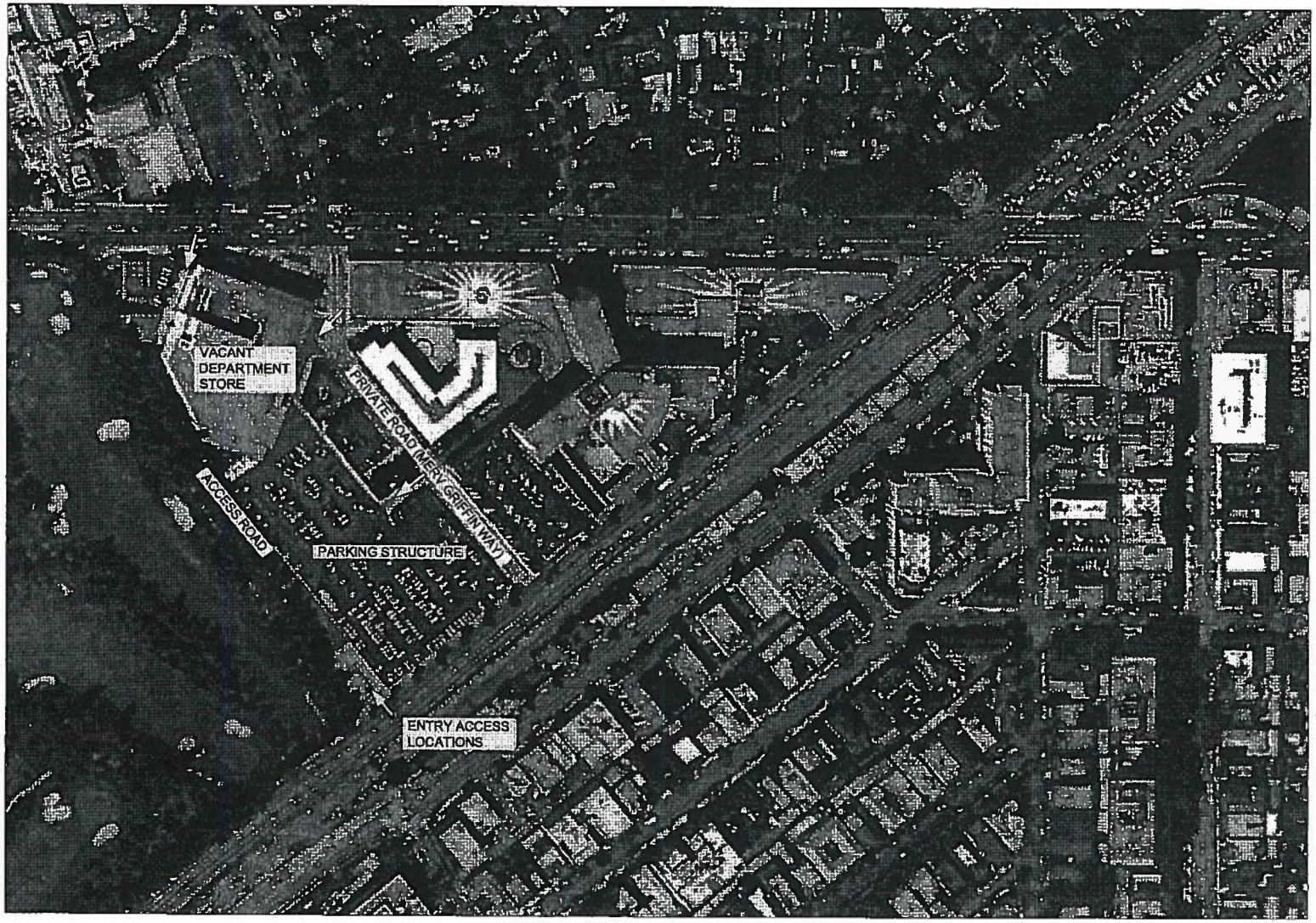

FIGURE 3
EXISTING SITE CONDITIONS

9900 WILSHIRE

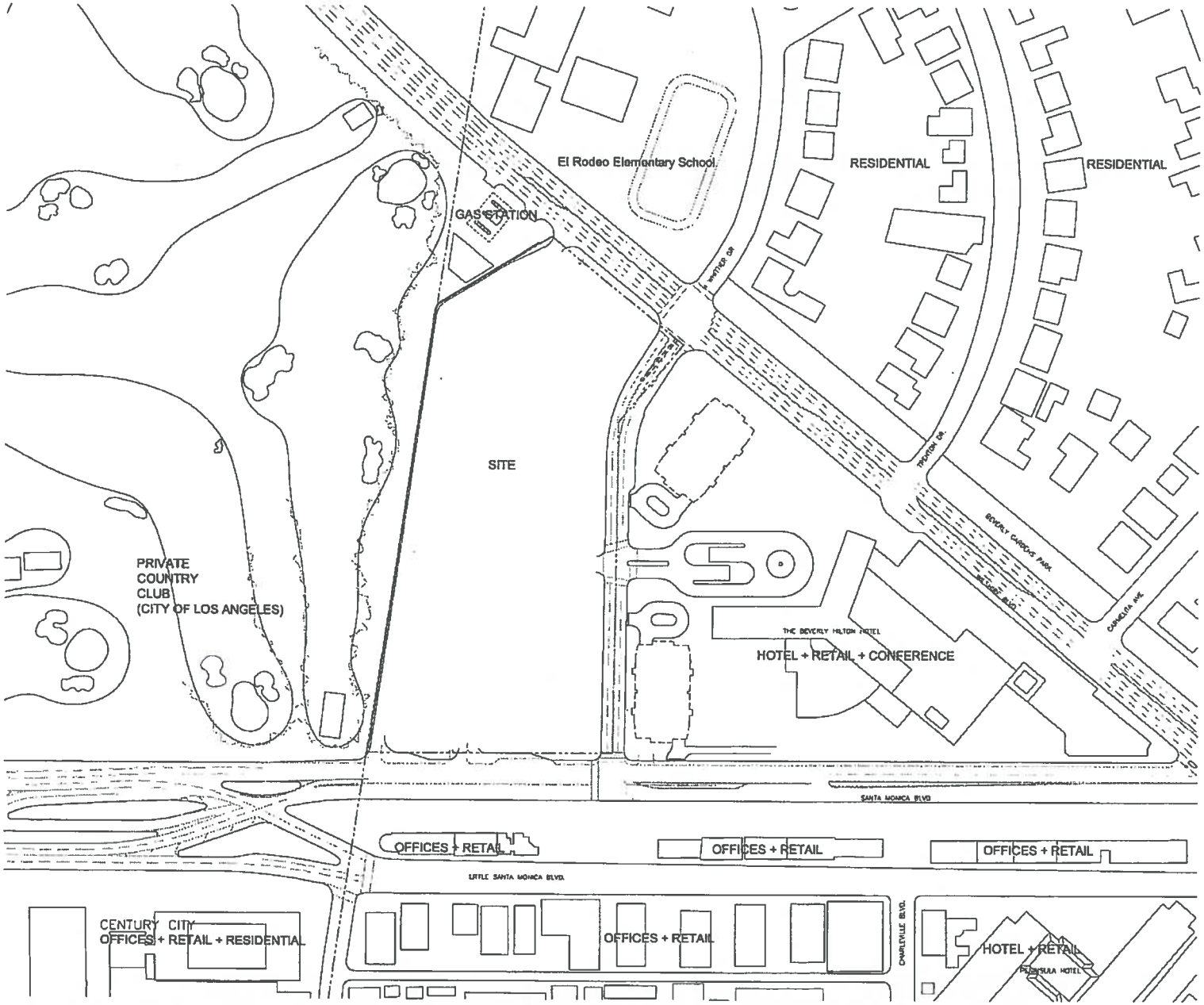

FIGURE 4
SURROUNDING LAND USES

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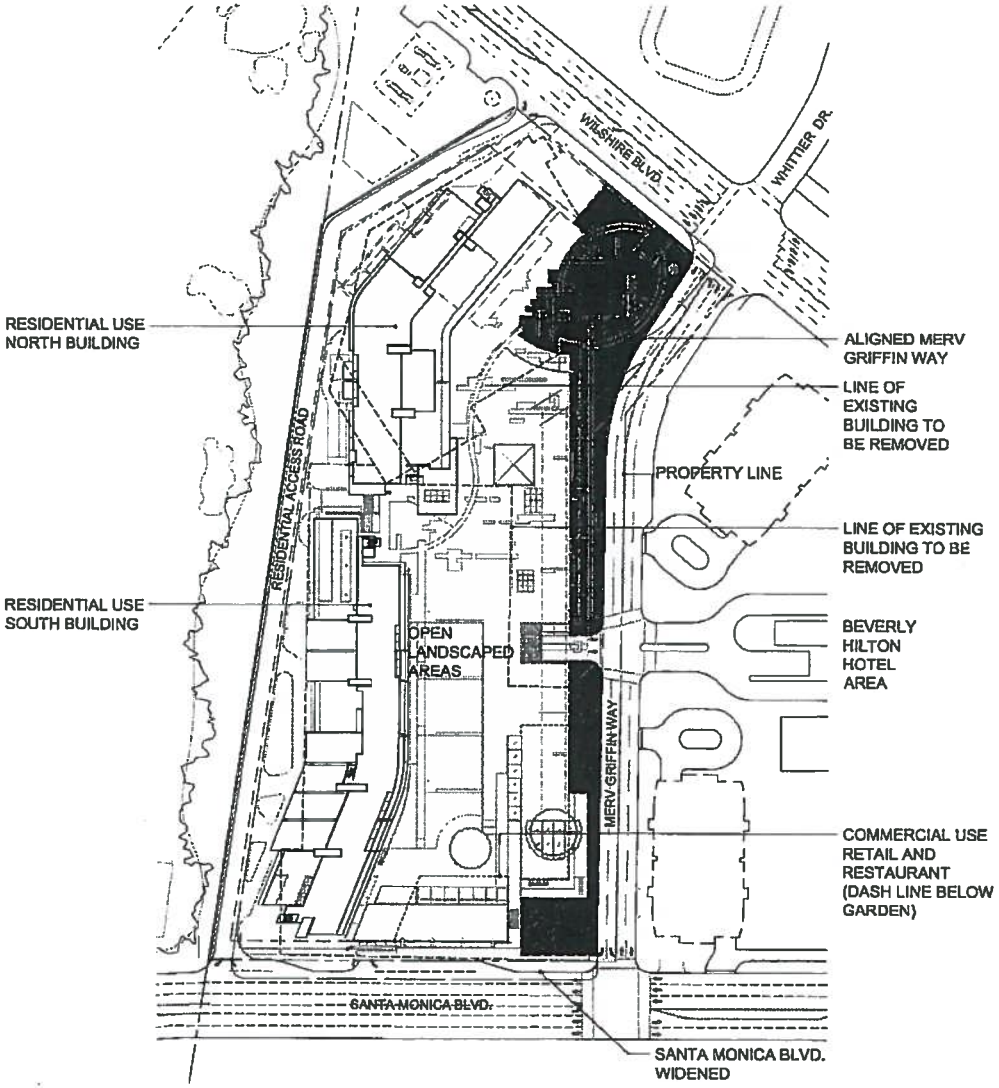

FIGURE 5
SPECIFIC PLAN
LAND USE CONCEPTS

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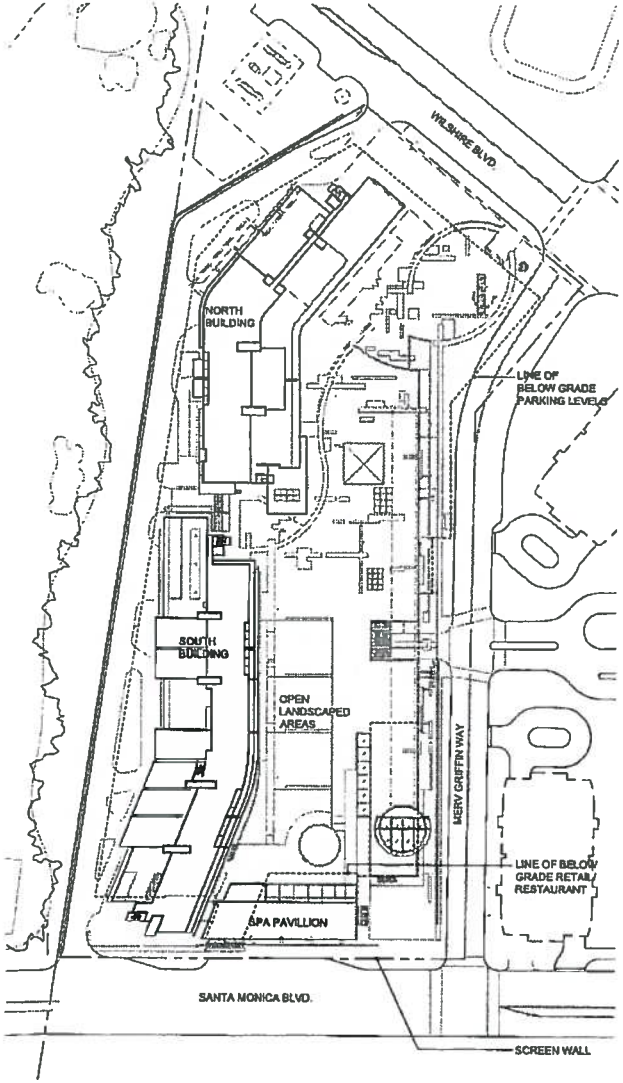

FIGURE 6
SPECIFIC PLAN SITE
/ BUILDING PLACEMENT

9900 WILSHIRE

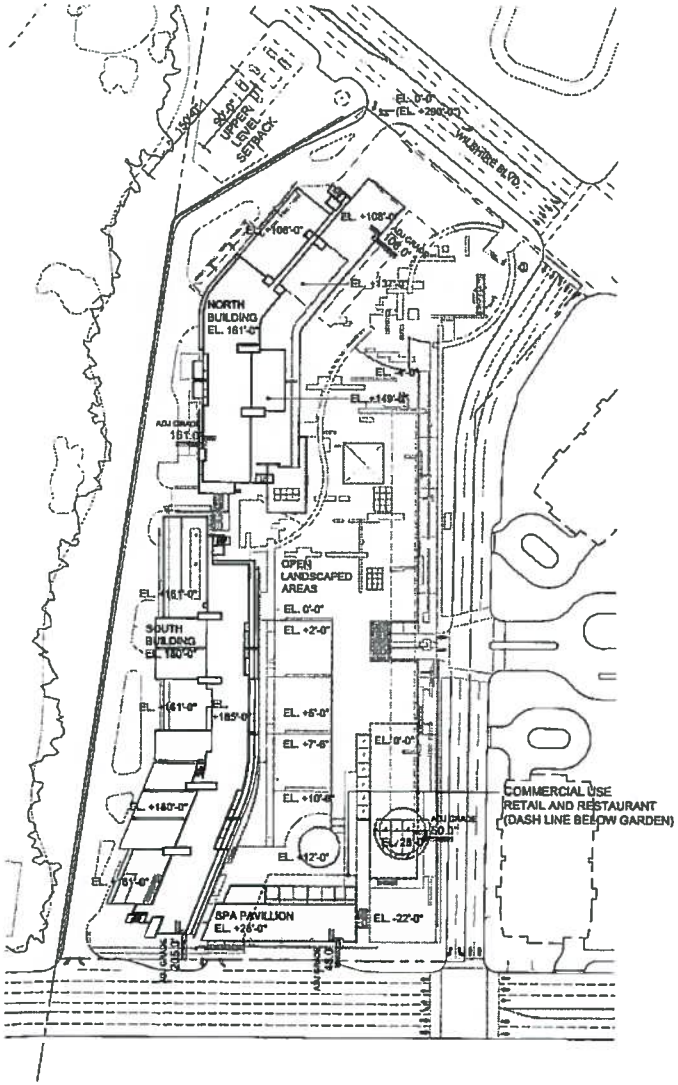

FIGURE 7
BUILDING HEIGHT

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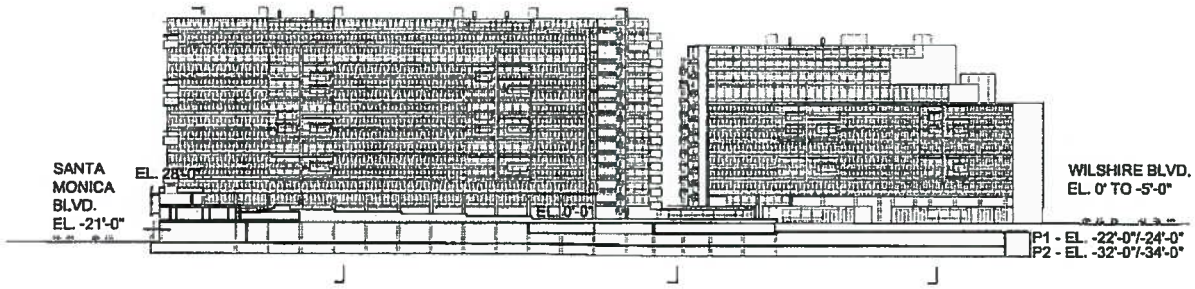

FIGURE 8
SITE SECTION
-WILSHIRE TO
SANTA MONICA
BOULEVARDS

9900 WILSHIRE

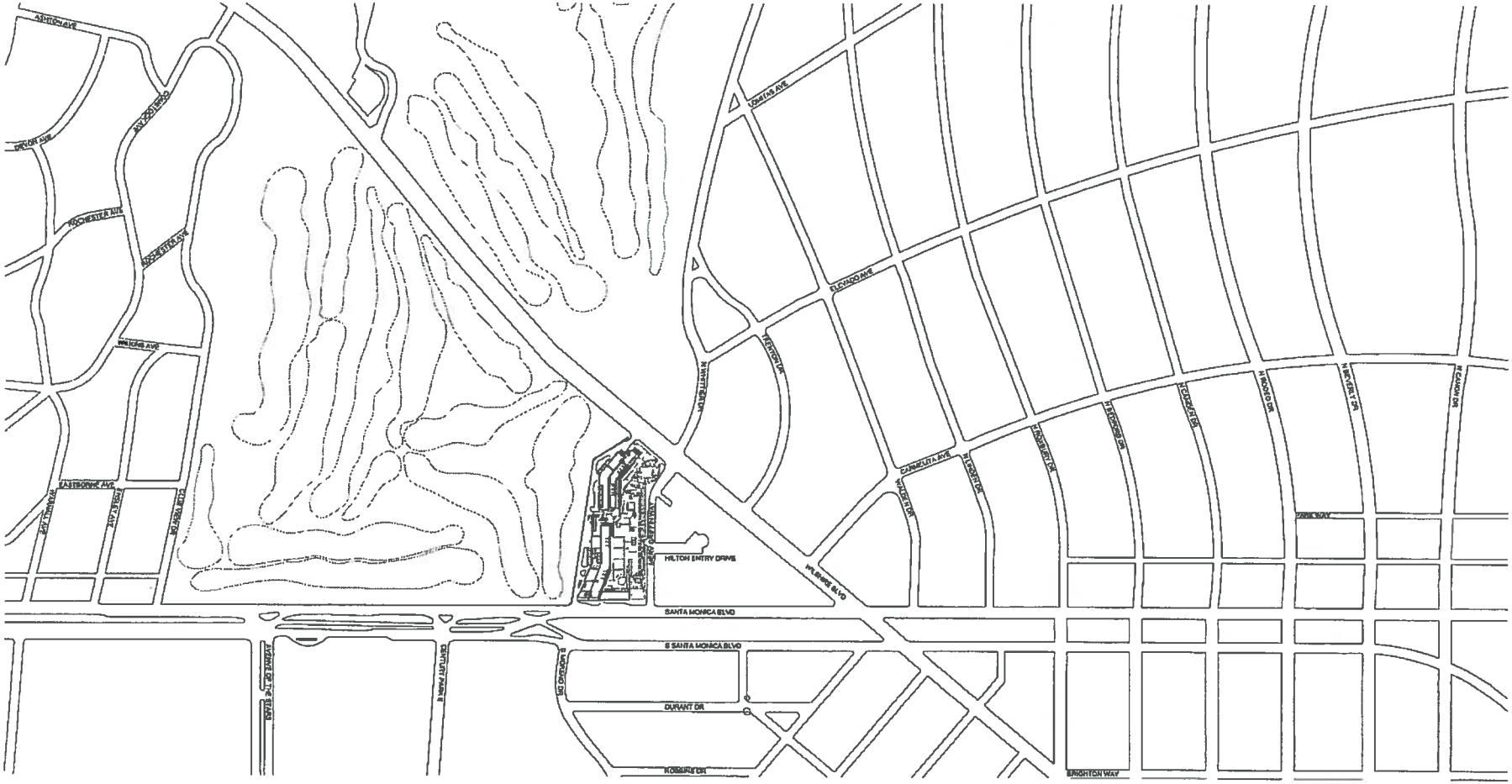

FIGURE 9
SURROUNDING CIRCULATION

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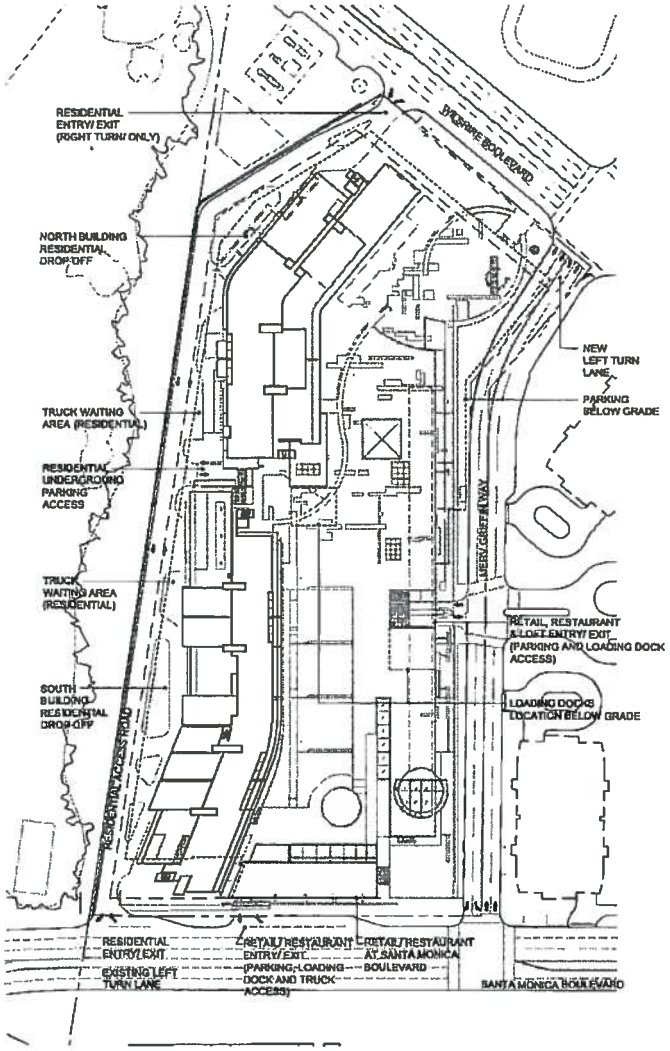

FIGURE 10
ON-SITE CIRCULATION: ACCESS, DRIVEWAYS, ROADWAY IMPROVEMENTS

9900 WILSHIRE

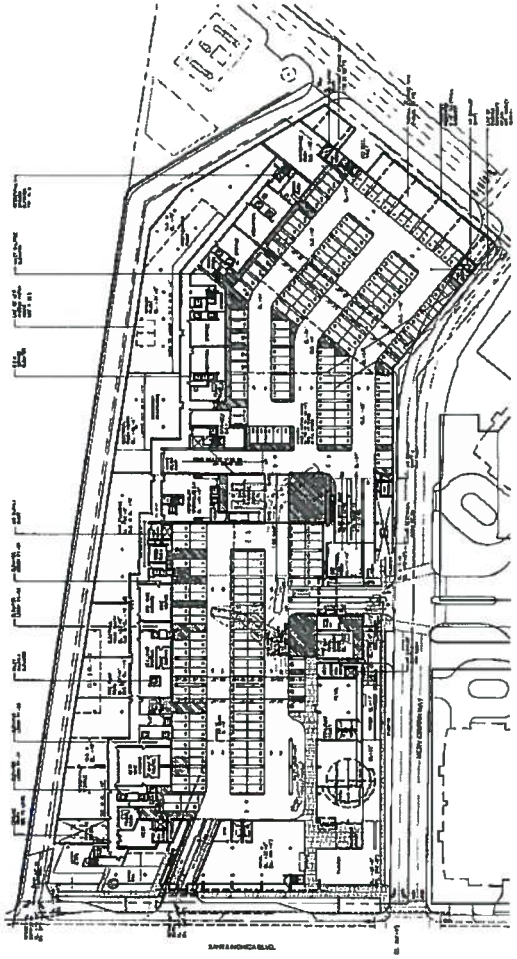

FIGURE 12
PARKING PLAN - LEVEL P1
9900 WILSHIRE

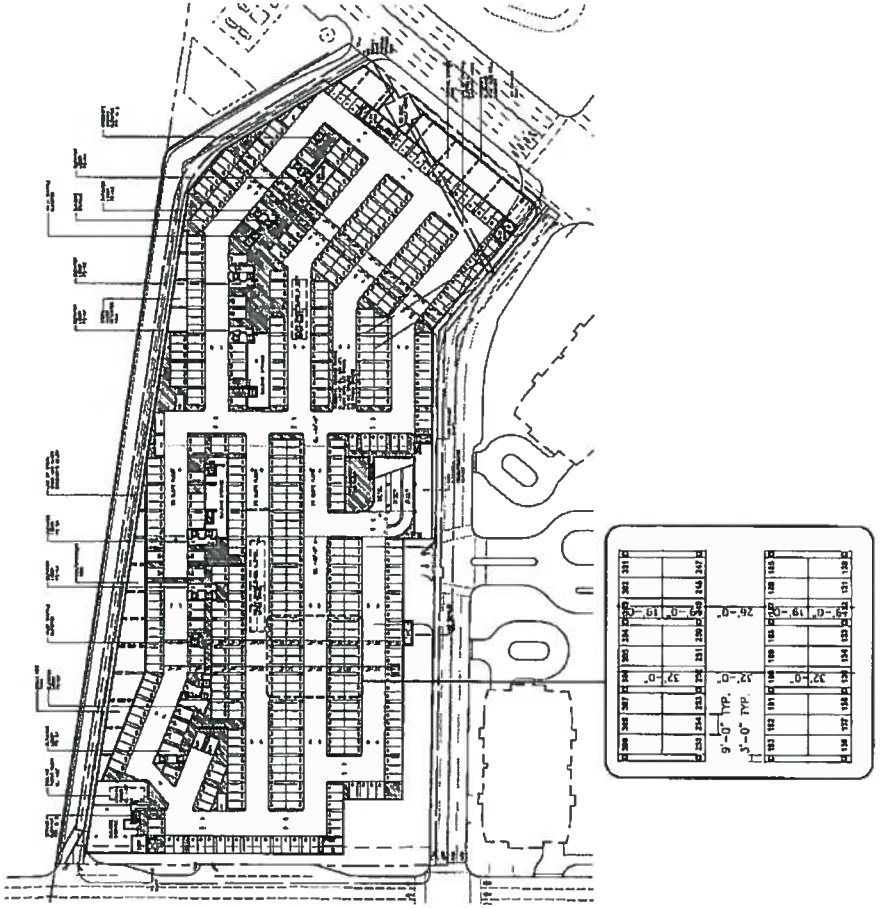

FIGURE 11
PARKING PLAN - LEVEL P2
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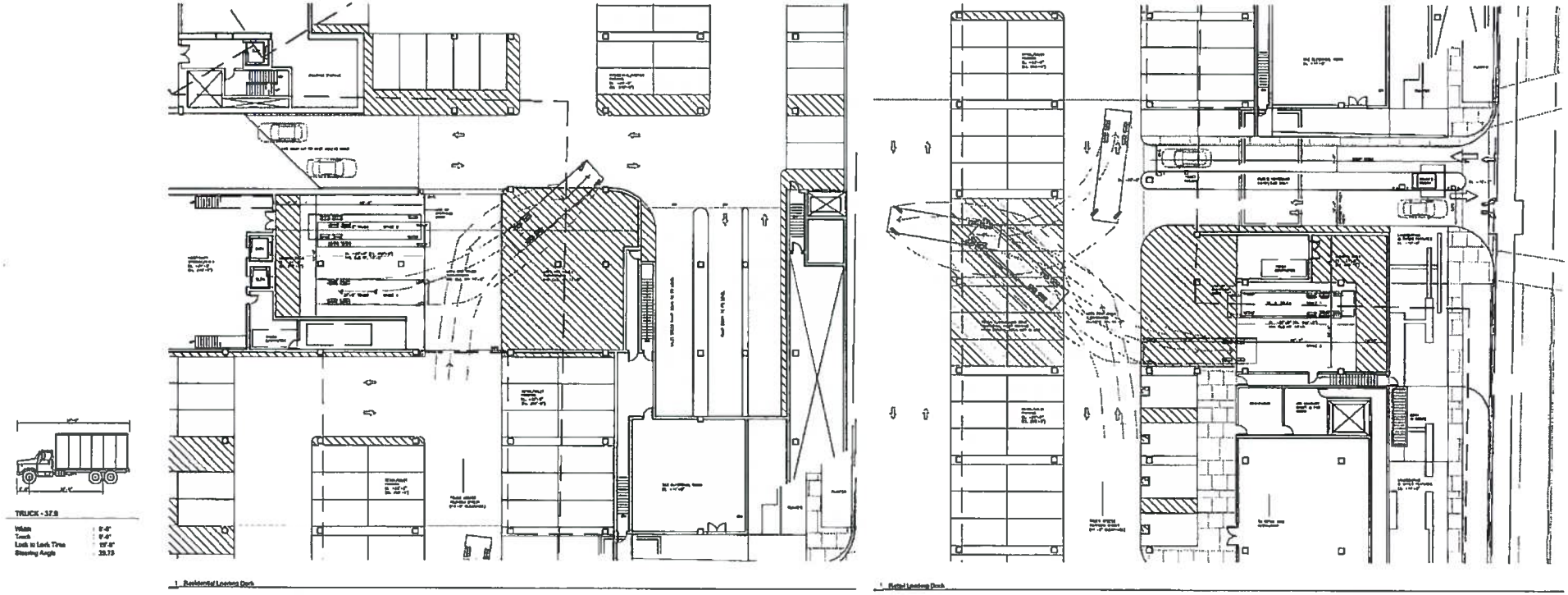


FIGURE 13
LOADING DOCKS
9900 WILSHIRE

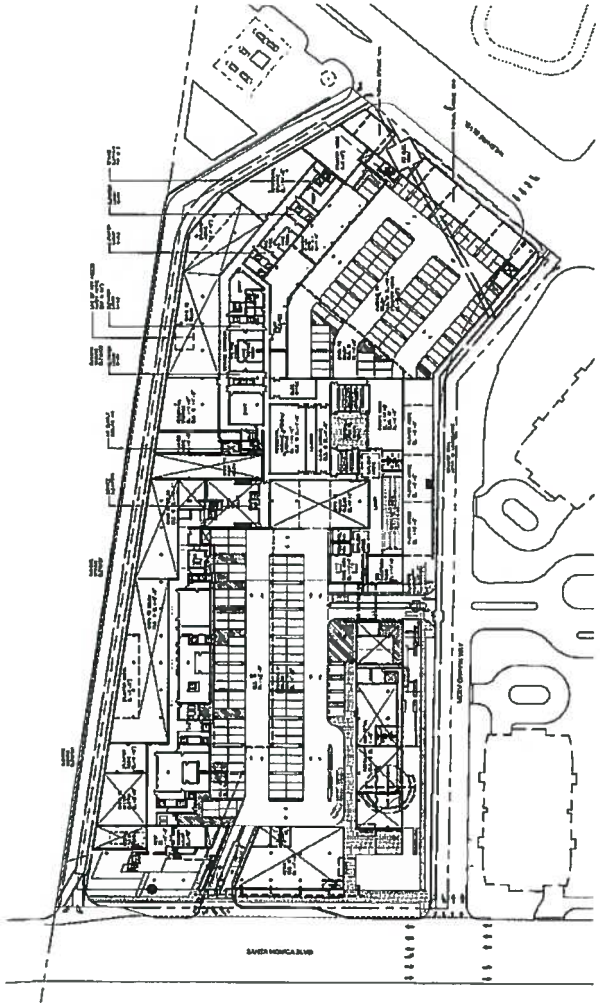


FIGURE 14
CONDOMINIUM BUILDINGS PLAN - MEZZANINE LEVEL
9900 WILSHIRE

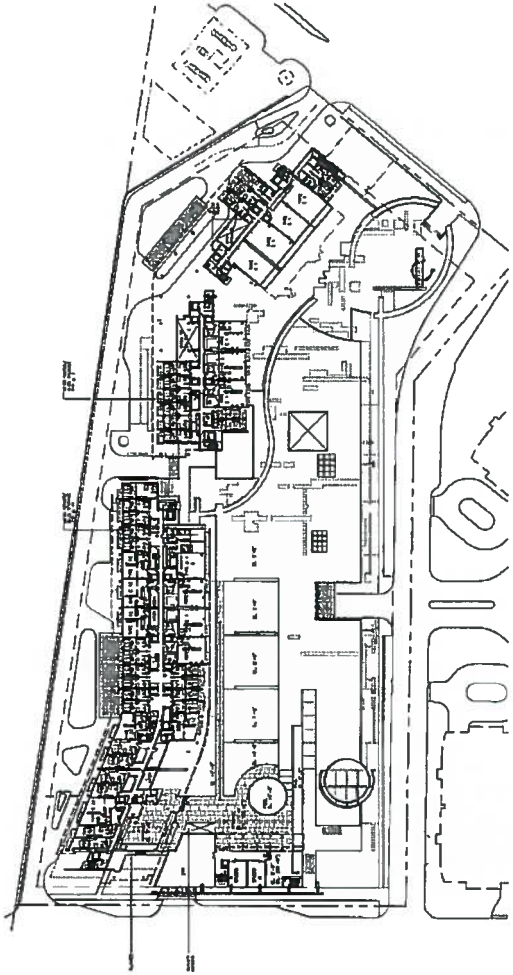


FIGURE 16
CONDOMINIUM BUILDINGS PLAN - LEVEL 2
9900 WILSHIRE

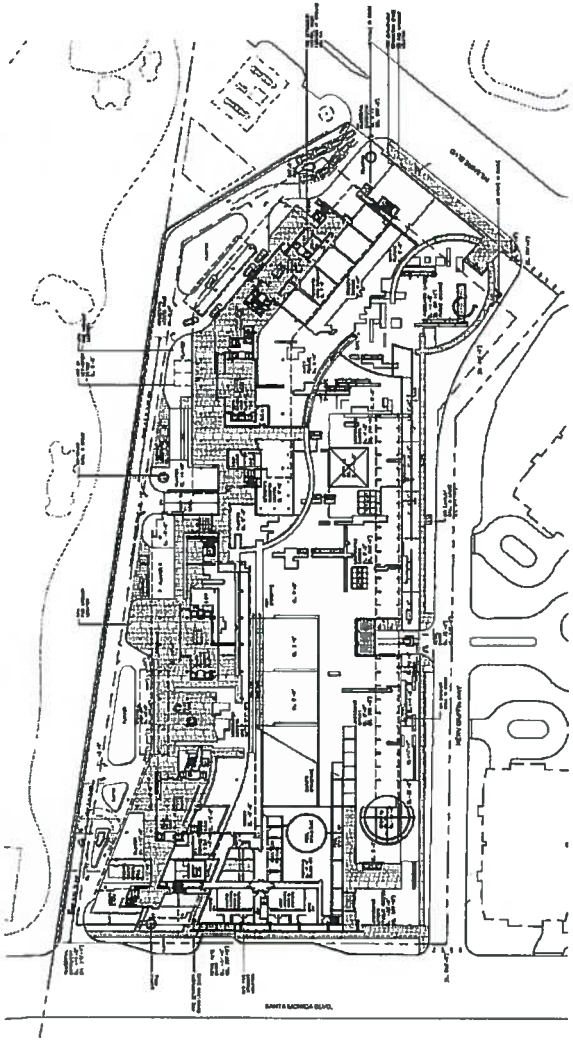


FIGURE 15
CONDOMINIUM BUILDINGS PLAN - LEVEL 1
9900 WILSHIRE

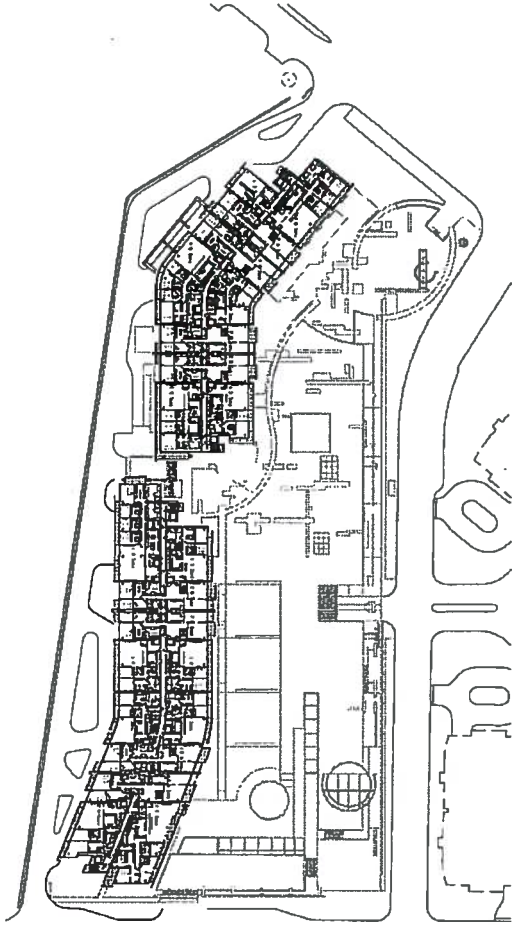


FIGURE 18
CONDOMINIUM BUILDINGS PLAN - LEVEL 4
9900 WILSHIRE

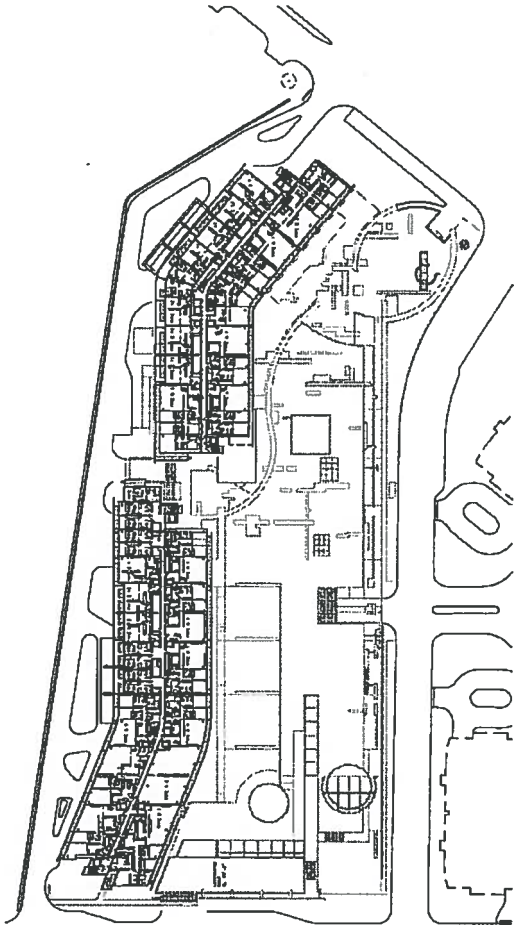


FIGURE 17
CONDOMINIUM BUILDINGS PLAN - LEVEL 3
9900 WILSHIRE

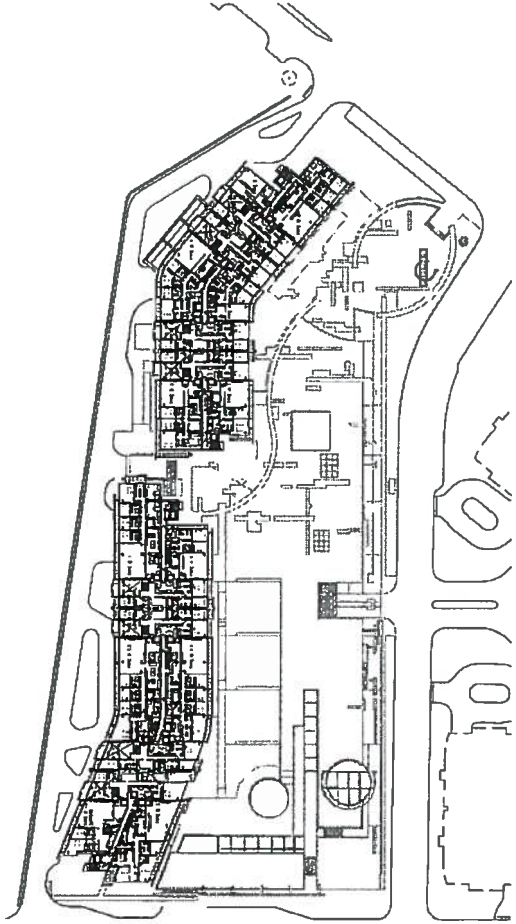


FIGURE 20
CONDOMINIUM BUILDINGS PLAN - LEVEL 6
9900 WILSHIRE

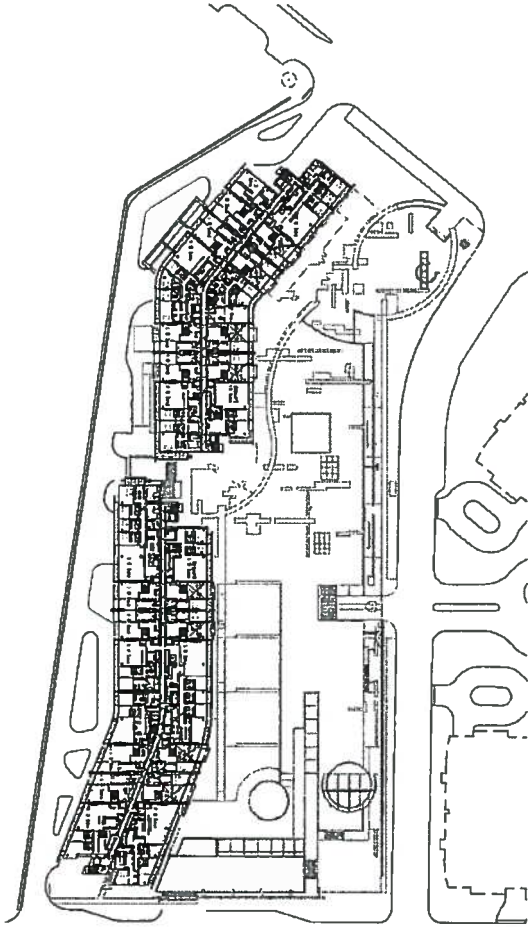


FIGURE 19
CONDOMINIUM BUILDINGS PLAN - LEVEL 5
9900 WILSHIRE

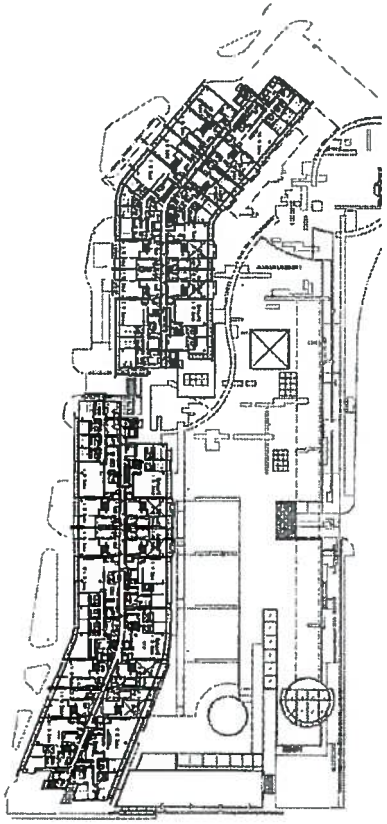


FIGURE 22
CONDOMINIUM BUILDINGS PLAN - LEVEL 8
9900 WILSHIRE

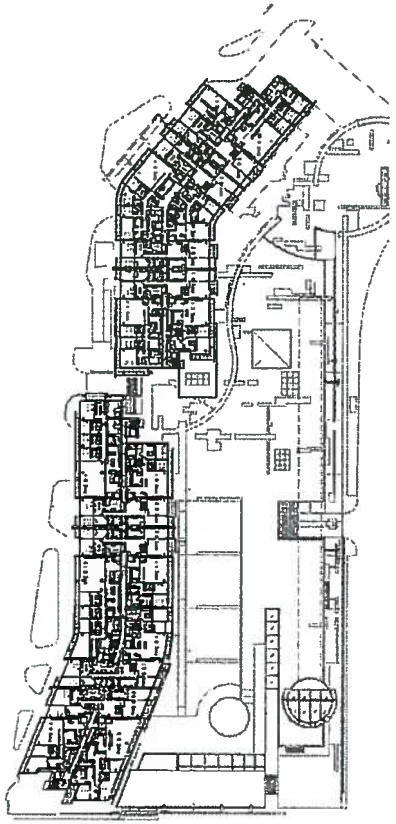


FIGURE 21
CONDOMINIUM BUILDINGS PLAN - LEVEL 7
9900 WILSHIRE

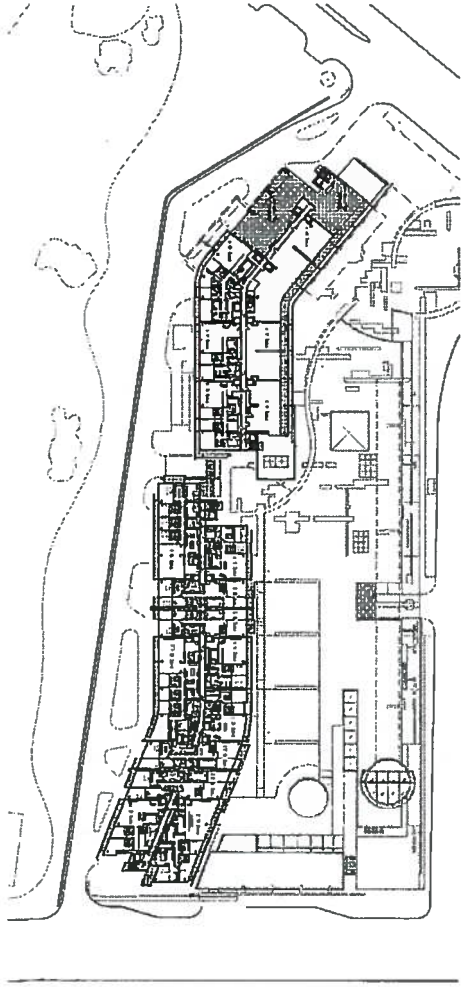


FIGURE 24
CONDOMINIUM BUILDINGS PLAN - LEVEL 10
9900 WILSHIRE

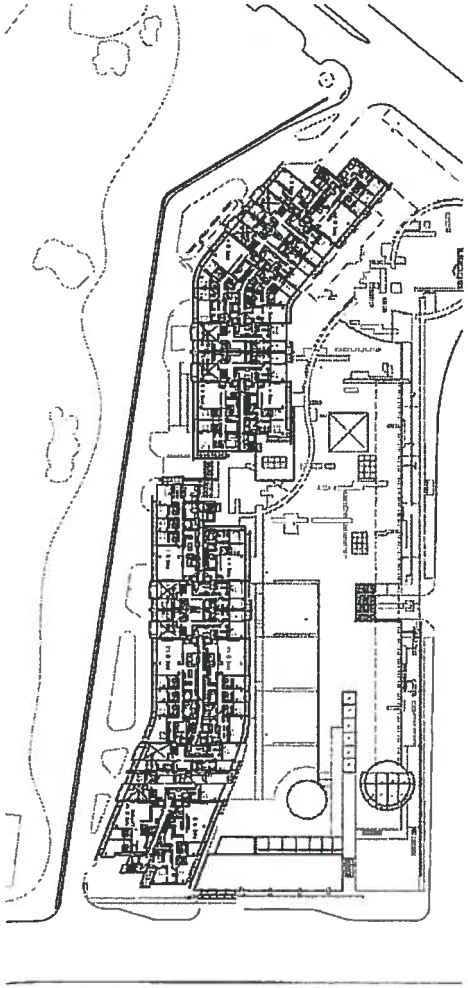


FIGURE 23
CONDOMINIUM BUILDINGS PLAN - LEVEL 9
9900 WILSHIRE

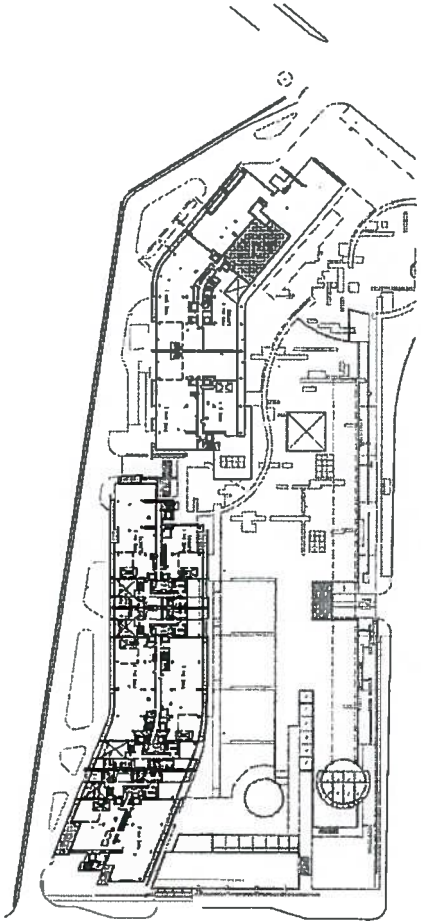


FIGURE 26
CONDOMINIUM BUILDINGS PLAN - LEVEL 12
9900 WILSHIRE

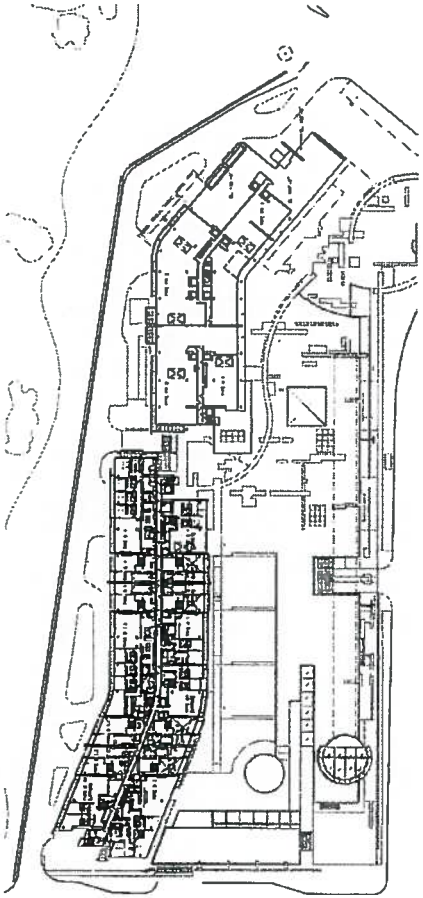


FIGURE 25
CONDOMINIUM BUILDINGS PLAN - LEVEL 11
9900 WILSHIRE

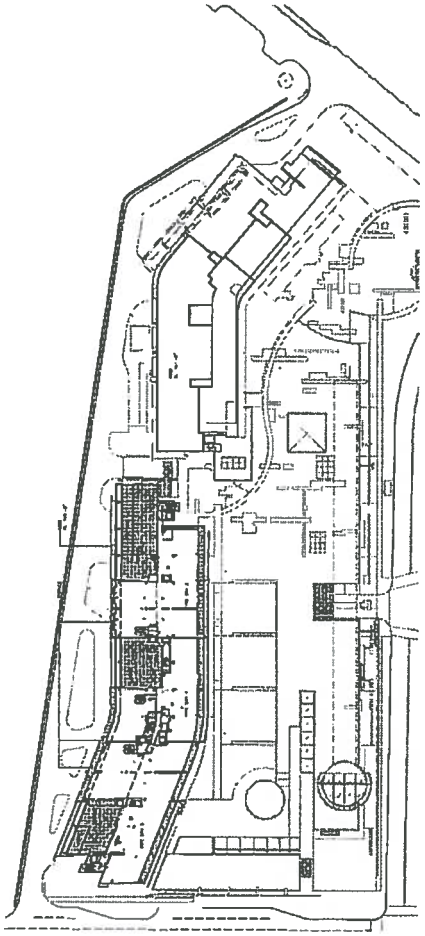


FIGURE 28
CONDOMINIUM BUILDINGS PLAN - LEVEL 14
9900 WILSHIRE

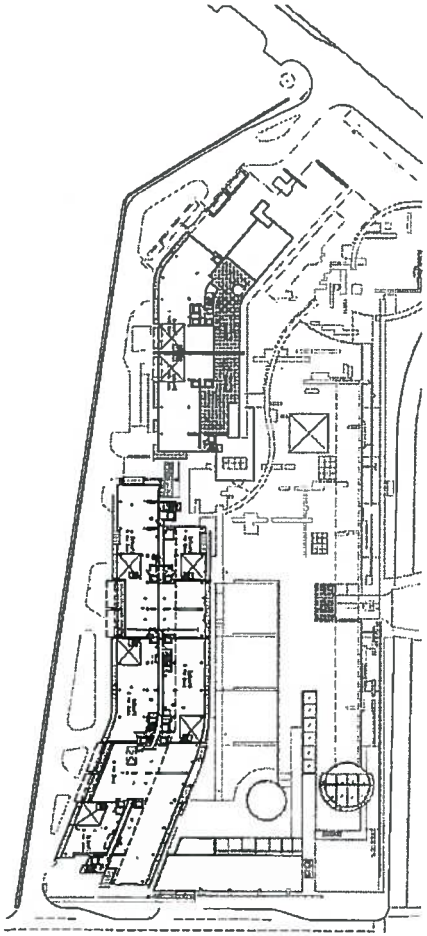


FIGURE 27
CONDOMINIUM BUILDINGS PLAN - LEVEL 13
9900 WILSHIRE

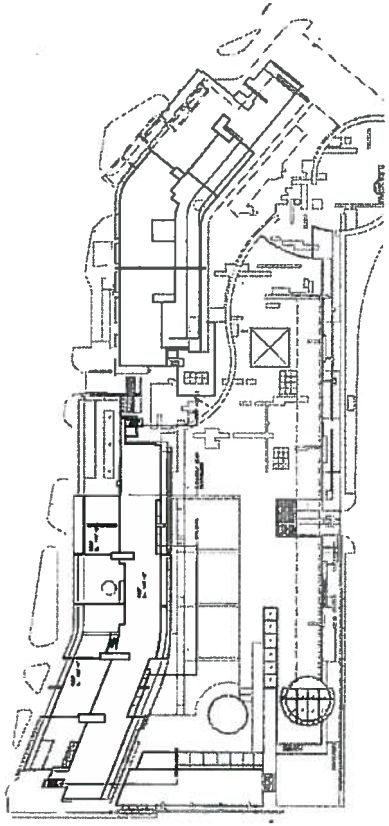


FIGURE 30
CONDOMINIUM BUILDINGS PLAN - ROOF LEVEL
9900 WILSHIRE

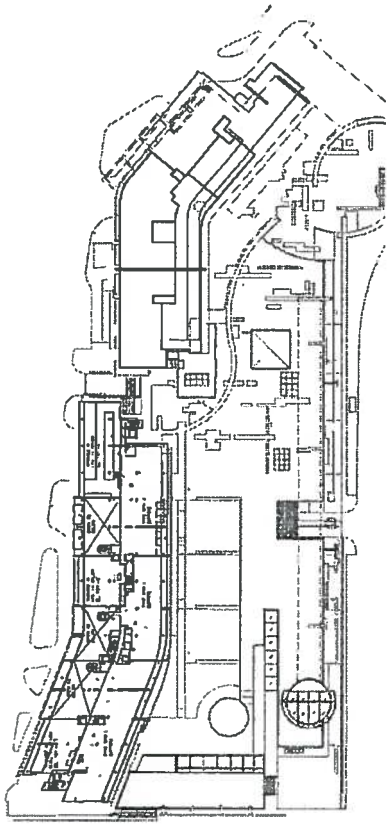


FIGURE 29
CONDOMINIUM BUILDINGS PLAN - LEVEL 15
9900 WILSHIRE

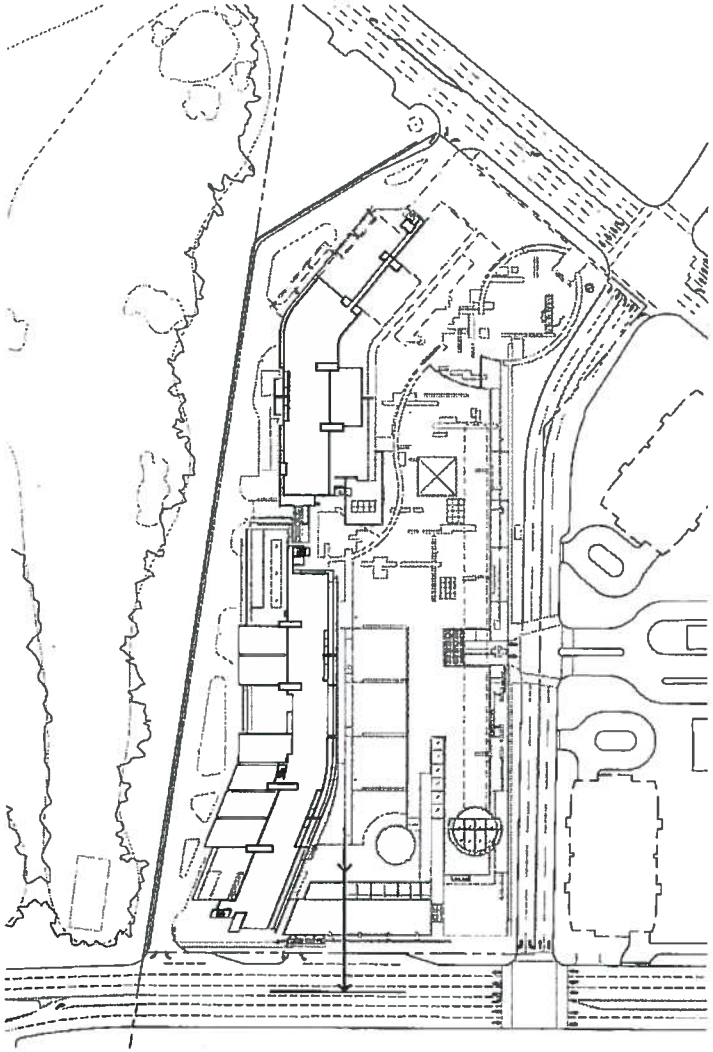


FIGURE 32
SEWER SYSTEM PLAN
9900 WILSHIRE

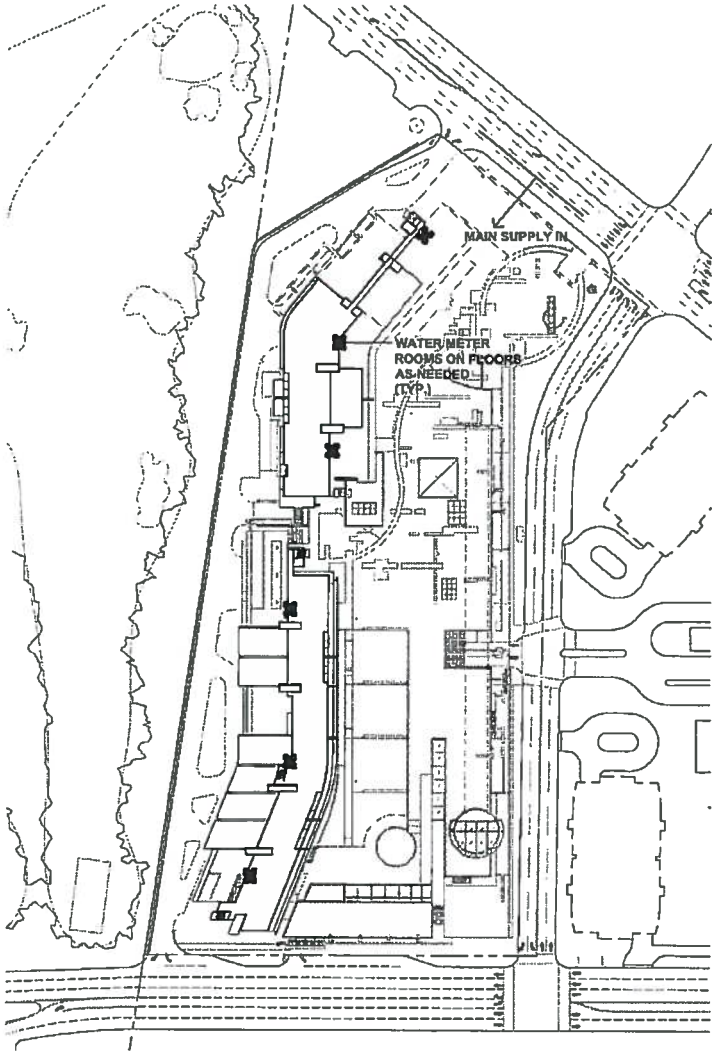


FIGURE 31
WATER SYSTEM PLAN
9900 WILSHIRE

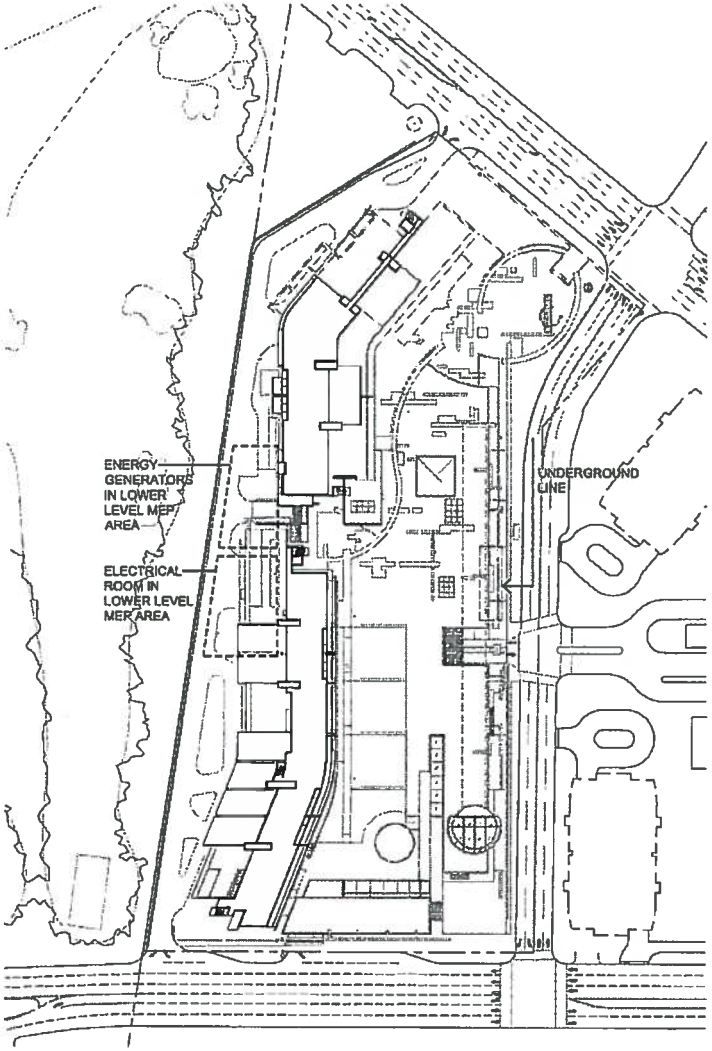


FIGURE 34
ELECTRIC FACILITIES PLAN
9900 WILSHIRE

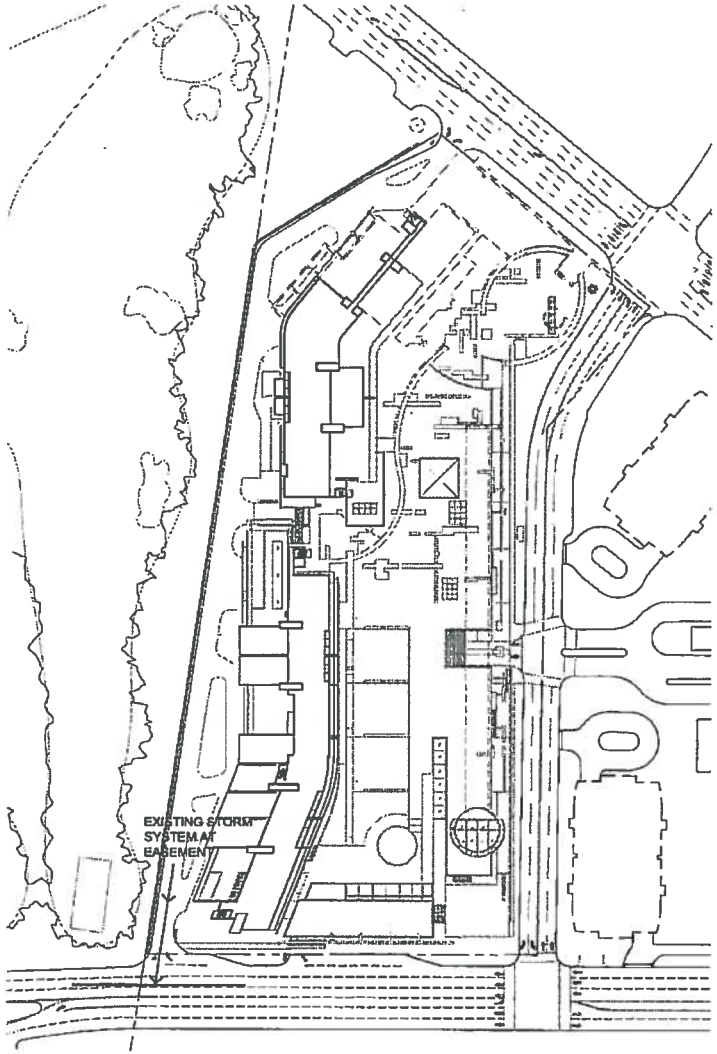


FIGURE 33
STORMDRAIN PLAN
9900 WILSHIRE

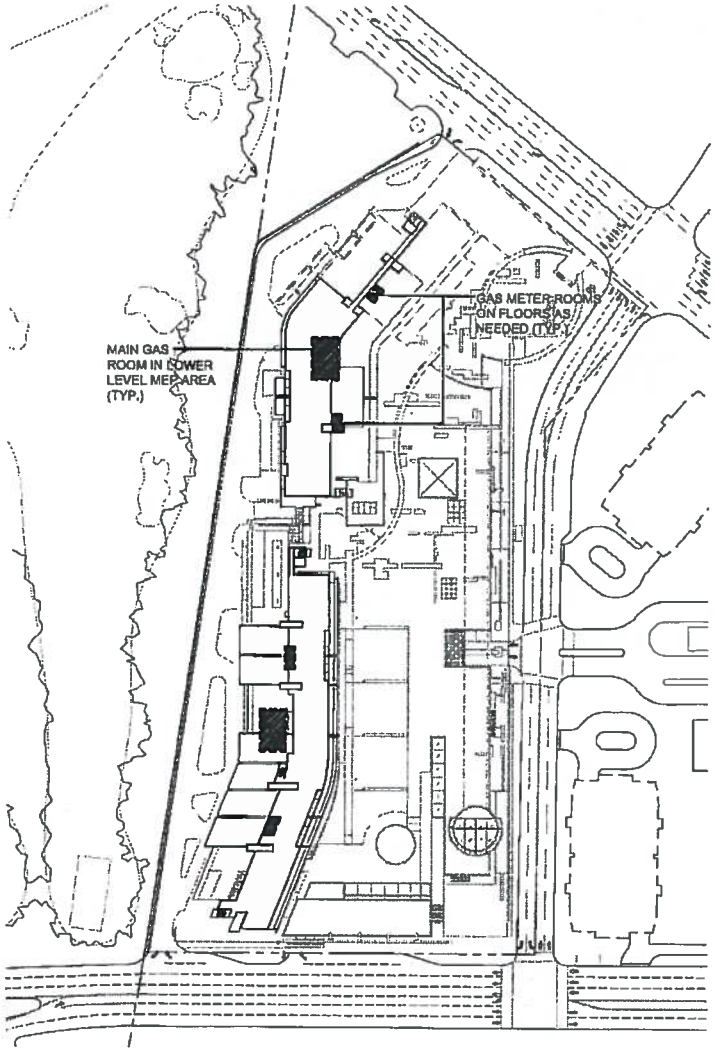


FIGURE 36
NATURAL GAS PLAN
9900 WILSHIRE

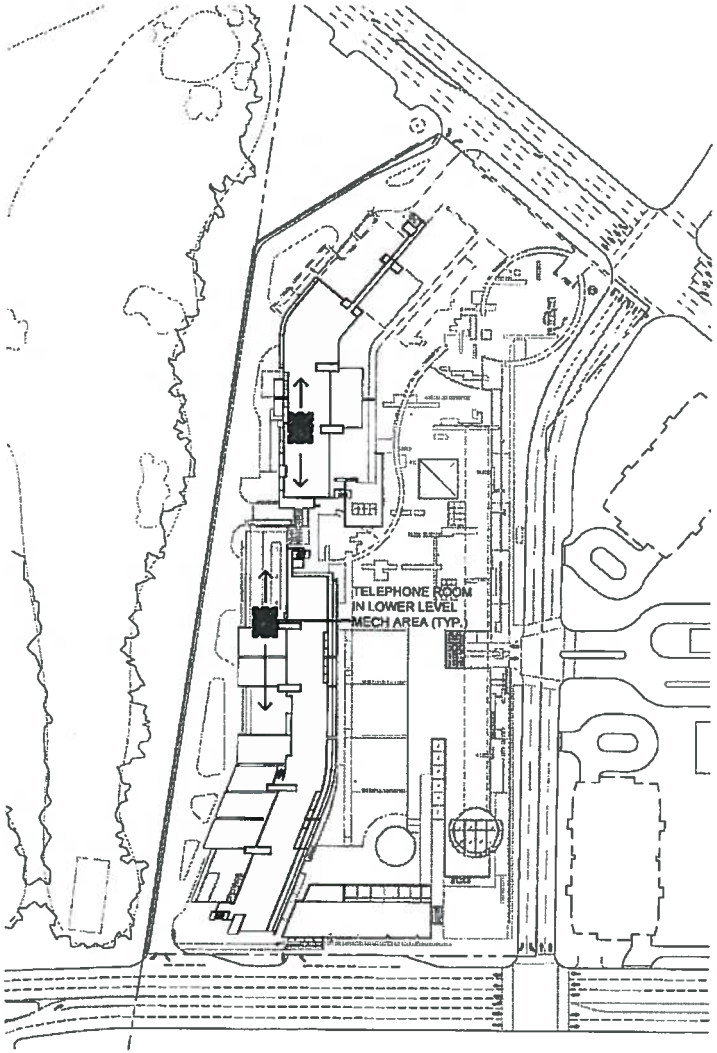


FIGURE 35
TELEPHONE PLAN
9900 WILSHIRE

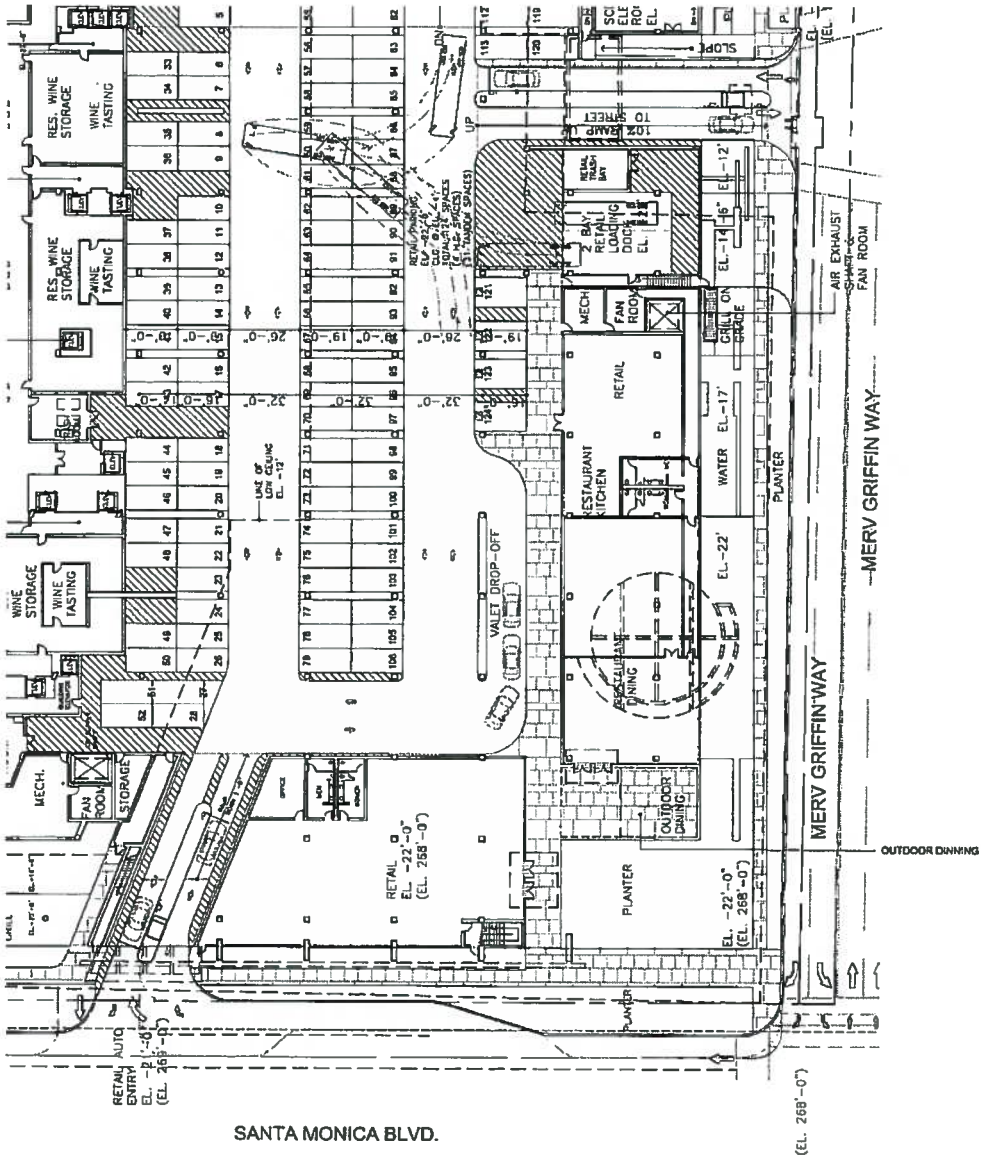


FIGURE 37
RETAIL/RESTAURANT PLAN

9900 WILSHIRE

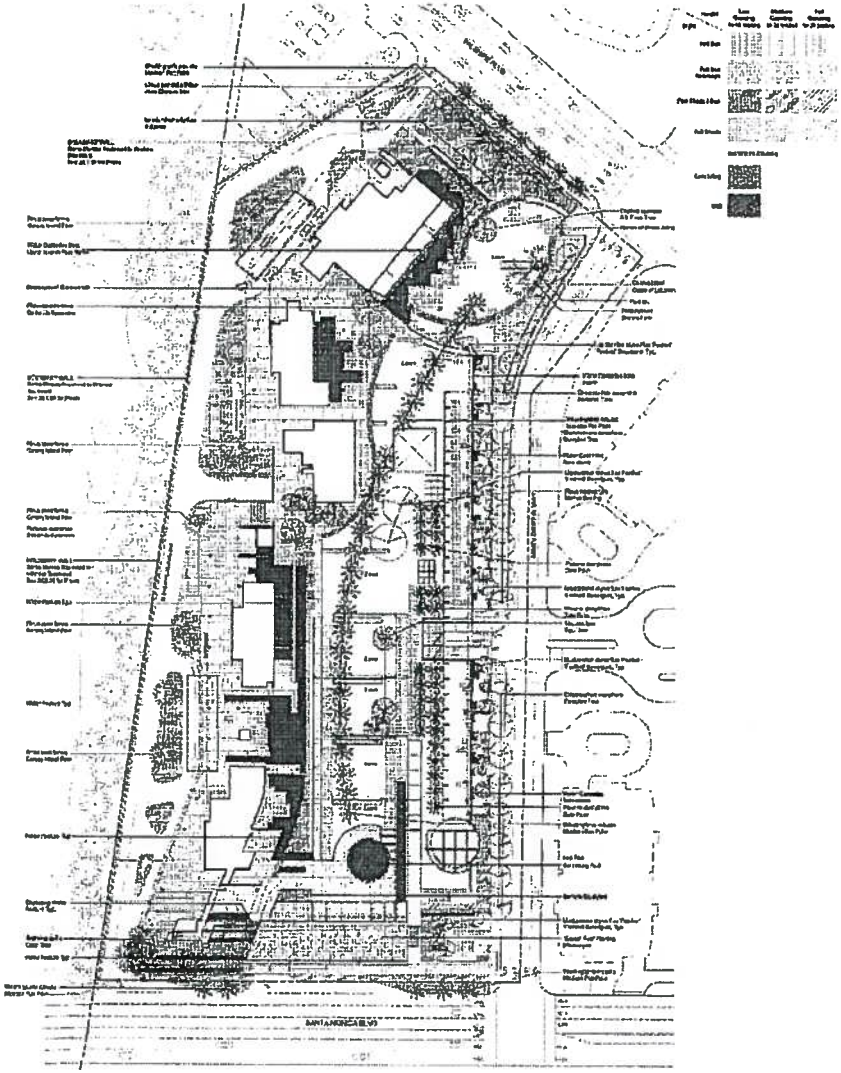


FIGURE 38
OPEN SPACE/
LANDSCAPE PLAN

9900 WILSHIRE

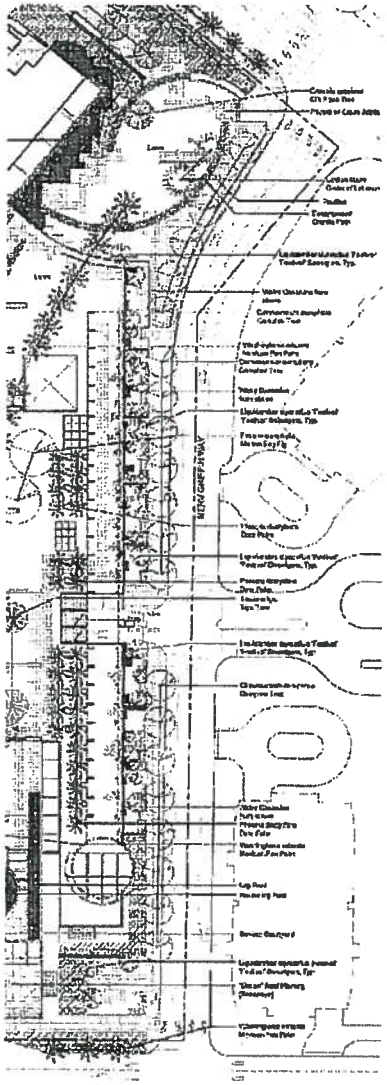


FIGURE 39
ENTRY GARDEN PLAN

9900 WILSHIRE

EXHIBIT C

CONDITIONS OF APPROVAL

Community Development/Planning Project Conditions

1. Compliance with Plans. The Project shall be built in substantial compliance with the plans bearing a revision date of February 7, 2008 and submitted for review to the City Council along with the Planning Commission's recommendations on the project. These plans shall be kept on file with the City Clerk's office and the Department of Community Development/ Planning, inclusive of Exhibit A, "Standard Conditions List," and Exhibit B, "Mitigation Monitoring Program," which are incorporated herein by reference and made conditions to the approval of the Project. The Project shall be subject to additional conditions as may be imposed by the Architectural Commission.

2. Minor Amendments. Minor amendments to the Conditions of Approval may be approved by the Director of Community Development and shall not require an amendment to the 9900 Wilshire Specific Plan.

3. Number of Residential Units. In no case shall the Project include more than 235 residential units in accordance with the approved plans and details contained in approved 9900 Wilshire Specific Plan. The total square footage of the two condominium buildings including back of house and common areas shall not exceed 894,658 inclusive of the 80,587 square feet of below grade (mezzanine) back of house area.

4. Commercial Space. In no case shall the project include more than a maximum 16,456 square feet of commercial space which includes a maximum 4,800 square foot restaurant including not more than 600 square feet of outdoor dining in the location shown in the Specific Plan. ,

5. Restaurant Noise. No amplified music is permitted in the outdoor dining area of the restaurant. And no amplified music inside the restaurant shall be audible from the exterior of the restaurant.

6. General Parking Requirements. The project shall provide not less than 803 standard size parking spaces as shown in the approved plans. This number may be modified by the Director of Community Development up to 5 spaces to accommodate the final design of the parking layout.

7. Residential Parking. A total of not less than 681 standard size residential parking spaces shall be provided. Of these, not more than 28 spaces may be tandem., Tandem spaces may not be used for guest parking. Parking spaces for residential units are required to comply with the City's Municipal Code standards and shall be used solely for the parking of the personal vehicles of residents, their guests, and employees associated with the condominium units. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required and shall not be dedicated to or used to provide parking for any off-site use. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such.

8. Commercial Parking: A minimum of 99 parking spaces (including 31 tandem spaces) shall be provided for the commercial uses. A total of 122 spaces shall be provided for the commercial area, however, the excess 23 spaces may be leased on a month to month basis or shorter term. A valet shall be on-site and operating pursuant to the approved Parking Valet/Operations Plan set forth under Condition 14 below for the tandem spaces.

9. Parking Accessibility. A minimum of 19 (15 residential and 4 commercial) parking stalls shall meet the requirements of the Americans with Disabilities Act ("ADA") for an accessible parking space.

10. Employee Parking. Commercial tenants, including any restaurant, shall provide free on-site parking for all on-site employees at all times. All leases or sales agreements for commercial space within the Project shall contain provisions to implement this requirement. An employee shall be defined as a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

11. Customer Parking. Two hours free validation parking shall be provided for patrons of the commercial tenants, after which market rates for parking may be imposed. All leases or sales agreements for commercial space within the Project shall contain provisions to implement this requirement.

12. Pedestrian Signage. Prior to the issuance of occupancy permits for the Project, the Applicant shall install sufficient signage, as determined by the City Traffic Engineer, on both the interior and exterior of the parking garage to protect pedestrians from drivers entering/exiting all access points of the residential and commercial garages.

13. Signage. Prior to the issuance of a building permit, the Applicant shall submit the unified sign plan required by Section 4.6 of the Specific Plan for review and approval. Said unified sign plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. Thereafter, all project signage shall conform to the unified sign plan.

14. Parking Valet/Operations Plan. Prior to the issuance of any occupancy permit, the applicant shall prepare and shall have received approval from the City's Planning Division and Transportation Division of a Parking Valet/Operations Plan for both commercial tandem parking operations and residential parking operations. The residential parking operations plan shall include plans to meet the parking needs generated by large on-site events and parties (i.e. to include the aggregate number of people generated for multiple, simultaneous small events occurring on-site). Thereafter, the applicant and subsequent homeowners association shall implement said plan for any large on-site events and parties. The requirement for this residential operations plan shall be incorporated into the Covenants, Codes and Restrictions for the condominiums.

15. Parking Garage Safety/Technology. The applicant shall install state-of-the-art devices to ensure that cellular reception in the parking garage is adequate for police, fire and the health and safety of residents and visitors in the parking structure.

16. Loading. Prior to issuance of occupancy permits and subject to the review and approval of the Directors of Community Development and Public Works and Transportation, the Applicant shall provide a Loading Management Plan to minimize loading-related impacts from the Project on adjacent land uses. The Loading Management Plan shall identify permissible hours for loading and shall designate a delivery monitor to monitor the loading area and deliveries in order to control the circulation activities and to prevent overcrowding in the loading area. The City hereby retains the authority to impose additional conditions on the Project to address loading, delivery and parking issues, including without limitation the authority to require valet parking for patrons of the commercial uses. The Applicant shall comply with the approved Loading Management

Plan and any additional conditions imposed after adoption of this Resolution and after adoption of the Loading Management Plan, in order to address parking, loading and delivery issues. No loading shall occur on Wilshire Boulevard or Santa Monica Boulevard.

17. Public and Common Areas. All public and common areas and facilities shall be clearly depicted, described, or both in the final plans reviewed by the Department of Community Development/Planning prior to issuance of a building permit.

18. Rooftop Uses. Rooftop uses and structures are limited to the 5 private terraces with pools/spas with trellises as shown on the approved plans. The trellises on the North Building, Level 10 (2 units at north end at Elevation 108' (no pool)), and Level 11 (1 unit at north end at Elevation 120' (no pool) shall be limited to a maximum 10 feet in height and shall be set back from the face of any exterior wall of the floor immediately below so that a forty five degree (45°) angle to the vertical plane of the nearest outside wall is not intersected.

19. Green Building Design. The Project shall be constructed to meet the "Certified" rating pursuant to the City's green building rating system, which means achieving not less than 26 points out of a possible 69 points as set forth in the City's Green Building/Sustainability Checklist ("Checklist") attached hereto and incorporated herein as Exhibit D. A green building plan shall be submitted as part of the application for a building permit. The green building plan shall indicate which points in the Checklist that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The applicant shall be required to implement all points shown in the final green building plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official

may conduct other inspections as needed to ensure compliance with this condition. The Applicant may request amendment of the green building plan and such amendment may be approved by the Building Official as along as the cumulative point's total 26. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the applicant shall comply with said Ordinance.

20. Gray Water Usage Requirement. The applicant shall install a gray water system as required by Section 3.4 F of the Specific Plan, including sufficient plumbing features to allow gray water to be used for landscaped areas on the property. All plumbing requirements shall be subject to review and approval by the City's Building and Safety Division.

21. Architectural Commission Review. Prior to the issuance of building permits, the design, materials and finishes of the building, and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the property to provide an appropriate visual and aesthetically pleasing transition between the property and the neighboring property on the east side of Merv Griffin Way. Particular attention shall be paid to the garden areas. Landscape plans shall be prepared by a licensed landscape architect.

22. Final Building Plans. Final building plans shall be consistent with the preliminary plans approved by this Resolution and shall be prepared by a licensed professional.

23. Traffic/Crossing Guard. During Project construction, the applicant shall hire a crossing guard to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica at the beginning and end of each school day. In addition, if

deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way before and after school.

24. Hiring Practices. The applicant shall require the Constructor Manger/Supervisor to verify that no construction workers have prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on-site Construction Manger/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District during the performance of their duties, unless required within the scope of their duties and with the knowledge or approval of the Construction Manager/Supervisor. The applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers. Compliance with this provision shall be verified by the Environmental Compliance Monitor.

25. Traffic Signal at Merv Griffin Way/Santa Monica Boulevard. The applicant shall install a traffic light at the Merv Griffin Way/Santa Monica Boulevard intersection. Installation and plans for the traffic light are subject to review and approval by the City's Traffic Engineer and Building and Safety Division. The applicant may be entitled to a fair share reimbursement from other projects that impact this intersection and necessitate the traffic light. The traffic light either shall be installed and operational prior to construction, or the applicant shall provide adequate security for installation prior to the approval of any final subdivision map.

26. Santa Monica Boulevard Roadway Improvements. Prior to the issuance of a certificate of occupancy, the applicant shall provide the right-of-way dedications to the City as shown on the approved plans and subject to review and approval by the City's Public Works Director. As approved by the Public Works Director, the applicant shall install and pay for improvements to the Santa Monica Boulevard right-of-way adjacent to the Project as shown on the approved plans, including but not limited to landscaping and street improvements.

Landscaping and Irrigation

27. Prior to final building inspection, the Applicant shall install all proposed irrigation and landscaping, including irrigation controllers, staking, and mulching, in accordance with the Architectural Commission's approval of the final project design.

28. Prior to occupancy, the Applicant shall submit a letter from the Project landscape architect certifying that all landscape material and irrigation has been installed and is functioning according to the approved landscape plans.

29. The property owners and successors in interest, including but not limited to any homeowners association, shall be responsible for the maintenance of the site drainage system, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way and all public and private open areas on the site including the western half of Merv Griffin Way. The covenants, codes, conditions and restrictions for this project shall specifically reflect this obligation.

Other City Departments' Requirements

30. The Applicant shall comply with all applicable conditions and permits required from the Public Works and Transportation Department and Community Services-

Recreation and Parks Department attached as Exhibit A. The Applicant shall secure all necessary permits from the Engineering Division of Public Works prior to commencement of any demolition or Project related work.

31. An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show any existing street furniture within the public right-of-way (ROW) fronting the proposed improvement site. All new construction and relocation of any existing street furniture must be clearly shown.

32. The Project shall comply with all applicable conditions from the Fire Department as may be identified through the plan check process.

Construction Management

33. The Applicant shall comply with a Construction Management Plan that has been submitted to and approved by the Department of Community Development prior to issuance of a building permit. The Construction Management Plan shall incorporate the Construction Traffic Management Plan and the Construction Workers Parking Plan as described in the attached Mitigation Measures for the project. The Construction Management Plan shall also include, at a minimum, the following requirements:

a. Parking and transportation to and from the construction parking area for construction workers shall be paid by the Project applicant.

b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.

c. A plan for the proposed demolition/construction staging for the 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 shall be included in the Construction Management Plan. The construction haul route shall be reviewed and approved by the City Traffic Engineer and the Director of Community Development. The approved haul route is subject to change if the haul route creates unanticipated traffic congestion or noise impacts.

34. Requests for after hours construction permits shall be reviewed by the City's Building Official in accordance with BHMC Section 5-1-206. The Building Official shall confer with the Environmental Compliance Monitor and revise any after hour's permits as necessary to mitigate noise to residential neighbors to the project.

35. The applicant shall maintain a current construction schedule on the project's web page and provide the web page address on construction signage placed on the boundary of the property or in a location visible to the public as determined by the Environmental Compliance Monitor.

36. A cash deposit of $25,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. The $25,000 deposit shall be replenished as deemed necessary by the City's Building and Safety Division. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and

(c) issue a stop work notice until such time that an additional deposit of $25,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice and the deposit of an additional $25,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

37. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties. The final height of the fence shall be approved by the Director of Community Development in consultation with design professionals knowledgeable in the fields of noise and dust mitigation. The design of the construction fence shall be subject to Architectural Commission review and approval. The applicant shall provide temporary landscape improvements to improve the appearance of the site around the fence during the construction period.

38. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a Community Liaison Officer as outlined in the attached Mitigation Measures, directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the Community Liaison Officer shall be transmitted to the Director of Community Development, the City's Building Official, and the Beverly Hills Unified School District Superintendant and Principal at El Rodeo School. In addition, the Applicant shall post the name and telephone number of the Community Liaison Officer on the site in a location readily visible to the general public as approved by the Director of Community Development. Said signs shall also include the name and number of a City contact from the Community Development Department. The Applicant representative's telephone number provided shall be manned during construction hours.

39. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of $50.00 for a documentary handling fee in connection with Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.

Property Maintenance

40. The property owners and successors in interest, including but not limited to any homeowners association shall be responsible for the operation and maintenance of the

private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes, conditions and restrictions for this project shall specifically reflect this obligation.

General Conditions.

41. All electrical transformers and other such mechanical equipment shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit. Screening and/or relocation may be required if the proposed locations have the potential to adversely affect the appearance of the building from the public right-of-way.

42. The Codes, Covenants and Restrictions (CC&R's) for this project shall reflect the fact that, as this Project is located on Wilshire Boulevard, the maintenance of public improvements (street payment, sidewalk, curb, gutter, water and sewer lines) is usually performed at night.

43. In accordance with the requirements set forth in City Council Resolution 71-R-4269, the applicant shall file a formal written request with the Civil Engineering Department for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Civil Engineering Department. An indemnity bond must be submitted and approved by the City Attorney prior to excavation.

44. The Project shall comply with the applicable standard conditions and shall obtain all necessary permits from the Public Works/Engineering Department. The Standard Conditions List is attached hereto as Exhibit A and incorporated herein by this reference.

45. The Applicant shall comply with the requirements of the Street Tree Mitigation Plan of the Recreation and Parks Department, attached hereto as Exhibit C and incorporated herein by this reference.

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

47. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution, and the Applicant shall comply with all such modified or additional conditions.

48. Prior to the earlier of either the issuance of any occupancy permit or the sale or lease of any residential unit in the project, a subdivision map shall be approved by the City and the final map for such subdivision shall have been recorded with the County of Los Angeles Recorder and the condominium plan filed with the Department of Real Estate.

49. Prior to the approval of any final map, the applicant shall prepare and submit CC&R's for review and approval by the Community Development Department and the City Attorney. The CC&R's shall be recorded prior to the approval of any final map.

50. Prior to the recordation of any final subdivision map, the applicant shall record a reciprocal parking and access agreement for the site in form and content satisfactory to the Community Development Director and the City Attorney.

stall insulated laminated clear safety glass on the exterior of
ing the Los Angeles County Club.

Impacts. In the event that the Director of Community
: operation of the project is having unanticipated traffic or
r shall require the owner or Homeowners Association to
raffic or parking impacts and recommend and implement
f, in the opinion of the Director, the owner or Homeowners
t sufficient mitigation to mitigate the unanticipated traffic or
Director shall schedule a hearing before the Planning
impacts being created by the project. The owner or
ll receive at least ten days notice of such hearing. Upon
e Planning Commission may impose additional conditions
y to mitigate any unanticipated traffic or parking impacts
he owner or Homeowners Association and operator shall
ch additional conditions at their sole expense. However, the
ation may appeal the decision of the Planning Commission to
the provisions of the Beverly Hills Municipal Code and any
mmission shall be stayed pending a decision by the City

anagement Plan shall contain a provision prohibiting
uing on Santa Monica Boulevard or Wilshire Boulevard
on.

54. The Environmental Compliance Monitor identified in Traffic Mitigation Measure #1 shall be responsible for monitoring compliance with both the conditions of approval and all the mitigation measures.

55. An air cleaning/filtering system shall be installed in the condominium buildings subject to the review and approval of the Building Official to assist in the removal of pollutants from the adjacent streets.

56. The Applicant shall install state-of-the-art devices or equipment as approved by the City's Police and Fire Departments to ensure that wireless telecommunication reception in the parking garage is adequate for police, fire and other emergency responders and the health and safety of residents and visitors in the parking structure.

9900 Wilshire Conditions of Approval

Exhibit A

Standard Conditions List

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.

2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.

3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of *$5,638.80**, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)

4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed 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. (See attached Trees and Construction document.)

   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.

6. 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.

7. 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.

8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

9. 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.

10. 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.

11. 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.

12. 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-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the project.

13. 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.

Standard Conditions List
for the Planning Commission

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.

17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.

18. 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.

19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

9900 Wilshire Conditions of Approval

Exhibit B

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING PLAN

Section 2.0 and **Section 4.0** of the Final EIR identify the mitigation measures that will be implemented to reduce the impacts associated with the 9900 Wilshire project. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code,

> *... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. These measures correspond to those outlined in **Section 2.0** and discussed in **Section 4.0**. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Beverly Hills departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Aesthetics, Light, and Glare						
LG-1	Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the project site, to prevent light spillover onto adjacent properties or roadways.	Community Development Department	The project lighting plan filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Air Quality						
AQ-1	The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes.	Community Development Department	The project applicant shall submit a Construction Traffic Emission Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Emission Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
AQ-2	The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-3	The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.	See above.	See above.	See above.		
AQ-4	The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.	See above.	See above.	See above.		
AQ-5	The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.	See above.	See above.	See above.		
AQ-6	The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-7	Prior to use in construction, the project applicant and contractor will evaluate the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., will be evaluated. These technologies will be required if they are verified by the California Air Resources Board (CARB) and/or the U.S. Environmental Protection Agency (U.S. EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.	See above.	See above.	See above.		
AQ-8	The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 mph or less.	See above.	See above.	See above.		
AQ-9	The Contractor shall ensure that the project site is watered at least three times daily during dry weather.	See above.	See above.	See above.		
AQ-10	The Contractor shall install wind monitoring equipment on site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 mph per Southern California Air Quality Management District (SCAQMD) guidelines.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-11	The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).	See above.	See above.	See above.		
AQ-12	The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).	See above.	See above.	See above.		
AQ-13	The Contractor shall replace ground cover in disturbed areas as quickly as possible.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-14	The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements: • The third-party consultant shall be approved by the City of Beverly Hills Planning Department. • Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.	Community Development Department	The Community Development Department shall hire a third-party air quality consultant. Weekly monitoring reports shall be submitted to the Community Development Department for review. The project proponent shall submit a corrective action plan and have such plan approved prior to commencement of demolition activities.	During demolition and grading.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM_{10} concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
• The monitoring network shall include at least one anemometer to measure wind speeds and directions. • Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment. • Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity). • Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.					
	• Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
• Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM_{10} thresholds are exceeded. • Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
• The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills Community Development Director prior to commencing demolition.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-15	The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line. • The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9(Title 40, Code of Federal Regulation, Part 60, Appendix A).	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
• In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Cultural Resources						
CR-1	The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report, which follows Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. The documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library. The cost shall be borne by the Applicant.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. The project applicant shall provide applicable photographs and reports to the Community Development Department.	Prior to issuance of grading and building permits.		
CR-2	The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills' website.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards to produce the video.	Prior to issuance of demolition permits.		
CR-3	Potentially historic street lights adjacent to the project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic street lights will be relocated, as advised.	Prior to issuance of grading and building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
CR-4	If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5 (f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
CR-5	If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5 (d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur 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. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

	If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.					
CR-6	In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.	Community Development Department	The project applicant shall provide proof that a certified paleontologist has investigated and has made appropriate recommendations.	During project construction.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Geology and Soils						
GEO-1	The proposed project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.	Community Development Department/ Building & Safety Division	The construction plans filled with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		
Hazards and Hazardous Materials						
HAZ-1	Any suspect lead based paint shall be sampled prior to any renovations or demolition activities. Any identified lead based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-2	In the event that the building is maintained on the site, the property owner shall ensure that the source(s) of moisture intrusion resulting in the growth of mold within the building are repaired.	Community Development Department	The site shall be inspected for moisture intrusion, and a written report submitted to the Community Development Department.	Prior to the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HAZ-3	All old unused fluorescent light ballasts potentially containing PCBs shall be properly removed and disposed of prior to demolition activities.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Hydrology and Water Quality						
HYDRO -1	Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and Stormwater Pollution and Prevention (SWPPP) shall be prepared by the applicant in accordance with, and in order to partially fulfill, the California State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Construction 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 could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a NOI and SWPPP.	Prior to the issuance of grading and building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
HYDRO -2	Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a Storm Water Pollution Prevention Plan.	Prior to the issuance of grading and building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Noise						
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: • Excavation, grading, and other construction activities related to the proposed project shall be restricted to the hours of operation allowed under 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. • Stockpiling and vehicle staging areas shall be located as far away from occupied residences as possible, and screened from these uses by a solid noise attenuation barrier. Noise attenuation barriers constructed to the specifications identified in the bullet point below are capable of reducing noise levels by 7.7 dB(A).	Community Development Department School District	The project applicant shall submit a Construction Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

		Department		Schedule	Check Box	Date
	• Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along all project boundaries during the construction phases associated with the development of the project. Noise attenuation barriers constructed at the property lines to a height of 8 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dB(A). • All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the residential and institutional uses to the north of the project site 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 removing excavated materials from the site shall be designed to avoid residential areas, and areas occupied by noise sensitive receptors (e.g., hospitals, schools, convalescent homes, etc.).		The applicant shall work with the School District to ensure that no construction activity generating the highest noise levels is undertaken during any designated testing periods occurring at El Rodeo School. The exact dates and times shall be determined by the School District.			

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-2	The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.	Community Development Department/ Building & Safety Division	The project plans filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-3	The applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
NOISE-4	The 9900 Wilshire project applicant shall coordinate with The Beverly Hilton Revitalization Plan project applicant regarding the following: • All temporary roadway closures shall be coordinated to limit overlap of roadway closures; • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Fire Protection and Emergency Services						
FIRE-1	The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the Beverly Hills Fire Department (BHFD) to provide a safe response route and to decrease response times to emergencies.	Department of Public Works/Civil Engineering Division and Community Development Department Fire Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure for the BHFD to review. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
FIRE-2	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Transportation, Traffic, Parking, and Circulation						
TRAF-1	An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.	Community Development Department	An independent Environmental Monitor shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-2	The Environmental Monitor shall pro-actively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance from members of the public when impacts raise special concerns by members of the public.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
TRAF-3	The Construction Relations Officer shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the project site, along Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard to address day-to-day issues.	Community Development Department	An independent Construction Relations Officer shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-4	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director, unless otherwise warranted due to resident complaints	Community Development Department	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the CDD Director.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-5	The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following: • Maintain existing access for land uses in the proximity of the project site during project construction. • Schedule deliveries and pick-ups of construction materials for non-peak travel periods. • Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time. • Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard, and prohibit obstruction of these same lanes that accommodate construction during peak hours. • Construction equipment traffic from the contractors shall be controlled by flagman.	Community Development Department	The project applicant shall submit a Construction Traffic Management Plan and a Construction Working Parking Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Management Plan	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project. • Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets. • Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.		and the Construction Working Parking Management Plan.			

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan. • Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive. The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
TRAF-6	The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During 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 specify the method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the following measures:	Community Development Department	The primary contractor shall submit to the department a program and affidavit attesting to the compliance with this measure as part of the Construction Workers Parking Plan, which will be reviewed by the Community Development Department/Building & Safety Department.	The program and affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets north of Wilshire or in public parking structures; • No parking for construction workers shall be permitted except only within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities.					
TRAF-7	The project applicant shall revise the project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		
TRAF-8	The project applicant shall revise the project site plan to increase the curb radius at the driveway on Wilshire Boulevard to allow vehicles traveling 25 to 35 mph to turn safely.	Community Development/ Building & Safety Department; City Traffic Engineer	The project design plans filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers and City Traffic Engineer will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior the issuance of relevant building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
TRAF-9	The applicant for the 9900 Wilshire project shall coordinate with the applicant for The Beverly Hilton Revitalization Plan project during all phases of construction regarding the following: • All temporary roadway closures shall be coordinated to limit overlap of roadway closures; • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Water						
WTR-1	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

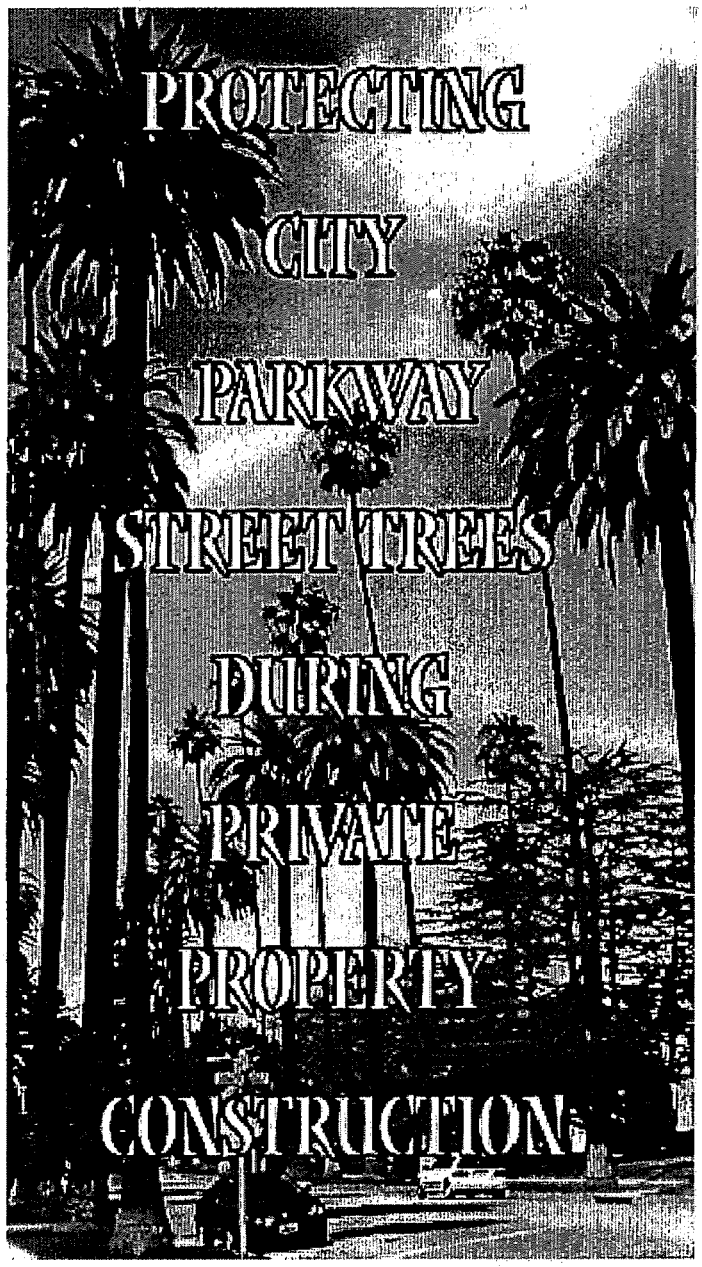
9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Wastewater						
WW-1	The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.	Los Angeles County Department of Public Works	Los Angeles County of Department of Public Works shall regularly inspect the FOG inceptor.	This measure shall be implemented prior to issuance of the proposed restaurant's business license and shall remain effective throughout the life of the project.		
Energy						
ENG-1	Prior to submittal of final plans, the applicant shall make necessary alterations to the generation or distribution system as required by Southern California Edison (SCE). The applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE, which states that electricity will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from SCE.	This measure shall be implemented prior to submittal of final plans.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
ENG-2	Prior to submittal of final plans, the applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from the Gas Company.	This measure shall be met prior to submittal of final plans.		

9900 Wilshire Conditions of Approval

Exhibit C

Street Tree Mitigation Plan


PROTECTING
CITY
PARKWAY
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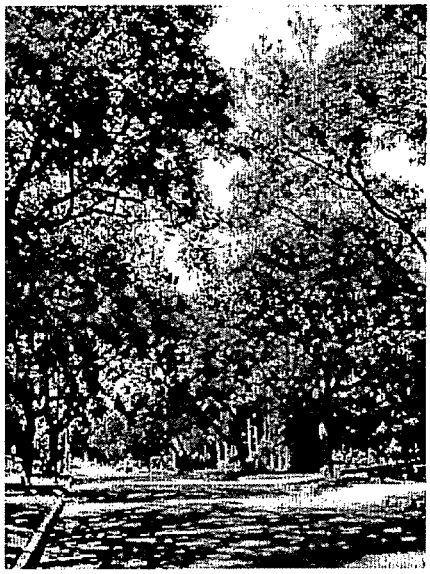
DURING
PRIVATE
PROPERTY
CONSTRUCTION

PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION



In addition to their numerous environmental benefits, trees in the parkway areas along the streets of Beverly Hills are a tremendous asset to residential and commercial communities. Street trees are protected by Beverly Hills Municipal Code (Sec. 5-6.1001) as follows: "It is illegal for parties who are not official representatives or authorized agents of the City of Beverly Hills to prune, remove, make attachment to, or otherwise damage a City street, park or protected tree." It is a violation of this City code to affix a sign, residence number plaque, mirror, light fixture, etc. to a City tree.

The maintenance and protection of street trees is a shared responsibility between property owners and the City of Beverly Hills. If you feel that a street tree is unheathy, damaged or in need of pruning, please contact the Department of Recreation and Parks Urban Forestry Division at 310.550.4638.

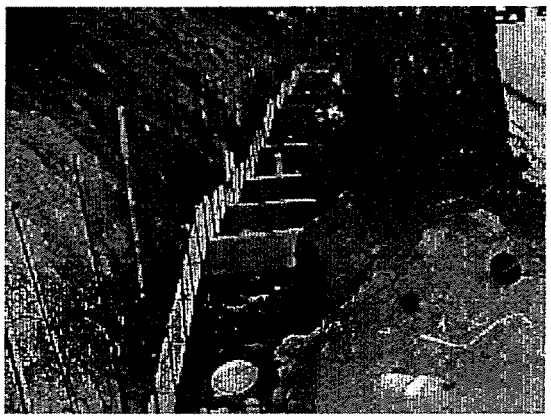
Construction activities can have severe and long lasting effects on the health of trees. Consideration must be given to street trees during a project's planning stages. Tree loss or damage can have a significant effect on the uniformity and value of a tree canopy along a street. The planning and implemention of any construction project must include the preservation of this important City asset.

Planning and protecting the health of trees during construction is part of doing business in the City of Beverly Hills.

This brochure is provided to assist you to avoid endangering City trees during your construction project.

PROJECT PLANNING

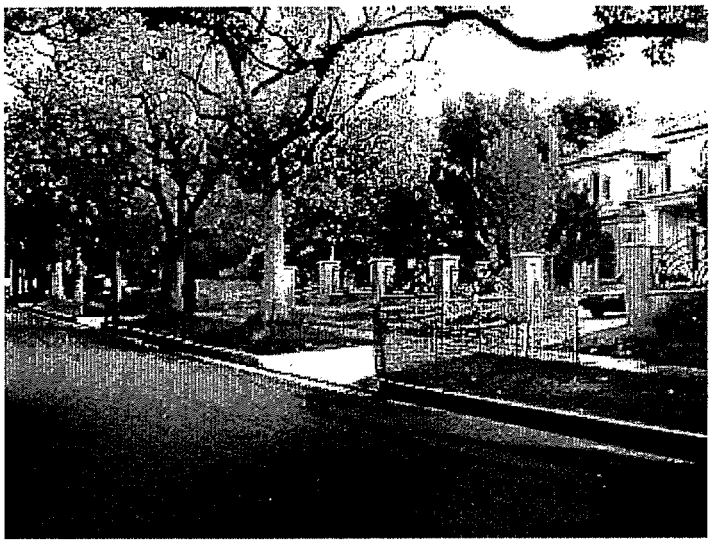
- During the design process, please consider the long term effects that construction may have on City trees. Plan activities carefully, as the City of Beverly Hills will seek compensation for any damage to the trees caused by your construction activities.
- For any projects that include construction work in the public right-of-way, plans that accurately depict the public right-of-way will need the approval of the Departments of Recreation and Parks and Civil Engineering prior to any permits being issued by the Department of Building and Safety.
- All preliminary plans, sketches and drawings should identify all City parkway trees adjacent to the project site. The actual location and canopy diameter of City trees must be shown clearly on the plans.
- A City tree protection plan must be included in the inital plan submittal package. The tree protection plan may include a fenced tree protection zone, and must demonstrate how the parkway will be watered and maintained for the duration of the project. If it is determined that the proposed construction work will jeopardize the health of a street tree, or if the tree protection plan is deemed inadequate, you may be asked to provide a detailed report by a certified arborist showing the adequate protection of the tree and its value based on the International Society of Arboriculture(ISA) recognized standards.
- The negative effects of construction may take years to become apparent in the decline of trees. A claim may be filed with you and your general liability carrier should damage become apparent at a later date.
- You may wish to retain an International Society of Arboriculture (ISA) Certified Arborist to assist you with your project. Contact information is provided in this brochure.



Do not design projects at the expense of trees.

PROJECT APPROVAL

- All construction related permits will be processed by the Department of Building and Safety. Public Works permits are required for trucking, hauling and work conducted in the public right-of way.
- The tree protection plan must be approved by the Recreation and Parks Urban Forest Division. If a tree protection zone fence is required, it must be installed and inspected prior to the commencement of any demolition or construction work. These inspections can be arranged by calling (310) 550-4638.



Maintain the tree protection zone fencing and parkway condition at all times.

SPECIFICATIONS

- A tree protection zone may require that the entire parkway be fenced. Fencing may be of a chain link or flexible configuration, but may not exceed 4 feet in height. Fence installation should be such that lines of sight are maintained so as to avoid any vehicle or pedestrian hazards. A warning sign must be displayed on the street side of the fence. The size of the sign must be no less than 8.5 x 11 inches. The sign must clearly state: "Warning: Tree Protection Zone". The sign shall clearly list the name and current contact information of the project owner or authorized representative.

DURING THE PROJECT

- Maintain the integrity of the tree protection zone fencing and keep the parkway site clean and maintained at all times.
- The site will be inspected by Building and Safety Department and the Urban Forest Division of the Recreation and Parks Department. If the tree protection plan is not complied with, or proves inadequate, additional measures may be required.
- It is recommended that trees be deep watered on a weekly basis for the duration of the project.

Do not allow cranes or other equipment to damage City trees.

CONTACT/RESOURCE INFORMATION

City of Beverly Hills contact information

- Recreation and Parks Department-
  Urban Forest Division Office: (310) 550-4638
  recreationandparks@beverlyhills.org

- Civil Engineering Department-
  Administration Office: (310) 285-2506
  civilengineering@beverlyhills.org

- Building and Safety Department-
  Permit Desk: (310) 285-1141
  buildingandsafety@beverlyhills.org

Determining the value of trees

- Council of Tree and Landscape Appraisers (CTLA), 2000. *Guide for Plant Appraisal*, 9th Ed. Savoy, IL: ISA, 143 pp.
  Order this reference guide online at:
  http://www.wcisa.net/pbItem.asp?PubID=30

  A library use only copy of this publication is available in the reference section of:
  The Beverly Hills Public Library
  444 North Rexford Drive
  Beverly Hills, CA 90210
  (310) 288-2244

Find an International Society of Arboriculture (ISA) Certified Arborist

- Western Chapter ISA: (530) 892-1006

- ISA, find an Arborist by phone: (217) 355-9411

- ISA, find an Arborist online: http://www.isa-arbor.com/arborists/arbsearch.html

9900 Wilshire Conditions of Approval

Exhibit D

City of Beverly Hills
Green Building / Sustainability Checklist

Attachment 3

City of Beverly Hills
Green Building/Sustainability Checklist

New Commercial, Multi-Family and Mixed-Use Development

Project Name:	
Project Address:	

Compliance Level

Buildings > 25,000 sq. ft. = Silver (33 - 38 points) or Certified (26 - 32 points) - if the lot is vacant
Buildings > 10,000 to 24,999 sq. ft. = Certified
Buildings < 10,000 sq. ft. = 10% above Title 24 and Solar Ready Construction

Sustainable Sites — 14 Points Maximum

C.E.	**Construction Activity Pollution Prevention**	Required	SS P1**
C.E.	**Stormwater Design Requirement**	Required	
OWNER	**Development Density & Community Connectivity**	1	SS 2**
OWNER	**Brownfield Redevelopment**	1	SS 3**
ARCH.	**Alternative Transportation,** Public Transportation Access	1	SS 4.1**
ARCH.	**Alternative Transportation,** Bicycle Storage & Changing Rooms	1	SS 4.2**
ARCH.	**Alternative Transportation,** Low-Emitting & Fuel-Efficient Vehicles	1	SS 4.3**
C.E.	**Alternative Transportation,** Parking Capacity	1	SS 4.4**
C.E.	**Site Development,** Protect of Restore Habitat	1	SS 5.1**
C.E.	**Site Development,** Maximize Open Space	1	SS 5.2**
C.E.	**Stormwater Design,** Quantity Control	1	SS 6.1**
C.E.	**Stormwater Design,** Quality Control	1	SS 6.2**
C.E./ARCH.	**Heat Island Effect,** Non-Roof	1	SS 7.1**
C.E./ARCH.	**Heat Island Effect,** Roof	1	SS 7.2**
E.E.	**Light Pollution Reduction**	1	SS 8**

Water Efficiency — 5 Points Maximum

LANDSCAPE	**Water Efficient Landscaping,** Reduce by 50%	1	WE 1.1**
LANDSCAPE	**Water Efficient Landscaping,** No Potable Use or No Irrigation	1	WE 1.2**
M.E.	**Innovative Wastewater Technologies**	1	WE 2**
M.E.	**Water Use Reduction,** 20% Reduction	1	WE 3.1**
M.E.	**Water Use Reduction,** 30% Reduction	1	WE 3.2**

Energy & Atmosphere — 17 Points Maximum

COMM.	**Fundamental Commissioning of the Building Energy Systems**	Required	EA P1**
M.E.	**Minimum Energy Performance**	Required	EA P2**
M.E.	**Fundamental Refrigerant Management**	Required	EA P3**
M.E.	**Optimize Energy Performance** (Report from M.E. based on ASHRAE is required)	1 to 10	EA 1**
M.E.	**On-Site Renewable Energy** (Report from M.E. based on ASHRAE is required)	1 to 3	EA 2**
COMM.	**Enhanced Commissioning**	1	EA 3**
M.E.	**Enhanced Refrigerant Management**	1	EA 4**
M.E.	**Measurement & Verification**	1	EA 5**
OWNER	**Green Power**	1	EA 6**

Materials & Resources — 13 Points Maximum

ARCH.	**Storage & Collection of Recyclables**	Required	MR P1**
ARCH.	**Building Reuse**, Maintain 75% of Existing Walls, Floors & Roof	1	MR 1.1**
ARCH.	**Building Reuse**, Maintain 100% of Existing Walls, Floors & Roof	1	MR 1.2**
ARCH.	**Building Reuse**, Maintain 50% of Interior Non-Structural Elements	1	MR 1.3**
CONT.	**Construction Waste Management**, Divert 50% from Disposal	1	MR 2.1**
CONT.	**Construction Waste Management**, Divert 75% from Disposal	1	MR 2.2**
ARCH.	**Materials Reuse**, 5%	1	MR 3.1**
ARCH.	**Materials Reuse**,10%	1	MR 3.2**
ARCH.	**Recycled Content**, 10% (post-consumer + ½ pre-consumer)	1	MR 4.1**
ARCH.	**Recycled Content**, 20% (post-consumer + ½ pre-consumer)	1	MR 4.2**
ARCH.	**Regional Materials**, 10% Extracted, Processed & Manufactured Regionally	1	MR 5.1**
ARCH.	**Regional Materials**, 20% Extracted, Processed & Manufactured Regionally	1	MR 5.2**
ARCH.	**Rapidly Renewable Materials**	1	MR 6**
ARCH.	**Certified Wood**	1	MR 7**

Indoor Environmental Quality — 15 Points Maximum

M.E.	**Minimum IAQ Performance**	Required	EQ P1**
LEED AP	**Environmental Tobacco Smoke** (ETS) **Control**	Required	EQ P2**
M.E.	**Outdoor Air Delivery Monitoring**	1	EQ 1**
M.E.	**Increased Ventilation**	1	EQ 2**
CONT.	**Construction IAQ Management Plan**, During Construction	1	*EQ 3.1***
CONT.	**Construction IAQ Management Plan**, Before Occupancy	1	EQ 3.2**
ARCH.	**Low-Emitting Materials**, Adhesives & Sealants	1	EQ 4.1**
ARCH.	**Low-Emitting Materials**, Paints & Coatings	1	EQ 4.2**
ARCH.	**Low-Emitting Materials**, Carpet Systems	1	EQ 4.3**

EQ 4.4**

EQ 5**
EQ 6.1**

EQ 6.2**

EQ 7.1**
EQ 7.2**
EQ 8.1**
EQ 8.2**

aximum

ID 1.1**
ID 1.2**
ID 1.3**
ID 1.4**
ID 2**

gory

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1500 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on February 21, 2008, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Bosse, Vice Chair Reims, and Chair Furie.

NOES: Commissioners Cole and Marks.

ABSTAIN: None.

ABSENT: None.

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

Mark Elliot
212 S. Reeves Drive #8
Beverly Hills, CA 90212

October 15, 2016

Mr. Farshid Joe Shooshani, Chair
Ms. Lori Greene Gordon, Vice Chair
Members of the Planning Commission
455 North Rexford Dr.
Beverly Hills, CA 90210

Dear Chair Shooshani, Vice Chair Lori Greene Gordon and commission members:

I would like to bring to the commission's attention the late electronic notice that I received for last Thursday's 1:30 pm meeting. A significant project - 9900 Wilshire Boulevard – was on the agenda. But as you see here the e-notice arrived at 3:42 pm on Wednesday, just just 22 hours before the meeting.

enotice <enotice@beverlyhills.org>
To: Mark Elliot <accounts@betterbike.org>
City of Beverly Hills eNotice: Planning Commission

Today at 3:42 PM

The agenda for the 10/13/16 Planning Commission Special Meeting is available.

The agenda for the 10/13/16 Planning Commission Special Meeting is available.

http://beverlyhills.granicus.com/GeneratedAgendaViewer.php?event_id=e78a36ef-b820-4510-9b49-edba524ff8c9

The Brown Act of course requires 72 hours for a regular public meeting and 24 hours for a 'special' meeting (as this one was called). In this instance, as with most other 'special' meetings in Beverly Hills, even the law's 24-hour notification minimum was not met. It is no surprise that the public from time to time complains to the Planning Commission about insufficient notice; this is a fine example.

I can pre-empt the city's argument that there was a paper agenda posted at least 24-hours in advance. I've heard it before. But we-the-people rely more heavily upon e-notices than on the conventional bulletin board these days. The city should recognize it.

October 15, 2016
Planning Commission
Re: Untimely noticing practices

Without timely e-notice, for example, we are effectively left in the dark when it comes to the people's business. It's difficult to find the time midday to get to City Hall. It's impossible to talk to your neighbors about the issue. We all recognize the constraints on participation even in the best of circumstances with real advance notice.

Yet short notice remains the practice in Beverly Hills City Hall: every Council liaison meeting is e-noticed as a 'special' meeting, and, as a rule, the e-notice is shorter than even the 24-hours minimum requirement in the Brown Act. Here I will pre-empt the city's argument that shorter-than-24-hours notice is perfectly legal because I have been duly informed that online is not one of our 'designated' posting places.

But short notice is better than no notice, I suppose.

When the Planning Commission last Thursday continued the 9900 Wilshire item to the following Wednesday, the commission concurred with staff to provide no notice to the public. No e-notice was sent out and no commission meeting was calendared for that day. Incredible!

The *Courier* thought the public should know and it dutifully reported the continuation in Friday's issue. The Chair of the Planning Commission evidently felt that way too; before the motion he asked if the meeting couldn't be noticed to the public. Staff persuaded the commission it wasn't necessary.

Why the reticence? Denying the public notice about an important land use meeting *because the letter of the law allows it* is downright cynical. Our city can and should do better.

Sincerely,

Mark Elliot

Mark Elliot
212 S. Reeves Drive #8
Beverly Hills, CA 90212

RAMBOLL ENVIRON

Submitted at the Planning Commission meeting of: 10/10/16
By: Ramboll

ENVIRONMENT & HEALTH

Mr. Benjamin Hanelin
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071

REVIEW OF RINCON'S RESPONSES TO RAMBOLL ENVIRON COMMENTS FOR THE 9900 WILSHIRE PROJECT

Date October 10, 2016

Ramboll Environ
18100 Von Karman Avenue
Suite 600
Irvine, CA 92612
USA

T +1 949 261 5151
F +1 949 261 6202
www.ramboll-environ.com

Dear Mr. Hanelin:

Ramboll Environ US Corporation (Ramboll Environ) has reviewed the City of Beverly Hills Planning Commission Report for the 9900 Wilshire Boulevard Project (Project). In particular, we have reviewed Attachment I to the report, *Responses to Comment Letter from Ramboll Environ (Prepared by Rincon Consultants)* dated October 10, 2016.

We find Rincon's responses regarding the use of 15-minute sound level measurements to represent the full range of hourly sound levels over a nighttime period to be inadequate. Our concerns about the potential for significant noise impacts during nighttime construction activities remain, and we further discuss the analysis of nighttime construction in this letter. In their response, Rincon states they used ten (10) 15-minute Leqs to characterize the CNEL. In reality they used two (2) 15-minute Leqs to estimate a full daily range of hourly sound levels at each of five (5) different locations of concern.

Rincon's approach at characterizing all daytime and all nighttime hourly Leqs at a location with only two (2) 15-minute measurements is not adequate given how close their result is to the threshold. There is virtually no margin of error between their identified threshold for a significant noise impact due to nighttime construction noise (i.e., an increase of 5 dBA) and their calculated increase of 4.8 dBA. If actual noise levels later in the night are even slightly lower than they estimated using their abbreviated measurement, then there would be a significant noise impact during nighttime construction that they have failed to identify.

To demonstrate, we can use Rincon's 24-hour sound level measurement along Santa Monica Boulevard (identified as measurement location #6 in Appendix C of the SFEIR) to show the fluctuation in sound levels during the nighttime hours. We can then apply these fluctuations to the short, 15-minute measurement measured between 12:31 and 12:46 AM along Merv Griffin Way to estimate the sound levels during the later nighttime hours. As shown in **Table 1**, it is clear that nighttime construction would

result in greater than 5 dBA increases over the ambient sound levels during these later nighttime hours, and would result in a significant noise impact.

Table 1. Estimated Nighttime Construction Sound Levels at the Beverly Hilton Hotel (Leq, dBA)

Hour	SLM - Rincon Location #6 [a]	Hourly Adjustment [b]	Estimated Existing Sound Level [c]	Estimated Construction Sound Level [d]	Total	Increase
12 – 1 AM	71.6	0	66.9	70.0	71.7	4.8
1 - 2 AM	71.3	- 0.3	66.6	70.0	71.6	**5.0**
2 – 3 AM	68.0	- 3.6	63.3	70.0	70.8	**7.5**
3 - 4 AM	71.1	- 0.5	66.4	70.0	71.5	**5.1**

(a) From Appendix C of the 9900 Wilshire Boulevard Project FSEIS.

(b) Adjustment in sound levels in comparison to the level between 12 and 1 AM.

(c) Using the 15-minute sound level measurement taken between 12:31 and 12:46 AM, the sound levels during the other hours were adjusted according to the hourly adjustments shown in the previous column.

(d) The estimated sound level of construction only at the Beverly Hilton Hotel was calculated by subtracting the ambient sound level of 66.9 dBA between 12 and 1 AM from the overall estimated level of 71.7 dBA presented in Table 8-12 of Topical Response K in the FSEIR.

Note: **Bold** identify sound level increases that would be characterized as **significant noise impacts.**

Furthermore, our review of the 24-hour measurement taken along Merv Griffin Way for the Beverly Hilton Revitalization Project indicates that the later nighttime sound levels along Merv Griffin Way might fluctuate even more than those along Santa Monica Boulevard. Therefore, given how close the result is to the threshold, it is essential that Rincon more accurately identify the range of existing nighttime sound levels at the Beverly Hilton hotel by taking 24-hour sound level measurements along this roadway.

Rincon also states that it is a common methodology to estimate CNEL from two 15-minute measurements. The characterization of nighttime noise impacts from construction should be based on the hourly Leq (as noted in the FSEIR), and it is not commonplace to use a single 15-minute Leq to represent the full range of hourly Leqs over a nighttime period. Any such estimate should only be used if it results in a clearly conservative approach, and in this case there is evidence to suggest the measurements relied upon are not conservative.

RAMBOLL ENVIRON

CLOSING

We appreciate the opportunity to perform this review. Please feel free to call Kristen Wallace if you have any comments or questions.

Very truly yours,

Kristen Wallace
Senior Manager

+1 425 412 1807
kwallace@ramboll.com

Eric C. Lu, MS, PE
Principal

+1 949 798 3650
elu@ramboll.com

DC:eg:cet

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

September 28, 2016 Letter to Planning Commission

Oasis West Realty, LLC

1800 Century Park East, Suite 500
Los Angeles, CA 90210
Tel: 310.274.6680
Fax: 310.274.4274

September 28, 2016

City of Planning Commission
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Honorable Commissioners:

Each year over 200,000 guests stay at the Beverly Hilton and the Beverly Hilton entertains over 200,000 guests at events in its ballrooms, conference facilities and restaurants. We hold almost 400 large events a year. Virtually every hotel guest, event guest, restaurant guest, and visitor comes to the Beverly Hilton by way of Merv Griffin Way. As we have communicated to you, we have serious concerns about the Wanda project site plan. The plan, as proposed, will diminish the guest experience by interfering with the ability of our guests to arrive and depart the Beverly Hilton. We employ over 700 hard working men and women. The Wanda project site plan threatens their ability to get to and from work every day. Hundreds of thousands of commuters, many of them Beverly Hills residents, use Santa Monica Boulevard and Merv Griffin Way. The Wanda project site plan will impact their ability to get to their home and work every day.

With the completion of the Waldorf Astoria Beverly Hills and the new Beverly Hilton condominiums (whether one building or two), we will have an investment of nearly $1 billion in Beverly Hills. The Beverly Hilton and the soon to be completed Waldorf Astoria combined will generate over $17 million dollars a year for police, fire, schools and other essential city programs. And these numbers do not include the many tens of millions of dollars spent in local stores and restaurants in Beverly Hills by our guests or City revenues projected from the Beverly Hilton condominium building(s). As presently planned, the Wanda project will adversely impact the Beverly Hilton, our guests, our residents and our visitors.

Many of the issues with the Wanda project can be addressed with a more rigorous analysis, more questioning of Wanda provided assumptions and a more thoughtful site transportation plan. In 2008, the 9900 Wilshire project estimated that 95,000 cubic yards of soil needed to be excavated. Now Wanda says it is 265,000 cubic years of soil to be excavated,

almost a three times increase. No explanation. But huge real world impacts. That translates into 14,000 additional truckloads and 28,000 additional truck trips. For a project that is supposed to be the same number of square feet as the 9900 Wilshire project, this should certainly raise questions.

Wanda asserted that the Montage only had approximately 50 truck deliveries a week. Since Wanda provided no verifiable counts and staff had not checked their assumption, we asked our transportation consultant to conduct a week of counts. It is 5 times the number Wanda claimed in hearings at the Planning Commission, over 250 weekly deliveries. We have now rechecked some of the numbers to make sure the original numbers were correct. And they are spot on. Again no explanation by Wanda. But huge real world impacts.

And Wanda refuses to provide truck access for commercial uses on their "residential" access road on the west side of the property where they plan to have loading activities—but only for their residents. Clearly, Wanda does not want to inconvenience its residents but it is okay to impact the 400,000 Hilton guests, residents and visitors, not to mention the future residents of the Hilton condominiums.

Because Wanda refused to consider a revised site plan providing access to the new Wanda hotel from the west access road, which is already part of their plan, we developed a workable plan for site access that would help avoid many of these issues. Frankly it wasn't hard. Took a little time and money. And we were able to provide a real world option that might actually solve some real world problems. We respectfully ask the Commission to consider this reasonable alternative.

There is a sense that the Planning Commission must act quickly on the Wanda proposal. Respectfully, we do not understand this sentiment. The proposed Wanda hotel (set aside the condominium portion) on its own is a major project for Beverly Hills. It consists of over 200,000 square feet of commercial uses. In 2008, the City Planning Commission alone held 10 hearings on the 9900 Wilshire project over a span of more than 7 months. Major projects like this take time to research and analyze. And the implications of the resulting planning decisions will impact the community for decades to come. It is important to get this right and to take whatever time and effort is necessary to do so.

As you requested we are providing to you the information indicated on the attached table of contents together with a narrative explaining in high level detail the overarching transportation issues that Pat Gibson will be reviewing in more detail with you on October 10 as well as some concerns regarding noise issues.

We hope that the information we are providing is helpful. We think it is. Separately we are having our technical consultants review the analysis of nighttime impacts (noise, lighting, etc.) and our transportation consultant (Pat Gibson) is reviewing Wanda's analysis of the

simultaneous events. That will include corrected information as to the size of Hilton events which Wanda had wrong.

We have two very specific requests.

1. Please ask staff to fully evaluate the west access option with a signalized intersection and loading access for all uses from the west access road.

2. Please ask staff to have Wanda conduct a real world test run (videoed) with 50 double belly dump trucks trying to turn left into the Wanda site between 8am and 10 am.

Thank you for all your work on this matter.

Very truly yours,

Theodore F. Kahan
President

cc: Mahdi Aluzri
Susan Healy Keene
Ryan Gohlich
Andre Sahakian

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

Wanda Summary Document

OVERVIEW

The Wanda project presents a fundamental question and a series of difficult issues.

One way to think about the project is to ask whether these two projects can really be considered to have the same impacts:

1. A 42 unit condo with 16,000 square feet of retail ground floor retail; or
2. A 134 room hotel with 20,000 square feet of bars, restaurant, spa and other uses and 8,000 square feet of event space.

Of course they do not, and all the hand waving about numbers will tell you what everyone knows: they are not the same and they will operate very differently within the City.

Which would you want to live next to?

Failure of Site Planning. Wanda could have developed a new master plan for the site to properly incorporate changes to the 2008 approved plan to avoid impacts to Merv Griffin Way and Santa Monica Boulevard. They have plenty of room on the site to avoid many of the real world impacts they are now causing. In fact, they have eight acres to work with. They are not constrained by the size of their site. Wanda instead chose a route involving the minimal site re-planning which will result in major issues for the Beverly Hilton and its guests and visitors and, we believe, the City and its residents.

The proposed Wanda project suffers from a basic failure of site planning related to transportation. And the result will be significant traffic issues for Santa Monica Boulevard, the community, commuters on Santa Monica Boulevard and The Beverly Hilton hotel and the approved Hilton condos.

Wanda has chosen to put its traffic from the new hotel near an intersection (Santa Monica and Merv Griffin Way) that is a very heavily traveled intersection and the front door to the Beverly Hilton.

Wanda could have simply provided for a site plan for the Wanda hotel that used the planned western road adjacent to Los Angeles Country Club for its access. And it could have located access to the truck docks on the west side of the project site off of the new access road for all deliveries for the proposed Wanda hotel. Residential deliveries are already planned in this area. Wanda has simply refused. They have refused despite the fact that Wanda's proposal violates the very planning principles considered and implemented in 2008 when the original residential 9900 Wilshire project and hotel and residential Beverly Hilton project were approved. The City's goal in 2008 was to separate the uses with Beverly Hilton's guests and residents continuing to use Merv Griffin Way while 9900 would use the road along the LA Country Club.

Many hotel condo projects have a unified access. Like the Montage. The City should analyze this option. It will eliminate significant problems posed by the Wanda plan. See proposed west access road plan provided by Hilton.

Lack of Verifiable Numbers and Analysis. Wanda's numbers are either not verifiable or have not been presented in a clear and open fashion.

1. Wanda has maintained that truck deliveries to the new hotel project will not exceed 54 weekly deliveries. The Wanda team has said that is the number of deliveries for the Montage. Staff took Wanda at its word and did not verify this critical data point. Actual verifiable data presented by the Hilton shows that the Montage had 251 truck deliveries in a week. See data sheets and video. And staff has now done a preliminary county showing 32 in a single day.

2. Wanda has never presented a clear table showing the number of construction trucks required to build its project. Based on data embedded in the air quality study and extrapolated from the Waldorf Construction, it is estimated that the Wanda project will require between 35,000 and 40,000 trucks to excavate the site and provide all the material for the project construction. See truck estimated provided.

3. Of these trucks, Wanda is proposing to have approximately 21,000 dump trucks access the site during a 3.5 month to 6 month period for excavation. All of these trucks will have to make a left turn across Santa Monica Boulevard. They will be making a left turn in and right turn out at the rate of about one a minute or so. It is not feasible and will gridlock traffic on Santa Monica Boulevard. See hauling truck numbers provided. See time lapsed video of Santa Monica Boulevard in the morning peak hours which run past 10:00 a.m.

4. Nighttime excavation won't solve the left turning movement problem for two reasons. Much of the construction still has to occur during the day and deliveries will have to occur during the day. Further, it is not clear whether night time excavation will be permitted. The City announced recently that it will not allow any nighttime work on the Santa Monica Boulevard improvement project to avoid nighttime disruption to residents.

5. The number of employees presented by Wanda for operations of the hotel are inconsistent with the numbers required to operate a luxury hotel of comparable size. Parking numbers need to be reconciled to address employee parking demand. See employee estimates provided.

6. Wanda is proposing that all 1,140 parking spaces, which is not sufficient to park all the uses on-site, will be valet parked but could not provide an answer as to how many valets will that require and how will that work in peak periods at the hotel. It was "trust me" analytics.

Wanda Transportation Plan Will Not Work. The Wanda transportation plan requires a large number of left turns across Santa Monica Boulevard at two unsignalized locations (new Wanda proposed residential access road on the west side of the project and at the new hotel driveway on Santa Monica Boulevard) as well as left turns at Merv Griffin Way, an intersection operating at Level of Service F.

1. Wanda's trip generation numbers don't add up. The nearly 30,000 square feet of restaurants, bars, lounges, function rooms, and banquet facilities are said to require approximately 472 parking spaces at 8:00 p.m. when fully utilized. But Wanda only projects 12 cars turning left into the hotel and commercial uses driveway from Santa Monica Boulevard

during the afternoon peak hours. If there are going to be 472 cars there using Wanda's own numbers, how and when are these cars going to arrive if only 12 an hour are coming from Santa Monica Boulevard?

2. Simultaneous events at the Hilton and Waldorf Astoria (2000 plus persons not include staffing for functions) plus events at the new Wanda hotel (plus "normal" hotel operations) and access to new Hilton condos will create a situation of further intersection failure. This intersection failure will be compounded by the new proposed hotel access onto Merv Griffin Way a mere 78 feet from the intersection. This will occur dozens if not hundreds of times per year. See Hilton event data.

3. Large trucks trying to access or exit the Wanda loading dock proposed for Merv Griffin Way will have great difficulty accessing Merv Griffin Way. See video of actual large trucks trying to make the turn. Cars will have to move out of the way to make the turn onto Merv Griffin Way. Merv Griffin Way is not a public street and cannot handle that level of loading. See graphics of truck turn radius and inability to make turn into loading dock. Large truck turns from Merv Griffin Way into and out of the loading dock will require illegal turns crossing over another turn lane. See truck turning graphics.

4. Even though the Wanda project will have a loading dock on the west side of the project for the residential project, Wanda has refused to use this loading dock for Hotel commercial deliveries, preferring to provide those deliveries at the front door for the Hilton and next to the proposed Hilton condos Trucks will have a far easier time accessing the loading dock on the west assess road. See access road graphics.

5. The 35,000 to 40,000 construction trucks will not be able to safely make left turns much of the times across Santa Monica Boulevard. This is a major safety issue. Even if there is nighttime excavation, much of the construction and deliveries will have to occur during the day.

6. 21,000 double belly dump trucks cannot turn left across Santa Monica Boulevard. It will gridlock traffic on Santa Monica Boulevard. And queuing of 50 double belly dump trucks through Century City will shut down east bound traffic. See am peak videos of Santa Monica Boulevard.

7. It defies common sense to think thousands of trucks will be able to turn left without stopping Santa Monica Boulevard traffic. Why not run an actual demonstration and have 50 trucks in one hour try to turn into the Wanda site?

Nighttime Construction Noise. On the north side of the Wanda project is a single family residential community, to the east is the 569 room Beverly Hilton and to the south is the new 42 story residential building. Nighttime construction may have a serious noise and lighting impact on each of these areas.

The Wanda is proposing a "40 foot sounds wall" along Merv Griffin Way to "protect" Hilton guests from noise from construction. The sound wall turns out to be a fabric that lowers and raises at various times. The EIR's modeling tables show the fabric wall has no noise reduction benefit.

The Hilton has hotel rooms 50 feet from the Wanda site and dozens of rooms have balconies and windows opening to the Wanda project.

The "fabric sound wall" will provide NO mitigation of noise impact to virtually any of these rooms. Nighttime construction would be a serious disaster for the Hilton and adjacent residential communities.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

Table of Contents for LST

Index of Files for the Planning Commission's and Staff's Consideration of the New Wanda Hotel, Destination Restaurants, Bars, Lounge, Spa and Condominium Project

1. File folder containing (i) spreadsheets with the Peninsula Hotel and Montage Hotel loading truck service counts (along both Canon Dr. and Wilshire Blvd.) from 9/9/16 to 9/15/16, and (ii) 24-hour surveillance videos of the Montage Hotel's Canon Dr. loading dock from 9/9/16 to 9/11/16
    - *These videos and data show that Wanda's estimates for the truck traffic that will result along Merv Griffin Way are inaccurate based on the current requirements for loading and service truck access to the Peninsula and Montage hotels.*

2. Example pictures of service vans
    - *The pictures depict the vehicles identified as "vans" leaving the Montage Hotel.*

3. Time lapse videos looking east and west along Santa Monica Blvd.
    - *The videos show the heavy traffic conditions along Santa Monica Boulevard, which will make it impossible for cars and construction vehicles to make unsignalized left turns safely and efficiently.*

4. Video of trucks making turns onto Merv Griffin Way
    - *The videos show that to make a turn from Santa Monica and Wilshire Boulevards onto Merv Griffin Way, loading and service trucks must cross into the right-of-way for oncoming cars which will tie up traffic and create dangerous condition.*

5. Graphic images and animations of truck turn requirements for the Project's loading dock
    - *These images demonstrate that the service trucks entering into Wanda's proposed loading dock will need to make an illegal turn from an outside lane in order to avoid driving over the curb along Merv Griffin Way. If the trucks attempt to make the turn from the legally required lane, they must cross over the curb, creating a dangerous condition for pedestrians and other vehicles. The graphic images show that the turn radius requirements for trucks entering onto Merv Griffin Way from Santa Monica Boulevard and Wilshire Boulevard must cross into outside traffic lanes to avoid driving on the sidewalk.*

6. Construction truck requirements for the Project
    - *Wanda's assumptions for the number of construction truck trips required for the Project are underestimated.*

7. Construction schedule for the original Beverly Hilton Project and the proposed Beverly Hills Garden and Open Space Project

8. Beverly Hilton event data
    - *Wanda's assumptions for events at the Beverly Hilton underrepresented the potential for traffic impacts due to guests arriving at the Beverly Hilton and the Wanda Project simultaneously.*

9. Motor Court Option 1 from EIR
    - *Wanda's site plan shows that the western roadway along the LA Country Club is already going to be used for loading truck service and the Project is not proposing to separate service truck. There is no need to separately locate the Project's hotel loading dock on Merv Griffin Way.*

10. Unresolved Parking Issues
    - *There remains numerous problems with the Project's proposed parking plans, which the Commission must address.*

11. Data on the schedule of time required for the City's approval of the EIRs for the original 9900 Wilshire Blvd. Project and the Montage Hotel Project
    - *The extensive and lengthy process the City required the original 9900 Wilshire Project and the Montage Hotel to undergo demonstrates the Commission's consideration of Wanda's new Project is being rushed and the process should slow down to allow for adequate review, public comment and deliberation.*

12. 9212 Report on the Beverly Hills Garden and Open Space Project
    - *This City-prepared report analyzes the construction timeline, traffic patterns, access and circulation plans for the Beverly Hilton Project.*

13. Overland Report (March 30, 3016)
    - *Identifies the access plans for the Beverly Hilton Project.*

14. Beverly Hilton Site Plans
    - *Depicts the access points for the approved Beverly Hilton Project and the proposed Beverly Hills Garden and Open Space Project.*

15. Outstanding Staff requests for Commission to address
    - *Planning Commission Staff has asked for specific direction from the Commission on numerous issues that require attention and resolution. The listed items remain outstanding.*

16. Key questions and issues for Staff to resolve
    - *This list contains a brief overview of the countless issues that must be resolved and provided in order for the community and the Commission to adequately assess the Project's potential impacts.*

17. Beverly Hilton employee staff figures & parking requirements
    - *Data from the Beverly Hilton employee parking requirements demonstrate that Wanda's projection that only 40 onsite parking spaces will be sufficient for its staff is unrealistic.*

18. Sound Wall graphics
    - *Shows the unsightly aesthetic condition that the Project will subject the community to as a result of its plans for nighttime construction.*

19. Beverly Hilton loading dock truck traffic report
    - *Shows that during the period between 2-7-16 and 2-13-26, the total deliveries required for the week was 307, averaging to 51 deliveries each weekday.*

20. Modifications to the Project's Conditions of Approval
    - *This document contains certain changes to the Project's Conditions of Approval that should be incorporated into the Specific Plan.*

21. Wanda Group's unsupported assumptions, conclusions and data
    - *This document contains a list of the numerous flaws in the data and assumptions Wanda provided to Staff which the EIR has improperly relied upon.*

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

1. Spreadsheets with Peninsula Hotel and Montage Hotel loading truck service counts

(Montage - Canon Dr. Truck Trips for Deliveries)

Montage Exit
Friday, September 09, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30	1						00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15			1				04:15						
04:30							04:30						
04:45	1						04:45						
05:00							05:00						
05:15			1				05:15						
05:30			1				05:30						
05:45						1	05:45						
06:00		1					06:00						
06:15	1						06:15						
06:30			1		1		06:30						
06:45			1				06:45						
07:00							07:00						
07:15		1					07:15						
07:30		1					07:30						
07:45	1		1				07:45						
08:00	2				2		08:00						
08:15			1				08:15						
08:30	1						08:30						
08:45		1					08:45						
09:00		1					09:00						
09:15			1				09:15						
09:30			2				09:30						
09:45	1	1					09:45						
10:00			4				10:00						
10:15							10:15						
10:30		1					10:30						
10:45			1				10:45						
11:00	1	2					11:00						
11:15	1		1				11:15						
11:30	1				1		11:30						
11:45	1						11:45						
12:00	2		1				12:00						
12:15		1	1				12:15						
12:30		1					12:30						
12:45		1					12:45						
13:00	1	1	1				13:00						
13:15	1		4	1		1	13:15						
13:30	1						13:30						
13:45	1						13:45						
14:00	1	1	2				14:00						
14:15	2	1					14:15						
14:30	1						14:30						
14:45	2						14:45		1				
15:00	2	1					15:00						
15:15	1						15:15						
15:30		1					15:30						
15:45	2	1	1				15:45						
16:00		1					16:00						
16:15	1						16:15						
16:30	2						16:30						
16:45	1		1				16:45			1			
17:00			1				17:00						
17:15							17:15						
17:30	1						17:30						
17:45	1						17:45						
18:00							18:00						
18:15	1						18:15	1					
18:30		1					18:30		1				

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1					
19:00	1					
19:15	2					
19:30	1					
19:45						
20:00						
20:15	1					
20:30	1					
20:45	1					
21:00						
21:15						
21:30			1			
21:45	1					
22:00	1		1			
22:15	1					
22:30						
22:45	1					
23:00						
23:15	2					
23:30						
23:45						
Total	50	20	30	1	4	2

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15	2					
19:30						
19:45						
20:00						
20:15	1					
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15	1					
23:30						
23:45						
	5	2	1	0	0	0

Montage Exit
Saturday, September 10, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00	2						00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30	1						02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45			1				06:45						
07:00		1					07:00						
07:15		1	1				07:15						
07:30							07:30						
07:45	1						07:45						
08:00							08:00						
08:15			1				08:15						
08:30		1					08:30						
08:45			1				08:45						
09:00							09:00						
09:15							09:15						
09:30	1						09:30						
09:45		1	1				09:45						
10:00			1				10:00						
10:15			1				10:15						
10:30							10:30						
10:45		1					10:45						
11:00							11:00						
11:15	1						11:15	1					
11:30	3						11:30						
11:45					1		11:45						
12:00		1			1		12:00						
12:15	1						12:15						
12:30	1						12:30	1					
12:45	2						12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45	1		1				13:45						
14:00	2						14:00						
14:15							14:15						
14:30							14:30	1					
14:45	1						14:45						
15:00							15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00	1						16:00						
16:15							16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30	2						17:30						
17:45							17:45	1					
18:00	1						18:00						
18:15							18:15						
18:30	1						18:30						

18:45						
19:00						
19:15						
19:30						
19:45	1					
20:00						
20:15						
20:30	1					
20:45	2					
21:00	1					
21:15						
21:30	1					
21:45						
22:00	1					
22:15						
22:30						
22:45						
23:00						
23:15						
23:30	2					
23:45	1					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	32	6	8	0	2	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	4	0	0	0	0	0

Montage Exit
Sunday, September 11, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00		1					01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45		1					05:45						
06:00							06:00						
06:15							06:15						
06:30			1				06:30						
06:45							06:45						
07:00	2						07:00						
07:15							07:15						
07:30		1					07:30						
07:45							07:45						
08:00			2				08:00						
08:15							08:15						
08:30		1					08:30						
08:45	1						08:45						
09:00							09:00						
09:15							09:15						
09:30	1						09:30						
09:45							09:45						
10:00							10:00						
10:15	1						10:15						
10:30							10:30						
10:45			1				10:45						
11:00							11:00						
11:15							11:15						
11:30							11:30						
11:45							11:45						
12:00							12:00						
12:15							12:15						
12:30							12:30						
12:45	1		1		1		12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45	1						13:45						
14:00							14:00						
14:15							14:15						
14:30							14:30						
14:45							14:45						
15:00							15:00						
15:15	1						15:15						
15:30							15:30						
15:45	1						15:45						
16:00	1						16:00						
16:15							16:15						
16:30							16:30						
16:45		1					16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00	2						18:00						
18:15							18:15						
18:30	1						18:30	1					

18:45						
19:00	1					
19:15						
19:30						
19:45						
20:00						
20:15						
20:30	1					
20:45	1					
21:00	1					
21:15	1					
21:30						
21:45						
22:00						
22:15						
22:30	1					
22:45						
23:00						
23:15						
23:30						
23:45	1					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	20	5	5	0	1	0

18:45						
19:00	1					
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	2	0	0	0	0	0

Montage Exit
Monday, September 12, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15	1						01:15						
01:30							01:30						
01:45	1						01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45		1					03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15			1				05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45					1		07:45						
08:00			2				08:00						
08:15							08:15						
08:30							08:30						
08:45	1	1					08:45						
09:00							09:00						
09:15			3			1	09:15						
09:30			1				09:30						
09:45	1	1					09:45						
10:00	1				1		10:00						
10:15	1						10:15						
10:30	2		1		1		10:30						
10:45		1	1				10:45						
11:00	1						11:00						
11:15	3				1		11:15						
11:30	1	2	1		2		11:30		1				
11:45	2						11:45						
12:00							12:00						
12:15	1						12:15						
12:30	1	1					12:30						
12:45							12:45						
13:00	1						13:00						
13:15	1						13:15						
13:30	2						13:30						
13:45							13:45						
14:00		1	2			1	14:00						
14:15	1						14:15						
14:30			1				14:30						
14:45							14:45						
15:00							15:00						
15:15	1	1					15:15						
15:30		1	1				15:30						
15:45			2				15:45						
16:00	2						16:00						
16:15	1						16:15						
16:30		1					16:30						
16:45					1		16:45						
17:00							17:00						
17:15	1		1				17:15						
17:30	1						17:30						
17:45	3						17:45						
18:00							18:00						
18:15	1						18:15						
18:30							18:30				1		

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	2					
19:00	2					
19:15	1					
19:30						
19:45						
20:00	1		1			
20:15			1			
20:30			1			
20:45	1					
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30	3	1				
23:45						
Total	42	12	20	0	7	2

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	0	1	0	1	0	0

Montage Exit
Tuesday, September 13, 2016

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30	1					
00:45						
01:00						
01:15						
01:30						
01:45					1	
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30					1	
03:45						
04:00		1				
04:15						
04:30						
04:45						
05:00			1			
05:15						
05:30						
05:45		1				
06:00					1	
06:15						
06:30		1	1			
06:45						
07:00			2			
07:15					2	
07:30						
07:45	1					
08:00		1				
08:15						
08:30						
08:45			1	1		
09:00		1	1		1	
09:15						
09:30	1	1				
09:45						
10:00		2				
10:15		2				
10:30	3		3		1	
10:45	1	1	2			
11:00	2		2			
11:15		1	1	1		
11:30	2		2			
11:45	1	1	1			
12:00			1			
12:15		2			1	
12:30	3				1	
12:45	4					
13:00	2	1	1			
13:15	1	1	1			
13:30	1	1	1			
13:45	1					
14:00		2				
14:15		1				
14:30		1				
14:45	1					
15:00	1					
15:15						
15:30						
15:45	2				1	
16:00	2		1			
16:15	1					
16:30						
16:45			1			
17:00						
17:15						
17:30		1				
17:45	1					
18:00						
18:15						
18:30						

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30		1				
09:45						
10:00						
10:15	1					
10:30	2					
10:45		1				
11:00						
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15		1				
14:30						
14:45						
15:00						
15:15						
15:30						
15:45						
16:00	1					
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	3					
19:00	1					
19:15						
19:30	1					
19:45	1					
20:00						
20:15						
20:30	2					
20:45						
21:00		1				
21:15						
21:30						
21:45						
22:00						
22:15	1					
22:30						
22:45						
23:00	1					
23:15						
23:30						
23:45	1					
Total	43	24	23	2	10	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	4	3	0	0	0	0

Montage Exit
Wednesday, September 14, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30	1					
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30		1					03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30			1				05:30						
05:45							05:45						
06:00							06:00						
06:15		1					06:15						
06:30							06:30						
06:45	1						06:45						
07:00			1				07:00						
07:15			1				07:15						
07:30							07:30						
07:45							07:45						
08:00		1					08:00	1					
08:15	1		1				08:15						
08:30			2				08:30						
08:45		1			1		08:45						
09:00							09:00						
09:15			1				09:15						
09:30			1				09:30	1					
09:45			1				09:45						
10:00		1	2				10:00						
10:15	1	2	2				10:15						
10:30	2		1				10:30		1				
10:45			2				10:45						
11:00			1				11:00						
11:15			1				11:15						
11:30						1	11:30						
11:45		1	1				11:45						
12:00		2			1		12:00						
12:15							12:15						
12:30							12:30						
12:45			1				12:45	1					
13:00	1	2					13:00						
13:15	1		1				13:15			1			
13:30		2					13:30						
13:45							13:45						
14:00							14:00						
14:15	1						14:15						
14:30					1		14:30						
14:45			2				14:45		1				
15:00		1					15:00						
15:15		1					15:15		1				
15:30			1				15:30			1			
15:45	2	1					15:45						
16:00	1	1					16:00		1				
16:15	1		1				16:15						
16:30	1						16:30						
16:45	2	2	1				16:45						
17:00	1	1			1		17:00						
17:15			3				17:15			2			
17:30	2						17:30						
17:45	2						17:45						
18:00							18:00						
18:15	2						18:15						
18:30	1						18:30	1					

18:45			1			
19:00						
19:15						
19:30						
19:45						
20:00	1					
20:15						
20:30						
20:45	2					
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45	1					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	27	21	30	0	4	1

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	5	4	4	0	0	0

Montage Exit
Thursday, September 15, 2016

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15	1					
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45		1				
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45		1	1			
06:00	1		1			
06:15					1	
06:30			2			
06:45			2			
07:00		1	1			
07:15			1			
07:30			1			
07:45						
08:00						
08:15		1				
08:30						
08:45						
09:00						
09:15		1				
09:30		1	1		1	
09:45		1	3			
10:00			1		1	
10:15						
10:30						
10:45		2	1			
11:00	1	1	1			
11:15	2		1			
11:30	1					
11:45	2					
12:00						
12:15			1			
12:30						
12:45	1		2			
13:00						
13:15			1			
13:30	1	1				
13:45						
14:00	1	1				
14:15			1			
14:30	1	1	1			
14:45	2		1			
15:00			1			
15:15						
15:30						
15:45						
16:00	1	2	1			
16:15	1					
16:30						
16:45	1					
17:00						
17:15	1					
17:30			1			
17:45						
18:00	2					
18:15	1					
18:30	1					

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45		1				
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15		1				
09:30						
09:45						
10:00						
10:15						
10:30						
10:45						
11:00						
11:15		1				
11:30	1					
11:45						
12:00						
12:15						
12:30	2					
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15			1			
14:30						
14:45						
15:00						
15:15						
15:30						
15:45						
16:00		1				
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

18:45						
19:00						
19:15	2					
19:30						
19:45						
20:00	3	1	1			
20:15	1					
20:30						
20:45	1					
21:00		1				
21:15	1					
21:30	1					
21:45	1					
22:00						
22:15						
22:30						
22:45						
23:00						
23:15	1					
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	33	17	28	0	3	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	3	4	1	0	0	0

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

1. Spreadsheets with Peninsula Hotel and Montage Hotel loading truck service counts

(Montage - Wilshire Blvd. Truck Trips for Deliveries)

Montage
Friday, September 09, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15	1					
00:30						
00:45	1					
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00			1			
04:15						
04:30						
04:45	1					
05:00			1			
05:15						
05:30			1			1
05:45		1				
06:00			2			
06:15	1				1	
06:30						
06:45						
07:00	1	2				
07:15	1		1			
07:30	1	1				
07:45	1		1			
08:00	1					
08:15	2	1	1		2	
08:30	1					
08:45						
09:00		1	2			
09:15				1		
09:30	1	1	2		1	
09:45		1	1			
10:00						
10:15		1	1		1	
10:30		1	1			
10:45	1	1	1			
11:00		2				
11:15			1		1	
11:30			2			
11:45	1		1			
12:00	1					
12:15	1					
12:30		1	1			
12:45	1	1	1			
13:00			1			1
13:15	1		1			
13:30			1			
13:45	1					
14:00	2	1	1			
14:15	2					
14:30						
14:45	3	1				
15:00	2	1	2			
15:15						
15:30		1				
15:45						
16:00			1			
16:15	1		1			
16:30	1	1				
16:45	2		1			
17:00	1					
17:15	1					
17:30	1					
17:45	1					
18:00						
18:15						
18:30		1				

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45	1					
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15		1				
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30						
09:45			1			
10:00						
10:15						
10:30		1				
10:45						
11:00	1		1			
11:15	1	1				
11:30						
11:45						
12:00						
12:15						
12:30					2	
12:45						
13:00						
13:15						
13:30						
13:45			1			
14:00						
14:15						
14:30						
14:45	1					
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30			1			
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15	1					
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	2					
19:00						
19:15						
19:30	1					
19:45						
20:00			1			
20:15	2					
20:30			1			
20:45	2					
21:00						
21:15	1					
21:30						
21:45	1					
22:00	1					
22:15	1					
22:30						
22:45	1					
23:00	1					
23:15	1					
23:30						
23:45						
Total	51	21	33	1	6	2

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30	1					
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	6	3	4	0	2	0

Montage
Saturday, September 10, 2016

	IN							OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00	2						00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00	1					
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15		1					02:15						
02:30	1						02:30		1				
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00	1						04:00						
04:15							04:15	1					
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15	1						05:15	1					
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45		1	1				06:45						
07:00		1	1				07:00						
07:15							07:15						
07:30							07:30						
07:45	1	1					07:45						
08:00			1				08:00						
08:15			1				08:15						
08:30							08:30						
08:45							08:45						
09:00							09:00						
09:15							09:15						
09:30	1	1					09:30						
09:45			2				09:45						
10:00			1				10:00						
10:15							10:15						
10:30		1					10:30						
10:45							10:45						
11:00	1						11:00						
11:15	1						11:15						
11:30	2				1		11:30						
11:45					1		11:45						
12:00		1					12:00						
12:15							12:15						
12:30	1						12:30						
12:45	3						12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45	1						13:45						
14:00	1		1				14:00						
14:15	1						14:15						
14:30							14:30						
14:45	1						14:45						
15:00							15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00							16:00						
16:15	1						16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30	1						17:30						
17:45	1						17:45						
18:00	1						18:00						
18:15							18:15						
18:30							18:30						

18:45	1					
19:00						
19:15						
19:30						
19:45						
20:00	1					
20:15						
20:30	1					
20:45	1					
21:00	2					
21:15						
21:30						
21:45						
22:00	1					
22:15	1					
22:30						
22:45						
23:00						
23:15						
23:30	1					
23:45	2					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	34	7	8	0	2	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	3	1	0	0	0	0

Montage
Sunday, September 11, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15	1					
00:30						
00:45		1				
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00		1				
05:15						
05:30	1					
05:45						
06:00						
06:15			1			
06:30						
06:45	1					
07:00						
07:15						
07:30		1				
07:45			1			
08:00			1			
08:15						
08:30		1				
08:45	2					
09:00						
09:15						
09:30						
09:45						
10:00						
10:15	1					
10:30						
10:45		1	1			
11:00						
11:15						
11:30						
11:45					1	
12:00						
12:15			1			
12:30	1					
12:45						
13:00						
13:15						
13:30						
13:45	1					
14:00						
14:15						
14:30						
14:45						
15:00						
15:15	1					
15:30	2					
15:45		1				
16:00	1					
16:15						
16:30						
16:45						
17:00	1					
17:15						
17:30						
17:45						
18:00	1					
18:15						
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15	1					
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30	1					
08:45						
09:00						
09:15						
09:30						
09:45						
10:00						
10:15						
10:30						
10:45		1				
11:00						
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30						
14:45						
15:00						
15:15						
15:30	1					
15:45						
16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30	1					
20:45	2					
21:00						
21:15	1					
21:30						
21:45						
22:00						
22:15						
22:30	1					
22:45						
23:00						
23:15						
23:30						
23:45	1					
Total	20	6	5	0	1	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	3	1	0	0	0	0

Montage
Monday, September 12, 2016

	IN							OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15	1						00:15						
00:30							00:30						
00:45							00:45						
01:00	1						01:00						
01:15							01:15						
01:30	1						01:30						
01:45							01:45						
02:00					1		02:00					1	
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30		1					03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45	1						04:45						
05:00			1				05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00					1		06:00					1	
06:15			1				06:15			1			
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15	1	1	1				07:15						
07:30							07:30						
07:45					1		07:45						
08:00			1				08:00						
08:15							08:15						
08:30							08:30						
08:45	1						08:45						
09:00			2			1	09:00						
09:15			1				09:15						
09:30	2		1				09:30						
09:45		1	1				09:45			1			
10:00			1		1		10:00	1	1				
10:15	2						10:15						
10:30	1				1		10:30						
10:45		1	1				10:45						
11:00	1						11:00						
11:15	2	1	1		1		11:15						
11:30	1	1			2		11:30						
11:45	1	1					11:45						
12:00	1						12:00	1	1				
12:15	1	1					12:15						
12:30	1						12:30						
12:45							12:45						
13:00							13:00						
13:15	2						13:15						
13:30	1		1				13:30						
13:45		1				1	13:45						
14:00	1		1				14:00						
14:15			1				14:15						
14:30							14:30						
14:45							14:45						
15:00		1					15:00						
15:15	1		1				15:15						
15:30		1	2				15:30						
15:45	1						15:45						
16:00	1						16:00						
16:15	1	1					16:15						
16:30							16:30						
16:45			1		1		16:45						
17:00	1		1				17:00			1			
17:15							17:15						
17:30	2						17:30						
17:45	2						17:45						
18:00	1						18:00						
18:15							18:15						
18:30	1						18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1					
19:00	2					
19:15	1					
19:30			2			
19:45						
20:00	1					
20:15			1			
20:30	1					
20:45						
21:00						
21:15						
21:30	1					
21:45						
22:00						
22:15						
22:30						
22:45						
23:00	1					
23:15						
23:30	2	1				
23:45						
Total	44	13	23	0	9	2

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45				1		
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	2	2	3	1	2	0

Montage
Tuesday, September 13, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30	2					
00:45						
01:00						
01:15						
01:30						
01:45					1	
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30					1	
03:45		1				
04:00						
04:15						
04:30	1					
04:45			1			
05:00						
05:15						
05:30		1				
05:45					1	
06:00		1				
06:15						
06:30			1			
06:45			1			
07:00			1			
07:15					2	
07:30						
07:45	1					
08:00		1	1	1		
08:15			1			
08:30						
08:45			2			
09:00		1			1	
09:15						
09:30	1	1				
09:45						
10:00		3	2		1	
10:15		1	1	1		
10:30	3		3			
10:45	1	1	2			
11:00	1	1	1			
11:15	1		2			
11:30	2	1				
11:45						
12:00		1			2	
12:15	1	1				
12:30	3					
12:45	5	1				
13:00			3			
13:15	1	2				
13:30	2					
13:45		1				
14:00		1				
14:15						
14:30		1				
14:45	1					
15:00	1					
15:15	1					
15:30	1					
15:45	1		1		1	
16:00	1					
16:15			1			
16:30	1					
16:45						
17:00		1				
17:15						
17:30						
17:45						
18:00						
18:15	1					
18:30	1					

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00		1				
00:15						
00:30	1					
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15	1					
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30	1					
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00			1			
08:15						
08:30						
08:45						
09:00						
09:15						
09:30						
09:45		1				
10:00						
10:15						
10:30						
10:45						
11:00						
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45	1					
14:00						
14:15						
14:30						
14:45						
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1					
19:00	1					
19:15	1					
19:30	1					
19:45						
20:00						
20:15						
20:30	2					
20:45		1				
21:00						
21:15						
21:30						
21:45						
22:00	1					
22:15						
22:30	1					
22:45						
23:00						
23:15						
23:30						
23:45	1					
Total	43	23	24	2	10	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	4	2	1	0	0	0

Montage
Wednesday, September 14, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30	1					
00:45						
01:00	1					
01:15						
01:30						
01:45						
02:00						
02:15					1	
02:30						
02:45						
03:00						
03:15		1				
03:30						
03:45						
04:00						
04:15	1					
04:30						
04:45	1					
05:00						
05:15						
05:30			1			
05:45						
06:00		1	1			
06:15						
06:30		1				
06:45	1					
07:00			1			
07:15						
07:30						
07:45			2			
08:00			1			
08:15						
08:30		1				
08:45	1					
09:00		3	1			
09:15		2	1			
09:30			1			
09:45			1			
10:00		1	3			
10:15		3	2			
10:30	1		1			
10:45			1			
11:00			1			
11:15			2			
11:30					1	1
11:45		1				
12:00					1	
12:15						
12:30						
12:45			1			
13:00		1				
13:15						
13:30		2				
13:45			1			
14:00		1				
14:15						
14:30			1		1	
14:45						
15:00			1			
15:15						
15:30	1					
15:45	1					
16:00						
16:15			1			
16:30	1					
16:45	2					
17:00	1					
17:15			1			
17:30	1					
17:45	2					
18:00						
18:15	2					
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45	1					
05:00						
05:15						
05:30						
05:45						
06:00						
06:15			1			
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15	1					
09:30						
09:45						
10:00						
10:15						
10:30						
10:45						
11:00						
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45			1			
14:00		1				
14:15						
14:30						
14:45						
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1					
19:00			1			
19:15						
19:30						
19:45						
20:00	1					
20:15						
20:30	1					
20:45	1					
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30	1					
23:45						
Total	23	18	27	0	4	1

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15	1					
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	3	1	2	0	0	0

Montage
Thursday, September 15, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30		1				
00:45						
01:00						
01:15	1					
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45			1			
04:00						
04:15						
04:30	1					
04:45			1			
05:00						
05:15						
05:30		1				
05:45			2			
06:00	1				1	
06:15			1			
06:30			3			
06:45		1	1			
07:00						
07:15			2			
07:30						
07:45						
08:00						
08:15		1				
08:30						
08:45		1				
09:00						
09:15		2	1			
09:30		1			1	
09:45			3			
10:00			1		1	
10:15						
10:30		1				
10:45		2	2			
11:00	3		1			
11:15	1					
11:30	1					
11:45	1					
12:00						
12:15			1			
12:30	2		1			
12:45	1		1			
13:00			1			
13:15						
13:30	1	1				
13:45	1					
14:00		2				
14:15						
14:30	2		2			
14:45	1		1			
15:00						
15:15						
15:30			1			
15:45		1				
16:00	2	1				
16:15						
16:30	1					
16:45						
17:00						
17:15	1		1			
17:30						
17:45	2					
18:00	1					
18:15						
18:30	1					

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30		1				
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45			1			
04:00						
04:15						
04:30	1					
04:45			1			
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45			1			
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30						
09:45						
10:00						
10:15						
10:30						
10:45						
11:00						
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30						
14:45						
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00	1					
19:15	1					
19:30			1			
19:45	1	1				
20:00	2					
20:15	1					
20:30						
20:45	1					
21:00		1				
21:15						
21:30	1					
21:45	1					
22:00						
22:15						
22:30						
22:45	1					
23:00						
23:15						
23:30						
23:45						
Total	35	18	29	0	3	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00	1					
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	2	1	3	0	0	0

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

1. Spreadsheets with Peninsula Hotel and Montage Hotel loading truck service counts

(Montage Exit)

Montage Exit
Sunday, September 25, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30		1					05:30						
05:45							05:45						
06:00		1					06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15	1					
07:30		1					07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30	1						08:30	1					
08:45			1				08:45	5					
09:00							09:00	4					
09:15	1						09:15	2					
09:30	1						09:30	2					
09:45							09:45						
10:00							10:00						
10:15							10:15	1					
10:30	1						10:30						
10:45							10:45						
11:00	1						11:00						
11:15							11:15						
11:30	1						11:30						
11:45							11:45						
12:00							12:00						
12:15							12:15						
12:30	1						12:30						
12:45	2						12:45						
13:00	1						13:00						
13:15							13:15						
13:30							13:30						
13:45							13:45						
14:00	1						14:00						
14:15	1						14:15						
14:30	2						14:30						
14:45	1						14:45	1					
15:00							15:00						
15:15	3						15:15						
15:30	4						15:30						
15:45	5						15:45						
16:00	3						16:00	1					
16:15							16:15						
16:30			1				16:30						
16:45	1						16:45						
17:00	1						17:00						
17:15	1						17:15						
17:30							17:30						
17:45	1						17:45						
18:00	1						18:00						
18:15							18:15						
18:30							18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1					
19:00						
19:15						
19:30						
19:45	1					
20:00						
20:15						
20:30	1					
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45	1					
Total	39	3	2	0	0	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00	1					
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15	1					
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	20	0	0	0	0	0

Montage Exit
Monday, September 26, 2016

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30			1			
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45		1				
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30	1					
05:45						
06:00		1				
06:15		1				
06:30			1			
06:45			1			
07:00						
07:15			1			
07:30	3					
07:45		1				
08:00		1				
08:15		1				
08:30						
08:45						
09:00			1			
09:15	1					
09:30						
09:45			3			
10:00	1	2				
10:15			2			
10:30		1				
10:45	1	1	3			
11:00		1				
11:15	2	1				
11:30	1	1	1			
11:45	1	1				
12:00			1			
12:15	2					
12:30	1	3	2			
12:45	1	1				
13:00						
13:15	1					
13:30			1			
13:45	2					
14:00			1			
14:15						
14:30	1	2				1
14:45	1	1	2			
15:00	2	1				
15:15		1				
15:30	1					
15:45						
16:00	1					
16:15		1				
16:30	2					
16:45	3		2			
17:00	1					
17:15	2					
17:30	1					
17:45			1			
18:00	2	1	2			
18:15	2					
18:30						

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30						
09:45						
10:00						
10:15						
10:30						
10:45						
11:00						
11:15		1				
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00			1			
14:15						
14:30						
14:45						
15:00						
15:15						
15:30						
15:45	1					
16:00						
16:15	1					
16:30						
16:45						
17:00						
17:15	1					
17:30						
17:45						
18:00	1					
18:15						
18:30		1				

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00		1				
19:15						
19:30						
19:45						
20:00	1					
20:15	1					
20:30						
20:45	1					
21:00						
21:15						
21:30	2					
21:45						
22:00						
22:15	1					
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	43	26	26	0	0	1

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30	1					
20:45						
21:00						
21:15						
21:30	1					
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	6	2	1	0	0	0

Montage Exit
Tuesday, September 27, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00	1						00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30			1				03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00		1	1				05:00			1			
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15			1			
06:30							06:30						
06:45			1				06:45						
07:00							07:00						
07:15		1					07:15						
07:30		1					07:30						
07:45			1				07:45						
08:00							08:00		1				
08:15							08:15						
08:30		1	1				08:30						
08:45			2				08:45						
09:00				1			09:00						
09:15			2				09:15	1					
09:30	1						09:30						
09:45			2				09:45						
10:00	2		1				10:00						
10:15	2		2				10:15						
10:30	1		2				10:30						
10:45		1					10:45						
11:00		2					11:00						
11:15	1						11:15						
11:30	1		1				11:30			1			
11:45			2				11:45						
12:00	3		1				12:00						
12:15		2	1				12:15						
12:30	1	1			4		12:30		1				
12:45			2				12:45						
13:00		1					13:00						
13:15							13:15						
13:30	2	1					13:30						
13:45	1	1					13:45						
14:00							14:00						
14:15	1					1	14:15						
14:30	2	1					14:30						
14:45		1					14:45						
15:00	1		1				15:00			1			
15:15		1					15:15		1				
15:30		1					15:30		1				
15:45	1		1				15:45						
16:00	1						16:00						
16:15	1						16:15						
16:30							16:30						
16:45		1					16:45						
17:00	2						17:00						
17:15							17:15						
17:30			1				17:30						
17:45							17:45						
18:00	1						18:00						
18:15	1						18:15	1					
18:30	1						18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00		1				
19:15	2					
19:30						
19:45	1	1	1			
20:00	2		1			
20:15	1					
20:30						
20:45	1					
21:00						
21:15	2					
21:30	1					
21:45						
22:00						
22:15						
22:30	1					
22:45						
23:00						
23:15						
23:30						
23:45						
Total	39	20	28	1	4	1

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00	1		1			
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	3	4	5	0	0	0

Montage Exit
Wednesday, September 28, 2016

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15			1			
00:30			1			
00:45					1	
01:00	1		1			
01:15						
01:30						
01:45	1					
02:00						
02:15						
02:30						
02:45						
03:00			2			
03:15	1		1			
03:30						
03:45						
04:00						
04:15			1			
04:30						
04:45						
05:00						
05:15	1		1			
05:30			2			
05:45						
06:00						
06:15			1			
06:30		1	1			
06:45						
07:00		1	1			
07:15	1	3				
07:30						
07:45			2			
08:00						
08:15	1		2			
08:30						
08:45	1		1			
09:00	1		1			
09:15	1		1			
09:30	1					
09:45			1			
10:00			1			
10:15			2			
10:30	1	1				
10:45			2			
11:00	1		1			
11:15	1					
11:30	1		1			
11:45	1	1	1			
12:00			1			
12:15		1				
12:30		2				
12:45			2			
13:00	1		2			
13:15		1				
13:30		1				
13:45						
14:00	1					
14:15			1			
14:30						
14:45						
15:00			3			
15:15		1	1			
15:30		2	1		1	
15:45	1					
16:00	7	1				
16:15						
16:30			1			
16:45	1					
17:00	2					
17:15	2					
17:30	1		2			
17:45	1		1			
18:00						
18:15						
18:30	1					

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00			1			
00:15						
00:30	1				1	
00:45	1					
01:00						
01:15						
01:30	1					
01:45						
02:00						
02:15			1			
02:30		1				
02:45						
03:00	1		1	1		
03:15			1			
03:30						
03:45						
04:00						
04:15						
04:30	1					
04:45						
05:00						
05:15						
05:30						
05:45			1			
06:00						
06:15						
06:30						
06:45	1					
07:00		2				
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30						
09:45						
10:00			1			
10:15						
10:30		1				
10:45						
11:00						
11:15						
11:30			1			
11:45		1				
12:00						
12:15						
12:30						
12:45	1					
13:00			2			
13:15					1	
13:30						
13:45			1			
14:00						
14:15	1					
14:30			1			
14:45						
15:00						
15:15		1				
15:30						
15:45						
16:00						
16:15						
16:30			1			
16:45						
17:00						
17:15						
17:30						
17:45	2					
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45	1	1				
19:00	2					
19:15						
19:30						
19:45						
20:00	2					
20:15						
20:30	1					
20:45						
21:00			1			
21:15						
21:30						
21:45						
22:00						
22:15	2					
22:30		1				
22:45						
23:00						
23:15	1					
23:30						
23:45						
Total	42	18	45	0	2	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	10	6	12	1	2	0

Montage Exit
Thursday, September 29, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15	1						01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00	1						04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15		1					05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30							08:30						
08:45							08:45						
09:00							09:00						
09:15							09:15						
09:30							09:30						
09:45							09:45						
10:00							10:00						
10:15							10:15						
10:30							10:30						
10:45							10:45						
11:00							11:00						
11:15							11:15						
11:30							11:30						
11:45							11:45						
12:00							12:00						
12:15							12:15						
12:30							12:30						
12:45							12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45							13:45						
14:00							14:00						
14:15							14:15						
14:30							14:30						
14:45							14:45						
15:00							15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00							16:00						
16:15							16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00							18:00						
18:15							18:15						
18:30							18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	2	1	0	0	0	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	0	0	0	0	0	0

Montage Exit
Friday, September 30, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30							08:30						
08:45							08:45						
09:00							09:00						
09:15							09:15						
09:30							09:30						
09:45							09:45						
10:00							10:00						
10:15							10:15						
10:30							10:30						
10:45							10:45						
11:00							11:00						
11:15							11:15						
11:30							11:30						
11:45							11:45						
12:00							12:00						
12:15							12:15						
12:30							12:30						
12:45							12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45							13:45						
14:00							14:00						
14:15							14:15						
14:30							14:30						
14:45							14:45						
15:00							15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00							16:00						
16:15							16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00							18:00						
18:15							18:15						
18:30							18:30						

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	0	0	0	0	0	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
0	0	0	0	0	0	0

Montage Exit
Saturday, October 01, 2016

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
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15:45						
16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
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16:00						
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	0	0	0	0	0	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	0	0	0	0	0	0

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

1. Spreadsheets with Peninsula Hotel and Montage Hotel loading truck service counts

(Peninsula Hotel – Truck Trips for Deliveries)

Peninsula Hotel
Friday, September 09, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30		1	2			
08:45			1			
09:00						
09:15						
09:30						
09:45			1			
10:00			1			
10:15						
10:30			1			
10:45		1	1			
11:00			1			
11:15			1			1
11:30		1				
11:45			2			
12:00			2			
12:15			2			
12:30			1	1		
12:45	1		1			
13:00			1			
13:15						
13:30						
13:45						
14:00						
14:15						
14:30						1
14:45						
15:00						
15:15						
15:30						
15:45						
16:00			1			
16:15						
16:30						
16:45			1			
17:00						
17:15						
17:30		1				
17:45						
18:00						
18:15						
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
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04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30			1			
08:45		1	2			
09:00						
09:15						
09:30						
09:45						
10:00			2			
10:15						
10:30						
10:45		1	2			
11:00			1			
11:15			1			
11:30		1				1
11:45			1			
12:00			2			
12:15			1			
12:30			2			
12:45	1		2			
13:00			1			
13:15						
13:30				1		
13:45						
14:00						
14:15						
14:30						
14:45						1
15:00						
15:15						
15:30						
15:45						
16:00						
16:15			1			
16:30						
16:45						
17:00			1			
17:15						
17:30						
17:45		1				
18:00						
18:15						
18:30						

18:45		1				
19:00			1			
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	1	5	21	1	0	2

18:45						
19:00		1	1			
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	1	5	21	1	0	2

Peninsula Hotel
Saturday, September 10, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30			1			
08:45						
09:00						
09:15						
09:30			1			
09:45						
10:00						
10:15						
10:30		1				
10:45						
11:00			1			
11:15						
11:30			1			
11:45			2			
12:00						
12:15		1				
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30	1	1				
14:45						
15:00			1			
15:15						
15:30						
15:45						
16:00	2					
16:15						
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45			1			
09:00						
09:15						
09:30						
09:45						
10:00						
10:15						
10:30		1				
10:45						
11:00			2			
11:15						
11:30						
11:45			1			
12:00						
12:15		1	1			
12:30			1			
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30						
14:45	1					
15:00						
15:15						
15:30		1				
15:45			1			
16:00	1					
16:15	1					
16:30						
16:45						
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

18:45		1				
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	3	4	7	0	0	0

18:45						
19:00		1				
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
3	4	7	0	0	0	

Peninsula Hotel
Sunday, September 11, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15			1			
09:30	1					
09:45	1					
10:00						
10:15						
10:30			1			
10:45						
11:00		1				
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30			1			
14:45						
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45		1				
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30						
08:45						
09:00						
09:15						
09:30	1		1			
09:45	1					
10:00						
10:15						
10:30						
10:45						
11:00		1	1			
11:15						
11:30						
11:45						
12:00						
12:15						
12:30						
12:45						
13:00						
13:15						
13:30						
13:45						
14:00						
14:15						
14:30						
14:45			1			
15:00						
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45						
17:00		1				
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	2	2	3	0	0	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	2	2	3	0	0	0

Peninsula Hotel
Monday, September 12, 2016

	IN							OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30							08:30						
08:45							08:45						
09:00							09:00						
09:15		1					09:15						
09:30			1				09:30		1				
09:45							09:45						
10:00		1					10:00		1				
10:15			1				10:15						
10:30			1				10:30			2			
10:45			2				10:45			2			
11:00			1			1	11:00			2			1
11:15	1						11:15	1					
11:30							11:30						
11:45							11:45						
12:00							12:00						
12:15			1				12:15						
12:30							12:30			1			
12:45		2					12:45		1				
13:00							13:00		1				
13:15		1					13:15						
13:30			1			1	13:30		1				1
13:45							13:45						
14:00							14:00			1			
14:15	1						14:15						
14:30							14:30	1					
14:45							14:45						
15:00							15:00						
15:15			1				15:15						
15:30							15:30			1			
15:45							15:45						
16:00							16:00						
16:15			1				16:15			1			
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00		1					18:00		1				
18:15							18:15						
18:30							18:30						

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30		1				
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	2	7	10	0	0	2

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	2	6	10	0	0	2

Peninsula Hotel
Tuesday, September 13, 2016

	IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15						
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30			1			
08:45		1	1			
09:00			1			
09:15						
09:30				1		
09:45						
10:00			1			
10:15		2				
10:30			1			
10:45		1	3			
11:00						
11:15			1			
11:30						
11:45			1			
12:00		1	1			
12:15						
12:30						
12:45		1				
13:00			1			
13:15		1				
13:30						
13:45						
14:00	1					
14:15						
14:30						
14:45						
15:00		2				
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45		1	1			
17:00						
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00						
00:15						
00:30						
00:45						
01:00						
01:15						
01:30						
01:45						
02:00						
02:15						
02:30						
02:45						
03:00						
03:15						
03:30						
03:45						
04:00						
04:15		1				
04:30						
04:45						
05:00						
05:15						
05:30						
05:45						
06:00						
06:15						
06:30						
06:45						
07:00						
07:15						
07:30						
07:45						
08:00						
08:15						
08:30			1			
08:45		1	1			
09:00						
09:15						
09:30						
09:45						
10:00			1			
10:15		1	1	1		
10:30		1				
10:45		1	1			
11:00						
11:15			2			
11:30			1			
11:45			1			
12:00		1				
12:15			1			
12:30						
12:45			1			
13:00		1				
13:15			1			
13:30		1				
13:45						
14:00	1					
14:15						
14:30						
14:45						
15:00		2				
15:15						
15:30						
15:45						
16:00						
16:15						
16:30						
16:45			1			
17:00		1				
17:15						
17:30						
17:45						
18:00						
18:15						
18:30						

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
Total	1	10	13	1	0	0

	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	1	11	13	1	0	0

Peninsula Hotel
Wednesday, September 14, 2016

	IN							OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30							08:30						
08:45			1				08:45						
09:00							09:00						
09:15							09:15						
09:30							09:30						
09:45							09:45			1			
10:00			2				10:00						
10:15							10:15			2			
10:30			3				10:30			2			
10:45	1						10:45	1		1			
11:00							11:00						
11:15			1				11:15						
11:30			2				11:30			2			
11:45							11:45						
12:00			1				12:00			1			
12:15			1				12:15			2			
12:30		1					12:30		1				
12:45							12:45						
13:00							13:00						
13:15							13:15						
13:30				1			13:30						
13:45	1						13:45				1		
14:00							14:00	1					
14:15		1					14:15		1				
14:30							14:30						
14:45							14:45						
15:00							15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00							16:00						
16:15							16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00	1						18:00						
18:15							18:15						
18:30			1				18:30	1					

18:45						
19:00		1				
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	3	3	12	1	0	0

18:45			1			
19:00		1				
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	3	3	12	1	0	0

Peninsula Hotel
Thursday, September 15, 2016

	IN							OUT					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45							07:45						
08:00							08:00						
08:15							08:15						
08:30							08:30						
08:45			1				08:45						
09:00							09:00						
09:15							09:15						
09:30							09:30						
09:45							09:45						
10:00		1					10:00		1				
10:15							10:15						
10:30		1	1				10:30		1	1			
10:45	1	1					10:45	1	1	1			
11:00			3				11:00			2			
11:15							11:15			1			
11:30			2				11:30						
11:45							11:45			1			
12:00		1					12:00		1				
12:15							12:15			1			
12:30			1				12:30			1			
12:45		1					12:45						
13:00							13:00		1				
13:15		1					13:15						
13:30							13:30		1				
13:45							13:45						
14:00					1		14:00						
14:15			1				14:15						
14:30							14:30			1		1	
14:45							14:45						
15:00							15:00						
15:15	1						15:15						
15:30							15:30	1					
15:45							15:45						
16:00							16:00						
16:15							16:15						
16:30							16:30						
16:45							16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00							18:00						
18:15							18:15						
18:30							18:30						

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	2	6	9	0	1	0

18:45						
19:00						
19:15						
19:30						
19:45						
20:00						
20:15						
20:30						
20:45						
21:00						
21:15						
21:30						
21:45						
22:00						
22:15						
22:30						
22:45						
23:00						
23:15						
23:30						
23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
	2	6	9	0	1	0

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

2. Illustrative pictures of service vans

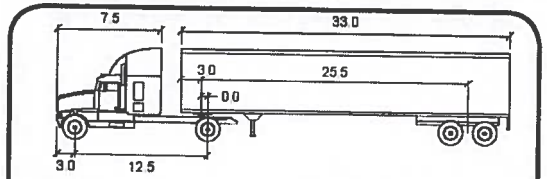
Pictures of Vans

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

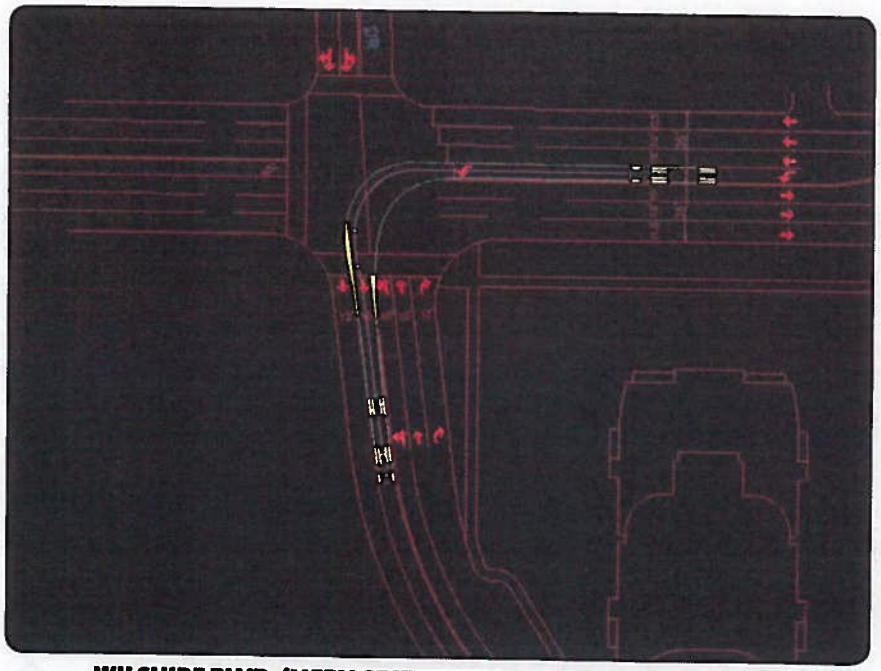
5. Graphic images and animations of truck turn requirements for the Project's loading dock

WANDA LOADING DOCK ACCESS - SEMITRUCK/TRAILER STUDIES

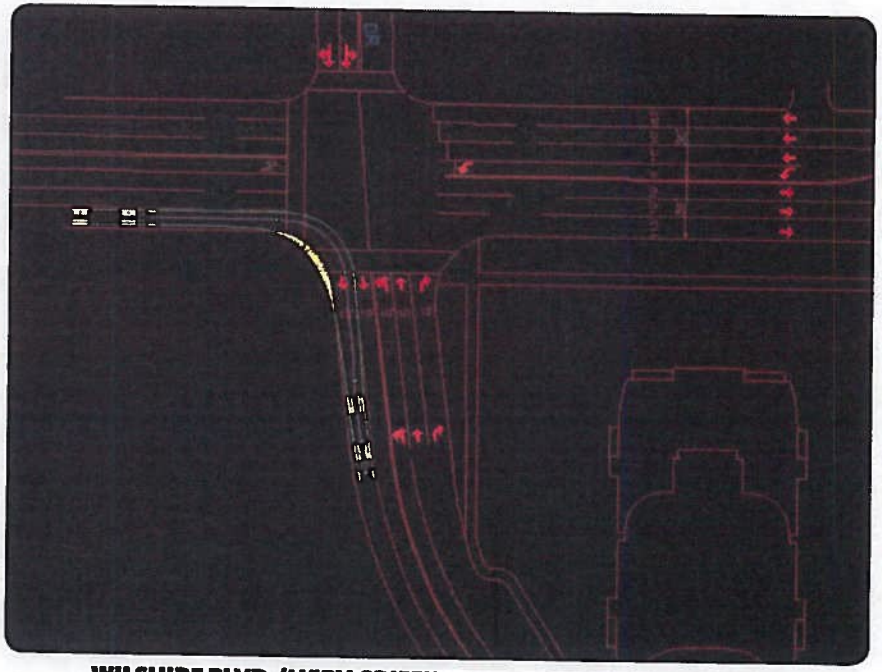


WB-40

	feet		
Tractor Width	8.0	Lock to Lock Time	6.0
Trailer Width	8.0	Steering Angle	20.3
Tractor Track	8.0	Articulating Angle	70.0
Trailer Track	8.0		

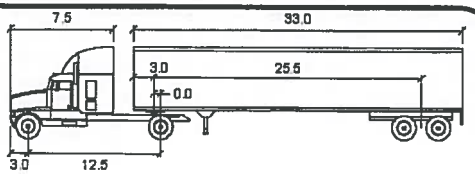


WILSHIRE BLVD./MERV GRIFFIN WAY - WESTBOUND LEFT TURN



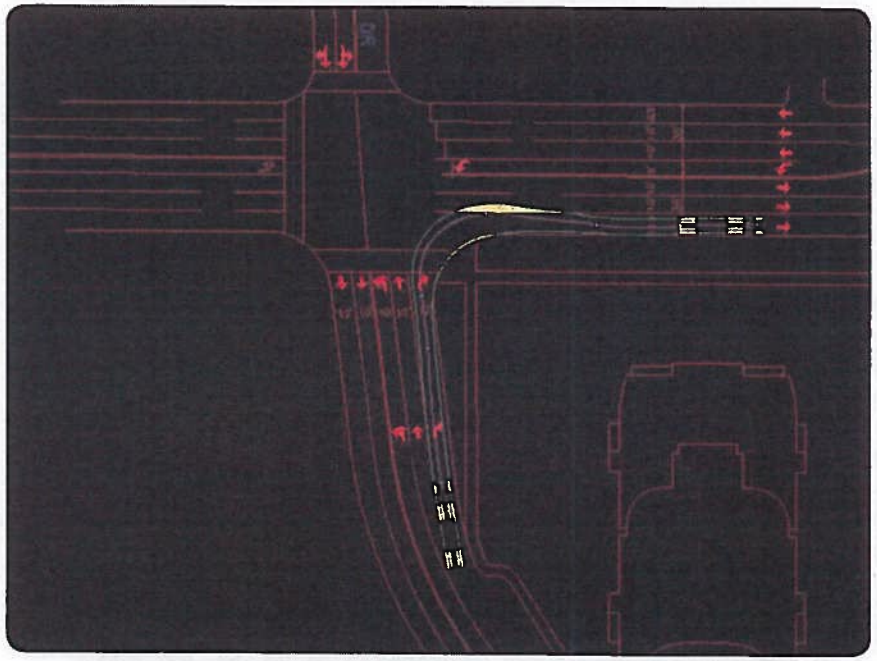
WILSHIRE BLVD./MERV GRIFFIN WAY - EASTBOUND RIGHT TURN

WANDA LOADING DOCK ACCESS - SEMITRUCK/TRAILER STUDIES



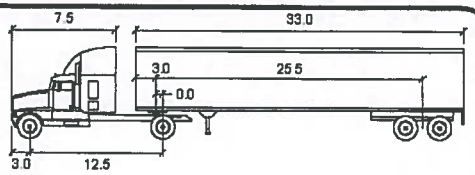
WB-40

	feet		
Tractor Width	8.0	Lock to Lock Time	6.0
Trailer Width	8.0	Steering Angle	20.3
Tractor Track	8.0	Articulating Angle	70.0
Trailer Track	8.0		



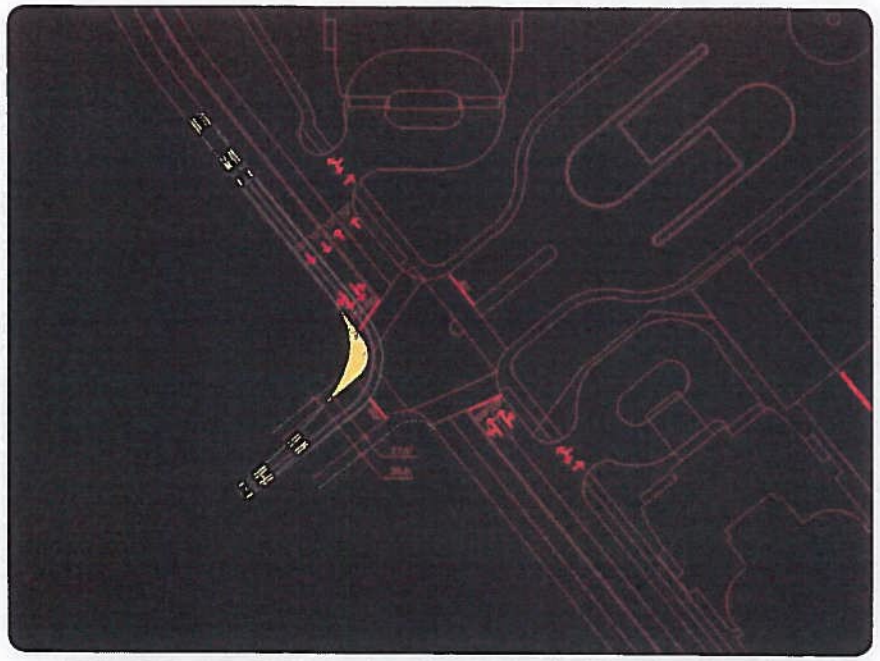
WILSHIRE BLVD./MERV GRIFFIN WAY - NORTHBOUND RIGHT TURN

WANDA LOADING DOCK ACCESS - SEMITRUCK/TRAILER STUDIES

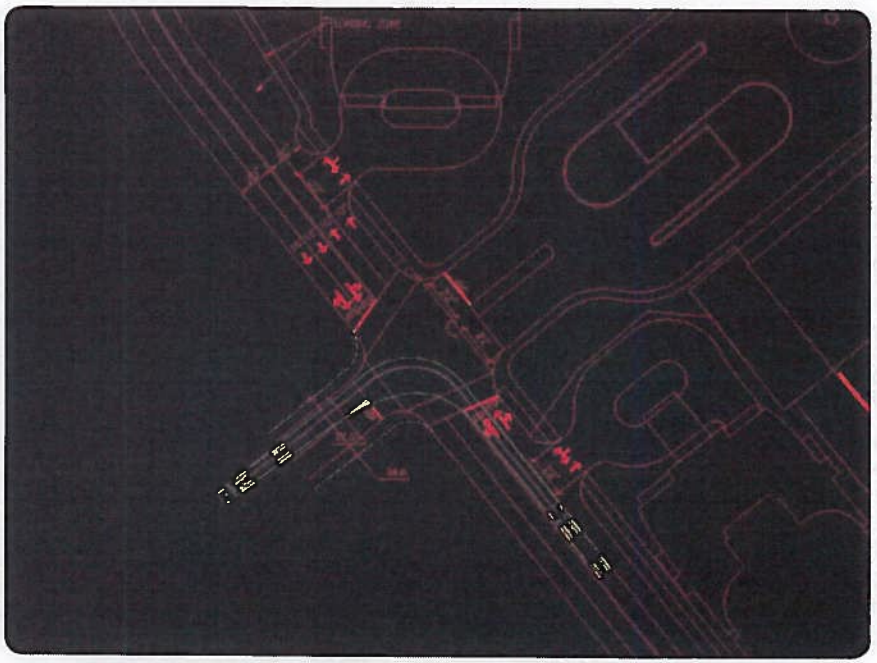


WB-40

	feet		
Tractor Width	8.0	Lock to Lock Time	6.0
Trailer Width	8.0	Steering Angle	20.3
Tractor Track	80	Articulating Angle	70.0
Trailer Track	8.0		

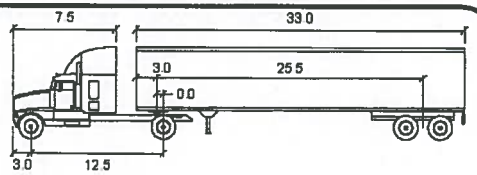


MERV GRIFFIN WAY - SOUTHBOUND RIGHT TURN INTO SERVICE DRIVE



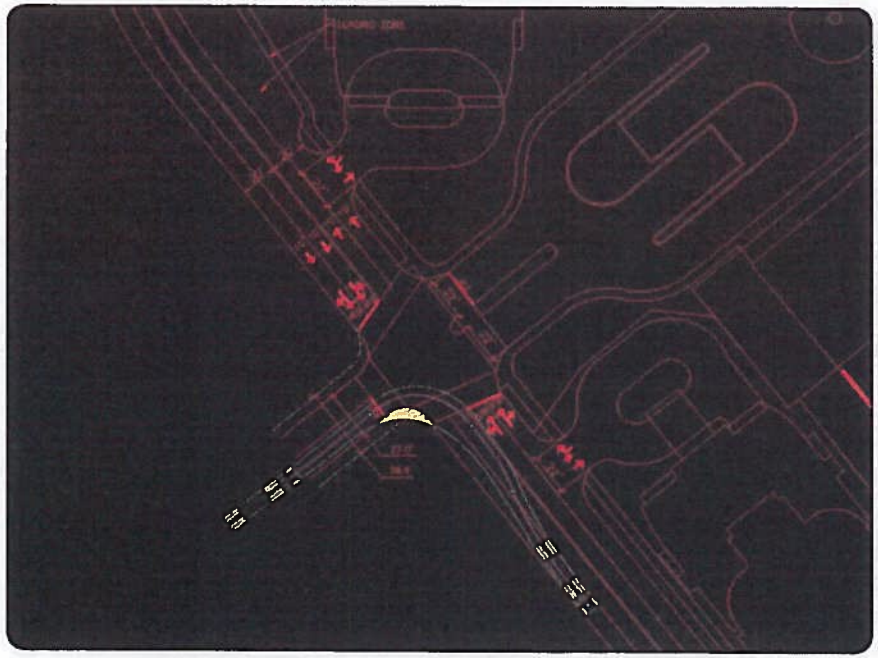
MERV GRIFFIN WAY - NORTHBOUND LEFT TURN INTO SERVICE DRIVE

WANDA LOADING DOCK ACCESS - SEMITRUCK/TRAILER STUDIES

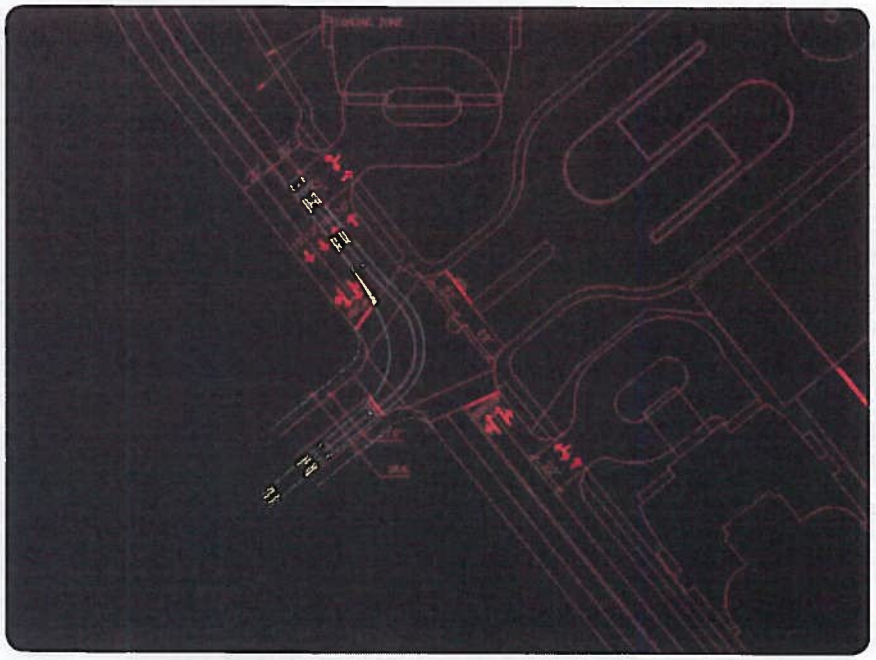


WB-40 feet

Tractor Width	8.0	Lock to Lock Time	6.0
Trailer Width	8.0	Steering Angle	20.3
Tractor Track	80	Articulating Angle	70.0
Trailer Track	8.0		

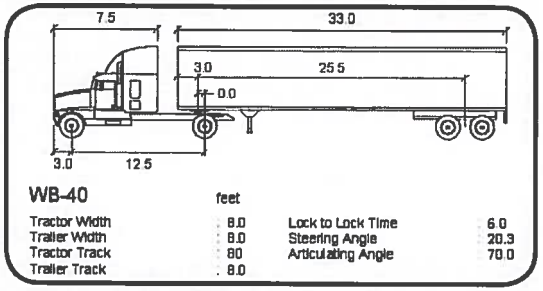


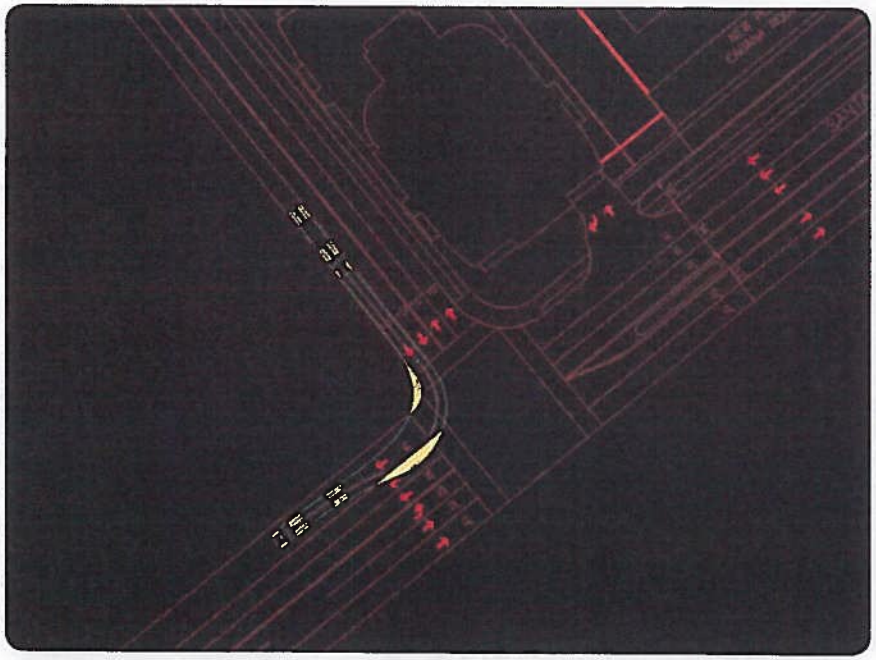
MERV GRIFFIN WAY - RIGHT TURN OUT OF SERVICE DRIVE



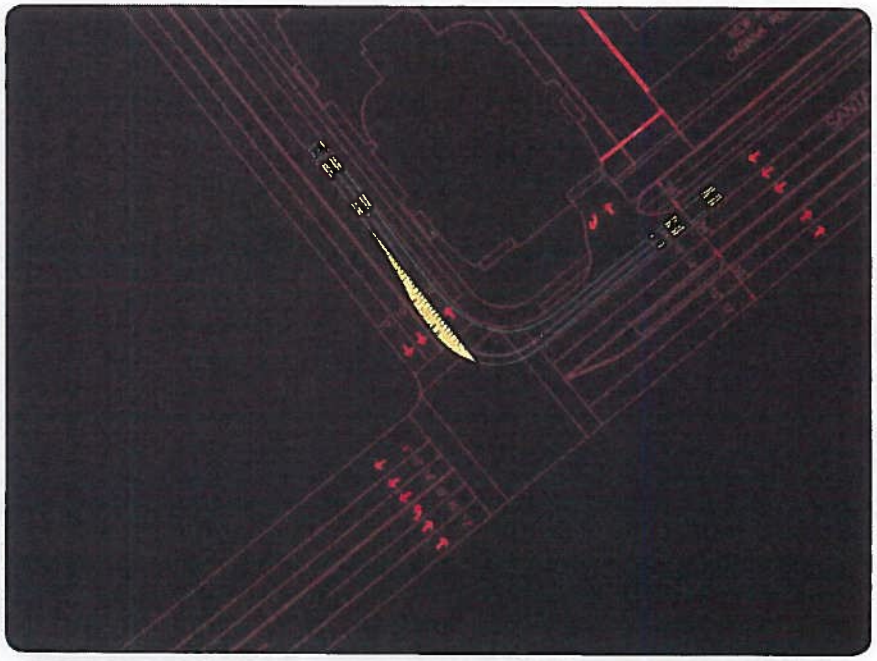
MERV GRIFFIN WAY - LEFT TURN OUT OF SERVICE DRIVE

WANDA LOADING DOCK ACCESS - SEMITRUCK/TRAILER STUDIES





MERV GRIFFIN WAY - SOUTHBOUND RIGHT TURN ONTO SANTA MONICA BLVD



SANTA MONICA BLVD. - WESTBOUND RIGHT TURN ONTO MERV GRIFFIN WAY

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

6. Construction truck requirements for the Project

Wanda's New Project Requires Tens of Thousands of Construction Truck Trips

- Wanda's estimates show that 21,000 trucks will be required for excavation work
- The Waldorf Astoria required over 4,400 trucks for all additional construction work besides excavation for a building less than half the size of Wanda's new Project
- Based on Wanda's estimates for excavation and the Waldorf Astoria estimates for all other construction truck deliveries, the Wanda Project will require at least 35,000 trucks, or **over 70,000 truck trips**

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

7. Construction schedule for the original Beverly Hilton Project and the proposed Beverly Hilton Garden and Open Space Project

Table 4. Approved Project Construction Schedule
Beverly Hills Garden and Open Space Initiative
Beverly Hills, California

Project Phase	Description of Project Phase	Approximate Duration (assumes overlap)
1	Demolish Palm/Oasis Court and existing hotel entrance driveway. Construct and begin using first temporary hotel access entrance driveway at present Wilshire Boulevard pedestrian entrance; construct additional temporary access driveway.	8 months
2	Demolish first temporary hotel access driveway, conference center, hotel retail and hotel office uses, lobby bar, exterior courtyard between lobby and Wilshire Boulevard, former Trader Vic's restaurant and associated surface parking, and any subterranean parking facilities. Begin using second temporary driveway.	6 months
3	Construct Waldorf Astoria Hotel building, New Beverly Hilton Hotel Rooms building, new executive conference center, portions of new Beverly Hilton Hotel lobby, and Residence A, plus associated subterranean parking. Begin operation of The Waldorf Astoria Hotel and new Beverly Hilton Hotel rooms, new executive conference center and associated parking. Construct third temporary entrance driveway.	19 months
4	Demolish second temporary entrance driveway and begin use of third temporary driveway. Demolish parking structure, Beverly Hilton pool and terrace, and Cabana/Lanai Rooms building.	4 months
5	Construct Residence B, new Beverly Hilton pool and terrace, and permanent access driveways for Beverly Hilton and Residence A and B buildings.	23 months
TOTAL DURATION		50 months

Table 5. Modified Project Construction Schedule
Beverly Hills Garden and Open Space Initiative
Beverly Hills, California

Project Phase	Description of Project Phase	Approximate Duration (assumes overlap)
1	Demolish hotel retail and hotel office uses, lobby bar, exterior courtyard between lobby and Wilshire Boulevard, and former Trader Vic's restaurant and associated surface parking.	Completed
	Construct Waldorf Astoria Hotel building and temporary access driveway.	20 months (In progress)
2	Demolish conference center, Palm/Oasis Court, existing hotel entrance driveway, any subterranean parking facilities, and temporary access driveway. Construct New Beverly Hilton Hotel conference/hotel facilities addition, new Beverly Hilton Hotel lobby, pool, and terrace, and permanent access driveway for the Beverly Hilton. Begin operation of the Waldorf Astoria hotel.	42 months
3	Demolish second temporary entrance driveway, parking structure, Beverly Hilton pool and terrace, and Cabana/Lanai Rooms building.	9 months
4	Construct Residence Building plus associated subterranean parking. Begin operation of the new Beverly Hilton Hotel conference/hotel facilities addition, and associated parking.	40 months
TOTAL DURATION		50 months

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

8. Beverly Hilton event data

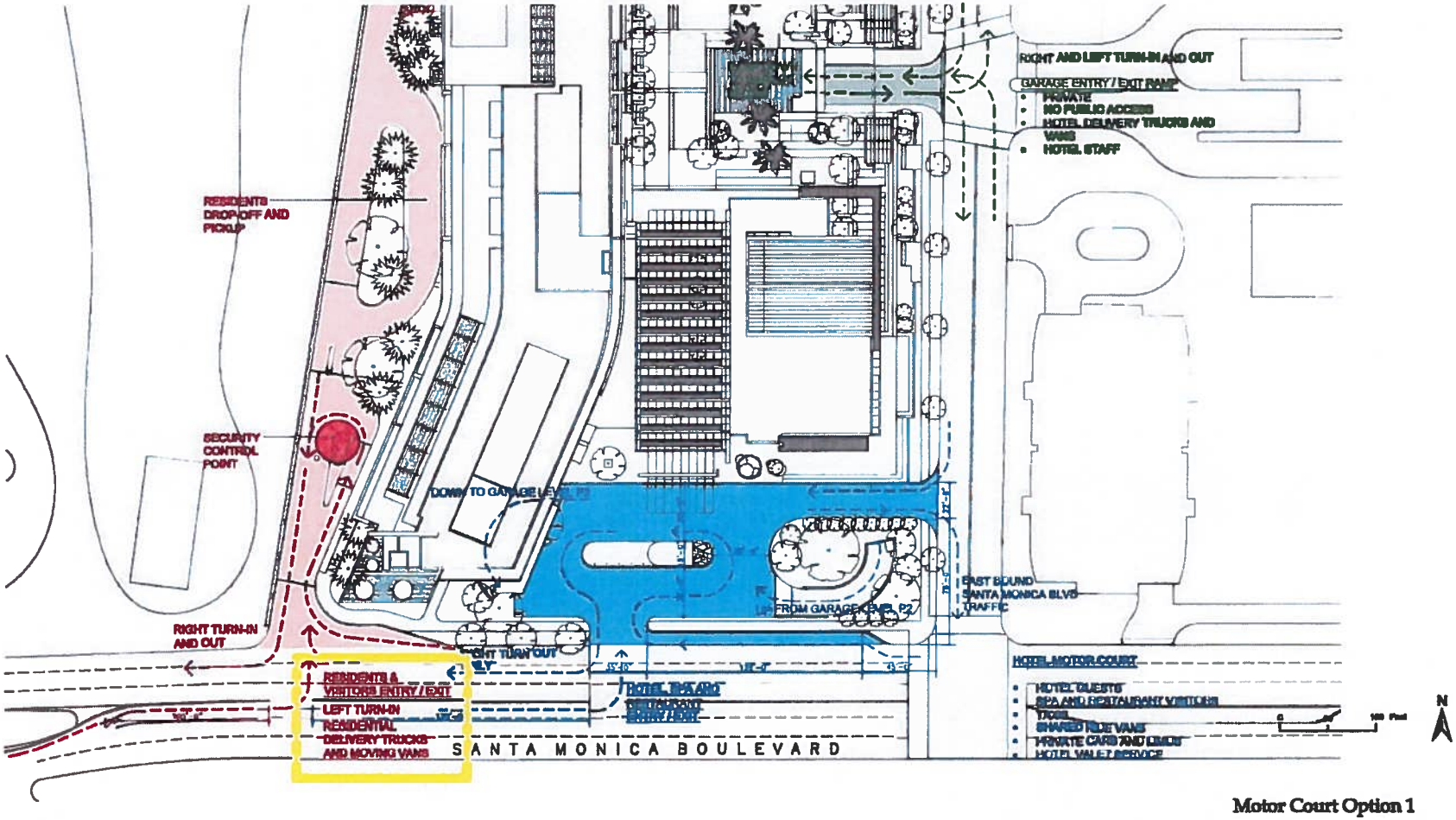
Beverly Hilton's Ballroom and Event Guest Data for 2015

- Days with events over 1000 guests: 24
- Days with events between 700-999 guests: 50
- Days with events between 500-699 guests: 44
- Days with events between 200-499 guests: 89
- Days with events requiring over 100 press and production cars: 34

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

9. Motor Court Option 1 from EIR



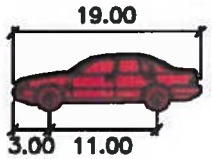
Motor Court Option 1

Source: Richard Meier & Partners LLP, June 2016

Figure 2-5a
City of Beverly Hills

PROPOSED CIRCULATION ACCESS - SANTA MONICA BOULEVARD

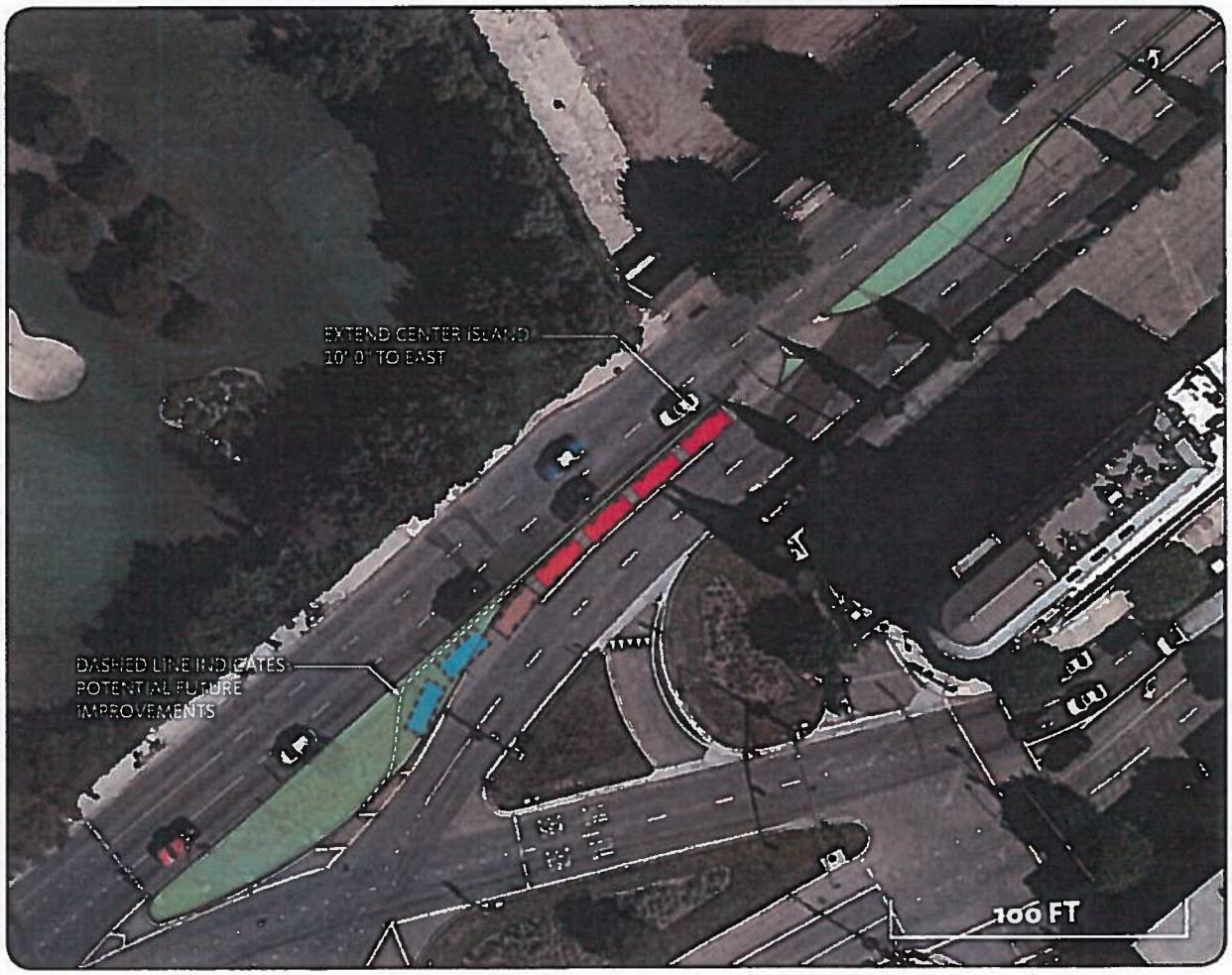
AUTOMOBILE ACCESS



P	feet
Width	: 7.00
Track	: 6.00
Lock to Lock Time	: 6.0
Steering Angle	: 31.6

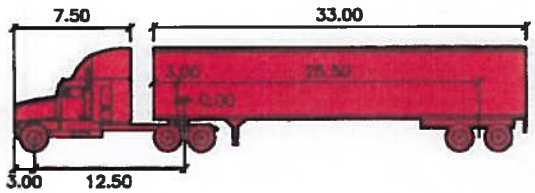
VEHICLE PROFILE

- LEFT-HAND TURN POCKET CURRENTLY ACCOMMODATES (4) 19'-0" VEHICLES WITH 4'-0" SPACING BETWEEN BUMPERS
- POCKET CURRENTLY ACCOMMODATES ADDITIONAL (1) CAR IN TAPERED AREA WITHOUT BLOCKING THROUGH LANE
- POCKET CAN ACCOMMODATE (7) STANDARD AUTOS WITH FUTURE IMPROVEMENTS



PROPOSED CIRCULATION ACCESS - SANTA MONICA BOULEVARD

SEMI-TRUCK/TRAILER ACCESS

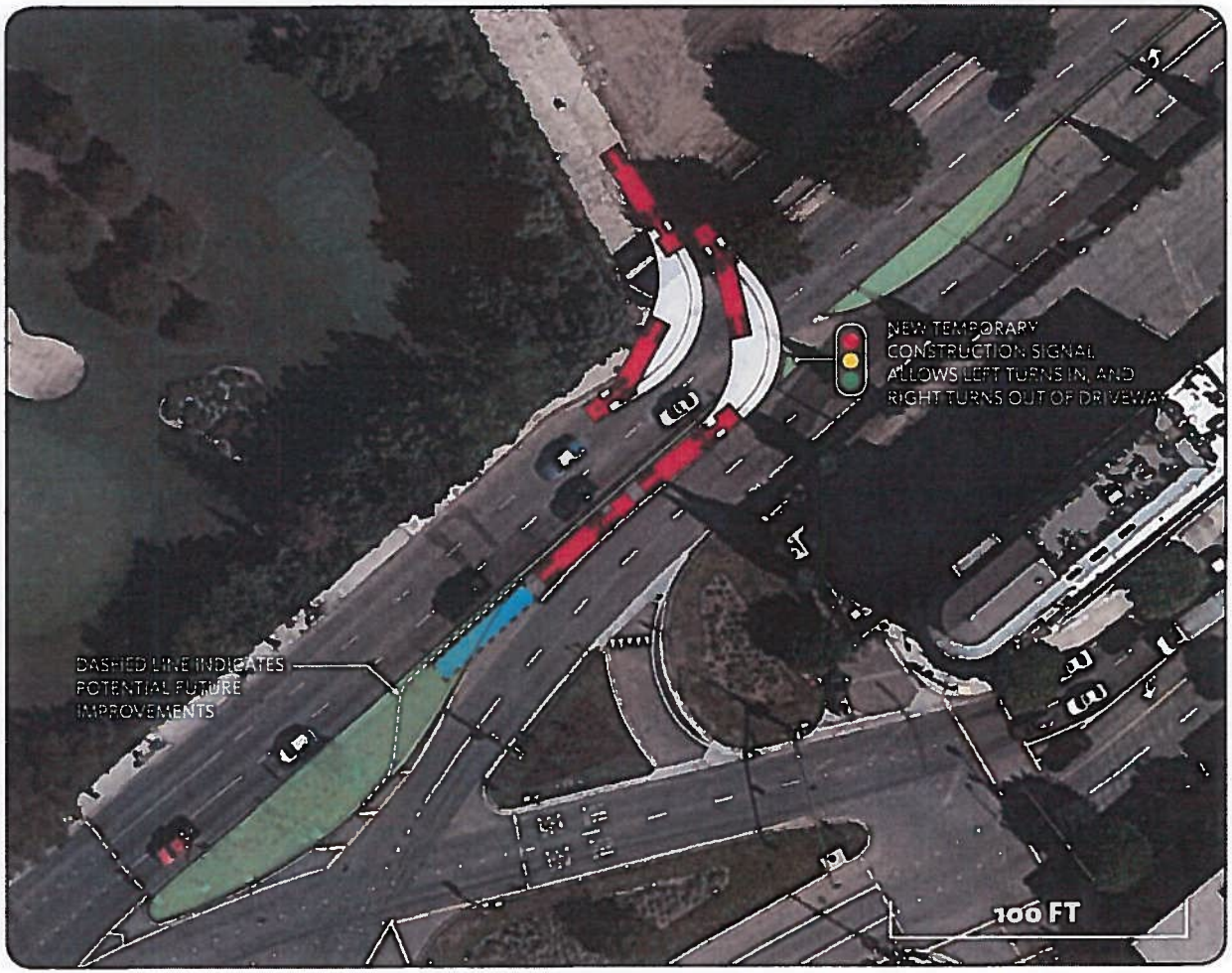


WB—40 feet

Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.00	Steering Angle	: 20.3
Tractor Track	: 8.00	Articulating Angle	: 70.0
Trailer Track	: 8.00		

VEHICLE PROFILE

- LEFT-HAND TURN POCKET FITS (2) 40'-0" VEHICLES WITH 4'-0" SPACING BETWEEN BUMPERS
- POCKET CAN ACCOMMODATE (3) SEMI-TRUCK VEHICLES WITH FUTURE IMPROVEMENTS



PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

10. Unresolved parking issues

Unresolved Parking Issues with the Wanda Group's New Hotel and Commercial Project

1. The Planning Commission must confirm whether off-site parking allowed for the Project. The Supplemental EIR states that no off-site parking is allowed. However, Wanda's proposed edits to the Specific Plan state that off-site is allowed for employees.

2. There is no justification for a 15% parking reduction or any reductions for commercial uses associated with hotels. The Commission cannot make the required finding that "the location of the hotel, availability of public transportation, or proximity and concentration of shopping to the hotel site will result in the hotel not generating a need for the number of parking spaces otherwise required by code."

3. The City should conduct its own study as to whether 40 spaces for employees will be sufficient for the Project's estimated 186 employees. By contrast, operations at the Beverly Hilton have over 654 full-time employees with over 400 of these full-time employees paying for monthly parking on-site. At normal peaks, the Beverly Hilton provides approximately 250 parking spaces for employees.

4. The Manager of the Beverly Hilton has evaluated the Project's parking assumptions and concluded they will end up being wholly deficient. Based on his 15 years of experience managing the Beverly Hilton, he estimates that without any banquet functions, 102 parking spaces would be needed for employees for a 134-room hotel such as Wanda's. With banquet functions, total parking requirements would be 121 parking spaces.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

11. Data on the schedule of time required for the City's approval of the EIRs for the original 9900 Wilshire Blvd. Project and the Montage Hotel Project

The City's Consideration of the Original 9900 Wilshire Boulevard Project and the Montage Hotel Project was Extensive and Thorough, Ensuring Adequate Time for Public Comment and Deliberation

Information on the 9900 Wilshire Boulevard Project City Approval Process

- The Draft EIR was originally circulated between Aug 8, 2007 and September 28, 2007, for a 52-day comment period (exceeding the 45-day public comment period required by the CEQA Guidelines)

Ten Planning Commission Hearings on the Original 9900 Wilshire Project

- August 20, 2007
- September 5, 2007
- September 24, 2007
- October 29, 2007
- November 8, 2007
- November 28, 2007
- January 10, 2008
- January 24, 2008
- February 7, 2008
- February 21, 2008

Total Time Required for the City Planning Commission's Consideration of the Original Project: More than 6 months

Information on the Montage Hotel, Public Parking and Gardens Project City Approval Process[1]

- Number of Public Hearings: 18
- Length of Time Required to Approve the Project: over 34 months

[1] Source of information: http://www.smartvoter.org/2005/03/08/ca/la/meas/BeverlyHills---A/

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

12. 9212 Report on the Beverly Hills Garden and Open Space Project

ATTACHMENT 1

9212 REPORT

PLANNING, TRAFFIC AND FINANCIAL IMPACTS REPORT

REGARDING THE

"BEVERLY HILLS GARDEN AND OPEN SPACE INITIATIVE"

REPORT TO THE
BEVERLY HILLS CITY COUNCIL

ON A BALLOT INITIATIVE TITLED
"BEVERLY HILLS GARDEN AND OPEN SPACE INITIATIVE"

PREPARED BY:
RINCON CONSULTANTS, INC.
FEHR & PEERS
AND
KEYSER MARSTON ASSOCIATES, INC.

Prepared Pursuant to Election Code §9212 and at the Request of the City Council

July 19, 2016

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Exhibit C	Single Tower Residences Building: 26-Story Building
Attachment VII	Financial Analyses: Initiative Scope of Development
Exhibit A	General Fund Revenue Projections: Specific Plan Scope
Exhibit B	General Fund Revenue Projections: Initiative Scope

I. INTRODUCTION

A. Request for an Impact Report Related to the "Beverly Hills Garden and Open Space Initiative"

On May 2, 2016 a petition was submitted to the City Clerk of the City of Beverly Hills (the "City") that was titled, "Beverly Hills Garden and Open Space Initiative" (the "Initiative"). The Initiative applies to the Beverly Hilton Specific Plan (the "Specific Plan"), which directs the development of an 8.97-acre area bounded by Wilshire Boulevard to the north, Santa Monica Boulevard to the east and south, and the centerline of Merv Griffin Way to the west (the "Beverly Hilton Site"). The purpose of the Initiative is to modify the Specific Plan in the following key ways:

1. The approved 8-story condominium building located on Wilshire Boulevard at Merv Griffin Way (Residences Building A) is proposed to be eliminated.

2. The approved 18-story condominium building located on Santa Monica Boulevard at Merv Griffin Way (Residences Building B) is proposed to be replaced with a 26-story building:

    a. The approved 18-story building is 218 feet tall; and the proposed 26-story building is 345 feet tall plus the inclusion of accessory structures on the roof (Single Tower Residences Building).

    b. The Initiative proposes to apply a 20 foot setback from the Santa Monica Boulevard property line to the Single Tower Residences Building. The Specific Plan applied a 35 foot setback to the Residences Building B measured from Santa Monica Boulevard. This change modifies the technical method for measuring the setback (20' from the property line rather than 35' from the face of the curb), but does not actually modify the siting or setback of the new Single Tower Residences Building as compared to the Residences Building B.

    c. Ten (10) accessory staff rooms are proposed to be included in the Single Tower Residences Building. These rooms may be physically separated from the residence, but they may not be larger than 500 square feet. These rooms do not contain kitchens, and are not dwelling units as defined under the Beverly Hills Municipal Code. These accessory staff rooms do not increase the total allowable square footage of the building or the total number of residence units.

3. The Specific Plan requires that the project include 142,799 square feet (3.28 acres) of landscaped gardens and pedestrian areas. The Initiative proposes to increase this area to 169,415 square feet (3.89 acres):

   a. The landscaped gardens and pedestrian areas proposed by the Initiative are 26,636 square feet (.61 acres) larger than the area required by the Specific Plan.

   b. Within these landscaped gardens and pedestrian areas, the Initiative proposes to include a 1.7-acre publicly accessible garden along Wilshire Boulevard at Merv Griffin Way (the "Wilshire Garden"). The Wilshire Garden will be privately owned, and will be subject to rules and regulations set forth by the property owner. The Wilshire Garden will generally be open to the public, but it may be used for private events from time to time.

4. The conference spaces, hotel facilities addition and restaurant spaces are proposed to be relocated and redesigned under the terms of the Initiative. These modifications do not alter the overall square footage of the improvements.

On June 21, 2016, the City Clerk, acting in the capacity of the elections official, certified to the City Council the sufficiency of the petition. The City Council directed City staff and consultants to prepare a report pursuant to Section 9212 of the Elections Code to be presented at the regularly scheduled City Council meeting of July 19, 2016.

Election Code Section 9212 only provides the City with 30 days to complete a "Section 9212 Report" and for the City Council to determine a course of action. The analysis contained in this report is responsive to the information requested by the City Council at the June 21, 2016 City Council meeting, and it is consistent with the Election Code Section 9212 requirements. However, it is important to understand that the following analysis provides as comprehensive a review of the Initiative and potential impacts as possible, but that it is not possible to prepare a nuanced and exhaustive analysis of all the issues within a 30-day timeframe.

B. Report Organization

The following Section 9212 Report is intended to provide the City Council with an evaluation of the impact the terms of the Initiative could potentially have on existing and future development in Beverly Hills. This Section 9212 Report is organized as follows:

1. Rincon Consultants, Inc. prepared a technical analysis of the following Planning Issues associated with the Initiative:

    a. General Plan/Specific Plan/Zoning Consistency;

    b. Aesthetics;

    c. Shade/Shadow Impacts;

    d. Open Space Areas;

    e. Police Service;

    f. Fire Department Service;

    g. Water/Sewer Utilities; and

    h. Entitlement Process.

2. Fehr & Peers prepared a technical analysis of the transportation impacts that could be generated by the Initiative. The transportation analysis is divided into the following sections:

    a. Project Description;

    b. Trip Generation and Distribution;

    c. Intersection and Residential Roadway Segment Impacts; and

    d. Construction Conditions.

3. Keyser Marston Associates, Inc. (KMA) prepared a technical analysis of the private and public financial impacts that could potentially be generated by the development proposed by the Initiative. The financial analysis includes the following components:

    a. An estimate of the value enhancement that could potentially be received by the property owner as a result of the proposed changes to the project scope; and

    b. Projections that compare the following General Fund revenues under the Specific Plan project and the development scope proposed by the Initiative:

i. The share of property tax revenue received by the City;

ii. EMS revenues; and

iii. Documentary Transfer Fee revenue received by the City.

II. PLANNING ANALYSIS

A. General Plan/Specific Plan/Zoning Consistency

Beverly Hills General Plan

This section analyzes the Initiative's consistency with the 2010 General Plan's land use designation for the Beverly Hilton Site and with applicable General Plan policies. In April 2008, the City redesignated the Beverly Hilton Site (9876 Wilshire Boulevard) from Low Density General Commercial (2.0 FAR, 45 ft Max Height) to Beverly Hilton Specific Plan. The latter land use designation defers land use standards for the Beverly Hilton Site to the Specific Plan adopted in April 2008. Because the Initiative would involve an amendment to the approved Specific Plan to allow the proposed development, it would ultimately be consistent with the Specific Plan as amended and would not conflict with the land use designation of Beverly Hilton Specific Plan. However, this section seeks to determine whether the Initiative would be consistent with the General Plan prior to implementation of the amendments to the Specific Plan set forth in the Initiative.

Table 1 presents an evaluation of the project's consistency with applicable Beverly Hills General Plan policies.

Table 1
Consistency with Beverly Hills General Plan Policies

LU 2.1 City Places: Neighborhoods, Districts, and Corridors. Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.	Potentially Inconsistent: As discussed in the Aesthetics section below, the Initiative would increase the scale of development on the Hilton site relative to the approved Specific Plan, by replacing a planned 18-story, 218-foot-tall building with a 26-story, 345-foot-tall building. This change would result in a height increase of eight stories and 127 feet. Furthermore, the proposed building would exceed the height of other existing and approved structures in the City by at least 160 feet in height. Although moderately tall buildings are present to the east of the site along the Wilshire Boulevard corridor (such as the Beverly Wilshire Hotel at 14 stories), the proposed 26-story building would be substantially taller than any of the buildings in the surrounding residential neighborhood and business district. Therefore, it would be dissimilar in scale to surrounding and citywide development. While it is anticipated that the building would be designed for compatibility with the Wilshire Tower's and Waldorf Astoria's architecture, the final design details are unknown at this point. In addition, although the Wilshire Garden would likely improve the area's aesthetic character by introducing a landscaped open space area along Wilshire Boulevard, this potential improvement would not eliminate the increased mass and scale associated with the 26-story Single Tower Residences Building.
LU 2.2 Public Streetscapes and Landscape. Maintain and enhance the quality and health of the "green infrastructure" that contributes to the City's identity and quality of life, including its street trees, landscaped medians and parkways, parks, and open spaces, while seeking to conserve water resources.	Potentially Consistent: Relative to the approved Specific Plan, the Initiative would provide an additional publicly accessible 1.7-acre garden along Wilshire Boulevard at Merv Griffin Way. The Wilshire Garden, located at a highly visible gateway to Beverly Hills, would serve as green infrastructure that contributes to the City's identity and quality of life.

LU 2.4 Architectural and Site Design. Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.	Undetermined Consistency due to Insufficient Information: As with the approved Specific Plan, the Initiative would allow for construction of the Single Tower Residences Building, which reflects "modern architecture design principles that honor the original Welton Becket architecture of The Beverly Hilton Wilshire Tower." In addition, the Single Tower Residences Building's architectural design would "reflect the California climate and indoor/outdoor living through extensive transparency, open balconies and high degree of connectivity between the interior and exterior landscaped spaces." The Conference/Hotel Facilities Addition would also "be designed to reflect modern architectural design." The Initiative also plans for a new 1.7-acre garden in the northwest part of the site. Although both the Specific Plan and the proposed Initiative state that on-site improvements would honor the original Welton Becket architecture of the Beverly Hilton Wilshire Tower, the proposed Initiative does not provide sufficient information regarding the final architectural design, the choice of building materials, the use of sustainable design and construction practices, and the landscape character and design to determine consistency with General Plan Policy LU 2.4 at this time.
LU 2.6 City History. Acknowledge the City's history of places and buildings, preserving historic sites, buildings, and districts that contribute to the City's identity while accommodating renovations of existing buildings to maintain their economic viability, provided the new construction contextually "fits" and complements the site or building.	Potentially Inconsistent: The Beverly Hilton Hotel is not listed in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR) and is not a designated City of Beverly Hills landmark. However, the City has surveyed the hotel for historical significance as recently as 2006. According to the DPR prepared for the property, the Beverly Hilton Hotel was found to be eligible for listing in the NRHP and the CRHR. The building was found to be significant under Criteria A, for its association with important historic events, under Criteria B for its association with Conrad Hilton, and under Criteria C as an important example of the work of master architectural firm, Welton Becket and Associates. Under the approved Specific Plan, portions of the existing Beverly Hilton buildings would be demolished. The proposed Initiative would not result in additional demolition or renovation of existing potentially historic buildings. The increase in height of the Residences Building from the approved 18 to 26 stories would alter the context of the existing Beverly Hilton Hotel, and may adversely affect a potential historic resource.

LU 2.7 City Gateways. Explore opportunities for public improvements and private development to work together to enhance the sense and quality of entry at key gateways into the City.	Undetermined Consistency due to Insufficient Information: The proposed 1.7-acre Wilshire Garden would serve as a public improvement with green space that enhances the western City gateway along Wilshire Boulevard. However, as described above, the public improvement that would result from construction of the Wilshire Garden must be evaluated in conjunction with the proposed 26-story Residences Building, which would conflict with the character and scale of the surrounding land uses. As the City and the private developer have not explored opportunities to work together on the design of this key gateway, consistency with General Plan Policy LU 2.7 cannot be determined at this time.
LU 2.10 Development Transitions and Compatibility. Require that sites and buildings be planned, located, and designed to assure functional and visual transitions between areas of differing uses and densities by addressing property and height setbacks, window and entry placement, lighting, landscape buffers, and service access.	Potentially Inconsistent: In place of the approved eight-story Residences A Building, the proposed Wilshire Garden would serve as a landscaped buffer and visual transition between the residential development on-site and Wilshire Boulevard. However, as described above, the proposed 26-story Single Tower Residences Building would conflict with the character and scale of the surrounding land uses.
LU 5.4 Complete Neighborhoods. Maintain, improve, and, where necessary, expand parklands and community facilities to serve the City's neighborhoods.	Potentially Consistent: The new 1.7-acre Wilshire Garden would expand publicly accessible open space acreage. Residential neighborhoods located within one block of the site, north of Beverly Gardens Park and south of Santa Monica Boulevard, would be within walking distance of the garden. However, this open space is separated from nearby residential neighborhoods by major roadways with high volumes of traffic, which reduces the ease of pedestrian accessibility of the space. Also, no public parking for the proposed open space is provided in the proposed Initiative, which further limits the accessibility of the proposed open space. Nevertheless, the proposed Wilshire Garden would be potentially consistent with the General Plan Policy LU 5.4 by providing publically accessible open space.
LU 9.4 Anchor Location Design Criteria. The anchor location should encourage unified development oriented towards and along Wilshire Boulevard planned to complement the scale and character of adjacent residential areas. In addition, development of the anchor locations should incorporate measures to enhance streets, sidewalks, and roadways in order to encourage pedestrian circulation between these areas and the Business Triangle.	Potentially Inconsistent: Adjacent to Wilshire Boulevard, the Initiative would replace a planned eight-story residential building with a publicly accessible garden, which would complement the scale and character of nearby residential areas to the north. The Wilshire Garden also would enhance the streetscape of Wilshire Boulevard and encourage pedestrian circulation at this gateway to the City. However, as described above, the proposed 26-story Single Tower Residences Building would conflict with the character and scale of the adjacent residential areas. Therefore, the proposed Initiative would be potentially inconsistent with General Plan Policy LU 9.4.

LU 14.2 Site Development. Require that sites and buildings be planned and designed to meet applicable environmental sustainability objectives by: (a) facilitating pedestrian access between properties and access to public transit; (b) providing solar access; (c) assuring natural ventilation; (d) enabling capture and re-use of stormwater and graywater on-site while reducing discharge into the stormwater system; and (e) using techniques consistent with the City's sustainability programs such as the City's Green Building Ordinance. **LU 14.7 Public Streetscapes.** Design and improve public streetscapes to enhance their attractiveness for walking as an alternative to automobile use and as a demonstration of the City's commitment to environmental sustainability by using techniques such as: (a) maintaining and enhancing the City's street trees and installing light-colored hardscapes to reduce heat; (b) selecting tree and plant species and irrigation systems that minimize water consumption; (c) exploring the use of recycled water for irrigation;(d) phasing in pedestrian-oriented energy-efficient lighting that does not result in excessive glare; (e) strategically locating benches and other street furniture that is constructed of recycled materials to provide resting spots and to demonstrate the use of alternative building materials; and (f) other comparable environmentally friendly streetscape improvements.	Potentially Consistent: The proposed Wilshire Garden would facilitate pedestrian access between the Beverly Hilton Site and public transit on Wilshire Boulevard. The same as described in the Specific Plan, development under the proposed initiative shall incorporate green building standards that minimize, to the extent reasonably feasible, the project's environmental impacts and improve the health and well being of the project's inhabitants and visitors. As under the approved Specific Plan, the initiative calls for construction of a graywater system to limit the demand for irrigation water, which would serve the gardens and project landscaping; however, the initiative does preclude consideration of a graywater system for interior non-potable uses such as toilets and cooling towers. The Wilshire Garden also would improve the attractiveness of the adjacent streetscape of Wilshire Boulevard for walking. In addition, the proposed 26-story Single Tower Residences Building would not substantially obstruct solar access at nearby offsite buildings. During the summer, it would briefly shade the rooftops of commercial and residential buildings to the southeast in the late afternoon. During the winter, it would shade the roofs of residences to the northeast in the late afternoon. Within the Beverly Hilton Site, the Single Tower Residences Building also would shade the Wilshire Tower's rooftop most of the day in winter.
LU 14.4 New Construction of Private Buildings. Require that new and substantially renovated buildings be designed and constructed in accordance with the City's sustainability programs such as the City's Green Building Ordinance or comparable criteria to reduce energy, water, and natural resource consumption, minimize construction wastes, use recycled materials, and avoid the use of toxics and hazardous materials.	Potentially Consistent: The Single Tower Residences Building would use sustainable design and construction practices by virtue of conforming to the green building standards set forth in the Specific Plan, as well as the requirements under the California Green Building Code.
LU 15.3 Priority Businesses. Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail and fashion, restaurant, hotel, technology, and supporting uses.	Potentially Consistent: The initiative would facilitate residential development that supports the Hilton Hotels & Resorts, a key high-end business that contributes to the City's identity.

Beverly Hilton Specific Plan

The Specific Plan is intended to provide a framework for the Beverly Hilton Site's redevelopment at the western gateway to the City, achieving the following 15 goals and objectives:

- Goal A: To allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Goal B: To create and new luxury hotel for the site with facilities, services and amenities on par with a five star or five diamond hotel.

- Goal C: To develop an environmentally sensitive and sustainable project.
- Goal D: To maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Goal E: To enhance the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Goal F: To develop the Site in a manner that capitalizes on its physical, social, and economic potential without adversely impacting neighboring residential and institutional uses.
- Goal G: To expand the variety of high-quality housing options available in close proximity to office and commercial centers, without displacing existing housing or residents.
- Goal H: To provide high-quality housing for local and area residents to meet market demand and provide a variety of housing options.
- Goal I: To maximize open space and accommodate on-site gardens and landscaped common space that complements the garden character of the Site and City.
- Goal J: To promote pedestrian activity in and around the Specific Plan Area.
- Goal K: To place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment.
- Goal L: to improve vehicular circulation on the Site and in vicinity by providing multiple points of access to the Site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Goal M: To maintain and enhance the sources and amount of transient occupancy tax for the City.
- Goal N: To provide affordable housing consistent with the objectives of the City's adopted or amended Housing Element by providing a contribution to the City's affordable housing trust fund.
- Goal O: To create a landmark luxury hotel in Beverly Hills that continues the Beverly Hills tradition of such uses.

As shown in Table 2, the proposed Initiative appears to generally be consistent with the Specific Plan's applicable goals and objectives.

Table 2
Consistency with Beverly Hills Specific Plan Goals and Objectives

Goal A: To allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.	Potentially Consistent: The Initiative would redesign the project to support the Beverly Hilton in remaining competitive in the hotel industry and local and regional marketplaces by adding new restaurant facilities and additional open space that would have the potential to attract additional visitors to the Beverly Hilton Site.
Goal D: To maintain the integrity of the existing Welton Becket-designed Wilshire Tower.	Undetermined Consistency due to Insufficient Information: The architectural design of the Single Tower Residences Building would reflect the "modern architecture design principles" of the existing Welton Becket-designed Wilshire Tower. Although both the Specific Plan and the proposed Initiative state that on-site improvements would honor the original Welton Becket architecture of the Beverly Hilton Wilshire Tower, the proposed Initiative does not provide sufficient information regarding the final architectural design, the choice of building materials, and the landscape character and design to determine consistency with this goal.
Goal E: To enhance the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard. Goal I: To maximize open space and accommodate on-site gardens and landscaped common space that complements the garden character of the Site and City.	Potentially Inconsistent: The proposed 1.7-acre Wilshire Garden adjacent to Wilshire Boulevard would further Goals E and I by enhancing the City's western gateway and views from Wilshire Boulevard, while maximizing open space that complements the garden character of the site and City. However, as described above under the evaluation of General Plan policy consistency, the proposed 26-story Single Tower Residences Building would conflict with the character and scale of the surrounding land uses at the City's western gateway and therefore the proposed Initiative is potentially inconsistent with Goal E.
Goal J: To promote pedestrian activity in and around the Specific Plan Area.	Potentially Consistent: As a publicly accessible amenity adjacent to Wilshire Boulevard, the Wilshire Garden would promote pedestrian activity in and around the Specific Plan Area.
Goal H: To provide high-quality housing options available in close proximity to office and commercial centers, without displacing existing housing or residents.	Potentially Consistent: The Single Tower Residences Building would provide the same overall amount of high-quality luxury housing (110 dwelling units) as proposed in the approved Specific Plan.
Goal N: To provide affordable housing consistent with the objectives of the City's adopted or amended Housing Element by providing a contribution to the City's affordable housing trust fund. Goal O: To create a landmark luxury hotel in Beverly Hills that continues the Beverly Hills tradition of such uses.	Potentially Consistent: The Initiative would not amend the Specific Plan with regard to the creation of a landmark luxury hotel or the provision of affordable housing and therefore would not conflict with Goals N or O. The proposed Conference/Hotel Facilities Addition to the Wilshire Tower also would provide additional supporting facilities for the existing luxury hotel consistent with the approved Specific Plan.

Chapter 4 of the Specific Plan sets development standards and guidelines for the Specific Plan Area. The Initiative would not introduce new types of uses that conflict with the list of permitted uses in Section 4.2. As stated in Section 4.3, the parking structure(s) shall

accommodate 2,183 vehicles to meet parking demand. The Initiative would not generate additional demand for parking or alter the number of planned on-site parking spaces because the proposed consolidation of luxury residential uses into one Residences Building would not alter the number or type of residential dwelling units allowed in the approved Specific Plan (110 units), the proposed 10 accessory staff rooms with sleeping quarters would not represent dwelling units that require additional parking spaces, and the appurtenant service uses at the Conference/Hotel Facilities Addition would not require parking pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-2866 F. Therefore, the Initiative would not conflict with approved development standards for parking.

The Initiative would be consistent with the Specific Plan's floor to area ratio (FAR). Similar to the approved Specific Plan, the proposed floor to area ratio (FAR) of 2.5:1 would not exceed the maximum permitted ratio of 2.5:1 in Section 4.5 of the Specific Plan. The Initiative would amend building height requirements in Section 4.6 to allow for a 26-story Single Tower Residences Building and accessory structures and features on its roof. Lastly, the Initiative would allow for a 20-foot setback between the Single Tower Residences Building and Santa Monica Boulevard (as measured from the property line), which would modify the approved 35-foot setback from the previously proposed Residences B Building.

Zoning Code

BMHC Article 15.8 provides zoning standards applicable to the Beverly Hilton Specific Plan Area. BHMC Section 10-3-1580 states that "no lot, premises, roadway, open space, building or portion thereof...shall be erected, constructed, built, altered, enlarged, built upon, used or occupied except as authorized by and in conformance with the Beverly Hilton specific plan." As discussed above, the Initiative would generally be consistent with the Specific Plan's goals and objectives. Furthermore, it would amend the Specific Plan to allow for construction of a new garden, a Single Tower Residences Building, and a Conference/Hotel Facilities Addition. Therefore, these new features would be authorized by the Specific Plan as amended, if voters approve the proposed Initiative.

BHMC Section 10-3-1581 provides that development in accordance with the Specific Plan shall not be governed by any other regulations of Chapter 3 (Zoning) or Chapter 4 (Zoning; Signs), including those regulations governing development in commercial zones. Because the Initiative would facilitate development authorized by an amended Specific Plan, it would not be subject to other zoning regulations.

B. Aesthetics

Figures 1 and 2 show comparative renderings of the Beverly Hilton Site under the approved Specific Plan and the proposed Initiative. Figure 1 provides renderings from the viewpoint of Santa Monica Boulevard looking northeast, while Figure 2 provides renderings from the perspective of the Wilshire Boulevard/Whittier Drive intersection looking southeast. Cross-hatching indicates existing buildings that would be removed. Both scenarios shown in these renderings include the approved project at 9900 Wilshire Boulevard, located adjacent to the west of the Beverly Hilton Site, which would have a 185-foot-tall South Building and a 161-foot-tall North Building.

As shown in Figures 1 and 2, the proposed Initiative would alter the visual character of the Beverly Hilton Site relative to buildout of the approved Specific Plan by changing the layout and height of buildings. From the perspective of Santa Monica Boulevard, the greater height of the proposed Single Tower Residences Building in the southwest portion of the site would serve as the primary visual change from the approved Specific Plan. In place of an 18-story, 218-foot Residences B building, the Initiative would allow for a 26-story, 345-foot Single Tower Residences Building. This height increase of eight stories and 127 feet would cause the building to loom taller over the streetscape. From the perspective of Wilshire Boulevard and Whittier Drive, the removal of the approved eight-story Residences A Building would substantially reduce the massing of the built environment in the foreground. However, by removing this approved building, the Initiative would increase the visibility of the proposed Single Tower Residences Building in the background. While not shown by the renderings, the proposed Wilshire Garden may help to offset some of the visual impacts of the 26-story Single Tower Residences Building by introducing landscaped space in place of the approved Residences A Building.

Beyond the perspectives shown in the renderings, the changes in building height should be considered in the broader context of commercial high-rise buildings across Beverly Hills. Nine existing commercial high-rises exist in the City, ranging in height from 11 stories and 134 feet to 14 stories and 167 feet. The nearest commercial high-rises are a 12-story, 151-foot office building at 9701 Wilshire Boulevard and an 11-story, 134-foot office building at 465 North Roxbury Drive, both located approximately 0.2 miles northeast of the Beverly Hilton Site. In addition, the approved South Building at 9900 Wilshire Boulevard would reach 185 feet. The proposed Single Tower Residences Building would exceed these existing and approved buildings by at least 160 feet in height. Also, as described above, the Single Tower Residences Building

would be substantially taller than all neighboring buildings (with the exception of buildings located to the west in Century City), and would generally conflict with the character and scale of the surrounding land uses.

C. Shade/Shadow

Shadow diagrams in Figures 3a through 4b compare estimated shadows cast by the approved eight-story Residences A Building- and 18-story Residences B Buildings on-site to those cast by the proposed 26-story Single Tower Residences Building. Both scenarios include the shadows from the approved buildings at 9900 Wilshire Boulevard. As shown in Figure 3a, the approved residential buildings would not cast summer shadows on nearby residences. Figure 3b shows that the proposed 26-story Single Tower Residences Building would cast evening shadows on several multi-family residences along Durant Drive to the southeast. During the winter, the approved project would shade a portion of Beverly Gardens Park in the morning and afternoon (Figure 3a). The proposed Single Tower Residences Building would shade outdoor use areas in the southeast portion of the El Rodeo School in the morning and residences northeast of the Wilshire Boulevard/Santa Monica Boulevard intersection in the afternoon (Figure 3b). These additional winter shadows also would contribute to cumulative shading from approved projects. As shown in the shadow diagrams, the 9900 Wilshire Boulevard project would shade portions of the El Rodeo School site throughout the day and residences north of Beverly Gardens Park in the afternoon.

Approved Specific Plan

Proposed Hilton Initiative

Rendering: Santa Monica Boulevard Looking Northeast **Figure 1**

Approved Specific Plan

Proposed Hilton Initiative

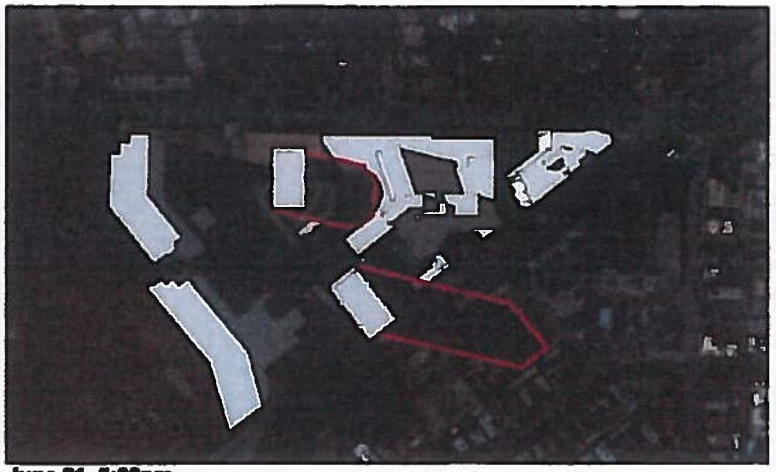
Rendering: Wilshire Boulevard/Whittier Drive
Looking Southeast

Figure 2

June 21, 9:00am

June 21, 12:00pm

June 21, 3:00pm



June 21, 5:00pm

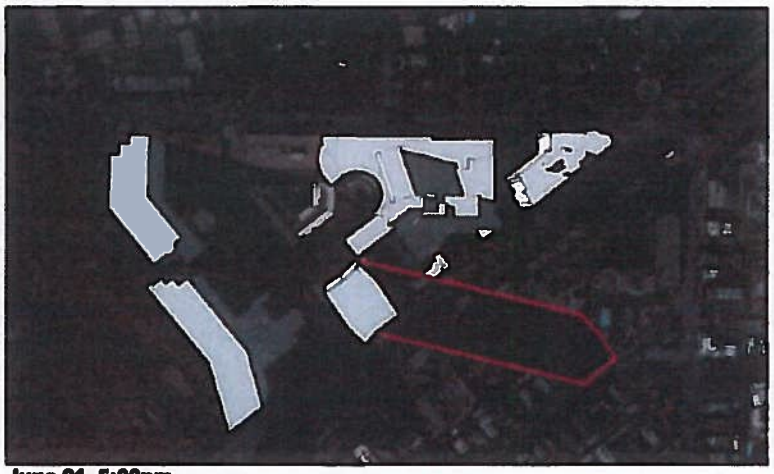
Summer Shadows - Approved Specific Plan

Figure 3a

June 21, 9:00am

June 21, 12:00pm

June 21, 3:00pm



June 21, 5:00pm

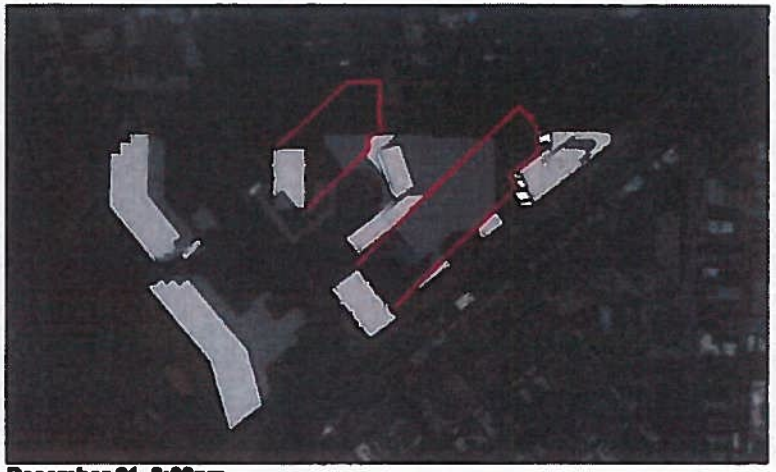
Summer Shadows - Proposed Hilton Initiative

Figure 3b

December 21, 9:00am

December 21, 11:00am

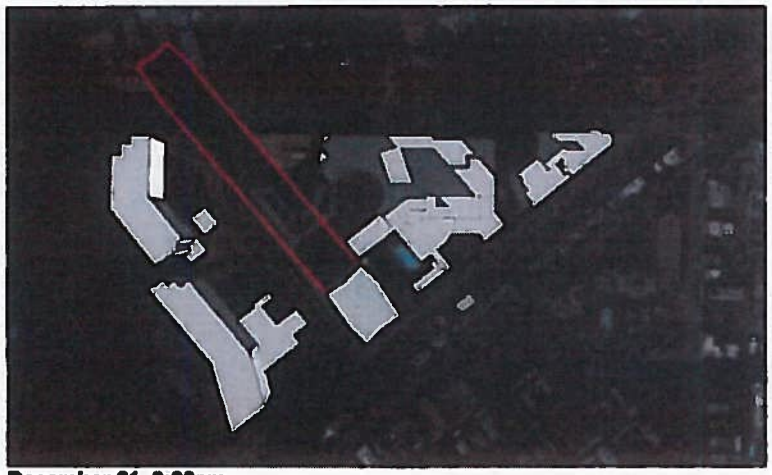
December 21, 1:00pm



December 21, 3:00pm

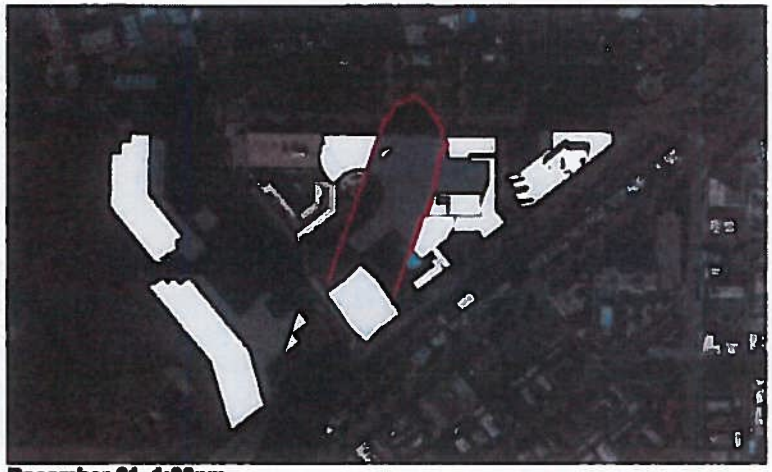
Winter Shadows - Approved Specific Plan

Figure 4a

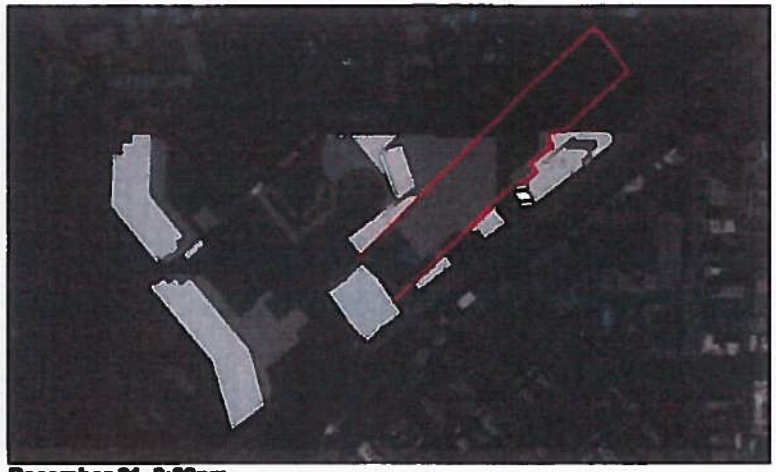


December 21, 9:00am

December 21, 11:00am



December 21, 1:00pm



December 21, 3:00pm

Winter Shadows - Proposed Hilton Initiative

Figure 4b

D. Open Space Areas

The proposed Initiative would increase the amount of open space at the Beverly Hilton Site, relative to the approved Specific Plan, and would change the siting of outdoor event areas. Whereas the approved Specific Plan would provide 142,779 square feet of open space, the Initiative would provide 169,415 square feet (an increase of 26,636 square feet, or 18.6%). The approved Specific Plan calls for three outdoor event areas, two of which would be located at-grade to the east of Residence A (the Wisteria Terrace and Subtropical Garden), while the third would be a rooftop garden at the New East Luxury Hotel at the eastern corner of the site. While the Initiative would retain the approved rooftop garden at the New East Luxury Hotel, it would include three other outdoor event areas in new locations: a Conference Event Garden in the north-central portion of the site, a Conference/Hotel Facilities roof garden east of the proposed Wilshire Garden, and the 1.7-acre Wilshire Garden in the northwest portion of the site. In addition, the Initiative would increase public access to open space areas, as the Wilshire Garden would be open to the public as well as to hotel guests, event guests, and residents.

Outdoor events held in these areas could generate noise that would be audible at nearby residences. However, conditions of approval would continue to require activities within the Specific Plan area to comply with the City's noise ordinance. The nearest sensitive receptors to the Beverly Hilton Site are residences located approximately 175 feet north of the site near the Beverly Gardens Park and 400 feet south of the site on Durant Drive. Because residences adjacent to the Beverly Gardens Park have a direct line of sight across Wilshire Boulevard toward the Beverly Hilton property, noise from proposed outdoor event areas would not be obstructed by intervening buildings. A strip of commercial buildings north of Durant Drive would generally obstruct noise received by residents to the south.

Noise impacts at nearby sensitive receptors from outdoor events at the Beverly Hilton would depend on a number of factors, including the scale and timing of events, the presence of sound amplification, sound barriers, and the distance of residents from the noise source. Relative to previously approved outdoor event areas, the Initiative does not increase the overall capacity for hosting events as approved in the Specific Plan, but may generate more potential for adverse noise impacts because the new Wilshire Garden, as a new landscaped outdoor area at a prominent site, could attract additional outdoor events. If sound amplification is used at outdoor events for music or announcements, that use could substantially increase noise levels beyond those of typical conversations and social activity. Outdoor event areas at the Beverly

Hilton Site would be used occasionally for private events, would accommodate a large number of people (up to 300 people combined at the Conference/Hotel Facilities Roof and Wilshire Garden), and individual events could involve the use of sound amplification.

As with the approved Specific Plan, proposed restrictions on the scale of outdoor events on-site would reduce noise impacts. According to the Specific Plan, outdoor event areas at the Conference/Hotel Facilities Roof and Wilshire Garden would only be used in conjunction with indoor event/meeting space, and the total combined occupancy of these areas would not exceed 300 people. Moreover, it is anticipated that ambient noise levels from high-volume traffic on Wilshire Boulevard, which is located between the Beverly Hilton Site and the nearest residences to the north, would typically exceed those from outdoor event areas on-site.

Proposed sound barriers would reduce the exposure of nearby sensitive receptors to noise from the Single Tower Residences Building's rooftop. While the Initiative does not designate this private rooftop as an outdoor event area, its pool deck and pool cabanas would host outdoor noise-generating activity by residents. Proposed glass barriers around the rooftop would reduce the exposure of nearby sensitive receptors to noise from rooftop activity. The proposed height increase from 18 to 26 stories would also increase the distance between residential receptors and residential rooftop activity, which would allow for incrementally greater attenuation of noise from the rooftop. With regard to the timing of events, outdoor events that occur during evening and nighttime hours, when residents are most likely to be at home and sensitive to noise, would have the greatest noise impacts.

The distance from nearby sensitive receptors to proposed outdoor event areas also would affect their exposure to noise. Noise levels (or volume) are generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz). Noise from point sources, such as outdoor event areas, typically attenuates (or drops off) at a rate of 6 dBA per doubling of distance. Thus, as noise from outdoor events disperses northward across Wilshire Boulevard to the nearest residences located 175 feet away from the Beverly Hilton Site, it would decrease by approximately 10 dBA.

E. Police Service

The analysis of the potential impacts of the proposed Initiative on the Beverly Hills Police Department (BHPD) is based on a personal communication on June 15th, 2016, with BHPD staff.

BHPD staff stated that the project changes associated with the proposed Initiative would not create resource needs for the BHPD. The BHPD representative stated that the height of the proposed 26-story Single Tower Residences Building would not increase the difficulty of responding to a threat or emergency compared to the approved Specific Plan because all non-ground floor threats and emergencies require similar equipment and tactics, regardless of the height of the building. The representative also stated that the publicly accessible open space would not present a public safety challenge. The City currently provides a number of parks and open spaces, and the addition of 1.7 acres of open space would not substantially change public safety demands for the BHPD. The City enforces an Unlawful Camping ordinance (City of Beverly Hills Municipal Code Section 5-6-1502) that minimizes the use of City parks by homeless persons for camping or overnight stays. The BHPD representative stated that the BHPD does not expect the proposed 1.7-acre publicly available open space to attract a homeless population or criminal element.

F. Fire Department Service

The analysis of potential impacts of the proposed Initiative on the Beverly Hills Fire Department (BHFD) is based on an email communication received from BHFD staff on June 29, 2016.

The question posed to the BHFD was whether the construction of the proposed 1.7-acre Wilshire Garden and 26-story Single Tower Residences Building in place of the approved eight-story and 18-story Residences Building B would present any new difficulties for fire response, would result in any new equipment needs for the Department, or would require any new staff hiring or training. In response to that inquiry, BHFD staff stated that the BHFD does not have any specific concerns or needs related to the proposed Initiative. Based on BHFD's response, it is anticipated that the BHFD would be able to provide adequate fire protection and rescue services without expansion of existing resources.

G. Water/Sewer Utilities

Based on information contained in the approved Specific Plan and the proposed Initiative, both projects would upgrade the existing water distribution system to a 12-inch main line to provide the required fire hydrant flow rates. Both would also connect to the upgraded water main line via a series of proposed 6-inch lateral connections. Additional improvements to the water supply system, such as a booster pumping station, may be required in order to maintain adequate flow rates for the fire suppression system on the upper floors of the Single Tower Residences Building. The location of the lateral connections that were approved under the Specific Plan would change under the proposed Initiative, but the diameter of the lateral connections and the amount of water required for the project would remain unchanged. The proposed Initiative would result in the same number of total hotel rooms and residence units as the approved Specific Plan project (522 total hotel rooms and 110 total residence units). Because the total occupancy of the project site would remain essentially unchanged, the potable water demand for the proposed Initiative would be the same as the potable water demand for the approved Specific Plan.

A graywater system was included under the approved Specific Plan to treat and re-use for irrigation and other non-potable uses discharge from sinks, service sinks, bathtubs, showers, and clothes washers. This same graywater system would be included under the proposed Initiative and would be used to water the Wilshire Garden and other on-site landscaping. The total amount of landscaped open space under the proposed Initiative would increase by 18.6% compared to the approved Specific Plan. It is assumed that the graywater system would be able to accommodate this increase in the amount of landscaped open space and would have sufficient graywater supply capacity to meet the majority of irrigation water demand for the landscaped areas under the proposed Initiative. The Specific Plan provided for the non-potable use of graywater in Residence A and B Buildings, new East Luxury Hotel Building, and the Conference Center Building. Although the requirements of existing regulations for indoor non-potable graywater use have not been tested in the City of Beverly Hills as of the date of this report, implementation of an indoor non-potable graywater system would likely include a separately-plumbed system for toilet flushing and use of graywater for cooling tower systems. The quantity of graywater use for indoor non-potable uses that would be achieved under the Specific Plan is unknown, but the Specific Plan allowed for the exploration and implementation of that indoor non-potable graywater system. The proposed Initiative removes the requirement to explore feasibility of an indoor non-potable graywater system and thus could reduce the

maximum amount of graywater that could be used on site, thereby increasing the demand for potable water.

Both the approved Specific Plan and the proposed Initiative would connect to existing sewer lines via eight-inch lateral connections and a new eight-inch main line along Santa Monica Boulevard. The proposed Initiative would include one fewer eight-inch lateral compared to the approved Specific Plan project due to the elimination of the Residences A Building in the northwest corner of the project site. As described above, the total occupancy for the project site would remain essentially unchanged with the proposed Initiative compared to the approved Specific Plan. Therefore, the total amount of wastewater production and the required sewer capacity would not change. However, eliminating the possibility of exploring use of an indoor non-potable graywater system may increase the amount of wastewater that is diverted to the sewer system rather than re-used on site. Existing sewer lines were found adequate to serve development under the adopted Specific Plan. It is anticipated that even with the elimination of plans for an indoor non-potable graywater systems, the existing sewer lines would be adequate to accommodate the wastewater generated by the proposed Initiative. However, improvements to the existing sewer system may be required if the City's Public Works Department determines that the existing capacity is inadequate.

H. Entitlement Process

This section compares the entitlement process for the proposed ballot Initiative to that of a hypothetical discretionary project that would incorporate the proposed amendments to the approved Specific Plan. As shown in Table 3, initiatives and discretionary projects have different processes for public participation, City review, and the timing of milestones. The Initiative process would curtail the City's power to review the project by avoiding environmental review under CEQA, limiting the scope of design review, and avoiding public hearings at the Planning Commission and City Council. As a result, the City would not have the ability to identify and mitigate any significant impacts of the project or negotiate amendments to the development agreement. For example, potential changes to the integrity of the setting for eligible historic resources (such as for the Wilshire Tower) and the potential noise impacts discussed above cannot be addressed. Under the normal entitlement process, by contrast, CEQA review would involve an analysis of these impacts and mitigation as necessary to reduce them to a less-than-significant level whenever feasible. Nevertheless, the initiative process would not preclude the City's ministerial review of building permit applications. As noted in the Initiative, "the final design, materials, and finishes of the buildings, and the proposed landscaping shall be subject

to the ministerial review and approval of the City's Architectural Commission," although proposed amendments to Chapter 4 of the Specific Plan would prevent the Commission from requiring reductions in height, floor area, setbacks, or balconies.

Table 3
Entitlement Process Differences

Process	Initiative[1]	Discretionary Project
Initial Public Participation	• Circulate initiative petition to collect signatures from at least 10% of registered voters of city. • Voters approve or deny a qualified ballot initiative at regular or special election where majority vote determines outcome.	• Public scoping meeting for EIR process. • Public comment period for CEQA document (anticipated supplemental EIR).
City Review	• City attorney produces impartial analysis of measure for display on ballot (500 words or fewer in length), to be printed above pro and con arguments. • City review for building permits. • Design review by Architectural Commission.	• CEQA review (Initial Study and Supplemental EIR). • Design review. • Planning Commission hearings. • City Council hearings. • Potential modifications to development agreement and Specific Plan. • City review for building permits.
Timing	• Title and summary of initiative measure: preparation by City attorney within 15 days of filing. • Public circulation of initiative: within 180 days of receipt of title and summary. • Regular election: if at least 10% but less than 15% of registered voters sign petition, then voting occurs at next regular election not less than 88 days after call for election.2 • Special election: if 15% or more of registered voters sign, then City holds a special election 88-103 days after call for election.2 • Ordinance goes into effect: 10 days after vote for approval.	• *CEQA process*: estimated 11 months from kickoff to publication of Final Supplemental EIR (including 45-day public review period for CEQA document submitted to State Clearinghouse).

1. Because Beverly Hills is a general law city, its initiative process is governed by Sections 9200-9226 of the California Elections Code. Section 1405 also sets timing requirements for the election of municipal initiatives.
2. Instead of submitting the initiative to voters, the City may adopt the ordinance, without alteration, within 10 days after certification of the petition is presented, or within 10 days after a City agency report on the initiative measure is presented.
Sources: Ballotpedia, 2016; California Elections Code, Sections 9200-9226.

III. TRANSPORTATION ANALYSIS

A. Project Description

The Specific Plan project includes two residential towers, 74 units and 36 units, for a total of 110 residences and 10 accessory staff rooms. The proposed Initiative would consolidate the Building A and B Residences into a Single Tower Residences Building. The consolidation of the two towers would not increase the total number of residential units.

The Specific Plan project had three driveways serving the residence units as follows:

- The Building A Residences, consisting of 36 units, was served by a full access driveway on Merv Griffin Way.
- The Building B Residences, consisting of 74 units, was served by a right-in/out and left-out only driveway on Merv Griffin Way and a right-in/out only driveway on Santa Monica Boulevard North.

The consolidation of the two towers would change the previously approved site plan by removing the Building A Residences' residential driveway. Access to the Single Tower Residences Building would be the same as the original Building B Residences with driveways on both Merv Griffin Way and Santa Monica Boulevard North.

In addition, the Initiative proposes to include the Wilshire Garden, a 1.7-acre publicly accessible landscaped and pedestrian area, located along Wilshire Boulevard at Merv Griffin Way. The Wilshire Garden will be privately owned, and will be subject to rules and regulations set forth by the property owner. The Wilshire Garden will generally be open to the public, but it may be used for private events from time to time. The additional number of vehicle trips generated by the park uses is described below.

No other changes being considered as part of the proposed Initiative would affect the number of vehicle trips generated by the site or how those vehicles access the site.

B. Trip Generation and Distribution

Trip Generation Characteristics

Since the consolidation of the two towers would not increase the total number of residences, the residential trip generation from the original traffic study would not change under the proposed Initiative. Trip generation rates for the residence units were based on empirical trip rates collected at luxury condominiums in the project vicinity. The number of vehicle trips that would be shifted due to the relocation of 36 units from the Building A Residences to the Single Tower Residences Building are described below:

- Daily: 128 vehicle trips
- AM Peak Hour: 10 vehicle trips (3 entering and 7 exiting the project site)
- Midday Peak Hour: 12 vehicle trips (6 entering and 6 exiting the project site)
- PM Peak Hour: 12 vehicle trips (7 entering and 5 exiting the project site)
- Saturday Peak Hour: 11 vehicle trips (4 entering and 7 exiting the project site)

Attachment I shows the detailed condominium trip generation rates and number of trips generated on a daily basis and during peak hours.

The proposed 1.7-acre Wilshire Garden is expected to generate trips similar to a typical park use. Trip generation rates published by the Institute of Transportation Engineers were used to estimate the vehicle trip generation (*Trip Generation* (9th Edition), Institute of Transportation Engineers). The Wilshire Garden is expected to generate the following number of trips on a typical weekday and weekend:

- Daily: 8 vehicle trips
- Peak Hours: 2 vehicle trips (based on the highest peak hour published trip rate)

The additional vehicle trips generated by the Wilshire Garden are not expected to impact intersection operations or residential roadways in the immediate vicinity of the Beverly Hilton Site.

Travel Patterns

The consolidation of the towers would result in a local shift in traffic patterns with the elimination of the driveway on Merv Griffin Way serving the Building A Residences. However, the overall trip distribution applied in the original traffic analysis would continue to occur as reported and analyzed under the approved project.

The local shifts in traffic patterns are influenced by the closure of the northern driveway and the permitted turning movements at the remaining project driveways. The previously approved site plan restricted the southbound left-turn movement from Merv Griffin Way into the Building B Residences. If this movement continues to be restricted, vehicles accessing the Single Tower Residences Building from the north would need to travel on Wilshire Boulevard, turn right onto Santa Monica Boulevard North and then enter the Single Tower Residences Building at the Santa Monica North driveway. Since the permitted turning movements at the remaining Merv Griffin Way driveway have not yet been defined, the traffic analysis considers two access scenarios:

- Full access at southern residential driveway on Merv Griffin Way
- Restricted southbound left-turn access at southern residential driveway on Merv Griffin Way

The site plan and driveway access diagrams are provided in Attachment II. The residential project volumes for both access scenarios are provided in Attachment III.

C. Intersection and Residential Roadway Segment Impacts

Intersection Impacts

Since the overall trip generation and trip distribution would not be affected by the proposed Initiative and only local travel pattern shifts would occur due to residential trips relocating to the southern driveway, three study intersections immediately adjacent to the project site were selected for analysis. Traffic operations at the following intersections were analyzed during the AM peak hour, midday peak hour, PM peak hour, and weekend peak hour:

- Santa Monica Boulevard North/Wilshire Boulevard
- Santa Monica Boulevard North/Merv Griffin Way

- Whittier Drive/Merv Griffin Way/Wilshire Boulevard

The transportation impact analysis considered background traffic growth as well as the development of other related projects in the study area, and reflects conditions anticipated in Year 2020. Year 2020 traffic volumes account for the following:

- Existing traffic counts as collected in September 2015
- Vehicle trips generated by the previously approved project
- Vehicle trips generated from approved and pending projects in the City of Beverly Hills (including the One Beverly Hills project next door), City of Los Angeles and City of West Hollywood (see Attachment IV)
- Ambient growth in existing traffic volumes to reflect growth in regional traffic (a growth rate of one (1) percent per year was applied to existing traffic counts)

Year 2020 baseline traffic forecasts at the study intersections are shown in Attachment V.

The Intersection Capacity Utilization (ICU) methodology was used to determine the volume-to-capacity (V/C) ratio and level of service (LOS) consistent with the City of Beverly Hills procedures. This analysis methodology is the same methodology used in the original traffic study.

The resulting intersection operations are shown in the table below for conditions with the previously approved project and under the proposed Initiative for both access scenarios. As shown, the changes in V/C ratios are less than one percent under both driveway access scenarios, and no new traffic impacts would occur based on the City of Beverly Hills significance thresholds.

Table 4 Intersection Operations with Approved Project & Proposed Initiative									
		Year 2020 + Approved Project		Year 2020 + Initiative (Full Access Driveway)			Year 2020 +Initiative (No Southbound Left Access)		
Study Intersection	Peak Hour	V/C	LOS	V/C	Delta	LOS	V/C	Delta	LOS
Santa Monica Blvd North/Wilshire Blvd	AM	0.981	E	0.981	0	E	0.981	0	E
	MD	0.904	E	0.904	0	E	0.903	-0.001	E
	PM	0.942	E	0.942	0	E	0.942	0	E
	WKD	0.881	D	0.881	0	D	0.881	0	D
Santa Monica Blvd North/Merv Griffin Way	AM	0.828	D	0.828	0	D	0.828	0	D
	MD	0.786	C	0.789	0.003	C	0.787	0.001	C
	PM	0.995	E	0.996	0.001	E	0.996	0.001	E
	WKD	0.715	C	0.716	0.001	C	0.718	0.003	C
Whittier Dr/Merv Griffin Way/Wilshire Blvd	AM	1.172	F	1.173	0.001	F	1.173	0.001	F
	MD	0.903	E	0.903	0	E	0.903	0	E
	PM	1.277	F	1.277	0	F	1.277	0	F
	WKD	0.874	D	0.874	0	D	0.874	0	D

Residential Roadway Impacts

In addition to the analysis of the study intersections, the potential impacts to adjacent residential roadway segments were evaluated with the proposed Initiative. Both Whittier Drive and Elevado Avenue were analyzed in the original transportation study for the previously approved project. The shift in residential trips from the Building A Residences to the Single Tower Residences Building is not expected to affect the number of vehicles traveling on these residential roadways to access the project site. If southbound left-turn access is restricted at the southern residential driveway on Merv Griffin Way, vehicles would turn left from Whittier Drive onto Wilshire Boulevard, turn right onto Santa Monica Boulevard North and then enter the Single Tower Residences Building at the Santa Monica North driveway (instead of traveling directly south to Merv Griffin Way). This minor change in turning movement volumes is reflected in the intersection LOS analysis. However, the total number of trips traveling on the nearby residential roadways to the north would not be expected to change from those analyzed in the original transportation study.

D. Construction Conditions

The construction period impacts created by the scope of development proposed by the Initiative are expected to be similar to the impacts associated with the Specific Plan project, as summarized below:

- The total duration of construction for the commercial and residential development scope included in the approved Specific Plan was estimated at 50 months. This continues to be the case under the development scope proposed by the Initiative; this includes construction activities that have already occurred on site.
- The development scope proposed by the Initiative would result in fewer construction phases and reduce the number of overlapping activities.
- According to the KMA financial analysis that is presented in the following section of this Section 9212 Report, the construction period for the residential development scope included in the approved Specific Plan is estimated at a total of 38 months. Comparatively, KMA estimates the construction period for the Single Tower Residences Building at 29 months.

All construction traffic shall comply with the mitigation measures identified in the Environmental Impact Report prepared for the Specific Plan project. An environmental compliance monitor shall be present during the construction phase to monitor the implementation of the construction mitigation measures and document construction activities on a regular basis.

A number of other projects in the area are expected to be under construction at the same time as the project scope proposed in the Initiative. These projects, along with a brief description of know construction activities, are summarized in the table below.

Table 5 Construction Activities				
Project	Truck Routes	Project Duration	Number of Phases	Range Daily Truck Trips (PCE)
One Beverly Hills	Wilshire Blvd Santa Monica Blvd	3 years	3	300
Century City Center	Santa Monica Blvd Pico Blvd Overland Ave	3 years	2	250
Century Plaza Hotel Plan A	Santa Monica Blvd	3.5 years	6	320 – 1,500
Century Plaza Hotel Plan B	Santa Monica Blvd	3.5 years	7	360 – 1,500
10000 Santa Monica Blvd	Santa Monica Blvd Moreno Dr	3 Years	7	58
BHUSD – BHHS	Olympic Blvd Spalding Dr Moreno Dr	4 years	N/A	368
BHUSD – El Rodeo	Wilshire Blvd	4 years	N/A	376
BHUSD – Hawthorne	Rexford Dr Wilshire Blvd Santa Monica Blvd	4 years	N/A	396
Westfield Century City	Santa Monica Blvd Avenue of the Stars Constellation Blvd Pico Blvd Overland Ave	4 years	N/A	104

1. Construction information was obtained from the environmental studies completed for each of the above projects.
N/A indicates that data was not reported in the environmental documents.

IV. FINANCIAL ANALYSIS

A. Value Enhancement Analysis

The Value Enhancement Analysis was performed to compare the financial characteristics of the Specific Plan project to the development scope proposed in the Initiative. The key characteristics of the project scopes being analyzed are presented in the following table:

Table 6

Development Scopes

	Specific Plan Scope		Initiative Scope
	Residences Building A: 8-Story Building	Residences Building B: 18-Story Building	Single Tower Residences Building: 26-Story Building
Number of Units	36	74	110
Gross Residential Area	108,093 Sq. Ft.	263,360 Sq. Ft.	371,453 Sq. Ft.
Average Unit Size (Livable Area)	2,440 Sq. Ft.	3,070 Sq. Ft.	2,960 Sq. Ft.
Allocated Shares of:			
Gardens and Pedestrian Areas	41,555 Sq. Ft.	101,244 Sq. Ft.	169,415 Sq. Ft.
Parking	108 Spaces	222 Spaces	330 Spaces

The total number of residence units, the gross residential building area and the number of parking spaces does not vary between the Specific Plan and Initiative scenarios. The garden and pedestrian areas are 26,616 square feet (.61 acres) greater in the Initiative scenario than in the Specific Plan scenario.

KMA has only been provided with conceptual plans for the Specific Plan and Initiative development scopes. As such, the financial analyses should only be used to provide the City with a perspective of the relative impacts created by modifying the Specific Plan project to allow the development scope being proposed in the Initiative. The actual costs, revenues and profits associated with the project will vary from this analysis as a reflection of the detailed project scope and the timing of development.

The assumptions applied in the Value Enhancement Analysis are described in the following sections of this Section 9212 Report. The pro formas that support the analyses are presented in Attachment VI, and they are organized as follows:

Table 1: Estimated Construction Costs

Table 2: Estimated Project Value

Table 3: Residual Land Value Calculation

Estimated Construction Costs

KMA prepared construction cost estimates for the residential and open space development scope approved in the Specific Plan and the scope being proposed in the Initiative. The estimates presented in both analyses reflect current 2016 dollars. In preparing the construction cost estimates, KMA consulted with general contractors, developers and consultants experienced in high-rise construction and park design and construction.

The major assumptions applied in the pro forma analyses are summarized in the following sections:

Direct Construction Costs

The direct construction costs are estimated as follows:

1. The costs for the gardens and pedestrian areas are estimated at $35 per square foot of the land area dedicated to the gardens and pedestrian areas. This estimate includes the publicly accessible garden area provided in the Initiative scenario.

2. The parking costs are estimated at a weighted average of $35,000 per space.

3. The direct building costs are estimated as follows:

    a. $300 per square foot of gross building area (GBA) for Residences Building A; and

    b. $345 per square foot of GBA for Residences Building B and the Single Tower Residences Building.

4. The direct costs assumptions include a 20% allowance for contractor costs, profit and contingencies.

Indirect Construction Costs

The indirect construction costs are estimated based on the following assumptions:

1. Architecture, engineering and consulting costs; and taxes, legal and accounting costs; are based on industry standard percentages of direct costs.

2. Public permits and fees costs are estimated at $35,000 per unit.

3. The Public Benefit Contribution to be paid by the developer is set at $5.2 million.

4. Insurance costs are estimated at $2,500 per unit.

5. A $25,000 per unit allowance is provided for marketing costs.

6. The developer is estimated to receive a fee during construction that is equal to 3% of the projected sales revenues for the residence units.

7. An allowance equal to 5% of indirect and financing costs is provided for indirect cost contingencies.

Financing Costs

The financing cost estimates are based on the following underwriting assumptions:

1. The construction periods are estimated as follows:

    a. The Residences Building A construction period is estimated at 23 months.

    b. The construction of Residences Building B is assumed to commence 11 months following the commencement of construction on Residences Building A, and the construction period is set at 26 months. Under this assumption, the Residences Building B units would be available for sale at the point when the Residences Building A units are sold out.

    c. The construction period for the Single Tower Residences Building is estimated at 29 months.

2. In each scenario, 20% of the residence units are assumed to be presold, and the absorption rate for the rest of the project is set at two units per month.

3. It is assumed that 60% of the development costs are funded with debt, and 40% of the costs are funded with an equity contribution:

   a. The interest rate on the construction loan is set at 7%; and

   b. The equity return during construction is set at 12%.

4. Loan origination fees are set at 2.0 points.

Using current cost estimates, the total development costs are estimated as follows:

Table 7

Estimated Construction Costs

	Residences Buildings A & B	Single Tower Residences Building	Difference
Direct Costs	$167,802,000	$174,757,000	
Indirect Costs	54,778,000	61,602,000	
Financing Costs	97,993,000	145,732,000	
Total Construction Cost	$320,513,000	$382,091,000	$61,578,000

Estimated Residential Value

1. KMA surveyed condominium sales at the Montage Hotel, The Century, Beverly West and the Carlyle Residences. Based on the results of that survey, and the application of height premiums in five-story increments, KMA projected the weighted average sales prices as follows:

   a. Residences Building A at $2,000 per square foot of livable area, or $4.88 million per unit;

   b. Residences Building B at $2,220 per square foot of livable area, or $6.82 million per unit; and

c. The Single Tower Residences Building at $2,550 per square foot of livable area, or $7.55 million per unit.

2. Closing costs, sales commissions and home buyer warranty costs are set at 3%, 2% and .5% of sales revenues, respectively.

3. The threshold developer profit is set as follows:

   a. 15% for Residences Building A; and

   b. 18% for Residences Building B and the Single Tower Residences Building.

Based on the preceding assumptions, the net residential values are estimated as follows:

Table 8

Estimated Residential Value

	Residences Buildings A & B	Single Tower Residences Building	Difference
Residential Sales Revenue	$680,246,000	$830,610,000	
(Less) Cost of Sales	(37,414,000)	(45,683,000)	
Total Residential Value	$642,832,000	$784,927,000	
(Less) Threshold Profit	(117,170,000)	(149,510,000)	
Net Residential Value	$525,662,000	$635,417,000	$109,755,000

Estimated Value Enhancement

The net value enhancement created by the proposed changes in residential and open space scopes is equal to the difference in the residual land values associated with the two scenarios. As shown in the following table, the value enhancement is estimated at $48.18 million.

Table 9 Estimated Value Enhancement			
	Residences Buildings A & B	Single Tower Residences Building	Value Enhancement
Net Residential Value	$525,662,000	$635,417,000	
Total Construction Cost	320,513,000	382,091,000	
Residual Land Value	$205,149,000	$253,326,000	$48,177,000

B. General Fund Revenue Analysis

The assumptions applied in the General Fund revenue analysis are described in the following sections of this report, and the revenue projections are presented in Attachment VII. The 30-year projections are organized as follows:

Table 1: Projected Property Tax Revenue

Table 2: Projected EMS Fee Revenue

Table 3: Projected Documentary Transfer Fee Revenues

The primary assumptions applied in the General Fund revenue analysis can be summarized as follows:

1. The property taxes, EMS fees and Documentary Transfer Fees are all based on the sales prices for the residence units.

2. The weighted average prices for the initial sale of the residence units are projected as follows:

    a. Residences Building A at $4.88 million per unit;

    b. Residences Building B at $6.82 million per unit; and

    c. The Single Tower Residences Building at $7.55 million per unit.

3. The initial sales of the residence units are staggered to reflect the projected absorption period for each building:

    a. The units in Residences Building A are projected to be absorbed over a two-year period.

    b. The units in Residences Building B are projected to be absorbed over a three-year period once the Residences Building A units have been sold out.

    c. The absorption period for the Single Tower Residences Building is projected at four years.

4. For the purposes of projecting future General Fund revenues, KMA assumed that the residence units will change ownership an average of every seven years.

5. The values of the residence units are projected to increase at an average rate of 5% per year.

Property Taxes

1. The property tax estimates are based on the 1% general levy.

2. The City receives 17.4158367% of the property taxes collected from the property.

3. Increases in the assessed values of the residence units are limited to the statutorily set maximum of 2% per year until the residence unit is resold.

4. The weighted average prices for the initial sale of the residence units are projected as follows:

    a. Residences Building A at $4.88 million per unit;

    b. Residences Building B at $6.82 million per unit; and

    c. The Single Tower Residences Building at $7.55 million per unit.

EMS Fee

For the purposes of the General Fund revenue analysis, the EMS fee revenue is projected based on the following assumptions:

1. The EMS fee will be charged each time a residence unit is sold.

2. The Development Agreement for the project sets the EMS fee at $4.50 per $1,000 of value. This fee structure is applied in the analysis of both development scenarios.

3. KMA applied the identified turnover factors and residential appreciation rate in the projections of future EMS revenue.

Documentary Transfer Fees

The projection of the Documentary Transfer Fee revenue to be received by the City is based on the following assumptions:

1. The Documentary Transfer Fee is imposed each time a residence unit is sold.

2. The City's share of the fee is set at $.55 per $1,000 of value.

3. KMA applied the identified turnover factors and residential appreciation rate in the projections of future Documentary Transfer Fee revenue.

Summary: General Fund Revenue Analysis

The results of the General Fund revenue analysis are summarized in the following table:

Table 10

30- Year General Fund Revenue Projections

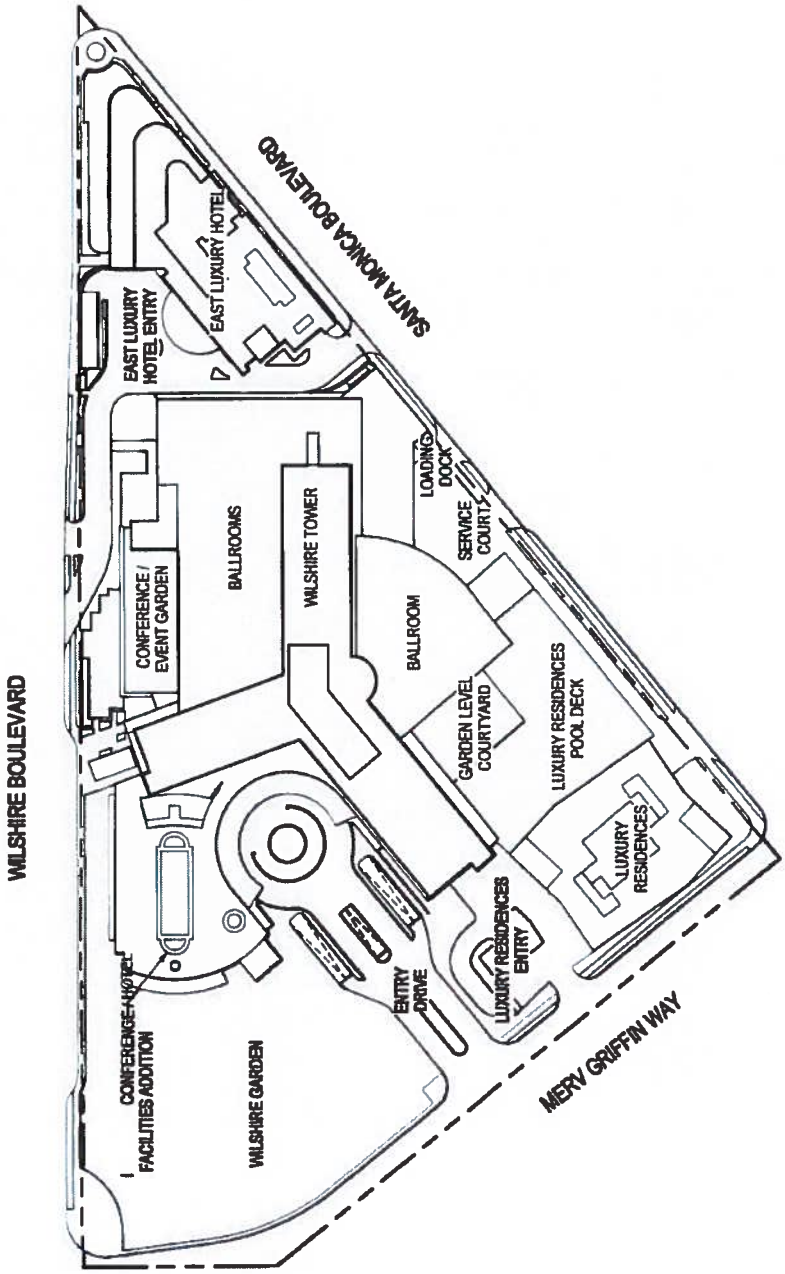
	Residences Buildings A & B	Single Tower Residences Building	Difference
Property Tax Revenue	$64,166,000	$83,815,000	
EMS Fee Revenue	25,060,000	37,333,000	
Documentary Transfer Fee	3,063,000	4,563,000	
Total City Revenue	$92,289,000	$125,711,000	$33,422,000
NPV @ a 4% Discount Rate	$46,152,000	$62,626,000	$16,474,000

ATTACHMENT I
CONDOMINIUM TRIP GENERATION

Condo Trip Generation														
Land Use Category		Weekday										Weekend		
		Daily	AM			Mid-Day			PM			Saturday		
			Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Condominium (120 Units) Total Trip Generation	Rate	3.55	0.09	0.19	0.28	0.17	0.17	0.33	0.18	0.15	0.33	0.11	0.19	0.29
	Trips	426	11	23	34	20	20	40	22	18	40	13	23	36
Shift from Tower A (36 Units)	Rate	3.55	0.09	0.19	0.28	0.17	0.17	0.33	0.18	0.15	0.33	0.11	0.19	0.29
	Trips	128	3	7	10	6	6	12	7	5	12	4	7	11

Source: Trip rates from 9876 Traffic Impact Study applied to entitled land uses

ATTACHMENT II
SITE PLAN AND SITE ACCESS



Initiative Site Plan

FIGURE 6 - SPECIFIC PLAN SITE PLAN / BUILDING PLACEMENT PLAN

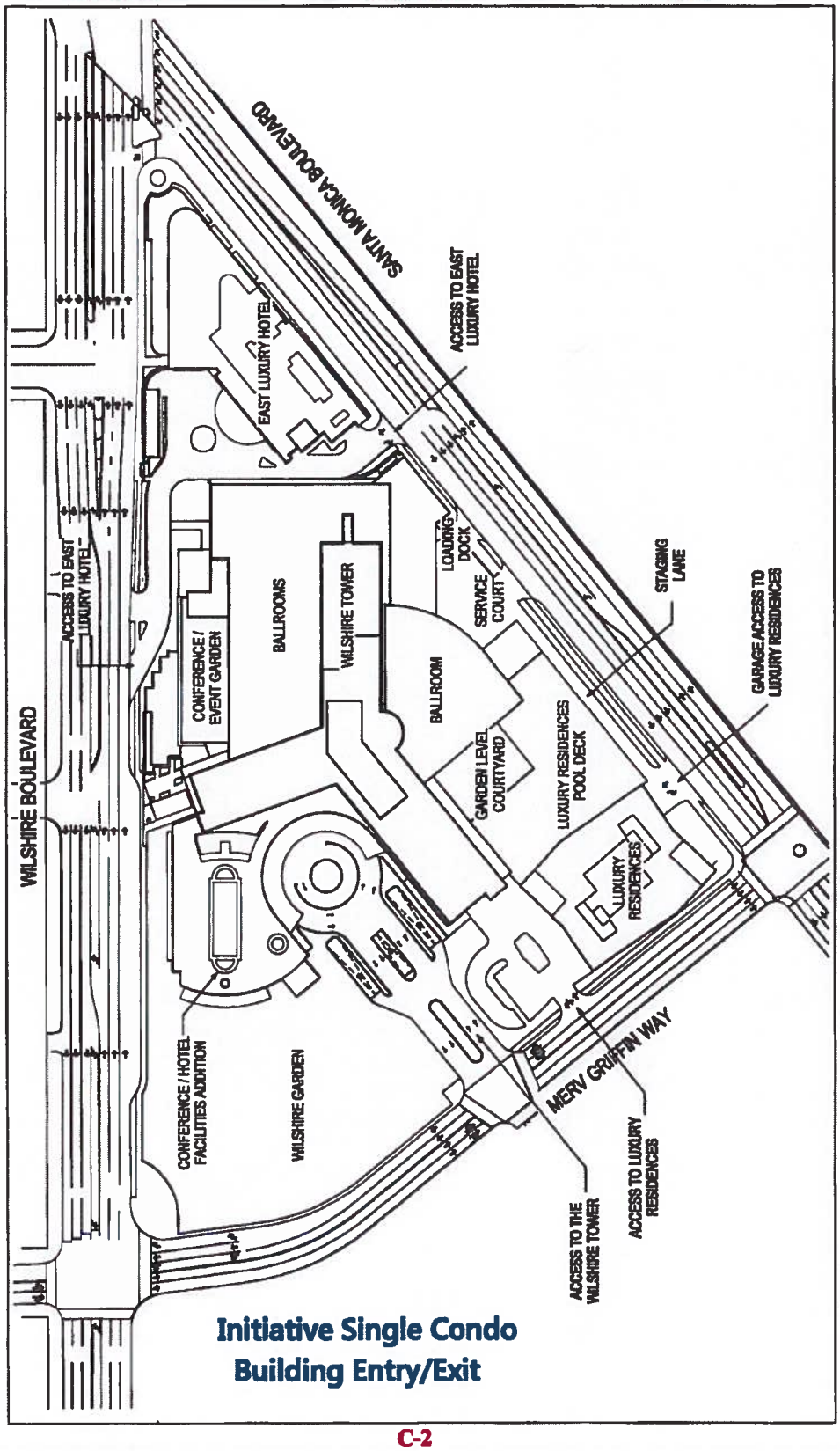
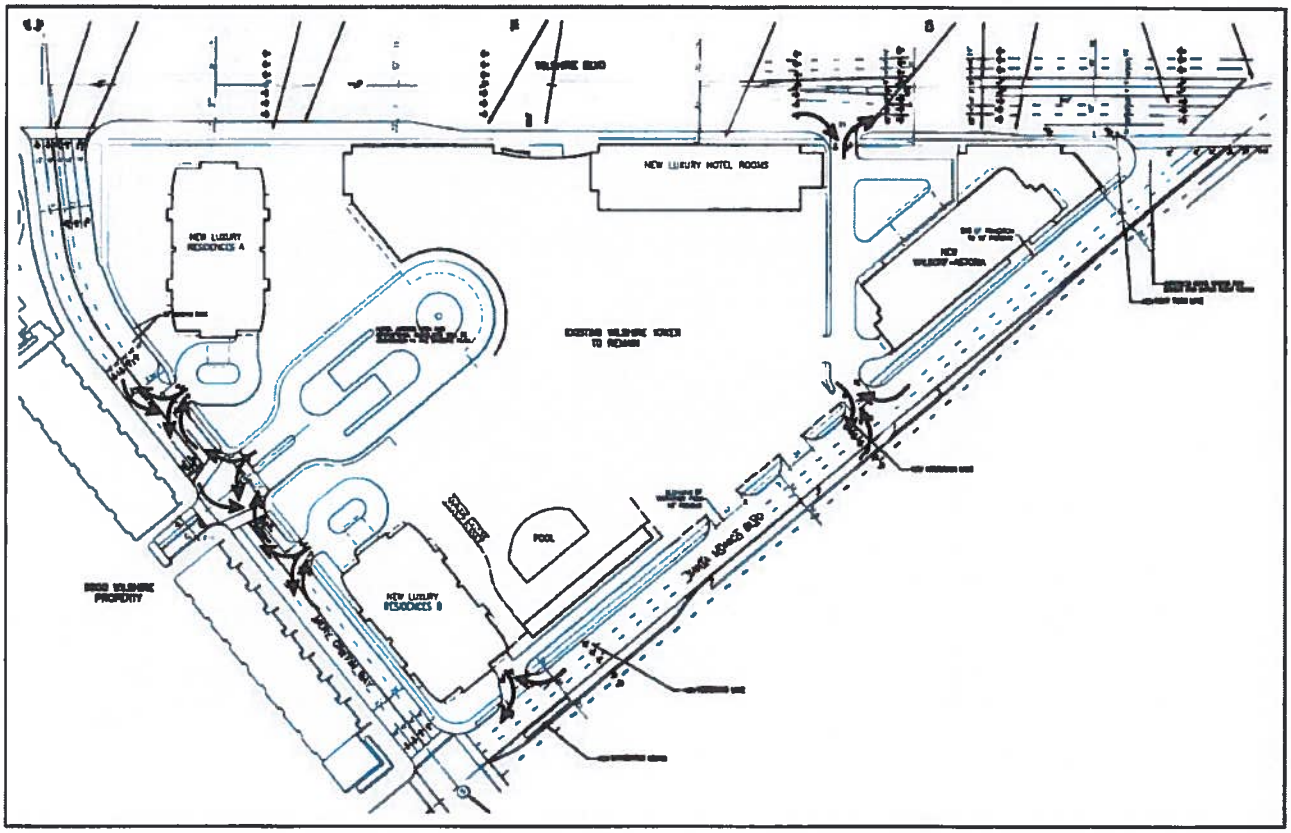


FIGURE 8 - SURROUNDING CIRCULATION AND ON-SITE CIRCULATION / ACCESS, DRIVEWAYS

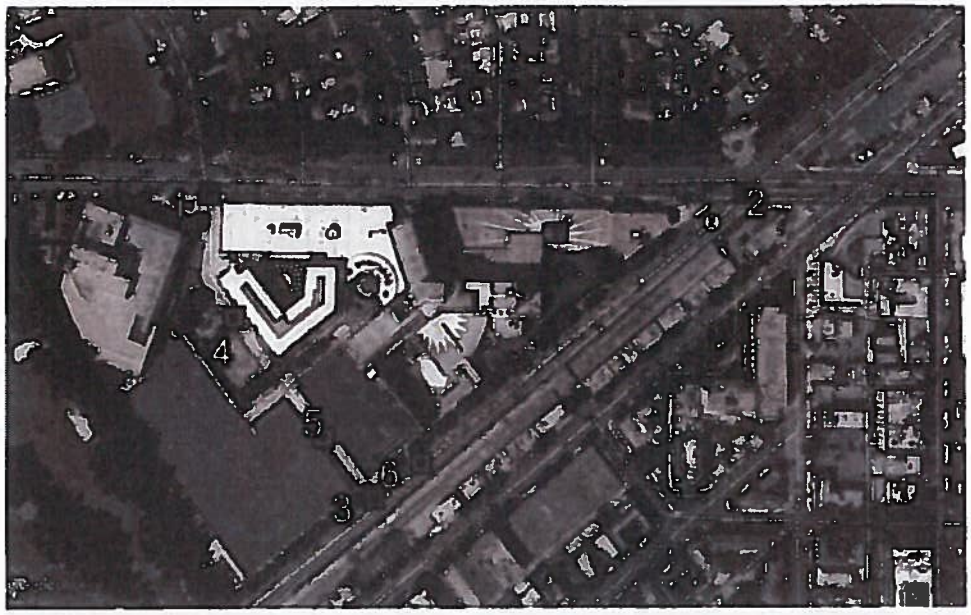


FEHR & PEERS
TRANSPORTATION CONSULTANTS
Jul 13, 2007 ejr
W:\Orange County N Drive\PROJECTS\DCDR\2006_5876_Wahlin\Graphics\dwg\fig04_access.dwg

ACCESS CONFIGURATION

FIGURE 4

ATTACHMENT III
RESIDENTIAL PROJECT ONLY VALUES



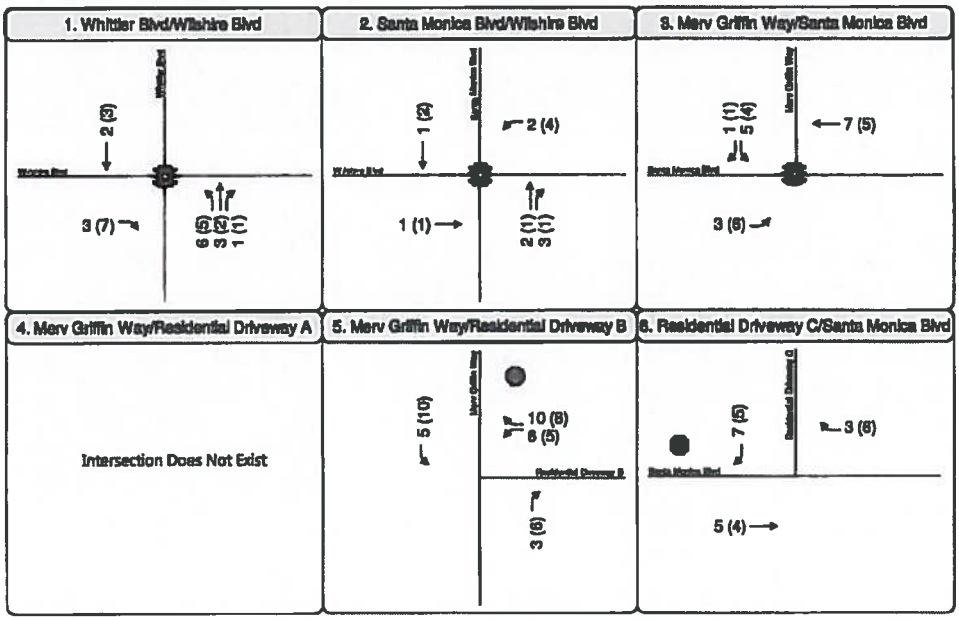


Figure 1

Year 2020 Plus Proposed Initiative-Full Access Driveways
Residential Project Only Volumes
AM (PM)

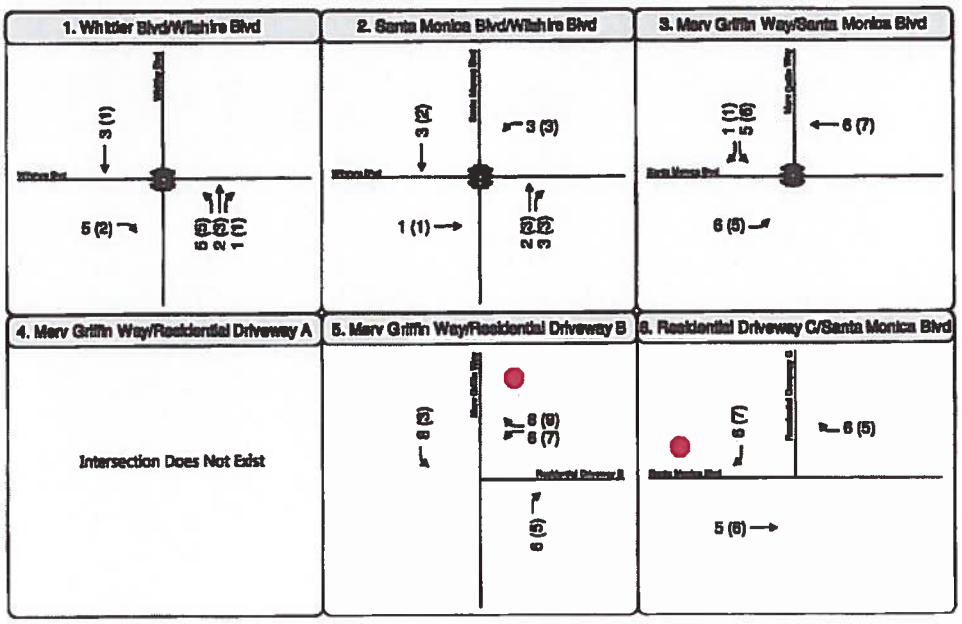


Figure 2

Year 2020 Plus Proposed Initiative-Full Access Driveways
Residential Project Only Volumes
MD (WKD)

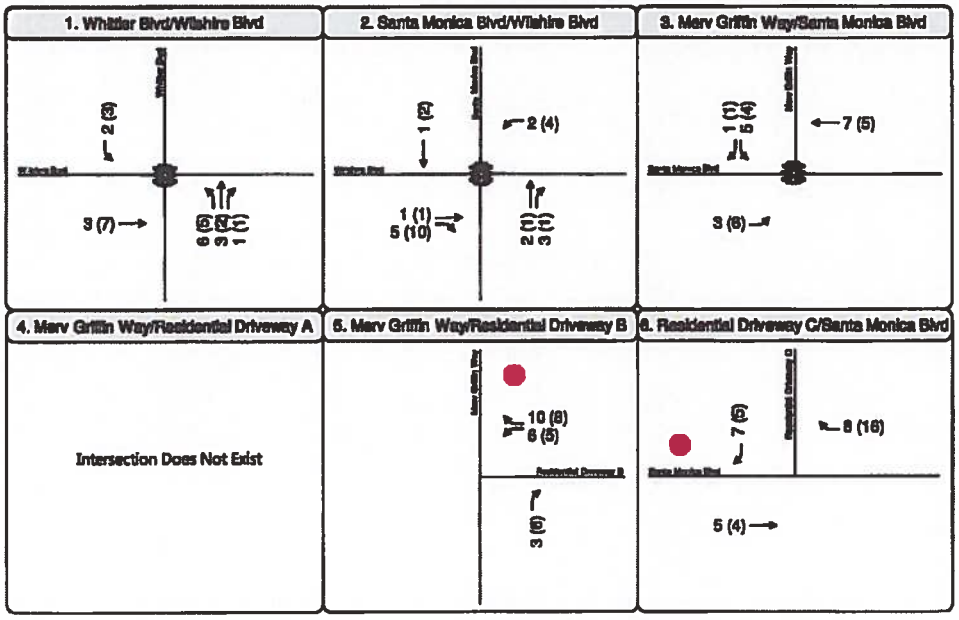


Figure 3

Year 2020 Plus Proposed Initiative-No Southbound Left Access Residential Project Only Volumes AM (PM)

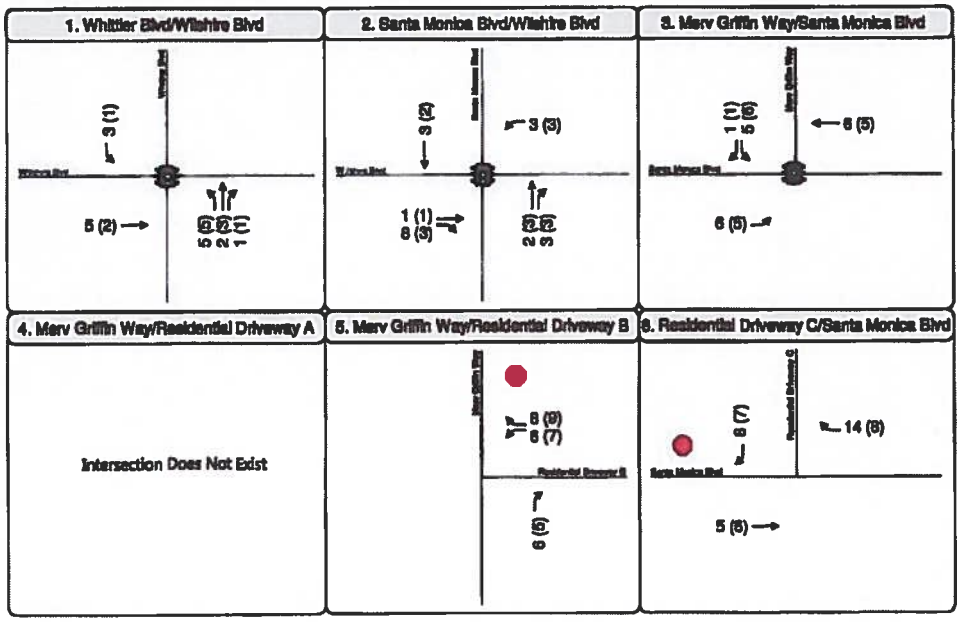


Figure 4

Year 2020 Plus Proposed Initiative-No Southbound Left Access Residential Project Only Volumes MD (WKD)

ATTACHMENT IV
CUMULATIVE PROJECTS LIST

RELATED PROJECT TRIP GENERATION | Submitted to City of Beverly Hills on October 21, 2015

NO.	PROJECT LAND USE DESCRIPTION	PROJECT LOCATION	TRIP GENERATION ESTIMATES – WEEKDAY – DAILY	AM PEAK HOUR IN	AM PEAK HOUR OUT	AM PEAK HOUR TOTAL	MID-DAY PEAK HOUR IN	MID-DAY PEAK HOUR OUT	MID-DAY PEAK HOUR TOTAL	PM PEAK HOUR IN	PM PEAK HOUR OUT	PM PEAK HOUR TOTAL	WEEKEND – SATURDAY MID PEAK HOUR IN	SATURDAY OUT	SATURDAY TOTAL
		City of Beverly Hills													
1	15.389 KSF retail shopping center, 26.194 KSF office, 1.8 restaurant[17]	257 North Canon Drive	1,200	57	21	78	79	70	149	48	71	119	70	56	126
2	7.1 KSF Quality Restaurant*,[17]	344 North Canon Drive	630	24	12	36	24	23	47	39	24	63	44	31	75
3	8 Condominiums*,[17]	250 North Crescent Drive	46	1	3	4	2	1	3	3	1	4	2	2	4
4	23 Condominiums*,[17]	9242 Burton Way	134	8	2	10	4	4	8	8	4	12	6	5	11
5	7.8 KSF Post Office, 3.7 KSF Retail, & 88.5 KSF Creative Office*,[1,17]	325 North Maple Drive	280	82	18	100	27	27	54	0	72	72	10	10	20
6	35 Condominiums*,[17]	416-460 North Palm Drive	203	3	12	15	6	6	12	12	6	18	9	7	16
7	16 Condominiums*,[17]	154-168 North La Peer Drive	93	5	2	7	3	2	5	6	2	8	5	3	8
8	20 Condominiums*,[17]	425 North Palm Drive	130	2	7	9	4	3	7	7	4	11	5	3	8
9	33.8 KSF Automobile Sales*,[17]	8955 Olympic Boulevard	660	26	18	44	21	20	41	24	30	54	30	30	60
10	13.3 KSF Office, 1 KSF Fast Food w/o Drive Thru, & 4.7 KSF Variety Store*,[17]	9212 Olympic Boulevard	1,068	68	47	115	36	36	72	45	51	96	43	40	83
11	31 Condominiums*,[17]	332 North Oakhurst Drive	186	3	11	14	5	5	10	10	5	15	8	6	14
12	30 Condominiums*,[17]	305-259 South Elm Drive	174	2	11	13	5	5	10	10	6	16	8	6	14
13	27 Condominiums*,[17]	9908 South Santa Monica Boulevard	157	4	8	12	5	4	9	10	4	14	6	7	13
14	1.7 KSF Office*,[17]	207 South Robertson Boulevard	19	2	0	2	0	0	0	0	3	3	0	0	0
15	31.7 KSF Office*,[17]	9000 Wilshire Boulevard	105	13	2	15	1	1	2	3	12	15	2	1	3
16	21 Apartments, 4 Townhomes, 2.9 KSF Medical Office & 1.8 KSF Retail*,[17]	8600 Wilshire Boulevard	344	7	12	19	9	9	18	11	13	24	12	10	22
17	37.5 KSF Medical Office, 22.1 KSF Office, 12.5 KSF Retail, & 3 KSF Quality Restaurant*,[2,17]	8767 Wilshire Boulevard	2,543	131	33	164	86	86	172	78	151	229	156	141	297
18	53 Condominiums, 3.8 KSF Quality Restaurant, & 8.4 Retail*,[3,17]	9000 Wilshire Boulevard	945	9	22	31	31	31	62	31	31	62	57	44	101
19	Ben Falk Lexus Project*,[4]	9230 Wilshire Boulevard	1,000	47	30	77	28	25	53	23	50	73	26	20	46
20	130 Condominiums, 522 Hotel Rooms, & 12.3 KSF Restaurant[5]	9876 Wilshire Boulevard	648	1	15	16	28	36	64	45	12	57	42	23	65
21	35 KSF Medical-Dental Office Building*,[17]	121 San Vicente Boulevard	1,285	68	18	86	6	7	13	35	95	130	72	55	127
		City of West Hollywood													
22	Mixed-Use**,[20]	8616 Beverly Boulevard	959	47	18	65	32	32	64	31	54	85	31	54	85
23	Le Peer Hotel**,[20]	623 La Peer Drive	876	28	24	52	36	32	68	36	32	68	36	32	68
24	Hotel, Restaurant, & Retail**,[17,20]	645 Robertson Boulevard	18,412	189	122	311	406	406	812	549	534	1,083	549	534	1,083
25	Mixed-Use**,[20]	9001 Santa Monica Boulevard	829	8	16	24	49	9	58	31	16	47	22	29	51
26	Mixed-Use**,[17]	9040, 9060, 9080, 9098 Santa Monica Boulevard	3,578	193	67	260	218	212	430	123	180	303	173	159	332
		City of Los Angeles													
27	483 Condominium[7,12,16,20]	10131 Constellation Boulevard	(1,636)	(37)	85	48	(50)	(50)	(100)	(49)	(105)	(154)	(49)	(105)	(154)
28	West Century City – New Century Plan Project[8,17]	10250 West Santa Monica Boulevard	5,922	(235)	58	(177)	137	136	273	290	74	364	367	353	720
29	Museum of Tolerance Expansion[10,17,19]	9786 West Pico Boulevard	1,713	139	103	242	94	93	187	131	118	249	131	118	249
30	YULA Boys High School Expansion[11,16,17]	9760 West Pico Boulevard	830	99	65	164	32	32	64	35	64	99	0	0	0
31	Century Plaza Mixed Use Development[12,17,18,20]	2025 South Avenue of the Stars	(826)	69	12	81	46	46	92	(8)	131	123	(8)	131	123
32	Bellwood Avenue Senior Care & Medical Office Project***,[18,19]	10330 West Bellwood Avenue	958	63 (7)	17 (15)	80 (22)	6 (9)	8 (9)	14 (18)	39 (15)	101 (12)	140 (27)	50 (21)	38 (22)	88 (43)
33	283 Condominiums[17,18,20]	10000 West Santa Monica Boulevard	1,189	18	78	96	35	35	70	67	41	108	49	65	114
34	71.7 KSF New Retail & Renovation of the Century City (Westfield) Shopping Center***,[16,18,20]	10250 West Santa Monica Boulevard	1,359	18	10	28	54	54	108	69	75	144	75	144	219
35	Century City Center Project***,[16,20]	1950 South Avenue of the Stars	3,404	393	21	414	139	139	278	33	337	370	168	144	312
36	82 Apartments***,[20,16]	888 South Devon Avenue	213	3	13	16	5	5	10	10	8	18	8	9	17
37	140 Condominiums[16,17,18]	300 South Wetherly Drive	270	3	17	20	7	7	14	16	6	22	1	(2)	(1)
38	Cedars-Sinai Medical Center Project - West Tower (New medical building with 100 hospital beds)[16,19]	8723 West Alden Drive	1,161	79	34	113	6	7	13	47	83	130	47	53	100
		TOTAL RELATED PROJECT TRIPS	53,839	1,841	1,447	3,288	1,654	1,614	3,268	1,963	2,802	4,765	2,349	2,254	4,476

Notes

* Daily, AM peak hour, PM peak hour, and Saturday MD peak hour trip generation estimates were provided by City of Beverly Hills staff unless noted otherwise (August 2015).

** Daily, AM peak hour, and PM peak hour trip generation estimates were provided by City of West Hollywood staff unless noted otherwise (October 2015).

*** The total net new trip generation estimates for the daily, AM peak hour, and PM peak hour were provided by Los Angeles Department of Transportation staff unless noted otherwise (August 2015).

[1] AM and PM peak hour trip estimates were obtained from the Beverly Hills Post Office Traffic Impact Analysis (Fehr & Peers, 2008).

[2] Daily trip estimates and AM, PM, and Saturday MD peak hour trip estimates were obtained from the Traffic Study for the 8800-8812 Wilshire Mixed-Use Project (Kaku Associates, 2005).

[3] Daily trip estimates and AM, PM, and Saturday MD peak hour trip estimates were obtained from the 8767 Wilshire Boulevard - Supplemental Updated Traffic Impact Analysis (Fehr & Peers, 2013).

[4] Daily trip estimates and AM, PM, and Saturday MD peak hour trip estimates were obtained from the Option 1 trip generation provided in the Traffic Study for the 9000 Wilshire Mixed-Use Project Beverly Hills (Fehr & Peers, 2009).

[5] All peak hour trip estimates were obtained from the Traffic and Parking Study for the Beverly Hills Lexus Expansion Project (Fehr & Peers, 2009).

[6] All net new trip estimates were obtained from the Traffic Study for Beverly Hills Revitalization Plan (Fehr & Peers, 2007).

[7] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Traffic Study for 10131 Constellation Boulevard Residential Project (Kaku Associates, 2009).

[8] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Traffic Impact Analysis Report of the Bellwood Avenue Residential (Hirsch/Green Transportation Consulting, 2007).

[9] Daily trip estimates and AM, PM, and Saturday MD peak hour trip estimates were obtained from the Traffic Impact Study for Westfield-Century City New Century Plan (Linscott, Law, & Greenspan, 2009).

[10] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Traffic Assessment for the Proposed Expansion Project of the Museum of Tolerance located at 9786 West Pico Boulevard (City of Los Angeles, 2009).

[11] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the YULA Boys High School Expansion - Redesigned Traffic/Transportation/Parking Chapter (Crain & Associates, 2009).

[12] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Option B trip generation provided in the Century Plaza Mixed Use Development Environmental Impact Report (City of Los Angeles, 2010).

[13] Due to the type of uses it was assumed that the Saturday MD peak hour trips generated by the project would be negligible.

[14] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Transportation Study for the Century City Center Project (Gibson Transportation Consulting, 2012).

[15] Daily trips estimates and AM and PM peak hour trip estimates were obtained from the Revised Traffic Impact Analysis for the Proposed Residential Development located at 300 South Wetherly Drive (City of Los Angeles, 2009).

[16] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Traffic Impact Study for Cedars-Sinai Medical Center Project (Linscott, Law, & Greenspan, 2009).

[17] Weekday MD peak hour trips were estimated using the approach used in the Traffic Study for 9900 Wilshire Project (Fehr & Peers, 2007), where a factor was applied to the total PM peak hour trips to yield the total MD peak hour trips. Both the factors and in/out split percentages used are dependent on the related project's land use type. Below is a summary of the factors and in/out split percentages used:

- Total MD peak hour trip generation estimates for retail, restaurant, and school uses are assumed to be 0.75 of the total PM peak hour trips with a 50%/50% in/out split
- Total MD peak hour trip generation estimates for office uses are assumed to be 0.38 of the total PM peak hour trips with a 40%/60% in/out split
- Total MD peak hour trip generation estimates for residential and educational uses are assumed to be 0.38 of the total PM peak hour trips with a 50%/50% in/out split

[18] AM and PM peak hour trip generation and directional distribution estimates were developed based on Trip Generation, 9th Edition (ITE, 2012).

[19] Saturday MD peak hour trip generation and directional distribution estimates were developed based on Trip Generation, 9th Edition (ITE, 2012).

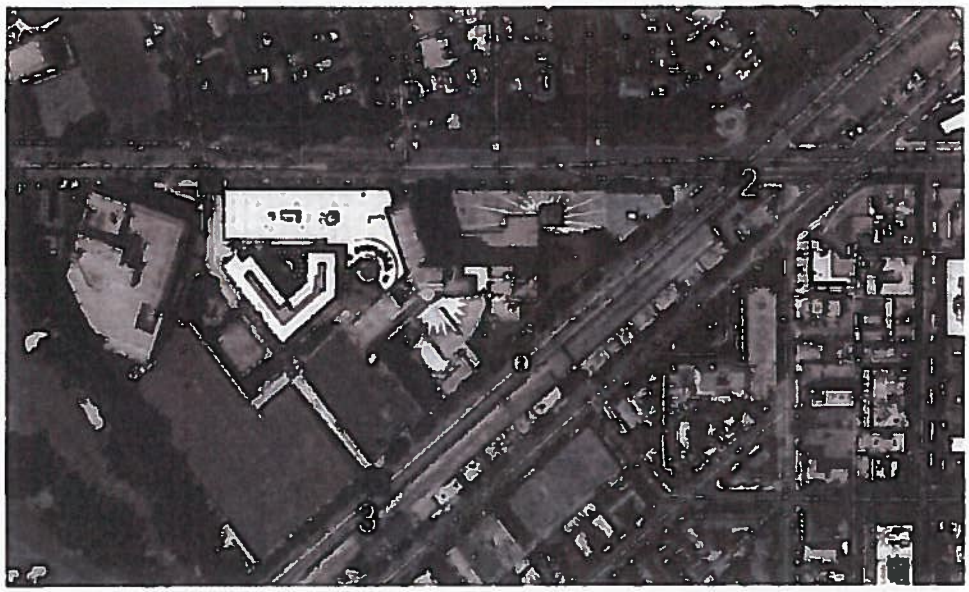
[20] Due to limited information, Saturday MD peak hour trip generation estimates were assumed to be similar to PM peak hour trip generation estimates.

[21] Daily trip estimates and AM and PM peak hour trip estimates were obtained from the Revised Traffic Impact Analysis for the Melrose Triangle Project (KOA, 2013).

[22] Daily trips estimates and AM and PM peak hour trip estimates were obtained from the Revised Traffic Assessment for the Proposed Residential Project at 10000 West Santa Monica Boulevard (City of Los Angeles, 2012).

[23] All net new trip estimates were obtained from the 257 N. Canon Drive Traffic Impact Study (Overland Traffic Consultants, 2010).

ATTACHMENT V
YEAR 2020 BASELINE VALUES



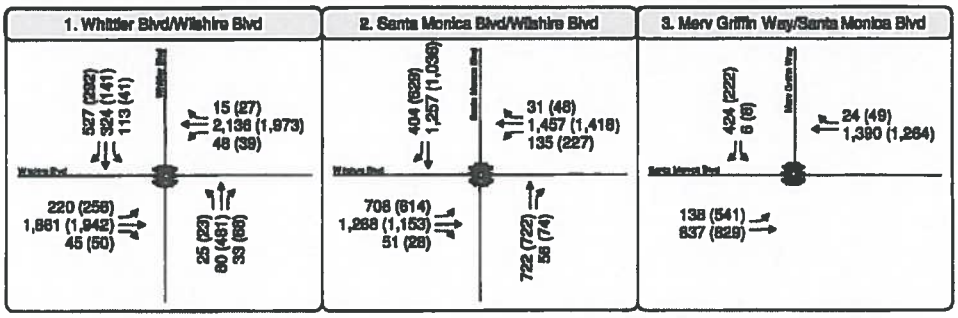
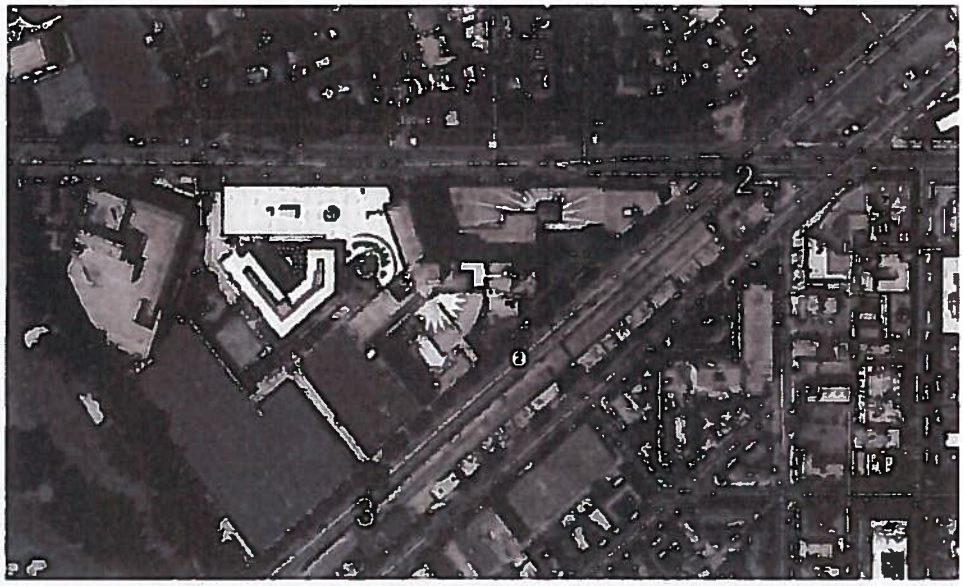


Figure 5

Year 2020 Baseline
AM (PM)



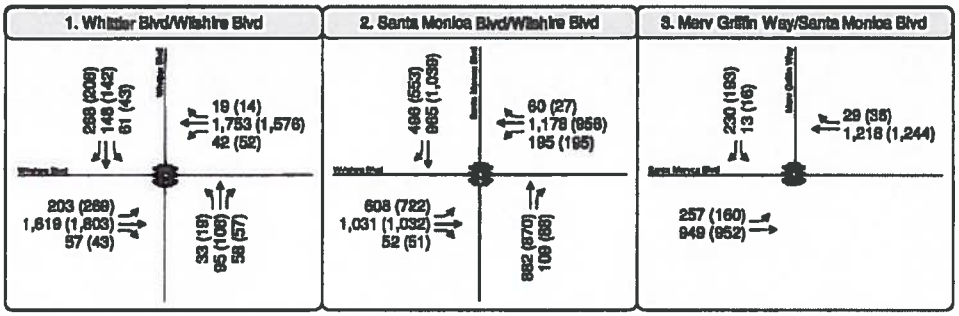


Figure 6

Year 2020 Baseline
MD (WKD)

ATTACHMENT VI
PRO FORMA ANALYSES

ATTACHMENT VI - EXHIBIT A
PRO FORMA ANALYSIS
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

ATTACHMENT VI - EXHIBIT A - TABLE 1

ESTIMATED CONSTRUCTION COSTS
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Direct Costs**	1						
	Gardens & Pedestrian Areas		41,555	Sf of Land	$35	/Sf	$1,454,000	
	Parking							
	1st Level Subterranean		54	Spaces	$30,000	/Space	1,620,000	
	2nd Level Subterranean		54	Spaces	$40,000	/Space	2,160,000	
	Building Costs		108,093	Sf of GBA	$300	/Sf of GBA	32,428,000	
	Contractor/DC Contingency Allow		20%	Other Direct Costs			7,532,000	
	Total Direct Costs							$45,194,000
II.	**Indirect Costs**							
	Architecture, Engineering & Consulting		10.0%	Direct Costs			$4,519,000	
	Public Permits & Fees	2	108,093	Sf of GBA	$12	/Sf of GBA	1,260,000	
	Public Benefits Contribution	3					0	
	Taxes, Legal & Accounting		1.5%	Direct Costs			678,000	
	Insurance		36	Units	$2,500	/Unit	90,000	
	Marketing		36	Units	$25,000	/Unit	900,000	
	Developer Fee		3.0%	Residential Sales Revenue			4,193,000	
	Soft Cost Contingency Allowance		5.0%	Indirect + Financing Costs			1,803,000	
	Total Indirect Costs							$13,443,000
III.	**Financing Costs**							
	Interest During Construction	4					$21,206,000	
	Loan Origination Fees		60.0%	Loan to Cost	2.0	Points	1,406,000	
	Total Financing Costs							$22,612,000
IV.	**Total Construction Cost**		36	Units	$2,257,000	/Unit		$81,249,000

1 Based on the estimated costs for similar uses.
2 Based on estimates prepared as part of the 2008 analysis.
3 Based on the requirements imposed by the executed Development Agreement
4 A 9.0% interest cost for debt and equity; a 23 month construction period; a 14 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT VI - EXHIBIT A - TABLE 2

ESTIMATED RESIDENTIAL VALUE
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Residential Sales Revenue**	[1]	36 Units @	$4,883,000 /Unit			$175,788,000
II.	**Cost of Sales**						
	Commissions		3.0%	Residential Sales Revenue		$5,274,000	
	Closing		2.0%	Residential Sales Revenue		3,516,000	
	Warranty		0.5%	Residential Sales Revenue		879,000	
	Total Cost of Sales						($9,669,000)
III.	**Total Residential Value**						$166,119,000
IV.	**Threshold Profit**		15.0%	Residential Sales Revenue			($26,368,000)
V.	**Net Residential Value**						$139,751,000

[1] The average sales price is estimated at $2,000 per square foot of livable area.

ATTACHMENT VI - EXHIBIT A - TABLE 3

RESIDUAL LAND VALUE CALCULATION
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
HILTON SITE
BEVERLY HILLS, CALIFORNIA

I.	**Net Residential Value**		See ATTACHMENT VI - EXHIBIT A - TABLE 2			$139,751,000
II.	**Total Construction Cost**		See ATTACHMENT VI - EXHIBIT A - TABLE 1			$81,249,000
III.	**Residual Land Value**	36	Units	$1,625,000	/Unit	$58,502,000

ATTACHMENT VI - EXHIBIT B
PRO FORMA ANALYSIS
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

ATTACHMENT VI - EXHIBIT B - TABLE 1

ESTIMATED CONSTRUCTION COSTS
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Direct Costs**	[1]						
	Gardens & Pedestrian Areas		101,244	Sf of Land	$35	/Sf	$3,544,000	
	Parking							
	1st Level Subterranean		111	Spaces	$30,000	/Space	3,330,000	
	2nd Level Subterranean		111	Spaces	$40,000	/Space	4,440,000	
	Building Costs		263,360	Sf of GBA	$345	/Sf of GBA	90,859,000	
	Contractor/DC Contingency Allow		20%	Other Direct Costs			20,435,000	
	Total Direct Costs							$122,608,000
II.	**Indirect Costs**							
	Architecture, Engineering & Consulting		10.0%	Direct Costs			$12,261,000	
	Public Permits & Fees	[2]	263,360	Sf of GBA	$10	/Sf of GBA	2,590,000	
	Public Benefits Contribution	[3]					5,200,000	
	Taxes, Legal & Accounting		1.5%	Direct Costs			1,839,000	
	Insurance		74	Units	$2,500	/Unit	185,000	
	Marketing		74	Units	$25,000	/Unit	1,850,000	
	Developer Fee		3.0%	Residential Sales Revenue			11,577,000	
	Soft Cost Contingency Allowance		5.0%	Indirect + Financing Costs			5,833,000	
	Total Indirect Costs							$41,335,000
III.	**Financing Costs**							
	Interest During Construction	[4]					$71,594,000	
	Loan Origination Fees		60.0%	Loan to Cost	2.0	Points	3,727,000	
	Total Financing Costs							$75,321,000
IV.	**Total Construction Cost**		74	Units	$3,233,000	/Unit		$239,264,000

[1] Based on the estimated costs for similar uses.
[2] Based on estimates prepared as part of the 2008 analysis.
[3] Based on the requirements imposed by the executed Development Agreement
[4] A 9.0% interest cost for debt and equity; a 26 month construction period; a 27 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT VI - EXHIBIT B - TABLE 2

ESTIMATED RESIDENTIAL VALUE
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Residential Sales Revenue**	[1]	74 Units @	$6,817,000 /Unit		$504,458,000
II.	**Cost of Sales**					
	Commissions		3.0%	Residential Sales Revenue	$15,134,000	
	Closing		2.0%	Residential Sales Revenue	10,089,000	
	Warranty		0.5%	Residential Sales Revenue	2,522,000	
	Total Cost of Sales					($27,745,000)
III.	**Total Residential Value**					$476,713,000
IV.	**Threshold Profit**		18.0%	Residential Sales Revenue		($90,802,000)
V.	**Net Residential Value**					$385,911,000

[1] The average sales price is estimated at $2,222 per square foot of livable area.

ATTACHMENT VI - EXHIBIT B - TABLE 3

RESIDUAL LAND VALUE CALCULATION
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
BEVERLY HILLS, CALIFORNIA

I.	**Net Residential Value**		See ATTACHMENT VI - EXHIBIT B - TABLE 2			$385,911,000
II.	**Total Construction Cost**		See ATTACHMENT VI - EXHIBIT B - TABLE 1			$239,264,000
III.	**Residual Land Value**	74	Units	$1,982,000	/Unit	$146,647,000

ATTACHMENT VI - EXHIBIT C
PRO FORMA ANALYSIS
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

ATTACHMENT VI - EXHIBIT C - TABLE 1

ESTIMATED CONSTRUCTION COSTS
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Direct Costs**	1					
	Gardens & Pedestrian Areas		169,415	Sf of Land	$35 /Sf	$5,930,000	
	Parking						
	1st Level Subterranean		165	Spaces	$30,000 /Space	4,950,000	
	2nd Level Subterranean		165	Spaces	$40,000 /Space	6,600,000	
	Building Costs		371,453	Sf of GBA	$345 /Sf of GBA	128,151,000	
	Contractor/DC Contingency Allow		20%	Other Direct Costs		29,126,000	
	Total Direct Costs						$174,757,000
II.	**Indirect Costs**						
	Architecture, Engineering & Consulting		10.0%	Direct Costs		$17,476,000	
	Public Permits & Fees	2	371,453	Sf of GBA	$10 /Sf of GBA	3,850,000	
	Public Benefits Contribution	3				5,200,000	
	Taxes, Legal & Accounting		1.5%	Direct Costs		2,621,000	
	Insurance		110	Units	$2,500 /Unit	275,000	
	Marketing		110	Units	$25,000 /Unit	2,750,000	
	Developer Fee		3.0%	Residential Sales Revenue		19,063,000	
	Soft Cost Contingency Allowance		5.0%	Indirect + Financing Costs		10,367,000	
	Total Indirect Costs						$61,602,000
III.	**Financing Costs**						
	Interest During Construction	4				$139,856,000	
	Loan Origination Fees		60.0%	Loan to Cost	2.0 Points	5,876,000	
	Total Financing Costs						$145,732,000
IV.	**Total Construction Cost**		110	Units	$3,474,000 /Unit		$382,091,000

1 Based on the estimated costs for similar uses.
2 Based on estimates prepared as part of the 2008 analysis.
3 Based on the requirements imposed by the executed Development Agreement
4 A 9.0% interest cost for debt and equity; a 29 month construction period; a 40 month absorption period; 30% of the units are presold and close during first month after completion; and 2.0 points for loan origination fees.

ATTACHMENT VI - EXHIBIT C - TABLE 2

ESTIMATED RESIDENTIAL VALUE
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

I.	**Residential Sales Revenue**	[1]	110 Units @	$7,551,000 /Unit		$830,610,000
II.	**Cost of Sales**					
	Commissions		3.0% Residential Sales Revenue		$24,918,000	
	Closing		2.0% Residential Sales Revenue		16,612,000	
	Warranty		0.5% Residential Sales Revenue		4,153,000	
	Total Cost of Sales					($45,683,000)
III.	**Total Residential Value**					$784,927,000
IV.	**Threshold Profit**		18.0% Residential Sales Revenue			($149,510,000)
V.	**Net Residential Value**					$635,417,000

[1] The average sales price is estimated at $2,222 per square foot of livable area.

ATTACHMENT VI - EXHIBIT C - TABLE 3

RESIDUAL LAND VALUE CALCULATION
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
BEVERLY HILLS, CALIFORNIA

I.	Net Residential Value		See ATTACHMENT VI - EXHIBIT C - TABLE 2			$635,417,000
II.	Total Construction Cost		See ATTACHMENT VI - EXHIBIT C - TABLE 1			$382,091,000
III.	Residual Land Value	110	Units	$2,303,000	/Unit	$253,326,000

ATTACHMENT VII
GENERAL FUND REVENUE PROJECTIONS

ATTACHMENT VII - EXHIBIT A
CITY GENERAL FUND REVENUE PROJECTIONS
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

ATTACHMENT VII - EXHIBIT A - TABLE 1

PROJECTED PROPERTY TAX REVENUE [1]
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	RESIDENCES BUILDING A		RESIDENCES BUILDING B			
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Year 5 Sales	Total
Year [2]						
1	$280,660	$0	$0	$0	$0	$280,660
2	286,273	25,515	0	0	0	311,787
3	291,998	26,025	522,421	0	0	840,445
4	297,838	26,545	532,870	284,957	0	1,142,211
5	303,795	27,076	543,527	290,656	71,239	1,236,294
6	309,871	27,618	554,398	296,469	72,664	1,261,020
7	316,068	28,170	565,486	302,399	74,117	1,286,240
8	394,916	28,733	576,796	308,447	75,600	1,384,492
9	402,815	35,901	588,331	314,616	77,112	1,418,775
10	410,871	36,620	735,100	320,908	78,654	1,582,152
11	419,088	37,352	749,801	400,963	80,227	1,687,432
12	427,470	38,099	764,798	408,983	100,241	1,739,590
13	436,019	38,861	780,093	417,162	102,246	1,774,382
14	444,740	39,638	795,695	425,506	104,291	1,809,869
15	555,687	40,431	811,609	434,016	106,376	1,948,119
16	566,800	50,517	827,841	442,696	108,504	1,996,359
17	578,137	51,527	1,034,359	451,550	110,674	2,226,247
18	589,699	52,558	1,055,046	564,196	112,887	2,374,386
19	601,493	53,609	1,076,147	575,480	141,049	2,447,778
20	613,523	54,681	1,097,670	586,989	143,870	2,496,733
21	625,794	55,775	1,119,623	598,729	146,747	2,546,668
22	781,907	56,890	1,142,016	610,704	149,682	2,741,199
23	797,545	71,082	1,164,856	622,918	152,676	2,809,077
24	813,496	72,504	1,455,447	635,376	155,729	3,132,552
25	829,766	73,954	1,484,556	793,880	158,844	3,341,000
26	846,361	75,433	1,514,247	809,758	198,470	3,444,269
27	863,289	76,942	1,544,532	825,953	202,439	3,513,154
28	880,554	78,481	1,575,422	842,472	206,488	3,583,418
29	1,100,222	80,050	1,606,931	859,321	210,618	3,857,142
30	1,122,226	100,020	1,639,069	876,508	214,830	3,952,654
					Total	$64,166,103
					NPV @ a 4% Discount Rate	$31,407,000

1 The estimates are based on a 1% property tax rate and a City share of 17.4158367%. The statutory increase of 2% per year is applied until resale. The turnover rate is set at an average of 7 years. Appreciation is projected at an average rate of 5% per year.

2 The projection period starts in the first year that units are available for sale.

ATTACHMENT VII - EXHIBIT A - TABLE 2

PROJECTED EMS FEE REVENUE [1]
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	RESIDENCES BUILDING A		RESIDENCES BUILDING B			
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Year 5 Sales	Total
Year [2]						
1	$725,184					$725,184
2		$65,926				65,926
3			$1,349,861			1,349,861
4				$736,288		736,288
5					$184,072	184,072
6						0
7						0
8	1,020,406					1,020,406
9		92,764				92,764
10			1,899,391			1,899,391
11				1,036,031		1,036,031
12					259,008	259,008
13						0
14						0
15	1,435,814					1,435,814
16		130,529				130,529
17			2,672,633			2,672,633
18				1,457,800		1,457,800
19					364,450	364,450
20						0
21						0
22	2,020,335					2,020,335
23		183,667				183,667
24			3,760,664			3,760,664
25				2,051,271		2,051,271
26					512,818	512,818
27						0
28						0
29	2,842,814					2,842,814
30		258,438				258,438
					Total	$25,060,163
					NPV @ a 4% Discount Rate	$13,139,000

[1] The EMS fee is set at $4.50 per $1,000 in value. The turnover rate is set at an average of 7 years. Appreciation is projected at an average rate of 5% per year.

[2] The projection period starts in the first year that units are available for sale.

ATTACHMENT VII - EXHIBIT A - TABLE 3

PROJECTED DOCUMENTARY TRANSFER FEE REVENUE [1]
RESIDENCES BUILDING A: 8-STORY CONDOMINIUM BUILDING
RESIDENCES BUILDING B: 18-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	RESIDENCES BUILDING A		RESIDENCES BUILDING B			
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Year 5 Sales	Total
Year [2]						
1	$88,634					$88,634
2		$8,058				8,058
3			$164,983			164,983
4				$89,991		89,991
5					$22,498	22,498
6						0
7						0
8	124,716					124,716
9		11,338				11,338
10			232,148			232,148
11				126,626		126,626
12					31,657	31,657
13						0
14						0
15	175,488					175,488
16		15,953				15,953
17			326,655			326,655
18				178,176		178,176
19					44,544	44,544
20						0
21						0
22	246,930					246,930
23		22,448				22,448
24			459,637			459,637
25				250,711		250,711
26					62,678	62,678
27						0
28						0
29	347,455					347,455
30		31,587				31,587
					Total	$3,062,909
					NPV @ a 4% Discount Rate	$1,606,000

[1] The Documentary Transfer Fee is set at $0.55 per $1,000 in value. The turnover rate is set at an average of 7 years. Appreciation is projected at an average rate of 5% per year.

[2] The projection period starts in the first year that units are available for sale.

ATTACHMENT VII - EXHIBIT B
CITY GENERAL FUND REVENUE PROJECTIONS
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

ATTACHMENT VII - EXHIBIT B - TABLE 1

PROJECTED PROPERTY TAX REVENUE [1]
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	SINGLE TOWER RESIDENCES BUILDING				
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Total
Year [2]					
1	$723,276	$0	$0	$0	$723,276
2	737,741	315,611	0	0	1,053,353
3	752,496	321,924	315,611	0	1,390,031
4	767,546	328,362	321,924	92,053	1,509,885
5	782,897	334,929	328,362	93,894	1,540,083
6	798,555	341,628	334,929	95,772	1,570,884
7	814,526	348,460	341,628	97,688	1,602,302
8	1,017,722	355,430	348,460	99,641	1,821,253
9	1,038,076	444,097	355,430	101,634	1,939,237
10	1,058,838	452,979	444,097	103,667	2,059,580
11	1,080,015	462,038	452,979	129,528	2,124,560
12	1,101,615	471,279	462,038	132,119	2,167,051
13	1,123,647	480,705	471,279	134,761	2,210,392
14	1,146,120	490,319	480,705	137,456	2,254,600
15	1,432,037	500,125	490,319	140,206	2,562,686
16	1,460,678	624,889	500,125	143,010	2,728,701
17	1,489,891	637,387	624,889	145,870	2,898,036
18	1,519,689	650,134	637,387	182,259	2,989,469
19	1,550,083	663,137	650,134	185,904	3,049,259
20	1,581,084	676,400	663,137	189,623	3,110,244
21	1,612,706	689,928	676,400	193,415	3,172,449
22	2,015,020	703,726	689,928	197,283	3,605,957
23	2,055,320	879,281	703,726	201,229	3,839,557
24	2,096,427	896,867	879,281	205,254	4,077,828
25	2,138,355	914,804	896,867	256,457	4,206,483
26	2,181,122	933,100	914,804	261,586	4,290,613
27	2,224,745	951,762	933,100	266,818	4,376,425
28	2,269,239	970,798	951,762	272,154	4,463,954
29	2,835,335	990,214	970,798	277,597	5,073,944
30	2,892,042	1,237,237	990,214	283,149	5,402,642
					$83,814,736
					$41,566,000

[1] The estimates are based on a 1% property tax rate and a City share of 17.4158367%. The statutory increase of 2% per year is applied until resale. The turnover rate is set at an average of 7 years. Appreciation is projected at

[2] The projection period starts in the first year that units are available for sale.

ATTACHMENT VII - EXHIBIT B - TABLE 2

PROJECTED EMS FEE REVENUE [1]
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	SINGLE TOWER RESIDENCES BUILDING				
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Total
Year [2]					
1	$1,868,840				$1,868,840
2		$815,494			815,494
3			$815,494		815,494
4				$237,852	237,852
5					0
6					0
7					0
8	2,629,646				2,629,646
9		1,147,482			1,147,482
10			1,147,482		1,147,482
11				334,682	334,682
12					0
13					0
14					0
15	3,700,176				3,700,176
16		1,614,622			1,614,622
17			1,614,622		1,614,622
18				470,931	470,931
19					0
20					0
21					0
22	5,206,519				5,206,519
23		2,271,936			2,271,936
24			2,271,936		2,271,936
25				662,648	662,648
26					0
27					0
28					0
29	7,326,095				7,326,095
30		3,196,842			3,196,842
					$37,333,300
					$18,766,000

[1] The EMS fee is set at $4.50 per $1,000 in value. The turnover rate is set at an average of 7 years. Appreciation is projected at an average rate of 5% per year.

[2] The projection period starts in the first year that units are available for sale.

ATTACHMENT VII - EXHIBIT B - TABLE 3

PROJECTED DOCUMENTARY TRANSFER FEE REVENUE [1]
SINGLE TOWER RESIDENCES BUILDING: 26-STORY CONDOMINIUM BUILDING
HILTON SITE
ELECTION CODE 9212 REPORT
BEVERLY HILLS, CALIFORNIA

	SINGLE TOWER RESIDENCES BUILDING				
	Year 1 Sales	Year 2 Sales	Year 3 Sales	Year 4 Sales	Total
Year [2]					
1	$228,414				$228,414
2		$99,671			99,671
3			$99,671		99,671
4				$29,071	29,071
5					0
6					0
7					0
8	321,401				321,401
9		140,248			140,248
10			140,248		140,248
11				40,906	40,906
12					0
13					0
14					0
15	452,244				452,244
16		197,343			197,343
17			197,343		197,343
18				57,558	57,558
19					0
20					0
21					0
22	636,352				636,352
23		277,681			277,681
24			277,681		277,681
25				80,990	80,990
26					0
27					0
28					0
29	895,412				895,412
30		390,725			390,725
					$4,562,959
					$2,294,000

1 The Documentary Transfer Fee is set at $0.55 per $1,000 in value. The turnover rate is set at an average of 7 years. Appreciation is projected at an average rate of 5% per year.

2 The projection period starts in the first year that units are available for sale.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

13. Overland Report (March 30, 2016)

Overland Traffic Consultants, Inc.

Overland Traffic Consultants, Inc.
952 Manhattan Beach Boulevard #100
Manhattan Beach, CA 90266
Phone (310) 930 - 3303
E-mail: otc@overlandtraffic.com

March 30, 2016

Mr. Douglas Moreland
Oasis West Realty, LLC
1800 Century Park East, Suite 500
Los Angeles, CA 90067

RE: Traffic Evaluation for the Proposed Site Plan Modifications
(The Beverly Hills Garden and Open Space Initiative)

Dear Mr. Moreland,

Overland Traffic Consultants, Inc. has evaluated the changes in traffic associated with the site plan modifications proposed by The Beverly Hills Garden and Open Space Initiative.

The modifications considered in this evaluation consist of removing the north residential condominium Building A, access, and loading and replacing it with garden and open space. Building A's residential units would be relocated to a single Residences Building located on the Santa Monica Boulevard frontage at Merv Griffin Way. Figure 1 illustrates the current and proposed site plans.

This assessment evaluates the site plan revisions and analyzes whether the modified site plan is consistent with the original conclusions contained in the EIR for The Beverly Hilton Revitalization Plan.

Our consistency evaluation considers the Project's traffic generation, the Project's residential access points and the Project's traffic impact and mitigation.

Traffic Generation

The Project is approved for 110 condominium units; 36 units in Building A and 74 units in Building B. The EIR prepared for the Project by the City of Beverly Hills analyzed trips generated by 120 condominium units in Residences A and B in addition to the other development proposed for the site.

The EIR concluded that the Project would have no significant unmitigated operational impacts to transportation, circulation, or parking.

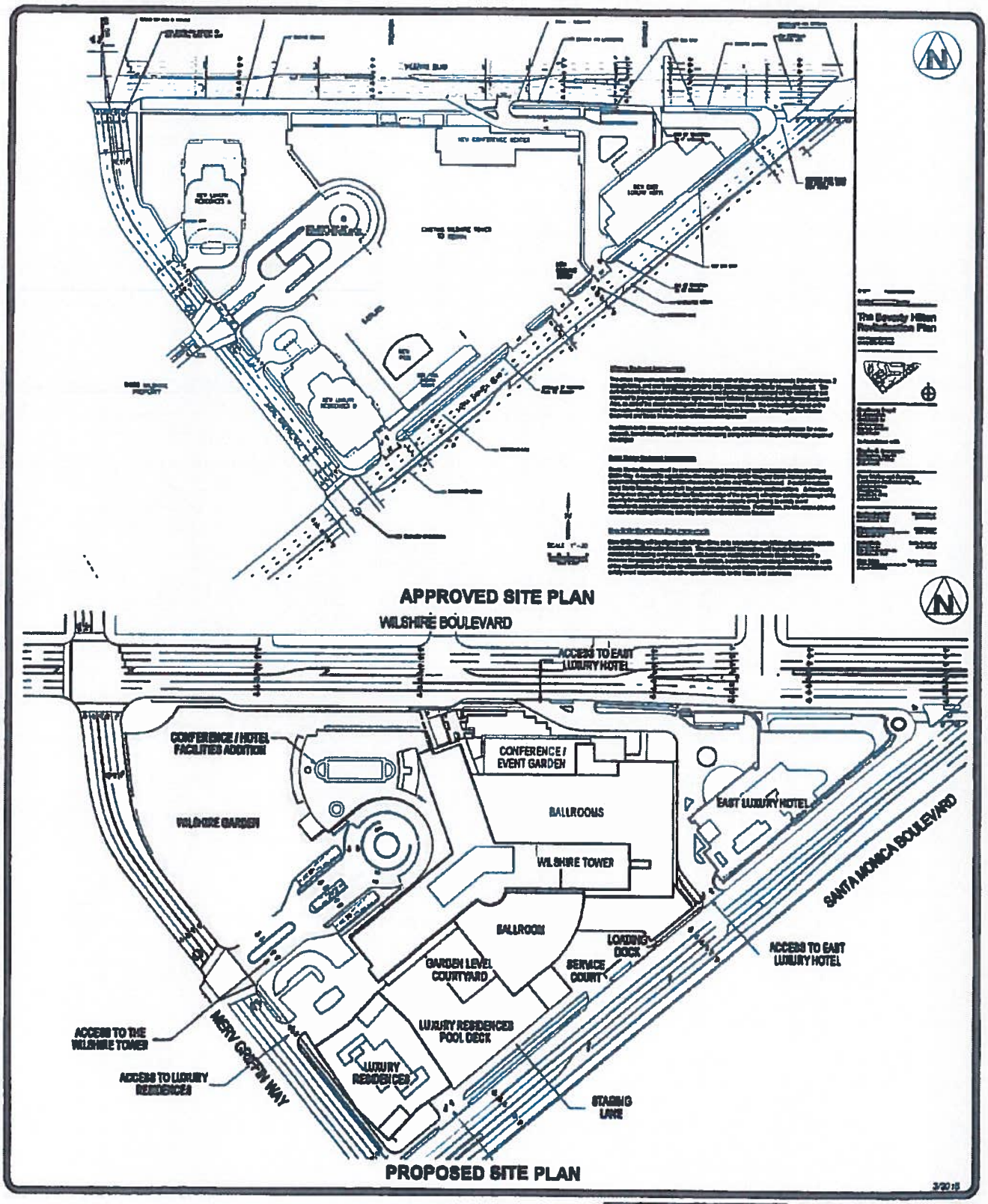


FIGURE 1

THE BEVERLY HILLS GARDEN AND OPEN SPACE INITIATIVE

Overland Traffic Consultants, Inc.
24325 Main Street #202, Santa Clarita, CA 91321
(661)799-8423, OTC@overlandtraffic.com

Trips - As with the approved Project, a total of one hundred twenty (110) units are planned for the Residences Building. Using the condominium trip generation rates developed for the Project EIR, the 110 condominium are estimated to generate 391 weekday vehicle trips with an estimated 31 morning weekday peak hour trips, 36 mid-day and afternoon weekday peak hour trips, and 36 mid-day Saturday peak hour trips, as shown in Table 1.

Table 1
Condominium Trip Generation [1]

	Daily	AM	Mid-day	PM	Saturday Mid-day
Trip Rate (per unit) [2]	3.55	0.28	0.33	0.33	0.29
Approve Project Trips (110 units)	391	31	36	36	32
Modified Project Trips (110 units) [3]	391	31	36	36	32
EIR Trips (120 units)	426	34	40	40	35

[1]The new garden and open space area is not expected to generate a measureable number of daily trips or during peak hours.

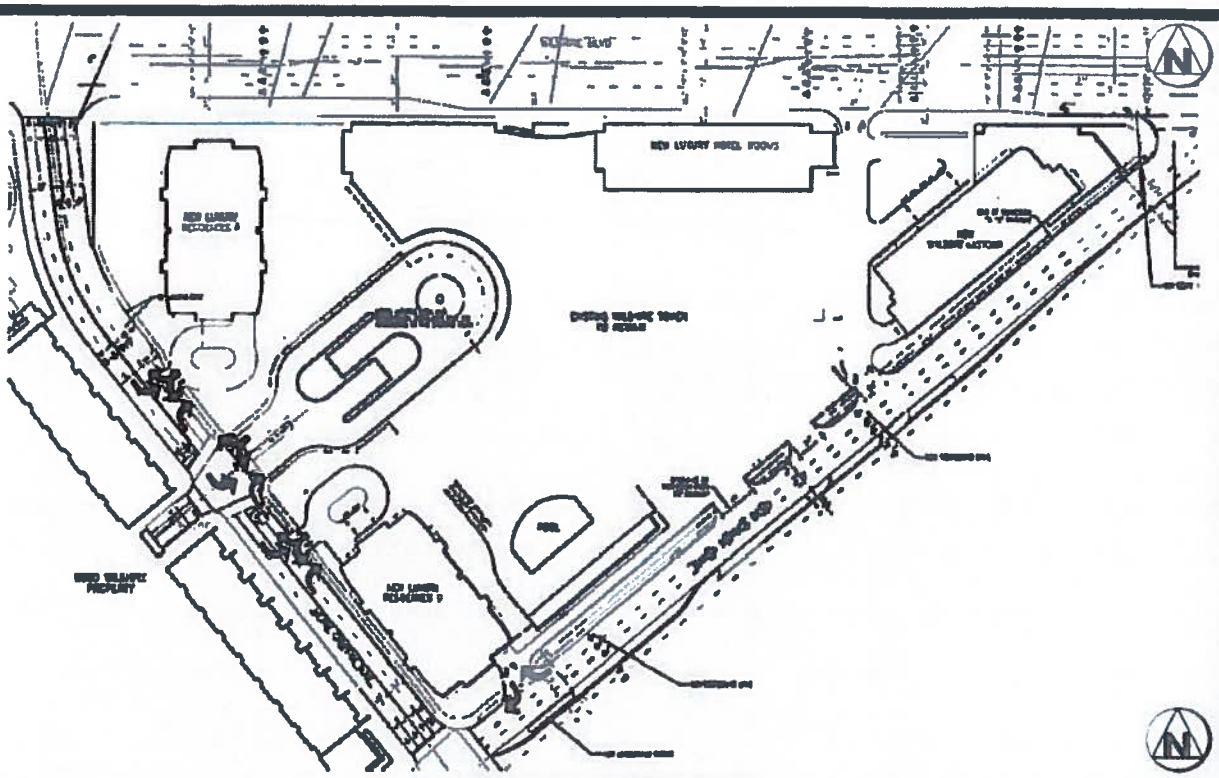
[2]Trip rates from 2007 Fehr & Peers transportation analysis completed for City of Beverly Hills as part of City's environmental review process for The Beverly Hilton Revitalization Plan.

[3]Ten (10) staff rooms of less than 500 square feet, to be provided as sleeping quarters, are not separate residential units under The Beverly Hills Garden and Open Space Initiative. The staff rooms may be used only in conjunction with one of the 110 residential units and will not generated trips not already assumed in the residential trip rate.

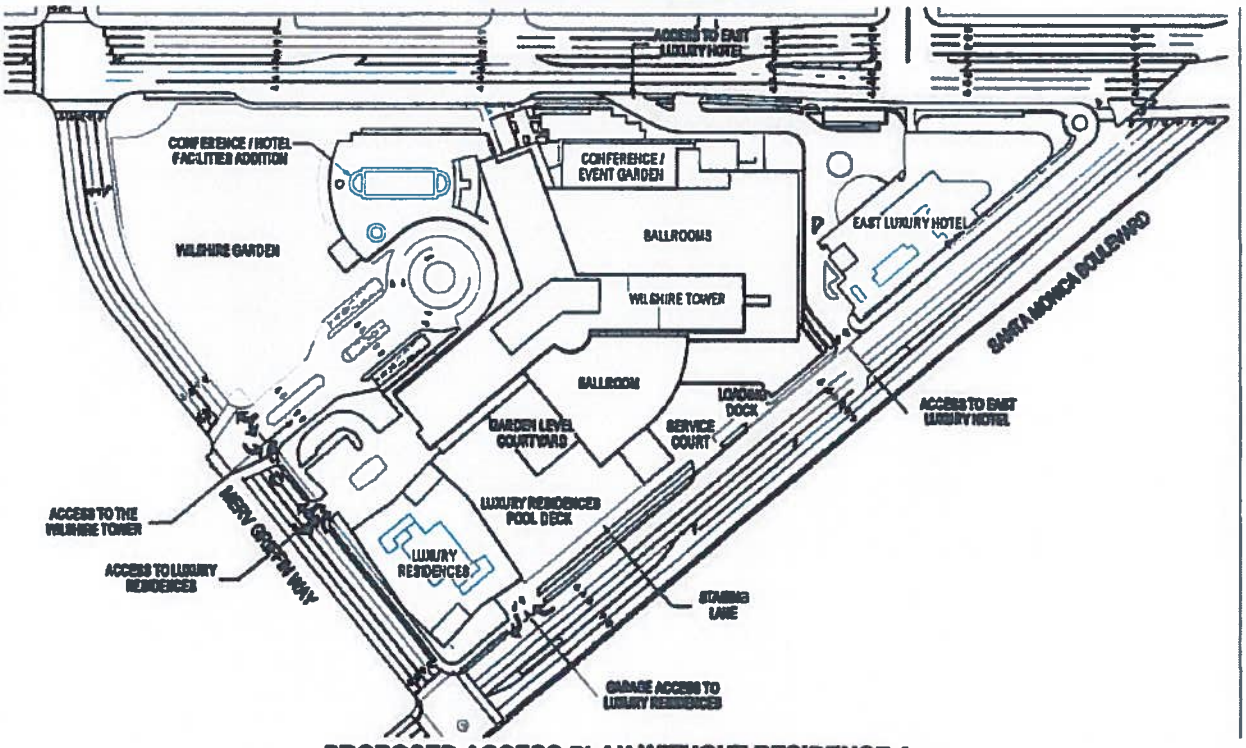
Access and Loading

Access - Consolidation of the residential units into one building simplifies the vehicular movements along Merv Griffin Way. Figure 2 illustrates the site access on Merv Griffin Way and Santa Monica Boulevard for the current and proposed Project.

One less driveway on Merv Griffin Way will reduce traffic conflicts turning onto and from Merv Griffin Way. Removing these vehicle conflicts benefits motorists traveling on the roadway as well as trips associated with The Beverly Hilton.



APPROVED ACCCESS PLAN



PROPOSED ACCESS PLAN WITHOUT RESIDENCE A

3/2016

FIGURE 2

THE BEVELY HILLS GARDEN AND OPEN SPACE INITIATIVE

Overland Traffic Consultants, Inc.
24325 Main Street #202, Santa Clarita, CA 91321
(661)799-8423, OTC@overlandtraffic.com

Vehicular access to and from the new Residences Building will remain unchanged. There will be one full access driveway on Merv Griffin Way with access to the valet service and parking garage, and one right in / right out driveway on Santa Monica Boulevard with access to and from the parking garage.

The EIR analyzed all Project driveways and determined that adequate site distance would be provided at all driveways and on – site circulation impacts would be less that significant. No new driveways are proposed, therefore this determination is equally applicable to the proposed site plan.

Loading - Removing Building A will eliminate loading activities associated with Building A. Loading activities were proposed for the east side of Merv Griffin Way north of the Building A driveway. This on – street loading activity and truck traffic will no longer occur. Eliminating this on – street loading will benefit traffic flow.

Delivery vehicles for the Residences Building will occur in an off – street staging area adjacent to Santa Monica Boulevard. No new on – street loading areas are proposed for the Residences Building.

The EIR reviewed the delivery and service access and determined the site plan provides adequate accessibility and facilities for service and delivery vehicles. The EIR's conclusion is equally applicable to the proposed site plan.

Traffic Impact and Mitigation

Trips generated by the residential component of the Project are less than analyzed in the EIR and access points are simplified. As compared to the Project analyzed in the EIR, the only differences are the removal of the residential Building A access point, removal of the on – street loading and consolidation of the residential units.

Project trip distribution patterns and impacts will not change as a result of the consolidation of the two residential buildings. Residential trips will take the same routes to and from the Project site as identified and analyzed in the EIR.

Building A relocated trip volume is nominal, less than 1 vehicle every 5 minutes during the peak hour of traffic. The Project's total residential traffic is a maximum of 36 peak hour trips which can easily be served by the two access points proposed for the Residences Building.

The circulation plan in Figure 1 will provide adequate circulation and access to the Project and motorists traveling on Santa Monica Boulevard, Wilshire Boulevard and Merv Griffin Way.

Conclusions

The changes to the site plan do not change the conclusions reached in the City's EIR for the Project. The already approved Project as modified by The Beverly Hills Garden and Open Space Initiative will not result in any significant impacts to transportation, circulation or parking with the implementation of the adopted mitigation measures.

The mitigation measures adopted by the City of Beverly Hills to reduce traffic impacts associated with the construction of The Beverly Hilton Revitalization Project will adequately mitigate the modified residential component of the Project since no substantial changes are being made to the Project's trip generation or traffic flow.

Eliminating an access driveway and on – street loading area on Merv Griffin Way has the potential to improve traffic flow and accessibility on Merv Griffin Way.

With the implementation of already imposed mitigation, no unavoidable significant impacts to transportation, circulation and parking would occur as a result of Project's changes.

Please contact me if you have questions or comments.

Sincerely,

Jerry T. Overland

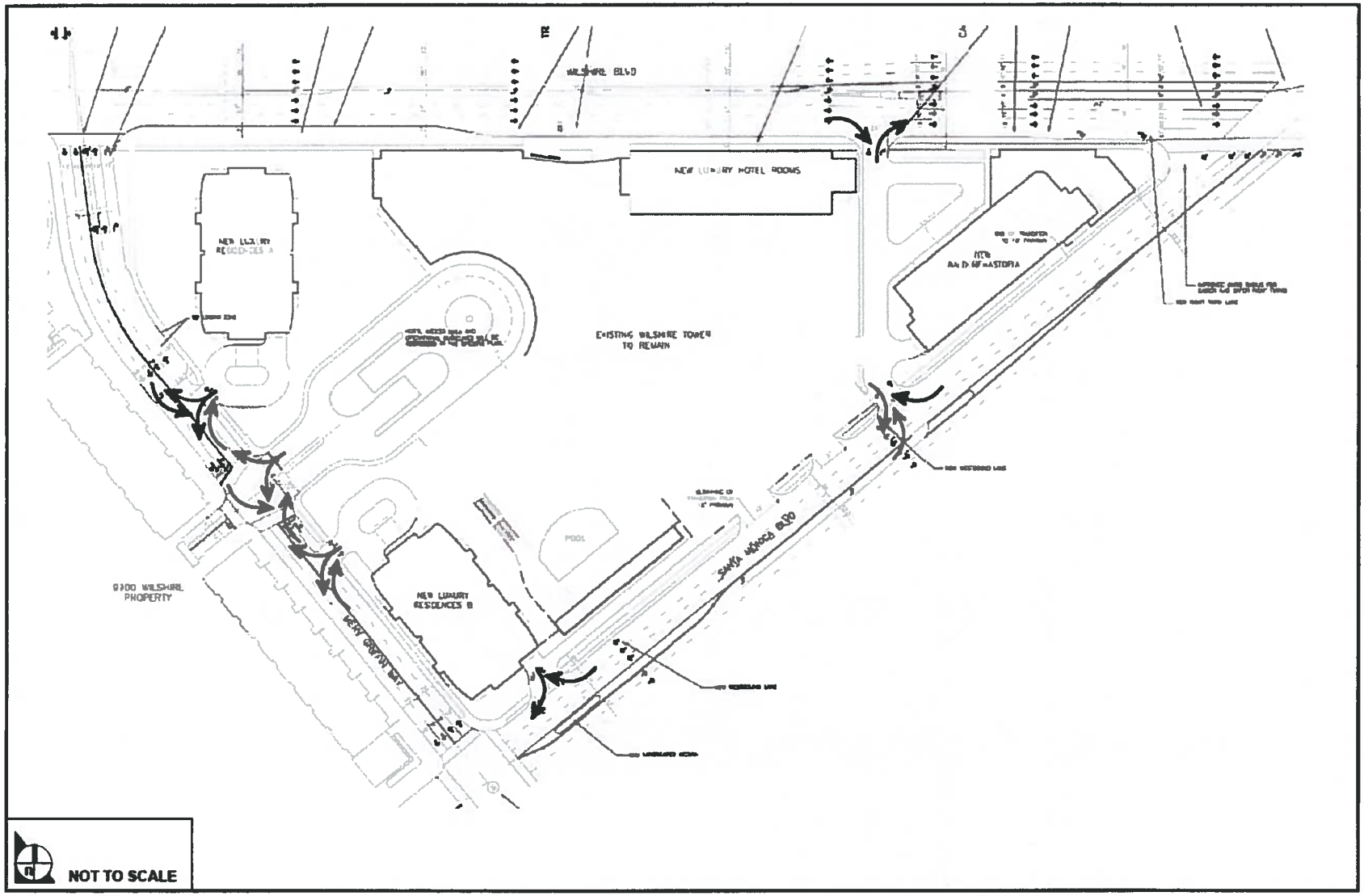
Jerry T Overland

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

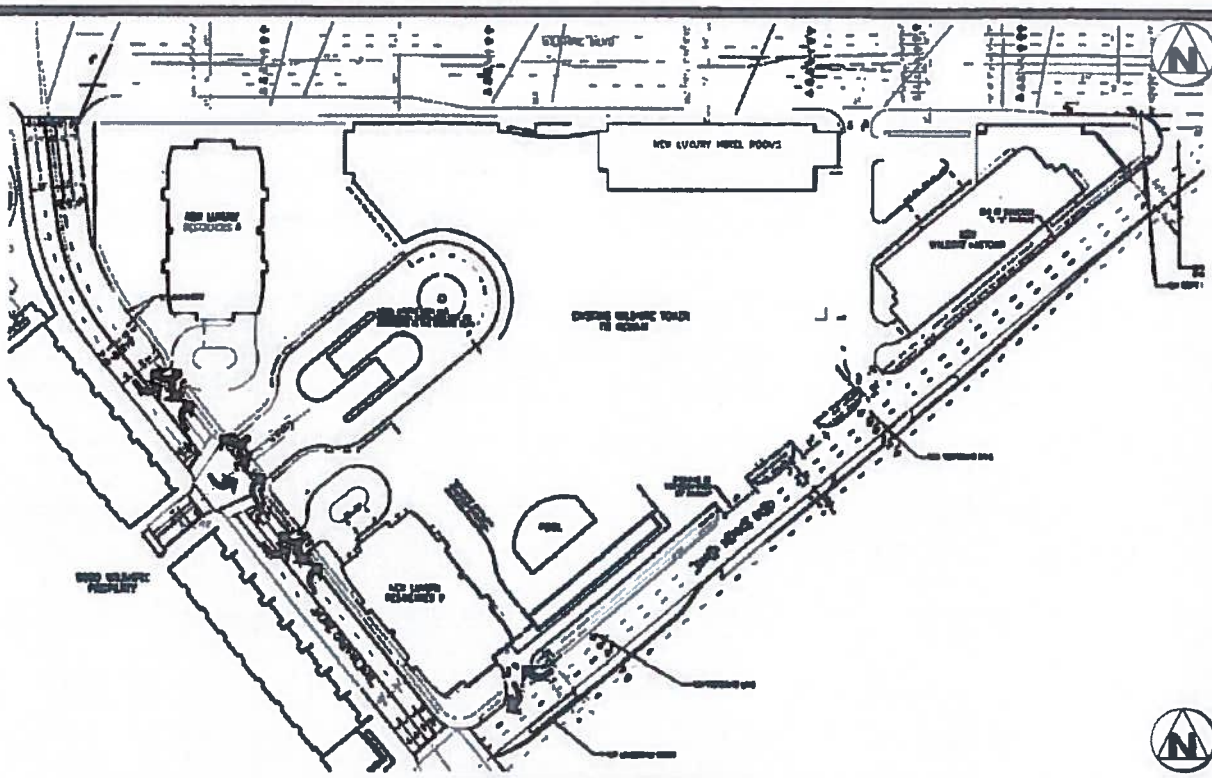
14. Beverly Hilton Site Plans

Beverly Hilton Site Access Plan

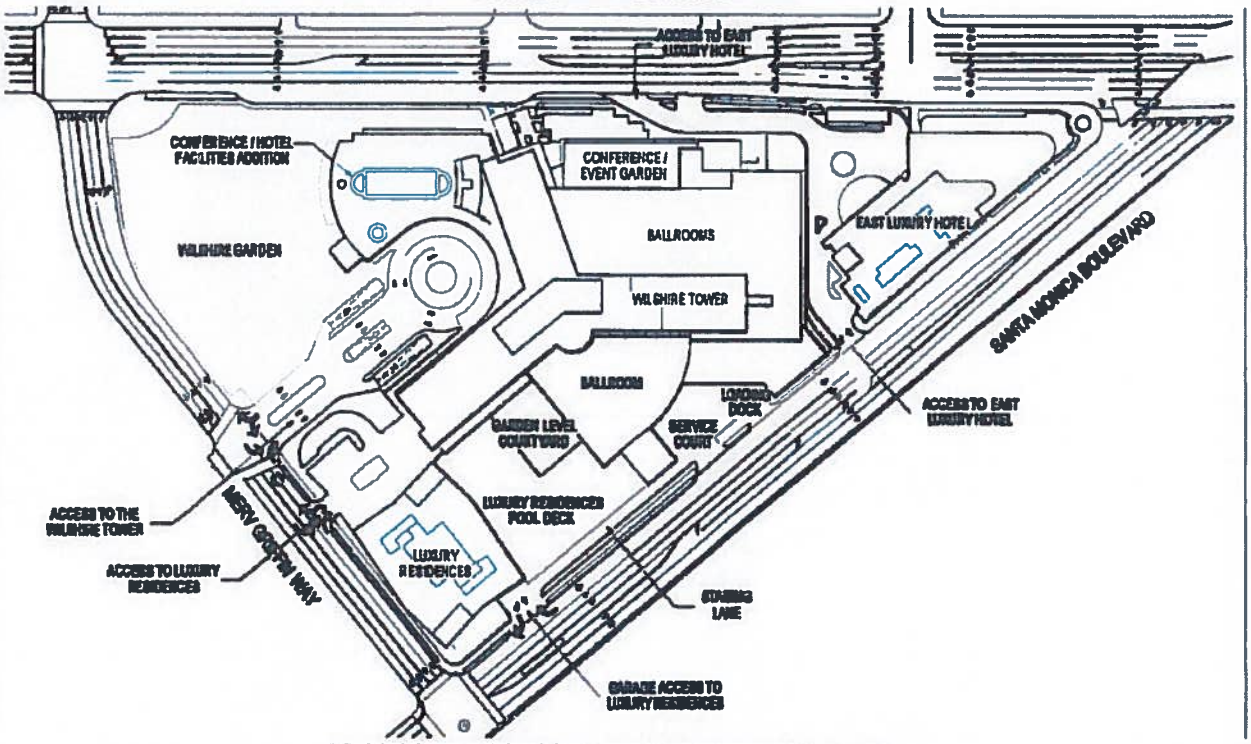


SOURCE: Fehr & Peers - July 2007.

FIGURE 4.11-4



APPROVED ACCCESS PLAN



PROPOSED ACCESS PLAN WITHOUT RESIDENCE A

3/2016

FIGURE 2

THE BEVELY HILLS GARDEN AND OPEN SPACE INITIATIVE

Overland Traffic Consultants, Inc.
24326 Main Street #202, Santa Clarita, CA 91321
(661)799-8423, OTC@overlandtraffic.com

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

15. Outstanding Staff requests for Commission to address

Outstanding Staff Requests for Planning Commission to Address, Consider and Provide Direction to Staff on

Throughout the Planning Commission's hearing process for the Wanda New Hotel, Destination Restaurant, Bar, Lounge, and Condominium Project, Staff has asked for Commission direction on numerous issues that require their attention and resolution. These issues remain outstanding. Quoted below are the specific instances where City Staff has requested direction from the Commission.

Staff Report - August 23, 2016:

- **Compatibility Concerns Created by New Uses**

  "[T]he Planning Commission may wish to consider the various compatibility issues typically associated with hotel uses in proximity to residential uses." (Staff Report, p. 16.)

  "[T]he Planning Commission may wish to recommend conditions relating to the operating hours of various dining areas on the site in order to minimize disruptions to future residents both at the 9900 Wilshire property, as well as future residents in the proposed condominiums at the Beverly Hilton property across Merv Griffin Way." (Id.)

  "Additionally, the Planning Commission may wish to consider whether it would be necessary to place operational restrictions on use of the ballroom/meeting rooms, outdoor dining areas, or on the rooftop amenities." (Id.)

  "These restrictions could address the use of live and/or amplified sound, hours of operation, frequency of events, or limitations on the number of patrons." (Id.)

- **Access & Circulation Issues Loading Dock Issues**

  "[T]***he Commission may wish to discuss whether two-way access to Merv Griffin Way should be subject to any peak-hour or event-related restrictions in order to minimize the possibility of conflicts with cross traffic on Merv Griffin Way.***" (Staff Report, p. 19.)

- **Substantial Increased Demand for Loading Dock**

  "***The Planning Commission may wish to consider the potential impacts of the increase in loading activities in*** close proximity to existing sensitive receptors (Beverly Hilton Hotel guests), as well as anticipated future sensitive receptors (One Beverly Hills condominium residents and Beverly Hilton Condominium residents), ***and determine what restrictions, if any, would be appropriate.***" (Staff Report, p. 21.)

- **Parking**

  "***the Commission may wish to discuss whether there is a continued benefit to providing additional parking spaces beyond Municipal Code requirements***." (Id.)

  > "The BHMC also allows further reductions in the parking requirements for hotels by up to 15%, provided that the Planning Commission makes a finding that the location of the hotel, availability of public transportation, or proximity and concentration of shopping to the hotel site will result in the hotel not generating a need for the number of parking spaces otherwise required by code. If the Planning Commission were to approve a further reduction of 15%, the total parking requirement would be reduced to 1,140 spaces...The Approved Project included 188 parking spaces in excess of Municipal Code requirements, whereas the Proposed Project does not include excess parking spaces. Meeting, rather than exceeding, code requirements is still anticipated to provide an adequate number of parking spaces on site given the mix of uses and increasing use of ridesharing services." (Staff Report, p. 19.)

- **Construction**

  "Staff recommends that the ***Planning Commission recommend provisions in the Construction Management Plan that would allow heavy hauling outside of normal construction hours, subject to all Mitigation Measures and Conditions of Approval relating to minimizing noise and light/glare impacts***." (Staff Report, p. 23.)

Staff Report – September 19, 2016:

- **Conditions of Approval**

  "Staff recommends the Planning Commission review the attached conditions and ***provide staff with guidance and comments on potential modifications, additional conditions or other recommended changes***." (Staff Report, p. 15.)

  "Staff has also provided a recommended set of project conditions that could apply to the Proposed Project. Based on the analysis provided in previous staff reports, the Final SEIR, and issue-specific technical memos and diagrams, ***staff recommends that the Planning Commission consider these issues, as well as any other issues relating to the Proposed Project, and direct staff to return with resolutions memorializing the Planning Commission's findings regarding the Final SEIR and the requested entitlements***." (Staff Report, p. 16.)

- **Project Modifications and Additional Information**

  "***[D]irect staff as appropriate with respect to any project modifications, requests for information, or preparation of resolutions memorializing the Commission's findings***." (Staff Report, p. 16.)

Staff Report – September 26, 2016:

- **Project Entitlement Determination**

  "This report contains specific analysis on those items that were requested by the Planning Commission, and ***staff seeks direction from the Planning Commission on the various entitlement requests***." (Staff Report, p. 1.)

- **Direction and Recommendation on Project Design an Conditions of Approval**

  "In addition, attached to this staff report are draft Project conditions for the Commission's review and comment. The attached draft conditions are an updated version of the approved project's conditions incorporating staff recommendations for the revised project (Attachment K). Conditions that have proposed changes are highlighted in bold text in the attachment. ***As part of directing staff, the Commission may choose to review the adequacy and language of the draft conditions, suggest additional or modified conditions, and direct staff to return to a future Planning Commission hearing with draft Planning Commission resolutions incorporating the conditions of approval***." (Staff Report, p. 2.)

  "The analysis provided above, as well as the attached technical studies, provide information in response to several questions and concerns raised by the Planning Commission with regard to motor court access, loading activities, and construction management. Staff has also provided a recommended set of project conditions that could apply to the Proposed Project. Based on the analysis provided in previous staff reports, the Final SEIR, and issue-specific technical memos and diagrams, ***staff recommends that the Planning Commission consider these issues, as well as any other issues relating to the Proposed Project, and should the Commission reach consensus regarding project design and conditions, direct staff to return with resolutions memorializing the Planning Commission's findings regarding the Final SEIR and the requested entitlements***." (Staff Report, p. 8.)

- **Project Modifications and Additional Information**

  "It is recommended that the Planning Commission continue holding the public hearing and receive testimony on the project, and ***direct staff as appropriate with respect to any project modifications, requests for information, or preparation of resolutions memorializing the Commission's findings***." (Staff Report, p. 8.)

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

16. Key questions and issues for Staff to resolve

Wanda Group's New Hotel and Commercial Project:

Key Issues for the Planning Commission & Staff to Address

1. Alternative Site Access Study – Provide an analysis of a circulation plan that locates all access, including all loading, along the approved western road along LA Country Club. Assess alternative access plan developed by Beverly Hilton.

2. Parking – Confirm whether off-site parking allowed. The Supplemental EIR states that no off-site parking is allowed. However, Wanda's proposed edits to the Specific Plan state that off-site is allowed for employees. The City should conduct its own study as to whether 40 spaces for employees will actually be sufficient. There is no justification for a 15% parking reduction or any reductions for commercial uses associated with hotels. Evaluate employee parking figures provided by Beverly Hilton.

3. Loading Dock –

    - Wanda's revised plan still requires illegal turns. The Commission cannot approve a loading dock that requires illegal turns.

    - The City should conduct its own study of the number of truck deliveries required for the Project. The City should analyze data collected by Beverly Hilton on Montage and Peninsula loading dock activities.

    - The City should require staff to evaluate whether employee access to the loading dock will be safe with the large trucks utilizing the dock.

4. Traffic Impacts from Simultaneous Events at the Project and the Beverly Hilton – The City should conduct its own independent study of the number of attendees that could exit from both events at the same time The LLG analysis relies on bad data because it understates activities at the Beverly Hilton. The City should request event data from the Beverly Hilton to use in its study.

5. Specific Plan – Provide a revised version of the Specific Plan for Commission and public to review.

6. Haul Route – Staff must evaluate haul route options further, including reconsidering a Wilshire/Santa Monica Boulevard route and routes from the east, as well as a staging location closer to the Site.

7. Construction Traffic – Staff must evaluate whether Wanda's estimated number of trips is accurate.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY

(BEVERLY HILTON HOTEL)

17. Beverly Hilton employee staff figures & parking requirements

Luxury Hotel Staffing and Parking Guidelines

Luxury 5 Star Hotel - No Banquet Function

Front Desk	4	
Bellman	3	
Doormen	2	
Housekeeping	29	
Culinary	12	
Restaurant FOH	13	
Pool Staff	3	
Stewarding	6	
Room Service	5	
Parking	5	
Grounds Keepers	2	
Engineering	4	
Purchasing	2	
Administrative	10	
Security	4	
Management	31	
	134	Staff during the day shift
65% of staff park in hotel:	87	parking spaces required
Shift Over Lap:	15	parking spaces required
TOTAL SPACES NEEDED:	102	without Banquet Functions

Luxury 5 Star Hotel - Banquet Function for 200 ppl

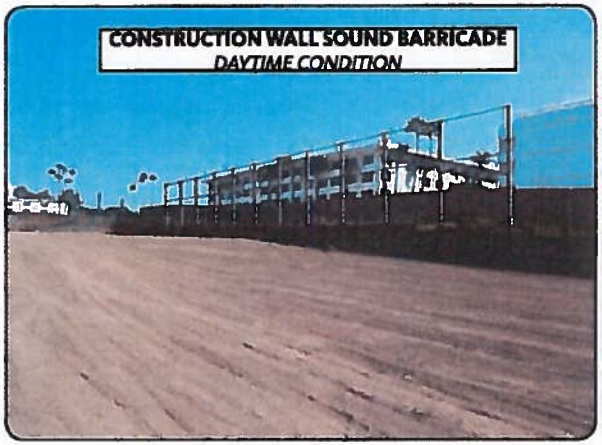
Captains	1	
Servers	13	
Bussers	2	
Culinary	4	
Stewarding	2	
Parking	4	
Audio/Visual	3	
	29	Staff during the banquet shift
65% of staff park in hotel:	19	parking spaces required
TOTAL PARKING SPACES NEEDED:	**121**	**with Banquet Functions**

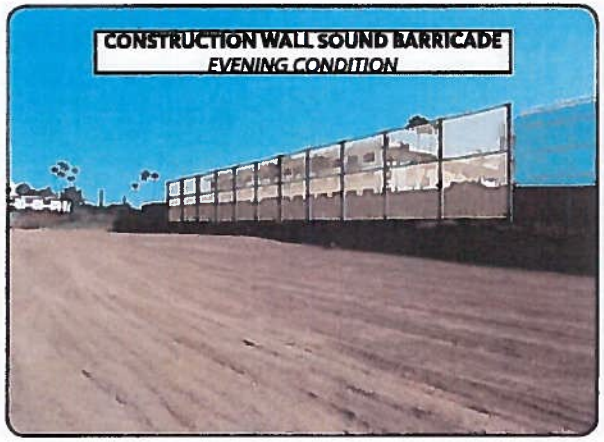
PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

18. Sound Wall graphics

WANDA CONSTRUCTION SITE
PROPOSED SOUND WALL BARRICADE





VIEW FROM BEVERLY HILTON MOTOR COURT

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

19. Beverly Hilton loading dock truck traffic report

Beverly Hilton Loading Dock Traffic

	Sunday 2/7/2016	Monday 2/8/2016	Tuesday 2/9/2016	Wednesday 2/10/2016	Thursday 2/11/2016	Friday 2/12/2016	Saturday 2/13/2016
Occupancy	49	67.7	93.7	98.1	98.2	87.2	98.2
Banquet Covers	0	435	260	250	40	40	40
UPS		2	2	2	2	2	
FedEx		5	4	3	4	4	
Shipping Truck other		1	1	1		1	
Laundry	3	2	3	2	2	3	3
Dry Cleaning	5	2	4	5	6	9	8
Garbage		2				1	
Armored Car		1	1			1	
Bread					1		
Sysco			1	1			1
Produce		2	3	3	3	2	2
Meat		1		1		1	
Fish			2	1		1	1
Beverage		2	3	2	1	3	
Box Truck Misc.	6	17	10	14	20	12	7
Refrig Trick Misc.		3	4		4	5	3
Delivery Van	7	14	12	6	11	12	5
Total	**21**	**54**	**50**	**41**	**54**	**57**	**30**

Average Weekly	**44**
Average Weekday	**51**
Total Deliveries Per Week	**307**

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

20. Modifications to the Project's Conditions of Approval

Wanda Group's New Hotel and Commercial Project:

Draft Conditions of Approval

The Planning Commission should consider the following revisions to the Draft Conditions of Approval.

Draft Condition No. 5. Square footage of each hotel dining, bar, meeting rooms, and ancillary amenities should be specified with a maximum square footage for each. Change is consistent with prior Conditions of Approval.

Draft Condition No. 7. Parking spaces should not reflect 15% discount or parking reductions for restaurants combined with hotel. Total parking spaces required on site should account for 105 employee parking spaces. All parking shall be provided on-site, including all employee parking.

Draft Condition No. 12. Minimum number of parking spaces meeting ADA requirements shall be specified.

Draft Condition No. 13. Number of dedicated employee parking spaces should be specified.

Draft Condition No. 14. Two hours of free validated parking shall be provided for events.

Draft Condition No. 20. Delivery trucks, including garbage, to commercial and residential portions of project shall be limited to 55 per week.

Draft Condition No. 23. Project shall be constructed to meet LEED Gold standards.

Draft Condition No. 25. [Compare to current language. It's different than the Hilton's condition.]

Draft Condition No. 47. Construction fencing shall be designed to be attractive and to minimize aesthetic impacts and shall include landscaping.

The following conditions of approval were imposed on the Beverly Hilton in 2008. For the benefit of the community and the City, the same conditions should be imposed on the Wanda Group's new project.

Environmental Compliance Monitor

46. The Construction Management Plan Coordinator shall provide assistance in the selection of a full-time Environmental Compliance Monitor. The developer shall deposit funds sufficient to pay for the Environmental Compliance Monitor who shall be hired by and work for the City. The Environmental

Compliance Monitor shall be selected from a list of individuals deemed qualified by the Director of Community Development and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Monitor within a 14 calendar day period after being presented with the list of qualified monitors, the director of Community Development shall have the authority to select the Monitor.

47. The field office of the Environmental Compliance Monitor shall be located in an office trailer provided by the developer on or adjacent to the El Rodeo School campus for easy access to District staff, parents, and local residents. The location of the field office shall be approved by the Community Development Director. All utility and maintenance costs associated with the installation and maintenance of this trailer shall be paid for by the developer.

48. The Environmental Compliance Monitor shall maintain a daily log and provide monthly reports to the City and School District.

49. The Environmental Compliance Monitor shall immediately report any violations of the construction mitigation measures to the City.

50. City staff shall have the authority to immediately stop construction upon verification of any violation of the Construction Management Plan. Work shall not be allowed to restart until the problem is abated and/or corrective actions are taken to mitigate the violation.

51. The Environmental Compliance Monitor shall conduct a weekly meeting with the project construction manager(s) and shall invite City and School District representatives to attend such meetings.

Specialty Testing

52. Specialty consultants (noise and air quality) shall be hired to provide testing and monitoring and provide recommendations as described in the EIR, and imposed by these conditions of approval. The developer shall deposit funds sufficient to pay for the specialty consultants who shall be hired by and work for the City.

53. The Construction Management Plan Coordinator shall provide assistance in the selection of these specialists.

54. Consultants hired to provide specialty testing services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified school District. If the District does not agree with the City on specialty testing consultants within a 14 day period after being presented with the list of qualified specialty testing consultants, the Director of Community Development shall have the authority to select the specialty testing consultants.

55. All test results shall be maintained on file with the Environmental Compliance Monitor and included in monthly reports submitted to the City and School District.

56. Construction noise and vibration shall be monitored at El Rodeo School as part of the Construction Management Plan. Construction activities and/or measures may be modified to correct any excesses in the event acceptable thresholds are exceeded.

57. The Environmental Monitor shall initiate, and the Developer shall pay for a traffic study to be undertaken within 45 days after the beginning of each school year during construction of the Project to measure the then existing conditions and to determine whether unanticipated impacts resulting from the Project construction are occurring. Additional measures as maybe identified by any such study that address impacts from the Project shall be implemented by the developer.

58. Construction traffic shall be monitored at the site so that the frequency of construction to/from the project site during the periods when most school children are arriving/departing to/from schools will be reduced in the event that construction traffic exceeds thresholds that shall be identified in the Construction Management Plan.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

21. Wanda Group's unsupported assumptions, conclusions and data

Wanda Group's New Hotel, Destination Restaurant, Bar, Lounge, Spa and Condominium Project: Unsupported Assumptions, Conclusions, and Data

Loading Dock Trips Are Understated: Wanda's Figures Do Not Add Up

- Wanda projected 54 trucks per week to loading dock on Merv Griffin Way.
- City counted Montage Hotel loading dock for 12 hours and counted 32 delivery trucks.
- City Counted L'Ermitage Hotel loading dock for three days and counted 36 delivery trucks.
- A full week count of Montage Hotel loading dock counted 251 delivery trucks and vans and 247 personal vehicles.

Loading Dock Requires Illegal Access: Wanda Misleads When it Shows Trucks Are Able to Turn Legally Into a Merv Griffin Way Loading Dock

- Wanda's revised plan still requires illegal turns. The Commission cannot approve a loading dock that requires illegal turns.
- The City should conduct its own study of the number of truck deliveries required for the Project. The City should analyze data collected by Beverly Hilton on Montage and Peninsula loading dock activities.
- The City should require staff to evaluate whether employee access to the loading dock will be safe with the large trucks utilizing the dock.

Hotel Employee Numbers Are Understated: Wanda Understates Employee Numbers and Underparks the New Project As a Result

- Wanda says that only 40 employee parking spaces are needed.
- This understates the number of parking spaces needed by 1.5 times. At least 121 employee parking spaces are required.
- City staff should independently verify Wanda's employment figures.

External Restaurant, Bar, Lounge Patrons Are Understated: Wanda's Assumptions Are Wrong & Not Tested

- Wanda told the City to assume that one half of all restaurant patrons would come from hotel guests.
- A 134-room hotel cannot support 20,000 square feet of restaurant, lounge and bar space. (See DEIR, at 31 [16,057 sf of indoor dining, 1,600 outdoor dining, 1,907 lobby lounge].)

Restaurant Seats: Wanda says it doesn't have the numbers, but the EIR does

- The EIR assumed one seat per 30 square feet of restaurant space. (DSEIR, at 211.)
- Using this rate, that is 666 seats for approximately 20,000 square feet of restaurant, lounge, and bar space.
- Restaurant, bar, and lounge space for 666 people will generate more than the 12 left turns on SMB into the hotel than Wanda estimates.
- These conclusions and assumptions need to be independently verified.

Construction Truck Trips

- Wanda's construction assumptions regarding number of truck trips are not verified.

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

Noise Assessment Review prepared by Ramboll Environ

RAMBOLL ENVIRON

ENVIRONMENT
& HEALTH

Mr. Benjamin Hanelin
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071

REVIEW OF THE NOISE ASSESSMENT FOR THE 9900 WILSHIRE PROJECT

Dear Mr. Hanelin:

Ramboll Environ US Corporation (Ramboll Environ) has reviewed the Noise analysis of the 9900 Wilshire Boulevard Project (Project, 9900 Wilshire Project) as analyzed in the Final Supplemental Environmental Impact Report (FSEIR). Our findings reflect the conclusions reached given the time available for our review and information provided. To the extent that additional information or time is provided, our findings may change.

Date September 29, 2016

Ramboll Environ
18100 Von Karman Avenue
Suite 600
Irvine, CA 92612
USA

T +1 949 261 5151
F +1 949 261 6202
www.ramboll-environ.com

EXISTING SOUND LEVELS

Existing sound levels were not appropriately measured or accounted for in the analysis. Without accurately representing existing ambient conditions at the site, and given that the reported increase due to the Project is close to the threshold (a reported increase of 4.8 dBA compared to a threshold of 5 dBA), no conclusions regarding the potential noise impacts of the Project on noise can be substantiated.

- Existing CNELs[1] were estimated using two 15 minute Leq[2] measurements (one taken during the mid-morning or early afternoon hours, and one taken during the early nighttime hours).
- Existing sound levels can fluctuate substantially over the daytime and nighttime periods. Using short 15-minute measurements to represent all daytime and all nighttime sound levels is unlikely to result in an accurate characterization of the CNEL sound levels. The noise analysis should have taken 24-hour sound level measurements to fully characterize how sound levels can vary over the 24-hour period.
- Two 24-hour measurements were taken along Santa Monica Boulevard, which is a major roadway with very different traffic flows compared to Merv Griffin Way or Wilshire Boulevard. In addition to Santa Monica Boulevard, the noise analysis should have taken sound level measurements along these two roads to fully characterize the ambient sound levels in the vicinity.

[1] Community Noise Equivalent Level.
[2] Equivalent Continuous Noise Level.

- The measured CNEL sound levels taken at similar locations for the Beverly Hilton Revitalization Plan EIR are all considerably lower (at least 3 dBA lower) than the estimated CNEL levels identified in the 9900 Wilshire Project FSEIR (see Table 1).
- We further note that the 24-hour sound level measurements taken for the Beverly Hilton Project show that the sound levels between 3 and 4 AM are generally between 4 and 5 dBA lower than the levels measured between 11 PM and 1 AM. The 9900 Wilshire Project's noise assessment uses a 15-minute Leq obtained between 11 PM and 1 AM to represent the potentially much quieter hours of the night. These data may thus not represent the quietest hours of the night, potentially resulting in an artificially high estimate for existing ambient sound levels that may be inaccurately reflecting the true noise impacts of the Project. These data should be reassessed to obtain an accurate estimate for existing ambient sound levels and accurate noise impacts from the Project.

Table 1. Comparison of CNEL Levels used for the Wanda Project FSEIR and the Beverly Hilton Revitalization Plan FEIR

Location	Wanda Project FSEIR CNEL Estimate	Beverly Hilton FEIR Measured CNEL Level [1]	Difference
55 ft North of Wilshire Blvd	75.1	71.7	3.4
Northern Project Boundary (36 ft South of Wilshire Blvd)	80.3	77.0	3.3
50 ft from Merv Griffin Way	74	68.6 [2]	5.4
40 ft North of Santa Monica Blvd	82.2	78.8	3.4

Notes:

[1] Adjusted to reflect same distance from centerline of roadway as for the 9900 Wilshire Blvd measurements, assuming a traffic line source reduces by 3 dBA for every doubling of distance from the source.

[2] The distance from Merv Griffin Way could not be verified.

CONSTRUCTION

Construction noise impacts are not adequately disclosed because (1) the impacts were assessed using an inappropriate methodology, (2) nighttime construction impacts were not properly analyzed, and (3) mitigation measures were not appropriately considered.

- The Project FSEIR inappropriately uses the CNEL level to assess potential noise impacts from construction activities, which were assumed to occur between 8 AM and 6 PM. A more appropriate method would be to compare the construction sound level to the Leq for the daytime construction period, similar to what was done in Topical Response K for nighttime construction. As mentioned above,

24-hour sound level measurements would likely be required to accurately identify the period Leq during the presumed hours of construction.

- The Project FSEIR did not include a detailed noise assessment to consider the potential impacts of evening or nighttime construction on the surrounding sensitive receivers. The information provided in Topical Response K is not sufficiently detailed to independently confirm the conclusions. Specifically, as stated above, an accurate measurement of existing ambient noise levels is required to substantiate any conclusions regarding noise impacts on sensitive receivers.
- The FSEIR indicates that the noise analysis used a 5 dBA increase over ambient as the threshold for temporary impacts during construction and lesser increases[3] (see Table 2) for impacts during operation. Given the increased sensitivity of neighboring uses (e.g., hotel) during nighttime hours, it would be appropriate to apply the more stringent operational thresholds to nighttime construction.

Table 2. CEQA Impact Thresholds Used in Noise Analysis

CNEL (dBA)	dBA Increase
55	3
60	2
65	1
70	1
Over 75	1

- We further note that Topical Response K discloses that vibration impacts would be significant and exceed the 72 vibration decibels (VdB) threshold; this impact is likely to be more of a concern during nighttime hours.
- The FSEIR considered noise impacts during daytime construction and assumed a 40-foot high wall would be required along the eastern boundary of the 9900 Wilshire Project. The barrier was presumed to be able to achieve a 20-dBA reduction in construction noise at the Beverly Hilton Hotel, and the FSEIR indicated that other strategies would need to be used to achieve an additional 1-dBA reduction in order to prevent significant construction noise impacts at the hotel. These mitigation measures were identified assuming 8 hours of construction would occur sometime between 8 AM and 6 PM. Although Topical Response K discussed the noise reduction from the sound barrier, the analysis needs to incorporate accurate existing ambient noise levels.
- The FSEIR states that the sound barrier would achieve a STC[4] of 30. It is unlikely that a fabric barrier would achieve this STC. We further note that the STC was increased from 20 in the DSEIR to 30 in the FSEIR.[5] No details are provided on the specific sound barrier to be used to substantiate the effectiveness of mitigation measure N-1.

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[3] Identified in Section N.1.5. of the Noise Element.

[4] Sound transmission coefficient (STC) is an indicator of how effective a material is at preventing noise from going through it. A greater STC indicates higher effectiveness.

[5] FSEIR, page 9, Table ES-1, edits to N-1.

- The FSEIR does not disclose the assumptions used in the noise calculations to estimate the effectiveness of the barriers, including assumed height of source or receptors. This information is needed to independently confirm the conclusions.

LOADING DOCK

The noise impacts from the loading dock were not appropriately accounted for in the analysis.

- Noise from loading dock activities was not considered in the FSEIR. Specifically, the acceleration of trucks onto and along Merv Griffin Way during early morning hours before 7 AM would likely be audible and potentially disturbing to nearby sensitive uses (e.g., hotel). The September 8, 2016 noise memorandum provided by Rincon Consultants considered only the effects of 6 daily loading dock deliveries when comparing loading dock noise to the ambient sound levels. This is only the number of additional loading dock deliveries associated with the changes to the approved project. The analysis should have assessed the noise from the total number of daily loading dock trips for comparison to the existing ambient sound levels. The analysis should also consider the noise from trucks pulling onto and accelerating on Merv Griffin Way. This could be accomplished using the TNM model, which can consider truck acceleration.
- The noise impacts from the loading dock were assessed using CNEL. This is not an appropriate noise descriptor to use in this case because noise from loading dock activities is not expected to occur overnight. Given the intermittent use of the loading dock, a noise assessment of the peak loading dock hour is most likely to provide a full characterization of any potential noise impacts.
- Noise from the loading dock should be added to other traffic, HVAC, and restaurant noises to fully gauge cumulative impacts from operation of all noise sources at the site.

CLOSING

We appreciate the opportunity to perform this review. Please feel free to call Kristen Wallace at (425) 412-1807 if you have any comments or questions.

Very truly yours,

Kristen Wallace

Kristen Wallace
Senior Manager

+1 425 412 1807
kwallace@ramboll.com

Eric C. Lu, MS, PE
Principal

+1 949 798 3650
elu@ramboll.com

DC:eg

PUBLIC CORRESPONDENCE

OASIS WEST REALTY
(BEVERLY HILTON HOTEL)

Traffic Peer Review Memo prepared by Gibson Transportation Consulting

Gibson
transportation consulting, inc.

MEMORANDUM

TO: City of Beverly Hills

FROM: Jonathan Chambers, P.E.

DATE: September 29, 2016

RE: Traffic Commentary on the One Beverly Hills Project
Beverly Hills, California **Ref:** J1418

On behalf of Oasis West Realty LLC ("Oasis"), Gibson Transportation Consulting, Inc. ("GTC") reviewed traffic and parking documentation associated with the proposed One Beverly Hills project ("Project"), including the Final Supplemental Environmental Impact Report ("Final SEIR"), an analysis of simultaneous events at One Beverly Hills and the neighboring Beverly Hilton hotel, and a shared parking analysis. GTC previously provided commentary on *Draft Supplemental Environmental Impact Report: 9900 Wilshire Boulevard (One Beverly Hills) Project* (Rincon Consultants Inc., April 2016) ("Draft SEIR") in the form of a memorandum dated May 25, 2016 ("GTC Draft SEIR Comment Letter").

In summary, GTC continues to believe that the traffic analysis presented in the Draft SEIR and Final SEIR fail to adequately identify or address potential significant impacts of the Project. Further, certain key statements made by Wanda Group ("Applicant") and its consultants during public testimony are unsubstantiated, as is discussed in this memorandum.

The following areas are addressed herein:

1. Understatement of the number of vehicles to be turning across Santa Monica Boulevard
2. Overstatement of the potential impacts of consolidating Project access
3. Inadequacy of the analysis of simultaneous hotel events
4. Inconsistencies between the traffic analysis and parking analysis
5. Inadequacy of responses to comments in Final SEIR

VEHICLES ACCESSING PROJECT SITE

In public testimony, including on August 23, 2016 and September 19, 2016, the Applicant has argued that the number of vehicles that would turn left from Santa Monica Boulevard into the proposed hotel motor court would be very few – approximately 13 vehicles per hour during the PM peak hour (the busiest hour for hotel trip generation). This is 20% of the 64 total peak hour arrivals estimated in the Draft SEIR analysis based on the percentage of Project traffic that would travel to and from Santa Monica Boulevard to the southwest.

However, as was extensively documented in the GTC Draft SEIR Comment Letter, the trip generation estimates presented in the Draft SEIR were severely understated. By using more reasonable estimates of internal capture and accounting for more of the dining uses proposed in the Project, GTC estimates that the hotel and its associated uses would generate approximately 153 inbound trips during the PM peak hour, 20% of which equals 31 peak hour trips. This is nearly 140% more peak hour unprotected left turns across Santa Monica Boulevard than disclosed by the Applicant.

Even using the Applicant's own estimates in its "Sensitivity Analysis" presented in the Final SEIR (in which internal capture credit for hotel-associated uses was removed), the Project would generate approximately 93 inbound trips during the PM peak hour, 20% of which equals 19 trips (a 46% increase over 13 trips).

CONSOLIDATED PROJECT ACCESS

Oasis proposed that Project access on Santa Monica Boulevard should be consolidated to a single signalized driveway at the southwest corner of the Project Site. The Project already proposes that residential access to the Project Site, inclusive of all residential deliveries and moving trucks, would be at this location, and Oasis' suggestion would add hotel and related traffic to that location. The driveway would provide full access – left- and right-turns in and out of the Project Site.

This reasonable suggestion was dismissed by the Applicant's representative at the September 19 hearing on the basis that it would not be possible to accommodate the necessary left-turn volumes in the short turn pocket on Santa Monica Boulevard at the western edge of the site. However, the Applicant's same traffic projections were used to suggest that the number of left-turns across Santa Monica Boulevard is miniscule.

The fact is, based on the Applicant's numbers, the entire Project would generate a maximum total of 20 inbound left-turns across Santa Monica Boulevard – approximately one every three minutes. The left-turn pocket at the site's western access road can accommodate four cars without blocking traffic on Santa Monica Boulevard – a 12-minute supply of vehicular arrivals based on the Applicant's estimates. Currently, nearly 500 vehicles an hour make an unsignalized left-turn across Santa Monica Boulevard onto Merv Griffin Way without the benefit of a traffic signal; clearly, 20 vehicles could make a left-turn in an hour at this intersection without causing a queuing problem with space for four vehicles to queue.

Even if trip generation estimates from the GTC Draft SEIR Comment Letter were used, the Project would still only generate approximately 38 peak hour left turns across Santa Monica Boulevard, well under one per minute, and queuing would not be a problem. The City should independently address this consolidated project access proposal as it will avoid unsignalized left turns across Santa Monica Boulevard, will separate further vehicles traveling to the Project and the Beverly Hilton property, and will avoid confusion for drivers traveling to the two adjacent properties.

EVENT ANALYSIS INADEQUACY

The Project's public record includes an analysis of potential traffic impacts assuming simultaneous events occurring at the Project Site and at the Beverly Hilton ("Event Analysis"). However, the assumptions in that analysis are inaccurate and fail to disclose the likely impacts of such a scenario. The following assumptions made in the Event Analysis are inaccurate or not conservative enough to properly assess potential impacts:

- The Event Analysis only assumes a maximum-capacity seated event of 285 persons. For an event without seating, or one with theater-style seating, the capacity would be approximately 20% greater, or approximately 340 persons. This would increase the total Project trip generation attributable to event traffic from the 80 trips assumed in the Event Analysis to 95 trips, including 72 inbound and 23 outbound.

- The Event Analysis used 10-year old data to estimate the number of additional vehicle trips that are generated by an event at a Beverly Hills hotel. Further, no information was provided about the time of day of the surveyed event or of the traffic count that was used to determine event trip generation. Finally, only a single count at a single event was used. This count suggested that there were only between one and two peak hour vehicles for every seven people at the event – fewer, even, when considering that the Event Analysis assumed that 25% of the total trip generation estimate was *departing trips*. With the rapid (and continuing) rise in the use of ridesharing services such as Uber and Lyft, which have not just replaced the use of taxis but have in many cases replaced the use of personal automobiles, a much larger percentage of event traffic today likely consists of both an inbound and outbound trip for each arriving or departing guest. For all of these reasons, updated event traffic data should have been collected during multiple major events to conduct this analysis.

- Oasis confirmed that there were 24 events with over 1,000 attendees at the Beverly Hilton in 2015, and an additional 45 with between 700 and 999 attendees. This is orders of magnitude higher than the six events with 1,000 or more attendees identified in the Event Analysis based on 2006 data. Further, Oasis expects the number of events that it hosts – including large events – to increase by approximately 5% per year between now and 2020 (the year on which the Event Analysis was based) due in part to the construction closure of the Century Plaza Hotel and the fact that, upon reopening, the Century Plaza Hotel will provide less event space than it formerly did. The importance of this point cannot be overstated. The Event Analysis emphasized that the scenario it analyzed would be an exceedingly rare coincidence, based largely on the fact that the Beverly Hilton only hosted six such large events per year. However, given that there were 66 events at the Beverly Hilton with over 700 attendees in 2015, it is likely that the simultaneous event scenario detailed in the Event Analysis could happen frequently.

In short, the Event Analysis provided by the Applicant significantly underestimates both the magnitude and the frequency of potential impacts associated with event conditions.

TRAFFIC AND PARKING INCONSISTENCIES

The GTC Draft SEIR Comment Letter pointed out that additional trip generation should be assumed for much of the square footage proposed in the hotel component of the Project. The Draft SEIR and Final SEIR ignored trips potentially generated by nearly 10,000 sf of dining-related uses, the 7,065 sf fitness center, 7,942 sf of ballroom and meeting rooms, and over 65,000 sf of back-of-house uses and "amenities."

The assumption that these uses would generate no or only nominal external traffic is erroneous, and is contradicted directly by the Applicant's own shared parking analysis (*Parking Demand Analysis – One Beverly Hills Project* [Linscott, Law & Greenspan, Engineers, September 9, 2016]) ("Project Shared Parking Study"). The Project Shared Parking Study appropriately accounted for the parking demand generated by the various components of the hotel project, including the ballroom/meeting rooms. It estimated a peak parking demand of 284 spaces for the ballroom/meeting rooms, which is nearly half of the 582 spaces provided for commercial users at the Project Site. In reviewing Table 2 of the Project Shared Parking Analysis, the Meeting Room and Banquet Space were assumed to generate no parking demand during the 7:00 AM hour, but a combined demand of 94 spaces during the 8:00 AM hour and 187 spaces during the 9:00 AM hour. In order to increase the number of parked cars from 0 to 187 over two hours during the morning peak period, an average of 94 vehicles per hour must arrive during those hours destined for those uses. The Draft SEIR assumed that only 37 total vehicles would arrive during the morning peak hour for the hotel and all of its components, including the ballroom and meeting rooms.

This discrepancy further demonstrates that, as we pointed out in the GTC Draft SEIR Comment Letter, external vehicle trips should have been assumed to be generated by the various uses within the Project. As was demonstrated in the analysis included in our letter, a fair estimate of Project traffic would result in significant traffic impacts at several locations, which were not disclosed nor mitigated by the Draft SEIR.

RESPONSES TO DRAFT SEIR COMMENTS

The Applicant's responses to comments on the Draft SEIR found in the Final SEIR, including responses to the GTC Draft SEIR Comment Letter, do not address the fundamental problems with the traffic analysis presented. These problems are detailed below:

<u>Project Access and Trip Distribution Still Indecipherable:</u> The Final SEIR, in Topical Response C, states that the new Project access plan for hotel and commercial uses would allow left-turn access from Santa Monica Boulevard into the hotel motor court. However, Figures 8-1 and 8-2, which show Project-only traffic at the driveways under this new access plan, fail to show any left-turning traffic at the motor court driveway. (FSEIR, at 288-89; see e.g. data for Driveway 4 [no left turns from Santa Monica Boulevard shown].) As in the Draft SEIR, it is impossible to understand the Project's anticipated traffic patterns from the information provided.

<u>New Empirical Traffic Data Does Not Compare to Project:</u> The Final SEIR describes new traffic data that was collected from the Peninsula Hotel, which was stated to be "similar to the proposed One Beverly Hills Hotel." According to the information provided, the Peninsula Hotel includes approximately 3,270 sf of meeting space, a 3,500 sf spa, a 50-seat "club bar lounge," a

35-seat "living room," a 105-seat restaurant, and a 50-seat rooftop patio. None of the dining-related uses were described in square footage and, therefore, it is impossible to verify that the Peninsula Hotel does, in fact, present a comparable facility to the proposed Project. As summarized in the GTC Draft SEIR Comment Letter, the Project would provide a 3,649 sf fine dining restaurant, a 600 sf rooftop patio, a 3,223 sf private lounge, a 2,215 sf rooftop bar, a 2,633 sf all-day restaurant, a 1,907 sf lobby lounge, 1,000 sf of "other outdoor dining," and 4,337 sf of additional dining-related uses This is far more dining-related options and space than can be supported by hotel guests and far more than are stated to be provided in the Peninsula Hotel. Additionally, the Project's spa is more than twice as large as that of the Peninsula Hotel, it has more than twice the amount of ballroom/meeting space, it incorporates retail and fitness uses, and 65,000 sf of amenity and back-of-house space. The Project is not comparable to the Peninsula Hotel.

Sensitivity Analysis Still Excluded Trips: As noted above, the Project's traffic analysis should consider trips from all components of the Project. The sensitivity analysis provided in the Final SEIR removed credits for internal capture from the Draft SEIR analysis without considering traffic from any of the other land uses. The resulting analysis is, therefore, still inadequate for identifying potential significant traffic impacts within the study area.

Sensitivity Analysis Did Not Compare to Baseline Conditions: As in the Draft SEIR, the sensitivity analysis conducted in the Final SEIR only compared the Project to conditions with the Approved Project. As described in the GTC Draft SEIR Comment Letter, this is a phantom comparison. The Approved Project was never constructed, and the Project Site has not generated any traffic for years. Therefore, the only accurate way to assess the impacts of the proposed Project is by comparing to existing or future baseline conditions without the Approved Project.

Underestimated Service and Delivery Traffic: The Final SEIR provided estimates of the number of service and delivery vehicles that would access the Project Site throughout a week. These numbers are of particular interest and importance to Oasis, because the Project's service and delivery access is at the same location as the Beverly Hilton's main vehicular entrance. However, the estimates provided are substantially lower than what is expected based on a review of service truck volumes at other hotels in the area. GTC collected a week of traffic count data at the service and delivery entry and exits for the Peninsula Hotel (smaller than the proposed Project) and the Montage Hotel (slightly larger than the proposed Project) and found at both locations that far more vehicles access the service area than reported in the Final SEIR. At the Peninsula Hotel, the week yielded 134 total vehicle arrivals, including 75 fixed-trailer delivery vehicles, three articulated-trailer "big rigs," 42 service vans or trash trucks, and 14 passenger vehicles. At the Montage Hotel, there were over 550 total vehicle arrivals, including over 150 fixed-trailer delivery vehicles, four articulated-trailer "big rigs," over 150 service vans or trash trucks, and over 250 passenger vehicles. This compares to 48 total vehicles over the full week projected in the Final SEIR for the Project.

CONCLUSION

It remains GTC's expert opinion that there are substantial analytical, procedural, and presentation errors in the traffic analysis presented for the Project in the Draft SEIR, Final SEIR, and supplemental documentation in the record. As a result, significant traffic impacts of the

proposed Project were never identified, disclosed, or mitigated by the Project Applicant through the SEIR process.

Oasis West Realty, LLC

1800 Century Park East, Suite 500
Los Angeles, CA 90210
Tel: 310.274.6680
Fax: 310.274.4274

September 22, 2016

City Planning Commission
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Re: New Wanda Hotel and Destination Restaurants, Bar, Spa, Retail and Condominium Project

Dear Honorable Commissioners:

The Beverly Hilton has been a member of the Beverly Hills community for over 60 years. We are proud of our relationship with the City and its residents.

We have invested hundreds of millions of dollars in the Beverly Hilton. We are now constructing the fabulous Waldorf Astoria Beverly Hills, which will be a great addition to the City. Overall our total investment in the City will approach $1 billion.

As we have stated, the Beverly Hilton has a number of concerns regarding the Wanda project including concerns regarding impacts on the City's transportation system generally and on the circulation immediately surrounding the Beverly Hilton. These transportation and circulation issues, if we are correct and we believe we are, will have a major negative impact on the Beverly Hilton and the community. The proposed transportation plan for construction and operations of the Wanda project is likely to result in serious traffic issues on Santa Monica Boulevard. It poses a significant risk for the City, its residents and all who use Santa Monica Boulevard and surrounding streets.

Frankly we were disturbed by the last two meetings of the Planning Commission and its consideration of the Wanda Project. We are the closest immediate property owner to the proposed Wanda project. Unfortunately, we have not been given the time to present our case as to our issues of concern and potential solutions to these concerns. On Monday night, we were given an insufficient amount of time, near the end of the hearing, to try and present to you meaningful information and analysis regarding the transportation and circulation problems and a potential solution. This was after two and a half hours of presentations by staff, staff consultants, the Wanda team, and questions by commissioners to staff, staff consultants and the Wanda team. We do not understand why the Commission takes "public comment" at the end of the hearing. It seems that it would have been more helpful to have asked the public for their thoughts earlier in the hearing to help illuminate the issues for discussion and comment by the Commission and staff.

Mr. Patrick Gibson of Gibson Transportation Consulting was not permitted to make a full presentation to the Commission. Pat, for those who don't know him, is one of the foremost transportation professionals in the country. I am attaching his resume (See Attachment A) so you can get a sense of the range of clients, including many cities and issues for which Pat has been involved. He is a Fellow of the Institute of Traffic Engineers and teaches at UCLA. He is one of the deans of the industry and is a frequent lecturer across the country.

Pat and our team were prepared to present evidence about the problems with the Wanda transportation and circulation plan. The presentation was to include a detailed discussion of the issues, videos of the actual problems on existing Santa Monica Boulevard, video showing the difficulties of trying to bring larger trucks onto Merv Griffin Way to a loading dock, actual detailed counts of loading dock traffic from the Montage and Peninsula, analysis of the impact of left turns across traffic on Santa Monica Boulevard and ***an alternative access plan which may reduce some of the traffic and circulation problems being created by the Wanda project that the City has not analyzed***. Unfortunately, Pat was not allowed to complete his presentation.

Due to previous commitments, Pat is not available on September 26 when you have scheduled your next meeting. Frankly it is critical in our view that Pat walk through this presentation with the Commission and be available for questions and discussion. If you would like to see the presentation and hear from Pat, we can work with staff to provide the presentation at the October meeting that was discussed by the Commission. We think the information and discussion to be provided by Pat will help the Commission, the Council and the community to understand the true gravity of the transportation and circulation problems being created by the Wanda project. And an alternative access plan which the Commission itself seemed to be asking Wanda about. An alternative access plan that we asked Wanda to explore months ago and which they refused.

In an effort to help the Commission advance the analysis between now and your October hearing on the Wanda project, we are including some information regarding the alternative access plan which may help resolve some of the complex issues created by the Wanda plan.

As you may be aware, the existing Wanda access plan included in the Supplemental EIR and presented to the Commission includes an access road on the west side of the project site adjacent to the golf course. The current Wanda plan includes a loading dock for the residential uses. See Attachment B. So to be clear, Wanda already has a planned an access road on the west side of the project adjacent to the country club extending from Wilshire to Santa Monica Boulevard. Wanda's plan includes a loading dock on this road. They are planning to use this westerly access road for residential deliveries as well as for all their residential uses.

Mr. Newman said at the hearing on Monday when asked by Commissioners Block why moving the commercial loading dock from across from the Beverly Hilton to the west side has not been studied, Mr. Newman stated that "we're trying to make as few changes as possible." Not sure that is a good justification to avoid a possible solution when 200,000 square feet of commercial uses, including 134 hotel rooms, two destination restaurants, lounges and bars, karaoke bar, 8,000 square feet of meeting space, and spa have been added to the property and the entire Santa Monica Boulevard frontage has been redesigned.

When asked by the Commission why he did not want to move the truck traffic to this westerly road, Mr. Newman said that was reserved for residents. So apparently, it is okay to run the loading dock traffic by the Beverly Hilton and the new residences on the Beverly Hilton site but it is not okay to put the commercial loading dock truck traffic on the road providing access for the Wanda residents when it is the Wanda project that is creating this new truck traffic. This doesn't seem right. And since the western road will already serve truck traffic for the residential buildings, it should be able to easily accommodate the 54 trucks that Wanda asserts is the limited number of delivery trucks required for the hotel.

We think there is a simple alternative access option that should be studied. Provide for all the site access for the Wanda project off of the already planned westerly access road next to the country club. See Attachment C. Cars and trucks can turn onto the westerly access road from either Wilshire Boulevard or Santa Monica Boulevard. A signal can be provided at Santa Monica and the westerly access road. This way cars and trucks entering the Wanda project can have a protected left turn into the site from Santa Monica Boulevard. And as Wanda maintains there are very few left turns needed since very few people actually will be driving to the hotel (and related uses) and there are only an additional 54 truck trips a week for the commercial loading dock, this should be able to be easily accommodated.

This also will provide improved access for construction trucks. All construction trucks could enter the Wanda site by a protected left turn, turn around within the construction site, and exit on Santa Monica Boulevard at the same signal.

With respect to the number of commercial deliveries to be expected for the new Wanda hotel, included at Attachment D are actual counts from truck deliveries at the Montage and Peninsula for the entire week on September 9 to September 15. The numbers appear to be dramatically higher that what was represented by Wanda. The actual truck deliveries for the Montage were 251. That number does not include the 247 personal vehicles also using the loading dock exit. The information was obtained by 24-hour video cameras and obviously has been verified by inspecting the video counts. If the City would like the actual video, we would be happy to provide it.

This raises another point of concern. The Supplemental EIR and analysis often relies on information provided by the Wanda team without verification. That is very troubling as the above delivery truck counts would seem to indicate.

Additionally, the analysis provided by Wanda regarding simultaneous events was completely out of date. The Wanda analysis relied on a decade old data regarding events at the Hilton. If staff or the City's consultants had simply asked, we could have provided real verifiable information. And as Commissioner Gordon noted, at some point traffic just hits a saturation point and one simply cannot add more cars to an intersection. It doesn't make any difference if the increment is 2% or not. It just won't work. If you look at simultaneous events at the Hilton and Wanda hotels that may well be the case. If access to the new Wanda hotel is moved to the westerly access road this may help reduce interference with Beverly Hilton events.

Equally troubling is the lack of information at times. Several questions were asked by the Commission last Monday about use and intensification and the Wanda representatives did not

have answers. Whether it was the number of valets required to park over 1,000 parking spaces or the number of seats at the restaurants, Wanda did not know. And neither did your staff or the consultants. These are important issues and it is important that real verified answers and information be provided from independent sources. The intensification of the project is a major concern. There is a lot of information in the EIR provided by the applicant and has not been verified independently.

We would be pleased to have Mr. Gibson and our team present to this Commission at the October hearing on the Wanda project. We would request we be provided whatever time is necessary to complete our presentation. In the meantime, we would be available to meet with staff and Fehr & Peers, the City's traffic consultant, to work through the Attachment C access option to further refine it for Commission consideration at the October hearing. We believe it is important to study this alternative access option. Given the opportunity to adopt an alternative access plan that reduces transportation and circulation risks otherwise posed by the proposed Wanda plan, it seems to be a very easy path to follow.

Very truly yours,

Theodore F. Kahan
President

Cc: Mahdi Aluzri
Susan Healy Keene
Ryan Gohlich
Andre Sahakian

ATTACHMENT A

Gibson
transportation consulting, inc

Patrick A. Gibson, P.E., PTOE
President

EXPERIENCE

47 Years

EDUCATION

Master of Science, Transportation Engineering, Northwestern University

Bachelor of Science, Engineering Science, Oakland University

CERTIFICATIONS

Civil Engineer, States of California, Arizona, Illinois, and Nevada

Traffic Engineer, State of California

Professional Traffic Operations Engineer, National Registration

AFFILIATIONS

Institute of Transportation Engineers, Fellow, Life Member

Committee Member on Design of Regional Shopping Centers

PUBLICATIONS

Shared Parking, 1st and 2nd Editions,
Urban Land Institute and International Council of Shopping Centers

Parking Requirements for Shopping Centers, 2nd Edition
Urban Land Institute and International Council of Shopping Centers

Fast Food Restaurant with Drive-Through Pass-by Travel Survey
Presented at Institute of Transportation Engineers Intermountain Section Meeting, May 2011

EXPERTISE

Traffic Engineering

Directed Central Business District traffic studies in Culver City, Glendale, Long Beach, Los Angeles, Santa Monica, and Santa Rosa, California; Carson City, Las Vegas, and Reno, Nevada; Boise, Idaho; Bellevue, Washington; Phoenix and Tucson, Arizona. Led office and industrial park traffic planning in Century City, El Segundo, Glendale, Irvine, Long Beach, Los Angeles, Mountain View, Pasadena, Redwood City, Riverside, San Francisco, Santa Clara, Sunnyvale, Thousand Oaks, and Universal City, California; and Reno and Stead, Nevada.

Directed campus traffic planning for California Polytechnic University, Pomona, California State University, Chico; California State University, Long Beach; California State University, Northridge; East Los Angeles College; Los Angeles Trade Technical College; Marymount College; Oakland University in Rochester, Michigan; Pasadena City College; San Jose State University; University of Arizona; University of California, Los Angeles West Campus; University of Illinois, Chicago Circle Campus; University of Redlands; University of Southern California (University Park and Health Sciences campuses); and West Los Angeles College. Directed pedestrian, bicycle, and school safety studies in Arcadia, Culver City, Cupertino, Glendale, Lawndale, Los Angeles, Moorpark, Newhall, Palo Alto, Pasadena, San Fernando, San Marino, Santa Barbara, Sierra Madre, and South Pasadena, California; Glendale, Arizona; and Reno, Nevada.

Directed traffic and transit studies for new and expanded shopping centers in Anaheim, Arcadia, Arroyo Grande, Burbank, Carlsbad, Carson, Chino, Concord, Corona, Culver City, Cupertino, Escondido, Fairfield, Glendale, Irvine, Larkspur, Los Angeles, Manhattan Beach, Marina del Rey, Monterey, Moreno Valley, Newark, North Hollywood, Oakland, Pasadena, Pleasanton, Redondo Beach, Redwood City, Riverside, Roseville, San Diego, San Francisco, San Jose, San Mateo, Santa Ana, Santa Clara, Santa Clarita, Santa Monica, Santa Rosa, Saratoga, Sonoma, Sunnyvale, Thousand Oaks, California; Glendale, Paradise Valley, Phoenix, Tempe, and Tucson, Arizona; Las Vegas and Reno, Nevada; Portland, Oregon; Bellevue, Olympia, Renton and Tacoma, Washington; and Anchorage, Alaska.

Directed traffic signal timing/phasing analyses in Anaheim, Arcadia, Lawndale, Monrovia, Redwood City, San Francisco, San Jose, Santa Clara, and South Pasadena, California; Phoenix and Tucson, Arizona; and Carson City and Reno, Nevada. Led traffic signal system analyses in Culver City, Los Gatos, San Mateo, Santa Monica and Santa Rosa, California; Reno, Nevada; and Bellevue, Washington.

Mixed-Use Projects

Prepared the traffic, parking, and transportation demand management programs for large, mixed-use developments for Universal Studios Hollywood, Hollywood & Highland, Paramount Pictures Studios, LAX Northside Project, and the Village at Westfield Topanga, in Los Angeles; Second + PCH in Long Beach; Millenia Town Center in Chula Vista; Parsons Headquarters in Pasadena; Disney | ABC's Golden Oak Ranch in Los Angeles County; and One Paseo in Carmel Valley, San Diego.

523 W. 6th Street, Suite 1234 Los Angeles, CA 90014 p. 213.683.0088 f. 213.683.0033

- Continued -

Patrick A. Gibson, P.E., PTOE
President

Transportation Planning

Served as the joint venture team project director on the Los Angeles Community Plan Revision Program, which developed updated specific plans for the 35 planning areas in the City of Los Angeles. Directed the transportation planning team in the development of the Los Angeles Downtown Strategic Plan.

Directed long-range transportation planning for new towns or large-scale multi-use developments in Anaheim, Chula Vista, Los Angeles, Long Beach, Playa Vista, Redwood City, Richmond, San Ramon, and Santa Monica, California; Shenandoah, Georgia; and Erin Mills and Meadowvale in Toronto, Ontario, Canada. Directed areawide transportation planning studies in Irvine, Mountain View, Riverside, San Bernardino County, and Santa Clarita, California; and San Juan, Puerto Rico; and thoroughfare and general plan updates in Hollywood, Long Beach, Los Angeles, Malibu, Morgan Hill, Pasadena, and Riverside, California.

Parking

Directed over 50 downtown parking studies, including the Downtown San Jose Parking Management Plan, Downtown Pomona Parking Management Plan, and downtown parking studies for Beverly Hills, Brea, Buena Park, Fullerton, Long Beach, Los Gatos, Monrovia, Pasadena, San Diego, Temecula, and Whittier, California.

Conducted parking needs, feasibility, and functional design studies, as well as numerous shared parking and parking financial analyses, in Downtown Los Angeles, Anaheim, Arcadia, Culver City, Glendale, Hollywood, Huntington Beach, Irvine, Long Beach, Los Gatos, Monrovia, Pasadena, Pomona, San Diego, San Francisco, Santa Ana, Santa Barbara, Santa Monica, Santa Rosa, Tustin, West Hollywood, and Whittier, California; Phoenix and Tucson, Arizona; Reno, Nevada; Boise, Idaho; Tacoma, Washington; and Honolulu, Hawaii.

Prepared parking studies for universities, stadia, new and expanded regional shopping centers and retail/entertainment centers throughout the United States.

Theme Park and Visitor/Event Center Parking and Transportation Planning

Currently conducting transportation studies for Dodger Stadium and Disneyland. Directed parking and transportation/traffic portions of the entitlement process and assisted in the implementation of transportation improvements for the Disneyland Resort expansion in Anaheim, California. Conducted traffic and parking analyses for Downtown Disney at Disney World in Orlando, Florida and for LEGOLAND in Carlsbad, California. Directed parking analyses for Club Disney in Thousand Oaks, California and The Huntington Library Education and Visitors Center in San Marino, California. Analyzed parking and traffic issues for long-range plan scenarios for Universal Studios in Hollywood and in Southeast Asia. Directed traffic studies for Great America theme parks. Directed the analysis of transportation and parking planning and the development of design alternatives for Huangguoshu Falls in Guizhou Province, China, and both an Entertainment District complex and the Dubailand World theme parks in Dubai, UAE.

Directed transportation and parking plans for Levi's Stadium, STAPLES Center, Anaheim Stadium, Honda Center, the Rose Bowl, Arizona Stadium, University of Phoenix Stadium, Gila River Arena (formerly Jobing.com Arena), Long Beach Aquarium of the Pacific, the Queen Mary, the Long Beach Convention Center, and the Los Angeles Convention Center.

- Continued -

Patrick A. Gibson, P.E., PTOE
President

Transit Planning

Participated on the design of the Los Angeles Streetcar. Worked with the San Bernardino Associated Governments and the University of Redlands on the design of a light rail station at the University. Directed light rail transit corridor studies in the San Gabriel Valley and San Diego, and transit development programs in Del Mar, Irvine, San Diego, and Santa Cruz, California and Reno, Nevada. Conducted transit terminal studies in Anaheim, Long Beach, Los Angeles, Pasadena, Sacramento, San Diego, and San Jose, California.

Mixed-Use Projects

Prepared the traffic, parking, and transportation demand management programs for large, mixed-use developments for Universal Studios Hollywood, Hollywood & Highland, Paramount Pictures Studios, LAX Northside Project, and The Village at Westfield Topanga, in Los Angeles; Second + PCH in Long Beach; Millenia Town Center in Chula Vista; Parsons Headquarters in Pasadena; Disney | ABC's Golden Oak Ranch in Los Angeles County; and One Paseo in Carmel Valley, San Diego.

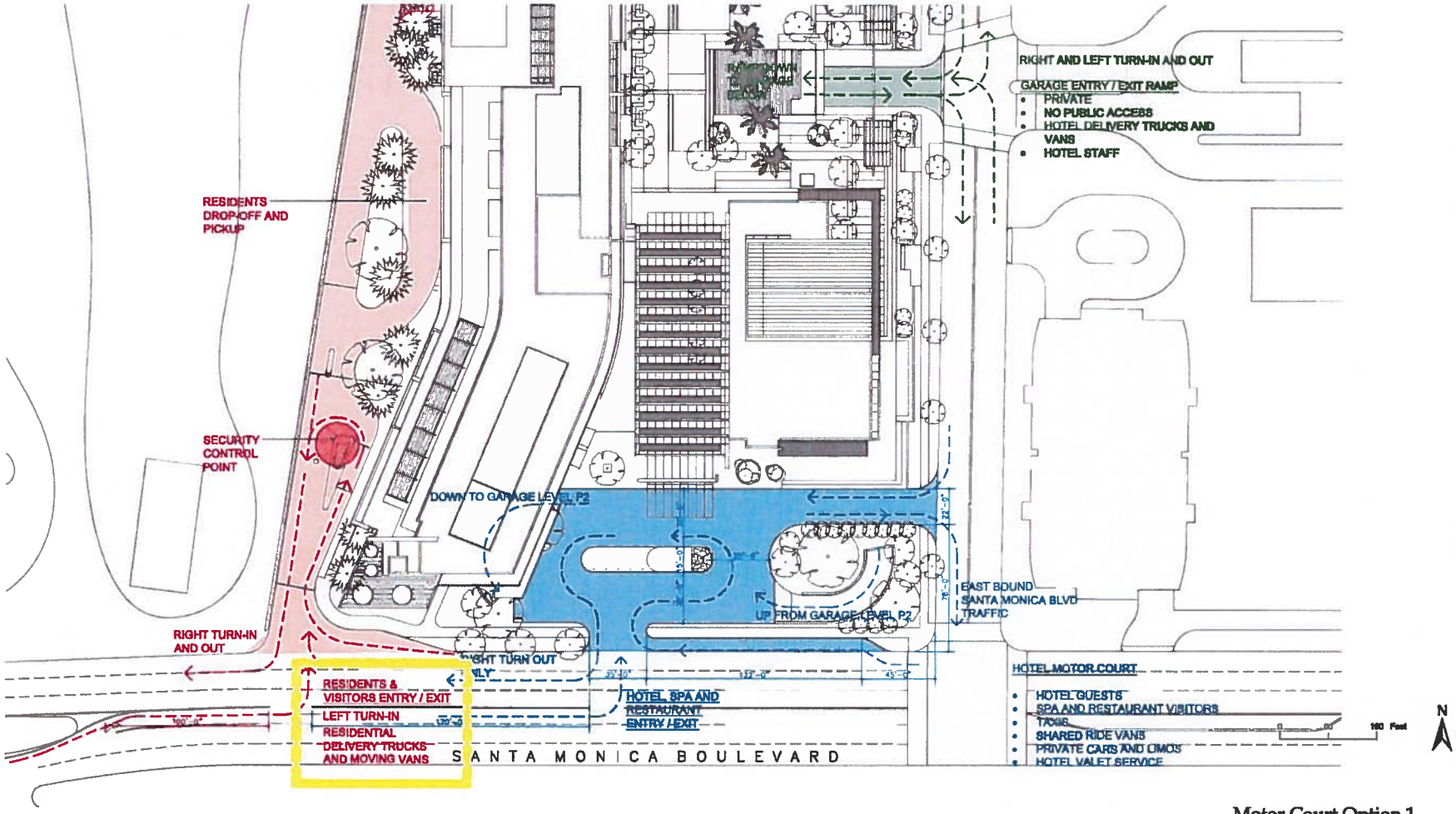
Land Use Planning

Conducted citywide growth management studies in Moorpark, Oceanside, and San Clemente, California.

Teaching

Teaches the transportation engineering classes at the University of California, Los Angeles and East Los Angeles College and has been a guest lecturer for the University of Southern California; California Polytechnic University, Pomona; California State University, Los Angeles; University of California, Berkeley; San Jose State University; and the Northwestern University Traffic Institute.

ATTACHMENT B



Motor Court Option 1

Source: Richard Meier & Partners LLP, June 2015

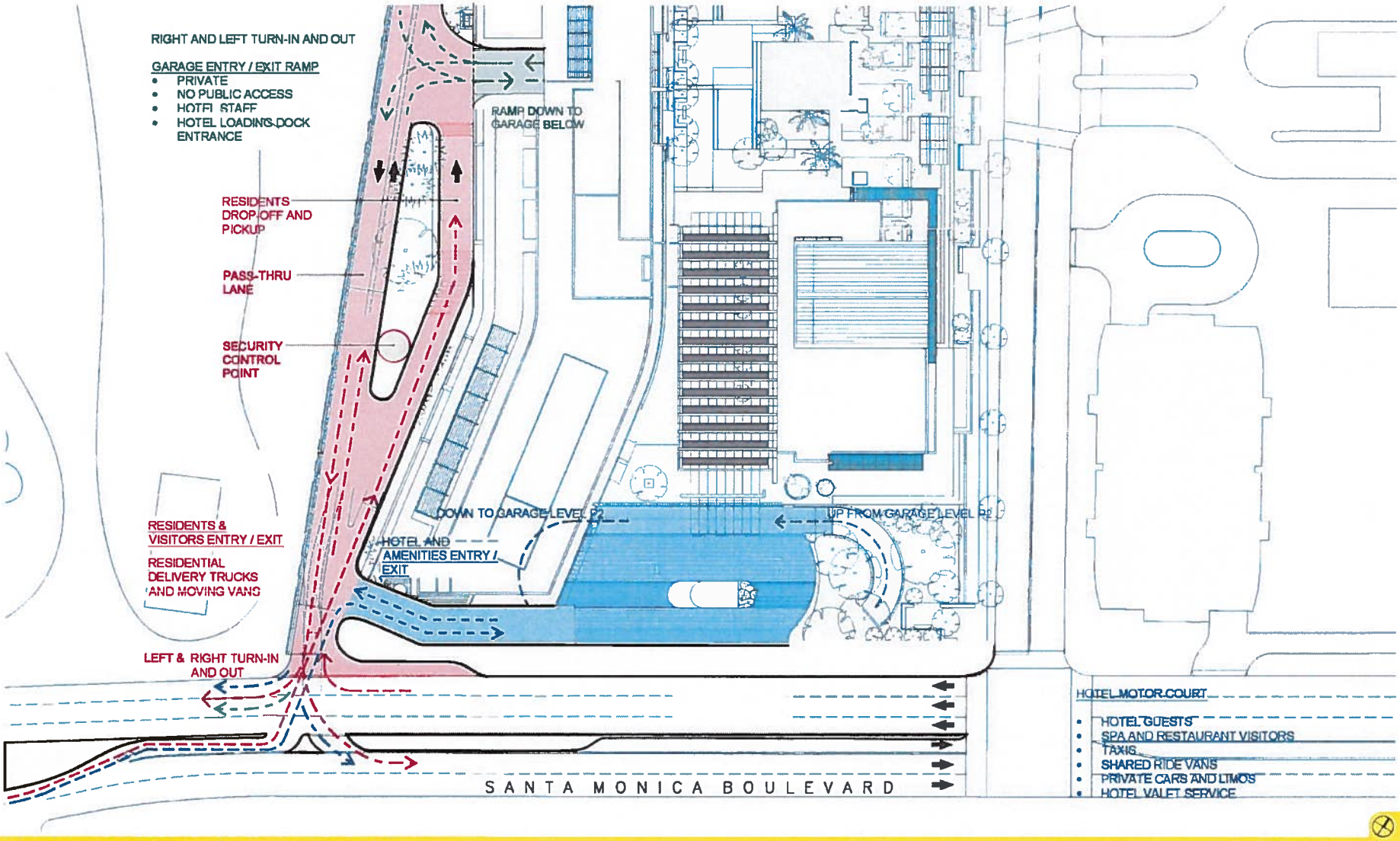
Figure 2-5a

City of Beverly Hills

ATTACHMENT C

PROPOSED CIRCULATION ACCESS

- ALL VEHICULAR ACCESS OCCURS FROM COUNTRY CLUB DRIVE
- NO CONGESTION OR QUEUEING ISSUES AT SANTA MONICA BLVD AND MERV GRIFFIN WAY



9900 WILSHIRE - *WANDA SITE CIRCULATION ACCESS*

ATTACHMENT D

Montage Exit
Friday, September 09, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30	1						00:30						
00:45							00:45						
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07:30		1					07:30						
07:45	1		1				07:45						
08:00	2				2		08:00						
08:15			1				08:15						
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09:30			2				09:30						
09:45	1	1					09:45						
10:00			4				10:00						
10:15							10:15						
10:30		1					10:30						
10:45			1				10:45						
11:00	1	2					11:00						
11:15	1		1				11:15						
11:30	1				1		11:30						
11:45	1						11:45						
12:00	2		1				12:00						
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12:30		1					12:30						
12:45		1					12:45						
13:00	1	1	1				13:00						
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14:30	1						14:30						
14:45	2						14:45		1				
15:00	2	1					15:00						
15:15	1						15:15						
15:30		1					15:30						
15:45	2	1	1				15:45						
16:00		1					16:00						
16:15	1						16:15						
16:30	2						16:30						
16:45	1		1				16:45			1			
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22:45	1						22:45						
23:00							23:00						
23:15	2						23:15	1					
23:30							23:30						
23:45							23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	50	20	30	1	4	2		5	2	1	0	0	0

Montage Exit
Saturday, September 10, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00	2						00:00						
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00:30							00:30						
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18:00	1						18:00						
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18:30	1						18:30						
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20:15							20:15						
20:30	1						20:30						
20:45	2						20:45						
21:00	1						21:00						
21:15							21:15						
21:30	1						21:30						
21:45							21:45						
22:00	1						22:00						
22:15							22:15						
22:30							22:30						
22:45							22:45						
23:00							23:00						
23:15							23:15						
23:30	2						23:30						
23:45	1						23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	32	6	8	0	2	0		4	0	0	0	0	0

Montage Exit
Sunday, September 11, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00		1					01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45		1					05:45						
06:00							06:00						
06:15							06:15						
06:30			1				06:30						
06:45							06:45						
07:00	2						07:00						
07:15							07:15						
07:30		1					07:30						
07:45							07:45						
08:00			2				08:00						
08:15							08:15						
08:30		1					08:30						
08:45	1						08:45						
09:00							09:00						
09:15							09:15						
09:30	1						09:30						
09:45							09:45						
10:00							10:00						
10:15	1						10:15						
10:30							10:30						
10:45			1				10:45						
11:00							11:00						
11:15							11:15						
11:30							11:30						
11:45							11:45						
12:00							12:00						
12:15							12:15						
12:30							12:30						
12:45	1		1		1		12:45						
13:00							13:00						
13:15							13:15						
13:30							13:30						
13:45	1						13:45						
14:00							14:00						
14:15							14:15						
14:30							14:30						
14:45							14:45						
15:00							15:00						
15:15	1						15:15						
15:30							15:30						
15:45	1						15:45						
16:00	1						16:00						
16:15							16:15						
16:30							16:30						
16:45		1					16:45						
17:00							17:00						
17:15							17:15						
17:30							17:30						
17:45							17:45						
18:00	2						18:00						
18:15							18:15						
18:30	1						18:30	1					
18:45							18:45						
19:00	1						19:00	1					
19:15							19:15						
19:30							19:30						
19:45							19:45						
20:00							20:00						
20:15							20:15						
20:30	1						20:30						
20:45	1						20:45						
21:00	1						21:00						
21:15	1						21:15						
21:30							21:30						
21:45							21:45						
22:00							22:00						
22:15							22:15						
22:30	1						22:30						
22:45							22:45						
23:00							23:00						
23:15							23:15						
23:30							23:30						
23:45	1						23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	20	5	5	0	1	0		2	0	0	0	0	0

Montage Exit
Monday, September 12, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15	1						01:15						
01:30							01:30						
01:45	1						01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45		1					03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15			1				05:15						
05:30							05:30						
05:45							05:45						
06:00							06:00						
06:15							06:15						
06:30							06:30						
06:45							06:45						
07:00							07:00						
07:15							07:15						
07:30							07:30						
07:45					1		07:45						
08:00			2				08:00						
08:15							08:15						
08:30							08:30						
08:45	1	1					08:45						
09:00							09:00						
09:15			3			1	09:15						
09:30			1				09:30						
09:45	1	1					09:45						
10:00	1				1		10:00						
10:15	1						10:15						
10:30	2		1		1		10:30						
10:45		1	1				10:45						
11:00	1						11:00						
11:15	3				1		11:15						
11:30	1	2	1		2		11:30		1				
11:45	2						11:45						
12:00							12:00						
12:15	1						12:15						
12:30	1	1					12:30						
12:45							12:45						
13:00	1						13:00						
13:15	1						13:15						
13:30	2						13:30						
13:45							13:45						
14:00		1	2			1	14:00						
14:15	1						14:15						
14:30			1				14:30						
14:45							14:45						
15:00							15:00						
15:15	1	1					15:15						
15:30		1	1				15:30						
15:45			2				15:45						
16:00	2						16:00						
16:15	1						16:15						
16:30		1					16:30						
16:45					1		16:45						
17:00							17:00						
17:15	1		1				17:15						
17:30	1						17:30						
17:45	3						17:45						
18:00							18:00						
18:15	1						18:15						
18:30							18:30				1		
18:45	2						18:45						
19:00	2						19:00						
19:15	1						19:15						
19:30							19:30						
19:45							19:45						
20:00	1		1				20:00						
20:15			1				20:15						
20:30			1				20:30						
20:45	1						20:45						
21:00							21:00						
21:15							21:15						
21:30							21:30						
21:45							21:45						
22:00							22:00						
22:15							22:15						
22:30							22:30						
22:45							22:45						
23:00							23:00						
23:15							23:15						
23:30	3	1					23:30						
23:45							23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	42	12	20	0	7	2		0	1	0	1	0	0

Montage Exit
Tuesday, September 13, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30	1						00:30						
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45					1		01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30					1		03:30						
03:45							03:45						
04:00		1					04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00			1				05:00						
05:15							05:15						
05:30							05:30						
05:45		1					05:45						
06:00					1		06:00						
06:15							06:15						
06:30		1	1				06:30						
06:45							06:45						
07:00			2				07:00						
07:15					2		07:15						
07:30							07:30						
07:45	1						07:45						
08:00		1					08:00						
08:15							08:15						
08:30							08:30						
08:45			1	1			08:45						
09:00		1	1		1		09:00						
09:15							09:15						
09:30	1	1					09:30		1				
09:45							09:45						
10:00		2					10:00						
10:15		2					10:15	1					
10:30	3		3		1		10:30	2					
10:45	1	1	2				10:45		1				
11:00	2		2				11:00						
11:15		1	1	1			11:15						
11:30	2		2				11:30						
11:45	1	1	1				11:45						
12:00			1				12:00						
12:15		2			1		12:15						
12:30	3				1		12:30						
12:45	4						12:45						
13:00	2	1	1				13:00						
13:15	1	1	1				13:15						
13:30	1	1	1				13:30						
13:45	1						13:45						
14:00		2					14:00						
14:15		1					14:15		1				
14:30		1					14:30						
14:45	1						14:45						
15:00	1						15:00						
15:15							15:15						
15:30							15:30						
15:45	2				1		15:45						
16:00	2		1				16:00	1					
16:15	1						16:15						
16:30							16:30						
16:45			1				16:45						
17:00							17:00						
17:15							17:15						
17:30		1					17:30						
17:45	1						17:45						
18:00							18:00						
18:15							18:15						
18:30							18:30						
18:45	3						18:45						
19:00	1						19:00						
19:15							19:15						
19:30	1						19:30						
19:45	1						19:45						
20:00							20:00						
20:15							20:15						
20:30	2						20:30						
20:45							20:45						
21:00		1					21:00						
21:15							21:15						
21:30							21:30						
21:45							21:45						
22:00							22:00						
22:15	1						22:15						
22:30							22:30						
22:45							22:45						
23:00	1						23:00						
23:15							23:15						
23:30							23:30						
23:45	1						23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	43	24	23	2	10	0		4	3	0	0	0	0

Montage Exit
Wednesday, September 14, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30	1					
00:45							00:45						
01:00							01:00						
01:15							01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30		1					03:30						
03:45							03:45						
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30			1				05:30						
05:45							05:45						
06:00							06:00						
06:15		1					06:15						
06:30							06:30						
06:45	1						06:45						
07:00			1				07:00						
07:15			1				07:15						
07:30							07:30						
07:45							07:45						
08:00		1					08:00	1					
08:15	1		1				08:15						
08:30			2				08:30						
08:45		1			1		08:45						
09:00							09:00						
09:15			1				09:15						
09:30			1				09:30	1					
09:45			1				09:45						
10:00		1	2				10:00						
10:15	1	2	2				10:15						
10:30	2		1				10:30		1				
10:45			2				10:45						
11:00			1				11:00						
11:15			1				11:15						
11:30						1	11:30						
11:45		1	1				11:45						
12:00		2			1		12:00						
12:15							12:15						
12:30							12:30						
12:45			1				12:45	1					
13:00	1	2					13:00						
13:15	1		1				13:15			1			
13:30		2					13:30						
13:45							13:45						
14:00							14:00						
14:15	1						14:15						
14:30					1		14:30						
14:45			2				14:45		1				
15:00		1					15:00						
15:15		1					15:15		1				
15:30			1				15:30			1			
15:45	2	1					15:45						
16:00	1	1					16:00		1				
16:15	1		1				16:15						
16:30	1						16:30						
16:45	2	2	1				16:45						
17:00	1	1			1		17:00						
17:15			3				17:15			2			
17:30	2						17:30						
17:45	2						17:45						
18:00							18:00						
18:15	2						18:15						
18:30	1						18:30	1					
18:45			1				18:45						
19:00							19:00						
19:15							19:15						
19:30							19:30						
19:45							19:45						
20:00	1						20:00						
20:15							20:15						
20:30							20:30						
20:45	2						20:45						
21:00							21:00						
21:15							21:15						
21:30							21:30						
21:45							21:45						
22:00							22:00						
22:15							22:15						
22:30							22:30						
22:45							22:45						
23:00							23:00						
23:15							23:15						
23:30							23:30						
23:45	1						23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	27	21	30	0	4	1		5	4	4	0	0	0

Montage Exit
Thursday, September 15, 2016

	OUT							IN					
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
00:00							00:00						
00:15							00:15						
00:30							00:30						
00:45							00:45						
01:00							01:00						
01:15	1						01:15						
01:30							01:30						
01:45							01:45						
02:00							02:00						
02:15							02:15						
02:30							02:30						
02:45							02:45						
03:00							03:00						
03:15							03:15						
03:30							03:30						
03:45		1					03:45		1				
04:00							04:00						
04:15							04:15						
04:30							04:30						
04:45							04:45						
05:00							05:00						
05:15							05:15						
05:30							05:30						
05:45		1	1				05:45						
06:00	1		1				06:00						
06:15					1		06:15						
06:30			2				06:30						
06:45			2				06:45						
07:00		1	1				07:00						
07:15			1				07:15						
07:30			1				07:30						
07:45							07:45						
08:00							08:00						
08:15		1					08:15						
08:30							08:30						
08:45							08:45						
09:00							09:00						
09:15		1					09:15		1				
09:30		1	1		1		09:30						
09:45		1	3				09:45						
10:00			1		1		10:00						
10:15							10:15						
10:30							10:30						
10:45		2	1				10:45						
11:00	1	1	1				11:00						
11:15	2		1				11:15		1				
11:30	1						11:30	1					
11:45	2						11:45						
12:00							12:00						
12:15			1				12:15						
12:30							12:30	2					
12:45	1		2				12:45						
13:00							13:00						
13:15			1				13:15						
13:30	1	1					13:30						
13:45							13:45						
14:00	1	1					14:00						
14:15			1				14:15			1			
14:30	1	1	1				14:30						
14:45	2		1				14:45						
15:00			1				15:00						
15:15							15:15						
15:30							15:30						
15:45							15:45						
16:00	1	2	1				16:00		1				
16:15	1						16:15						
16:30							16:30						
16:45	1						16:45						
17:00							17:00						
17:15	1						17:15						
17:30			1				17:30						
17:45							17:45						
18:00	2						18:00						
18:15	1						18:15						
18:30	1						18:30						
18:45							18:45						
19:00							19:00						
19:15	2						19:15						
19:30							19:30						
19:45							19:45						
20:00	3	1	1				20:00						
20:15	1						20:15						
20:30							20:30						
20:45	1						20:45						
21:00		1					21:00						
21:15	1						21:15						
21:30	1						21:30						
21:45	1						21:45						
22:00							22:00						
22:15							22:15						
22:30							22:30						
22:45							22:45						
23:00							23:00						
23:15	1						23:15						
23:30							23:30						
23:45							23:45						
	Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck		Personal Vehicle	Van	Delivery Truck -Fixed Trailer	Delivery Truck - Articulated Trailer	Service Truck	Trash Truck
Total	33	17	28	0	3	0		3	4	1	0	0	0

Wanda Group's New Hotel and Commercial Project:

Key Issues for the Planning Commission & Staff to Address

1. Alternative Site Access Study – Provide an analysis of a circulation plan that locates all access, including all loading, along the approved western road along LA Country Club. Assess alternative access plan developed by Beverly Hilton.

2. Parking – Confirm whether off-site parking allowed. The Supplemental EIR states that no off-site parking is allowed. However, Wanda's proposed edits to the Specific Plan state that off-site is allowed for employees. The City should conduct its own study as to whether 40 spaces for employees will actually be sufficient. There is no justification for a 15% parking reduction or any reductions for commercial uses associated with hotels. Evaluate employee parking figures provided by Beverly Hilton.

3. Loading Dock –

    - Wanda's revised plan still requires illegal turns. The Commission cannot approve a loading dock that requires illegal turns.

    - The City should conduct its own study of the number of truck deliveries required for the Project. The City should analyze data collected by Beverly Hilton on Montage and Peninsula loading dock activities.

    - The City should require staff to evaluate whether employee access to the loading dock will be safe with the large trucks utilizing the dock.

4. Traffic Impacts from Simultaneous Events at the Project and the Beverly Hilton – The City should conduct its own independent study of the number of attendees that could exit from both events at the same time The LLG analysis relies on bad data because it understates activities at the Beverly Hilton. The City should request event data from the Beverly Hilton to use in its study.

5. Specific Plan – Provide a revised version of the Specific Plan for Commission and public to review.

5. Haul Route – Staff must evaluate haul route options further, including reconsidering a Wilshire/Santa Monica Boulevard route and routes from the east, as well as a staging location closer to the Site.

6. Construction Traffic – Staff must evaluate whether Wanda's estimated number of trips is accurate.

Wanda Group's New Hotel and Commercial Project:

Draft Conditions of Approval

The Planning Commission should consider the following revisions to the Draft Conditions of Approval.

Draft Condition No. 5. Square footage of each hotel dining, bar, meeting rooms, and ancillary amenities should be specified with a maximum square footage for each. Change is consistent with prior Conditions of Approval.

Draft Condition No. 7. Parking spaces should not reflect 15% discount or parking reductions for restaurants combined with hotel. Total parking spaces required on site should account for 105 employee parking spaces. All parking shall be provided on-site, including all employee parking.

Draft Condition No. 12. Minimum number of parking spaces meeting ADA requirements shall be specified.

Draft Condition No. 13. Number of dedicated employee parking spaces should be specified.

Draft Condition No. 14. Two hours of free validated parking shall be provided for events.

Draft Condition No. 20. Delivery trucks, including garbage, to commercial and residential portions of project shall be limited to 55 per week.

Draft Condition No. 23. Project shall be constructed to meet LEED Gold standards.

Draft Condition No. 25. [Compare to current language. It's different than the Hilton's condition.]

Draft Condition No. 47. Construction fencing shall be designed to be attractive and to minimize aesthetic impacts and shall include landscaping.

The following conditions of approval were imposed on the Beverly Hilton in 2008. For the benefit of the community and the City, the same conditions should be imposed on the Wanda Group's new project.

Environmental Compliance Monitor

46. The Construction Management Plan Coordinator shall provide assistance in the selection of a full-time Environmental Compliance Monitor. The developer shall deposit funds sufficient to pay for the Environmental Compliance Monitor who shall be hired by and work for the City. The Environmental

53. The Construction Management Plan Coordinator shall provide assistance in the selection of these specialists.

54. Consultants hired to provide specialty testing services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified school District. If the District does not agree with the City on specialty testing consultants within a 14 day period after being presented with the list of qualified specialty testing consultants, the Director of Community Development shall have the authority to select the specialty testing consultants.

55. All test results shall be maintained on file with the Environmental Compliance Monitor and included in monthly reports submitted to the City and School District.

56. Construction noise and vibration shall be monitored at El Rodeo School as part of the Construction Management Plan. Construction activities and/or measures may be modified to correct any excesses in the event acceptable thresholds are exceeded.

57. The Environmental Monitor shall initiate, and the Developer shall pay for a traffic study to be undertaken within 45 days after the beginning of each school year during construction of the Project to measure the then existing conditions and to determine whether unanticipated impacts resulting from the Project construction are occurring. Additional measures as maybe identified by any such study that address impacts from the Project shall be implemented by the developer.

58. Construction traffic shall be monitored at the site so that the frequency of construction to/from the project site during the periods when most school children are arriving/departing to/from schools will be reduced in the event that construction traffic exceeds thresholds that shall be identified in the Construction Management Plan.

MONTAGE BEVERLY HILLS LOADING DOCK EXIT VIEW FROM
RODEO REALTY BEVERLY HILLS OFFICE

HECK BERG

RODEO REALTY

PETERSON LAW GROUP
PROFESSIONAL CORPORATION
SUITE 2800
633 WEST 5TH STREET
LOS ANGELES, CALIFORNIA 90071

TELEPHONE (213) 236-9720
FACSIMILE (213) 236-9724

Via E-Mail

September 19, 2016

Planning Commission of the City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210
asahakian@beverlyhills.org
kmyron@beverlyhills.org

Re: 9900 Wilshire Boulevard (One Beverly Hills) Special Planning Commission Meeting

Dear Commissioners,

This office represents The Belvedere Hotel Partnership. Please consider this letter as part of the Special Planning Commission hearing regarding the above referenced project on September 19, 2016. Please make this letter part of the official record.

The Staff Report published on the afternoon of Friday, September 16, 2016 attaches eight (8) new or supplemental assessments with respect to the 9900 Wilshire Boulevard (One Beverly Hills) Project (the "Proposed Project"), including:

- Loading Dock Operational Noise Memo
- Supplemental Transportation Data
- Revised Loading Dock Entrance Design
- Parking Demand Analysis
- Valet vs. Self-Parking Survey
- Simultaneous Events Assessment
- Limousine and Ride Share Staging Diagrams
- Draft Project Conditions (with changes)

Given this new set of information, we request that the Planning Commission allow the public, including our client, time to digest this new information and provide thoughtful comments. The unorthodox nature in which the CEQA analysis for this Proposed Project is being conducted leaves the public with very little time to respond to the new information the City continues to develop and incorporate into its analysis on short notice.

In addition, the *ad hoc* nature of this environmental review is perpetuated by and premised upon flawed studies. As we stated in several prior letters to the City, the traffic analysis in the SEIR is deficient. Specifically relevant here, as our traffic expert stated in his analysis attached to our May 31, 2016 comment letter, the traffic analysis in the SEIR used insufficient trip counts from the Beverly Hilton to determine typical hotel traffic trip generation. At the time the traffic counts were conducted, only a portion of the Beverly Hilton was operational. This skews the results of the projected traffic generation for the hotel use at the Proposed Project and also the traffic counts at the Beverly Hilton. Yet, the Simultaneous Events Assessment (Appendix "I" to the Staff report) relies upon this traffic study in its determination that hypothetical "simultaneous events" at the Proposed Project and Beverly Hilton will have no significant traffic impact. The use of this study is further skewing the assessment of the environmental impacts of the Proposed Project.

Without limitation to all prior concerns raised by us and others, we reiterate our prior emphasis that a new EIR should be conducted for this Project. A new EIR is required to protect the community from the unintended consequences of flawed analysis. At the very least, the community must be given an opportunity to respond meaningfully to the new information provided by the City. We respectfully request the Planning Commission postpone its adoption of the Final SEIR and schedule a new hearing to allow the public time to review, analyze, and comment upon the new information the City published last Friday.

Very truly yours,

John S. Peterson

JSP:swt

August 22, 2016

Dear Members of the City of Beverly Hills Planning Commission,

I write today to urge the Commission to approve the modifications to One Beverly Hills. I base my view on three main points.

1. One Beverly Hills has gone through a demanding review process and it appears there are no impacts that will harm the community. I appreciate that One Beverly Hills has followed all city rules and procedures. It is important for the community to see that the city process works, and that allowing the City to study a project for environmental impacts is the right way to bring new development to Beverly Hills.

2. As the parent of three children in the Beverly Hills Unified School District, I am concerned about the financial challenges facing our schools. With the new hotel at One Beverly Hills, the project will include 134 hotel rooms instead of just five floors of condominium. The transient occupancy tax from these hotel rooms will stay in our city. It has been projected that this will bring in at least $8.5 million in additional revenue. This will translate into much needed funding for our public schools.

3. The modified plan results in no change to the height or density of the project but as I mentioned before, there will be significant tax and revenue benefits for our city.

Please feel free to include my comments in the public record.

Sincerely,

Laurie Lande

Laurie Lande
124 N. Le Doux Rd.
Beverly Hills, CA 90211

RICHARD H. GORDON
504 N. Alpine Dr.
Beverly Hills, Ca. 90210
(310) 962-1267
rhgordon7@gmail.com

August 22, 2016

City of Beverly Hills
Planning Commission

Dear Commissioners:

I have been a resident of Beverly Hills for over 30 years and have raised my 3 children here. Beverly Hills is my home and I hope to stay for many more years. Now that my children have grown and gone off on their own I find myself an empty nester. As such I've been looking for just the right luxury condominium complex to relocate. The project at One Beverly Hills seems to fit my bill.

As one who has been looking around, I can tell you Beverly Hills has a shortage of high end luxury condominiums. The addition of the hotel to the One Beverly Hills project makes it even more appealing to me and my lifestyle as I'll be able to avail myself of five star hotel services without having to leave the property. Residences with such services are few and far between and, consequently, are in high demand. The Montage on Canon would seem a good example.

I also am a big fan of the Richard Meier design of the One Beverly Hills project. The buildings, the gardens and the open spaces will make it a great plus for the city. This type of development is a natural for Beverly Hills as we strive to maintain our international reputation for excellence.

It is my pleasure to urge you to approve this project.

Very truly yours,

Richard H. Gordon

Guest Editorial – July 15, 2016

"Those Who Foolishly Seek Political or Economic Advantage by Riding The Back of the Tiger Eventually End Up Inside It."

As reported by Bloomberg:

Billionaire Wang Jianlin is the 61 year old chairman of Dalian Wanda Group which is starting tourism projects across China and will be vying with Walt Disney Company for dominance of China's 610 billion dollar tourism industry. In a recent interview on a China Central T.V. show, Wang taunted Disney, "One tiger is no match for a pack of wolves." Wang further stated, "...over the next 10 to 20 years, Wanda must make Disney unprofitable."

This corrosive rhetoric may be commonplace in the iron tyranny that is China but it has no place in the exercise of commerce in our City. Simply, the Beijing model is not worthy of emulation. Nevertheless, Wanda/One Beverly Hills (Wanda/OBH), while pursuing entitlements for its newly proposed hotel project at the Robinson/May site on Wilshire Boulevard and Merv Griffin Way, has aggressively criticized the Beverly Hilton Initiative.

Wanda/OBH has already created and disseminated to the community in the form of a political hit piece, an unseemly, atypical attack ad against the Hilton. Essentially, Wanda/OBH, in my judgment, in its criticisms of the Hilton Initiative, cloaks itself with a disingenuous moral narcissism that it is going through an administrative process that the Hilton is not and therefore Wanda/OBH deserves praise and assumedly beneficial consideration.

Would it offend your common sense, if I suggested to you that this Wanda/OBH game plan is entirely consistent with the Wang art of doing business and may very well be a pretense to curry favor and attention away from its substantially changed project?

The resident and merchant communities have every right to expect the City to apply the same high standards to the Wanda/OBH project that it has already applied to the Hilton project eight years ago: a comprehensive, massive regulatory scheme with 109 conditions, plus multiple mitigation measures that are listed in 32 pages of specificity, monitored by City inspectors on a daily basis with which the Hilton is in total compliance.

Let's look, up close, at the Wanda/OBH project to better understand Wanda/OBH's designs: initially, the Robinson/May Department store site morphed from massive commercial into a deintensified, 235 condo entitlement. Now, Wanda/OBH's proposed new hotel project plus condos has shifted the site back to a major commercial enterprise.

The Wanda/OBH Project

While the building envelope is essentially the same, what's *in* the buildings has dramatically changed from what was approved in 2008, resulting in a substantial increase in intensity, density, and traffic generation. Wanda/OBH is proposing to change from a 100% condo project to a hotel and condo project by exchanging 42 condos and 16,000 square feet of

retail/restaurant space for 134 hotel rooms and almost 30,000 square feet of destination restaurants, bars, and spas plus meeting rooms and ballroom spaces.

Wanda/OBH claims that the result is equivalency in terms of traffic generation. However, common sense and the City's rules and procedures as applied to the Hilton Revitalization 2008 Plan provided that two condos equal one hotel room. Therefore, according to the City's established policy, 134 hotel rooms have the equivalent density and significant traffic generation impact of 270 condos, not 42.

Restaurant, Retail, and Commercial Space Has Substantially Increased

In 2008, the approved Wanda project had almost 16,000 square feet of restaurant/retail uses. The newly proposed project has almost 30,000 square feet of restaurants, bars, shops and spa, all open to the public, plus an additional 8,000 square feet ballroom. Wanda/OBH assumes that 35% to 50% of these uses will come from hotel guests thus reducing the traffic impacts of the uses. Yet, when the City analyzed the Montage project and the Hilton project, the City found these uses were free standing and not part of the hotels and gave NO credit at all for hotel guest use.

Construction Impacts on El Rodeo School Children and Neighboring Community

Construction of the newly proposed Wanda/OBH project is now estimated to take 42 months (3.5 years), 18 months longer than the project approved in 2008. The City must require health studies as well as impact analyses regarding traffic circulation, including dirt removal and dust modification.

Traffic Circulation

The Wanda/OBH proposed circulation plan requires hotel guests going in an eastbound direction to make a U-turn on Santa Monica Boulevard at Merv Griffin Way to access the newly proposed hotel entrance. Serious traffic congestion will result. For example, consider when hotel guests are arriving at the same time for events at the Beverly Hilton and the Wanda/OBH's 8,000 square feet ballroom space. In addition, at the same time, commuters leaving Century City are trying to access Merv Griffin Way to get to Wilshire Boulevard and the north side of Beverly Hills.

Wanda/OBH's Proposed New Hotel Truck Service Entrance on Merv Griffin Way Directly Opposite In Close Proximity to the Entry Roadway to the Beverly Hilton

This traffic circulation issue creates enormous traffic and aesthetic problems for residents, commuters, and the Beverly Hilton. Right opposite the Hilton Hotel entrance, Wanda/OBH proposes its service corridor on Merv Griffin Way. The result will be dozens of commercial and garbage trucks utilizing and clogging Merv Griffin Way. Not only will traffic be severely impacted, but also consider the adverse impacts when these trucks exit the newly proposed 134 hotel room building of the Wanda/OBH project on Merv Griffin Way.

Finally, are these Wanda/OBH plans those you'd expect from an upright, good standing, solid citizen neighbor, be it commercial or residential in nature, or are these oppressive plans more akin to the Wanda chairman Wang's espousal: "One tiger is no match for a pack of wolves"?

Respectfully Submitted,

Robert K. Tanenbaum Friday, July 15, 2016

355 South Grand Avenue
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

LATHAM&WATKINS LLP

FIRM / AFFILIATE OFFICES
Barcelona, Beijing, Boston, Brussels, Century City, Chicago, Dubai, Düsseldorf, Frankfurt, Hamburg, Hong Kong, Houston, London, Los Angeles, Madrid, Milan, Moscow, Munich, New Jersey, New York, Orange County, Paris, Riyadh, Rome, San Diego, San Francisco, Shanghai, Silicon Valley, Singapore, Tokyo, Washington, D.C.

August 23, 2016

VIA EMAIL

Honorable Planning Commission
Attention: Karen Myron, Planning Commission Clerk
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: City Planning Commission Hearing on the One Beverly Hills Project

Dear Chair Shooshani and Honorable Planning Commissioners:

We are writing on behalf of our client, Oasis West Realty LLC, regarding Wanda's "One Beverly Hills Project" at 9900 Wilshire Boulevard. Oasis owns the Beverly Hilton, which sits immediately across from the proposed project on Merv Griffin Way. The Beverly Hilton is a valuable City asset that has served the Beverly Hills community well for more than 60 years and Oasis has a very strong interest in protecting it. The proposed new Wanda project would have serious negative environmental impacts on the existing Beverly Hilton and the community.

As detailed in this letter and our prior letters to the City, we are deeply concerned that Wanda's project has been designed in a manner that will not only degrade the quality of life for Beverly Hills but will also negatively impact the day-to-day operations at the Beverly Hilton. The Wanda project is a fundamentally different and more intense project than was approved by the City in 2008. The impacts from this new project have not been fully analyzed or disclosed to the public.

We appreciate that the site was approved in 2008 for 235 condominiums and just over 16,000 square feet of retail. Since that time nothing has been built at the site and it has simply remained vacant land. The environmental impacts of the Wanda project should be analyzed based on the current condition of the site – vacant, and not generating a single trip. This analysis must recognize that trading 42 condominiums and 16,000 square feet of retail for 134 hotel rooms and tens of thousands of square feet of restaurants, bars, lounges, spa, and retail is not a one-for-one trade. At best, the impacts from one condominium equates to those of one hotel room. In Beverly Hills, the City has equated one hotel room to 0.3 condominiums or said another way, to get one hotel room one has to give up three condominiums.

It is also important to recognize that the City undertook 38 public hearings in 2007 and 2008 to approve the original 9900 Wilshire Boulevard project and the Beverly Hilton Revitalization Project and to ensure that the original 9900 Wilshire Boulevard project was fully

analyzed and conditioned to work for the City and together with the Beverly Hilton's revitalization plans. The conditions of approval and the specific plans for both projects studied and approved in 2007 and 2008 were carefully coordinated. Wanda's new project undermines the carefully crafted planning principles reflected in the two specific plans and threatens to create major new impacts for the community and the Beverly Hilton.

Wanda's proposed access plan will have significant adverse impacts on the residents of Beverly Hills, those traversing Santa Monica Boulevard, and the residents, guests and visitors to the Beverly Hilton and Waldorf-Astoria Beverly Hills. As indicated in Gibson Transportation Consulting, Inc.'s Peer Review Memorandum (dated May 25, 2016) (the "Gibson Memo"), Wanda's proposed transportation plan will result in significant adverse transportation impacts. Even the City's Planning Staff recognizes that Wanda's proposed access plan creates the "possibility of conflicts with cross-traffic on Merv Griffin Way" and Staff has rightly invited the Commission to discuss the proposed site access. Like City staff, we respectfully ask that this Commission take a very hard look at the circulation and access proposals for the site.

At a minimum, the Commission should require detailed simulation modeling of how Wanda's access plan will work (or not work). The visual simulation modeling will help the Commission and the community understand the major transportation issues that the Wanda project will create. Further, we respectfully request that the Commission require that additional site planning be prepared to ensure that both the project's commercial and residential uses are served entirely from the approved access road located along the Los Angeles Country Club.

While we have done our best to review the Final SEIR published last week along with the Staff Report and the thousands of pages of related documents released on Friday evening, our review of both is admittedly incomplete and is ongoing. Given this, we also suspect that the Commission has not had sufficient time to understand the Wanda project and consider its potential impacts and potential alternatives and mitigation measures to reduce these impacts. Accordingly, we agree with City Staff that the August 23 hearing by the Commission should merely start the discussion on the project and the Commission should not render any decision as to any element of the proposed project – whether it be the Specific Plan amendment, Vesting Tentative Tract Map amendment, Development Agreement amendment, or Supplemental EIR.

We look forward to engaging with this Commission and City staff on the many important issues that Wanda's new project raises. These include the great many issues the Staff Report recommends further discussion and consideration of including, among other things, site access and circulation, loading and delivery access, conflicts between the existing and proposed uses, and parking. (*See* Staff Report, pp. 16-17, 19, and 21.)

The impacts generated by Wanda's new hotel and residential project will be permanent. Given the project's location, adjacent to the Beverly Hilton, one of the most iconic and important properties in this City, any potential negative impacts that the project will have on such a valuable asset should be appropriately guarded against. The Commission should give all interested parties adequate time to review the Final SEIR, analyze the changes between the Final SEIR and the Draft SEIR, and provide meaningful comments to the document.

LATHAM & WATKINS LLP

Attached is a more detailed summary of the planning issues that this Commission should consider as well as a list of the additional analyses and studies that should be performed and provided to the public in order to assess impacts that have not been sufficiently disclosed or analyzed under the Draft SEIR or Final SEIR. Also attached is our letter submitted in response to the Draft SEIR and the Gibson Memo highlighting the deficiencies in the Draft SEIR's traffic and circulation analysis.

Your attention to this important matter is most appreciated and we are happy to answer any questions that you may have.

Very truly yours,

George J. Mihlsten
of LATHAM & WATKINS LLP

Attachments

cc: Mr. Ted Kahan
Benjamin Hanelin, Esq.

SUMMARY OF CONCERNS

In addition to the prior letters and comments submitted on the Wanda project and its Draft SEIR by us and other parties, which are incorporated herein by reference, below are additional comments with regard to the new Wanda project.

Operational Traffic, Site Access and Circulation Impacts

The Final SEIR, fails to address the numerous problems with the project's program for traffic circulation and site access. The concerns highlighted in our letter on the Draft SEIR remain unresolved.

The newly proposed access plan, which the public has been denied an opportunity to comment on since it was only introduced in the Final SEIR, only exacerbates the new project's traffic impacts. The Final SEIR re-designed the new project's access plan by adding a new two-way driveway on Merv Griffin Way and a new unsignalized left turn across Santa Monica Boulevard. It is important to realize this new access point is less than 50 feet from the intersection of Merv Griffin Way and Santa Monica Boulevard. This will cause an unmitgatable transportation problem.

The new driveway will also substantially increase the amount of vehicles entering and exiting the project along Merv Griffin Way. When both projects were initially approved in 2008, the City was focused on harmonizing the sequencing of traffic entering and exiting each project along Merv Griffin Way to ensure traffic impacts and circulation impacts were minimized for both projects and to ensure no spillover effects upon the surrounding community. The heavy vehicle use of this dual entry and exit point, along with the significant increase in truck traffic due to the increased commercial intensification of the project, would upset this goal and negatively impact transportation operations and access to both the Beverly Hilton, the approved Beverly Hilton revitalization project, as well as traffic in the surrounding area. The Staff Report itself notes that this completely new two-way access point along Merv Griffin Way may create circulation issues that the Commission should consider resolving prior to project approval. (*See* Staff Report, p. 19.)

The two unsignalized left turns across Santa Monica Boulevard proposed by Wanda, one of which was added in the Final SEIR, will also severely disrupt traffic heading east and west on Santa Monica Boulevard. Traffic heading west will be blocked by those turning across westbound lanes. Traffic heading east will stack in the left turn lanes and back-up on Santa Monica Boulevard, likely blocking the west-bound traffic on little Santa Monica Boulevard trying to merge onto Santa Monica Boulevard. The two turn lanes will create confusion for visitors navigating the multiple left turn lanes and cause difficulty for those attempting to merge into the correct left turn lane to access and leave the site.

The Final SEIR also fails to address the traffic and operational problems that will result from hotel guests attempting U-turns on Santa Monica Boulevard to access the site's "front door" entrance, or what happens if they mistakenly enter from the residential-only driveway and then are forced to head west, away from the hotel, only to turn around at Century Park East and

head back towards their destination where a U-turn is finally allowed. None of these issues have been quantitatively analyzed. A detailed simulation model is required to demonstrated how these multiple driveways and turn movements can work (which they cannot). The Commission should request this analysis.

Fundamentally, the driveways serving for project site access are not designed to accommodate anywhere close to the level of trips that the new project would generate. The original 9900 Wilshire Boulevard Project proposed a total of less than 16,500 square feet of commercial uses, whereas Wanda's new project proposes at total of over 200,000 square feet of commercial uses and proposes to serve these new uses through the same access point on Santa Monica Boulevard and the new driveway on Merv Griffin Way.

Also not considered are the severe traffic problems that will inevitably result when the event scheduling for the Beverly Hilton and the new project is such that guest and patrons of both projects are let out at the same time. How will traffic circulation along Merv Griffin Way and Santa Monica Boulevard work in this scenario? This needs to be analyzed and was not.

The Final SEIR also substantially understates the impacts faced by drivers traveling along Merv Griffin Way, including visitors and guests of the Beverly Hilton as a result of the location of the loading dock and service entrance located directly across from the Beverly Hilton's main entrance. The loading dock and service entrance on Merv Griffin Way is the sole access point used for this major luxury hotel project and its multiple restaurants and other commercial uses. This is a substantial change from what the original project envisioned for this driveway. The original project was estimated to generate 24 truck trips per week at this entrance on Merv Griffin Way. Wanda now estimates that the new project would generate 48 trucks per week for this entrance. This fantasy forecast appears to understate substantially the number of deliveries needed service the project's hotel and commercial uses. The City does not appear to have independently verified this figure and is instead relying on Wanda's estimate.

Based on our client's expertise in this area as the operator of a major hotel, a more appropriate estimate is 125 to 150 truck deliveries per week for the commercial uses alone. There would be residential deliveries on top of these but the City has not attempted to estimate what these might be. The traffic and circulation impacts of these deliveries along Merv Griffin Way and the Beverly Hilton has not been addressed. Note that Condition No. 16 of the 9900 Wilshire Boulevard project's Specific Plan specifically requires that the project's Loading Management Plan minimize impacts to adjacent land uses. This new plan maximizes the impacts on the Beverly Hilton. The Final SEIR's allowance for such a significant increase in the amount of heavy truck use along Merv Griffin Way for loading and delivery blatantly conflicts with this condition. (*See* Staff Report, Attachment G.)

One of the main reasons that the project's transportation impacts are not adequately addressed is that the Final SEIR continues to operate under the fiction that the original project has been built. Doing this has the effect of masking the new project's true impacts. Impacts must be compared to existing conditions without assuming that the previously approved project has been built. That is the reality. There are no trips being generated form the site today. It is vacant. The City must analyze impacts against existing conditions to give the Commission and

the public a true sense of what the addition of thousands of cars and trucks to the road every day will do to traffic on Wilshire and Santa Monica Boulevards.

The trip generation analysis in the Final SEIR employed a new study by Linscott, Law & Greenspan ("LLG") based on trip counts at the Peninsula Hotel. This study was flawed and is not representative of the trip generation that the new project will create. First, LLG only performed counts on two days. This is not a sufficient sample size. By performing counts only on two days, LLG's analysis fails to take into account various differences in site usage that may have been occurring on those days. LLG should at least disclose what the occupancy rate was for the Peninsula Hotel on the two dates and whether there were any events taking place or other unique aspects of operations within the hotel on those dates. Second, the Peninsula is not a good proxy for the new project because it does not have the same number or square footage of restaurants, bars, spa space, meeting space and lounges as proposed for One Beverly Hills. The City has not provided the public with a copy of the LLG study, which prevents the public from having the necessary information to properly evaluate the trip generation analysis and methodology employed under the Final SEIR. This study should be made available to the Commission and the public.

In addition to requesting the additional analysis discussed above, it is clear that in order to address these operational traffic impacts of the Wanda project, ***the Commission should require that all access to the property's residential and commercial uses be taken from the approved road along the Los Angeles Country Club***. This requirement would avoid the significant problems with the proposed additional entrances on Merv Griffin Way and Santa Monica Boulevard. There is absolutely no reason why this cannot be done.

The following conditions should also be imposed if the Commission is inclined to approve the new project to ensure that operational impacts on the City and the Beverly Hilton are minimized.

- Consistent with the applicant's statements, deliveries to the project should be limited to 48 per week.

- All deliveries should occur between the hours of 10:00 a.m. and 3:00 p.m. to minimize traffic during peak hours and disruption to hotel guests and residents.

- Trucks arriving to and leaving the project site shall not obstruct more than one lane of traffic on Santa Monica Boulevard or Merv Griffin Way. Unless it can be demonstrated clearly, 18-wheel trucks should not be allowed to provide deliveries by way of Merv Griffin Way.

- All garbage handling should take place entirely within enclosed areas of the building and garbage receptacles shall not be allowed to be placed adjacent to rights-of-way.

Construction Impacts

The changes to the project's haul route as presented in the Final SEIR also appear to worsen construction impacts. Using Santa Monica Boulevard as the sole haul route during construction will create much greater impacts in comparison to the previously proposed haul route under the Draft SEIR. Moreover, neither the Draft nor the Final SEIR quantitatively analyzed the impacts that will result from using Santa Monica Boulevard as the sole access point from which all dirt, debris and other haul material will be carried away from the site. These impacts must be studied.

The proposal to allow left-hand turns across Santa Monica Boulevard by heavy duty dump trucks for a period of 6 months and then allow deliveries into the site for a 42-month construction period will result in a horrific traffic situation for neighbors and the community and effectively shut down the use of the street at times. Just look at Final SEIR Figure 2-8a, page 61. It defies any credibility to suggest that double trailer trucks trying to turn left across west bound Santa Monica Boulevard and attempting to enter the construction site will not be a traffic disaster. And two or three trucks queuing on Santa Monica Boulevard will absolutely block all west bound traffic on little Santa Monica Boulevard trying to merge onto Santa Monica Boulevard. These issues must be addressed. Detailed simulation modeling should be requested by the Commission.

The Construction Traffic Management Plan states that Wanda proposes to perform haul of excavation material and deliveries during off-peak hours. If this is the case, when exactly is hauling and delivery expected to occur and what is the impact on an adjacent sensitive use, the Beverly Hilton, when this occurs?

In addition, based on our client's recent experiences working on the construction of the Waldorf-Astoria Hotel, the Wanda project's proposal to build a 40-foot tall construction wall around the site is particularly troubling. (*See* Final SEIR, p. 170.) The engineering required to safely construct such a massive wall is a highly complex and potentially dangerous undertaking. Since the site has already been excavated, there is limited space to properly anchor the fence. The safety issues presented by this proposal require a serious study by Planning Staff. And there is no analysis of the aesthetic impacts of this 40-foot high wall.

The Final SEIR also fails to fully account for other construction-related impacts imposed on the Beverly Hilton, El Rodeo School and other sensitive receptors in its environmental analysis. The Wanda project proposes to almost double the amount of dirt excavation and construction duration versus what was projected for the original project, yet the Final SEIR has not sufficiently addressed the increase in impacts to these sensitive receptors from all of the noise, dust, vibration, and construction traffic based on these increases. These issues require consideration by the Commission.

Aesthetics

Neither the Draft nor the Final SEIR analyzed the new project's aesthetic impacts as that issue area was scoped-out of the analysis under the Supplemental EIR entirely. Yet, the project involves a complete overhaul of the building layout along Merv Griffin Way. The original project was specifically required to include significant setbacks and landscaping to maintain a greenbelt and open feeling along Merv Griffin Way. But now, Wanda's project has placed a new building fronting the edge of Merv Griffin Way, creating a wall-like design on the street that will significantly change the aesthetics of the structure, create viewshed impacts along Merv Griffin Way, and have the potential to result in additional shade and shadow impacts. This building re-design will also impact views of the Beverly Hilton affect the overall aesthetic environment. It is important that the Planning Commission understand this potentially negative aesthetics issue.

The Planning Commission spent numerous hours during many hearings in 2007 and 2008 focusing on these issues in crafting the compromises which are reflected in the 9900 Wilshire Boulevard specific plan. It is critical that the Commission and the public understand the visual character of the Wanda project along Merv Griffin Way and the way in which the project's re-design will change the character of the area from what was approved for the 9900 Wilshire Boulevard project.

A New Project EIR Should Have Been Prepared

As noted in a number of the public comment letters to the Draft SEIR, a supplemental EIR should not have been used. Wanda's project is a ***new*** project, that requires a stand-alone EIR to evaluate its potential environmental impacts. The CEQA Guidelines provide that a lead agency may only prepare a supplemental EIR "if minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." In cases where, such as this, project changes are substantial, the appropriate form of environmental review is a new EIR, not supplement or addendum to a previously-certified EIR. (*See* CEQA Guidelines, §§ 15162(b), 15163.)

The nature of the project has changed significantly, with an entire set of new, highly-intensive commercial land uses, a modified project design, a completely new site access and circulation program, among others, that pose vastly different environmental impacts; it is not merely "minor addition or change" to the previously-approved 9900 Wilshire Boulevard project. The project's 200,000 square feet of new commercial uses, including hotel, dining restaurants, retail establishments, ballroom, industry function and meeting space, bars, rooftop and outdoor amenity space, will transform the use of the site to become an entertainment hub and a destination center for visitors and patrons across greater Los Angeles.

The changes proposed by the Wanda project are not minor. It cannot rely on the eight year-old EIR prepared for the 9900 Wilshire project to serve as the basis for its environmental analysis. The SEIR improperly coat-tails off of information generated by the earlier analysis,

which was performed under very different environmental conditions in a completely different economic and development climate.

This is not just form over substance. Preparing a supplemental EIR as opposed to a new EIR masks the project's impacts and avoids the City and Wanda having to evaluate and implement mitigation measures and alternatives that would avoid impacts. For example, as noted above, because a supplemental EIR was prepared, the new project's traffic impacts were compared to existing conditions with traffic from the original project added in. In other words, the analysis assumes that the original project has been built and the supplemental EIR only looks at the delta between the original and new project. Had the City evaluated the new project's traffic impacts against existing conditions, the analysis would have shown significantly greater traffic impacts which would require mitigation under CEQA. As it stands, the City is bypassing this step and is denying the public a true understanding of the new project's impacts.

ADDITIONAL ANALYSES AND STUDIES REQUIRED

1. Identification of staging area locations for the trucks accessing the project site (including all dirt trucks, cement trucks, steel deliveries, material deliveries, etc.).

2. Traffic impact analysis of construction trucks on Santa Monica Boulevard and local freeway ramps.

3. Microsimulation of construction truck left turn access across Santa Monica Boulevard.

4. Microsimulation analysis of proposed multiple access points on Merv Griffin Way and Santa Monica Boulevard , including multiple events at the Hilton and Wanda project.

5. Visual studies on Merv Griffin Way with 30 and 40 foot sound barriers.

6. Visual studies of Merv Griffin Way showing proposed project and its relation to the Beverly Hilton site.

355 South Grand Avenue
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

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May 27, 2016

VIA EMAIL

Community Development Department
Attention: Andre Sahakian, Associate Planner
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, CA 90210

Re: One Beverly Hills Project – Comments to Draft Supplemental Environmental Impact Report

Dear Mr. Sahakian:

We are writing to comment on the Draft Supplemental Environmental Impact Report for the Wanda Group's proposed "One Beverly Hills Project," on behalf of our client, Oasis West Realty, LLC. Oasis is the owner of the Beverly Hilton and soon to open Waldorf-Astoria Beverly Hills and the approved but not yet built Waldorf-Astoria Residences. As Oasis' property is located directly across Merv Griffin Way from the Wanda Group's new project, it has a particular interest in the project and its potential impacts on the Beverly Hilton, its guests, its employees and the community. Oasis' extensive experience developing and operating major hotel projects similar to the new proposed project and in light of the Beverly Hilton's 60-year history in the Beverly Hills community, gives it a unique perspective regarding the 9900 Wilshire site.

Oasis purchased the Beverly Hilton in 2003 and since that time has invested millions of dollars in revitalizing the iconic Beverly Hilton that serves as the City's community gathering spot and hosts world renowned events from the Golden Globes to the recently concluded Milken Institute Global Conference. Oasis is proud of its ability to host events large and small and is honored by its place in the Beverly Hills community and Oasis is now investing additional millions of dollars building the fabulous new Waldorf Astoria Beverly Hills.

The Waldorf-Astoria will further cement Beverly Hills' reputation as a premier destination and world-class community attracting visitors from across the globe and the Waldorf looks forward to its opening in early 2017. Similarly, the approved but not yet built 110 residential units that will make up the Waldorf-Astoria Residences will offer a unique living experience in Beverly Hills. Oasis is committed to the revitalization of the area and to the Beverly Hilton's unique and prominent place in the community.

In light of its substantial commitment to Beverly Hills, it should be no surprise that Oasis has taken a keen interest in its neighbor's new proposal at 9900 Wilshire. We have discussed Wanda Group's new project with them on several occasions. We have detailed our concerns with their proposal and explained how the Wanda Group's proposed access and circulation plan and intensification of development will negatively impact circulation on Santa Monica Boulevard and Merv Griffin Way. Unfortunately, our client's concerns have not yet been addressed.

To be clear, Oasis does not oppose development at the 9900 Wilshire property. However, it has serious concerns, some of which were expressed by Planning Commissioners and the public at the Planning Commission's May 12 hearing on the SEIR. In particular, Wanda's new project appears to result in significant traffic, circulation, and access impacts to the community that have not been fully analyzed or addressed. We request that additional alternative access and circulation plans be developed and analyzed in the SEIR.

Specifically, we are concerned with how access to the new hotel and restaurants, bars, and spa are taken from Santa Monica Boulevard and the use of Merv Griffin Way to access the project's loading, trash and service docks directly across from the Beverly Hilton's main entrance. We do not believe the impacts have been appropriately analyzed in the SEIR.

We respectfully request that an alternative access plan be analyzed that provides all site access for the hotel and related commercial uses and the condominiums from the previously approved road along the Los Angeles County Club at the west side of the project site. The property's loading, trash and service docks should also be accessed from the previously approved road along the country club.

Focusing the hotel and condominium access to the road at the west side of the property would eliminate the two new additional curb cuts along Santa Monica Boulevard for the new hotel and commercial uses that the project has proposed. This alternative access plan is precisely what was already been approved by the City in 2008 and, we believe, could help reduce the impacts that the new project will have on Santa Monica Boulevard and surrounding streets, including Little Santa Monica Boulevard and Merv Griffin Way.

Our concerns on these issues are summarized below.

Traffic and Circulation. The proposed hotel, restaurants, bars, lounges and other commercial uses in the new project would change the nature and scope of traffic along Wilshire and Santa Monica Boulevards and Merv Griffin Way. The streets and intersections surrounding the project site are at Levels of Service E and F during peak periods and many other times of day. Given that the site is currently a vacant lot generating zero trips, the introduction of a major luxury hotel and destination restaurants and clubs and other facilities will create an enormous traffic burden on Santa Monica Boulevard, particularly in light of the proposed access and circulation plan.

According to the SEIR, the new project will generate 2,183 average daily vehicle trips and the SEIR has determined that the traffic impacts will be less than significant in comparison to the currently approved condominium project (which would generate only 1,945 daily trips). However, the SEIR as well as the *One Beverly Hills Transportation Impact Study Report*, prepared by Fehr & Peers for the SEIR, are inconsistent with City and industry standards. The SEIR and the Traffic Study artificially deflate the projected number of trips and it appears that when trips are appropriately calculated there will be significant transportation impacts. These concerns are detailed below and in the attached peer review conducted by Gibson Transportation. Gibson Transportation concludes that using methodologies consistent with the City's past precedent and industry standards, the new Wanda project will cause significant impacts at a number of intersections during peak hours. The City must develop feasible mitigation measures to reduce these impacts or develop an alternative that reduces these impacts.

Additionally, the SEIR's analysis only compares conditions of the new project to those of the approved project. No comparison of the site's existing conditions (a vacant lot) to the conditions following project build-out was accounted for in the SEIR's determination that traffic impacts would be less than significant. We respectfully request an analysis be provided comparing impacts to the site's existing conditions and without the approved project so that we, the public and decisionmakers can understand the potential impacts of this new project.

In connection with the Traffic Study, we are concerned by what appears to be a significant departure from the City's practice for measuring traffic impacts without any explanation or justification. The Fehr & Peers Traffic Study assumes, based on the "project description," that only a fraction of the new 30,000 square feet of restaurants, bars, lounges, and other commercial space will be used by patrons other than hotel guests. For example, the Traffic Study assumes that only 50% of the trips that would otherwise be generated by the restaurants and bars will occur because 50% of the trips will come from hotel guests. We are concerned by these assumptions because it is inconsistent with the approach the City took on the Montage Hotel, the Beverly Hilton Revitalization Plan, and the previously approved project here. In 2007, Fehr & Peers, criticized the use of internal capture for hotels, stating "it would be difficult to quantify this internalization and Fehr & Peers therefore assumed no reduction to ensure that the analysis presents a worst case view of the project's impacts." It is unclear to us why the City wouldn't want to use the same methodology that was used for the Montage, the Beverly Hilton, and the prior 9900 Wilshire Boulevard project. This is especially concerning because at the May 12 Planning Commission hearing, Wanda's representatives touted "community enjoyment of the facilities" such as restaurants, bars, and spa as a major project benefit. And it is stated as such in numerous project objectives in the SEIR.

The nearly 8,000 square feet of meeting rooms and ballrooms were also not accounted for in the new project's trip generation. They should have been. The SEIR also states that there will be additional pre-function space and ancillary facilities to the ballroom and meeting spaces. Are these pre-function spaces and ancillary facilities in addition to the 8,000 square feet or are the included in that figure? If they are in addition to the 8,000 square feet, how much space is there? Please provide this information.

There is also no accounting for substantial portions of the new project's commercial components. For example, the Traffic Study does not assign any trips for the nearly 2,000 square feet hotel and lobby lounge and under-represents the amount of space dedicated to the restaurant, lounge and bar area by almost 5,000 square feet. Also omitted from the Traffic Study is the 1,000 square feet of outdoor dining described on page 31 and 33. The Traffic Study only analyzes 600 square feet of outdoor dining. These and other inconsistencies between Table 2-3 in the SEIR and Table 11 in the Traffic Study concern us and indicate that total traffic has been understated.

Ultimately, the Traffic Study and SEIR appear to understate the trips that the new project will generate and, therefore, the amount of traffic that the new project will create. The Gibson Transportation analysis concludes that the new project will cause significant impacts at a number of intersections when compared to existing conditions and will also have a new significant impact when compared to the previously approved project. The SEIR's determination that traffic impacts would be less than significant and that the project would not significantly affect circulation appears to be incorrect.

It is not reasonable to conclude that there is only a nominal increase (about 10%) in the number trips, and a decrease in some instances, when 42 condos are replaced by a 134-room hotel and over 30,000 square feet of community serving restaurants, bars, lounges, and spa is added. In essence the project has added almost 200,000 square feet of commercial space in exchange for 42 condos and 16,000 square feet of restaurant and retail space. The analysis should be redone and the SEIR recirculated so that the public has an opportunity to comment on these impacts.

Site Access. The new project's traffic impacts are made worse by the newly proposed site access from Santa Monica Boulevard and increased burden put on Merv Griffin Way from the new project's expanded loading and service dock.

The new hotel project transforms the nature of site access and circulation from what was previously approved by the City Council. Among other changes, the project proposes to use Merv Griffin Way as the only access point for the heavy truck loading and unloading (e.g., trash, food deliveries, equipment, etc.) required to serve the entire project, including the hotel, restaurants, bars, retail, spa and fitness center. The previously-approved project proposed to use this location for ancillary residential access only, but the new hotel and commercial uses would dramatically increase the intensity of use for this entrance. By allowing heavy commercial truck loading and commercial van service at this access location for the full array of hotel, restaurants, bars, retail and other uses proposed by the new project, traffic entering and exiting the loading dock area would be drastically increased in comparison to the relatively low level of use required for residential access and be fundamentally different given the heavy truck usage for deleiveries. The large commercial trucks and vans required to service the project that will be using this entrance may well block all of Merv Griffin Way. That risk has to be analyzed and it was not provided in the SEIR. . The SEIR fails to account for or quantify the number of trucks per day that will use the loading dock. We respectfully request an analysis clearly addressing this issue.

This service access point is located immediately across from The Beverly Hilton's grand entranceway. There was no analysis in the Traffic Study of the project's potential to affect operations at the Beverly Hilton and the impacts caused by the new volume of service vehicle traffic going in and out of the truck loading dock. The revised access plan for the new project will significantly obstruct visitor and residential access to the Beverly Hilton and, at times, could prevent access altogether. The project's service entrance will produce substantial air quality, noise, and aesthetic impacts to Beverly Hilton's main entrance and massively frustrate operations. These impacts were not addressed in the SEIR. Please provide that analysis.

In addition, the project has revised its access plan to create a new a new hotel entranceway along Santa Monica Boulevard literally just over 100 feet west of Merv Griffin Way. This will cause all of the east bound traffic on Santa Monica Boulevard traveling to the new hotel to make U-turn at Merv Griffin Way and backtrack along Santa Monica Boulevard to the hotel driveway and all traffic leaving the hotel that wants to head east to first go west on Santa Monica Boulevard and then make a U-turn at Avenue of the Stars. This "merry-go-round" circulation pattern will further degrade an already heavily congested stretch of Santa Monica Boulevard and could create impacts on side streets, such as Little Santa Monica. Impacts on Little Santa Monica were not assessed and should have been. Also the potential of left turns into these new driveways needs to be fully assessed.

While some alternative access plans were studied, the SEIR failed to study a single access point from Santa Monica Boulevard along the site's western edge for all hotel, commercial and residential traffic. The City should evaluate this option. That is the access plan that the City previously approved. It would eliminate the conflict on Merv Griffin Way, reduce the number of curb cuts on Santa Monica Boulevard, and consolidate the new project's entry sequence into a single point of access and eliminate multiple points of conflict. Consideration of these alternatives is a basic CEQA requirement. We ask that such an analysis be provided.

Aesthetics. The SEIR does not analyze the new project's aesthetic impacts although the design appears to have changed substantially at the Merv Griffin Way and Santa Monica Boulevard edge. Specifically, the massing that was previously along Santa Monica Boulevard has been pulled into the site and pressed against Merv Griffin Way. The nominal elevations and site plans presented do not show well how this will be perceived by drivers along Merv Griffin Way and we are concerned that it is contrary to the City's goal of maintaining a greenbelt and open feeling along Merv Griffin Way. Additional aesthetic analysis should be presented in the SEIR so that the decisionmakers and the public understand better how the new project will appear along Merv Griffin Way.

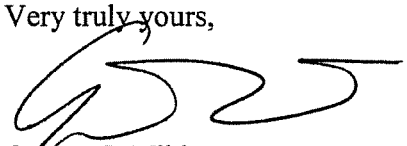
We look forward to responses to these comments, including the additional analysis requested to identify impacts to the Beverly Hilton and the surrounding community and the development of necessary mitigation measures and additional alternatives to address the impacts identified above.

Again, we raise these concerns on our client's behalf not in opposition to Wanda Group's development of the 9900 Wilshire property but because we want to ensure that the new project

is truly a positive addition to Beverly Hills and does not damage operations at the Beverly Hilton.

We appreciate your consideration of these issues and look forward to working with your Department and the Wanda Group to achieve our mutually-shared goals.

Very truly yours,



George J. Mihlsten
of LATHAM & WATKINS LLP

Attachment

cc: Mr. Ted Kahan
Benjamin J. Hanelin, Esq.

Gibson
transportation consulting, inc.

MEMORANDUM

TO: City of Beverly Hills

FROM: Jonathan Chambers, P.E.

DATE: May 25, 2016

RE: Peer Review of Traffic Study for the One Beverly Hills Project Beverly Hills, California **Ref:** J1418

On behalf of Oasis West Realty LLC ("Oasis"), Gibson Transportation Consulting, Inc. ("GTC") has reviewed *One Beverly Hills Transportation Impact Study Report* (Fehr & Peers, April 6, 2016) ("2016 Traffic Study"). The 2016 Traffic Study analyzed potential traffic impacts of the proposed new development by Wanda Group for the property located at 9900 Wilshire Boulevard in Beverly Hills, California (referred to herein as the "One Beverly Hills Project"). The One Beverly Hills Project is a proposal to develop 134 hotel rooms, along with at least 109,000 square feet of restaurants, retail, ballroom, conference space, spa, fitness center, and other hotel amenities and 193 condominium units.

The 2016 Traffic Study was incorporated into *Draft Supplemental Environmental Impact Report: 9900 Wilshire Boulevard (One Beverly Hills) Project* (Rincon Consultants Inc., April 2016) ("Draft SEIR"), which supplements a previous environmental impact report (*9900 Wilshire Project: Draft Environmental Impact Report* [Impact Sciences, Inc., August 2007]) for a previously proposed project ("2008 Approved Project"). The 2008 Approved Project consisted of a 235-unit condominium project along with 11,656 square feet ("sf") of retail and 4,800 sf of restaurant.

It should be noted that the 2016 Traffic Study does not assess impacts of the One Beverly Hills Project against existing conditions (a vacant property). Rather, it assesses impacts against the 2008 Approved Project as modified in 2012 through an administrative process. As such, the impacts of the proposed One Beverly Hills Project as compared to existing conditions is not provided.

This memorandum summarizes GTC's comments on the assumptions, methodology, and results of the 2016 Traffic Study.

Based on GTC's review, there are six primary flaws with the 2016 Traffic Study:

1. Data Inconsistencies
2. Trip generation estimates
3. Trip distribution pattern
4. One Beverly Hills Project access plan
5. Analysis methodology
6. Inadequate Construction Impact Analysis

Each of these flaws is discussed in detail below, and a revised traffic impact analysis is provided based on methods consistent with industry standards.

DATA INCONSISTENCIES

The peak hour traffic volumes shown in the 2016 Traffic Study figures do not in all cases match up to the volumes that were analyzed for the level of service ("LOS") tables, based on a review of the traffic analysis worksheets in Appendix B of the 2016 Traffic Study. The following analysis scenarios have these inconsistencies:

- Existing (2015) plus Approved 9900 Wilshire Boulevard Project (Figures 8A and 8B)
- Cumulative (2020) plus Proposed One Beverly Hills Project (Figures 11A and 11B)

In each of these cases, the numbers shown in the figures do not correspond to the numbers shown in the LOS worksheets in the Appendix and, therefore, it is impossible to know clearly how the calculations in the 2016 Traffic Study were conducted. The revised traffic impact analyses provided in this memorandum are based on the assumption that the numbers in Figures 8A, 8B, 11A, and 11B are accurate and that the LOS analysis is inaccurate. However, since the data points do not correspond, the study should be revised to provide consistent numbers between the LOS worksheets and the figures.

There are also data inconsistencies between the square footages in the Draft SEIR's project description and the numbers provided in the 2016 Traffic Study's trip generation table (Table 11). For example, Table 2-3 of the Draft SEIR states that there will be 16,057 sf of "restaurant/lounge/bar" space, 1,600 sf of "outdoor dining", and 1,907 sf of "hotel and lobby lounge" for a total of 19,564 sf of dining-related use. However, Table 11 of the 2016 Traffic Study only provides for a total of 9,687 sf of dining-related uses, including restaurant (4,249 sf, including 600 sf of outdoor rooftop dining) and bar (5,438 sf, including 3,223 sf of karaoke/private lounge and 2,215 sf of rooftop bar). An additional 5,540 sf of dining-related space is stated to be used primarily by hotel guests and generating no external trips. However, the remaining 4,337 sf of dining-related uses identified in Table 2-3 are not acknowledged anywhere in the 2016 Traffic Study. In total, between the "guest-serving" uses and the unaccounted-for uses, 9,877 sf of dining-related uses are assumed not to generate any external trips. The 2016 Traffic Study should have assigned trips to this nearly 10,000 sf of high-intensity uses. As discussed below, this significantly understates trips from the One Beverly Hills Project.

Also not accounted for in Table 11 of the 2016 Traffic Study is the 65,545 sf of uses termed "amenity/storage/back-of-house" in Table 2-3 of the Draft SEIR. It is unclear whether these uses are only for hotel guests or whether they may separately generate trips. An explanation should be provided either in the Draft SEIR or in the 2016 Traffic Study.

TRIP GENERATION ESTIMATES

The 2016 Traffic Study estimated trip generation for the One Beverly Hills Project using a combination of rates published by the Institute of Transportation Engineers ("ITE") and rates developed from empirical counts at local developments. Substantial reductions were applied to the trip generation estimates for internal trips between uses based on the "project description"

(2016 Traffic Study, pages 34-35), which were inconsistent with procedures followed in prior traffic studies within Beverly Hills. There were numerous issues with the trip generation estimates that resulted in far lower estimates than would be expected, as detailed below.

Consistency with 2008 Approved Project Analysis

Because the Draft SEIR seeks to identify whether a changed project (the One Beverly Hills Project) would generate new significant traffic impacts as compared to the 2008 Approved Project, it is important for the analysis methodology – including trip generation rates and credits – be consistently applied between the two analyses. In this case, there were substantial inconsistencies between the analysis provided for in the 2008 Approved Project traffic study as compared to the 2016 Traffic Study leading to a significant underestimation of trips for the One Beverly Hills Project.

The 2008 Approved Project traffic study estimated trips from three land uses: condominiums, retail, and restaurant. The condominium trips were estimated using empirical data, while the retail and restaurant trips were estimated using rates from ITE's *Trip Generation, 7th Edition* (2003). No trip generation credits were applied for internal trips between uses.

The 2016 Traffic Study for the proposed One Beverly Hills Project estimated trips for five land uses: condominiums, hotel, spa, restaurant, and bar. Condominium, hotel, and restaurant trips were estimated using empirical data, while the spa and bar trips were estimated using data from ITE. Contrary to the methodology used in the 2008 Approved Project traffic study, the retail space proposed in the One Beverly Hills Project, as well as the fitness center and a substantial portion of the proposed restaurant space, was assumed to be entirely site-serving, generating no external trips. The spa and the remaining restaurant space were expected to generate 50% to 67% fewer external trips than the ITE rates estimated due to internal trips from the other land uses.

Therefore, the two studies were inconsistent both because the 2016 Traffic Study used much lower empirical restaurant trip generation rates and because it applied substantial internal trip credits. This inconsistency resulted in a substantial lessening of trips estimated for the One Beverly Hills Project compared to the 2008 Approved Project, and significantly understated potential traffic impacts.

Choice of Trip Generation Rates

There were two sets of trip generation rates used in the 2016 Traffic Study that were not applicable to the uses. First, trips for the spa – at 7,370 sf – were estimated using ITE rates for a hair salon (ITE Land Use Code 918). Though the ITE description of the hair salon use notes that it could include spa facilities, it is critical to note that ITE's *Trip Generation, 9th Edition* (2012) (the version used in the 2016 Traffic Study) provided the hair salon rates based only on a single observation of a hair salon in New York in 2007. There is no indication that the observed location included spa facilities, nor any reason to believe that the rate, based on a single day's data collection, is in any way applicable to the spa proposed as part of the One Beverly Hills Project. It would have been more appropriate to use the trip generation rate for Health/Fitness Club (ITE Land Use Code 492), which is described as including spas and was based on surveys

at six different locations rather than one. The Health/Fitness Club rate is substantially higher than the Hair Salon rate and is a better fit for the use described and analyzed.

Second, the restaurant trip generation rates were based on surveys of three restaurants in the Beverly Hills area that are each over 11,000 sf in size. This is over three times the size of the 3,649 sf restaurant proposed in the One Beverly Hills Project, not to mention the 600 sf outdoor rooftop dining area that also used this rate. When developing empirical trip generation estimates, it is important to consider not just the surveyed land use, but also the size of that land use as it compares to the proposed project. Generally speaking, ITE's published rates demonstrate that larger developments tend to generate fewer trips per 1,000 sf of floor area than smaller developments. Therefore, it is likely that the empirical restaurant rate used in the 2016 Traffic Study significantly underestimates trips for the restaurant uses it was applied to.

Internal Trip Assumptions

Previous EIRs for hotels in Beverly Hills, including *Draft EIR: Beverly Hills Gardens and Montage Hotel* (City of Beverly Hills Department of Planning & Community Development, November 14, 2003), *The Beverly Hilton Revitalization Plan Draft Environmental Impact Report* (Impact Sciences, Inc., August 2007), and the EIR for the 2008 Approved Project, did not include credits for internal trips between uses. Contrary to those precedents, the 2016 Traffic Study uses very liberal assumptions regarding how many of the One Beverly Hills Project land uses would be fully or partially patronized by people already at the site, primarily the hotel guests, based on information in the Draft SEIR.

In addition to 193 condominium units and 134 hotel rooms, the One Beverly Hills Project would provide a total of 109,849 sf of amenity and ancillary space as summarized in Table 1. Table 1 also summarizes whether and how the 2016 Traffic Study accounted for trips from each of these uses, as well as trip generation rates and internal trip assumptions to be used in a revised analysis at the end of this memorandum. As shown in Table 1, 92,913 sf of the ancillary space (nearly 85% of the total) was assumed not to generate any external trips. It defies credulity that all of those uses would be supported solely by the guests within the 134 hotel rooms. Assuming typical occupancy of 1.6 people per room, the hotel would typically have approximately 214 guests, which isn't sufficient to fill 9,877 sf of dining uses at the same time, let alone the other uses.

Regarding internalized trips that a hotel may experience through hotel guests using on-site restaurants, a previous study (*Traffic Study for the Beverly Hilton Revitalization Plan*, Fehr & Peers, October 2007) concluded that "it would be difficult to quantify this internalization and Fehr & Peers therefore assumed no reduction to ensure that the analysis presents a worst-case view of the Project's impacts" (page 33). The only basis presented in the 2016 Traffic Study for the internalized trips is that they were included in the "project description." The 2016 Traffic Study provides no analysis or support for this conclusion.

Also, while the 2016 Traffic Study considers the fitness center to be solely serving hotel guests while the Spa would be open to external visitors, the Draft SEIR makes no such distinction, always referring to the spa and fitness facility together as a single 14,405 sf facility. There is no indication in the Draft SEIR that those uses would be restricted to hotel guests and, given the large size of these proposed facilities, little likelihood that such a restriction should be assumed.

For comparison, the fitness center for the 569-room Beverly Hilton is approximately 1,000 sf. Therefore, the One Beverly Hills Project fitness center should be assumed to generate external trips along with the spa, and the ITE trip generation rate for a health/fitness club, which includes spa facilities and has a much larger sample size than a hair salon, is applicable to the entire facility.

Beyond the uses that are assumed to be fully serving hotel guests, the remaining uses that would generate external trips were all assumed to have substantially reduced trip generation due to internal trips. All restaurant and bar uses were assumed to only generate 50% external trips, and the spa was assumed to only generate 33% external trips. Based on data in Table 11 of the 2016 Traffic Study, just those assumptions alone are expected to reduce external trip generation by 48 trips during the weekday PM peak hour, which is far more than should be expected for a 134-room hotel, even without considering all of the other internal uses that those hotel guests are assumed to be supporting.

Revised Trip Generation Summary

GTC prepared revised trip generation estimates for the One Beverly Hills Project that include reasonable assumptions correcting for many of the errors summarized above. These estimates are shown in Table 2 and use empirical rates from the 2016 Traffic Study, ITE rates, and internal trip assumptions based on the City's precedent and industry standards. All appropriate land uses are accounted for. With the revised estimates, the One Beverly Hills Project would generate approximately 3,963 daily trips, including 225 trips during the morning peak hour, 281 trips during the mid-day peak hour, 331 trips during the afternoon peak hour, and 279 trips during the Saturday peak hour.

Table 3 compares these estimates to the 2016 Traffic Study estimates. As it shows, the revised estimates are substantially higher than the 2016 Traffic Study estimates, including by 1,782 daily trips, 112 morning peak hour trips, 124 mid-day peak hour trips, 143 afternoon peak hour trips, and 164 Saturday peak hour trips. Also, with the revised estimates, the One Beverly Hills Project would result in positive net trip generation compared to the 2008 Approved Project during each analysis period.

A supplemental impact analysis using the trip generation estimates from Table 2 is provided at the end of this memorandum.

TRIP DISTRIBUTION PATTERN

The 2016 Traffic Study claims to have used the trip distribution pattern shown in Figure 5. However, comparing Figures 4A and 4B (Project-Only Trips at Driveways) and 6A and 6B (Project- Only Trips at Intersections) to Figure 5, it becomes clear that the distribution pattern shown is misleading. It is virtually impossible to track the trips entering the site through the information provided in the 2016 Traffic Study. For example, Wilshire Boulevard west of the project site is shown to carry 20% of project traffic in Figure 5, but in Figure 4 it only shows traffic approaching in the eastbound direction to enter the driveway on Wilshire Boulevard.

Because that driveway only allows right turns in and out, no traffic is sent west on Wilshire Boulevard from the site.

Instead, additional traffic is sent southwest on Santa Monica Boulevard away from the site. Presumably, this traffic would turn north to make its way back to Wilshire Boulevard, either via Beverly Glen Boulevard or through the Comstock Hills residential neighborhood west of the Los Angeles Country Club. However, because no analysis was conducted of any intersection farther south on Santa Monica Boulevard than Avenue of the Stars, or any intersection farther west on Wilshire Boulevard than Merv Griffin Way, it is impossible to be certain what was assumed in the 2016 Traffic Study.

Further, because nothing was analyzed along the likely route of this traffic, it is possible that potentially significant impacts were not disclosed in the analysis, especially when considering the revised trip generation estimates shown in Table 2. Additional clarity needs to be provided in the 2016 Traffic Study to explain how the distribution of traffic is accounted for as it approaches and enters the site.

PROJECT ACCESS

As mentioned above, the project driveway (for residents only) to Wilshire Boulevard only allows right turns in and out onto Wilshire Boulevard. There are four other driveways to the project, including a full-access service driveway along Merv Griffin Way, another resident-only driveway on Santa Monica Boulevard that allows right turns in and out, and two hotel-only driveways on Santa Monica Boulevard, one allowing right turns in and one allowing right turns out. In total, between the two residential driveways, residents may only enter or exit on southwest-bound Santa Monica Boulevard or eastbound Wilshire Boulevard. Hotel traffic may only enter or exit on southwest-bound Santa Monica Boulevard.

With the One Beverly Hills Project in place, there would be three driveways on the north side of Santa Monica Boulevard within 400 feet southwest of Merv Griffin Way (including inbound and outbound hotel driveways and a residential driveway), with the closest approximately 120 feet from Merv Griffin Way. Access into and out of these driveways would significantly slow traffic in the third lane on Santa Monica Boulevard.

The project's circulation plan is diagrammed in Figure 4 of the 2016 Traffic Study and requires that drivers approaching the hotel from northeast-bound Santa Monica Boulevard make a U-turn at Merv Griffin Way. Also, from a close review of Figure 6, it became clear that any hotel or residential traffic looking to exit northeast-bound on Santa Monica Boulevard was assumed to make a U-turn at Avenue of Stars, a detour of approximately 0.7 miles round trip. Further, U-turns are slower and more dangerous than standard left turns and, therefore, intersections on Santa Monica Boulevard where U-turns are required as part of project site circulation will be made less safe and less efficient. The analysis in the 2016 Traffic Study made no capacity adjustment to account for U-turns, as these vehicles were treated as ordinary left turns. However, the revised analysis at the end of this memorandum assumes that U-turn traffic from the One Beverly Hills Project operates 30% slower than typical left turns. This was accounted for by increasing peak hour U-turn traffic volumes by 30% and analyzing them as left turns.

Access Impact to Beverly Hilton

The aforementioned service access on Merv Griffin Way is located immediately across from the Beverly Hilton's grand entrance. There was no analysis in the 2016 Traffic Study of potential impacts to the Beverly Hilton. Impacts could be caused by the potential volume of service vehicle traffic in and out of the driveway. Also, large trucks are expected to use this entrance and could block the whole intersection (including the entrance to the Beverly Hilton) at times. Beyond traffic impacts, the potential air quality, noise, and aesthetic impacts of locating the service entrance immediately adjacent to the Beverly Hilton entrance were not analyzed or acknowledged in the Draft SEIR.

Access Improvement

GTC recommends an alternative access plan that would consolidate the three driveways on Santa Monica Boulevard into a single full-access signalized driveway at the southwestern border of the site, in the location where the residential driveway is currently proposed. This new signalized intersection would allow left turns in and out and would be located sufficiently far from the existing signalized intersection at the Crossover and the proposed traffic signal at Merv Griffin Way to ensure smooth operations. Additionally, the service entrance should be moved away from the main entrance to the Beverly Hilton.

ANALYSIS METHODOLOGY

The methodology used to analyze potential impacts in the 2016 Traffic Study was flawed for a few reasons, in addition to the trip generation, distribution, and access issues described above.

Choice of Baseline

The analysis only compared conditions with One Beverly Hills Project traffic to conditions with the 2008 Approved Project traffic. There was no analysis of conditions with One Beverly Hills Project traffic compared to conditions with a vacant site, as in the present condition. The analysis presented in the Draft SEIR does not provide the public with a true picture of the potential impacts of the proposed project, since the traffic volumes associated with the 2008 Approved Project were never actually realized (since the project has not been built).

Inclusion of Background Improvements as Project Features

The analysis included a number of major infrastructure improvements in the analysis of conditions with the One Beverly Hills Project which were excluded in conditions with the 2008 Approved Project. In 2008, the 2008 Approved Project offered to contribute a "fair share" of the costs of the following improvements:

- Reconfiguring the intersection of Merv Griffin Way & Wilshire Boulevard to provide a northbound left-turn, through, and right-turn lane

- Signalizing the intersection of Merv Griffin Way & Santa Monica Boulevard
- Reconstructing Santa Monica Boulevard along the project frontage to add a third westbound lane

Because the 2008 Approved Project is partially responsible for these measures, it only is sensible to assume that they are in place under any condition with the 2008 Approved Project or the One Beverly Hills Project in place. However, the analysis of cumulative conditions with the 2008 Approved Project did not include these improvements and, therefore, their capacity-increasing effects were attributed solely to the One Beverly Hills Project in the 2016 Traffic Study analysis.

In another significant inconsistency in the 2016 Traffic Study methodology, the existing conditions with the 2008 Approved Project shown in Table 14 of the 2016 Traffic Study account for these improvements (unlike the cumulative conditions with 2008 Approved Project), despite the fact that if any set of analyses should specifically *not* include the background improvements, it is a condition set in the existing analysis year, as the purpose of an analysis of project traffic in an existing year (based on the legal judgment that prompted the need for such an analysis) is to identify potential impacts without accounting for any infrastructure improvements.

Further, the 2016 Traffic Study analysis also credited the One Beverly Hills Project with an improvement that is the sole responsibility of the Beverly Hilton. The improvement would reconstruct the eastbound portion of Wilshire Boulevard to provide two left-turn lanes, three through lanes, and one right-turn lane at N. Santa Monica Boulevard. Because this improvement is not in any way associated with the 2008 Approved Project or the One Beverly Hills Project, there is no circumstance in which it should be assumed in the analysis of conditions with the One Beverly Hills Project but not in conditions with the 2008 Approved Project.

Application of Significant Impact Criteria

The Cities of Beverly Hills and Los Angeles prescribe different criteria for assessing significant traffic impacts at intersections affected by a project. The criteria for Beverly Hills is far less strenuous than the criteria for Los Angeles, and since the Beverly Hills city limits are fully surrounded by Los Angeles, and any impacts within Beverly Hills will also affect many drivers traveling into or out of Los Angeles by way of Beverly Hills, it is reasonable to apply City of Los Angeles impact criteria for a more conservative look at potential traffic impacts. This analysis was not conducted in the 2016 Traffic Study.

REVISED ANALYSIS

GTC conducted a revised analysis using the updated trip generation estimates from Table 2 and more reasonable traffic analysis methodology in accordance with the discussion above. In particular, the methodology was updated by comparing conditions with the One Beverly Hills Project to conditions without any project at the site (as well as comparing to conditions with the 2008 Approved Project, as was conducted in the 2016 Traffic Study); by assuming that the infrastructure improvements would occur under baseline conditions as well as conditions with

the One Beverly Hills Project; and by assessing traffic impacts using both City of Beverly Hills and City of Los Angeles significant impact criteria.

Table 4 shows the results of the revised analysis comparing cumulative conditions with the One Beverly Hills Project to cumulative conditions with no development at the project site (the current existing conditions). As shown in Table 4, the revised analysis would result in previously undisclosed significant impacts at three intersections using City of Beverly Hills impact criteria and at seven intersections using City of Los Angeles impact criteria. The following locations would be significantly impacted by One Beverly Hills Project traffic:

1. Santa Monica Boulevard N. & Beverly Drive (Los Angeles criteria only)
2. Santa Monica Boulevard N. & Wilshire Boulevard
4. Santa Monica Boulevard S. & Wilshire Boulevard (Los Angeles criteria only)
5. Santa Monica Boulevard N. & Merv Griffin Way
6. Beverly Drive & Wilshire Boulevard (Los Angeles criteria only)
7. Whittier Drive / Merv Griffin Way & Wilshire Boulevard (Los Angeles criteria only)
8. Santa Monica Boulevard & Crossover

Table 5 shows the results of the revised analysis comparing cumulative conditions with the One Beverly Hills Project to cumulative conditions with the 2008 Approved Project, as was conducted in the 2016 Traffic Study. As shown in Table 5, the revised analysis would result in undisclosed significant impacts at one intersection using City of Beverly Hills impact criteria and at three intersections using City of Los Angeles impact criteria. The following locations would be significantly impacted by One Beverly Hills Project traffic:

5. Santa Monica Boulevard N. & Merv Griffin Way
7. Whittier Drive / Merv Griffin Way & Wilshire Boulevard (Los Angeles criteria only)
8. Santa Monica Boulevard & Crossover (Los Angeles criteria only)

A similar revised analysis of project impacts based on the existing year was conducted and yielded similar results.

INADEQUATE CONSTRUCTION IMPACT ANALYSIS

The construction impact analysis provided in Chapter 8 of the 2016 Traffic Study does not provide any meaningful analysis of construction period truck (or emission and noise) impacts. While it notes that up to 300 trucks for hauling dirt (approximately 265,000 cubic yards) per day would travel on some of the most congested roadways within Beverly Hills and west Los Angeles, it does not analyze those roadways or freeway ramps or identify any particular locations that would be significantly impacted by haul truck traffic.

Each truck makes an inbound trip and an outbound trip and, therefore, 300 truckloads of dirt removal per day require 600 truck trips. Because slow-moving trucks have a larger effect on roadway traffic than a standard passenger automobile, it is standard industry practice to apply a passenger car equivalency ("PCE") factor to account for the impacts of large haul trucks. A PCE of 2.0 was applied to the truck trips. Therefore, 600 truck trips are equivalent to 1,200 daily PCE trips. The air quality study in the Draft SEIR projects a total of 18,535 total truckloads of dirt, or 37,070 total trips (including arrivals and departures) during construction. This will result in

74,140 PCE trips traveling through west Los Angeles and Beverly Hills using a PCE of 2.0. This does not account for the other trucks for equipment and material delivery and workers to and from the site.

The Draft SEIR provides that the haul trucks will be staged on Sepulveda Boulevard in west Los Angeles adjacent to the Federal Building and the National Veteran's Cemetery. It is not clear how the trucks will get to the staging location. This staging location is somewhat difficult given that the street is a designated no-parking area. The haul trucks will then proceed through some of the most congested areas of Los Angeles and through the Wilshire Boulevard corridor to the project site. On exiting the project site, the haul trucks will travel west on Santa Monica Boulevard to I-405.

Assuming even truck trip distribution over a typical eight-hour workday, 150 PCE trips per hour would be generated by the construction site – 75 arriving and 75 departing. Because there are generally three lanes in each direction on both Santa Monica Boulevard and Wilshire Boulevard, 75 PCE trips would generally add up to 25 vehicles per hour per lane, which is enough to generate a significant traffic impact according to City of Los Angeles significant impact criteria for intersections operating at LOS E or F. Based on data from past traffic studies conducted in the region, and the admission in the 2016 Traffic Study itself that the roadways designated as truck routes for the project are already some of the most congested in Beverly Hills and Los Angeles, many intersections on the truck route operate at LOS E or F, including Wilshire Boulevard at Sepulveda Boulevard, Veteran Avenue, Westwood Boulevard, Warner Avenue, Beverly Glen Boulevard, and Comstock Avenue, and Santa Monica Boulevard at Westwood Boulevard and Sepulveda Boulevard. Many of these locations would be significantly impacted by construction haul traffic.

CONCLUSION

It is GTC's expert opinion that there are substantial analytical, procedural, and presentation errors in the 2016 Traffic Study. Between the errors in translation between the traffic volume figures and the analysis, the highly unrealistic trip generation estimates and credits, and the method of comparing traffic impacts to conditions that assume an approved project is constructed, the results shown in the 2016 Traffic Study, including its finding of no significant traffic impact from the One Beverly Hills Project, cannot be accepted. Additionally, the access plan proposed for the One Beverly Hills Project has the potential to cause a serious traffic problem for the Beverly Hilton, which was not acknowledged or analyzed in the 2016 Traffic Study, and construction traffic impacts were not adequately disclosed.

TABLE 1
SUMMARY OF ANCILLARY HOTEL USES AT ONE BEVERLY HILLS

Land Use	Size (sf)	Used in Traffic Study [a]		Revised Rates and Credits	
		Trip Generation Source	Internal Trip Assumption	Trip Generation Source	Internal Trip Assumption
Uses Generating Trips in Traffic Study					
Spa	7,340	ITE Hair Salon [b]	67%	ITE Hair Salon [b]	20%
VIP/Chinese Fine Dining	3,649	Empirical Data	50%	Empirical Data	0%
Outdoor Dining - Rooftop	600	Empirical Data	50%	Empirical Data	0%
Karaoke/Private Lounge	3,223	ITE Drinking Place [c]	50%	ITE Drinking Place [c]	0%
Rooftop Bar	2,215	ITE Drinking Place [c]	50%	ITE Drinking Place [c]	0%
Other Uses Referenced in Traffic Study					
All-Day Dining Restaurant [d]	2,633	none	100%	ITE Restaurant [e]	0%
Lobby Lounge [d]	1,907	none	100%	ITE Restaurant [e]	0%
Other Outdoor Dining [d]	1,000	none	100%	ITE Restaurant [e]	0%
Boutique Retail Shop [d]	2,484	none	100%	ITE Retail [f]	50%
Fitness Center [d]	7,065	none	100%	none	100%
Ballroom/meeting rooms	7,942	none	100%	none	100%
Uses Referenced in Draft SEIR but Not Referenced in Traffic Study					
Other Restaurant [g]	4,337	none	100%	ITE Restaurant [e]	0%
Amenity/Storage/Back-of-House	65,545	none	100%	none	100%

Note: ITE = Institute of Transportation Engineers.
[a] Data is from Table 2-3 of the Draft SEIR and Table 11 of the Traffic Study.
[b] ITE Land Use 918, Hair Salon.
[c] ITE Land Use 925, Drinking Place.
[d] According to the Traffic Study, this use is expected to be used primarily by hotel guests.
[e] ITE Land Use 932, High-Turnover Restaurant.
[f] ITE Land Use 820, Shopping Center.
[g] Table 2-3 of the Draft SEIR includes a total of 19,564 sf of dining-related uses; the Traffic Study only references a total of 15,227 sf of dining-related uses, ignoring the remaining 4,337 sf.

TABLE 2
REVISED TRIP GENERATION ESTIMATES USING INDUSTRY STANDARD RATES AND ASSUMPTIONS

Land Use	Rate Source	Daily	AM Peak Hour			Mid-Day Peak Hour			PM Peak Hour			Saturday Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Trip Generation Rates														
Condominium [a]	Empirical	3.55	0.09	0.19	0.28	0.17	0.17	0.33	0.18	0.15	0.33	0.11	0.19	0.29
Hotel [a]	Empirical	7.75	0.25	0.16	0.41	0.23	0.25	0.49	0.26	0.31	0.57	0.14	0.13	0.26
Spa (Hair Salon Rate)	ITE 918	14.50	1.21	0.00	1.21	0.25	1.20	1.45	0.25	1.20	1.45	0.25	1.20	1.45
Hotel Retail Boutique [b]	ITE 820	42.70	0.60	0.36	0.96	2.01	1.77	3.78	1.78	1.93	3.71	2.51	2.31	4.82
Quality Restaurant [a]	Empirical	54.02	0.16	0.16	0.33	1.72	3.97	5.69	3.31	0.87	4.18	2.91	0.53	3.44
High-Turnover Restaurant [b]	ITE 932	127.15	5.95	4.86	10.81	5.47	4.20	9.66	5.91	3.94	9.85	7.46	6.61	14.07
Bar [a]	ITE 925	113.40	0.00	0.00	0.00	2.25	1.16	3.40	7.48	3.86	11.34	2.25	1.16	3.40
Trip Generation Estimates														
Condominium	193 units	685	17	37	54	33	33	64	35	29	64	21	37	56
Hotel	134 rooms	1,039	34	21	55	31	34	66	35	42	76	19	17	35
Spa	7,370 sf	107	9	0	9	2	9	11	2	9	11	2	9	11
Internal Capture - 20%		*-21*	*-2*	*0*	*-2*	*0*	*-2*	*-2*	*0*	*-2*	*-2*	*0*	*-2*	*-2*
VIP/Chinese Fine Dining	3,649 sf	197	1	1	1	6	14	21	12	3	15	11	2	13
Outdoor Dining - Rooftop	600 sf	32	0	0	0	1	2	3	2	1	3	2	0	2
Karaoke/Private Lounge	3,223 sf	365	0	0	0	7	4	11	24	12	37	7	4	11
Rooftop Bar	2,215 sf	251	0	0	0	5	3	8	17	9	25	5	3	8
All-Day Dining Restaurant	2,633 sf	335	16	13	28	14	11	25	16	10	26	20	17	37
Lobby Lounge	1,907 sf	242	11	9	21	10	8	18	11	8	19	14	13	27
Other Outdoor Dining	1,000 sf	127	6	5	11	5	4	10	6	4	10	7	7	14
Other Restaurant	4,337 sf	551	26	21	47	24	18	42	26	17	43	32	29	61
Boutique Retail Shop	2,484 sf	106	1	1	2	5	4	9	4	5	9	6	6	12
Internal Capture - 50%		*-53*	*-1*	*-1*	*-1*	*-3*	*-2*	*-5*	*-2*	*-3*	*-5*	*-3*	*-3*	*-6*
Fitness Center [c]	7,065 sf	0	0	0	0	0	0	0	0	0	0	0	0	0
Ballroom/meeting rooms	7,942 sf	0	0	0	0	0	0	0	0	0	0	0	0	0
Amenity/Storage/Back-of-House	65,545 sf	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Trip Generation Estimate		**3,963**	**118**	**107**	**225**	**140**	**140**	**281**	**188**	**144**	**331**	**143**	**139**	**279**

Note: ITE = Institute of Transportation Engineers.
[a] Trip generation rate is the same as that used in the Traffic Study.
[b] Mid-day peak hour rate was estimated using ITE data showing hourly variation of trip generation throughout the day.
[c] While the Draft SEIR does not state whether or not the fitness center will be open to the public, this analysis assumes it is for hotel guests only consistent with the assumption in the Traffic Study.

TABLE 3
COMPARISON OF TRIP GENERATION ESTIMATES

Estimate Source	Daily	AM Peak Hour			Mid-Day Peak Hour			PM Peak Hour			Saturday Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Used in 2016 Traffic Study [a]													
Gross Project Trips	2,183	54	59	113	76	81	157	99	89	188	53	62	115
Approved Project	1,945	57	76	133	101	95	196	96	78	174	85	90	175
Net Project Trips	238	-3	-17	-20	-25	-14	-39	3	11	14	-32	-28	-60
Revised Estimates [b]													
Gross Project Trips	3,963	118	107	225	140	140	281	188	144	331	143	139	279
Approved Project	1,945	57	76	133	101	95	196	96	78	174	85	90	175
Net Project Trips	2,018	61	31	92	39	45	85	92	66	157	58	49	104
Difference Between Traffic Study Estimates and Revised Estimates	**1,780**	**64**	**48**	**112**	**64**	**59**	**124**	**89**	**55**	**143**	**90**	**77**	**164**

[a] See Table 11 of Traffic Study.
[b] See Table 2 of this memorandum.

TABLE 4
CUMULATIVE (2020) INTERSECTION LEVEL OF SERVICE - REVISED ANALYSIS
BASELINE WITHOUT APPROVED PROJECT

No.	Intersection	Peak Hour	Cumulative without Approved Project Conditions		Cumulative with One Beverly Hills Project Conditions			Impact [a]	
			V/C	LOS	V/C	LOS	Δ V/C	Beverly Hills	Los Angeles
1.	Santa Monica Blvd N &	AM	0.968	E	0.981	E	0.013	NO	**YES**
	Beverly Dr	PM	1.088	F	1.100	F	0.012	NO	**YES**
		Mid	1.030	F	1.039	F	0.009	NO	NO
		Sat	1.051	F	1.061	F	0.010	NO	**YES**
2.	Santa Monica Blvd N &	AM	0.975	E	0.988	E	0.013	NO	**YES**
	Wilshire Blvd	PM	0.933	E	0.953	E	0.020	**YES**	**YES**
		Mid	0.896	D	0.908	E	0.012	NO	**YES**
		Sat	0.875	D	0.889	D	0.014	NO	NO
3.	Santa Monica Blvd S &	AM	0.894	D	0.898	D	0.004	NO	NO
	Beverly Dr	PM	0.914	E	0.918	E	0.004	NO	NO
		Mid	0.812	D	0.815	D	0.003	NO	NO
		Sat	0.712	C	0.716	C	0.004	NO	NO
4.	Santa Monica Blvd S &	AM	0.990	E	0.996	E	0.006	NO	NO
	Wilshire Blvd	PM	1.001	F	1.009	F	0.008	NO	NO
		Mid	0.899	D	0.912	E	0.013	NO	**YES**
		Sat	0.795	C	0.807	D	0.012	NO	NO
5.	Santa Monica Blvd N &	AM	0.810	D	0.849	D	0.039	**YES**	**YES**
	Merv Griffin Way	PM	0.966	E	1.038	F	0.072	**YES**	**YES**
		Mid	0.763	C	0.795	C	0.032	NO	NO
		Sat	0.700	B	0.739	C	0.039	NO	NO
6.	Beverly Dr &	AM	0.918	E	0.925	E	0.007	NO	NO
	Wilshire Blvd	PM	1.022	F	1.036	F	0.014	NO	**YES**
		Mid	0.850	D	0.858	D	0.008	NO	NO
		Sat	0.815	D	0.824	D	0.009	NO	NO
7.	Whittier Dr / Merv Griffin Way &	AM	1.167	F	1.175	F	0.008	NO	NO
	Wilshire Blvd	PM	1.272	F	1.285	F	0.013	NO	**YES**
		Mid	0.897	D	0.907	E	0.010	NO	**YES**
		Sat	0.869	D	0.880	D	0.011	NO	NO
8.	Santa Monica Blvd &	AM	0.984	E	0.999	E	0.015	NO	**YES**
	Crossover	PM	0.851	D	0.884	D	0.033	**YES**	**YES**
		Mid	0.753	C	0.768	C	0.015	NO	NO
		Sat	0.684	B	0.703	C	0.019	NO	NO
9.	Santa Monica Blvd &	AM	0.862	D	0.862	D	0.000	NO	NO
	Century Park East	PM	0.690	B	0.720	C	0.030	NO	NO
		Mid	0.466	A	0.477	A	0.011	NO	NO
		Sat	0.411	A	0.432	A	0.021	NO	NO
10.	Whittier Dr &	AM	0.943	E	0.948	E	0.005	NO	NO
	Sunset Blvd	PM	1.040	F	1.049	F	0.009	NO	NO
		Mid	0.796	C	0.801	D	0.005	NO	NO
		Sat	0.713	C	0.719	C	0.006	NO	NO
11.	Santa Monica Blvd &	AM	0.621	B	0.637	B	0.016	NO	NO
	Avenue of the Stars	PM	0.619	B	0.635	B	0.016	NO	NO
		Mid	0.445	A	0.466	A	0.021	NO	NO
		Sat	0.376	A	0.389	A	0.013	NO	NO

[a] Intersection impacts were assessed using both City of Beverly Hills significant impact criteria and City of Los Angeles impact criteria

TABLE 5
CUMULATIVE (2020) INTERSECTION LEVEL OF SERVICE - REVISED ANALYSIS
BASELINE WITH APPROVED PROJECT

No.	Intersection	Peak Hour	Cumulative with Approved Project Conditions		Cumulative with One Beverly Hills Project Conditions			Impact [a]	
			V/C	LOS	V/C	LOS	Δ V/C	Beverly Hills	Los Angeles
1.	Santa Monica Blvd N &	AM	0.976	E	0.981	E	0.005	NO	NO
	Beverly Dr	PM	1.093	F	1.100	F	0.007	NO	NO
		Mid	1.036	F	1.039	F	0.003	NO	NO
		Sat	1.058	F	1.061	F	0.003	NO	NO
2.	Santa Monica Blvd N &	AM	0.985	E	0.988	E	0.003	NO	NO
	Wilshire Blvd	PM	0.946	E	0.953	E	0.007	NO	NO
		Mid	0.906	E	0.908	E	0.002	NO	NO
		Sat	0.884	D	0.889	D	0.005	NO	NO
3.	Santa Monica Blvd S &	AM	0.896	D	0.898	D	0.002	NO	NO
	Beverly Dr	PM	0.917	E	0.918	E	0.001	NO	NO
		Mid	0.815	D	0.815	D	0.000	NO	NO
		Sat	0.716	C	0.716	C	0.000	NO	NO
4.	Santa Monica Blvd S &	AM	0.995	E	0.996	E	0.001	NO	NO
	Wilshire Blvd	PM	1.006	F	1.009	F	0.003	NO	NO
		Mid	0.904	E	0.912	E	0.008	NO	NO
		Sat	0.800	C	0.807	D	0.007	NO	NO
5.	Santa Monica Blvd N &	AM	0.826	D	0.849	D	0.023	NO	**YES**
	Merv Griffin Way	PM	0.990	E	1.038	F	0.048	**YES**	**YES**
		Mid	0.789	C	0.795	C	0.006	NO	NO
		Sat	0.723	C	0.739	C	0.016	NO	NO
6.	Beverly Dr &	AM	0.921	E	0.925	E	0.004	NO	NO
	Wilshire Blvd	PM	1.028	F	1.036	F	0.008	NO	NO
		Mid	0.857	D	0.858	D	0.001	NO	NO
		Sat	0.821	D	0.824	D	0.003	NO	NO
7.	Whittier Dr / Merv Griffin Way &	AM	1.170	F	1.175	F	0.005	NO	NO
	Wilshire Blvd	PM	1.274	F	1.285	F	0.011	NO	**YES**
		Mid	0.900	D	0.907	E	0.007	NO	NO
		Sat	0.873	D	0.880	D	0.007	NO	NO
8.	Santa Monica Blvd &	AM	0.989	E	0.999	E	0.010	NO	**YES**
	Crossover	PM	0.858	D	0.884	D	0.026	NO	**YES**
		Mid	0.761	C	0.768	C	0.007	NO	NO
		Sat	0.691	B	0.703	C	0.012	NO	NO
9.	Santa Monica Blvd &	AM	0.862	D	0.862	D	0.000	NO	NO
	Century Park East	PM	0.696	B	0.720	C	0.024	NO	NO
		Mid	0.470	A	0.477	A	0.007	NO	NO
		Sat	0.418	A	0.432	A	0.014	NO	NO
10.	Whittier Dr &	AM	0.946	E	0.948	E	0.002	NO	NO
	Sunset Blvd	PM	1.045	F	1.049	F	0.004	NO	NO
		Mid	0.801	D	0.801	D	0.000	NO	NO
		Sat	0.718	C	0.719	C	0.001	NO	NO
11.	Santa Monica Blvd &	AM	0.623	B	0.637	B	0.014	NO	NO
	Avenue of the Stars	PM	0.625	B	0.635	B	0.010	NO	NO
		Mid	0.449	A	0.466	A	0.017	NO	NO
		Sat	0.383	A	0.389	A	0.006	NO	NO

[a] Intersection impacts were assessed using both City of Beverly Hills significant impact criteria and City of Los Angeles impact criteria

Alissa Roston

439 South Camden Drive

Beverly Hills, CA 90212

Please read this into the record

August 23, 2016

Dear Planning Commission;

I writing in support of One Beverly Hills. This is a good project. As 9900 Wilshire, the possible impacts were studied and either mitigated or found to be non-existent. The version before you now isn't significantly different. The addition of the hotel is balanced by the reduction in condominiums. There isn't a change in height or density.

One Beverly Hills will be built to at least a LEED Silver certification and will utilize a greywater system that will greatly reduce its water demand. The energy efficient systems and unique design that maximizes sunlight and natural ventilation among other techniques will make this a cutting edge template that should be the standard for development in the City.

The garden directly across the street from El Rodeo will be a public garden under the control of the City. This is important to me as a former member of the School Board. It will create a green buffer that can't be closed for private use without the City's permission. That addresses a real security issue for parents and staff. And as a former member of the School Board, I want to see the project go ahead to ensure that our schools will start receiving new revenue from this site, which has been unproductive for too long. The addition of the luxury boutique hotel will be a revenue stream for the City that will benefit everyone.

With the Supplemental Environmental Impact Report showing no significant impacts, I hope you will approve One Beverly Hills so we can finally see a productive, beautiful use of this important site.

Thank you for your hard work and time.

Sincerely,

Alissa Roston

Alissa Roston

THE WEINSTEIN COMPANY

Dear Mayor Mirisch, Vice Mayor Krasne and honorable members of the City Council,

I am writing in support of the Wanda Group's project, One Beverly Hills. I know the Wanda Group well - they are first class and incredibly civic-minded. As a member of the business community, the Weinstein Company looks forward to the new luxury boutique hotel that is an important and desirable part of their project. We see this addition as a perfect complement to the City and its business community. Both the city and the entertainment industry need this structure to aid in the smooth running of the ever-busy awards season. Instead of taking our public relations campaigns for new films to the Four Seasons or other hotels in Los Angeles and West Hollywood, we would like to remain in Beverly Hills. One Beverly Hills is perfectly suited to serve all of our requirements. We can book our talent's stays there, arrange interviews with the press, host dinners and even hold photo shoots to promote our movie's opening. All of these events will be reported as happening in Beverly Hills, creating amazing tourism opportunities for the city of Los Angeles and for Beverly Hills.

Our company, the Weinstein Company, has been headquartered in Beverly Hills since 2005. We are confident that approving the addition of a boutique luxury hotel benefits the City in many ways beyond the significant architectural statement and the attractive economics for the City. It extends the brand of Beverly Hills as the luxury hotel destination in Los Angeles and as the place where Hollywood is at home.

Thank you for your consideration.

Sincerely,

Harvey Weinstein

375 GREENWICH STREET • NEW YORK, NEW YORK 10013

Matthew L. Finerman, MD
605 N. Trenton Dr.
Beverly Hills, CA 90210
Telephone: home (310) 859-0443 Office (310) 201-0990

ONE BEVERLY HILLS

Good evening members of the Planning Commission

I am Dr. Matthew Finerman. I have lived at 605 N. Trenton since 1951, virtually across from the proposed project and directly across Wilshire from the Beverly Hilton.

I am here to speak for the proposed One Beverly Hills project though I find myself a little like the national political figures who say they will vote for a Presidential candidate but not campaign for them.

By way of background for those who are not familiar with my family I was raised in a home where concern for our community was always strong. In addition to living here all my life my family has 2 small apartment buildings that stand to be impacted by significant changes to the quality of life in the village of Beverly Hills we all came here for. That is why they were among the founders of the Municipal League as well as heavy involvement in the PTA and other community organizations and campaigns.

Even more pertinent, my parents were asked by neighbors to be involved with negotiating with Hilton so that the original hotel would fit into the community rather than what was originally proposed. The City of Beverly Hills also asked my father to negotiate with the Peninsula Hotel so it also would fit into our village and still became one of the most financially successful businesses here. Rather than simply saying to the residents "trust me", the original Hilton and the Peninsula developers proved themselves to be honorable men, unfortunately a trait becoming increasing scarce.

While I would prefer the site have something more on the scale of the original Robinson's department store, I would also like the return of Uncle Bernie's Toy Menagerie and the pony rides and Beverly Kiddyland where Cedars and the Beverly Center now stand. Realizing none of these are going to happen I am supporting the Wanda Company and Athens. I of course have concerns about our privacy, traffic implications, water use, impact on community resources and noise among other issues. As opposed to other past and current proposed developments they have proven they are not only willing but even anxious to work with the community by going through the appropriate process to hold themselves accountable to standard oversight and regulations and have demonstrated they want to be good neighbors and support the community interests as much as their own. I am glad to work with an organization that is happy to work with us.

Thank you.

PETERSON LAW GROUP
PROFESSIONAL CORPORATION
SUITE 2800
633 WEST 5TH STREET
LOS ANGELES, CALIFORNIA 90071

TELEPHONE (213) 236-9720
FACSIMILE (213) 236-9724

RECEIVED
City of Beverly Hills
AUG 19 2016
Planning Division
Community Development

Via Personal Delivery

August 18, 2016

Planning Commission of the City of Beverly Hills
Attn: Planning Commission Clerk Karen Myron
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Public Hearing on 9900 Wilshire Boulevard (One Beverly Hills) Project

Dear Commissioners,

This office represents The Belvedere Hotel Partnership. Please include the enclosed letters as part of the Special Planning Commission hearing regarding the above referenced property on August 23, 2016. This letter constitutes a request to appear and be heard at said Special Planning Commission hearing. Please also make this letter and the enclosures part of the official public record.

Very truly yours,

John S. Peterson

JSP:swt

PETERSON LAW GROUP
PROFESSIONAL CORPORATION
SUITE 2800
633 WEST 5TH STREET
LOS ANGELES, CALIFORNIA 90071

TELEPHONE (213) 236-9720
FACSIMILE (213) 236-9724

Via E-mail and Facsimile

May 31, 2016

Community Development Department
City of Beverly Hills
Attn: Andre Sahakian, Associate Planner
455 North Rexford Drive
Beverly Hills, CA 90210
asahakian@beverlyhills.org
(310) 858-5966

Re: Comments on the Draft SEIR for 9900 Wilshire Boulevard (One Beverly Hills) Project

Dear Mr. Sahakian,

This office has been engaged by The Belvedere Hotel Partnership ("Belvedere") to respond to the Draft Supplemental Environmental Impact Report ("SEIR") prepared by the City of Beverly Hills ("City") for the 9900 Wilshire Boulevard (One Beverly Hills) Project ("Proposed Project").

Belvedere has assembled a consultant team consisting of traffic engineers, land use professionals, and noise experts to review the SEIR. The conclusions of traffic engineer William Kunzman, P.E., of Kunzman and Associates ("Kunzman") are attached hereto as **Exhibit "A"**. The conclusions of land use consultant Jim Ries of Craig Lawson & Co., LLC ("Lawson") are attached hereto as **Exhibit "B"**. The conclusions of senior noise consultant Aaron Betit of Acentech ("Acentech") are attached hereto as **Exhibit "C"**. Belvedere hereby incorporates each of these conclusions and opinions into this comment letter.

As discussed below, the Proposed Project is a substantially different project from the Approved Project. These substantial changes mandate a new EIR. Not only has the project changed, but the circumstances surrounding the project have changed substantially. Taking this into account, an entirely new EIR is required.

SEIR Comments:

A. The Proposed Project is a New Project that Requires a New EIR.

The Proposed Project is an alteration of the approved 9900 Wilshire Project for which the City of Beverly Hills certified a Final Environmental Impact Report ("FEIR") in April 2008 (the "Approved Project"). The City adopted the 9900 Wilshire Specific Plan in April 2008 and subsequently approved a modification to the Specific Plan in December 2012. Currently, the Approved Project includes 235 residential units, 16,456 square feet of commercial/retail space in a two story building along the north side of Santa Monica Blvd., and 876 on-site parking spaces.

The Proposed Project would include 193 residential units; a 134 room hotel; 7,942 sf consisting of a main ballroom and three meeting rooms with pre-function space and ancillary facilities; food and beverage facilities including a VIP function room, an all-day dining restaurant, a fine dining restaurant, and a roof-top bar, totaling approximately 16,057 sf; 1,600 sf of outdoor dining space; 1,907 sf lobby lounge; 14,435 sf spa and fitness facility; and 2,484 sf hotel boutique shop – totaling 204,291 square feet of intensified use. Site access for the Proposed Project will include a hotel motor court and separate residential parking access.

When compared to the existing entitlements, the Proposed Project is essentially "tearing down" 42 residential units and building a 134 room hotel with associated hotel amenities, including ballrooms, meeting rooms, spas, fitness centers, restaurants, and a roof-top bar. In any other situation there is no question a new EIR would be required.

The City states that the SEIR has been prepared pursuant to Section 15163 of the CEQA Guidelines, which outlines the requirements for a supplement to an EIR. SEIR, p. 22. Section 15163 states:

> (a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
>
> > (2) ***Only minor additions or changes*** would be necessary to make the previous EIR adequately apply to the project in the changed situation. (emphasis added).

On May 12, 2016, staff presented a summary of the Supplemental EIR to the Beverly Hills Planning Commission ("May 12 Hearing"). Staff cited the above referenced code section regarding minor changes to support the use of a supplemental EIR, concluding that "based on the fact that this project is a change to a previously approved project, we went ahead and prepared a supplemental EIR to study it." In Section 1.4 of the SEIR, the City concludes "the Proposed Project is similar to the Approved Project originally entitled in 2008 and last modified in 2012; therefore, the City has determined that a Supplemental EIR (SEIR) is the appropriate CEQA approach." SEIR, p. 22. No analysis is provided as

to how the City has reached this conclusion. There is no mention of how the Proposed Project results in only minor changes or additions to the previous EIR.

None of the changes and intensified uses to the Proposed Project is minor. Not only has the Proposed Project changed dramatically, but so has the environment in which the Proposed Project will be built. The construction timetable for the Proposed Project has ***almost doubled*** from 24 months to 42 months. While the square footage of the Approved Project and Proposed Project are similar, nothing else about the two projects can be described as similar. Nor can the City reasonably conclude that only minor additions or changes are proposed given the intensified use.

The Proposed Project includes an intensification of use and numerous new land uses – a hotel with ballrooms, meeting rooms, spas, fitness centers; restaurants; and a roof-top bar – in addition to revised site access. These are not minor changes. A hotel is not a condo project and restaurants and a roof-top bar are not retail space. Moreover, it is our understanding that the Wanda Group intends to make the hotel portion of the Proposed Project an entertainment hub – hosting industry events, movie premieres, and awards shows. This type of intensified activity is a far cry from residential condos. The traffic and noise that will be associated with this type of activity cannot be ignored.

Implementation of the currently Proposed Project would involve the adoption of an amendment to the 9900 Wilshire Specific Plan to ensure that the Project would comply with the standards and regulations associated with permitted uses and parking, including allowing a hotel use within the Specific Plan area, which is currently prohibited. Other proposed amendments would involve:

- Increasing the amount of allowable open air dining space from 600 feet to 1,600 square feet
- Revisions to site access
- Eliminating the following items from the list of LEED features to be incorporate into the Project
    - Limiting the development footprint to approximately 1/3 of the Project site
    - The recycling of building materials such as asphalt, metals, glass, and concrete from demolition site work. SEIR, p. 141.

These amendments further emphasize the fact that this is a new project, not a project that can be analyzed with a supplemental EIR. Amending the Specific Plan would require adding an entirely new, intensified use to the Approved Project – a hotel use. Outdoor dining space would almost triple, and site access would have to be revised. Additionally, LEED features of the project would be eliminated, making the Proposed Project less environmentally friendly than the Approved Project.

Many new projects have arisen in the vicinity of the Proposed Project since 2008. The cumulative impacts of these projects, combined with the Proposed Project, are ignored. A comparison of Table 4.0-1 Related Projects – City of Beverly Hills, Table 4.0-2 Related Projects – City of Los Angeles, Table 4.0-3 Related Projects – City of West Hollywood, and Table 3.3-1 –Related Projects Added to the Traffic Analysis from the Draft EIR and Final EIR with Table 3.3-1 – Cumulative Projects (collectively attached hereto as **Exhibit "D"**) in the SEIR is telling. According to these tables, 28 new planned or pending projects have arisen since the FEIR was issued in 2008. 10 Projects that were planned or pending in 2008 are still planned or pending today.

Traffic, which was already critical, has increased since 2008. A comparison of Table 4.11-4 in DEIR and Table 4.5-2 in SEIR (collectively attached hereto as **Exhibit "E"**) illustrates that Levels of Service from 2006-2007 to Existing (2015) have gotten worse at almost every measured intersection.

Noise has increased since 2008. A comparison of Table 4.8-3 Monitored Noise in DEIR and Table 4.4-1 Monitored Noise in SEIR (collectively attached hereto as **Exhibit "F"**) illustrates that every monitored site has increased in Community Noise Level Equivalents ("CNEL") since the FEIR except for Site 4. Site 4 is the only monitored site that has slightly changed. This further illustrates that the environmental circumstances in the area of Beverly Hills have changed.

In sum, the City is avoiding its obligation to perform a new environmental study by stating the two projects are similar. However, too much has changed since 2008 for these projects to be labelled similar; both in the scope and intensity of the Proposed Project and in the surrounding area in Beverly Hills. The Proposed Project will result in new significant impacts and also contains a substantial increase in the severity of previously identified impacts. The Proposed Project is a new project and requires a new EIR. The baseline for this analysis must be the existing physical operational conditions, not the level of operations previously approved eight years ago in 2008.

B. Deficiencies in the SEIR's Land Use Analysis.

We submit the attached **Exhibit "B"** analyzing the deficiencies of the SEIR's land use analysis. Highlight of this analysis, and additional comments, are below.

A hotel use is not a residential use and commercial/retail use. Moreover, a hotel use is not permitted within the 9900 Wilshire Specific Plan. As Lawson points out, "a use not specifically permitted with a use list of a Specific Plan is prohibited." Lawson, p. 1. However, the SEIR contends that a use that is not specifically prohibited must be permitted. This is an unsupported conclusion. "If this logic was carried to its extreme there would be no limit to the types of uses permitted and one could question why a Specific Plan was even implemented." Lawson, p. 1. A hotel use requires an amendment to the Specific Plan.

According the 9900 Specific Plan adopted for the Approved Project, one goal is "(e) to redevelop the Specific Plan Area in a manner that does not substantially increase the traffic impacts and related operational air quality and noise impacts associated with the Existing Building." SEIR, pp. 115-116. The Existing Building was a quiet department store; so quiet that it closed down. Condos and a hotel with a rooftop bar and multiple restaurants will increase the traffic impacts and the noise impacts compared to the previously existing Robinson-May department store.

In addition, Specific Land Use goals and policies include:

- LU 12 Business Districts Adjoining Residential Neighborhoods. Compatible relationships between commercial districts and corridors adjoining residential neighborhoods, assuring that the integrity, character, and quality of both commercial and residential areas are protected and public safety and quality are maintained. Table 4.3-2. SEIR, p. 128.

- LU 12.1 Function and Operational Comparability. Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage, and pick-up and other similar business activities. Table 4.3-2. SEIR, p. 128.

The SEIR states that the Proposed Project is potentially consistent with these goals and policies because "similar to the Approved Project, the Proposed Project design orients outdoor activity areas, vehicular entrances, and loading areas toward the south, away from residential neighborhoods to the north of the site across Wilshire Boulevard. The Project is not expected to create public safety or quality of life issues for nearby residential neighborhoods." This sweeping statement ignores the hotel and residential areas to the south and the cumulative impacts of the Proposed Project and the other projects in the immediate vicinity

The Beverly Hilton and Waldorf Astoria Projects are 50 feet away from the Proposed Project. The cumulative land use impacts of two hotel properties 50 feet away from each other, especially considering that both properties intend to be "entertainment hubs" suitable for events attending by thousands of people, cannot be understated. These two projects alone will add 5 new towers to the Beverly Hills neighborhood. The substantial increase in density and change in land use will destroy the integrity of the neighborhood and have an unreasonable and detrimental impact on the neighborhood, contrary to the Land Use Goals 12 and 12.1. Together, these projects and their intended uses will turn this section of Beverly Hills into an area reminiscent of the Las Vegas Strip

Table 2-3 of the SEIR (attached hereto as **Exhibit "G"**) compares the Approved Project and the Proposed Project. The table highlights in bold the fact that the Proposed Project will

result in 42 less residential units. What the table does not highlight in bold is the addition of 134 hotel rooms. Nor does the table illustrate the net increase in units on the property. The Proposed Project will result in 193 residential units and 134 hotel rooms versus the Approved Project's 235 residential units. This results in a ***net increase*** of 92 units on the property. The SEIR does not address whether the loss of 42 residential units is the equivalent to the gain of 134 hotel rooms or how the net increase of 92 units is analyzed in the SEIR. The SEIR must address these changes in order to determine the effects on land use of the property.

Table 2-3 also highlights in bold the loss of 188,435 square feet of residential area and the loss of 15,858 square feet of commercial area. The table does not highlight in bold that all of this lost square footage is regained in hotel area. Nor does the table illustrate that the net square footage change is zero.

Land Use Element (LU) Policy 15 and LU 15.1 of the General Plan discuss the need for projects to generate high-paying jobs. Hotel jobs are not considered to be high-paying jobs and the project does not meet this objective of the General Plan. The SEIR needs to analyze this deficiency. Lawson, p. 2.

Circulation (CIR) Element Policy 6 and 6.7 of the General Plan discuss the need to reduce reliance on the single occupant motor vehicle. For both policies, the SEIR concludes these policies are not applicable to the project, but it provides no analysis substantiating that conclusion. In fact, by converting this project from a mainly residential project known to generate fewer trips compared to most uses, to one with more commercial uses, this project should provide a robust trip reduction program. Lawson, p. 2.

CIR Policy 8 and 8.5 of the General Plan also promote trip reduction strategies by mandating bikeways and bike amenities. The SEIR notes the project is potentially consistent because the project would provide bike lanes. There is no evidence of such lanes on the plans in the SEIR. There do not appear to be any of the related facilities considered important by the Circulation Element to incentivize bike usage such as rental bikes for hotel guests. Lawson, p. 2.

Housing Element Policy 2 of the General Plan outlines the need to provide a variety of housing types and adequate affordable housing supply. The project does not provide any deed restricted affordable units creating an inconsistency with this policy. By offering no affordable units and adding in the hotel component, the City is actually moving further away from compliance with its General Plan's housing, economic and circulation goals. Lawson, p. 2.

Lawson also illustrates the traffic implications of the failure of the SEIR to address the change in and intensification of land use (hotel and restaurant) on traffic. As Lawson points out "the modification of this project from a mainly residential project to one that includes a significant commercial component changes the trip rates and patterns generated by this site." Lawson concludes a new traffic study must be done and "must use *current trip rates by use*, update traffic counts of area intersections, consider a current related-projects list, and analyze the impacts of the City of Los Angeles' recently approved Bike Plan and Mobility Element."

Additionally, the SEIR must analyze the staging area for limousines during events. Lawson, p. 3.

Finally, hotels use significantly more water than the residential uses assumed in the original EIR. The SEIR needs to fully analyze the impact of this increased water uses and implement state of the art mitigation measures. Lawson, p. 3.

C. Deficiencies in the SEIR's Traffic/Transportation Analysis.

We submit the attached **Exhibit "A"** comparing the DEIR and SEIR's traffic analysis. Highlight of this analysis, and additional comments, are below.

The SEIR describes a 5-month excavation timeline wherein haul trucks would be required to haul dirt from the Project site to designated landfills. The staging area for these haul trucks is located on Sepulveda Boulevard, north and south of Wilshire Boulevard. The incoming haul truck route would be eastbound on Wilshire Boulevard. The outgoing haul truck route would be westbound on Santa Monica Boulevard. Both of these routes require large haul trucks to travel 2.5 miles along two of the busiest, most congested roads in Los Angeles. Not only this, but the staging area is directly adjacent to the on and off ramps to the 405 freeway, notorious for its traffic backups at all hours of the day. The SEIR estimates the total number of trucks required to access the site during the excavation process could be as many as 162 trucks per day for up to 5 months, or 300 trucks per day for up to 2.5 months. SEIR, p. 48. It defies logic how this many trucks will be able to travel the 2.5 mile each way along two of the busiest roads in Los Angeles. The traffic implications of these additional truck trips are catastrophic, especially considering many of the major intersections along both the incoming and outgoing truck haul routes are already rated E or F.

Belvedere hired an objective traffic consultant, Kunzman, to review the SEIR and FEIR. Kunzman points out that many of the analyses conducted by the City's traffic consultants were done correctly. However, they find several deficiencies in the traffic analysis. Kunzman opined that "it is my professional opinion that (1) nearly doubling the haul period, (2) more than doubling the export tonnage, and (3) increasing the tons per week or truck loads per week by a factor of 1.23 **is a significant traffic impact**. Kunzman, p. 2. Kunzman went on to state that "given the extra-ordinarily high amount of traffic in this location, the construction impacts in terms of trucks hauling material from the site, are significant in both 2007 and 2016, and the change between 2007 and 2016 is also significant." Kunzman, p. 2.

Additionally, Kunzman pointed out that the traffic study failed to properly assess hotel traffic at the Beverly Hilton and the Proposed Project. The SEIR's traffic study fails to account for a portion of trip generation as a result of the hotel use. The traffic study used the Beverly Hilton as its source for typical hotel traffic trip generation in the area. However, at the time of the traffic counts at the Beverly Hilton, only a portion of the Beverly Hilton was operational. As Kunzman points out, "at the time of the existing traffic counts in 2015/2016 were made, ***only a fraction of the hotel complex was in operation***. The vehicle trips associated with the fraction of

the hotel that was not in operation when the traffic counts were made has not been accounted for...The fact that the 9876 Wilshire Boulevard project has not fully been accounted for as other future development in the area in the 2016 Report, **the traffic analysis is deficient**. This unaccounted for hotel expansion will probably cause a significant impact." Kunzman, p. 6. Not only does this skew the results of traffic in the area from the Hilton, but it skews the projected traffic generation for the hotel use at the Proposed Project.

The SEIR in essence concludes that there is no significant traffic impact because the intersections studied are mostly E's and F's, and therefore cannot get any worse. "Without the Proposed Project the 9 of 11 study intersections would be operating at a LOS [level of service] of E or F in Year 2020 for at least one of the peak periods. In comparison, with the Project in Place in 2020, some intersections would experience slight decreases in V/C, while other intersections would experience slight increases." SEIR, p. 200. Given the fact that the traffic counts conducted in the SEIR are skewed, this is an inappropriate conclusion. The City must account for all of the traffic generated by the Beverly Hilton and Proposed hotel use at their full operational capacities. This will likely lead to an increase in traffic at all measured intersections.

While a traffic impact may not be significant on its own, considered in the cumulative with the current levels of service in the vicinity of the Proposed Project, the impact can be significant. As discussed in *Practice Under the California Environmental Quality Act*, "in some cases, a project-specific impact will be insignificant, but a related cumulative impact is significant even though the project specific impact is not, when, for example a new project will contribute a relatively small amount of traffic to an intersection, but the intersection is already operating at an unacceptable level of service." CEB. Practice Under the California Environmental Quality Act. §13.39. Here, the City has failed to analyze the cumulative traffic impacts of the Beverly Hilton Project and the Proposed Project. CEQA requires these impacts to be considered.

Finally, the City must analyze the proposed motor court and its potential to cause traffic to back up onto Santa Monica Blvd. as it relates to the 9900 Wilshire Project. If the Proposed Project is to be hosting events with thousands of people, backup onto Santa Monica Blvd. is inevitable. Mitigation measures should be adopted to handle this potential traffic nightmare. In addition, the SEIR should address mitigation measures with respect to potential road closures due to special events.

D. Deficiencies in the SEIR's Noise Analysis.

We submit the attached **Exhibit "C"** analyzing the deficiencies of the SEIR's noise analysis. Highlight of this analysis, and additional comments, are below.

The SEIR concludes "the most common source of noise in the Project site vicinity is traffic on surrounding roads such as Wilshire, Santa Monica, and Merv Griffin Way. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create sustained noise levels. <u>Ambient noise levels would be expected to be highest</u>

during the daytime and rush hour unless congestion slows speeds substantially." Yet, to determine ambient noise levels, the City's noise analysts took ten 15-minute noise measurements between 11:00 a.m. and 1:00 p.m. (daytime) and 11:00 p.m. and 2 a.m. (nighttime) at the Project site on February 24, 25, and 29, 2016. Clearly these time intervals do not reflect rush hour traffic noise. As Acentech concludes, "since the metric used to evaluate an impact is a 24-hour noise metric, to provide an accurate evaluation of the ambient noise environment, 24 to 48 hour noise measurements should have been conducted." Acentech, p. 1.

The monitored levels in the DEIR and SEIR breakdown as follows:

Table 4.8-3 Monitored Noise in DEIR (CNEL):	Table 4.4-1 Monitored Noise in SEIR (CNEL):
Site 1: 72.1	Site 1: 75.1
Site 2: 72.5	Site 2: 80.3
Site 3: 68.6	Site 3: 74
Site 4: 79.5	Site 4: 75.2
Site 5: 59.2	Site 5: 82.2
(DEIR, p. 4.8-9)	(SEIR, p. 146)

There are problems with these results, as Acentech explains. Even so, all of these levels are above the threshold for "normally unacceptable" Community Noise Level Equivalent ("CNEL") of 70. Four out of five of them are above the "clearly unacceptable" CNEL for residential and residential multiple family. Two out of five are above the "clearly unacceptable" for transient lodging, schools, libraries, churches, hospitals, and nursing homes.

In order to downplay the monitored results, the SEIR instead uses modeled results to compare the Approved Project with the Proposed Project. Table 4.4-7 (attached hereto as **Exhibit "H"**) uses modeled traffic noise rather than actual measured traffic noise, which is higher. SEIR, p. 159. Table 4.4-8 (attached hereto as **Exhibit "H"**) concludes no significant impact based on lower model numbers rather than actual monitored numbers. SEIR, p. 160. Even more confounding, the SEIR states "because modeled noise only predicts traffic-generated noise and does not take into account other noise events during noise measurement such as car horns, airplanes flying overhead, and human voices, modeled noise was somewhat lower than the measured noise levels at the same locations. Nonetheless, the noise levels at the measurement locations indicate that the model is an appropriate tool for determining existing and future noise levels for this area." This is a sweeping conclusion that lacks foundation; in fact, the monitored results undermine it entirely. As Acentech concludes "using a noise model to document the ambient noise environment rather than using actual measurements cannot be considered the 'worst case' scenario for evaluating the existing noise environment." Acentech, p. 2.

The SEIR fails to include long term noise measurements. Acentech concludes this is "a significant shortcoming of the analysis." Acentech, p. 2. Additionally, the SEIR fails to consider effects of long term noise on Sensitive Receptors 4 and 5. These receptors are "likely

to be exposed to noise generated from activities on the rooftop of the new project, and construction as the project progresses upward." Acentech, p. 2. Mitigation measures need to be put in place for these sensitive receptors.

The analysis of the rooftop bar and outdoor dining area's potential noise impacts is lacking. As Mr. Betit points out "the evaluation references noise levels report for outdoor dining in Marina Del Rey. This analysis is not included with the Appendix...[c]onsequently, there are no specific details to understand what assumptions were made." Acentech, p. 4. In addition, there is no discussion of whether or not amplified music, live or programmed, will be permitted at the Proposed Project. Nor is there an evaluation of special events at the dining area or rooftop bar.

At the May 12 Hearing, it was mentioned that truck hauling may be considered at night in order to mitigate traffic issues. While this may make sense as a traffic mitigation measure, if the City intends to direct nighttime hauling, the noise from such hauling must be analyzed, especially with respect to the impacts on nearby residences and hotels. At this time, "there is no evaluation of noise impact due to nighttime/evening hauling. If the project intends to use night hours to remove dirt from the site, it is necessary to include an analysis of this impact in the noise technical report." Acentech, p. 4.

Finally, the staging area on Sepulveda has not been analyzed at all. CEQA requires analysis at all areas of the Proposed Project. Idling trucks will create a noise impact at that location, and "idling haul trucks could generate enough noise to trigger a significant impact." Acentech, p. 4. The City of Beverly Hills cannot omit this analysis just because the staging area is located in the City of Los Angeles.

E. Other Deficiencies in the SEIR's Analysis.

i. Population

As the SEIR mentions, the current population of Beverly Hills is 34,833. Beverly Hills housing consists of 16,433 estimated units; with an average household size of 2.33 persons per unit (California Department of Finance, 2015). SEIR, p. 55. The Proposed Project, adding 450 residents, would cause the citywide population to exceed SCAG's 2020 population forecast (35,000), but population growth associated with the Project would be within SCAG's 2035 population forecast (36,300). SEIR, p. 219. Yet again, the SEIR is only looking at the Proposed Project in isolation. There are many other residential projects ongoing in the City of Beverly Hills, including:

- Beverly Hilton (120 condos)
- 9908 Santa Monica (27 Condos)
- 250 North Crescent Drive (8 condos)
- 9262 Burton Way (23 condos)
- 450-460 North Palm Drive (35 condos)

- 154-168 North La Peer Drive (16 condos)
- 425 North Palm Drive (20 condos)
- 332 North Oakhurst Drive (31 condos)
- 305-239 South Elm Drive (30 condos)
- 8600 Wilshire (21 Apartments, 4 Townhouses)
- 9200 Wilshire (53 condos)

This will result in 388 new residential units and 904 new residents (388 x 2.33 persons per unit), bringing the total population to 36,187. This will bring the total population in the next few years to almost exceed population forecasts for 2035, almost 20 years ahead of schedule. The cumulative impacts of population growth and the increases in traffic, noise, use of resources, and other environmental impacts that go hand in hand with population growth must be analyzed.

ii. Fugitive Dust

Two major construction projects occurring within 50 feet of one another have potential to cause fugitive dust problems. This can affect neighbors use and enjoyment of their property, as well as the health of neighboring school children and residents.

F. Deficiencies in the SEIR's Cumulative Impacts Analysis.

The SEIR only addresses cumulative impacts when discussing temporary construction impacts. Specifically, it addresses mitigation measures for construction related noise and traffic. It also finds that construction related noise and traffic are significant unavoidable impacts.

The SEIR states that "cumulative construction-related traffic impacts could occur as a result of simultaneous construction of the Beverly Hilton Revitalization Plan project, the reconstruction of Santa Monica Boulevard and the Proposed Project, since construction schedules will likely overlap." SEIR, p. 205. Mitigation Measure TRAF-9 requires coordination between the City of Beverly Hills, The Beverly Hilton Revitalization Plan, and the applicant for the Proposed Project to mitigate construction-related impacts. These mitigation measures must be enforced.

The SEIR concludes that Project construction would coincide with other planned and pending construction projects in the area, including projects such as the Beverly Hilton Revitalization Plan and 9908 Santa Monica Boulevard project that are within 1-2 blocks of the Proposed Project. Project construction could also overlap with the Santa Monica Boulevard Reconstruction Project. Ongoing, planned, and pending construction projects, in tandem with the Proposed Project would create significant temporary cumulative construction noise and vibration impacts, and the Project's contribution to these would be considerable. This significant cumulative impact is similar to what was identified in the 2008 FEIR, but the Project would involve an additional 18 months of construction activity beyond the 24 months associated with the approved Project. This is a significant unavoidable impact, but is temporary. Mitigation

NOISE-4 requires coordination with other projects to reduce noise and vibration as feasible. SEIR, pp. 164-165.

In addressing the cumulative impacts with respect to land use and planning, the SEIR states "pending and approved development in the cities of Beverly Hills and Los Angeles would consist of multi-family dwelling units and commercial/retail development in the vicinity of the Project Site. Planned cumulative development would incrementally increase overall development intensity throughout the area, while incrementally reducing the amount of undeveloped land. However, similar to the Proposed Project, ***land use and policy consistency impacts associated with individual projects would be addressed on a case-by-case basis to determine consistence with applicable plans and policies, and cumulative significant impacts would not occur.*** Moreover, because the Proposed Project's impacts related to land use compatibility and consistency with local plans and goals would be less than significant with mitigation...***the Project's contribution to cumulative land use impacts would not be cumulatively considered.***" SEIR, p. 142. (emphasis added).

This circular conclusion defies logic. If projects are analyzed individually on a case-by-case basis, obviously it is impossible for a finding that cumulative significant impacts would occur because they are not being evaluated as they "increase by successive additions" or "accumulate." CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." 14 Cal Code Regs § 15355. The individual effects may be changes resulting from a single project or more than one project. 14 Cal Code Regs § 15355(a). Cumulative impacts may result from individually minor but collectively significant projects taking place over a period of time. 14 Cal Code Regs § 15355(b). The cumulative impact from several projects is the change in the environmental that results from the incremental effect on the projects when added to other past, present, and probable future projects. 14 Cal Code Regs § 15065(a)(3), 15130(b)(1)(A), 15335(b).

The conclusion that "the Project's contribution to cumulative land use impacts would not be cumulatively considered" sums up the failings of the SEIR: it refuses to acknowledge the cumulative impacts of the Proposed Project, other than cumulative construction impacts, as required by CEQA.

As a comparison of the tables in Exhibit D illustrate, 28 new planned or pending projects have arisen since the FEIR was issued in 2008. 10 Projects that were planned or pending in 2008 are still planned or pending today. These projects include:

- 257 North Canon Drive (15.899 KSF retail shopping center, 26.196 KSF office, 1.8 restaurant)
- 246 North Canon Drive (7.1 KSF Restaurant)
- 250 North Crescent Drive (8 Condominiums)
- 9262 Burton Way (23 Condominiums)
- 325 North Maple Drive (7.8 KSF Post Office, 3.7 KSF Retail, & 88.5 KSF Creative Office)

- 450-460 North Palm Drive (35 Condominiums)
- 154-168 North La Peer Drive (16 Condominiums)
- 425 North Palm Drive (20 Condominiums)
- 8955 Olympic Boulevard (19.8 KSF Automobile Sales)
- 9212 Olympic Boulevard (13.3KSF Office, 1 KSF Fast Food w/o Drive Thru, & 4.7 KSF Variety Store)
- 332 North Oakhurst Drive (31 Condominiums)
- 305-239 South Elm Drive (30 Condominiums)
- 9908 South Santa Monica Boulevard (27 Condominiums)
- 207 South Robertson Boulevard (1.7 KSF Office)
- 9000 Wilshire Boulevard (31.7 KSF Office)
- 8600 Wilshire Boulevard (21 Apartments, 4 Townhouses, 2.9 KSF Medical Office & 1.9 KSF Retail)
- 8767 Wilshire Boulevard (21 KSF General Office, 34 KSF Medical-Dental office, 3 KSF restaurant, 15.5 KSF Automobile Sales, 1.5 KSF Pharmacy-Drug Store without Drive-Through Window)
- 9200 Wilshire Boulevard (53 Condominiums, 5.6 KSF Quality Restaurant, & 8.4 KSF Retail)
- 9230 Wilshire Boulevard (Jim Falk Lexus Project 150.3 KSF Automobile Sales)
- 9876 Wilshire Boulevard (120 Condominiums, 522 Hotel Rooms, & 12.3 KSF Restaurant)
- 121 San Vicente Boulevard (35 KSF Medical-Dental Office Building)
- 8816 Beverly Boulevard (Mixed-Use)
- 623 La Peer Drive (La Peer Hotel)
- 645 Robertson Boulevard (Hotel, Restaurant, & Retail)
- 9001 Santa Monica Boulevard (Mixed-Use)
- 9040, 9060, 9080, 9098 Santa Monica boulevard (Mixed-Use)
- 10131 Constellation Boulevard (483 Condominiums)
- 10250 West Santa Monica Boulevard (West Century City-New Century Plan Project)
- 9786 West Pico Boulevard (Museum of Tolerance Expansion to add 13.5 KSF of Cultural Space)
- 9760 West Pico Boulevard (YULA Boys High School Expansion)
- 2025 South Avenue of the Stars (Century Plaza Mixed Use Development – 293 Condominiums, 91 KSF Retail, 100 KSF Office, Hotel)
- 10330 West Bellwood Avenue (Bellwood Avenue Senior Care & 24 KSF Medical Office Project, 158 Condominiums)
- 10000 West Santa Monica Boulevard (283 Condominiums)
- 10250 West Santa Monica Boulevard (71.7 KSF New Retail & Renovation of the Century City (Westfield Shopping Center)
- 1950 South Avenue of the Stars (Century City Center Project – 72.5 KSF Office)
- 888 South Devon Avenue (32 Apartments)
- 300 South Wetherly Drive (140 Condominiums)

- 8723 West Alden Drive (Cedars-Sinai Medical Center Project-West Tower (New medical building with 100 hospital beds)

Apparently missing from these projects and therefore from the analysis are the cumulative impacts of MTA's Purple Line extension. The Purple Line Project contemplates two stations and major construction in the vicinity of the Proposed Project. These are not minor or insignificant changes. The surroundings of the Proposed Project have changed significantly since 2008, and are continuing to change. Each of these projects needs to be considered on a cumulative basis in a new EIR.

The Beverly Hilton Project in August 2007 included the addition of 120 dwelling units and the demolition/loss of 47 hotel rooms, 13,030 square feet of non-hotel office, and 1,804 square feet of hotel support. This is the project that was considered in the FEIR. Since then, it is unclear what the Beverly Hilton/Waldorf Astoria Tower project is going to entail. The owner and developer have changed plans multiple times. At this time, we are informed and believe they are attempting to get approval for a 26 story, 375 foot tall tower via ballot initiative in November. A Public Records Act request to the City of Beverly Hills regarding entitlements and planning documents for 9876 Wilshire Blvd. (The Beverly Hilton) resulted in nothing other than documents stemming from the 2008 approval of the Beverly Hills Specific Plan. As Planning Commission Vice Chair Shooshani raised at the May 12 Hearing, the unknowns at the Beverly Hilton/Waldorf Astoria make it difficult to look at the cumulative impacts with respect to these next door projects. Yet CEQA requires this cumulative impacts analysis for this project, regardless of the uncertainties surrounding the Beverly Hilton/Waldorf Astoria Tower project.

We urge you to consider the ramifications of the Proposed Project, coupled with the cumulative impacts resulting from currently planned or on-going projects in the Beverly Hills and Los Angeles area. The Proposed Project should be treated as a new project requiring a new EIR. Too much has changed since the 2008 FEIR, and the baseline conditions should reflect actual, current conditions, not hypothetical conditions from modeling and analysis over eight years ago. A new EIR is required to protect the community from the unintended consequences of deficient analysis.

Very truly yours,

John S. Peterson

JSP:swt

Andre Sahakian

From: Lois Hirt <loismile@aol.com>
Sent: Tuesday, May 24, 2016 3:57 PM
To: Andre Sahakian
Subject: One Beverly Hills

To whom it may concern,
As a resident, I am opposed to the new One Beverly Hills plan to include a hotel for a number of reasons. Some are :
1. Beverly Hills does not need another hotel. That area with the other two hotels next to it can become a hotel row. Why did they not come up with the hotel idea originally? Was it because they figured if they got the condominiums plan thorough, they later could change it easily since one thing was already approved?
2. With hotels, they are more strangers/transients around and with a school right across the street, we don't need that.
3. We are in a drought. Hotel guests don't care about our situation and will use water without caring about our situation. The hotel will be using more water also 4. With where the property is, it isn't an area where people can or will easily walk to, so the park they plan on putting on the property wouldn't be easily accessible for residents or shoppers like the Beverly Canon Park is. Will there be any free parking since most people will have to drive to use it?
5. Is the hotel willing to guarantee the money they claim it will create in taxes, since no one knows what will happen each year? It is easy to predict that X number of dollars will be created, but it actually happening can be another story. We have heard this story before like the Montage did.
6. The hotel, with its restaurants, bar, spa, park, ballroom, deliveries, staff, etc., will create more traffic than the 42 residential units they are taking away.
Very truly yours,
Lois Hirt
203 N. Rexford Dr.
Beverly Hills, CA 90210
(310) 271-6944
loismile@aol.com

Could you please let me know you received this email. Thank you.

Andre Sahakian

From: Ryan Gohlich
Sent: Thursday, October 15, 2015 5:01 PM
To: Andre Sahakian
Subject: FW: ONE BEVERLY HILLS

Public comment email for when we get to public hearings.

-----Original Message-----
From: Lois Hirt [mailto:loismile@aol.com]
Sent: Thursday, October 15, 2015 4:57 PM
To: Ryan Gohlich
Cc: loismile@aol.com
Subject: : ONE BEVERLY HILLS

> Lois Hirt
203 N. Rexford Dr.
Beverly Hills, CA 90210
310) 271-6944
loismile@aol.com
> To Whom It May Concern:
> I am totally opposed to the ONE BEVERLY HILLS hotel project for a number of reasons:
> 1. We are in a drought situation that is not going to end anytime soon.
> Our "Every drop counts" slogan won't mean anything to the hotel or tourists who will visit Beverly Hills.
> The hotel will use water for kitchen, service and bar purposes. There is the laundry factor. There is the cleaning of the hotel. Will the hotel guests care about how much water they use for a bath, a shower, toilet flushing, brushing their teeth, hand and face washing? There will be sheets and towels to be washed daily.
> 2. The traffic at and around that location is very bad. The hotel will increase traffic.
> 3. We don't need a hotel corridor. The Hilton is already there and the 17 story Waldorf Astoria is being built. How many more hotels does Beverly Hills need?
> 4. There is an elementary school right across the street. We don't need the possibility of more strangers lurking near by.
> 5. What revenue projected, that looks good on paper, is not guaranteed. We have had other hotels who have built here and promised a certain amount of money every year and that didn't happen.
> 6. There will be more drainage on our police and fire departments.
7. Are the rooms in the other hotels filled?
> Thank you very much.
> Very truly yours,
> Lois Hirt
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