Attachment 6:

Public Notice and Recent Correspondence

City Clerk's Office

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Council of the City of Beverly Hills, at its meeting to be held on **Tuesday, October 15, 2013, at 7:00 p.m.**, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public hearing to consider:

> An ordinance of the City of Beverly Hills creating the Commercial Planned Development Gateway Overlay Zone (C-PD-G) for three parcels of former railroad right-of-way property located at 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard and 9817 Wilshire Boulevard currently zoned Transportation (T-1) and all immediately adjacent parcels currently zoned Commercial (C-3) and General Plan land use amendment for future commercial developments of these parcels. Development under the proposed overlay zone would be consistent with the objectives and development standards associated with the proposed overlay zone.

A Final Environmental Impact Report including the Draft Environmental Impact Report, Statement of Overriding Consideration, Mitigation Monitoring and Reporting Program, and Comments and Responses have been prepared for the Gateway project. Updated technical studies have also been prepared to document the changes in impacts associated with the proposed Overlay zone for the three parcels at 9900 Santa Monica Boulevard, 9844 Wilshire Boulevard and 9817 Wilshire Boulevard and the immediate commercially zoned properties.

The properties, which together total approximately 4.6 acres in size, are located along Santa Monica Boulevard, between the north roadway of Santa Monica Boulevard and the parcels fronting onto the south roadway of Santa Monica Boulevard from the western city boundary to the terminus of Linden Drive (City Parking Structure on Santa Monica Blvd).

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 and an Environmental Impact Report have been prepared.

Copies of all relevant material, including the project specifications, the environmental initial study and all documents referenced in the EIR are available for review in the offices of the Community Development Department of the City of Beverly Hills.

At the public hearing, the City Council will hear and consider all comments, and may certify the Final Environmental Impact Report, Statement of Overriding Consideration, and Mitigation Monitoring and Reporting Program, and introduce the ordinance. All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. The comments should be received prior to the hearing date.

Please note that if you challenge the Council's action in regards to this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Jonathan Lait, City Planner**, in the Community Development Department, Planning Division at **310.285.1136** or by email at **jlait@beverlyhills.org**. Copies of the applications and all environmental documents are on file in the Planning Division, and can be reviewed by any interested person at 455 N. Rexford Drive, Suite 100, Beverly Hills, CA. 90210.

BYRON POPE, CMC
City Clerk

From: Jonathan Lait
Sent: Friday, October 11, 2013 7:04 AM
To: Mahdi Aluzri
Cc: Jeffrey C. Kolin; Susan Healy Keene
Subject: Fwd: Gateway Follow-Up Materials
Attachments: image002.jpg; ATT00001.htm; 10000 Santa Monica Condo Trip Generation from EIR.pdf; ATT00002.htm; Trip Generation Rates for Office Buildings.pdf; ATT00003.htm; Existing Traffic Volumes During Peak Hours.pdf; ATT00004.htm

FYI - additional information provided to Ken.

Begin forwarded message:

> **From:** Sarah Brandenberg <S.Brandenberg@fehrandpeers.com>
> **Date:** October 10, 2013, 6:46:33 PM PDT
> **To:** "kgoldman@kaglegal.com" <kgoldman@kaglegal.com>, "Jonathan Lait (jlait@beverlyhills.org)" <jlait@beverlyhills.org>
> **Subject: Gateway Follow-Up Materials**
>
> Jonathan and Ken,
>
> I'm providing the following materials per our conversation this afternoon.
>
> 1. Trip Generation of 10000 Santa Monica: trip generation provided per the project's EIR
>
> 2. Trip Generation rates of Office Buildings: the table shows Beverly Hills office rates and ITE office rates; we applied the ITE office rates in the Gateway Study to reflect a conservative (worst-case) scenario
>
> 3. Existing Traffic Volumes During Peak Hours: the attached figure shows existing traffic volumes in the Gateway study area, including the number of vehicles making a right-turn from South Santa Monica onto South Moreno and at the Moreno & Durant intersection
>
> As I mentioned during our call, I will be at an all-day meeting in Northern CA tomorrow and will be able to respond to additional questions when I return on Monday.
>
> Thank you,
> Sarah
>
> **Sarah Brandenberg**
> Principal
> (213) 261-3075 *direct line*

Table IV.K-5

Project Trip Generation

Land Use	Size	ITE Code	Daily Rate	Trip Generation Rates[a] A.M. Peak Hour Rate	A.M. Peak Hour In	A.M. Peak Hour Out	P.M. Peak Hour Rate	P.M. Peak Hour In	P.M. Peak Hour Out	Estimated Trip Generation Daily Trips	A.M. Peak Hour Trips In	A.M. Peak Hour Trips Out	A.M. Peak Hour Trips Total	P.M. Peak Hour Trips In	P.M. Peak Hour Trips Out	P.M. Peak Hour Trips Total
Condominium																
High-Rise Residential Condominium/Townhouse	283 du	222/ 232	4.20[b]	0.34[b]	19%	81%	0.38[b,c]	62%	38%	1,189	18	78	96	67	41	108
Less: Transit Use credit	*0%*									*0*	*0*	*0*	*0*	*0*	*0*	*0*
Less: Internal Trips credit	*0%*									*0*	*0*	*0*	*0*	*0*	*0*	*0*
Net External Vehicle Trips										**1,189**	**18**	**78**	**96**	**67**	**41**	**108**

[a] *Source for trip generation rates: Trip Generation, 8th Edition, Institute of Transportation Engineers (ITE), 2008, unless otherwise noted.*
[b] *For flexibility, the trip generation analysis uses the most conservative (highest) rates for high-rise apartments versus high-rise condominiums: ITE code 222 (high-rise apartment) for daily trips and ITE code 232 (high-rise condominium) for peak hour trips.*
[c] *The West LA TIMP does not provide a PM peak hour trip generation rate for high-rise residential such as the proposed project, therefore the ITE trip generation rate was used for such purpose as permitted by the West LA TIMP.*
Source: Fehr & Peers, May 2010

- A right-turn exit-only driveway onto South Santa Monica Boulevard, located east of the aforementioned driveway, would provide an exit onto eastbound South Santa Monica Boulevard.
- A full-access driveway would be located along the eastern side of the Project Site on Moreno Drive, approximately mid-block between Santa Monica Boulevard and Durant Drive. Vehicles would be able to enter this driveway by either turning right from southbound Moreno Drive or left from northbound Moreno Drive. Vehicles could also exit from this driveway and turn left or right out of the site onto Moreno Drive. The Moreno Drive Driveway is proposed to be closed to vehicular access during weekday morning and afternoon peak periods to facilitate traffic access to/from Beverly Hills High School.

d. Analysis of Project Impacts

(1) Construction

(a) Construction Trucks

The mass site grading phase of the project is estimated to generate an average of approximately 29 truck trips per day over the approximately two-month excavation period. The proposed project would limit construction hours to 7:00 A.M. to 9:00 P.M. on weekdays only, with no construction on weekends. Hauling would be limited to the hours of 8:30 *A.M.* to 4:30 *P.M.* and would be scheduled to alleviate congestion at peak school times.

(b) Construction Employees

The number of construction workers would vary throughout the construction period with the building construction phase generating the highest number of trips. A maximum of 130 construction worker trips are expected to be generated per day during periods of peak construction activity. Construction workers often travel to and from a worksite outside of the typical peak commute hours. The construction activity would

Trip Generation Rates

Table 8 provides the trip generation rates based both on the empirical data and information from ITE for both the office and retail uses.

Office Uses

As shown in Table 8, the ITE rates are much higher than the rates we collected at local office buildings. The empirical rates are approximately 30 percent of the standardized ITE rates for comparable periods. Therefore, we would recommend the use of the ITE data to present a more conservative view of the various project's potential traffic impacts.

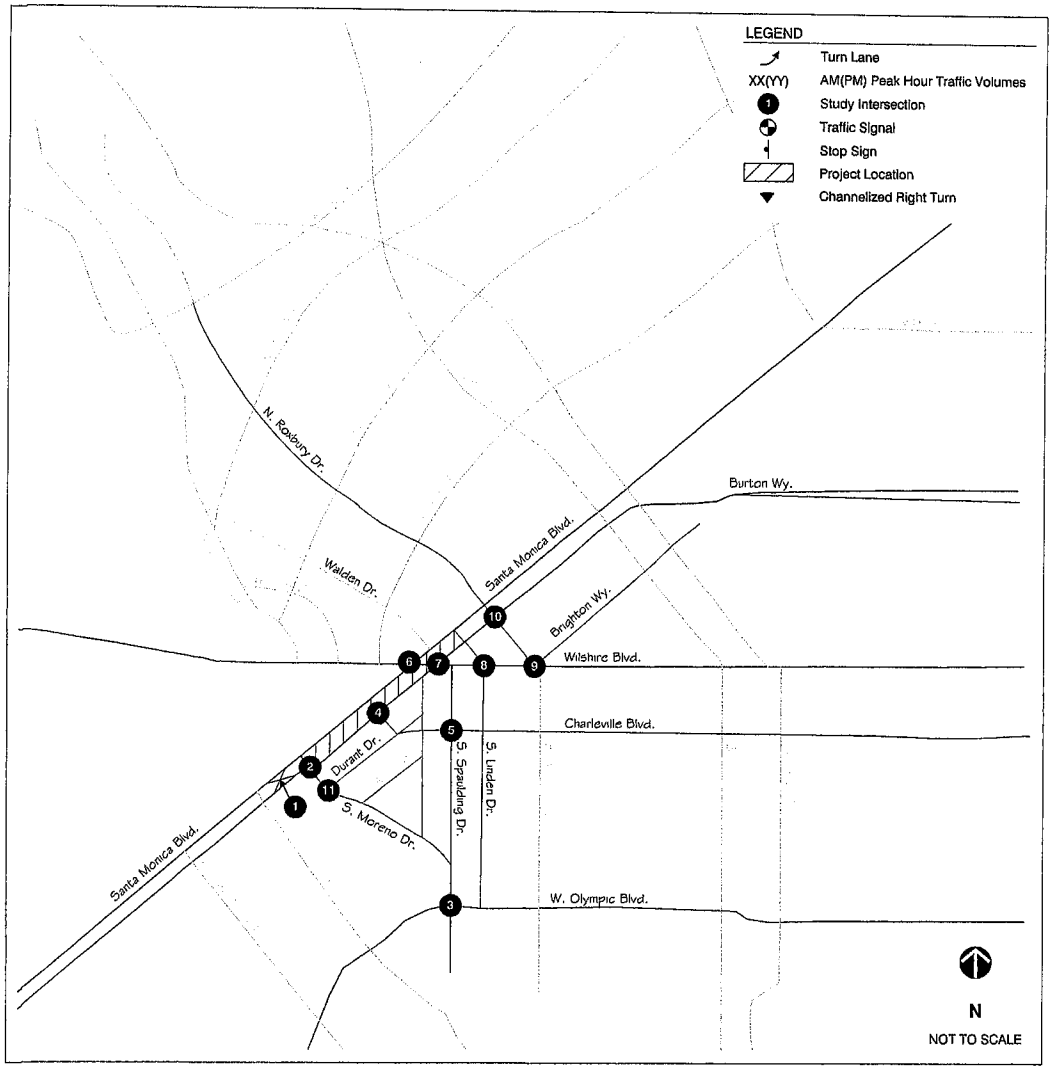
Retail Uses

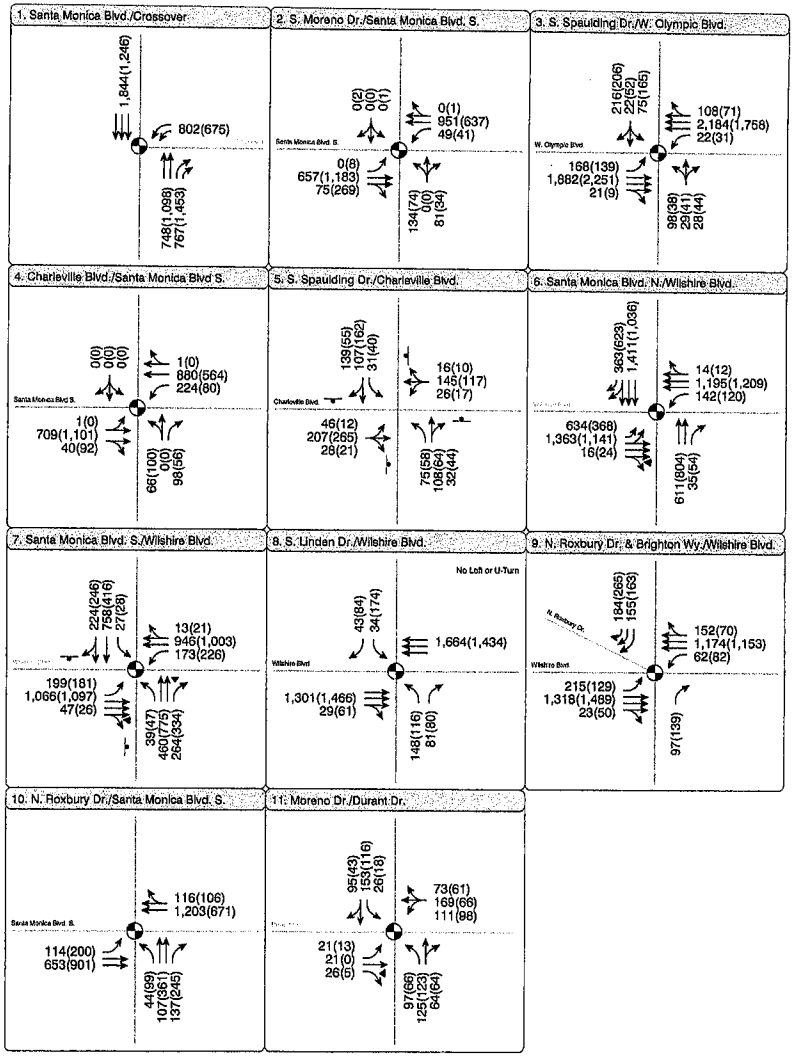
The daily, AM, and PM peak hour rates were taken directly from the ITE trip generation manual. The manual lacks a mid-day rate. To estimate the mid-day rate, Fehr & Peers consulted Table 1- Page 1449, which indicates that approximately 8 percent of a shopping center's daily traffic enters and exits the site in each hour from 11:00 AM to 2:00 PM. Fehr & Peers applied this same ratio to the daily rate of 42.94 to yield a mid-day rate.

TABLE 8
TRIP GENERATION RATES AND EQUATIONS

Use	Trip Rates			
	Daily	AM	Mid-Day	PM
Office (ITE)[1]	11.01	1.55	1.49	1.49
Office (Empirical Data)[2]	2.95	0.44	0.40	0.40
Retail[3]	42.94	1.03	3.44	3.75

Notes:
(1) Office trip generation taken from ITE Trip Generation – 7th Edition (2003). Land Use Code 710 – General Office Building used for this use. Mid-day rates assumed to be similar to PM trip rate
(2) Office trip generation based on empirical data collected at 4 sites in Beverly Hills. Daily rate estimated based on relationship between PM rate and daily trip rate in ITE.
(3) Retail trip generation taken from ITE Trip Generation- 7th Edition (2003). Land Use Code 820- Shopping Center used for this use. AM and PM rate taken directly from ITE as peak hour of adjacent street traffic. For Mid-day, daily rate factored by 0.08, which is the percent of daily traffic occurring in one hour from 11:00 AM to 2:00 PM, as noted on Page 1449 of Trip Generation.
Source: *Trip Generation* (7th Edition), (Institute of Transportation Engineers).





FEHR & PEERS
TRANSPORTATION CONSULTANTS

Oct 20, 2010 JD
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WEEKDAY PEAK HOUR TRAFFIC VOLUMES AND LANE CONFIGURATIONS EXISTING CONDITIONS

FIGURE 4A

From: Jonathan Lait
Sent: Thursday, October 10, 2013 6:37 PM
To: Ken Goldman (kgoldman@kaglegal.com)
Cc: dgordon328@yahoo.com
Subject: Questions re: Gateway Project
Attachments: Rincon Supplemental EIR Analysis Oct 2013.pdf

Hi Ken,

Thanks for taking the time to talk with me and the traffic consultant today. Attached are responses to most of the outstanding questions. I answered a couple of questions over the phone and those are not repeated below. Based on our conversation today, there were some new questions asked, I hope to that information to you on Monday, if not sooner. I am off tomorrow, but will be checking email. Please let me know if you have any further questions.

Responses (in **bold**). Note correction in **red**.

- One question off the top. Your email below says the developable square footage of the parcel on the north side at SMB and Charleville is 48,000 s.f. but your email from March 25, 2013 said, " The vacant parcels on the south side of South Santa Monica Boulevard, not include a two parking lots serving adjacent land uses, is approximately 36,000 square feet, or at a 2.0 FAR, a build out potential of 72,000 square feet." What's the reason for the difference between the 48,000 s.f. and the 70,000 s.f.?
  - **The portion of the lot that is currently vacant totals 24,000 square feet, allowing 48,000 square feet of development at a 2.0 to 1.0 FAR. There are two additional properties totaling 12,000 square feet that were proposed to be demolished as part of the Gehry project, bringing the total site area up to 36,000 square feet, or 72,000 square feet of floor area at a 2.0 to 1.0 FAR. Since the properties were never demolished, the vacant portion of the property is only 24,000 square feet.**

- A] the current traffic volumes at Santa Monica and Moreno, Santa Monica and Charleville and Santa Monica and Wilshire at the pm peak hours;
  - **Santa Monica/Moreno: Weekday PM Peak Hour of all cars passing through Santa Monica and Moreno intersection is 2,250 cars**
  - **Santa Monica/Charleville: Weekday PM Peak Hour of all cars passing through Santa Monica and Charleville intersection is 2,083 cars**
  - **S. Santa Monica/Wilshire: Weekday PM Peak Hour of all cars passing through S. Santa Monica and Wilshire intersection is 4,400 cars**
  - **N. Santa Monica/Wilshire: Weekday PM Peak Hour of all cars passing through N. Santa Monica and Wilshire intersection is 5,391 cars**
- B] the current traffic volumes along Charleville during the pm peak;
  - **Weekday PM Peak Hour traffic along Charleville, counted at Charleville and S. Santa Monica, is 328 cars**
  - **Weekday PM Peak Hour traffic along Charleville, counted at Charleville and Spalding, is 639 cars**
- C] whether or not those traffic reports took into account additional traffic to be generated by the now vacant, but currently under construction, property at Santa Monica and Moreno (next to the High School) and the currently vacant property at the corner of Santa Monica Blvd. (south side) and Charleville;

- **Neither project appears to be included in the analysis, as neither project was active at the time the EIR was initiated.** The projects that show up on the list of cumulative projects from adjacent jurisdictions that accompanies an EIR are those projects that are known to exist at the time the Notice of Preparation (NOP) for the EIR is issued (CEQA Guidelines 15125(A)). In the case of the Gateway Project, the NOP was issued on 1/18/2008, meaning that the EIR for the Gateway Project only takes into consideration projects that were known to exist as of 1/18/2008. The City first became aware of the 10000 Santa Monica Blvd. project when its NOP was issued on 4/21/2008 (for the SunCal project). A later NOP was filed on 4/12/2012 for the project that is now under construction. Because both of these NOPs were filed after the initiation of the EIR for the Gateway Project, the Gateway EIR does not include the 10000 Santa Monica Blvd. project. Similarly, the project at Charleville and S. Santa Monica Blvd. was initiated in 2012, well after the cumulative projects list had been approved for use in the Gateway EIR. **Sarah Brandenberg is confirming this conclusion.**
    - **The traffic consultant will be providing information on the 10,000 SMB project, right turn movement on Moreno (from SSMB) and Charleville (from Durant), and cars/minute information for the SMB/Wilshire intersection**

- Also, what is the assumption for vehicle traffic to and from a commercial development in general per 1,000 s.f.? (I realize that would depend upon proposed use, but I'm just trying to get some idea of impact.)
    - **This information is forthcoming.**

Attached is a copy of the updated supplemental EIR information

Jonathan Lait, AICP
Assistant Director /City Planner
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City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
t. (310) 285-1118
f. (310) 858-5966
e. jlait@beverlyhills.org

From:	Jonathan Lait
Sent:	Thursday, October 10, 2013 6:31 PM
To:	Jonathan Lait
Cc:	Jeffrey C. Kolin; Mahdi Aluzri; Susan Healy Keene; 6-Laurence Wiener; RWG DavidSnow
Subject:	Gateway Project: Supplemental Environmental Information
Attachments:	Rincon Supplemental EIR Analysis Oct 2013.pdf

BCCC

Mayor and City Council,

The attached supplement EIR (2013) information for the Gateway Project will be provided to Ken Goldman and David Gordon. It is provided to you in advance and will be included in the packet tomorrow.

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From:	Jonathan Lait
Sent:	Wednesday, October 09, 2013 8:22 PM
To:	Jonathan Lait
Cc:	Jeffrey C. Kolin; Mahdi Aluzri; 6-Laurence Wiener; RWG DavidSnow; Cheryl Friedling; Byron Pope; Susan Healy Keene; Aaron Kunz
Subject:	RE: Gateway Project
Attachments:	Current Project Objectives and Development Standards.pdf; Supplemental Traffic Analysis January 3, 2013.pdf; CEQA Thresholds Memo.pdf; PC GPA ZTA Resolution.pdf; PC EIR Resolution.pdf

BCCC

Good Evening Mayor and City Council,

I received a request from Ken Goldman for certain information pertaining to the Gateway Project. Some of the requested data is new information. The purpose of this email is to share with you my response to Ken and ensure that you receive the same information in advance. The agenda report for this project will include all of the attachments.

What follows is my email response to Ken's questions:

Hi Ken,

Please see the following responses to your questions:

1. A description of the current proposal to revise the height and density from Moreno to Linden
    - See attached file: "Current Project Objectives and Development Standards." This lists the current proposed objectives and development standards.

2. A copy of the various traffic reports that have been done:
    - The FEIR has the original traffic study and is available online:
        i. Volume 1: FEIR Report http://www.beverlyhills.org/cbhfiles/storage/files/373491083285715551/GatewayFEIRVol1.pdf
        ii. Volume 2: http://www.beverlyhills.org/cbhfiles/storage/files/1786631115284172993/GatewayFEIRVol2.pdf
    - Additionally, please find the following attachments:
        - "Supplemental Traffic Analysis January 3, 2013." This studies the north SMB driveway and expands traffic analysis along Charleville and Gregory
        - "CEQA Thresholds Memo." This responds to requests to evaluate the project under the City's current traffic thresholds

2A. The current traffic volumes at Santa Monica and Moreno, Santa Monica and Charleville and Santa Monica and Wilshire at the pm peak hours;

2B. The current traffic volumes along Charleville during the pm peak;

2C. Whether or not those traffic reports took into account additional traffic to be generated by the now vacant, but currently under construction, property at Santa Monica and Moreno (next to the High School) and the currently vacant property at the corner of Santa Monica Blvd. (south side) and Charleville;

- Some of the traffic volume information is provided in the reports above. However, I have a call into our Transportation office to see if there is any more current information; I expect an answer tomorrow.
- Traffic analysis did take into consideration the LA development project you are referring to, but did not take into consideration development of the vacant lot at the corner of S. SMB / Charleville

3. A copy of the Planning Commission's findings and recommendations to the Council;
   - Attached is the Planning Commission resolution forwarding a recommendation to the City Council the proposed General Plan and Zoning Code Text Amendment, including:
     - PC resolution recommending certifying the EIR, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (file: "PC EIR Resolution")
     - PC resolution recommending City Council adoption of the subject General Plan and Zoning Text Amendment (file: PC "GPA ZTA Resolution")

4. The current square footage of the existing buildings along the north side of Santa Monica from Moreno to Wilshire
   - Existing building area along the north side of South Santa Monica Boulevard, including the budget rental car site and adjacent C3 properties is approximately 73,000 square feet.

5. The maximum potential square footage that could be built along the north side of Santa Monica Blvd from Moreno to Wilshire under the proposed zone change;
   - Development potential for the T1 parcels (1.5 FAR) and the adjacent C3 zoned parcels (up to 2.0 FAR), including the budget car site and adjacent C3 properties is approximately 327,600 square feet, based on the currently contemplated standards, however, the overlay zone objectives would likely reduce this potential.

6. The estimated traffic counts for the new condo building under construction at Santa Monica and Moreno (next to the High School) which is currently vacant;
   - I do not have this information readily available, but will attempt to locate it and forward.

7. The maximum potential square footage for the currently vacant property at the corner of Santa Monica (south side) and Charleville;
   - The maximum floor area could be up to 48,000 square feet on the vacant lot (assuming a 200' frontage)

8. The maximum potential square footage of the former Grimmett auto shop that was recently sold.
   - The Grimmet auto shop property is 40' x 75', which would allow a maximum of 6,000 square feet of development

An updated supplemental analysis to the FEIR (2013) will be provided tomorrow morning.

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10-3-1871: OBJECTIVES OF THE C-PD-G OVERLAY ZONE:

The objectives of the C-PD-G Overlay Zone shall be as follows:

1. Development shall be consistent with the purpose and intent of the C-PD-G Overlay Zone and the General Plan.
2. Development within the overlay zone shall promote the garden quality of the City.
3. Lot consolidation and coordinated development of underlying T-1 zoned properties and adjacent underlying C-3 properties fronting on South Santa Monica Boulevard is encouraged and shall be required for the reviewing authority's approval of height and density allowances in excess of eighteen feet (18') in height and a one-half to one (0.5:1) Floor Area Ratio.
4. Project design shall provide pedestrian, bicycle, and vehicular access and connectivity within and between C-PD-G Overlay Zone properties, the adjacent C-3 properties, and residential and hotel development built or planned across North Santa Monica Boulevard. Connectivity at or above grade and within underground parking structures shall be achieved to the extent feasible. The reviewing authority shall consider the appropriateness of ingress/egress for proposed projects within the C-PD-G Overlay Zone to ensure that traffic will not adversely impact the adjacent residential areas and the high school area.
5. Parking shall be located below-grade and located on properties within the C-PD-G Overlay Zone; vehicle and pedestrian access to parking shall be convenient. Minimal at-grade parking may be considered by the reviewing authority. Parking shall comply with ~~in excess of the minimum required parking set forth in~~ Beverly Hills Municipal Code Section 10-3-2730 and mitigate the loss of potential parking that could have been provided on the T1 zoned property~~of the zoning code shall be incorporated into any development and be made available to the public. The excess public parking incorporated into any development on Parcel 1 (9900 Santa Monica Boulevard) and Parcel 2 (9848 Wilshire Boulevard) shall, on a collective basis, substantially offset the parking deficiency in the neighborhood along South Santa Monica Boulevard between the intersection with Wilshire Boulevard and the city's western Boundaries~~.

6. Development shall take advantage of design flexibility incorporated into the C-PD-G Overlay Zone to create iconic architecture that promotes the image of the City and that respects the scale, mass, and character of surrounding development in the immediate vicinity. Building facades visible from public streets shall exhibit innovative design, distinctive architectural merit, or a combination of both.

7. Project design and site planning shall incorporate substantial area dedicated to green space, public open space, and pedestrian amenities. Building height shall be balanced with appropriate setbacks and landscaping adjacent to public streets to promote the appearance of a green belt and minimize the perception of a continuous uninterrupted wall of development as viewed from public streets. Buildings shall be well modulated.

8. Development shall be designed with pedestrian-oriented amenities and uses at the ground floor that encourage pedestrian activity during daytime and nighttime hours such as restaurants, outdoor dining and retail.

9. Development on Parcels 2 (9848 Wilshire Boulevard) and 3 (9817 Wilshire Boulevard) shall provide substantial setbacks from the intersections of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and fountain plaza, and the planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections shall include pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority.

10. Development shall incorporate adequate land dedications or easements that may be needed for future roadway and transportation improvements, including bicycle facilities, pedestrian mobility elements, bus shelters, pedestrian bridges, or similar improvements.

11. Development shall not result in detrimental impacts to existing or planned development in the vicinity with regard to views, traffic levels, traffic safety, pedestrian-vehicle conflicts, and pedestrian safety hazards, parking demand, parking design, loading, or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.

~~12. On Parcel 1 (9900 Santa Monica) and Parcel 2 (9848 Wilshire Boulevard) only, structure height in excess of forty-five feet (45'), up to a maximum of sixty feet (60') not including permitted projections, may be granted if the reviewing authority finds that design~~

~~innovations or other public benefits preclude development of the maximum allowable building floor area within a three-story, forty-five foot (45') high structure.~~

~~13.~~12. Development on the underlying T-1 zoned parcel shall not preclude future development opportunities on adjacent C-3 zoned parcels that are not included in the C-PD-G Overlay Zone.

~~14.~~13. ~~Development shall include additional public benefits that~~ Tthe reviewing authority shall determines that the project results in public benefits to the City ~~to be appropriate~~.

10-3-1872: DEFINITIONS:

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

OVERLAY ZONE: A zoning district which governs the same territory as an underlying zone, but provides alternative development standards for a specified type of development or use.

PLANNED DEVELOPMENT: A development that is approved pursuant to the procedures of article 18.4 of this chapter.

UNDERLYING ZONE: The primary zone designation which would govern development on a particular site if such development were not otherwise governed by an overlay zone.

10-3-1873: PERMITTED AND PROHIBITED USES

Except as otherwise provided or restricted by this article, no lot, premises, building, or portion thereof in the C-PD-G Overlay Zone shall be used for any purpose except the following:

A. Uses permitted in the applicable underlying zone that meets the development standards of the underlying zone.

B. Uses developed pursuant to the Commercial Planned Development Gateway Overlay Zone which are limited and defined as follows:

(1) Permitted Uses

~~(a) Office~~

~~(b) Retail & restaurants~~

~~(c) Galleries~~

~~(d) Museums~~

~~(e)Boutique Hotels~~

~~(f) Residential uses above ground floor (rental)~~

(a~~g~~) ~~Other p~~Permitted uses in C-3 Zone

(2) Conditionally Permitted Uses

(a) Residential uses above the ground floor (rental only)

(b) Other conditionally Permitted Uses

~~(2)~~(3) Prohibited Uses

(a) All uses prohibited in C-3 Zone

(b) Medical offices

(c) Night clubs

10-3-1874: HEIGHT LIMIT

Building projects shall be constructed, altered, or enlarged in the C-PD-G Overlay Zone in accordance with the following height restrictions:

A. Developments consisting of only underlying T-1 zoned properties shall be limited to a maximum of one-story, and eighteen feet (18') in height.

B. Developments that include both underlying C-3 zoned properties and underlying T-1 zone properties or portions thereof that are immediately adjacent to C-3 zoned properties that are incorporated into the project shall be allowed up to three (3) stories, forty five feet (45') in height. ~~For properties in the overlay zone and west of Wilshire Boulevard, the building height may exceed the height limits of this paragraph up to a maximum of sixty feet (60') or four stories, whichever is less, if such height increase is approved by the City Council as part of a planned development pursuant to article 18.4 of this chapter.~~

C. No architectural, plumbing, mechanical, or electrical projections may extend more than forty-two inches (42") above the height limit, except for staircases and elevators, which may extend up to ten feet (10') above the height limit.

10-3-1875: DENSITY:

A building project located in the C-PD-G Overlay Zone shall have a floor area limitation as follows:

A. Developments on the underlying C-3 Zoned properties shall have a floor area ratio no greater than two to one (2.0:1)

B. Development on underlying T-1 zoned properties shall have a floor area ratio no greater than one-half to one (0.5:1) if developed separately from adjacent underlying C-3 zoned properties.

C. Combined developments that include underlying T-1 zoned property and immediately adjacent underlying C-3 zoned properties shall have a floor area ratio no greater than one and one-half to one ratio (1.5:1) for the portion of the underlying T-1 zoned property or properties that are immediately adjacent to underlying C-3 zoned property incorporated into the Project, and zero to one (0.0:1) FAR for T-1 underlying zoned properties or portions thereof that are not immediately adjacent to a underlying C-3 zoned property that is included in the project. Portions of an underlying T-1 zoned property included in a combined development that have a zero to one floor area ratio (0.0:1 FAR) shall not be built upon and shall be landscaped, but such landscaping shall not be used to meet the green space, public open space, landscaping, or setback requirements of this Article.

D. If any portion of an underlying T-1 zoned property is initially developed under Paragraph B above, and another portion is later sought to be developed under Paragraph C above, then the floor area ratio of such later development shall be reduced by the floor area ratio of the earlier development to the extent that the earlier development shall continue to exist.

10-3-1876: LOT SIZE

To be eligible for application of the C-PD-G Overlay Zone to a underlying T-1 zoned lot, the minimum size of that lot shall be 30,000 square feet, except that any underlying T-1 zoned lot in existence at the time of the adoption of the ordinance enacting this Article that is less than 30,000 square feet shall be eligible for application of the C-PD-G Overlay Zone.

10-3-1877: PARKING, ACCESS, AND CIRCULATION:

Except as otherwise provided in this section, parking for a building project located in the C-PD-G Overlay Zone shall be provided in accordance with Sections 10-3-2727 through 10-3-2736 of this chapter.

10-3-1878: LOADING AND ANCILLARY FACILITIES:

Notwithstanding any other provision of this code, the number and size of required loading spaces for any development within the overlay zone area shall be provided in accordance with Sections 10-3-2740 through 10-3-2743 of this chapter.

10-3-1879: OTHER DEVELOPMENT STANDARDS

Any setback, green space, modulation, dedication and loading requirements shall be as authorized in a Planned Development Permit, consistent with the objectives contained within the C-PD-G Overlay Zone.

FEHR PEERS

MEMORANDUM

Date: October 4, 2013

To: Abe Leider, Rincon

From: Sarah Brandenberg

Subject: ***Beverly Hills Gateway: Significant Impact Criteria***

Ref: 2201.04

This memorandum presents the significant impact criteria applied in the Beverly Hills Gateway transportation study. In October 2010, the City adopted new significance thresholds for the identification of traffic impacts. Projects already underway at the time of adoption, such as Gateway, were allowed to continue to apply the previous significance criteria. A comparison of the significance criteria along with the resulting impacts of the Gateway project under both criteria are summarized below.

The Gateway traffic study analyzed the impacts of the proposed project based on site access along South Santa Monica Boulevard. Since the publication of the Draft EIR, the Gateway project has been reanalyzed to determine the impacts of providing access to the project site on both South Santa Monica Boulevard and North Santa Monica Boulevard as described in the January 2, 2013 *Beverly Hills Gateway Supplemental Analysis Memorandum* from Fehr & Peers. A comparison of the significance criteria and the resulting impacts under both project access scenarios are presented in this memorandum.

Please note that this memorandum is for informational purposes only; the Gateway project will continue to apply the City's previous impact criteria as documented in the DEIR.

Significance Impact Criteria

The Gateway traffic assessment was performed using the previous City of Beverly Hills traffic thresholds of significance. The City of Beverly Hills guidelines establish threshold criteria to determine if a project has a significant traffic impact at a specific signalized intersection location. According to the previous and new criteria, a project impact is considered significant if the following conditions are met:

Previous (Gateway) Impact Criteria Project-Related Increase in V/C Ratio	***New City Impact Criteria Project-Related Increase in V/C Ratio***
0.04 or more at the final LOS of "D"	0.03 or more at the final LOS of "D" or better
0.02 or more at the final LOS of "E"	0.02 or more at the final LOS of "E"
0.02 or more at the final LOS of "F"	0.02 or more at the final LOS of "F"

In addition, the City of Beverly Hills guidelines establish specific threshold criteria for project impacts to residential street segments. The thresholds under the previous and current City standards are described as follows:

Previous (Gateway) Impact Criteria for Residential Streets		***New City Impact Criteria for Residential Streets***	
ADT With Project	**Allowable Increase in Project-Related ADT**	**ADT With Project**	**Allowable Increase in Project-Related ADT**
ADT less than 3,750	25%	ADT less than 2,000	16%
ADT greater than 3,750 but less than 6,750	12.5%	ADT greater than 2,001 but less than 4,000	12%
		ADT greater than 4,001 but less than 6,750	8%
ADT greater than 6,750	6.25%	ADT greater than 6,750	6.25%

Gateway Intersection Impacts

The intersection impacts identified under both access scenarios for the Gateway project were compared to the previous and new City of Beverly Hills thresholds of significance. The new criteria for intersections operating at LOS D (i.e., a change in allowable V/C increase from 0.04 to 0.03) does not change the impact conclusions of the Gateway project as shown below.

Study Intersections	**Gateway Access to/from South Santa Monica Blvd Only**		**Gateway Access to/from South & North Santa Monica Blvds**	
	Impact under Previous (Gateway) Criteria?	**Impact under New City Criteria?**	**Impact under Previous (Gateway) Criteria?**	**Impact under New City Criteria?**
South Santa Monica Blvd & Moreno Drive	Yes	Yes	No	No
South Santa Monica Blvd & Wilshire Blvd	Yes	Yes	Yes	Yes
Other Study Intersections	No Impacts	No Impacts	No Impacts	No Impacts

Note: The intersection of Olympic Boulevard & Spalding Drive was also identified as being impacted in the Gateway DEIR. However, since the publication of the DEIR the proposed mitigation measure was implemented and the location is no longer impacted.

Gateway Residential Roadway Impacts

No residential roadway segments were identified as being significantly impacted in the Gateway DEIR traffic study based on the previous City significance thresholds. Additional street segments along Charleville Boulevard and Gregory Way were studied following the publication of the DEIR under both access scenarios for the Gateway project. The analysis indicated that no impacts would occur on residential roadway segments under either access scenario based on the previous significance thresholds.

The residential roadway analysis results were compared to the new City significance thresholds to determine if impacts would occur. As shown below, the comparison indicated no change in project impacts to residential roadway segments except at one location. The allowable increase in project related trips for roadways with a daily volume (including project trips) greater than 4,001 but less than 6,750 has been decreased from 12.5% to 8% under the new City thresholds. If project access is only provided to/from South Santa Monica Boulevard, Charleville Boulevard between South Santa Monica Boulevard and Lasky Drive would experience a 9% increase in traffic volume, which would exceed the new threshold of 8%. All other segments of Charleville Boulevard (between Lasky Drive and Robertson Boulevard) would experience up to a 5% increase in project traffic under both access scenarios. Therefore, the new significance thresholds do not change the impact results for the other segments of Charleville Boulevard.

Study Roadway Segments	**Gateway Access to/from South Santa Monica Blvd Only**		**Gateway Access to/from South & North Santa Monica Blvds**	
	Impact under Previous (Gateway) Criteria?	**Impact under New City Criteria?**	**Impact under Previous (Gateway) Criteria?**	**Impact under New City Criteria?**
Charleville Blvd; Between S. Santa Monica Blvd. & Lasky Dr.	No (9% increase with Project Traffic with a Threshold of 12.5%)	**Yes** (9% increase with Project Traffic with a Threshold of 8%)	No (6% increase with Project Traffic with a Threshold of 12.5%)	No (6% increase with Project Traffic with a Threshold of 8%)
Other Study Roadway Segments	No Impacts	No Impacts	No Impacts	No Impacts

Note: During a City Council meeting, we reported that the new significance thresholds would not result in new impacts on the residential street segments. This is because the "no project" volume on Charleville Boulevard was being used to determine the impact threshold. Applying the "no project" volume results in a threshold of 12% under the City's new impact criteria whereas the "plus project" volume results in an impact threshold of 8%. Therefore, the increase in project traffic of 9% on Charleville Boulevard would exceed the new threshold of 8%.

Conclusions

In October 2010, the City adopted new traffic significance thresholds. Projects already underway at the time of adoption, such as Gateway, were allowed to continue to apply the previous significance criteria. A comparison of the significance criteria along with the resulting impacts of the Gateway project indicated that no change in intersection impacts would occur under the new criteria. For residential streets, the roadway segment of Charleville Boulevard between S. Santa Monica Boulevard and Lasky Drive would be impacted under the new criteria if project access was only provided along South Santa Monica Boulevard. If access to the Gateway site is provided on both North and South Santa Monica Boulevards, no residential roadway impacts would occur under the previous or new criteria. This impact comparison is for informational purposes only; the Gateway project will continue to apply the City's previous impact criteria as documented in the DEIR.

RESOLUTION NO. 1643

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE BEVERLY HILLS GATEWAY PROJECT, ADOPT FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

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

Section 1. Applications were submitted to the City of Beverly Hills (the "City") for the rezoning of three independently owned parcels in the City totaling approximately 3-acres from the T-1, Transportation Zone, to C-3, Commercial Zone, a General Plan Amendment from Railroad to Commercial-Low Density General, and the development of an approximately 90,000 square foot office building with a maximum building height of 42 feet with 274 parking spaces to be located on parcel two.

Section 2. On January 18, 2008, a Notice of Preparation ("NOP") was distributed to the State Office of Planning and Research and responsible agencies. In addition, a public scoping meeting was held on January 30, 2008 to provide information and to provide a forum where interested individuals, groups, public agencies and others could provide verbal input to the City in an effort to assist in further refining the intended scope and focus of the Environmental Impact Report ("EIR").

Section 3. In November of 2008, a Draft Environmental Impact Report (the "DEIR") was prepared and released for the project. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. §15000 *et seq.*) promulgated with respect thereto, the City analyzed the project's potential impacts on the environment.

Section 4. The City circulated the DEIR and the Appendices for the project to the public and other interested parties for a 45-day comment period, consistent with the 45-day public comment period required by CEQA Guideline Section 15105, from November 3, 2008 to December 18, 2008.

Section 5. On November 20, 2008, the Planning Commission held a public hearing to receive comments on the DEIR.

Section 6. In June of 2010, the City elected to update and prepare a supplemental traffic analysis to assess whether any changes in the cumulative traffic setting or roadway network affected the analysis, conclusions, or recommendations of the original 2008 traffic analysis. At this same time, the City also updated the greenhouse gas emissions analysis and General Plan policy consistency analysis.

Section 7. The project was subsequently refined to consist of development of an Overlay Zone for the three parcels that comprised the original project area, along with all immediately adjacent parcels currently zoned C-3 (the "Project"). In contrast to the originally proposed project, the Project does not include any specific development proposal. The entire Project site consists of an approximately 4.46-acre flat, long and narrow site that consists of 26 assessor's parcels.

Section 8. The City prepared an analysis in full compliance with CEQA of the environmental effects of this refined Project. This analysis included the environmental effects of the maximum conceptual buildout that could occur under the proposed Overlay Zone on the three parcels that comprised the original project area, along with all immediately adjacent parcels currently zoned C-3. On parcel one, maximum conceptual buildout would consist of one-story development if proposed only on the currently zoned T-1 property. Development of the combined T-1 and C-3 zoned properties would allow for a maximum of four stories, with retail on the ground floor and offices on the upper floors. Parking would be provided in a subterranean parking garage. On parcel two, maximum conceptual buildout would consist of one story buildings if development is only proposed on the currently zoned T-1 property. Development of the combined T-1 and C-3 zoned properties would allow for a maximum of four stories with retail on the ground floor and office spaces on the upper floors. Parking would be provided in a subterranean parking garage. On parcel three, maximum conceptual buildout would consist of one story buildings if development is only proposed on the currently zoned T-1 property. Development of the combined T-1 and C-3 zoned properties would allow for a maximum of four stories with retail on the ground floor and office spaces on the upper floors. Parking would be provided in a subterranean parking garage.

Section 9. The City prepared written responses to all comments received on the DEIR and those responses to comments are incorporated into the Final Environmental Impact Report (the "Final EIR").

Section 10. The Final EIR is comprised of the DEIR dated November 2008 and all appendices thereto, the supplemental traffic, greenhouse gas, and General Plan consistency analysis, the Supplemental Analysis completed for the refinements to the Project, written responses to all comments received on the DEIR, and the Mitigation Monitoring Program.

Section 11. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the hearings and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the Community Development Department, City of Beverly Hills City Hall, 455 N. Rexford Ave. Beverly Hills, California 90210. Each of those documents is incorporated herein by reference.

Section 12. The Planning Commission finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR and the Project.

Section 13. Section 15091 of the State CEQA Guidelines requires that the City, before approving the Project, make one or more of the following written finding(s) for each significant

effect identified in the Final EIR accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; or,

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Section 14. Section 15093 of the State CEQA Guidelines requires that if the Project will cause significant unavoidable adverse impacts, the City must adopt a Statement of Overriding Considerations prior to approving the project. A Statement of Overriding Considerations states that any significant adverse project effects are acceptable if expected project benefits outweigh unavoidable adverse environmental impacts.

Section 15. Environmental impacts identified in the Initial Study to be less than significant and do not require mitigation are described in Section IV respectively of Exhibit A, attached hereto and incorporated herein by reference.

Section 16. Environmental impacts identified in the Final EIR as less than significant and do not require mitigation are described in Section V respectively of Exhibit A, attached hereto and incorporated herein by reference.

Section 17. Environmental impacts identified in the Final EIR as significant but mitigable are described in Section VI respectively of Exhibit A, attached hereto and incorporated herein by reference.

Section 18. Environmental impacts identified as significant and unavoidable despite the imposition of all feasible mitigation measures are described in Exhibit A Section VII, attached hereto and incorporated herein by reference.

Section 19. Alternatives to the Project that might eliminate or reduce significant environmental impacts are described in Exhibit A, Section VIII, attached hereto and incorporated herein by reference.

Section 20. A discussion of the Project benefits and a Statement of Overriding Considerations for the environmental impacts that cannot be fully mitigated to a less than significant level are set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 21. Public Resources Code section 21081.6 requires the City to prepare and adopt a mitigation monitoring and reporting program for any project for which mitigation measures have been imposed to assure compliance with the adopted mitigation measures. The Mitigation Monitoring and Reporting Program is attached hereto as Exhibit C, and is hereby incorporated herein by reference.

Section 22. Prior to taking action, the Planning Commission reviewed, considered and has exercised its independent judgment on the Final EIR and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings and finds that the Final EIR is adequate and was prepared in full compliance with CEQA. No comments or any additional information submitted to the City, including the supplemental analysis on the refinements to the Project, have produced any substantial new information requiring recirculation or additional environmental review of the Project under CEQA.

Section 23. The Planning Commission of the City of Beverly Hills, California, hereby recommends that the City Council of the City of Beverly Hills certify the Final Environmental Impact Report, adopt findings pursuant to the California Environmental Quality Act as set forth in Exhibit A attached hereto and incorporated herein by reference; adopt the Statement of Overriding Considerations substantially as set forth in Exhibit B attached hereto and incorporated herein by reference; and adopt the Mitigation Monitoring and Reporting Program attached hereto as Exhibit C and incorporated herein by reference.

Section 24. 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 of the City.

Adopted: May 24, 2012

Craig Corman
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
Assistant Director of Community
Development/City Planner

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EXHIBIT A
FINDINGS AND FACTS IN SUPPORT OF FINDINGS

I. Introduction

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (the "Guidelines") provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.

B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.[1]

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed Beverly Hills Gateway Project (the "Project"). These findings are based upon evidence presented in the record of these proceedings, both written and oral, the DEIR, and all of its contents, the Comments and Responses to Comments on the EIR, the supplemental analysis for the refinements to the Project analyzing the Gateway Overlay Zone, and staff and consultants' reports presented through the hearing process, which comprise the Final EIR ("FEIR").

II. Project Objectives

As set forth in the EIR, the proposed Project is intended to achieve a number of objectives (the "Project Objectives") as follows:

A. Rezone the properties to be consistent with the surrounding and adjacent properties, to allow for the development of land uses that are compatible and consistent with neighboring uses.

B. Create viable, useful and revenue-generating development on largely vacant or underutilized properties.

C. Contribute to the revitalization of the Little Santa Monica Boulevard corridor.

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[1] Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

III. Background

The project, as originally envisioned included a proposal for development on the property referred to as Parcel 2, however, the originally proposed project was refined to consist of an Overlay Zone for the three parcels that comprised the original project area, along with all immediately adjacent parcels currently zoned C-3. As part of this refinement, no specific development proposal is proposed as part of the Project. Instead, the environmental effects from the maximum conceptual buildout of the Project site, under the Gateway Overlay Zone are analyzed in the FEIR. The maximum conceptual buildout is more fully described in the FEIR and is detailed below.

Parcel 1 Development Characteristics. Development of Parcel 1 would consist of one-story development if proposed only on T-1 property. Development of combined T-1 and C-3 properties would be a maximum of four stories, with retail on the ground floor and offices on the upper floors. Parking would be provided in a subterranean parking garage. The Parcel 1 development scenario allocates ground floor retail and restaurant within the majority of C-3 zoned parcels. However, the development would include appropriate setbacks, building modulation, green spaces, and pedestrian amenities, as envisioned by the Gateway Overlay Zone objectives. Ground floor retail spaces along with pedestrian and open space amenities would front on South Santa Monica Boulevard, connecting to the associated T-1 zoned parcel via the adjacent existing C-3 zoned parcels. Future development would include a subterranean parking garage to support on-site uses. This assumes that the parking provided pursuant to BHMC 10-3-2730 for office/retail/restaurant would be provided on site and include additional parking spaces for public parking uses. Vehicles would potentially enter the parking areas from Charleville Boulevard where it ends at the northern end on Parcel 1, and would potentially exit at the other end of the parcel onto Moreno Drive. The building's loading area would be located adjacent to the ground floor retail space and would be accessed from South Santa Monica Boulevard.

Parcel 2 Development Characteristics. Development of Parcel 2 would consist of one-story buildings if the development is only proposed on T-1 property. Development of combined T-1 and C-3 properties would be up to a maximum of four stories with retail on the ground floor and office spaces on the upper floors. Parking would be provided in a subterranean parking garage. The Parcel 2 development scenario allocates ground floor retail within the majority of C-3 zoned parcels. The development would include the appropriate allocation of setbacks, modulation and building step backs, green spaces and pedestrian amenities, as envisioned by the Gateway Overlay District objectives. The Parcel 2 development scenario would provide significant setbacks from the intersection of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and the fountain plaza, and planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections and along North Santa Monica Boulevard would provide pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority. The project would include a subterranean parking garage to support on-site development. The development will provide the required parking pursuant to BHMC 10-3-2730 on-site for office/retail/restaurant and would include additional parking spaces for excess public parking.

Parcel 3 Development Characteristics. Development of Parcel 3 would consist of one-story buildings if the development is only proposed on T-1 property. Development of combined T-1 and C-3 properties would be a maximum of four stories with retail on the ground floor and office spaces on the upper floors. Parking would be provided in a subterranean parking garage. This development scenario assumes the allocation of ground floor retail within the majority of C-3 zoned parcels. The development would include appropriate setbacks, modulation, green spaces and pedestrian amenities, as envisioned by the Gateway Overlay Zone objectives. Ground floor retail/restaurant space would front on South Santa Monica Boulevard, connecting to the T-1 zoned parcel via the adjacent existing C-3 zoned parcels. All office space would be on the upper floors. The project would include a subterranean parking garage to support on-site development. This assumes that the required parking would be provided on-site pursuant to BHMC 10-3-2730 for office/retail/restaurant and would include additional spaces for excess public parking. Vehicular access to the parking garage would be taken from South Santa Monica Boulevard just west of its intersection with North Linden Drive. The parking garage ingress and egress would be restricted to right-turn in and right-turn out only.

As provided throughout these findings, these refinements to the Project do not alter the environmental conclusions contained within these findings or in the FEIR.

IV. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation

The City of Beverly Hills conducted a Notice of Preparation (NOP) and Initial Study to determine the potential environmental effects of the Project. In the course of this evaluation, the Project was found to have no impact in certain impact categories because a project of this type and scope would not create such impacts or because of the absence of project characteristics producing effects of this type. The following effects were determined not to be significant or to be less than significant for the reasons set forth in the Initial Study, and were not analyzed in the EIR because they require no additional analysis to determine whether the effects could be significant. The refinements to the Project, as described in Section III, do not change the conclusions of the Initial Study.

A. AESTHETICS

1. The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway as no scenic resources such as trees or rock outcroppings exist on the project site and the project site does not lie within the viewshed of a state designated scenic highway.

B. AGRICULTURAL RESOURCES

1. The Project will not convert prime farmland, or farmland of statewide importance to non-agricultural use because there are no agricultural resources on this urban site.

2. The Project will not conflict with existing zoning for agricultural use or a Williamson Act contract because the property is not zoned for agricultural use and is not subject to a Williamson Act contract.

3. The Project does not involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use because there are no agricultural resources on the site or in the vicinity.

C. BIOLOGICAL RESOURCES

1. The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, because the site is urban.

2. The Project will not have a substantial adverse effect on any riparian habitat identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, because no such habitat exists on or in the vicinity of the Project site.

3. Federally protected wetlands will not be substantially and adversely affected by the construction or operation of the Project, as none are in existence in the vicinity of the Project site.

4. The Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

5. The Project will not conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.

6. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because there are no such plans that apply to the urban site.

D. GEOLOGY AND SOILS

1. The Project will have a less than significant impact with regard to exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure including liquefaction; or landslides.

2. The Project will not result in substantial soil erosion or the loss of topsoil.

3. The Project will not be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction, or collapse.

4. The Project will not be located on expansive soil.

5. The Project will not use septic tanks or alternative wastewater disposal systems. No impacts will result here because the Project will be served by sewers.

E. HAZARDS AND HAZARDOUS MATERIALS

1. The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

2. The Project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school.

3. The Project is not located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, and thus the Project would not result in a safety hazard for people residing in the Project area.

4. The Project is not located within the vicinity of a private airstrip.

5. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

6. The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are subject to urbanized areas or where residences are intermixed with wildlands, because the site is not in or adjacent to wildland areas.

F. HYDROLOGY AND WATER QUALITY

1. The Project will not violate any water quality standards or waste discharge requirements.

2. The Project will not substantially deplete groundwater supplies.

3. The Project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site, in part because there are no streams or rivers in the vicinity of the project site.

4. The Project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site, in part because there are no streams or rivers in the vicinity of the Project site.

5. The Project would not otherwise substantially degrade water quality.

6. The Project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map as the Project area is not within a 100-year flood zone.

7. The Project will not place structures within a 100-year flood hazard area that would impede or redirect flood flows, because the site is not in a flood hazard area.

8. The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

9. The Project will not expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow, because the site is sufficiently removed from large bodies of water, and is not near any sloped properties.

G. LAND USE AND PLANNING

1. The Project will not physically divide an established community.

2. The Project will not conflict with an applicable habitat conservation plan or natural community conservation plan.

H. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

2. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

I. NOISE

1. The Project will not be located within an airport land use plan, or within two miles of a public airport or public use airport such that the Project would expose people residing or working in the Project area to excessive noise levels.

2. The Project will not be located within the vicinity of a private airstrip such that it would expose people residing or working in the Project area to excessive noise levels.

J. POPULATION AND HOUSING

1. The Project will not induce substantial population growth in the area either directly or indirectly.

2. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.

3. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

K. PUBLIC SERVICES

1. The Project will not result in substantial adverse physical impacts associated with the provision or need of new or physically altered schools, the construction of which could cause significant environmental impacts, because it would not generate a significant number of new students.

2. The Project will not result in substantial adverse physical impacts associated with the provision or need of new or physically altered parks, the construction of which could cause significant environmental impacts, because it would not generate a population increase with additional park use demand.

3. The Project is not anticipated to cause any environmental impacts related to any other type of public facility other than those disclosed in Section VI of this Resolution.

L. RECREATION

1. The proposed Project will not increase the use of existing neighborhood or regional parks or other recreation facilities.

2. The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

M. TRANSPORTATION AND CIRCULATION

1. The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

2. The Project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

V. Effects Determined to be Less Than Significant Without Mitigation in the EIR

The EIR found that the proposed Project would have a less than significant impact without the imposition of mitigation on a number of environmental topic areas listed below. A less than significant environmental impact determination was made for each of the following topic areas listed below, based on the more expansive discussions contained in the FEIR. Further, the refinements to the Project described in Section III above do not change the following conclusions.

A. AESTHETICS

1. The Project will not have a substantial impact on views in the Project area.

2. The proposed Project will not create substantial shade/shadows that affect shadow-sensitive viewers.

B. AIR QUALITY

1. The operational phase of the Project will generate a less than significant impact with regard to air pollutions emissions and would not exceed the South Coast Air Quality Management District's (SCAQMD) operational significance thresholds.

2. The Project generated traffic, together with other cumulative traffic in the area, would incrementally increase carbon monoxide (CO) levels in the Project vicinity, but these CO levels would remain below state and federal standards and would be considered less than significant.

C. CULTURAL RESOURCES

1. The Project will not result in a loss of the historic setting integrity for the Project's site setting.

2. The Project's additional impact to historic resources would not be considered cumulative considerable.

D. LAND USE AND PLANNING

1. The Project would not be inconsistent with the General Plan and City's Zoning Ordinance as the Project would adopt the Gateway Overlay Zone which would be consistent with the City's General Plan objectives and recommendations and would allow for certain uses under the Zoning Ordinance with a separate application under the Overlay Zone.

2. The Project and potential buildout under the Project would be consistent with the City's General Plan objectives and recommendations.

E. HAZARDS AND HAZARDOUS MATERIALS

1. With implementation of applicable regulations, the Project's hazards and hazardous materials impacts will not be considered cumulatively considerable.

F. NOISE

1. Project operations, in particular the Project's increase in traffic, will not increase noise to a level that is significant.

2. The Project would not contribute to a cumulative operational noise impact from traffic or stationary non-traffic noise.

G. PUBLIC SERVICES AND UTILITIES

1. The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police department facilities, or the need for new or physically altered police department facilities the construction of which could cause

significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives for police services.

2. The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered water supply facilities, or the need for new or physically altered water supply facilities the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other performance objectives for water supply services.

3. The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered electrical or energy type facilities, or the need for new or physically altered electrical or energy type facilities the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other performance objectives for electrical or energy type facilities.

4. The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered natural gas type facilities, or the need for new or physically altered natural gas type facilities the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for natural gas type facilities.

5. The Project will not have a cumulatively considerable impact on any public services or utilities.

H. TRANSPORTATION AND CIRCULATION

1. The Project will not result in traffic hazards with respect to accessibility, design and spacing.

2. The Project will not cause a parking demand impact as the Project is anticipated to provide parking as required by City Code if developed.

3. The Project will not cause residential street traffic impacts.

I. GLOBAL CLIMATE CHANGE

1. The Project will not have an impact on greenhouse gas emissions and global climate change.

VI. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of aesthetics, air quality, cultural resources, hazards and hazardous materials, land use and planning, noise, public services and utilities and transportation and circulation. With the exception of those specific impacts to air quality, noise, and transportation and circulation as discussed in Section VII below, measures were identified that would mitigate all of these impacts to a less than significant level.

The City Council finds that the feasible mitigation measures for the Project identified in the FEIR would reduce the Project's impacts to a less than significant level, with the exception of those unmitigable impacts discussed in Section VII below. The City Council will adopt all of the feasible mitigation measures for the Project described in the FEIR as conditions of approval of the Project and incorporate those into the Project if approved. Further, the refinements to the Project described in Section III above do not change the following conclusions, and those conclusions are equally applicable to the refinements made to the Project.

A. AESTHETICS

1. Visual Character

Conceptual maximum buildout under the Project as allowed under the Gateway Overlay Zone will not alter the visual character of the Project site because any future development allowed under the Overlay Zone would require review and approval by the City's Architectural Commission. However, the aesthetics and functionality of the pedestrian zones could be affected. With the implementation of mitigation, this impact will be reduced to a less than significant level.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential pedestrian visual character impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **AES-2 Pedestrian Facility Design Review.** Prior to the issuance of any building permits for parcels 1 and 2, the Architectural Commission shall review and confirm that the pedestrian facilities, including but not limited to public sidewalks, crosswalk landings, building entry courts and plazas, are substantially consistent with such facilities as they exist along nearby commercial corridors.

b. Facts in Support of Findings

The visual character of the Project area is currently of low-to moderate quality. Low quality areas primarily include the properties currently zoned T-1 and fronting directly onto Santa Monica Boulevard. The land uses of moderate visual quality include the existing commercial retail uses fronting directly onto South Santa Monica Boulevard. The Project would limit building heights to 60 feet, in contrast with the maximum 45-foot height limits of the original project, and assumes a buildout FAR of less than 2.0 (combination of 2.0 and 1.5) over the Project area, slightly less than the original project. Although the building heights could exceed the 45-foot building height maximum analyzed under the original project scenario in some locations, the Gateway Overlay Zone objectives require the integration of ample setback areas and building modulation at each Project area intersection, along with pedestrian amenities, green space, significant public art, iconic architecture or other elements determined to be appropriate to warrant an increase in height from 45 feet to 60 feet.

Future construction of buildings with a maximum height of 60 feet, designed in conformance with the Overlay Zone objectives, would be compatible with the surrounding commercial and hotel development, because, among other things, the Beverly Hilton Hotel and assorted commercial buildings are similar in height. Although higher building heights could potentially increase the perception of massing in the Project area, required consistency with the proposed objectives and greater FAR limitations would result in a higher-quality development scenario that would have greater compatibility with the surrounding area and a more nuanced and appropriate massing. It should be noted that the original project contemplated a rezone to C-3 for the T-1 parcels, which would have allowed a by-right 2.0 FAR project on those properties. In contrast, the Project would allow for design and consistency review before the Overlay Zone could be applied and at a lower FAR as well. The single-family residential neighborhoods located across Santa Monica Boulevard and north of Parcel 3 would not be significantly impacted by the proposed Project, as they are buffered by Beverly Gardens Park and the busy four lane roadway. Therefore, the Project would not create a visual "transitional conflict" or an abrupt change of scale compared to surrounding development.

Finally, it should be noted that adoption of the Project's Gateway Overlay Zone would require each future development application submitted within the Project area to undergo review and approval by the City's Planning Commission and Architectural Commission. The Commission's review process would assess the quality of each development's design, the compatibility of the materials and colors with existing development, and would also determine a development's overall consistency with the Gateway Overlay Zone objectives and development standards. The extent to which each specific development within the Gateway Overlay Zone integrates appropriate setbacks, building modulation, pedestrian amenities, green spaces, and iconic architecture would be a particular point of emphasis during Planning Commission and Architectural Commission reviews.

Buildout of the Project as allowed under the overlay zone would not degrade the aesthetic quality of the Project area or result in incompatible development. In addition, compliance with applicable Gateway Overlay Zone development objectives and standards would be required in order to allow any property owner or project developer to request development within the Project area in accordance with the Gateway Overlay Zone development standards (e.g., a project with a FAR of between 1.5 and 2.0 FAR and buildings up to 60 feet in height). Without a formal determination of Overlay Zone consistency, any development would be held to the underlying zoning standards. To ensure continuity of pedestrian realm functionality and design, Mitigation Measure AES-2 would apply. The Project's impacts on visual character would be less than significant with mitigation. Because of the design flexibility and design objectives introduced by the proposed Overlay Zone, the Project's aesthetic impacts would likely be reduced overall compared to the original proposed project.

2. Light and Glare

Conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone, has the potential to introduce new sources of light and glare. However, with the implementation of mitigation, this impact will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential light or glare impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **AES-3 Building Material Specifications.** Prior to the issuance of any building permits, the applicant shall submit plans and specifications for all building materials to the Planning Division for review and approval by the Architectural Commission. All structures facing any public street or neighboring property shall use minimally reflective glass and all other materials used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare. The use of glass with over 25% reflectivity, as determined by the Division of Building & Safety, shall be prohibited in the exterior of all buildings on the project site.

b. **Facts in Support of Findings**

Conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone, would eliminate some existing light and glare sources and introduce new ones. Potential new sources of lighting would include the windows of the commercial office and retail space, which would allow spillover of light onto the street and towards neighboring land uses, and from the illumination of exterior building lights. Parking garage ingress and egress points would also be lighted, and headlights of vehicles entering and exiting the structure at night would cast light onto roadways and surrounding properties. In addition, building signs, including those used to identify the ground floor uses, could result in light and glare impacts. The Project as compared to the original designed project would be similar in this regard. With the implementation of mitigation measure AES-3, that requires building materials to be used in any development allowed under the Overlay Zone, be reviewed and approved by the City's Architectural Commission, impacts will be reduced to a less than significant level.

3. Cumulative Aesthetic Impacts

Conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone, coupled with cumulative development in the immediate site vicinity has the potential to cause a cumulative impact to aesthetics and functionality of pedestrian facilities. However, with the implementation of mitigation, this impact will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential cumulative pedestrian visual character impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **AES-2 Pedestrian Facility Design Review.** Prior to the issuance of any building permits for parcels 1 and 2, the Architectural Commission shall review and confirm that the pedestrian facilities,

including but not limited to public sidewalks, crosswalk landings, building entry courts and plazas, are substantially consistent with such facilities as they exist along nearby commercial corridors.

b. **Facts in Support of Findings**

The level of cumulative development in the Gateway area of Beverly Hills suggests the introduction of substantial numbers of additional pedestrians to the area. Because the design of pedestrian facilities and features for the Project area are unknown pending further development, these facilities and features may not be consistent aesthetically nor sufficient functionally. As such, the cumulative impacts to aesthetics and functionality of pedestrian facilities may be significant. However, with the implementation of mitigation measure AES-2 which requires that prior to the issuance of any building permits, the Architectural Commission review and confirm that the pedestrian facilities, including but not limited to public sidewalks, crosswalk landings, building entry courts and plazas, are substantially consistent with such facilities as they exist along nearby commercial corridors, any potential cumulative impact would be reduced to a less than significant level.

B. LAND USE

1. Land Use Compatibility

Conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone has the potential to cause land use compatibility issues with the existing adjacent commercial land uses and public facilities, and with residential uses in the Project vicinity. However, with the implementation of various mitigation measures, this impact will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential land use compatibility impact. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

AQ-1(a) Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:

- Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.
- Use new technologies as they become available to control ozone precursor emissions.
- Diesel oxidation catalysts and particulate filters shall be installed on all on and off road construction vehicles.

AQ-1(b) Fugitive Dust Control. The following shall be implemented during construction to minimize fugitive dust emissions:

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

- Soil with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.

- All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.

- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.

- All material transported off-site shall be securely covered to prevent excessive amounts of dust.

- Face masks shall be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.

- All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.

- Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.

- These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.

N-1(a) Heavy Truck Restrictions. Contractor shall prohibit off-site heavy truck activities in local residential areas.

N-1(b) Staging Area. Contractor shall provide staging areas on site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.

N-1(c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.

N-1(d) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.

N-1(e) Additional Noise Attenuation Techniques. For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby hotels do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses, The Peninsula Hotel and the Beverly Hilton Hotel, during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.

N-1(f) Alternative Pile Types. If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where

feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.

N-1(g) Additional Pile Driving Measures. If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures.

N-3(a) Rooftop Ventilation. Parapets shall be installed around all rooftop ventilation systems.

N-3(b) Truck Deliveries and Trash Pick-Up. All commercial truck deliveries and trash pickups shall be restricted to daytime operating hours (7:00AM to 10:00 PM Monday through Friday, and 8:00 AM to 10:00 PM on weekends).

T-2 South Moreno Drive/South Santa Monica Boulevard. The driveway that would serve Parcel 1 shall be reconfigured by converting the existing inbound lane to an outbound lane in order to provide two outbound lanes. This would be within the existing right-of-way and is within the jurisdiction of the City of Beverly Hills. The project will be responsible for this improvement. This measure applies to buildout of all three subject parcels ("combined project").

T-5(a) Construction Traffic Management Plan. A Construction Traffic Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to issuance of demolition, grading or building permits. Each plan shall address the following items at a minimum:

- Maintain existing access for land uses in proximity to the project site during project construction.

- Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible.

- Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time.

- Minimize obstruction of through-traffic lanes on Santa Monica Boulevard.

- Control construction equipment traffic from the contractors though flagman and traffic control devices.

- Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed project.

- Schedule vehicle movements to ensure that there are no vehicles waiting offsite 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.

T-5(b) Worker Parking Management Plan. A Worker Parking Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to the issuance of demolition, grading or building permits. To the maximum extent feasible, all working parking shall be accommodated on the project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site 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:

- Provide all construction contractors 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 any residential street or in public parking structures.

- Prohibit construction worker parking within 500 feet of the nearest point of the project site except within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary, for hiring a security guard to enforce these parking provisions. Contractor shall be responsible for all costs associated with enforcement of this mitigation measure.

- Identify sites where construction workers could park off-site, if necessary.

In lieu of the above, the project developer/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 and construction activities.

T-5(c) Construction Management Coordination. Prior to submittal to the City of Beverly Hills, the applicants 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 Transportation Authority for their review and comment. The applicants shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

T-4 Construction Coordination. The applicant for any parcel proposing to develop pursuant to the requested General Plan Amendment and Rezone shall coordinate with any nearby development that is also proposing to begin construction or is currently undergoing construction regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures.

- All major deliveries for the projects shall be coordinated to limit the occurrence of simultaneous deliveries. The project 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.

- 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.

- All construction hauling and delivery shall be scheduled in coordination with adjacent major constructions projects (9900, Hilton, Sun-Cal, other projects) as applicable.

b. **Facts in Support of Findings**

The subject of land use compatibility from an environmental impact standpoint encompasses a range of issue areas. Project features and impacts that can create incompatibilities include long term effects such as operational traffic, noise, and air quality impacts as well as aesthetic incompatibility resulting from major differences in scale between the Project and surrounding uses or introduction of new sources of light and glare. The mitigation measures recommended for air quality, noise and transportation and circulation impacts would reduce impacts that could lead to land use conflicts to levels that would avoid significant land use compatibility impacts. With implementation of recommended mitigation measures, compatibility conflicts relating to aesthetics, traffic, air quality, and noise would be reduced to below a level of significance.

C. CULTURAL RESOURCES

1. Historic Resources Impact

Conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone, has the potential to impact historic resources. However, with the implementation of mitigation, any impact will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential historic resources impact. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

CR-1(a) The property located at 9949 Santa Monica Boulevard shall be photographed by a qualified archival photographer

according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library, prior to issuance of a demolition permit for the structure.

CR-1(b) The remaining properties within the potential multiple-resource (noncontiguous) CRHR-eligible Art Deco/Moderne historic district shall be fully documented and recorded on DPR 523 forms by a qualified historic preservation professional. These forms shall include historical and architectural context supporting the eligibility of the district and property-specific research on the contributing properties. This documentation shall be submitted to the California Office of Historic Preservation as a nomination to the CRHR prior to issuance of a demolition permit for the structure.

CRS-1 Prior to the application of the overlay zone to individual parcels within the revised project area, or to buildings defined in the Historic Resources Report Addendum as Previously Found to be Eligible, Potentially Eligible, or Appears to be Eligible, the City of Beverly Hills shall require the preparation of a Historic Resources Report for the affected property by a qualified historian or architectural historian. This report shall determine if the property is eligible for listing or designation in the NRHP, CRHR or as a City of Beverly Hills landmark. For properties that are found to be eligible the findings of the Historic Resources Report shall be included in the project specific environmental document prepared for the development project.

b. **Facts in Support of Findings**

The property at 9949 Santa Monica Boulevard is considered an historic resource for the purposes of CEQA. The structure at 9949 Santa Monica Boulevard is a potential contributor to a multiple-resource (noncontiguous) California Register of Historic Resources (CRHR) eligible historic district composed of six Art Deco/Moderne buildings. As part of the conceptual maximum buildout on Parcel 1, this structure would be demolished to accommodate potential future development on the site that would be allowed under the Gateway Overlay Zone. The impact of demolition of the 9949 Santa Monica Boulevard structure would be a loss of design integrity for the potential district. The impact is considered potentially significant and adverse, but mitigable to a less than significant level.

Additionally, based on the addendum to the original historic resources report that is included within the Appendix to the EIR, eight additional buildings within the project area are considered potentially historic resources. Six properties are considered potentially historic based upon their age and integrity. Two are considered notable examples of the Streamline Moderne architectural style of the late 1930s and "Post World War II Commercial Building."

Although no specific development is proposed as part of the Project, it would establish a zoning overlay that could involve future development of the entire Project area. Future applicants requesting development on the properties where these additional structures exist in conformance with the proposed Gateway Overlay Zone could result in impacts to the design integrity of the CRHR-eligible historic district composed of six Art Deco/Moderne buildings as defined and identified in the City of Beverly Hills Historic Resources Survey Report, Survey Area 5: Commercial Properties survey update. In addition, future development would likely impact individual structures potentially eligible under the National Register of Historic Places (NRHP), CRHR or City of Beverly Hills landmark criteria. Similar to the original project, the impacts associated with the Project are considered potentially significant and adverse, but mitigable to a less than significant level. Mitigation measures CR-1(a) and CR-1 (b) would apply to reduce this impact to a less than significant level. In addition, mitigation measure CRS-1 would be required as part of any future project-specific environmental analysis prepared for any specific development proposed within the revised project area.

D. HAZARDS AND HAZARDOUS MATERIALS

1. Asbestos

Demolition of any existing structures on the Project site, as allowed by the Project pursuant to the Gateway Overlay Zone, has the potential to cause the release of hazardous materials, more specifically, asbestos. However, with the implementation of mitigation, any potential impact will be reduced to a level of insignificance.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential release of asbestos. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **HAZ-1 Asbestos.** Prior to issuance of a demolition permit for any structure, an asbestos survey shall be performed by a qualified and appropriately licensed professional. All testing procedures shall follow recognized local standards as well as established California and Federal assessment protocols and SCAQMD Rule 1403. The asbestos survey report shall quantify the areas of asbestos containing materials. Prior to any demolition or renovation, onsite structures that contain asbestos must have the asbestos containing material removed according to proper abatement procedures recommended by the asbestos consultant and as required by the SCAQMD. All abatement activities shall be in compliance with California and Federal OSHA, and with the SCAQMD requirements including SCAQMD Rule 1403. Following completion of the asbestos abatement, the asbestos consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of asbestos-containing materials removed, where the material was

moved to, and include transportation and disposal manifests or dump tickets.

b. **Facts in Support of Findings**

Based on the age of the buildings within Project area, it is possible that asbestos is present in the existing structures on the Project site. Future development within the Project area could include demolition of the existing buildings and structures, which could contain asbestos. Demolition could potentially create a significant hazard to the public or the environment through the release of this hazardous material. Asbestos Containing Material (ACM) would require abatement prior to demolition or renovation of any existing building within the Project area. Adherence to existing regulations, including SCAQMD Rule 1403, requires that the owner or operator of any demolition or renovation activity have an asbestos survey performed prior to demolition. To reduce potential impacts related to the release of ACM, the Project would need to adhere to Mitigation Measure HAZ-1 that requires an asbestos survey to be performed by a qualified and appropriately licensed professional, and that all testing procedures follow recognized local standards as well as established California and Federal assessment protocols and SCAQMD Rule 1403. With the implementation of this measure, impacts will be reduced to a less than significant level.

2. Lead Based Paint

Demolition of any existing structures on the Project site, as allowed by the Project pursuant to the Gateway Overlay Zone, has the potential to cause the release of hazardous materials, more specifically, lead based paint. However, with the implementation of mitigation, any potential impact will be reduced to a level of insignificance.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential release of lead based paint. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **HAZ-2(a) Lead Based Paint.** Prior to the issuance of a permit for the renovation or demolition of any structure on any of the site parcels, the developer shall contract with a licensed lead-based paint consultant to evaluate the structure for lead-based paint. If lead based paint is discovered, it shall be removed according to proper abatement procedures recommended by the consultant. All abatement activities shall be in compliance with California and Federal OSHA requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead based paint

abatement, the lead based paint consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of lead based paint materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.

b. **Facts in Support of Findings**

Construction on each of the Project parcels may involve the demolition of all or portions of the existing buildings. Due to their age, they may contain lead-based paint. If present, lead-based paint requires abatement prior to demolition or renovation of any existing building. To reduce the potential impacts related to lead-based paint exposure to less than significant levels, the Project would need to adhere to Mitigation Measure HAZ-2(a) that requires that prior to the issuance of a permit for the renovation or demolition of any structure on any of the site parcels, the developer shall contract with a licensed lead-based paint consultant to evaluate the structure for lead-based paint. If lead based paint is discovered, certain abatement procedures will need to be followed. With the implementation of this measure, any impact associated with lead based paint will be reduced to a level of insignificance.

3. Contaminated Soil

Contaminated soil is present on the Project site as a result of historic activities and hazardous materials storage or use on site and/or on adjacent parcels. Groundwater underneath the Project site also has the potential to be contaminated as a result of historic activity on adjacent properties. With the implementation of mitigation, impacts relating to soil and potential groundwater contamination will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential soil and groundwater contamination impact. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

HAZ-3(a) Excavation and Demolition Contingency Plans. The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the combined project area to be implemented in the event that contaminants or structural features not previously known of are suspected or discovered. The contingency plan shall identify appropriate measures to be followed if contaminants are found or suspected. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials, and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating at what point it is safe to

continue with the excavation or demolition, and identify the person authorized to make that determination.

HAZ-3(b) Soil Sampling and Remediation for above grade Construction. If grading or construction above grade is proposed on any of the three project parcels, or the soil is otherwise to be disturbed, the elevated arsenic and lead concentrations shall be further evaluated through additional soil sampling and analysis. Elevated arsenic concentrations are known to be present in each parcel, while lead was detected in parcels 1 and 3. The developer shall forward results of the soil sampling to the local regulatory agency (County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency will review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall submit all correspondence to the Community Development Department prior to issuance of grading or building permits. Any remediation activities recommended by either agency shall be implemented in full.

HAZ-3(c) Soil Sampling and Remediation for Subterranean Construction. Soil materials on all three subject parcels shall be evaluated, profiled and remediated either prior to construction of structures or concurrent with excavation. The contaminated materials shall be profiled for disposal and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency, such as the (County of Los Angeles Fire Department CUPA), Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The developer shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, a qualified environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

HAZ-3(d) Groundwater Sampling and Remediation. If, during the soil sampling on any of the three subject parcels, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the developer shall perform a groundwater sampling assessment. If contaminants

are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (County of Los Angeles Fire Department CUPA), Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.

b. **Facts in Support of Findings**

Phase 1 and Phase II Environmental Site Assessment reports prepared by Rincon Consultants, Inc. indicate that historic activities on-site have introduced contaminants to the soil, including arsenic. Groundwater contamination may have also occurred due to the historic and ongoing activities.

The Project site is in an area that has been developed since at least the 1920s. The Phase I ESA report concluded that up to six potential RECs, as more fully defined in the EIR, may have affected the parcels. Based on this conclusion, a Phase II ESA was performed. The Phase II study concluded that parcel soils have been impacted with concentrations of various constituents, including TPHo, arsenic and lead, in varying concentrations across the combined Project area. Concentrations of arsenic and lead exceed residential and industrial CHHSLs, SLs, and the typical background metal concentrations reported in California soils. The elevated lead concentrations were detected in Parcel 1 and Parcel 3 soils, and the elevated arsenic concentrations were detected in soils on all three parcels. The study recommends that if development is planned for the parcels or if the underlying soil will be disturbed, the elevated arsenic and lead concentrations should be further evaluated through additional soil sampling and analysis. While the TPHo concentrations remain below RWQCB soil screening levels, if these contaminated soils are transported offsite, they should be further evaluated through additional soil sampling and analysis. The elevated TPHo concentration was detected in Parcel 2. The ground surface and therefore the known surface contaminants would be disturbed during any proposed or potential development on the site. In addition, site excavation and re-grading would be required for the subterranean parking facilities. If appropriate remedial actions are not taken, excavation and transport of such contaminants could potentially result in exposure of workers or the public to health hazards. This is considered a potentially significant impact.

To reduce the potential impacts related to contaminated soil or groundwater exposure to less than significant levels, Mitigation Measures HAZ-3(a) through HAZ-3(d) would apply to future development allowed under the Project's Gateway Overlay Zone. These measures require various sampling and remediation measures be put in place if contaminated soil or groundwater is discovered. With the implementation of these measures, any potential impact will be reduced to a less than significant level.

E. NOISE

1. Project Construction Noise

Construction associated with conceptual maximum buildout of the Project, as allowed under the Gateway Overlay Zone, would generate temporary noise levels that could affect sensitive receptors near the Project site, particularly the residences and hotels across North Santa Monica Boulevard and South Santa Monica Boulevard. However, with the implementation of mitigation, any impact will be reduced to a less than significant level.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential construction noise impact. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

> **N-1(a) Heavy Truck Restrictions.** Contractor shall prohibit off-site heavy truck activities in local residential areas.
>
> **N-1(b) Staging Area.** Contractor shall provide staging areas on site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.
>
> **N-1(c) Diesel Equipment Mufflers.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
>
> **N-1(d) Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
>
> **N-1(e) Additional Noise Attenuation Techniques.** For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby hotels do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses, The Peninsula Hotel and the Beverly Hilton Hotel, during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on

additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.

N-1(f) Alternative Pile Types. If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.

N-1(g) Additional Pile Driving Measures. If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures.

b. **Facts in Support of Findings**

Assuming concurrent conceptual maximum buildout of the Project, construction activities could generate noise levels exceeding thresholds for noise and groundborne vibration. Noise created by excavation and foundation activities would generally attenuate to below 65 dBA prior to reaching the multi-family residential uses located approximately 250 feet to the south along Durant and Lasky Drives. The single-family residences north of Parcel 3 are separated from the Project site by the four-lane North Santa Monica Boulevard, mature trees, and an approximately six-foot tall masonry wall; these obstacles combined with the distance from the site would reduce construction generated sound at the location to levels below 60 dBA. However, noise and vibrations created by excavation and foundation activities could result in levels exceeding 75-79 dBA for the two hotels, which are located approximately 120 to 150 feet from the site. Incorporation of Mitigation Measures N-1(a) through N-1(e) would reduce construction-related noise levels at the two hotels by placing noise sources away from the hotels, and attenuating the noise levels prior to reaching the site boundaries.

Further, with the Project, construction noise impacts would be incrementally reduced as compared to the original project. The primary factor contributing to the potential decrease in

construction noise would be the reduction in the permitted project area FAR from 2.0 (as proposed in the original project) to an average between 2.0 and 1.5, which would incrementally reduce parking requirements on-site and would thus reduce the need to excavate beneath the Project site for the construction of subterranean parking structures to accommodate future development. Because this reduction would be offset by the proposed Overlay Zone's requirement that additional public parking be required, the resulting amount of excavation would be generally similar. Similar to the original project, the construction of foundations for these parking structures could require pile-driving activities, which could result in noise levels that exceed thresholds for off-site sensitive uses located northwest and southeast of the project area. All construction activities associated with buildout of the Project would only be permitted during the hours of 8:00 AM and 6:00 PM in accordance with Beverly Hills Municipal Code Section 5-1-206. The Project would also be required to comply with mitigation measures N-1(f) through N-1(g) which imposes measures to reduce noise impacts associated with pile driving. Impacts would remain less than significant after mitigation.

2. Operational Stationary Noise

Stationary noise sources associated with the Project would include light machinery, rooftop ventilation and heating systems, delivery trucks, trash hauling, conversations, and door slamming. These noises have the potential to cause an impact to surrounding sensitive uses. However, with the implementation of mitigation, any potential operational stationary noise impact will be reduced to less than significant.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential operational noise impact. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

> **N-3(a) Rooftop Ventilation.** Parapets shall be installed around all rooftop ventilation systems.
>
> **N-3(b) Truck Deliveries and Trash Pick-Up.** All commercial truck deliveries and trash pickups shall be restricted to daytime operating hours (7:00AM to 10:00 PM Monday through Friday, and 8:00 AM to 10:00 PM on weekends).

b. **Facts in Support of Findings**

Existing uses near the Project site may periodically hear noises associated with maximum buildout and operation of the proposed Project, including noise that is typical of commercial office and retail developments such as light machinery, conversations, doors slamming, etc. As shown in Table 4.6-2 in the EIR, measured existing noise levels along Santa Monica and Wilshire boulevards exceed 70 dBA.

These elevated levels are due to high activity on the boulevards, including retail and restaurant uses along both sides, and consistent traffic along these busy streets. Therefore, the noise from onsite activities would generally be lower than the existing traffic and commercial

activity noise levels in the busy mixed-use area and would not be expected to exceed the City's Noise Ordinance standards.

On-site operations are expected to also involve noise associated with rooftop ventilation and heating systems, delivery trucks, and trash hauling. Daytime activities associated with the Project, such as deliveries and trash pickups, are not expected to significantly affect nearby sensitive receptors, due to their relatively low frequency and the lower noise level sensitivity of receptors during the day. However, if commercial deliveries or trash pickups were to occur between the hours of 10:00 PM and 7:00AM on weekday nights or 10:00 PM and 8:00 AM on weekend nights, area residents could be subject to noise in exceedance of the standards shown in Table 4.6-1 in the EIR. This is considered a potentially significant impact; however, incorporation of the mitigation measures above would reduce this impact to a less than significant level. General parking lot noise, including the movement of vehicles through the parking garage and the slamming of doors, conversations, etc. would be reduced due to the placement of most of these activities within parking garages. However, noise from rooftop ventilation systems may result in noise impacts on the nearby sensitive uses in the area. This is considered a potentially significant impact. With implementation of the mitigation measures above, this impact will be reduced to a less than significant level.

F. PUBLIC SERVICES AND UTILITES

1. Fire Services

Full buildout of the Project, as allowed under the Gateway Overlay Zone, would incrementally increase demands on the Beverly Hills Fire Department. Although this increase would not require the construction of new fire protection facilities, existing infrastructure may not be sufficient to meet the required fire flows for the proposed Project. However, with the implementation of mitigation, this potential impact will be reduced to a level of insignificance.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential fire services impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **PSU-1 Fire Flow Upgrade.** If the City Engineer determines that upgrades to the existing fire flow infrastructure are required to serve the proposed project(s), the applicant shall pay its "fair share" for the cost of the upgrade as determined by the City. Payment for this upgrade shall be made prior to the issuance of a building permit.

b. Facts in Support of Findings

The Project could increase the maximum permitted building height to 60 feet and would increase the total area available for urban development when compared to the original project. Despite the potential increase in building height, and development area, the Beverly Hills Fire Department (BHFD) presently responds to emergency calls throughout the City with adequate

service and within the response time targets. Three fire stations are between one and two miles from the Project site and the Project site is within an existing response area. Therefore, fires and medical emergency incidents expected to occur within the Project area could be addressed with existing staffing and equipment typically found at City fire stations. The BHFD would complete a specific fire safety review of specific development plans before any development could proceed within the Gateway Overlay Zone. Therefore, impacts to fire and emergency services would be less than significant. However, if the BHFD identifies specific fire flow deficiencies during plan review, any proposed development would be required to pay its "fair share" of the cost to upgrade. Mitigation Measure PSU-1 would be imposed to implement this requirement. With the implementation of this mitigation measure, impacts will be reduced to a less than significant level.

2. Wastewater Demand

While the City's wastewater treatment plant has sufficient capacity to accommodate the increase in wastewater generation from the buildout of the Project, the local sewer conveyance infrastructure may not be adequate to serve the Project's contribution to wastewater generation. However, with the implementation of mitigation, this impact will be reduced to a less than significant level.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential wastewater services impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **PSU-4** The project developers shall provide a fair-share contribution of funds, proportional to each project's contribution of wastewater to the affected infrastructure elements, towards necessary upgrades to sewer conveyance infrastructure to the satisfaction of the City Engineer. Funds shall be paid prior to issuance of building permits for each parcel.

b. **Facts in Support of Findings**

The on-site sewage collection and conveyance network has been designed to comply with the City of Beverly Hills' standards and has been sized to handle the expected flows from buildout of the Project. As part of the standard building check, the City of Beverly Hills Engineering staff would review these plans to ensure compliance with all design standards. However, the City Engineer has identified sewer conveyance infrastructure elements serving the Project that would require upgrading to accommodate the Project's wastewater generation.

The Hyperion Treatment Plant, which ultimately treats the City's sewage, is operating at 111 million gpd below capacity. The Project could be expected to represent slightly less than the 0.039 percent of excess capacity estimated for the original project. Therefore, sufficient treatment capacity at Hyperion exists to serve the Project.

An increase above the set limits in the amount of sewage treated at Hyperion could result in the plant not being able to meet pollutant standards outlined in the NPDES permit issued by the RWQCB. Since there is sufficient treatment capacity at Hyperion to accommodate the wastewater discharged by the proposed Project, the limit on the amount of sewage treated at Hyperion would not be exceeded. Therefore, the plant would be able to adequately treat Project-generated sewage in addition to existing sewage, and the treatment requirements of the RWQCB would not be exceeded.

In summary, no new wastewater treatment facilities or expansion of existing facilities would be necessary, and the wastewater treatment requirements of the RWQCB would not be violated. However, mitigation is required to ensure that the City's sewer conveyance infrastructure is adequate to serve the Project's additional contribution to wastewater generation. With the implementation of mitigation measure PSU-4 that requires developers to provide a fair-share contribution of funds towards necessary upgrades to sewer conveyance infrastructure to the satisfaction of the City Engineer, impacts will be less than significant.

3. Stormwater Runoff

Potential buildout of the Project would increase pervious surfaces on the Project site that would increase the quantity of stormwater runoff which could exceed the capacity of the existing stormwater infrastructure. With the implementation of mitigation, this impact would be reduced to a level of insignificance.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen any potential stormwater runoff impact. Specifically, the following mitigation measure is imposed upon the Project to ensure a less than significant impact:

> **PSU-5** The project developers for parcels 1 and 2 shall provide a fairshare contribution of funds, proportional to each project's contribution of increased stormwater runoff to the affected infrastructure elements, towards necessary upgrades to stormwater infrastructure to the satisfaction of the City Engineer. Funds shall be paid prior to issuance of building permits for each parcel.

b. **Facts in Support of Findings**

The Project would replace partially permeable surfaces on portions of parcels 1 and 2 with paving, commercial structures, and landscaping.. The Project's proposed development of additional properties zoned C-3 would incrementally reduce stormwater runoff within parcels 1, 2, and 3. The Gateway Overlay Zone objectives detailed in the FEIR require the dedication of substantial green space and public open space adjacent to public streets, which would convert these areas developed almost entirely with impervious surfaces into urban spaces capable of capturing and treating stormwater runoff prior to off-site discharge into the City's storm drain system . The additional open space development requirements combined with the City's Storm Water and Urban Runoff Pollution Control regulations would incrementally reduce impacts to the City's stormwater infrastructure. However, mitigation measure PSU-5 is imposed upon the

Project to ensure that any necessary upgrades to stormwater infrastructure are implemented through a fairshare contribution from developers proposed developments in the Project area. With the implementation of this measure, any potential stormwater impact will be reduced to a less than significant level.

4. Solid Waste Disposal

The Project would incrementally increase the long term generation of solid waste. However, the facilities that handle solid waste have adequate capacity to handle the increase. Although a significant impact would not exist, mitigation is imposed to ensure this already less than significant impact remains insignificant.

a. **Findings**

Changes or alterations have been required in, or incorporated into, the Project that ensures the already less than significant solid waste disposal impact remains insignificant. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

> **PSU-6(a) Construction Recycling.** Demolition and/or excess construction materials shall be separated onsite for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. This requirement shall be printed on the grading and construction plan. The applicant shall provide the Department of Community Development with receipts for recycled materials.
>
> **PSU-6(b) Recycling Collection.** The proposed project shall include equal recycling collection space in comparison to rubbish collection facilities. The recycling bins shall be clearly marked with a description of what types of materials can be recycled. The applicant shall establish recycling service with the City's waste hauler. Documentation of service shall be submitted to the Department of Community Development.

b. **Facts in Support of Findings**

The Project would incrementally decrease construction related solid-waste impacts when compared to the original project, due to the slight reduction in development potential in the Project area. Similar to the original project, building demolition would be required under the Project at maximum buildout. However, the handling of demolition waste would be subject to AB 939 requirements for salvaging, recycling, and reuse of materials from demolition and construction activity occurring within the Project area. Disposal and demolition would be a one-time activity and Project development would be required to divert at least 50 percent of its waste from landfills. Furthermore, the four landfills serving the City of Beverly Hills have adequate capacity to accommodate the anticipated demolition debris. Similar to the original project, construction related solid waste impacts would be less than significant as long as the applicable ordinances are followed.

Despite the increased land area available for development under the refinements to the Project, it is reasonable to assume that the operational solid waste generation would be similar or incrementally less than the 0.042 percent of the daily solid waste tonnage (after source reduction and recycling programs) estimated for the original project. The decrease in the Project FAR from 2.0 to a level between 1.5 and 2.0 would reduce the total permitted building square footage within the Project area. Moreover, the integration of additional building setbacks and open space areas would be required for any future development proposing buildout up to the allowed maximum FARs. Impacts would remain less than significant, as the Project would be required to comply with the City's solid waste diversion targets and would include spaces for recycling pursuant to SB 1405.

Nevertheless, mitigation is imposed upon development in the Project area to ensure this already less than significant impact remains insignificant. Specifically, mitigation measures PSU-6(a) and PSU-6(b) would require recycling bins be provided during construction and operation.

G. TRANSPORTATION AND CIRCULATION

1. Construction Traffic – Project Specific and Cumulative

Traffic associated with construction activities for full buildout of the Project would result in temporary, but potentially significant traffic impacts. Impacts would occur as a result of frequent haul truck traffic, construction-worker parking, and cumulative construction traffic. However, mitigation will be imposed to ensure that construction traffic is reduced to a level of insignificance.

a. Findings

Changes or alterations have been required in, or incorporated into, the Project that ensures the construction traffic impact will be reduced to a level of insignificance. Specifically, the following mitigation measures are imposed upon the Project to ensure a less than significant impact:

> **T-5(a) Construction Traffic Management Plan.** A Construction Traffic Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to issuance of demolition, grading or building permits. Each plan shall address the following items at a minimum:
>
> - Maintain existing access for land uses in proximity to the project site during project construction.
> - Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible.

- Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time.

- Minimize obstruction of through-traffic lanes on Santa Monica Boulevard.

- Control construction equipment traffic from the contractors though flagman and traffic control devices.

- Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed project.

- Schedule vehicle movements to ensure that there are no vehicles waiting offsite 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.

T-5(b) Worker Parking Management Plan. A Worker Parking Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to the issuance of demolition, grading or building permits. To the maximum extent feasible, all working parking shall be accommodated on the project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site 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:

- Provide all construction contractors 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 any residential street or in public parking structures.

- Prohibit construction worker parking within 500 feet of the nearest point of the project site except within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary, for hiring a security guard to enforce these parking provisions. Contractor shall be responsible for all costs associated with enforcement of this mitigation measure.

- Identify sites where construction workers could park off-site, if necessary.

In lieu of the above, the project developer/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 and construction activities.

T-5(c) Construction Management Coordination. Prior to submittal to the City of Beverly Hills, the applicants 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 Transportation Authority for their review and comment. The applicants shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

T-4 Construction Coordination. The applicant for any parcel proposing to develop pursuant to the requested General Plan Amendment and Rezone shall coordinate with any nearby development that is also proposing to begin construction or is currently undergoing construction regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures.

- All major deliveries for the projects shall be coordinated to limit the occurrence of simultaneous deliveries. The project

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.

- 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.

- All construction hauling and delivery shall be scheduled in coordination with adjacent major constructions projects (9900, Hilton, Sun-Cal, other projects) as applicable.

b. **Facts in Support of Findings**

Similar to the original project, construction-related traffic could potentially cause significant impacts to study area intersections and proximate areas. The potentially significant traffic impacts would be from haul truck traffic, delivery and staging of material, worker traffic, and worker parking needs. Much of the haul truck traffic impacts would be associated with the removal of large volumes of soil material required for construction of below grade parking facilities. Another potential issue associated with haul truck use is the potential for these trucks to divert to other roadways in the area or informally stage equipment near the Project site. Material and equipment staging would likely occur on-site during most phases of construction; however, there may be intermittent periods when on-site staging and storage is not available.

Delivery trucks could cause temporary traffic interruptions, as they could lead to temporary lane closures when material is unloaded. Given the layout of the Project, it is possible that lane closures would be needed, especially during delivery of construction material and equipment.

Construction worker traffic and the lack of adequate construction parking would add vehicles to the roadway infrastructure. Similar to the original project, the number of workers required for development of all three parcels under the Project would likely be less than the 400-500 peak hour trips generated during the various study traffic study periods. During the majority of any anticipated construction period, worker parking would likely be accommodated on site. However, during the excavation phase, a high number of off-site parking spaces could be required due to the additional area potentially available for development under the Project.

Mitigation measures T-4 and T-5(a) through T-5(c) would be required for future development proposed within the Gateway Overlay Zone in order to reduce temporary construction-related traffic impacts to a less than significant level. With the implementation of these measures, impacts will be less than significant.

VII. Environmental Effects that Remain Significant and Unavoidable After Mitigation

In the environmental areas of air quality, noise and transportation and circulation there are instances where environmental impacts would remain significant and unavoidable even after mitigation. The refinements to the Project detailed in Section III of this Resolution would not change the conclusion that these areas will contain impacts that would remain significant and unavoidable. These areas are discussed below.

A. AIR QUALITY

1. Construction Air Quality Impacts (NOx) – Project Specific and Cumulative

Temporary air pollutant emissions generated by construction activities associated with concurrent conceptual maximum buildout of the Project would exceed South Coast Air Quality Management District's (SCAQMD) thresholds for NOx, PM10, and PM2.5. With the incorporation of mitigation, PM10 and PM 2.5 impacts would be reduced to a less than significant level. However, NOx emissions would continue to exceed the thresholds.

a. **Findings**

Changes or alterations have been required in, or incorporated into the Project to attempt to lessen any construction air quality impact. More specifically, mitigation is imposed to lessen the significant impact. Although the PM10 and PM 2.5 emissions will be reduced to a less than significant level, NOx emissions will continue to exceed the applicable thresholds. As such, the construction air quality impact associated with NOx from both the project, and from a cumulative perspective, will remain significant and unavoidable.

There are no feasible mitigation measures other than the mitigation articulated below that would reduce any potentially significant construction air quality impact to a less than significant level. Accordingly, specific economic, social, technological, or other considerations make infeasible other mitigation and project alternatives identified in the EIR.

> **AQ-1(a) Ozone Precursor Control.** The following shall be implemented during construction to minimize emissions from construction equipment:
>
> - Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications.
> - Use new technologies as they become available to control ozone precursor emissions.
> - Diesel oxidation catalysts and particulate filters shall be installed on all on and off road construction vehicles.
>
> **AQ-1(b) Fugitive Dust Control.** The following shall be implemented during construction to minimize fugitive dust emissions:

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

- Soil with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.

- All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.

- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.

- All material transported off-site shall be securely covered to prevent excessive amounts of dust.

- Face masks shall be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.

- All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.

- Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.

- These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.

b. **Facts in Support of Findings**

Temporary air pollutant emissions generated by construction activities associated with buildout of the Project would be slightly reduced compared to the estimated maximum daily construction emissions for the original project that included the development proposal for Parcel 2. Although the Project assumes the potential for demolition of all commercial retail structures located along South Santa Monica Boulevard, this does not represent a change from the existing zoning and land use designations, which already allow re-development on these properties up to 2.0 FAR. The Project buildout FAR of less than 2.0 (combination of 2.0 and 1.5) could generate a slightly larger volume of soil material during the excavation phase. However, this would be offset by a reduction in total on-site parking requirements related to the reduction in 2.0 FAR assumed for the previously analyzed project (even though additional public parking would be required – for generally similar construction impacts), increased setbacks and landscaping, and improved access to alternative modes of transportation. Concurrent development within the Project area is assumed to last approximately 20 months.

Estimated temporary construction emissions for the Project would likely exceed SCAQMD thresholds for ROG, NOx, PM_{10} and $PM_{2.5}$ (assuming concurrent buildout). Therefore, impacts from construction generated emissions would be potentially significant. Mitigation Measures AQ-1(a) and AQ-1(b) would be required of the Project to reduce construction related PM_{10} and $PM_{2.5}$ emissions below SCAQMD thresholds. However, temporary construction-related NOx emissions would still exceed the SCAQMD thresholds even after implementation of mitigation measures AQ-1(a) and AQ-1(b). However, the additional potential emissions would be only incrementally higher than those analyzed for the original project, which itself were based on a maximum (and therefore unlikely) scenario in which all potential development would occur at once. Thus, the increase would not be expected to be substantial.

NOx emissions associated with the hauling of excess cut material during the mass grading phase of construction would continue to exceed the SCAQMD threshold. To avoid this exceedance, the number of daily truck trips during the mass grading phase would need to be reduced. A reduction in daily truck trips would lengthen the overall construction schedule, which in turn, would prolong temporary traffic, noise and air quality impacts. For this reason, limiting daily truck trips is considered undesirable and infeasible mitigation. Therefore, in the unlikely event that the Project is developed simultaneously, temporary construction-related air quality impacts would be unavoidably significant due to the exceedance of the SCAQMD threshold for NOx emissions. The Project's contribution of NOx emissions will also be considered cumulative considerable.

B. NOISE

1. Cumulative Construction Noise

Construction of the Project, along with other projects, has the potential to cause a cumulative construction noise impact. Although mitigation is imposed in an effort to reduce this impact, this impact will remain significant and unavoidable.

a. **Findings**

Changes or alterations have been required in, or incorporated into the Project to attempt to lessen any cumulative construction noise impact. More specifically, mitigation is imposed to lessen the significant impact. Nevertheless, this impact will remain significant and unavoidable even with the imposition of mitigation detailed below.

There are no feasible mitigation measures other than the mitigation articulated below that would reduce any potentially significant cumulative construction noise impact to a less than significant level. Accordingly, specific economic, social, technological, or other considerations make infeasible other mitigation and project alternatives identified in the EIR.

> **T-4 Construction Coordination.** The applicant for any parcel proposing to develop pursuant to the requested General Plan Amendment and Rezone shall coordinate with any nearby development that is also proposing to begin construction or is currently undergoing construction regarding the following:
>
> - All temporary roadway closures shall be coordinated to limit overlap of roadway closures.
> - All major deliveries for the projects shall be coordinated to limit the occurrence of simultaneous deliveries. The project 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.
> - 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.
> - All construction hauling and delivery shall be scheduled in coordination with adjacent major constructions projects (9900, Hilton, Sun-Cal, other projects) as applicable.

b. **Facts in Support of Findings**

Construction of the Project and related projects in the area, as identified in Table 3-1 in the EIR could contribute to a cumulative construction noise impact. Several projects are

proposed or pending in the area, including The Beverly Hilton Revitalization Plan Project and the 9900 Wilshire Project. Project construction phases could overlap with the other projects in the immediate vicinity. Construction activities on these projects would generate similar noise levels as the Project. In turn, these noise levels could exceed compatibility thresholds for nearby sensitive uses. Construction noise is localized and rapidly attenuates within an urban environment. Therefore, related projects outside the immediate site vicinity are located too far from the Project site to contribute to increases in ambient noise levels associated with construction in the project area. In the event that the 9900 Wilshire and Beverly Hilton Revitalization Plan projects also undertake construction activity at the same time as the proposed Project, the cumulative construction noise impact from multiple construction sites adjacent to one another would result in a cumulatively significant impact.

Mitigation Measure T-4 would help reduce potentially significant cumulative construction noise impacts. Although implementation of Mitigation Measure T-4 would reduce potentially significant impacts during construction of the proposed Project in combination with other approved or pending projects, noise levels could still temporarily exceed compatibility thresholds, and the cumulative impact would remain potentially significant and unavoidable.

C. TRANSPORTATION AND CIRCULATION

1. Project Plus Existing Traffic Impacts

Traffic generated from maximum buildout of the Project when added to existing traffic conditions, would result in significant impacts at two of the eleven studied intersections. Although mitigation is available to reduce impacts at one of these locations, mitigation is not feasible at the other location. Therefore, project traffic impacts would remain significant and unavoidable.

a. Findings

Changes or alterations have been required in, or incorporated into the Project to attempt to lessen any project related traffic impacts. More specifically, mitigation is imposed to lessen the significant impact. Nevertheless, this impact will remain significant and unavoidable even with the imposition of mitigation detailed below with regard to the South Santa Monica Boulevard and Wilshire Boulevard intersection.

There are no feasible mitigation measures other than the mitigation articulated below that would reduce any project related traffic impacts to a less than significant level. Accordingly, specific economic, social, technological, or other considerations make infeasible other mitigation and project alternatives identified in the EIR.

b. Facts in Support of Findings

As illustrated in Table 4.8-11 in the DEIR, there are two locations where the addition of Project traffic would create significant traffic impacts, as defined by the City of Beverly Hills significance criteria. These two locations disclosed in the DEIR include

- *Spalding Drive/Olympic Boulevard*

- *South Santa Monica Boulevard/Wilshire Boulevard*

The Spalding Drive and Olympic Boulevard intersection is mitigated in the DEIR to a less than significant level with the imposition of mitigation measure T-1. This measure required the restriping of the southbound right turn lane to provide a right turn lane with a separate through/left turn lane. Since the DEIR was published, the City extended the red curb at the west side of the southbound approach to 180 feet from the intersection. As such, the southbound approach currently operates as a right turn lane with a shared through/left turn lane. With the updated lane configuration, there is no longer a significant impact at the intersection of Spalding Drive and Olympic Boulevard.

However, there is still a significant impact at South Santa Monica Boulevard/Wilshire Boulevard. As disclosed in the EIR, the addition of project traffic would cause an increase in the V/C ratio at the intersection of South Santa Monica Boulevard/Wilshire Boulevard during the AM, PM, and Midday Peak Hours. This increase in traffic exceeds the allowable threshold during the all three Peak Hours and is considered a significant impact.

The Project, as provided by the Gateway Overlay Zone would include the aforementioned land uses, but could also include restaurant, theatre, museum and hotel land uses which as a whole would generate fewer trips than the office and retail land uses. Since the overall development of the Project with the Overlay Zone would be less intense and the land use mix would generate (on average) fewer trips per square foot of development than the originally proposed project, the ultimate buildout of the Project is anticipated to generate fewer trips than what was identified in the original project.

Nevertheless, development of all three parcels would result in potentially significant impacts to traffic levels of service for the Existing Plus Project Parcels 1, 2, and 3 conditions. No feasible mitigation is available to mitigate the impacts at the intersection of South Santa Monica Boulevard/Wilshire Boulevard. Therefore, this impact would remain significant and unavoidable.

2. Project Plus Cumulative Traffic Impacts

Development of the Project in combination with cumulative traffic growth, would result in significant impacts at three of the eleven study area intersections. Mitigation is available to reduce impacts at two of these intersections. However, mitigation is not feasible at the third location. Therefore, project traffic impacts would remain significant and unavoidable.

a. **Findings**

Changes or alterations have been required in, or incorporated into the Project to attempt to lessen any Project plus cumulative traffic impacts. More specifically, mitigation is imposed to lessen the significant impact. Nevertheless, this impact will remain significant and unavoidable even with the imposition of mitigation detailed below with regard to the South Santa Monica Boulevard and Wilshire Boulevard intersection.

There are no feasible mitigation measures other than the mitigation articulated below that would reduce any project related traffic impacts to a less than significant level. Accordingly,

specific economic, social, technological, or other considerations make infeasible other mitigation and project alternatives identified in the EIR.

> **T-2 South Moreno Drive/South Santa Monica Boulevard.** The driveway that would serve Parcel 1 shall be reconfigured by converting the existing inbound lane to an outbound lane in order to provide two outbound lanes. This would be within the existing right-of-way and is within the jurisdiction of the City of Beverly Hills. The project will be responsible for this improvement. This measure applies to buildout of all three subject parcels ("combined project").

b. **Facts in Support of Findings**

As indicated in Table 4.8-15 in the DEIR, full buildout of the Project plus cumulative traffic conditions would cause significant impacts at three intersections:

- *Spalding Drive/Olympic Boulevard*
- *South Moreno Drive/South Santa Monica Boulevard*
- *South Santa Monica Boulevard/Wilshire Boulevard*

The Spalding Drive and Olympic Boulevard intersection is mitigated in the DEIR to a less than significant level with the imposition of mitigation measure T-1. This measure required the restriping of the southbound right turn lane to provide a right turn lane with a separate through/left turn lane. Since the DEIR was published, the City extended the red curb at the west side of the southbound approach to 180 feet from the intersection. As such, the southbound approach currently operates as a right turn lane with a shared through/left turn lane. With the updated lane configuration, there is no longer a significant impact at the intersection of Spalding Drive and Olympic Boulevard.

However, the other two intersections still constitute significant impacts of the Project. Specifically, the addition of Project traffic along with cumulative traffic growth causes an increase in the V/C ratio at the intersection of South Moreno Drive and South Santa Monica Boulevard during the AM, PM and Midday Peak hours. This increase exceeds the allowable thresholds during the PM peak hours. During the remaining peak hours, no significant impacts occur.

Additionally, the addition of Project traffic along with cumulative traffic growth causes an increase in the V/C ratio at the intersection of South Santa Monica and Wilshire Boulevard during the AM, PM and Midday Peak hours. This increase exceeds the allowable thresholds during the AM, PM and Midday Peak hours.

Mitigation Measure T-2 would reduce any Project plus cumulative impact for the South Moreno Drive and South Santa Monica Boulevard intersection. However, with the Project, the reconfiguration of the southbound approach at South Santa Monica and Moreno Drive turns out to be a Project driveway for Parcel 1. This impact and subsequent mitigation would therefore be

dependent on how the access point for Parcel 1 is developed as part of the Project. For example, providing two outbound lanes at the Project driveway on Parcel 1 is expected to eliminate the significant impact at this intersection.

The EIR also identified that the impact at South Santa Monica Boulevard & Wilshire Boulevard would be significant and unavoidable as roadway improvements connected to other development projects would yield a buildout intersection with no additional right-of-way for further improvements. While less intense development would occur with the refinements to the Project that could potentially reduce the impact, it would likely still be significant and unavoidable.

VIII. Project Alternatives

The City of Beverly Hills considered a range of reasonable alternatives for the proposed Project including, Alternative 1 – No Project Alternative, Alternative 2 – Reduced Project Alternative, Alternative 3 – Mixed-Use Alternative, Alternative 4 – General Plan/Zoning Consistent Alternative.

Alternatives 1, 2, 3, and 4 that were analyzed in the EIR are discussed below and the basis for rejecting each of these alternatives as infeasible is analyzed.

A. ALTERNATIVE 1 – NO PROJECT ALTERNATIVE

1. Summary of Alternative

The No Project Alternative would maintain the Project site in its current condition. No buildout would occur under the proposed Gateway Overlay Zone. All existing structures on the Project site would remain.

2. Reasons for Rejecting Alternative: Infeasibility

The No Project alternative would avoid the proposed Project's significant impacts relating to air quality, noise and traffic and less than significant impacts in all other issue areas studied in the EIR.

However, the No Project Alternative would not improve the site from a land use or aesthetic perspective, and would not meet any of the objectives for the proposed Project. As the Project objectives would not be met with Alternative 1, the City Council finds this as a basis for rejecting this Alternative as socially infeasible.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 1 as infeasible, and by itself, independent of any other reason, would justify rejection of Alternative 1 as infeasible.

B. ALTERNATIVE 2 – REDUCED PROJECT ALTERNATIVE

1. Summary of Alternative

The Reduced Project Alternative involves the same land uses as the proposed Project, but with an approximately 40 percent reduction of proposed commercial space. This would reduce the office space to roughly 99,000 square feet and retail space to roughly 15,300 square feet. This alternative was designed to meet most of the objectives of the proposed Project while reducing the size of the Project enough to avoid the significant and unmitigable traffic impact associated with the proposed Project.

As fewer parking spaces would be required in order to meet code, up to one fewer levels of underground parking would be required for each parcel. In terms of massing, the overall massing would be similar to the proposed Project, although reduced to reflect the reduced overall square footage of uses; the reduction would allow for more flexibility in building design within and a somewhat smaller overall massing profile. Adjacent properties along Little Santa Monica Boulevard would need to be incorporated into development similar to the proposed Project. All other proposed improvements would be similar to those of the proposed Project, including demolition of existing structures.

This alternative would meet most of the objectives for rezoning and developing the site.

2. Reasons for Rejecting Alternative: Infeasibility

The Reduced Project Alternative would generally have lesser impacts than compared to the proposed Project. However, the cumulative construction noise impact would remain significant even with this reduced alternative. Further, it is unclear whether all objectives of the Project would be met. For example, with a reduced project alternative, it is likely that the Project objective to create viable, useful and revenue-generating development on largely vacant land or underutilized properties would be met, but to a greatly lesser extent than the proposed Project. As this Project objective would not be met to the degree it would with the proposed Project, the City Council finds this as a basis for rejecting this Alternative as socially and economically infeasible.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 2 as infeasible, and by itself, independent of any other reason, would justify rejection of Alternative 2 as infeasible.

C. ALTERNATIVE 3 - MIXED USE PROJECT ALTERNATIVE

1. Summary of Alternative

This alternative contemplates a mixed-use project with retail space on the ground floor and residential units on the upper floors. For ease of comparison, the number of units and amount of retail space was calculated using an FAR of 2.0. This alternative would house 170 residential units on the upper floors of the three combined projects and approximately 70,400 square feet of combined retail space on their ground floors. As fewer parking spaces would be required in order to meet code, up to one fewer level of underground parking would be required for each parcel. In terms of massing, the overall massing would be similar to the proposed Project. Adjacent properties along Little Santa Monica Boulevard would need to be incorporated into development, similar to the proposed Project. All other proposed improvements would be similar to those of the proposed Project, including demolition of existing structures.

This alternative was chosen to allow the City's decision makers to compare the impacts of the proposed Project with those of a mixed-use project. This alternative would meet most of the objectives for rezoning and developing the site. Finally, this alternative is similar to the Project as refined to include the Gateway Overlay Zone in that the allowed uses are similar.

2. Reasons for Rejecting Alternative: Infeasibility

The Mixed Use Project Alternative would generally have equal impacts as compared to the proposed Project. However, the cumulative construction noise impact would remain significant even with this mixed-use alternative. In general, the Mixed Use Project Alternative is similar to the Project as refined to include the Gateway Overlay Zone in that it allows a similar mix of uses as that allowed under the Project. Nevertheless, the Project as refined with the Gateway Overlay Zone generally provides greater flexibility of uses and greater control over those uses based on the detailed objectives contained within the Gateway Overlay Zone that impose certain requirements on development in the Overlay Zone. As such, the City Council finds this to be a basis for rejecting this Alternative as socially infeasible and the Project is preferred over this Alternative.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 3 as infeasible, and by itself, independent of any other reason, would justify rejection of Alternative 3 as infeasible.

D. ALTERNATIVE 4 - GENERAL PLAN AND ZONING ORDINANCE CONSISTENT ALTERNATIVE

1. Summary of Alternative

This alternative involves development of the site in accordance with the T-1 Zone District, which is the current zoning for the three project site properties. Pursuant to Section 10-3-2355 of the Municipal Code, allowed uses in the T-1 District consist of "[s]urface parking...may also include...a building, or portion of a building, with a gross area of two hundred seventy five (275) square feet, provided such building is used primarily to support the surface parking use." Approval of a landscape plan by the Architectural Commission is also required. Therefore this alternative consists of a surface parking lot with associated landscaping and a 275 square foot kiosk. Access would be taken from Little Santa Monica Boulevard. Although portions of adjacent properties along Little Santa Monica Boulevard may need to be used to provide for access for Parcel 1, somewhat similar to the proposed Project, no structures would be demolished, and it is assumed that the existing site uses would remain. Therefore, this alternative would primarily involve changes to Parcel 1 and the western portion of Parcel 2. This alternative was chosen to reflect the uses allowed under the current General Plan and Zoning designation, and to allow a comparison between the impacts of the proposed Project and the impacts of the type of development envisioned in the current General Plan and Zoning Ordinance. This alternative was also chosen because it would reduce several of the impacts identified for the proposed project. It would not meet most of the objectives for rezoning and developing the sites.

2. Reasons for Rejecting Alternative: Infeasibility

The General Plan and Zoning Ordinance Alternative would generally have less impacts as compared to the proposed Project. Additionally, even the cumulative construction noise impact would be reduced with this alternative. However, it does not appear that any of the Project objectives would be met with this alternative. As the project objectives would not be met to the degree it would with the proposed Project, the City Council finds this as a basis for rejecting this Alternative as socially and economically infeasible.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 4 as infeasible, and by itself, independent of any other reason, would justify rejection of Alternative 4 as infeasible.

E. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 1 the No Project Alternative would be the environmentally superior alternative as impacts would be less than significant. CEQA Guidelines 15126.6(e)(2) requires that where the No Project Alternative is the environmentally superior alternative, another alternative be identified that is environmentally superior. For this reason, in this case Alternative 2 – the Reduced Project Alternative would be the environmentally superior alternative. However, this alternative would fail to fully meet the project objective to create viable, useful and revenue-generating development on largely vacant land or underutilized properties as a smaller reduced project would be developed thereby limiting the potential for viable, useful and revenue generating development.

As the environmentally superior alternative fails to meet this project objective, it is rejected by the City Council in favor of the Project as refined.

EXHIBIT B
STATEMENT OF OVERRIDING CONSIDERATIONS

The following Statement of Overriding Considerations is made in connection with the proposed approval of the Beverly Hills Gateway Project as refined to include the Gateway Overlay Zone (the "Project").

CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable. CEQA requires the agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record. The reasons for proceeding with this Project despite the adverse environmental impacts that may result are provided in this Statement of Overriding Considerations.

The City Council finds that the economic, social and other benefits of the Project outweigh the significant and unavoidable effects identified in the Final EIR and the record of proceedings. In making this finding, the City Council has balanced the benefits of the Project against its unavoidable impacts and has indicated its willingness to accept those adverse impacts. The City Council finds that each one of the following benefits of the Project, independent of the other benefits, would warrant approval of the Project notwithstanding the unavoidable environmental impacts of the Project as identified in the Final EIR.

A. The development of the Beverly Hills Gateway Project EIR and Gateway Overlay Zone will provide a guide to future development in the Gateway area of the City and allow for the development of a variety of land uses for the benefit of the City and its residents.

B. The development of the Project will allow for the revitalization of Little Santa Monica and potentially bring in more tax generating uses providing a source of revenue to the City.

C. The Project and the Gateway Overlay Zone would ensure that the Gateway area of the City is developed uniformly and compatible with surrounding uses.

D. Development within the Commercial Planned Development Gateway Overlay Zone will result in additional public parking to offset parking deficiencies in the neighborhood.

E. Development would result in a substantial open space and green space that would complement the greenbelt along Santa Monica Boulevard and planned open space on Wilshire Boulevard north of the project site.

F. Projects developed within the Commercial Planned Development Gateway Overlay Zone must include iconic architecture and would, therefore, improve the

quality of the built environment and respect other iconic architecture built or planned in the area.

The City Council finds that the foregoing benefits outweigh the identified significant adverse environmental impacts. The City Council further finds that each of the individual Project benefits discussed above outweighs the unavoidable adverse environmental effects identified in the Final EIR and therefore finds those impacts to be acceptable. The City Council further finds that each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.

EXHIBIT C
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
AIR QUALITY							
AQ-1(a) Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment: • Equipment engines shall be maintained in good condition and in proper tune as per manufacturer's specifications. • Use new technologies as they become available to control ozone precursor emissions. • Diesel oxidation catalysts and particulate filters shall be installed on all on and off road construction vehicles.	Verify implementation of the listed actions during grading and construction.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
AQ-1(b) Fugitive Dust Control. The following shall be implemented during construction to minimize fugitive dust emissions: • Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph. • Soil with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard. • All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.	Verify implementation of the listed actions during grading.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
• All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust. • All material transported off-site shall be securely covered to prevent excessive amounts of dust. • Face masks shall be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever. • All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints. • Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible. • These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.							
AESTHETICS							
AES-2 Pedestrian Facility Design Review. Prior to the issuance of any building permits for parcels 1 and 2, the Architectural Commission shall review and confirm that the pedestrian facilities, including but not limited to public sidewalks, crosswalk landings, building entry courts and plazas, are substantially consistent with such facilities as they exist along nearby commercial corridors.	Receive and review pedestrian facilities plans, and bring before the Architectural Commission for review and approval	Prior to the issuance of any building permits for parcels 1 and 2	Once	Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
AES-3 Building Material Specifications. Prior to the issuance of any building permits, the applicant shall submit plans and specifications for all building materials to the Planning Division for review and approval by the Architectural Commission. All structures facing any public street or neighboring property shall use minimally reflective glass and all other materials used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare. The use of glass with over 25% reflectivity, as determined by the Division of Building & Safety, shall be prohibited in the exterior of all buildings on the project site.	Receive and review building materials plans for the stated specifications, and bring before the Architectural Commission for review and approval	Prior to the issuance of any building permits	Once	Community Development Department			
CULTURAL RESOURCES							
CR-1(a) The property located at 9949 Santa Monica Boulevard shall be photographed by a qualified archival photographer according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library, prior to issuance of a demolition permit for the structure.	Receive and review documentation, and ensure donation to appropriate repository	Prior to issuance of demolition permits	Once	Community Development Department			
CR-1(b) The remaining properties within the potential multiple-resource (noncontiguous) CRHR-eligible Art Deco/Moderne historic district shall be fully documented and recorded on DPR 523 forms by a qualified historic preservation professional. These forms shall include historical and architectural context supporting the eligibility of the district and property-specific research on the contributing properties. This documentation shall be submitted to the California Office of Historic Preservation as a nomination to the CRHR prior to issuance of a demolition permit for the structure.	Receive and review documentation, and ensure transmittal to SHPO per the measure	Prior to issuance of demolition permits	Once	Community Development Department			
CR-3 (a) Archeological Monitoring. In the event a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archaeologist and/or paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for	Verify implementation of the listed actions during grading.	During grading.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
storage at a location to be determined by the monitor.							
CR-3 (b) Coroner Notification. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	Verify implementation of the listed actions during grading.	During grading.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
CRS-1 Prior to the application of the overlay zone to individual parcels within the revised project area, or to buildings defined in the Historic Resources Report Addendum as Previously Found to be Eligible, Potentially Eligible, or Appears to be Eligible, the City of Beverly Hills shall require the preparation of a Historic Resources Report for the affected property by a qualified historian or architectural historian. This report shall determine if the property is eligible for listing or designation in the NRHP, CRHR or as a City of Beverly Hills landmark. For properties that are found to be eligible the findings of the Historic Resources Report shall be included in the project specific environmental document prepared for the development project.	Verify preparation of historic resources report for specific additional overlay-eligible properties, and that the report and recommendations are incorporated into CEQA review for application of overlay.	Prior to the application of the overlay zone to individual parcels	Once for preparation of report, once to ensure CEQA review including report	Community Development Department			
HAZARDS AND HAZARDOUS MATERIALS							
HAZ-1 Asbestos. Prior to issuance of a demolition permit for any structure, an asbestos survey shall be performed by a qualified and appropriately licensed professional. All testing procedures shall follow recognized local standards as well as established California and Federal assessment protocols and SCAQMD Rule 1403. The asbestos survey report shall quantify the areas of asbestos containing materials.	Receive and review asbestos results; ensure recommendations are implemented during demolition.	Prior to issuance of demolition permits.	Once prior to demolition, once during demolition.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Prior to any demolition or renovation, onsite structures that contain asbestos must have the asbestos containing material removed according to proper abatement procedures recommended by the asbestos consultant and as required by the SCAQMD. All abatement activities shall be in compliance with California and Federal OSHA, and with the SCAQMD requirements including SCAQMD Rule 1403. Following completion of the asbestos abatement, the asbestos consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of asbestos-containing materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.							
HAZ-2 Lead Based Paint. Prior to the issuance of a permit for the renovation or demolition of any structure on any of the site parcels, the developer shall contract with a licensed lead-based paint consultant to evaluate the structure for lead-based paint. If lead-based paint is discovered, it shall be removed according to proper abatement procedures recommended by the consultant. All abatement activities shall be in compliance with California and Federal OSHA requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead based paint abatement, the lead based paint consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of lead based paint materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.	Receive and review lead paint results; ensure recommendations are implemented during demolition.	Prior to issuance of demolition permits.	Once prior to demolition, once during demolition.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
HAZ-3(a) Excavation and Demolition Contingency Plans. The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the combined project area to be implemented in the event that contaminants or structural features not previously known of are suspected or discovered. The contingency plan shall identify appropriate measures to be followed if contaminants are found or suspected. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials, and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination.	Receive and review contingency plan; ensure implementation during grading.	Prior to issuance of a grading permit.	Once prior to issuance of a grading permit; periodically during grading.	Community Development Department/ Building & Safety Division			
HAZ-3(b) Soil Sampling and Remediation for above grade Construction. If grading or construction above grade is proposed on any of the three project parcels, or the soil is otherwise to be disturbed, the elevated arsenic and lead concentrations shall be further evaluated through additional soil sampling and analysis. Elevated arsenic concentrations are known to be present in each parcel, while lead was detected in parcels 1 and 3. The developer shall forward results of the soil sampling to the local regulatory agency (County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency will review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall submit all correspondence to the Community Development Department prior to issuance of grading or building permits. Any remediation activities recommended by either agency shall be implemented in full.	Verify transmittal of testing results to identified agencies and implementation of any required remediation.	Prior to and during grading.	Once prior to grading, periodically during grading and construction.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
HAZ-3(c) Soil Sampling and Remediation for Subterranean Construction. Soil materials on all three subject parcels shall be evaluated, profiled and remediated either prior to construction of structures or concurrent with excavation. The contaminated materials shall be profiled for disposal and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory oversight agency, such as the (County of Los Angeles Fire Department CUPA), Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The developer shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, a qualified environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.	Verify transmittal of testing results to identified agencies and implementation of any required remediation.	Prior to and during grading.	Once prior to grading, periodically during grading and construction.	Community Development Department/ Building & Safety Division			
HAZ-3(d) Groundwater Sampling and Remediation. If, during the soil sampling on any of the three subject parcels, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (County of Los Angeles Fire Department CUPA), Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall	Verify transmittal of testing results to identified agencies and implementation of any required remediation.	Prior to and during grading.	Once prior to grading, periodically during grading and construction.	Community Development Department/ Building & Safety Division			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.							
NOISE							
N-1(a) Heavy Truck Restrictions. Contractor shall prohibit off-site heavy truck activities in local residential areas.	Verify implementation of the truck circulation restrictions during grading and construction.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
N-1(b) Staging Area. Contractor shall provide staging areas on site to minimize off-site transportation of heavy construction equipment. These areas shall be located to maximize the distance between activity and sensitive receptors. This would reduce noise levels associated with most types of idling construction equipment.	Verify adherence to this measure during grading and construction.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
N 1(c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.	Verify adherence to this measure during grading and construction.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
N 1(d) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.	Verify adherence to this measure during grading and construction.	During grading and construction.	Periodically during grading and construction.	Community Development Department/ Building & Safety Division			
N 1(e) Additional Noise Attenuation Techniques. For all noise generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby hotels do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses, The	Verify that field test is performed per the measure, and that additional noise measures are implemented if needed.	Prior to approval of building plans and during grading and construction, if required.	Once prior to approval of building plans and periodically during grading and construction, if required.	Community Development Department/ Building & Safety Division/ City Engineer			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
Peninsula Hotel and the Beverly Hilton Hotel, during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.							
N-1(f) Alternative Pile Types. If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.	Verify that construction plans include appropriate alternative (quieter) pile types per the measure if pile driving is required, and that such alternative pile types are used.	Prior to issuance of a grading permit and during pile driving, if required.	Once prior to issuance of a grading permit and once during pile driving, if required.	Community Development Department/ Building & Safety Division/ City Engineer			
N-1(g) Additional Pile Driving Measures. If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures.	Verify that field test is performed per the measure, and that additional noise/vibration measures are implemented if needed.	Prior to approval of building plans and during grading and construction, if required.	Once prior to approval of building plans and periodically during pile driving, if required.	Community Development Department/ Building & Safety Division/ City Engineer			
N-3(a) Rooftop Ventilation. Parapets shall be installed around all rooftop ventilation systems.	Verify adherence to this measure on building	Prior to and during	Once prior to, and	Community Development			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
	plans and during construction.	construction.	periodically during, construction.	Department/ Building & Safety Division			
N-3(b) Truck Deliveries and Trash Pick-Up. All commercial truck deliveries and trash pickups shall be restricted to daytime operating hours (7:00AM to 10:00 PM Monday through Friday, and 8:00 AM to 10:00 PM on weekends).	Verify adherence to this measure during project operation.	After occupancy.	Periodically after occupancy.	Community Development Department/ Building & Safety Division			
PUBLIC SERVICES AND UTILITIES							
PSU-1 Fire Flow Upgrade. If the City Engineer determines that upgrades to the existing fire flow infrastructure are required to serve the proposed project(s), the applicant shall pay its "fair share" for the cost of the upgrade as determined by the City. Payment for this upgrade shall be made prior to the issuance of a building permit.	Determine whether updates are required, and verify collection of "fair share" payment	Prior to the issuance of a building permit.	Once prior to the issuance of a building permit, once to verify payment.	Department of Public Works/Civil Engineering Division and Community Development Department Fire Department			
PSU-4 The project developers shall provide a fair-share contribution of funds, proportional to each project's contribution of wastewater to the affected infrastructure elements, towards necessary upgrades to sewer conveyance infrastructure to the satisfaction of the City Engineer. Funds shall be paid prior to issuance of building permits for each parcel.	Verify collection of payment.	Prior to the issuance of a building permit for each parcel.	Once prior to the issuance of a building permit.	Department of Public Works/Civil Engineering Division and Community Development Department			
PSU-5 The project developers for parcels 1 and 2 shall provide a fair-share contribution of funds, proportional to each project's contribution of increased stormwater runoff to the affected infrastructure elements, towards necessary upgrades to stormwater infrastructure to the satisfaction of the City Engineer. Funds shall be paid prior to issuance of building permits for each parcel.	Verify collection of payment.	Prior to the issuance of a building permit for each parcel.	Once prior to the issuance of a building permit.	Department of Public Works/Civil Engineering Division and Community Development Department			
PSU-6(a) Construction Recycling. Demolition and/or excess construction materials shall be separated onsite	Verify recycling provisions on grading	Prior to the issuance of a	Once prior to the issuance	Community Development			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
for reuse/recycling or proper disposal. During grading and construction, separate bins for recycling of construction materials and brush shall be provided onsite. This requirement shall be printed on the grading and construction plan. The applicant shall provide the Department of Community Development with receipts for recycled materials.	and building plans, and during construction.	grading or building permit and during construction.	of a grading or building permit and periodically during construction.	Department/ Building & Safety Division			
PSU-6(b) Recycling Collection. The proposed project shall include equal recycling collection space in comparison to rubbish collection facilities. The recycling bins shall be clearly marked with a description of what types of materials can be recycled. The applicant shall establish recycling service with the City's waste hauler. Documentation of service shall be submitted to the Department of Community Development.	Verify recycling provisions on building plans, and during operation.	Prior to the issuance of a building permit and during operation.	Once prior to the issuance of a grading or building permit and periodically during operation.	Community Development Department/ Building & Safety Division			
TRANSPORTATION AND CIRCULATION							
[This measure has been completed]							
T-2 South Moreno Drive/South Santa Monica Boulevard. The driveway that would serve Parcel 1 shall be reconfigured by converting the existing inbound lane to an outbound lane in order to provide two outbound lanes. This would be within the existing right-of-way and is within the jurisdiction of the City of Beverly Hills. The project will be responsible for this improvement. This measure applies to buildout of all three subject parcels ("combined project").	Verify implementation of measure prior to occupancy.	Prior to occupancy.	Once prior to occupancy.	Department of Public Works/Civil Engineering Division and Community Development Department			
T-4 Construction Coordination. The applicant for any parcel proposing to develop pursuant to the requested General Plan Amendment and Rezone shall coordinate with any nearby development that is also proposing to begin construction or is currently undergoing construction regarding the following: • All temporary roadway closures shall be coordinated to limit overlap of roadway closures. • All major deliveries for the projects shall be coordinated to limit the occurrence of simultaneous deliveries. The project applicants shall ensure that deliveries of items such as concrete and other high-	Verify coordination, as identified in the measure.	Prior to commencement of grading or construction.	Once prior to commencement of grading or construction.	Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
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. • 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. • All construction hauling and delivery shall be scheduled in coordination with adjacent major constructions projects (9900, Hilton, Sun-Cal, other projects) as applicable.							
T-5(a) **Construction Traffic Management Plan.** A Construction Traffic Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to issuance of demolition, grading or building permits. Each plan shall address the following items at a minimum: • Maintain existing access for land uses in proximity to the project site during project construction. • Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible. • Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time. • Minimize obstruction of through-traffic lanes on Santa Monica Boulevard. • Construction equipment traffic from the contractors shall be controlled by flagman and traffic control devices. • Identify designated transport routes for heavy trucks (in addition to 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.	Review and approve plan, and verify implementation.	Prior to issuance of demolition, grading or building permits.	Once prior to issuance of demolition, grading or building permits, and periodically during grading and construction.	Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
• 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.							
T-5(b) Worker Parking Management Plan. A Worker Parking Management Plan shall be submitted to the City for review and approval by all applicants proposing development pursuant to the requested General Plan Amendment and Rezone prior to the issuance of demolition, grading or building permits. To the maximum extent feasible, all working parking shall be accommodated on the project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and method of transportation to and from the project site 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: • Provide all construction contractors 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 any residential street or in public parking structures. • Prohibit construction worker parking within 500 feet of the nearest point of the project site except within designated areas. The contractor shall be	Review and approve plan, and verify implementation.	Prior to issuance of demolition, grading or building permits.	Once prior to issuance of demolition, grading or building permits, and periodically during grading and construction.	Community Development Department			

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
responsible for informing subcontractors and construction workers of this requirement, and if necessary, for hiring a security guard to enforce these parking provisions. Contractor shall be responsible for all costs associated with enforcement of this mitigation measure. • Identify sites where construction workers could park off-site, if necessary. In lieu of the above, the project developer/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 and construction activities.							
T-5(c) Construction Management Coordination. Prior to submittal to the City of Beverly Hills, the applicants 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 Transportation Authority for their review and comment. The applicants shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.	Verification that identified plans have been provided to the listed agencies and review of comments provided.	Prior to issuance of demolition, grading or building permits.	Once prior to issuance of demolition, grading or building permits.	Community Development Department			

RESOLUTION NO. 1642

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT TO ESTABLISH A GATEWAY COMMERCIAL/MIXED USE/TRANSPORTATION LAND USE DESIGNATION FOR THREE PARCELS OF FORMER RAILROAD RIGHT-OF-WAY PROPERTY LOCATED AT 9900 SANTA MONICA BOULEVARD, 9848 WILSHIRE BOULEVARD AND 9817 WILSHIRE BOULEVARD CURRENTLY ZONED TRANSPORTATION T-1 AND ALL IMMEDIATELY ADJACENT PARCELS CURRENTLY ZONED COMMERCIAL (C-3) AND APPROVAL OF A ZONE TEXT AMENDMENT TO CREATE A COMMERCIAL PLANNED DEVELOPMENT GATEWAY OVERLAY ZONE (C-PD-G)

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

Section 1. Mr. Maynard Brittan on behalf of Roxbury Managers, LTD, Mr. Jeffery Wilson on behalf of Wilco LLC, and Mr. Jeffery Mirkin on behalf of McB2 , LLC (collectively, "The Applicants") applied for a General Plan Amendment from Railroad to Low Density Commercial Use, and a Zone Change from Transportation (T-1) to Commercial (C-3) on three T-1 zoned properties located at 9900 Santa Monica Boulevard, 9848 Wilshire Boulevard, and 9817 Wilshire Boulevard in 2008. These requests have been in the processing stages for several years and the required environmental impact report (EIR) has been completed. After numerous public hearings and subcommittee meetings, it was determined that applying an overlay zone with specific objectives and standards would be the most appropriate way to guide future development of the subject properties and the abutting parcels on South Santa Monica Boulevard, which are currently zoned commercial (C-3). Development under the proposed overlay zone would be consistent with the objectives and development standards associated with

the proposed overlay zone, and with the General Plan upon amendment as recommended herein. The primary objectives are intended to encourage projects that combine T-1 and C-3 Zoned properties and allow design flexibility for each future development project within the project area.

The Planning Commission's role as to the General Plan Amendment and creation of an overlay zone is solely advisory to the City Council.

Section 2. The Planning Commission has considered the proposed overlay zone ordinance, which would amend the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Project").

Section 3. The Draft Environmental Impact Report (DEIR) for the Beverly Hills Gateway Project was released for public review on November 3, 2008. The Planning Commission held its first duly noticed public hearing on November 20, 2008 and held subsequent public hearings on March 24, 2011, November 22, 2011, December 19, 2011, January 26, 2012, February 9, 2012, March 8, 2012, March 22, 2012, and May 24, 2012 to allow the Planning Commission, the Applicants, and the public to discuss the proposed overlay zone objectives and developments standards and associated environmental issues. In addition, the Commission conducted site visits on January 26, 2012 and March 8, 2012. A Final EIR was prepared in March 2011, but the project was subsequently revised to include an overlay zone that could be applied to the three parcels previously proposed for development and analyzed in the EIR, and all immediately adjacent parcels currently zoned Commercial (C-3). A supplemental environmental analysis was prepared to consider the effects of the application of the proposed overlay zone and its objectives and development standards to the three T-1 Zoned properties and all immediately adjacent parcels C-3 Zoned properties. The supplemental environmental

analysis describes the revised project, evaluates the associated potential environmental impacts, and is part of the Final EIR. The revised project and its potential impacts were compared to the project evaluated in the March 2011 Final EIR. The evidence, both written and oral, was presented at said hearings.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (Title 14 of the California Code of Regulations Sections 15000 *et seq.*, and the City's environmental guidelines, (hereafter the "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 identified resources. Pursuant to CEQA Guidelines Section 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: (a) made certain CEQA findings and determinations; (b) recommended certification of the EIR; (c) recommended adoption of a Statement of Overriding Considerations; and (d) recommended adoption of a Mitigation Monitoring and Reporting Program. The documents and other materials that constitute the record on which these decisions are based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 5. The objectives of the proposed Overlay Zone are set forth in section 10-3-1871 of the proposed ordinance, as fully set forth in the draft ordinance attached as Exhibit A.

Section 6. Section 10-3-3908 of the City of Beverly Hills Municipal Code provides that the Planning Commission may recommend General Plan amendments and Zone changes to the City Council if it determines that the public interest, health, safety, morals, peace, comfort, convenience, or general welfare warrants the reclassification of the subject properties.

Section 7. Based upon the evidence presented, the Planning Commission hereby finds the following with regard to the requests for General Plan Amendment and Zone Text Amendment:

7.1 General Plan Amendment. The Project proposes amending the General Plan Land Use Map, which would establish a new land use category of Gateway Commercial/Mixed Use/Transportation. This designation would allow for development of the Project site with commercial, retail, restaurant, hotels, offices, mixed use projects that incorporate residential uses (rental), and transportation uses as contemplated under the current zoning. The proposed designation would allow a maximum Floor Area Ratio (FAR) of 0.0:1 to 2.0:1, and a maximum height of 18 to 60 feet depending on the current zoning designation of the property and whether it is developed in conjunction with other properties. The General Plan Land Use Designation Map is amended as follows:

The area in the map for the subject properties, including the T-1 properties at Parcel 1 (9900 Santa Monica Boulevard), Parcel 2 (9848 Santa Wilshire Boulevard) and Parcel 3 (9817 Wilshire Boulevard) and the adjacent C-3 zoned properties between the subject T-1 zoned properties and South Santa Monica Boulevard, shall be designated as Gateway Commercial/Mixed Use/Transportation with a maximum floor area ratio (FAR) of 0.0:1 to 2.0:1, and a maximum height of 18 to 60 feet for Parcel 1 (9900 Santa Monica Boulevard) and Parcel

2 (9848 Wilshire Boulevard) and a maximum height of 18 to 45 feet for Parcel 3 (9817 Wilshire Boulevard).

7.2 Zone Text amendment. The proposed Zone Text Amendment to create the Commercial Planned Development Gateway Overlay Zone (C-PD-G), with potential future application to the subject will create appropriate objectives and development standards that will ensure that the uses within the overlay zone will maintain the public interest, health, safety, morals, peace, comfort, convenience or general welfare.

Section 8. Based upon the evidence presented, the Planning Commission hereby recommends that the City Council approve the proposed General Plan amendment, approve the Zoning Text Amendment, and apply the Commercial Planned Development Gateway Overlay Zone to the subject properties as set forth in the Draft ordinance attached hereto as Exhibit A.

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

Adopted: May 24, 2012

Craig Corman
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

Exhibit A

DRAFT ORDINANCE

DRAFT ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING THE COMMERCIAL PLANNED DEVELOPMENT OVERLAY ZONE (C-PD-G), AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Legislative Findings. Due to special circumstances surrounding the subject properties at 9900 Santa Monica Boulevard, 9817 Wilshire Boulevard, and 9848 Wilshire Boulevard, the City Council finds that certain T-1 zoned properties in conjunction with the adjacent commercially zoned properties in the City may be appropriately used for the proposed uses, and that such uses are appropriate and warrant specific development standards and criteria. The objectives of the Commercial Planned Development Gateway Overlay Zone (C-PD-G) shall include those objectives set forth in the proposed Section 10-3-1871 of the Overlay Zone, as set forth in full in Section 5 below.

Section 2. The Planning Commission considered this Ordinance at duly noticed public hearings on March 24, 2011, November and December 2011, January 26, February 25, March 8, March 22, and May 24, 2012. Evidence both written and oral was presented during the hearings. After considering the evidence, the Planning Commission recommended that the City Council adopt this Ordinance.

Section 3. The City Council considered this Ordinance at duly noticed public hearing on _____. Evidence, both written and oral, was presented at said hearing.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines (Title 14 of the California Code of Regulations Sections 15000 *et seq.,* and the City's environmental guidelines, (hereafter the "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 identified resources, Pursuant to CEQA Guidelines section 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 City Council, by separate resolution: (a) made certain CEQA findings and determinations; (b)certified the EIR; (c) adopted a Statement of Overriding considerations; and (d) adopted a Mitigation Monitoring and Reporting Program. The documents and other materials that constitute the record on which these decisions are based are located in the Department of Community Development and are in the custody of the director of community Development.

Section 5. A new Article 18.7 is hereby added to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"ARTICLE 18.7. COMMERCIAL PLANNED DEVELOPMENT GATEWAY OVERLAY ZONE (C-PD-G Overlay Zone)

10-3-1870: CREATION OF THE OVERLAY ZONE:

There is hereby created an overlay zone designated as the Commercial Planned Development

Commercial Planned Development Gateway Overlay Zone (C-PD-G).

10-3-1871: OBJECTIVES OF THE C-PD-G OVERLAY ZONE:

The objectives of the C-PD-G Overlay Zone shall be as follows:

1. Development shall be consistent with the purpose and intent of the C-PD-G Overlay Zone and the General Plan.
2. Development within the overlay zone shall promote the garden quality of the City.
3. Lot consolidation and coordinated development of underlying T-1 zoned properties and adjacent underlying C-3 properties fronting on South Santa Monica Boulevard is encouraged and shall be required for the reviewing authority's approval of height and density allowances in excess of eighteen feet (18') in height and a one-half to one (0.5:1) Floor Area Ratio.
4. Project design shall be provide pedestrian, bicycle, and vehicular access and connectivity within and between C-PD-G Overlay Zone properties, the adjacent C-3 properties, and residential and hotel development built or planned across North Santa Monica Boulevard. Connectivity at or above grade and within underground parking structures shall be achieved to the extent feasible. The reviewing authority shall consider the appropriateness of ingress/egress for proposed projects within the C-PD-G Overlay Zone to ensure that traffic will not adversely impact the adjacent residential areas and the high school area.
5. Parking shall be located below-grade and located on properties within the C-PD-G Overlay Zone; vehicle and pedestrian access to parking shall be convenient. Minimal

at-grade parking may be considered by the reviewing authority. Parking in excess of the minimum required parking set forth in Section 10-3-2730 of the zoning code shall be incorporated into any development and be made available to the public. The excess public parking incorporated into any development on Parcel 1 (9900 Santa Monica Boulevard) and Parcel 2 (9848 Wilshire Boulevard) shall, on a collective basis, substantially offset the parking deficiency in the neighborhood along South Santa Monica Boulevard between the intersection with Wilshire Boulevard and the city's western Boundaries.

6. Development shall take advantage of design flexibility incorporated into the C-PD-G Overlay Zone to create iconic architecture that promotes the image of the City and that respects the scale, mass, and character of surrounding development in the immediate vicinity. Building facades visible from public streets shall exhibit innovative design, distinctive architectural merit, or a combination of both.

7. Project design and site planning shall incorporate substantial area dedicated to green space, public open space, and pedestrian amenities. Building height shall be balanced with appropriate setbacks and landscaping adjacent to public streets to promote the appearance of a green belt and minimize the perception of a continuous uninterrupted wall of development as viewed from public streets. Buildings shall be well modulated.

8. Development shall be designed with pedestrian-oriented amenities and uses at the ground floor that encourage pedestrian activity during daytime and nighttime hours such as restaurants, outdoor dining and retail.

9. Development on Parcels 2 (9848 Wilshire Boulevard) and 3 (9817 Wilshire Boulevard) shall provide substantial setbacks from the intersections of Wilshire Boulevard and North and South Santa Monica Boulevard to aesthetically complement Beverly Gardens Park and fountain plaza, and the planned open space at the northwest corner of Wilshire Boulevard and North Santa Monica Boulevard. The setback area at the intersections shall include pedestrian amenities, green space, significant public art, or other elements determined to be appropriate by the reviewing authority.

10. Development shall incorporate adequate land dedications or easements that may be needed for future roadway and transportation improvements, including bicycle facilities, pedestrian mobility elements, bus shelters, pedestrian bridges, or similar improvements.

11. Development shall not result in detrimental impacts to existing or planned development in the vicinity with regard to traffic levels, traffic safety, pedestrian-vehicle conflicts, and pedestrian safety hazards, parking demand, parking design, loading, or manner of operation, unless the reviewing authority finds the development benefits outweigh the detrimental impacts.

12. On Parcel 1 (9900 Santa Monica) and Parcel 2 (9848 Wilshire Boulevard) only, structure height in excess of forty-five feet (45'), up to a maximum of sixty feet (60') not including permitted projections, may be granted if the reviewing authority finds that design innovations or other public benefits preclude development of the maximum allowable building floor area within a three-story, forty-five foot (45') high structure.

13. Development on the underlying T-1 zoned parcel shall not preclude future development opportunities on adjacent C-3 zoned parcels that are not included in the C-PD-G Overlay Zone.

14. Development shall include additional public benefits that the reviewing authority determines to be appropriate.

10-3-1872: DEFINITIONS:

Unless the context otherwise requires, the following definitions shall govern the construction of this article:

OVERLAY ZONE: A zoning district which governs the same territory as an underlying zone, but provides alternative development standards for a specified type of development or use.

PLANNED DEVELOPMENT: A development that is approved pursuant to the procedures of article 18.4 of this chapter.

UNDERLYING ZONE: The primary zone designation which would govern development on a particular site if such development were not otherwise governed by an overlay zone.

10-3-1873: PERMITTED AND PROHIBITED USES

Except as otherwise provided or restricted by this article, no lot, premises, building, or portion thereof in the C-PD-G Overlay Zone shall be used for any purpose except the following:

A. Use permitted in the applicable underlying zone that meets the development standards of the underlying zone.

B. Uses developed pursuant to the Commercial Planned Development Gateway Overlay Zone which are limited and defined as follows:

(1) Permitted Uses

(a) Office

(b) Retail & restaurants

(c) Galleries

(d) Museums

(e)Boutique Hotels

(f) Residential uses above ground floor (rental)

(g) Other permitted uses in C-3 Zone

(2) Prohibited Uses

(a) All uses prohibited in C-3 Zone

(b) Medical offices

(c) Night clubs

10-3-1874: HEIGHT LIMIT

Building projects shall be constructed, altered, or enlarged in the C-PD-G Overlay Zone in accordance with the following height restrictions:

A. Developments consisting of only underlying T-1 zoned properties shall be limited to a maximum of one-story, and eighteen feet (18') in height.

B. Developments that include both underlying C-3 zoned properties and underlying T-1 zone properties or portions thereof that are immediately adjacent to C-3 zoned properties that are incorporated into the project shall be allowed up to three (3) stories, forty five feet (45') in height. The building height may exceed the height limits of this paragraph up to a maximum of sixty feet (60') or four stories, whichever is less, if such height increase is approved by the City Council as part of a planned development pursuant to article 18.4 of this chapter.

10-3-1875: DENSITY:

A building project located in the C-PD-G Overlay Zone shall have a floor area limitation as follows:

A. Developments on the underlying C-3 Zoned properties shall have a floor area ratio no greater than two to one (2.0:1)

B. Development on underlying T-1 zoned properties shall have a floor area ratio no greater than one-half to one (0.5:1) if developed separately from adjacent underlying C-3 zoned properties.

C. Combined developments that include underlying T-1 zoned property and immediately adjacent underlying C-3 zoned properties shall have a floor area ratio no greater than one and one-half to one ratio (1.5:1) for the portion of the underlying T-1 zoned property or properties that are immediately adjacent to underlying C-3 zoned property incorporated into the Project, and zero to one (0.0:1) FAR for T-1 underlying zoned properties or portions thereof that are not immediately adjacent to a underlying C-3 zoned property that is included in the project. Portions of an underlying T-1 zoned property included in a combined development that have a zero to one floor area ratio (0.0:1 FAR) shall not be

built upon and shall be landscaped, but such landscaping shall not be used to meet the green space, public open space, landscaping, or setback requirements of this Article.

D. If any portion of an underlying T-1 zoned property is initially developed under Paragraph B above, and another portion is later sought to be developed under Paragraph C above, then the floor area ratio of such later development shall be reduced by the floor area ratio of the earlier development to the extent that the earlier development shall continue to exist.

10-3-1876: LOT SIZE

To be eligible for application of the C-PD-G Overlay Zone to a underlying T-1 zoned lot, the minimum size of that lot shall be 30,000 square feet, except that any underlying T-1 zoned lot in existence at the time of the adoption of the ordinance enacting this Article that is less than 30,000 square feet shall be eligible for application of the C-PD-G Overlay Zone.

10-3-1877: PARKING, ACCESS, AND CIRCULATION:

Except as otherwise provided in this section, parking for a building project located in the C-PD-G Overlay Zone shall be provided in accordance with Sections 10-3-2727 through 10-3-2736 of this chapter.

10-3-1878: LOADING AND ANCILLARY FACILITIES:

Notwithstanding any other provision of this code, the number and size of required loading spaces for any development within the overlay zone area shall be provided in accordance with Sections 10-3-2740 through 10-3-2743 of this chapter.

10-3-1879: OTHER DEVELOPMENT STANDARDS

Any setback, green space, modulation, dedication and loading requirements shall be as authorized in a Planned Development Permit, consistent with the objectives contained within the C-PD-G Overlay Zone.

Section 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be remain in full force and effect and shall control as to each property to which the C-PD-G overlay zone has been applied.

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

Section 8. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

WILLIAM W. BRIEN
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager

SUSAN HEALY KEENE
Director of Community Development

Lillian and Stuart Raffel
601 North Roxbury Drive
Beverly Hills, CA 90210

May 1, 2013

Mayor John Mirisch
Vice Mayor Lili Bosse
City Council Member William Brien, M.D.
City Council Member Julian Gold, M.D.
City Council Member Nancy Krasne

City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Mayor Mirisch, Vice Mayor Bosse, City Council Members Brien, Gold and Krasne:

We are writing to encourage you to:

1. Amend the General Plan to establish a Gateway Commercial/Mixed Use/Transportation Land Use designation for Parcels 1,2 &3 and adjacent C3 zoned properties.
2. Amend the Zoning Code to establish a Commercial Planned Development Gateway Overlay Zone

These Gateway properties for decades have been lying fallow: useless as zoned, a non-productive eyesore. Several years ago, long time Beverly Hills residents took the opportunity, along with the financial gamble, and purchased these parcels with the idea to turn them into something beautiful and beneficial for their community.

There is much value in having this ugly area turned into a charming shopping, eating and green space, more fitting with what one would associate with Beverly Hills. Side benefits are the fees (development, building permit fees) and additional taxes revenues that will directly aid our schools and our city. Exciting ventures such as this should be cultivated and encouraged and not be discouraged by having the process drag on for years and years.

We have known the Brittans for over 30 years. They are multi-generational residents of the city of Beverly Hills and are active, charitable citizens. They are devoted to the city and committed to a project that will enhance the neighborhood and all the residents.

Thank you for your consideration. Sincerely,

Lillian and Stuart Raffel