

ATTACHMENT 9
PRIOR CITY COUNCIL RESOLUTIONS

RESOLUTION NO 02-R-11251

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DENYING AN APPEAL AND CONDITIONALLY APPROVING A PLANNED DEVELOPMENT FOR A MIXED-USE PROJECT AT 131-191 NORTH CRESCENT DRIVE/9355-9373 WILSHIRE BOULEVARD ("THE CRESCENT PROJECT")

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY FINDS AND RESOLVES AS FOLLOWS

Section 1 Thomas White, on behalf of the Municipal League of Beverly Hills and the Beverly Hills South Homeowners Association, Beverly Larner, and Larry Larson (hereinafter collectively referred to as the "Appellants") have submitted appeals of a Planning Commission decision conditionally approving a Planned Development to allow construction of a mixed use development project consisting of a four-story, 39,975 square-foot office/retail building fronting Wilshire Boulevard with a height of 45 feet and a residential component comprised of 88 apartment units with modulated height up to a maximum height of five-stories and 60 feet on property generally located at 131-191 Crescent Drive/9355-9373 Wilshire Boulevard ("The Crescent Project") (the "Project") The appeals of the Planning Commission decision to the City Council were timely filed

Section 2 On July 31 and August 28, 2002, the Planning Commission held duly noticed public hearings to consider the application for the Project filed by J H Snyder Company on behalf of Pacific Partnership and C/L Limited Partnership (hereinafter collectively referred to as the "Applicant") Evidence, both written and oral, was presented at said hearings Based upon the

evidence presented to it, the Planning Commission approved the Project subject to certain conditions

Section 3 On November 14, 2002, the City Council held a duly noticed public hearing to consider the appeal of the Project. At said hearing, the City Council also considered concurrent requests by the Applicant for a Zoning Code amendment to establish a mixed-use planned development overlay zone to be known as the M-PD-2 Zone (proposed Article 19.3) and an amendment to the 1957 Covenant restricting the use of the properties along Crescent Drive and an amendment to the 1982 Covenant dedicating certain parking spaces along Crescent Drive to off-site uses. Evidence, both written and oral, including the staff report, supporting documentation, and the record of the proceedings before the Planning Commission on the dates set forth in Section 2, was presented at said hearing. At the conclusion of the public hearing, the City Council directed staff to prepare a resolution approving the Project subject to certain conditions.

Section 4 The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq* ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq*), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, ordered the preparation of an environmental impact report (the "EIR") for the Project. On December 3, 2002, the City Council adopted Resolution No 02-R-11242 certifying the EIR and making environmental findings in connection therewith, including adopting a Statement of Overriding Considerations and a Mitigation Monitoring Program.

Those findings and the mitigation monitoring program are hereby incorporated by this reference and made a part of this Resolution

Section 5 On December 3, 2002, the City Council adopted Ordinance No 02-O-2417 entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING A MIXED-USE PLANNED DEVELOPMENT OVERLAY ZONE AND REGULATIONS PERTAINING THERETO AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE," approving the Zoning Code amendment requested by the Applicant. The City Council further adopted Resolution No 02-R-11243 making the necessary amendments to the 1957 and 1982 Covenants to allow the development of the Project.

Section 6 The project site encompasses an entire block (9 lots), located between the City's central business district (the "Business Triangle") to the west, multi-family residential, office uses and a mini-park to the east, mixed retail uses, including a bakery/café, convenience retail, parking and a surface parking lot (with entitlement for senior housing) to the north and commercial uses to the south along Wilshire Boulevard. Eight of the lots front on Crescent Drive and are zoned RMCP (the "Crescent lots"). The remaining lot occupies the southern portion of the project site and fronts on Wilshire Boulevard (the "Wilshire lot"). The Wilshire lot is currently developed with a two-story commercial building with a floor area of approximately 20,900 square feet and an 18,480 square foot surface parking lot. A 45,750 square foot surface public parking lot covers the Crescent lots and provides parking for nearby businesses on Canon Drive.

The Crescent lots are encumbered by a 1957 covenant (the "1957 Covenant") that restricts the use of these lots. The project site is further obligated by separate covenant (the "1982 Covenant") to provide 192 parking spaces to Spago Restaurant and Coldwell Banker. The Project proposes to replace the covenanted parking spaces with parking spaces in the proposed parking structure that will be located under the residential component of the Project. As noted above, the City Council adopted Resolution No. 02-R-11243 making the necessary modifications to the 1957 and 1982 Covenants to allow development of the Project on the Crescent lots.

The Project proposes a planned development consisting of two components: a commercial component comprised of a four-story, 45-foot high, 39,975 square foot structure facing Wilshire Boulevard and a residential component comprised of an 88-unit apartment complex (including 12 townhouse units along the Crescent Drive frontage), with variable height up to a maximum of five stories and 60 feet, facing Crescent Drive. Parking for the Project will be provided in 534 parking spaces located under the residential component of the development. The parking structure will provide 307 parking spaces in subterranean and above-grade garages for the commercial portion of the Project, and 227 parking spaces in an at- and below-grade structure for the residential portion of the Project. The commercial parking will be accessed via the southern most entry driveway on Crescent Drive and from two driveways off the alley, while the residential parking will be accessed from the northern most driveway on Crescent Drive.

Section 7 Based upon the evidence presented, including the staff report and oral testimony, the City Council hereby finds that the Project will advance the objectives of the M-PD-2 Zone for the following reasons:

7.1 The proposed Project is consistent with and implements the City's General Plan. The Project conforms to the land use designations for the project site. Additionally, the Project advances several primary goals and objectives of the General Plan. The General Plan Land Use Element designates the Crescent lots as a Transitional Use District, while the Wilshire lot is designated Low Density Commercial. The Transitional Use District designation permits multiple-family residential and commercial parking uses, and the Low Density Commercial designation permits commercial uses with a maximum floor area ratio of 2.0 and a maximum height of 45 feet. The Zoning Code amendment referenced above does not authorize new land uses for any portion of the project site. The Project will permit slightly increased density and heights than the current underlying zoning but is consistent with the floor area ratios and density limits anticipated by the General Plan. Additionally, the Project will advance several of the goals and objectives set forth in the General Plan. Specifically, the Project furthers the following General Plan goals:

(a) The Land Use Element of the General Plan sets forth the following goal: *Transitional conflicts resulting from the juxtaposition of commercial and residential uses should be mitigated through a program which would provide adequate buffers between conflicting uses.*

The Project, as revised and approved, will further this goal by providing a buffer between the residential uses situated along the east side of Crescent Drive and the higher intensity commercial uses of the Business Triangle to the west. The Project, though slightly larger in scale than the residential uses on the east side of Crescent Drive, is comparable in scale and mass to adjacent development on the west side of Crescent Drive. The design of the residential component concentrates the height and mass of the building away from Crescent Drive and against the alley, thereby shielding surrounding development on Crescent Drive from the intrusive effects

of the commercial uses along Canon Drive. Moreover, the residential nature of the use is comparable in intensity and harmonious with nearby residential development. Implementation of the Project will remove the possibility for other potentially more intrusive development on the site and will help preserve the existing character of the neighborhood to the maximum extent feasible.

(b) The Land Use Element also sets forth a goal to "*recommend that certain anchor locations be set aside to permit development of a higher intensity development which is not otherwise provided in the community*". Such anchor locations "*should encourage unified development oriented towards and along Wilshire Boulevard planned to complement the scale and character of adjacent residential areas*" and "*should incorporate measures to enhance streets, sidewalks and roadways in order to encourage pedestrian circulation between these areas and the Business Triangle*".

The Project provides an opportunity to construct a quality mixed-use development that would not otherwise be encouraged by the underlying zone. The project site is located on an important site at the tip of the Business Triangle. The development of this site will set the tone for the rest of the Wilshire corridor and the Business Triangle. The Project provides sufficient floor area to allow the Applicant to construct a commercial building that includes high quality amenities and high quality architectural design. Moreover, the Project provides an opportunity for the City to improve the circulation and pedestrian flow between the retail activity in the Business Triangle and the rest of the Wilshire corridor. The Project design will contribute to the urban design amenities that will serve as a visual and pedestrian link between commercial areas along Wilshire Boulevard and the Business Triangle.

(c) The Housing Element sets forth a goal to seek opportunities to expand rental housing affordable to lower income households. Although the Project, by itself, would not specifically advance this goal, the Project is consistent with Beverly Hills Ordinance No. 82-O-1839 which was adopted to implement this goal. Moreover, implementation of the Project adds 88 units to the City's rental housing stock (representing the first increase in this housing area in almost two decades) and helps the City meet its share of the regional housing needs by providing 88 market rate housing units (which represents over 65 percent of the market rate units the City must produce by 2005).

(d) The Housing Element also sets forth a goal to "*Maintain the general scale and character of the City through directed revitalization*." The General Plan sets forth the following objectives and programs for implementing this goal: (1) Maintain the general height and density limits, while permitting selected, limited increases in height or other standards to meet other objectives, provided such modifications result in development generally compatible with the surrounding area; (2) Permit a limited increase in maximum allowable heights, taking into consideration road width and other factors, in selected multifamily residential areas.

The Project will further this goal and these objectives by replacing a surface parking area with subterranean parking and 88 rental housing units that are compatible with the existing neighborhood in scale and preserve the character and "rhythm" of the street. The Project's parking, modern features and design will be consistent with the character and quality of life generally associated with the City and the surrounding neighborhood. The limited increased height will meet other objectives described in this resolution, including shielding the residential uses on the east side of Crescent Drive from impacts of the commercial uses to the west. In addition, Crescent Drive, at

the Project site, is much wider than the typical multi-family residential street Crescent Drive is four lanes wide with an additional parking lane on each side of the street

(e) The Housing Element further sets forth a goal to *“expand the variety of housing product on a limited basis beyond single family detached, rental apartment and condominium units”* and sets forth the following objective to implement this goal *“Develop standards for mixed residential-commercial structures, with and without low income housing components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas ”*

The Project will further this goal and objective by creating a mixed-use overlay zone (the M-PD-2 Zone) and providing a mixed commercial/residential development that would not otherwise be provided in the City Implementation of the Project expands the housing opportunities available in the City and helps the City fulfill its obligations under the Housing Element and State housing law

7.2 As conditioned, the proposed Project is compatible with existing and anticipated development in the vicinity and promotes harmonious development of the area The Project incorporates many design elements, including architectural modulations, ample setbacks and lush landscaping, designed to integrate the Project with both the commercial areas along Wilshire Boulevard and the residential areas along Crescent Drive The Project provides greater opportunity for landscaped area along Crescent Drive and Clifton Way and will include approximately forty percent (40%) green space area throughout the entire development The Applicant is also voluntarily dedicating land at the corner of Wilshire Boulevard and Crescent Drive to allow for the realignment of Wilshire Boulevard and Crescent Drive to provide better traffic circulation at that

intersection. Additionally, the arrangement of uses on the site reflects their context to Crescent Drive and the allowable uses under the current zoning. Exterior lighting has been limited to avoid spillage into adjacent residential uses.

The Project will be required to prepare and submit construction management plans and to conform all construction activities to said plans to minimize construction impacts on adjacent land uses. Said plans will address interim replacement parking to accommodate the 192 covenant parking spaces that will be displaced by construction activities. Thus, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

7.3 As conditioned, the proposed Project is compatible with the scale and massing of the surrounding neighborhood. The northerly facade of the commercial building will not provide any openings towards the residential component of the Project (facing north). This will be advantageous with respect to privacy. In addition, the north wall will be visually enhanced by architectural articulation. A five-foot landscaped setback is provided along the Crescent Drive commercial frontage. This setback will serve as a visual, streetscape transition to the increased landscape setback in front of the residential component of the development to the north. The proposed four-story commercial building is compatible with the Wilshire Boulevard streetscape. The Project provides a two-foot setback on Wilshire Boulevard to provide planting opportunities. Along Wilshire Boulevard, the absence of a landscaped setback provides a more spacious area for pedestrians and more contact with ground-floor commercial development and will serve as a visual and pedestrian link between the retail activity in the Business Triangle and the commercial areas along the Wilshire corridor. Planter boxes and other street furniture will be introduced to further

enhance the pedestrian environment consistent with the urban setting along Wilshire Boulevard. The residential component of the Project incorporates substantial modulation into its design and blends well with surrounding residential development along Crescent Drive. While the Project is 60 feet in height, the height and mass of the building is concentrated away from Crescent Drive, as more fully discussed in Section 7.4 below. The entire Project, including the Wilshire Boulevard facade, will be reviewed by the Architectural Commission.

7.4 The proposed Project provides pedestrian-friendly amenities along the street level, and setbacks that are generally consistent with other development along the west side of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard. In addition to those amenities discussed above for the commercial portion of the Project, the proposed Project differs from the City's Site A structures to the north in its absence of retail frontage along Crescent Drive. Instead, its Crescent Drive frontage is residential in character with an ample landscaped front yard setback and a number of walkways leading to building entrances, which contribute to the pedestrian experience. Furthermore, the Project will add two and one-half feet (2½') to the width of the sidewalk and add street trees. The Project will screen activities associated with commercial establishments on Canon Drive from the residential uses on Crescent Drive. In particular, valet operations that currently occur in the open lot during the evening will be enclosed in the Project. On the south side, the commercial building facade is softened by landscaping and modulation. The proposed Project provides considerable modulation along Crescent Drive. While the Project is 60 feet in height, the height and mass of the building is concentrated away from Crescent Drive. The residential building forms an "E" with the spine along the alley at the west side of the site and the legs extending toward Crescent Drive. The green space atop the roof of the parking structure creates

the voids between the legs of the "E" and substantially reduces the mass of the building as viewed from the street. The top story is stepped back from Crescent Drive approximately 35 feet so that the building appears one story lower from the street. The proposed architectural treatments, setbacks (including upper floor setbacks), modulation, and landscaping reduce the mass of the structure as viewed from the street. The Project is comparable in scale and mass to other existing and proposed structures on the west side of Crescent Drive. Further, the Project's building facade, architectural details and landscaping are subject to review and approval by the Architectural Commission.

7.5 As conditioned, the proposed Project will not unduly induce significantly greater traffic on nearby neighborhood streets. The EIR prepared for the Project demonstrates that while the proposed Project will generate more traffic than the existing uses on the project site, the incremental traffic increase on adjacent streets is not significant. The net weekday traffic generated by the Project is estimated to be about 1,296 daily trips, of which 103 will occur in the morning peak hour and 179 in the afternoon peak hour. This traffic will not have a significant impact to any neighborhood street. Access to the Project will be provided via four driveways: two on Crescent Drive, and two on the southbound alley between Canon Drive and Crescent Drive. The northernmost driveway on Crescent Drive is designed to exclusively serve the residential component of the Project and entry will be restricted. The southernmost driveway on Crescent Drive will serve the parking areas designed for the commercial structure, which is proposed to be restricted to right-turn in, right-turn out movements. Left turn ingress/egress at the commercial driveway on Crescent Drive will be prohibited and signage and arrow markings on the pavement will be provided. The driveway will be channelized to force right-turn movements to further reduce any impacts on adjacent residential streets. The northernmost driveway off the alley will be dedicated for Spago

Restaurant's exclusive use and entry will be limited to key-card access. The southerly driveway off the alley will also be key-card operated and will provide a second access to the commercial parking area, this driveway will be accessed from the north and egressed to the south via the alley. Vehicles leaving the Project via the alley will access Wilshire Boulevard via a right-turn movement. Gaps in the westbound traffic stream, resulting from the traffic signal operation at the intersection of Wilshire Boulevard at Crescent Drive, will provide adequate opportunity for the southbound alley traffic to enter Wilshire Boulevard. In fact, the Project provides an opportunity to align the Crescent Drive/Wilshire Boulevard intersection and improve traffic circulation in the area. As noted in Section 7.2, the Applicant is voluntarily dedicating land at the corner of Wilshire Boulevard and Crescent Drive for the purpose of realigning the intersection of Wilshire Boulevard and Crescent Drive, thereby improving conditions at this intersection.

7.6 As conditioned, the proposed Project has sufficiently mitigated adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, pedestrian safety hazards, and significant parking impacts as a result of patron or employee parking demand. In addition to the traffic mitigation measures discussed above, the Project will replace the 244 marked parking spaces in the existing on-site parking lots that will be displaced by the Project with 534 parking spaces contained within four and one-quarter (4¼) levels of parking (2¼ levels below grade, one at grade, and one level above the grade level) located within the residential component of the Project. Conditions will be imposed on the Project to reduce parking impacts, including the following: (1) on-site parking will be provided to all commercial and residential tenants of the development, (2) all commercial patrons will be provided one-hour free, validated on-site parking, (3) free on-site parking will be provided to employees of the commercial building at all times, and (4) a Loading Management Plan

and a Parking Management Plan satisfactory to the Directors of Planning and Transportation will be provided. The EIR concluded that the Project's supply of parking is adequate to meet the parking demand generated by the Project and the uses on Canon Drive which utilize the existing parking. The Project will effectively utilize tandem spaces in the subterranean garage. A loading bay to accommodate loading/unloading vehicles will be provided at the southerly end of the alley. The largest truck to be accommodated will be 30 feet. The EIR concludes that the proposed loading spaces will be adequate to handle the delivery demands of the Project if two trucks of greater than 30 feet are prohibited from using the loading area at the same time. This prohibition has been made a condition of Project approval. The Applicant is proposing to dedicate additional land at the corner of Crescent Drive and Wilshire Boulevard to facilitate a better alignment of Crescent Drive which will improve vehicular circulation and pedestrian safety.

77 As conditioned, the Project will foster the uniform development of all parcels in the M-PD-2 Zone. The proposed Project encompasses all nine lots between Wilshire Boulevard and Crescent Drive and the alley between Canon Drive and provides the City with the opportunity to ensure that the entire block is developed in a unified manner, an objective that has been expressly stated by the City.

78 As part of the certification of the EIR and adoption of Zoning Code amendment for the Project, the City Council adopted a Statement of Overriding Considerations for the Project's unmitigable construction impacts. For the reasons stated in the Statement of Overriding Considerations and those discussed in Sections 7.1 through 7.7, inclusive, above, the proposed Project will promote the public health, safety and welfare and will not be detrimental to the public health, safety and welfare.

Section 8 As proposed and conditioned, the Project meets the objectives of the M-PD-2 Zone as set forth in Section 7 of this resolution. Therefore, as authorized by Article 19.3 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, the City Council hereby approves the following elements of the planned development, as proposed and conditioned:

8.1 Pursuant to Beverly Hills Municipal Code Section 10-3.1934, the City Council hereby approves the commercial office uses and residential rental uses of the planned development, as proposed and conditioned.

8.2 Pursuant to Beverly Hills Municipal Code Section 10-3.1937(c), the City Council hereby approves the unoccupied architectural features of the planned development, as proposed and conditioned.

Section 9 Based upon the evidence presented, the City Council hereby denies the appeals and conditionally approves the Planned Development subject to the following mitigation measures and conditions:

A. Mitigation Measures. The Project shall be subject to the following physical mitigation measures:

A-1 The Project shall be reviewed by the City of Beverly Hills' Architectural Commission in accordance with the provisions of Article 30, Chapter 3, Title 10 of the Beverly Hills Municipal Code. In its review, the Commission shall consider the building mass and finish materials, other details of the building facade, upper story setbacks, proposed landscaping, pedestrian accommodations and exterior lighting with respect to the criteria set forth in

Section 10-3 3010, and apply appropriate conditions of approval to ensure compliance with these criteria. At a minimum, the Architectural Commission's review shall ensure that the Project complies with the following: (1) The Applicant provides a landscaping and street tree plan satisfactory to the Architectural Commission and the Department of Recreation and Parks. Said plan shall, at a minimum, provide the amount of landscaping described in the EIR, (2) The Applicant provides a lighting plan that demonstrates to the satisfaction of the Architectural Commission that the exterior lighting proposed for the Project is consistent with Sections 10-4 314 and 5-6 1101, (3) The final building plans for the Project provide building setbacks, modulation, and massing that is consistent with the Project as described in the EIR or improves upon the setbacks, massing, and modulation shown on the plans analyzed in the EIR, (4) No project design or landscape features are modified, or eliminated, without prior review and approval by the City.

- A-2 The Applicant shall pay school impact fees in accordance with the most current rate schedule and shall submit proof of payment to the Director of Building & Safety prior to the issuance of the building permits.
- A-3 The Applicant shall pay park impact fees in accordance with the most current rate schedule and shall demonstrate payment to the Director of Building & Safety prior to issuance of the building permits.
- A-4 The Applicant shall submit a Solid Waste Management Plan to the Directors of Planning and Public Works for their review and approval prior to issuance of building permits for the first project component and the Applicant shall comply with that approved plan. The plan shall discuss the implementation of source reduction and recycling and shall demonstrate that the

Project includes measures consistent with the City's AB939 compliance requirements, including but not be limited to (1) Provision of clearly marked, separate recycling areas for glass, aluminum, office paper, newspaper, and plastics, (2) Provision of recycling bins for glass, aluminum, and plastic next to each beverage machine in each public and employee area and in any other common area where employees and visitors may generate recyclable material, (3) Provision of bins for cardboard recycling during project construction and operation, (4) Provision of a central area for white office paper and newspaper on each floor within each area and building proposed for office purposes, (5) Promotion of recycling efforts by publicizing the Project's recycling program to employees, residents, and visitors, (6) Use of reduced and recyclable packaging for commercial products offered by project components, where possible, (7) Arrangements for the recycling of scrap wood during construction, (8) Arrangements for the recycling of green waste generated by project landscaping, installation, and maintenance, (9) Determination of the number design and placement of waste containers on the project site, (10) Determination of access and turning radius adequacy for waste collection vehicles

- A-5 Prior to issuance of any occupancy permit for the Project, the Applicant shall demonstrate to the satisfaction of the Director of Transportation that the Project complies with the City's Transportation Demand and Trip Reduction Measures under the Congestion Management Program
- A-6 A comprehensive Parking Management Plan shall be submitted to the Director of Planning for review and approval prior to issuance of the Project occupancy permits and the Applicant shall comply with that approved Plan The plan shall address the utilization of the

subterranean garage by the respective tenants and operators and shall ensure the effective utilization of the tandem parking by (1) specifying how such parking will be restricted to tenants, rather than visitors, and/or (2) by requiring the use of commercial tandem parking spaces by employees of the same organization, and/or (3) by providing for an attendant service to move cars, and/or (4) by specifying some other method deemed acceptable by the Director of Planning. It shall also provide for weekend use of commercial/office parking by non-project users and shall provide for a method of directing UPS/FedEx and other trucks and/or large vans to the loading area off the alley.

A-7 The project Applicant shall prepare a comprehensive Construction Parking and Hauling Plan and said Plan shall be submitted to and approved by the Directors of Planning and Building & Safety prior to the issuance of building permits and the Applicant shall comply with that approved Plan. Said Plan shall demonstrate to the satisfaction of the Directors of Planning and Building & Safety that adequate provisions for parking for covenanted uses and construction workers have been made prior to issuance of construction and grading permits for the Project. Adequate provisions shall be defined as demonstration that the Applicant has entered into a contract for the provision of the necessary parking. Such parking shall be located no more than 500 feet from the project site, unless a shuttle service is provided at the Project developer's expense, which satisfactorily meets the needs of the covenanted users. The Plan shall prohibit any construction-related parking on nearby residential streets or in the alley.

A-8 The Director of Transportation shall consult with the Applicant to ensure that the Project and/or the Project's Parking Management Plan includes measures to (1) restrict left hand

turns into and out of the southern entrance on Crescent Drive, (2) ensure that entry to the northerly driveway in the alley is controlled through key-card access and that all parking for Spago guests in the parking structure is provided by valet, and (3) to provide project residents and employees with information about proper routing to and from the building. Any measures shall be reviewed and approved by the Director of Transportation prior to issuance of the Certificate of Occupancy for the Project and the Applicant shall comply with those approved measures.

A-9 The Applicant shall modify the design of the motor court to the satisfaction of the Directors of Transportation and Planning to accommodate all vehicles that will use the parking garage to the satisfaction of the City. Consideration should be given to relocating the pedestrian walkway to the southerly side of the driveway to provide more visibility for both pedestrians and vehicles and cutting back the pedestrian island (towards Crescent Drive) to provide for unimpeded left-turns from the garage onto Crescent Drive. The revised plan shall show the size of all parking spaces and shall demonstrate to the satisfaction of the Director of Planning that all spaces shall comply with the City Code requirements, including minimum dimensions for parking spaces. The revised plan shall be submitted to the Director of Planning for review and approval prior to issuance of the grading and construction permits for the Project.

A-10 The Applicant shall install signage in the alley in the vicinity of the loading area. The signage shall clearly direct any truck arriving at the loading area to pull as far south as possible so that a second truck can access the northerly loading space without protruding into the pedestrian walkway. The proposed signage shall be reviewed and approved by the

Directors of Planning and Transportation prior to installation and shall be installed prior to issuance of any occupancy permit for the Project

- A-11 The Applicant shall be required to comply with the following restrictions on the use of the loading area and alley (1) Two trucks of greater than 30 feet are prohibited from using the loading area at the same time, (2) Commercial vehicles other than small vans (e g couriers) shall be prohibited from using the loading area between the hours of 4 00 p m and 6 00 p m Monday through Friday The project operator shall designate an employee to monitor the loading area and deliveries to ensure compliance with the restrictions set forth in this provision
- A-12 The Applicant shall submit a Construction Management Plan to the Director of Planning for review and approval prior to issuance of any grading or construction permits and the Applicant shall comply with that approved Plan At a minimum, the Construction Management Plan shall address the following (1) construction delivery schedules, (2) truck hauling/construction traffic routing and access, (3) access to and from the site by construction workers, (4) use of the alley, (5) construction parking (on street construction parking shall be prohibited), and (6) management of vehicular ingress/egress from/to public rights-of-way (e g flagmen, etc) The plan shall demonstrate that any construction impacts to alley operations, on-street parking, or associated with truck assess have been reduced to a level consistent with normal construction activity within the City
- A-13 The Applicant shall ensure that the construction contractors shall (1) Use adequate water for dust control (preferably using reclaimed water), (2) Terminate any construction activities involving earth disturbance during high wind conditions (winds greater than 25 miles per

hour), (3) Operate street sweepers, or roadway-washing trucks, on adjacent roadways to remove dirt dropped by construction vehicles, or dried mud carried off by trucks moving dirt, or bringing construction materials, (4) Cover trucks or wetting-down loads of any dirt hauled to or from the project site, (5) Perform low-NOx emission tune-ups on all equipment operating on-site for more than 60 days, (6) Require on-site contractors to operate a congestion relief program including provision of rideshare incentives for construction personnel, provision of off-street parking for construction personnel, limitation of lane closures to non-peak traffic hours, and scheduling the receipt of construction materials for non-peak traffic periods where possible

- A-14 The Applicant shall not use, or permit to be used, construction vehicles, nor load or unload construction materials or debris, nor permit the same to be done, before 8 a m
- A-15 The Applicant shall restrict pile driving, if required, to the hours of 9 a m to 4 p m on Mondays through Fridays
- A-16 Prior to the issuance of building permits, the Applicant shall submit a Construction Haul Route Plan that avoids the use of residential streets to the City of Beverly Hills Building & Safety Department and the Department of Transportation for review and approval and shall implement the approved Construction Hauling Plan
- A-17 Prior to issuance of building permits, the Applicant shall perform additional, on-site tests specifically designed to investigate potential subsurface faulting as recommended by the Project's geotechnical consultant. The phasing and nature of the testing shall be reviewed and approved by the Director of Building and Safety prior to the tests being conducted. Testing shall be performed by a state-licensed geologist approved by the City. Examples of

further investigation at the site, which may be required by the Director of Building & Safety include, but are not limited to (1) Performing surface geophysical surveys (similar to those which were performed by Pratt et al (1998) across areas west of the site) to identify the continuity or discontinuity of subsurface stratigraphy, (2) Performing a series of closely spaced cone penetration tests and use of the data (along with the existing geotechnical borehole data) to define the continuity (or lack thereof) of subsurface layers, (3) Performing core borings, or large diameter borings, for down-hole inspection of subsurface conditions to collect data for correlation with previously collected data, (4) Excavating and logging trenches in the vicinity of the building site and perpendicular to the suspected trace of faulting. Upon completion of the tests, the Applicant shall prepare and submit a report and recommendations to the Director of Building & Safety for review and approval. All required mitigation measures to reduce risks associated with subsurface faulting shall be made a condition of the Project. The Applicant shall demonstrate compliance with the required measures prior to issuance of any building permit, or on a time schedule deemed appropriate by the Director of Building & Safety. Should the results of additional geotechnical investigation indicate the need for the redesign of the Project, the nature of the redesign shall be reviewed by the Director of Planning and Community Development in order to determine if the redesigned project requires additional environmental review.

- A-18 Testing shall be done at the Applicant's expense by an environmental assessor approved by the City for Asbestos Containing Building Materials (ACBM), PCBs, and other hazardous substances potentially present on site. The report shall be submitted for review and approval by the Director of Public Works prior to the issuance of the demolition permit for the Project.

If any hazardous substances are detected in the existing structures or the soil on the project site, prior to the issuance of the demolition permit for the Project, the Applicant shall (i) retain a qualified environmental expert approved by the City to supervise the removal and disposal of such substances, and (ii) comply with all requirements imposed by any federal, state, or local regulatory agency with respect to the removal and disposal of such materials from the project site

A-19 A Construction Risk Management Plan shall be prepared and submitted to the Director of Public Works for review and approval prior to issuance of any demolition or construction permits for the Project. The Plan shall incorporate the recommendations of the environmental assessors report and shall identify procedures for identifying any hazardous materials that may be encountered during construction. If materials that could present a threat to human health or the environment are discovered, construction in that immediate area shall cease immediately. Furthermore, a qualified professional shall evaluate the finding(s) and make appropriate recommendations. Work shall not resume in that area until the City determines that appropriate actions have been implemented based on those recommendations to protect human health and the environment.

B. Project Conditions: The Project shall be comply with the following conditions

B-1 Prior to issuance of building permits and subject to the review and approval of the Transportation Department, the Applicant shall provide a Parking Operation Plan (1) to designate replacement parking for the 192 covenant parking spaces displaced during the construction phase, including specifying which parking lots will be used to accommodate such parking, (2) to provide the hours of valet operations, if required, (3) to demonstrate that

an adequate number of valet attendants are available during morning and evening peak workday hours. The Parking Operation Plan shall include a map identifying routes and parking lots to be utilized and shall include written verification from the owner of the proposed replacement parking that such parking will be available to the Applicant throughout the construction period. The Applicant shall comply with the approved Parking Operation Plan.

- B-2 No uses other than those specifically approved in Section 8 of this Resolution shall be permitted as part of this planned development. This condition shall not be construed to bar the applicant from requesting a modification at a later date to permit additional uses as part of this planned development.
- B-3 No rooftop uses are approved or permitted as part of this planned development. This condition shall not be construed to bar the applicant from requesting a modification at a later date to permit rooftop uses as part of this planned development.
- B-4 Prior to issuance of occupancy permits and subject to the review and approval of the Directors of Planning and Transportation, the Applicant shall provide a Loading Management Plan to minimize loading-related impacts from the Project on adjacent land uses. The Loading Management Plan shall designate a delivery monitor to monitor the loading area and deliveries in order to control the circulation activities and to prevent overcrowding in the loading area. The City hereby retains the authority to impose additional conditions on the Project to address loading and delivery problems should they arise. The Applicant shall comply with the approved Loading Management Plan and any additional

conditions imposed after adoption of this resolution and after adoption of the Loading Management Plan, in order to address loading and delivery problems

- B-5 The Project shall provide on-site parking for its residential and commercial tenants at all times
- B-6 The Project shall provide one-hour free, validated on-site parking for all patrons of the commercial component at all times. In addition, the rate charged for parking after the first hour shall not exceed the amount charged at the nearest city parking structure. Signage satisfactory to the Director of Planning shall be posted at the driveway entrance indicating the availability of the free parking in the garage for patrons of the commercial component.
- B-7 The Project shall provide free, on-site parking to employees of all commercial tenants at all times.
- B-8 The Project shall be designed to prohibit left turn egress from the Commercial (southern) driveway on Crescent Drive. The applicant shall channelize the driveway to restrict turning movements to right turns only and shall install "Right Turn Only" signs and arrow markings on the pavement, or such other restrictive devices as required by the Director of Transportation and City Engineer.
- B-9 Prior to the issuance of occupancy permits for the Project, the applicant shall install a sign substantially indicating "Yield to Pedestrians Crossing" to warn drivers entering/exiting the residential and commercial garage.
- B-10 The rear facade of the commercial component of the Project shall be visually enhanced by architectural articulation.

B-11 Prior to the issuance of the building permits, the Applicant shall record a lot-tie covenant, satisfactory to the City Attorney, tying together all nine lots of the Project site

C General Conditions The Project shall comply with all of the following conditions

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

C-2 The Applicant shall comply with the requirements of the street tree mitigation plan of the Recreation and Parks Department, attached hereto as Exhibit B and incorporated herein by this reference.

C-3 Except as otherwise provided by these conditions, the Project shall be constructed and operated in substantial compliance with the plans submitted to and approved by the City Council at its meeting of November 14, 2002.

C-4 A cash deposit of \$5,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may (a) retain the deposit to cover costs of enforcement, (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice, and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing,

said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

- C-5 Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.
- C-6 These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
- C-7 This Resolution approving a Planned Development, Mixed-Use project for commercial and residential uses and replacement of covenanted parking (collectively, "the discretionary approvals") shall not become effective until the owner of the project site records a covenant,

satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning and Community Development within 60 days after the City Council's adoption of this resolution. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the discretionary approvals shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Planning and Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the discretionary approvals.

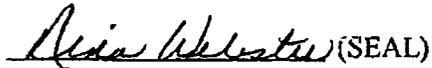
C-8 The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution and the Applicant shall comply with all such modified or additional conditions.

Section 10 The City Clerk shall certify to the adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City. This resolution shall become effective upon the effective date of Ordinance No. 02-O-2417.

Adopted December 17, 2002


MERALEE GOLDMAN
Mayor of the City of Beverly Hills, California

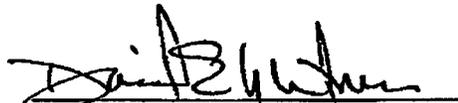
ATTEST

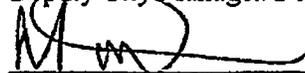
 (SEAL)
NINA WEBSTER
City Clerk

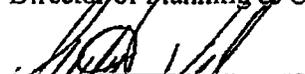
APPROVED AS TO FORM


LAURENCE S WIENER
City Attorney

APPROVED AS TO CONTENT


DAVID LIGHTNER
Deputy City Manager/Development


MAHDI ALUZRI
Director of Planning & Community Development


ANTON DAHLERBRUCH
Deputy City Manager/Community/
Director of Transportation


RONALD B CLARK
Director of Building & Safety


DAVID D GUSTAVSON
Director of Civil Engineering

EXHIBIT A
PUBLIC WORKS/ENGINEERING
STANDARD CONDITIONS LIST

CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST
FOR THE PLANNING COMMISSION

September 6, 2002

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of \$5,638.80, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (The tax figure is adjusted annually)
4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

Standard Conditions List
For the Planning Commission
September 6, 2002

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

Standard Conditions List
For the Planning Commission
September 6, 2002

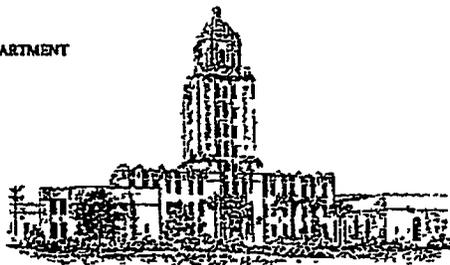
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are, rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

EXHIBIT B
RECREATION AND PARKS
STREET TREE MITIGATION PLAN



RECREATION AND PARKS DEPARTMENT
455 N. Ransford Drive
Beverly Hills, CA 90210-4817
(310) 285-2536
FAX: (310) 285-0340

STEVE MILLER, DIRECTOR



CITY OF BEVERLY HILLS

Trees and Construction

The City of Beverly Hills and its Residents hold our urban forest in high regard. We appreciate your regard for our City trees as you contemplate your project. We look forward to reviewing your mitigation plan as it relates to City trees that may be impacted by the proposed activities included in this project.

The applicant should identify any City and/or protected tree or trees within the proposed area of construction, and/or like tree or trees in close proximity to the construction site, that may be impacted. The location of these trees should be noted on the initial plan submittal. A plan that works to alleviate, or minimize, the potential that the health and vigor of a City and/or protected tree or trees will be affected during the construction process (a mitigation plan) should accompany the original plan submittal.

A mitigation plan should focus on retaining and protecting an existing City and/or protected tree or trees. This plan should include a valuation of the tree or trees that may be impacted by the proposed project. If more than one tree is involved, each tree should be valued in a separate treatment. This valuation should be performed by an International Society of Arboriculture (ISA) Certified Arborist using the standard valuation method recognized by the ISA.

Elements of the mitigation plan should include:

1. Definition of what can be done to avoid any impact on the tree or trees, as well as what steps will be taken to protect the tree or trees that may be impacted by construction activities, for the duration of the project.
2. If the well being of the tree or trees is suspected to be impacted or deemed unavoidable, a proposal to box, maintain and re-install the tree or trees after construction activities have been completed should be submitted. Any proposal for the boxing, care and re-installation of any tree or trees should include a resume of experience specific to tree moving from the firm submitting the plan. This proposal should include a contingency plan to replace the tree(s) with the installation of a forty-eight (48) inch box size should the tree or trees decline within twenty four (24) months after the time the tree or trees are re-installed into the site.
3. An offer of bond that is consistent with the value of the tree or trees based upon the previously described valuation of the tree or trees by an ISA Certified Arborist.
4. The ISA certification number and contact information for the ISA Certified Arborist assisting with the project mitigation plan.

To access a listing of ISA Certified Arborists in your area, visit
<http://www.isa-arbor.com/arborists/arbsearch.html>

To learn more about the valuation of trees, visit
<http://www2.champaign-isa-arbor.com/consumer/values.html>

Contact the Department of Recreation and Parks Urban Forest Supervisor at (310) 550-4638 or at kofalzgraf@ci.beverly-hills.ca.us if you are in need of further assistance.

RESOLUTION NO 02-R-11242

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE CRESCENT PROJECT, MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY FINDS
AND RESOLVES AS FOLLOWS

Section 1 A formal application has been submitted for a planned development, amendments to existing parking covenants, and a zoning code amendment to allow construction of a mixed use development project consisting of a four-story, 39,975 square-foot office/retail building fronting Wilshire Boulevard with a height of 45 feet and a residential component comprised of 88 apartment units with modulated height up to a maximum height of five-stories and 60 feet on property generally located at 131-191 Crescent Drive/9355-9373 Wilshire Boulevard (collectively referred to herein as the "Project"), as more fully described in Section 2.0 of the Draft Environmental Impact Report dated July 2002 (the "DEIR") 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 2 Pursuant to Section 15063 of the Guidelines, the City prepared an Initial Environmental Study (the "Initial Study") for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources and governmental services, including aesthetics, air quality, geology, population and housing, land-use and planning, noise, public services and utilities, transportation/circulation, and hazards and hazardous materials.

Section 3 Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report (the "EIR") for the Project. The City contracted with an independent consultant for the preparation of the EIR and, on April 12, 2002, prepared and sent a Notice of Preparation of the EIR to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a).

Section 4 The independent consultant completed the DEIR, together with those certain technical appendices (the "Appendices"), on July 15, 2002. The City circulated the DEIR and the Appendices to the public and other interested persons between July 15, 2002, and August 14, 2002, for a 30-day comment period pursuant to Guidelines Sections 15087(c) and 15105. The Planning Commission held a duly noticed public hearing on July 31, 2002, and August 28, 2002, at which times it received oral and documentary evidence from the public regarding the Project and the DEIR.

Section 5 During the public review and comment process, the City received written and oral comments regarding the adequacy of the DEIR. The City prepared written responses to all comments and made minor revisions and additions to the DEIR in response to the comments. After reviewing the responses to comments and the revisions to the DEIR, City staff concluded that the information and issues raised by the comments and the responses thereto did not constitute new information requiring recirculation of the DEIR pursuant to Public Resources Code Section 21092.1 or Guidelines Section 15088.5.

Section 6 The Final Environmental Impact Report (the "EIR") is comprised of three volumes: the DEIR dated July 15, 2002, the Appendices dated July 15, 2002, and the Comments and Responses to Comments on the DEIR dated August 19, 2002. The Planning Commission held a duly noticed public hearing on the DEIR and the EIR on July 15, 2002, and August 28, 2002 (the "PC Hearings") at which time evidence, both written and oral, was presented to and considered by the Planning Commission. Notice of the time, place and purpose of the PC Hearings was provided in accordance with applicable law. Based upon the record of the PC Hearings, the Planning Commission voted to certify the completeness and adequacy of the EIR, to make certain environmental findings, to conditionally approve the planned development for the project, and to recommend that the City Council approve the zoning amendment and amend the parking covenants.

Section 7 The City Council held a duly noticed *de novo* public hearing on the EIR and the Project on November 14, 2002 (the "Hearing") at which time evidence, both written

and oral, was presented to and considered by the City Council. Notice of the time, place and purpose of the Hearing was provided in accordance with applicable law. Based upon the record of the Hearing, the City Council voted to certify the completeness and adequacy of the EIR, to introduce the zoning amendment, to amend the parking covenant, and to conditionally approve the planned development for the Project.

Section 8 The findings made in this Resolution are based upon the information and evidence set forth in the EIR and upon other substantial evidence which has been presented in the record of this proceeding. 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 and available for public examination during normal business hours in the Department of Planning and Community Development and with the Director of Planning and Community Development, who serves as the custodian of these records.

Section 9 The City Council finds that pursuant to Guideline Sections 15087(e) and 15105, agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR.

Section 10 The City Council has independently reviewed and considered the contents of the EIR prior to deciding whether to approve the Project pursuant to Guidelines Section 15084(e). The City Council hereby finds that the EIR reflects the independent judgement of the City and the City Council. The City Council further finds that the additional information

provided in the staff reports, in the responses to comments received after circulation of the DEIR, and in the evidence presented in written and oral testimony presented at the Hearings, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the City Council after circulation of the DEIR has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 11 The City Council finds that the comments regarding the DEIR and the responses to those comments have been received by the City, that the Planning Commission and the City Council received public testimony regarding the adequacy of the EIR, and that the City Council, as the final decision-making body for the lead agency, has reviewed and considered all such documents and testimony prior to acting on the Project. Pursuant to Guidelines Section 15090, the City Council hereby certifies that the EIR has been completed in compliance with CEQA.

Section 12 Based upon the EIR and the record before the City Council, the City Council finds that the Project will not cause any significant environmental impacts except in the area of short term Air Quality impacts. Explanations for why the impacts other than short term Air Quality were found to be insignificant are contained in the Environmental Findings set forth in Exhibit A to this resolution and more fully described in Section 3.0 of the EIR and the Initial Study (included as Exhibit A to the EIR).

Section 13 Based upon the EIR and the record before the City Council, the City Council finds that the Project will create significant unavoidable impacts to Air Quality from short-term air pollutants associated with construction of the Project. These significant impacts are further described in the "Findings and Facts In Support of Findings" set forth in Exhibit A, which is attached hereto and is incorporated herein by reference, and in Sections 3.0 of the EIR. The significant impacts to Air Quality arising from Project are associated with construction equipment and will be temporary in nature but will generate emissions of air pollutants. Estimated daily average construction emissions will remain below the thresholds of significance established by the South Coast Air Quality Management District with the exception of nitrogen oxide (NO_x) emissions. The Project's construction-related NO_x emissions, which are associated with hauling trips over long distances and the operation of heavy construction equipment on-site, will result in short-term, significant, unavoidable impacts to Air Quality. These impacts will be substantially reduced through the application of standard conditions, uniform codes, Project design features, and mitigation measures identified in the EIR, and will cease at the completion of construction activities. Nevertheless, these impacts remain significant. All feasible mitigation measures have been adopted. The changes or alterations required in, or incorporated into, the Project, and a brief explanation of the rationale for this finding with regard to the identified impacts, are contained in Exhibit A. Further explanation for these determinations may be found in Section 3.0 of the EIR.

Section 14 Based upon the EIR and the record before the City Council, the City Council finds that the Project's cumulative impacts are not significant. Further explanation for this determination may be found in Section 3.0 and Section 4.0 of the EIR.

Section 15 Section 5.0 of the EIR describes, and the City Council has fully considered, a reasonable range of alternatives to the Project. These alternatives include "Alternative 1 – Prior Version of the Project (Triangle Gateway)," "Alternative 2 – No Project Code-Conforming with Senior Housing," "Alternative 3 – Code-Conforming with Market Rate Housing," "Alternative 4 – No Project No Change to Project Site." The alternatives identified in the EIR either would not sufficiently achieve the basic objectives of the Project, would do so only with unacceptable adverse environmental impacts, or are not feasible. Accordingly, and for any one of the reasons set forth in Exhibit A, attached hereto and incorporated herein by this reference, or set forth in the EIR, the City Council finds that specific economic, social, or other considerations make infeasible each of the Project alternatives, including the three "No Project" alternatives, identified in the EIR, and each is hereby rejected. The City Council further finds that a good faith effort was made to incorporate alternatives into the preparation of the EIR, and that all reasonable alternatives were considered in the review process of the EIR and the ultimate decision on the Project.

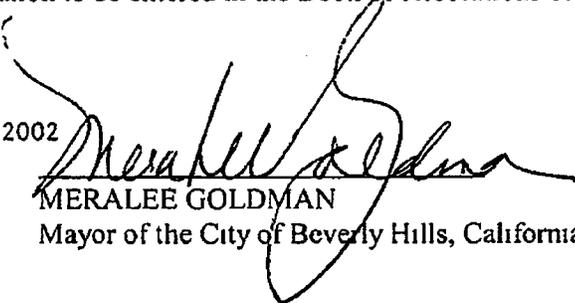
Section 16 For the short term Air Quality impacts identified in the EIR as "significant and unavoidable," the City Council hereby adopts the "Statement of Overriding Considerations" set forth in Exhibit B, which is attached hereto and is hereby incorporated by

reference The City Council finds that each of the overriding benefits, by itself, would justify proceeding with the Project despite any significant and unavoidable air quality impacts identified in the EIR

Section 17 The City Council hereby adopts the mitigation measures set forth in Exhibit C, attached hereto and incorporated herein by this reference and imposes each mitigation measure as a condition of Project approval The City Council further adopts the "Mitigation Monitoring Program" which is presented as Exhibit D, attached hereto and incorporated herein by reference City staff shall implement and monitor the mitigation measures as described in Exhibit D

Section 18 The City Clerk shall certify to the adoption of this resolution, and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City

Adopted December 3, 2002

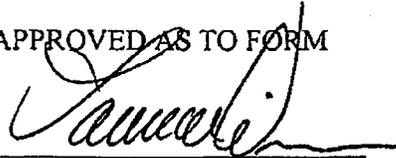

MERALEE GOLDMAN
Mayor of the City of Beverly Hills, California

ATTEST


NINA WEBSTER (SEAL)
City Clerk

[Signatures continue]

APPROVED AS TO FORM

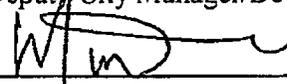


LAURENCE S WIENER
City Attorney

APPROVED AS TO CONTENT



DAVID LIGHTNER
Deputy City Manager/Development



MAHDI ALUZRI
Director of Planning & Community Development

EXHIBIT A

Findings and Facts In Support Of Findings

I Introduction

Pursuant the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed construction of a mixed use development project consisting of a four-story, 39,975 square-foot office/retail building fronting Wilshire Boulevard with a height of 45 feet and a residential component comprised of 88 apartment units with modulated height up to a maximum height of five-stories and 60 feet on property generally located at 131-191 Crescent Drive/9355-9373 Wilshire Boulevard (the "Project"), as more fully described in Section 2 0 of the Environmental Impact Report dated July 15, 2002 (the "EIR") The Project includes requests for a planned development, amendments to an existing parking covenant, and a zoning code amendment establishing a mixed-use overlay zone over the project site These findings are based upon evidence presented in the record of these proceedings, both written and oral, the Environmental Impact Report (the "EIR") and all of its contents including, without limitation, the Initial Study, the Draft EIR, the Appendices, the Comments and Responses to Comments on the Draft EIR, and staff and consultants' reports prepared and presented to the Planning Commission and the City Council

II Project Objectives

As set forth in Section 2 0 of the EIR, the objectives which the Project applicant seeks to achieve with this Project (the "Project Objectives") are as follows

- To develop luxury apartments,
- To develop high-quality office space in a prominent and visible location,
- To develop supporting retail space,
- To accommodate existing covenanted parking obligations to neighboring restaurant and office uses,
- To provide sufficient and convenient parking for on-site uses,
- To produce a development that is harmonious in scale and architectural style with the area, will not interfere with the enjoyment of residential properties in the vicinity, and is consistent with the General Plan, public interest and general welfare, and,
- To meet the objectives specified by the City Council in Resolution 1163 for any project on the site to provide an adequate transition between the business district and nearby residential uses to the east, by
 - Ensuring "that the scale and massing of the development is compatible to the character of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway) through appropriate height limits, modulation and upper-story setbacks,"

- Providing "pedestrian-friendly amenities at the street level and" providing "street setbacks that are consistent with the rest of the west side of Crescent Drive between Wilshire Boulevard and Santa Monica Boulevard (South Roadway),"
- Limiting "land use and density on the site to that which, in aggregate, will not create unmitigable significant traffic impacts on nearby residential streets unless there is an overriding public policy consideration that otherwise justifies approving the increased density or a more intense land use despite the traffic impacts,"
- Instituting "physical standards, such as alley setbacks, loading facility configurations, and turning radii to address deliveries and loading operations in a manner that minimizes impediments to vehicular circulation, and protects life and property,"
- Providing "that the zoning or any development proposed for the site include all nine lots between Wilshire Boulevard and Clifton Way and between Crescent Drive and the alley between Canon Drive and Crescent Drive to be treated in a unified manner"

III Significant Environmental Impacts and Adopted Mitigation Measures

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of Land Use and Planning, Aesthetics, Population and Housing, Public Services and Utilities, Transportation/Circulation (traffic), Air Quality, Noise, Geology and Hazards. With the exception of short term impacts to air quality discussed in Section IV below, measures were identified that would mitigate all of these impacts to a level of insignificance.

The City Council finds that the mitigation measures identified in the EIR are feasible and, with the exception of the short term air quality impacts identified in Section IV below, would reduce the Project's impacts to a level of insignificance. The City Council adopts all of the mitigation measures described in the EIR as conditions of approval of the Project and incorporates those into the Project.

A Land Use, Plans and Policies

1 Potential Impacts

Section 3.1 of the EIR identifies the potential for long term significant impacts to land use resulting from the Project's potential inconsistency with the General Plan and the increased intensity of the proposed land use. These potential impacts result from the creation of a new Mixed-Use Planned Development Overlay Zone which would increase the allowable density on the Project site and the introduction of a more intense land use to the Project site. These potential impacts were analyzed in detail in Section 3.1 of the EIR at pages 3-2 through 3-14, inclusive.

2 Findings

No mitigation is required since the Project will not have a significant impact on land use plans or policies. The requested zoning code amendment is consistent with the intent of the City's General Plan and will have a less than significant impact on the environment, further, the intensity of the land use proposed by the Project was anticipated by the General Plan and the increase in intensity over the existing use of the Project site is minor and will have a less than significant impact on the environment.

3 Facts in Support of Findings

a Zoning code amendment The Project includes a request for a zoning code amendment to create a new Mixed-Use Planned Development Overlay Zone. Although the proposed overlay zone will permit higher intensity development, it is consistent with the General Plan Land Use Element. The General Plan Land Use Element designates the majority of the Project site (the eight lots that front along Crescent Drive) as a Transitional Use District, while the Wilshire Boulevard frontage is designated Low Density Commercial. The Transitional Use District designation permits multiple-family residential and commercial parking uses, the Low Density Commercial designation permits commercial uses with a maximum floor area ratio of 2.0 and a maximum height of 45 feet. The requested overlay zone does not authorize new land uses. Rather, the proposed overlay zone will modify existing development standards applicable to the project site, including density and height limits.

The requested increases are consistent with the general density and height limits anticipated by the General Plan. Moreover, the Project implements several of the stated goals of the General Plan. Specifically, the Land Use Element sets forth a goal to "recommend that certain anchor locations be set aside to permit development of a higher intensity development which is not otherwise provided in the community." The Land Use Element further provides that such anchor locations "should encourage unified development oriented towards and along Wilshire Boulevard planned to complement the scale and character of adjacent residential areas" and "should incorporate measures to enhance streets, sidewalks and roadways in order to encourage pedestrian circulation between these areas and the Business Triangle." The Project provides an opportunity to construct a quality mixed-use development that would not otherwise be encouraged by the underlying zone. The project site is located on an important site at the tip of the Business Triangle. The development of this site will set the tone for the rest of the Wilshire corridor and the Business Triangle. The planned development provides for sufficient floor area to allow construction of a commercial building that includes high quality amenities and high quality architectural design. Moreover, the Project provides an opportunity for the City to improve the circulation and pedestrian flow between the retail activity in the City's central business district (the "Business Triangle") and the commercial areas along Wilshire Boulevard (the "Wilshire Corridor"). The Project design will contribute to the urban design amenities that will serve as a visual and pedestrian link between the Wilshire Corridor and the Business Triangle. The Project's lower height along Crescent Drive and pedestrian friendly

landscaping will complement the scale of residential areas across Crescent Drive and will encourage pedestrian circulation from the residential areas and Wilshire Boulevard to the business triangle

Additionally, the proposed overlay zone will establish standards for mixed commercial/residential development, a stated goal of both the Land Use Element and the Housing Element of the General Plan. The proposed overlay zone also provides a transitional buffer between the commercial uses of the Business Triangle and the residential uses along the east side of Crescent, thereby promoting the Land Use Element goal to mitigate "[t]ransitional conflicts resulting from the juxtaposition of commercial and residential uses through a program which would provide adequate buffers between conflicting uses," and furthers Objective 4.3 of the Housing Element by "to expand the variety of housing product available in the City." The Project, as revised and approved, will further this goal by providing a buffer between the residential uses situated along the east side of Crescent Drive and the more intense commercial uses of the Business Triangle to the west. The Project, though slightly larger in scale than the residential uses on the east side of Crescent Drive, is comparable in scale and mass to adjacent development on the west side of Crescent Drive. The design of the residential component concentrates the height and mass of the building away from Crescent Drive and against the alley, thereby shielding surrounding development on Crescent Drive from the intrusive effects of the commercial uses along Canon Drive. Moreover, the residential nature of the use is comparable in intensity and harmonious with nearby residential development. Implementation of the Project will remove the possibility for other potentially more intrusive development on the site and will help preserve the existing character of the neighborhood to the maximum extent feasible.

Finally, the proposed zoning code amendment requires that all development under the proposed overlay zone must be approved through a planned development. The review process to obtain a planned development approval creates a built-in safeguard that requires the proposed Project and all other projects in the zone, to be consistent with the General Plan as well as the Zoning Code.

Thus, the proposed zoning code amendment is consistent with the General Plan and will not have significant effects on the environment.

b. Increased land-use intensity The Project site is currently developed with a two-story commercial building with a floor area of approximately 20,900 square feet and a 244-space surface parking lot. The project site encompasses an entire block (9 lots), located between the Business Triangle to the west, multi-family residential, office uses and a mini-park to the east, mixed retail uses, including a surface parking lot with an entitlement for senior housing, to the north, and commercial uses to the south along Wilshire Boulevard. The current zoning designation permits the proposed commercial and residential/parking uses proposed on the Project site. Moreover, the Zoning Code provides a review process for planned developments to regulate the intensity of development. Although the Project represents a more intense use when compared to the Project site's current condition and the development standards for the underlying zones, no intensification of land use or operation character above that which is provided for the project site in the General

Plan is anticipated. The proposed land use is consistent with the General Plan and will not have significant effects on the environment.

B Aesthetics

1 Potential Impacts

Section 3.2 of the EIR identifies the potential for significant impacts to aesthetics in the form of long term impacts to existing viewsheds, alteration of the visual character of the site, and creation of new sources of light and glare as well as shade and shadow. Development of the Project will permanently alter the existing view from neighboring properties and will clearly change the visual character of the site. Additionally, the Project will add new sources of light and glare to the environment and will create a new source of shade and shadow. These potential impacts were fully analyzed in Section 3.2 of the EIR at pages 3-15 through 3-42, inclusive.

2 Findings

Through the incorporation of project design features and/or the compliance with applicable City codes, the Project will avoid or substantially lessen any significant effects.

3 Facts in Support of Findings

a Alteration of views Development of the Project will alter views of and across the Project site from surrounding properties. However, the City Council finds that this impact will be less than significant. The Project site is currently developed with a two-story, 20,900 square foot commercial building fronting Wilshire Boulevard and a 244-space surface parking lot. The site does not lie within a scenic corridor and limited vistas are visible in the immediate project vicinity. Views of the project site are limited because of the urban nature of the surrounding area and are partially obstructed by existing buildings in the vicinity. Views across the project site are primarily from the residential areas north and east, and these views are obstructed within two or three blocks by the high-rise structures along Wilshire Boulevard. The Project will create views of landscaped areas and architectural facades consistent with adjacent development and will not impair any designated viewshed or introduce a visual incongruity with surrounding land uses. The alteration to existing views will not have a significant impact on adjacent land uses.

b Alteration of visual character Construction and development of a mixed use development project consisting of a four-story, 45-foot tall office building fronting Wilshire Boulevard and an 88-unit apartment complex with modulated height fronting Crescent Drive will permanently alter the visual character of the site. The impacts will be both short term and long term in nature. Short term impacts are expected to occur during the construction phase due to demolition of existing structures, site grading and construction activities which will include, among other things, exposed soil, dirt storage, and staging areas for various construction activities on site. This short-term condition would create a temporary visual distraction typically associated with construction.

activities. The City has standard conditions related to construction which require barriers to be installed around the site to screen construction activities. Given the short term nature of the construction impacts and the screening requirements, the short-term impacts to visual character will not be significant.

The Project includes construction of a 45-foot tall, four-story office building and an 88-unit apartment complex with modulated height. The architectural quality of the Project is visually compatible with surrounding development. The proposed structures will comply with the City's development codes, as amended by the requested zoning code amendment, and will be visually similar in mass, scale and form to the structures to the north, east and west of the site. The commercial building complies with the 45-foot height limit along Wilshire Boulevard and is similar in height and visual mass to nearby commercial development. While the residential component of the Project is 60 feet in height at its highest point, the height and mass of the building is concentrated away from Crescent Drive. The residential building forms an "E" with the spine along the alley at the west side of the site and the legs extending toward Crescent Drive. The green space atop the roof of the parking structure creates the voids between the legs of the "E" and substantially reduces the mass of the building as viewed from the street. The top story is stepped back from Crescent Drive approximately 35 feet so that it appears one story lower from the street. The proposed architectural treatments, setbacks (including upper floor setbacks), modulation, architectural ornamentation, and landscaping reduce the perceived mass of the structure as viewed from the street and make the Project more harmonious with existing development in the vicinity. The Project is comparable in scale and mass to other existing and proposed structures on the west side of Crescent Drive. The expansive, landscaped setback along the Crescent Drive frontage further softens the mass and scale of the structure. Further, the project's building facade, architectural details and landscaping are subject to review and approval by the Architectural Commission. Thus, the alteration of the visual character of the site will not result in a significant impact.

c. Light/Glare The Project site is currently developed with a two-story, 20,900 square foot commercial building fronting Wilshire Boulevard and a 244-space surface parking lot. Development of the Project will create general nighttime building lighting, security lighting, and landscape lighting not currently present at the site. This lighting will be detectable from surrounding sites. This impact will be reduced by the incorporation of both Project design features and compliance with Sections 5-6 1101 and 10-3 314 of the Beverly Hills Municipal Code. These provisions will minimize light impacts and prevent "spillover" onto surrounding properties. Furthermore, the materials proposed for the Project (stucco) will not result in sunlight reflection that will adversely affect neighboring properties. Accordingly, light and glare impacts from the Project will be less than significant and no mitigation is necessary.

d. Shade/Shadow Construction of a new four-story building and a five-story, 60-foot tall apartment complex on the project site will generate new shade and shadow in the area. A shadow analysis conducted by the Independent Consultant retained to prepare the EIR concluded that the proposed Project will cast minimal shadows during the spring, summer and fall, with the longest afternoon shadows falling across the front portions of some buildings along the east side of Crescent

Drive Even during winter months, when the Project will cast the longest shadow, the impact to surrounding residential development is minimal. Although the Project will cast shadows that extend easterly of the mid-block between Crescent Drive and Rexford Drive, these shadows are less than the shadows cast by existing buildings along Crescent Drive. The Project does cast a new shadow over the mini-park on the east side of Crescent Drive. However, the Project's actual impact on the park is minimal since the park is already heavily shaded by mature vegetation. Therefore, no significant shade or shadow impacts will be associated with the Project.

C Population and Housing

1 Potential Impacts

Section 3.3 of the EIR examines the Project's potential to cause significant impacts to the City's population or housing stock. Development of the Project will create 141 new jobs and add 88 new rental units to the City's housing inventory. Therefore, the Project has the potential to result in additional population growth. These potential impacts were analyzed in detail in Section 3.3 of the EIR at pages 3-43 through 3-50, inclusive.

2 Findings

No mitigation is required since the Project will not have a significant impact on population or housing. The Project-related growth in employment and housing falls well within forecasted increases and, therefore, would not result in substantial growth.

3 Facts in Support of Findings

A proposed project may have a significant impact on population and housing if it induces substantial population growth in an area either directly (by proposing new homes and businesses) or indirectly (through the extension of roads or infrastructure), displaces substantial numbers of existing housing, or displaces substantial numbers of people. The project site is currently developed with a two-story, 20,900 square foot commercial building and a 244-space surface parking lot. The Project will displace the businesses and jobs in the existing commercial building. However, because the Project will replace and add commercial space, the Project will result in a net increase of 141 employees. The Southern California Association of Governments ("SCAG") projects that the number of employees in Beverly Hills will increase by 1,774 employees by the year 2005. The Project-related increase would represent eight percent (8%) of this total and is consistent with anticipated growth for the City. Thus, the project's creation of employment positions will not result in substantial population growth. In addition, the Project will add 88 market-rate housing units to the City. SCAG estimates that by 2005 the City will need an additional 256 housing units, including 139 market-rate units. The Project will not displace either existing housing or zoning for housing. To the contrary, the Project would assist the City in meeting its projected housing needs over the current five-year planning period. Since the additional housing is consistent with forecasted needs,

and would meet the City's housing element goals, the project's housing generation will not result in substantial population growth and the amount of growth generated will be positive, not adverse. Thus, the Project's impacts to population and housing will be less than significant.

D Public Services and Utilities

1 Potential Impacts

The Initial Study indicated that the Project has the potential to cause significant impacts in the areas of fire protection, police protection, schools, parks and solid waste disposal. These potential impacts are fully analyzed in Section 3.4 of the EIR at pages 3-51 through 3-3-61, inclusive.

2 Finding

Compliance with standard conditions and uniform codes and the implementation of the mitigation measures identified in the EIR, the Project will avoid or substantially lessen the significant effects on the environment and reduce these potential impacts to a less than significant level.

3 Facts in Support of Finding

a Fire and police services The Project involves the construction of a 39,975 square foot commercial building and an 88-unit apartment complex, which would increase both the daytime and nighttime populations of the area. This increase could potentially place a greater demand on fire and police services within the area. The addition of project-related traffic to local streets could further increase response times during peak hours. However, the potential increase would be similar in nature to the existing demand for these services in the general area. The small amount of growth from the Project will neither create the need for additional facilities nor increase response times to the extent that they would compromise public health or safety. Accordingly, the Project will result in less than significant impacts on fire and police services.

b Schools The Project includes 88 new multi-family residential units and is expected to generate 36 new students which must be matriculated into the City's schools. The existing capacity in area schools is more than sufficient to accommodate the project-related increase in students. The Project will not result in the need to construct additional facilities. Moreover, the Project will be required to pay school impact fees in accordance with the most current rate schedule adopted by the school district. The school impact fees will be used to assist the school district in meeting the incremental costs associated with expanded enrollment. The project's impacts on area schools are, therefore, expected to be less than significant.

c Parks The proposed Project is expected to add an additional 197 residents to the City. The proposed Project will place additional demands on the City's parks. However, the City

has adopted a park and recreation tax on development to insure that additional development will pay the cost of meeting additional demand upon the City's existing park facilities and programs. The Project will be required to pay that tax. Additionally, the Project is required to provide 17,600 square feet of outdoor living area to serve the recreational needs of its residents. The project far exceeds this requirement, providing 19,595 square feet of outdoor living areas and a total of 29,775 square feet of open space (including landscaped setbacks along Crescent Drive). With the payment of the park impact fees and the provision of outdoor living space described above, the Project will have a less than significant impact on the City's parks.

d Solid waste disposal The Project will increase the amount of solid waste generated by the site. The Project will generate an estimated 592 pounds of waste per day. The Puente Hills Landfill, which accepts the City's solid waste, can accept as much as 13,200 tons of solid waste per day. In addition, the Project will be required to develop and implement a Solid Waste Management Plan to ensure that the Project includes measures consistent with the City's AB939 waste reduction requirements. With implementation of the identified mitigation, the solid waste generated by the Project will not significantly affect the life expectancy of the Puente Hills Landfill. Therefore, the Project's impact on solid waste services would be less than significant.

E Transportation/Circulation

1 Potential Impacts

The traffic study prepared in connection with the EIR identifies the potential for significant traffic impacts due to increased traffic congestion at local intersections, increased traffic volumes on adjacent residential streets, the effect of the Project on Congestion Management Program (CMP) compliance, increased parking demand on local streets, effect of commercial loading and delivery activities on the operation of adjacent business and residences, on-site circulation and access impacts and short-term traffic and parking impacts associated with construction activities. These potential impacts are fully analyzed in Section 3.5 of the EIR at pages 3-62 through 3-88, inclusive.

2 Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen project-related traffic impacts.

3 Facts in Support of Findings

a Increased traffic congestion at local intersections Although the proposed Project will generate more traffic than existing uses on site, the project will not result in significant impacts at any intersection. The traffic analysis studied ten signalized intersections in the vicinity of the project site. Five of the signalized intersections studied will be significantly impacted by cumulative development even without the Project. While Project traffic will contribute to an incremental worsening of the significant impacts at these five intersections, the traffic analysis concluded that

the Project's contribution to these impacts would not be considerable and, thus, is not significant. Conditions at all ten intersections studied will be essentially the same with or without the Project. In addition, all three of the unsignalized intersections studied will continue to operate at acceptable levels of service after implementation of the Project. No mitigation is required since the Project will not result in significant impacts to local intersections.

b Congestion Management Program Compliance Cumulative development would result in a significant unmitigated impact to the intersection of North Santa Monica Boulevard and Wilshire Boulevard which is designated as a CMP intersection under the Los Angeles County CMP. Although the Project would add additional traffic to this intersection, the project's contribution to this cumulative impact would not be considerable since the Project's contribution would be well below the threshold of significance established under the CMP. As with the local intersections discussed above, conditions would essentially be the same with or without the proposed Project. The Project's contribution to these significant cumulative impacts is thus *de minimus* and no mitigation is required. The proposed Project will create 1,284 debits under the CMP. Cumulative development in the City is anticipated to generate an additional 7,953 debits. However, the City currently has a CMP credit balance of 20,800 credits. Thus, the combined debits generated by the proposed Project, in combination with anticipated cumulative development, is less than significant. No mitigation is required since the Project will not have a significant impact on CMP compliance.

c Neighborhood traffic impacts Development of the Project will result in increased traffic volumes on residential streets in the Project vicinity. The traffic analysis set forth in the EIR demonstrates that this will not be significant on any residential street in the vicinity of the Project. Thus, the Project's impacts on neighborhood traffic will be less than significant and no mitigation is required.

d Parking impacts The Project will displace 244 parking spaces of which 192 are under covenant to Spago Restaurant and a Coldwell Banker real estate office. The proposed Project will provide a total of 534 parking spaces within a four and one-quarter level parking garage under the residential component. The 534 parking spaces provided will replace the 192 covenanted parking spaces and fully satisfy the Beverly Hills Municipal Code parking requirements for the proposed Project. Moreover, the parking required by the Beverly Hills Municipal Code exceeds the parking rates recommended by the Institute of Traffic Engineer's by 136 spaces. The potential impacts created by the use of tandem spaces in the parking structure will be mitigated by requiring that a parking management plan for the Project be reviewed and approved by the Director of Planning prior to the issuance of occupancy permits for the Project. The Director shall review the plan to ensure the effective use of tandem parking by (1) restricting such parking to tenants, rather than visitors, and/or (2) by requiring the use of commercial tandem parking spaces by employees of the same organization, and/or (3) by providing for an attendant service to move cars, and/or (4) by specifying some other method acceptable to the Director. The Parking Management Plan shall also provide for weekend use of commercial/office parking by non-project users to accommodate overflow public parking needs in the area. The temporary loss of on-site parking during construction will be mitigated by requiring a comprehensive construction parking and hauling plan to be reviewed.

and approved by the Directors of Planning and Building & Safety prior to the issuance of building permits for the Project. Said plan shall make adequate provisions to obtain off-site parking within 500 feet of the project site to satisfy the parking needs generated by the covenanted parkers and construction workers. With the provision of substitute parking, there will be no impacts to traffic and air quality as a result of the loss of parking and any inconvenience to parkers will be minimized. With implementation of these mitigation measures, the parking impacts associated with the Project will be less than significant.

e. Commercial delivery and loading impacts The Project will include a loading bay at the southerly end of the alley to accommodate commercial deliveries. Loading dock operations may cause a potential conflict with pedestrians along Wilshire Boulevard and could impair circulation in the alley during the p.m. peak hours. This potential conflict will be mitigated by requiring the Project operator to install signage in the alley in the vicinity of the loading area clearly directing delivery trucks to pull as far south as possible so that a second truck can access the northerly loading space without protruding into the pedestrian pathway along Wilshire Boulevard. The Project operator shall further be required to implement the following restrictions on the use of the loading area and alley: (1) two trucks of greater than 30 feet shall be prohibited from using the loading area at the same time, and (2) commercial vehicles other than small vans (e.g. couriers) shall be prohibited from using the loading area between the hours of 4:00 p.m. and 6:00 p.m. Monday through Friday. The Project operator will further be required to designate an employee to monitor the loading area and deliveries to ensure compliance with the foregoing restrictions. With implementation of these mitigation measures, the loading impacts associated with the Project will be less than significant.

f. On-site Circulation Impacts Project access is provided via four driveways – two on Crescent Drive and two on the southbound alley between Canon Drive and Crescent Drive. Both alley driveways will be dedicated for use by the commercial tenants and covenanted parkers and entry will be restricted by key-card access. The northernmost driveway on Crescent Drive will serve the residential component of the Project, while the southerly driveway will serve the commercial component. Circulation and access issues associated with the commercial component are anticipated to be less than significant. The design of the motor court on the residential component has the potential to result in significant circulation impacts because of the small turning radius. This potential impact will be mitigated by requiring the Project applicant to modify the design of the motor court to correct this deficiency prior to the issuance of grading and construction permits for the Project. With implementation of these mitigation measures, the Project's on-site circulation impacts will be less than significant.

F Air Quality

1 Potential Impacts

The Air Quality Impact Analysis identifies the potential for significant short-term impacts resulting from air pollutants generated by NO_x emissions from on-site equipment related to

construction activities and long-term impacts resulting from operational emissions from both stationary sources and mobile sources. These potential impacts are fully analyzed in Section 3.6 of the EIR at pages 3-89 through 3-102, inclusive.

2 Findings

Changes or alterations have been required in, or incorporated into, the Project which substantially lessen the air quality impacts listed above, and will avoid certain effects caused by the Project. Nevertheless, impacts from NO_x emissions will remain significant after adoption of all feasible mitigation and specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR. These considerations are described further in Section IV of this Exhibit A.

3 Facts in Support of Findings

a Construction-related impacts Construction activities will result in the generation of air pollutants. Construction-related emissions would primarily be due to (i) dust generated from earthmoving, excavation and other construction activities, (ii) exhaust emissions from construction equipment, and (iii) motor vehicle emissions associated with construction activity. Analysis of the construction emissions indicates that all emission levels will remain well below established thresholds except for NO_x emissions. Based on the analysis set forth in the EIR, these emissions will be substantially reduced by implementation of standard conditions, uniform codes, Project design features, and mitigation measures identified in the EIR, and will cease at the completion of construction activities. Nevertheless, these impacts remain significant. All feasible mitigation measures have been adopted. The City Council rejects, as infeasible, the potential mitigation measure of extending the construction period to reduce daily NO_x emissions below SCAQMD thresholds. The extension of construction will not reduce total Project emissions, but merely reduce the daily average of NO_x emissions. Thus, this mitigation does not provide a long term environmental benefit. Furthermore, the social cost of this mitigation is longer exposure of nearby residents and businesses to construction impacts. The City Council finds that it is socially unacceptable to expose nearby residents and businesses to a longer period of disruption from construction impacts in order to reduce the daily average of emissions, but not total emissions. Thus, this mitigation measure is infeasible for social reasons.

b Operational impacts Operational emissions generated by the Project were estimated using URBEMIS7G, a computer program developed by the California Air Resources Board for estimating emissions generated by land use projects. Pursuant to the computer generated results, total operational emissions for the Project will remain significantly below established thresholds and, therefore, will not create a significant impact on air quality. Accordingly, the Project will not have a significant impact on long term air quality and no mitigation is necessary.

G Noise

1 Potential Impacts

The Noise Impact Analysis identifies the potential for significant noise impacts during construction from construction equipment (earth-moving equipment such as backhoes, bulldozers, pile drivers, skip loaders, fork lifts, horizontal drill rigs, concrete mixers, concrete pumps, tower cranes, and other equipment) and long-term impacts from the addition of Project traffic and from Project operations. These potential impacts are fully analyzed in Section 3.7 of the EIR at pages 3-103 through 3-115, inclusive.

2 Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant noise impacts. Implementation of the identified mitigation measures and design changes will reduce noise impacts to a less than significant level.

3 Facts in Support of Finding

a Construction noise impacts Project construction will generate high noise levels intermittently on-site and on adjacent properties during construction. Noise levels will fluctuate depending on the construction phase, the equipment used, and the duration of the activity. Distance between the noise source and the receptor will also impact noise. Construction related noise will be short-term in nature. Compliance with the City's noise ordinance will reduce the Project construction-related noise impacts to the greatest extent feasible. In addition, construction related noise will be further mitigated by prohibiting the use of heavy equipment before 8:00 a.m. daily and restricting pile driving activities (if necessary) to between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday. Potential construction related noise impacts along residential streets will be mitigated by requiring construction vehicles to abide by a Construction Haul Route Plan to be reviewed and approved by the Directors of Building and Transportation prior to the issuance of building permits for the Project. Said plan shall provide for construction haul routes that avoid the use of residential streets. With implementation of these mitigation measures, the Project's construction-related noise impacts will be less than significant.

b Operational noise impacts Most noise generated by implementation of the Project will be traffic-generated noise. Traffic noise levels associated with the Project were estimated using the Federal Highway Administration's Highway Traffic Noise Prediction Model. The analysis identified no perceptible increase in noise levels associated with Project traffic and, therefore, the Project traffic will not create a significant noise impact. Compliance with required noise standards for on-site mechanical equipment will mitigate any potential noise impacts from mechanical operations to a less than significant level. Compliance with applicable building codes will ensure that exterior to interior noise impacts to Project residents are less than significant.

H Geology

1 Potential Impacts

Section 3.6 of the EIR identifies the potential for significant impacts resulting from faulting and seismicity (which includes ground rupture, ground shaking, seismically induced ground failure or liquefaction, seismically induced compaction and ground lurching) and from soil and slope instability and erosion caused by Project grading and excavation. These potential impacts are fully analyzed in Section 3.6 at pages 3-116 through 3-127, inclusive.

2 Finding

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment and reduce these impacts to a less than significant level.

3 Facts in Support of Finding

a Ground rupture Available geotechnical data suggests that the potential for surface rupture at the project site is very low. However, to mitigate any potential ground rupture impacts, the Project applicant will be required to have a state-licensed geologist perform geophysical surveys and a series of subsurface tests to ascertain the potential subsurface faulting and to incorporate any recommended mitigation measures to reduce risks associated with subsurface faulting into the design of the Project. With implementation of these mitigation measures, the Project's impacts from subsurface faulting will be less than significant.

b Ground Shaking Due to the proximity of the site to active faults, the project site is likely to experience strong ground movement. However, compliance with mandatory local and state building codes is expected to achieve the greatest seismic safety feasible and reduce seismic risk to acceptable levels. Accordingly, the Project's impacts from seismically induced ground shaking will be less than significant.

c Liquefaction/Landsliding The project site does not lie within a seismic hazard zone as defined by the Seismic Hazards Mapping Act. Neither liquefaction nor landslides are expected to occur on the project site. Therefore, impacts due to liquefaction or landsliding will be less than significant.

d Expansive Soils On site soils have moderate shrink swell capacity. State and local building codes anticipate hazards associated with expansive soils and require appropriate building design. The Project applicant will be required to conduct a soil test under the applicable provisions of state and local law before a building permit is issued for the Project. Based on the results of the soil test, the Project applicant will be required to design the Project's footings/foundation to meet established standards for the specific soil conditions present on the

project site. Compliance with these building code provisions will ensure that Project impacts due to soil conditions will be less than significant.

I Hazards and Hazardous Materials

1 Potential Impacts

Section 3.9 of the EIR analyzes the Project's potential to cause significant impacts on human health from hazards that could result from project construction and operation, including hazards associated with exposure to hazardous materials used, generated, stored, or transported as a result of the Project and the project site's proximity to potential sources of hazardous materials. These potential impacts are fully analyzed in Section 3.9 at pages 3-128 through 3-134, inclusive.

2 Finding

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment and reduce these impacts to a less than significant level.

3 Facts in Support of Finding

a Building Demolition There is no data to suggest that prior on-site uses have generated or used hazardous materials that have resulted in any soil contamination at the project site. However, there is a potential that the existing commercial structure on the site, which will be demolished to implement the Project, could contain asbestos, lead, PCBs or other hazardous substances. To mitigate any potential impacts from the presence of such hazardous substances, the Project applicant will be required to have an environmental assessor approved by the City test the structure for Asbestos Containing Building Materials (ACBM), PCBs, lead or other hazardous substances prior to the issuance of demolition permits for the Project. If any hazardous substances are detected, the Project applicant will be required to retain qualified environmental experts to supervise the removal and disposal of such substances. With implementation of these mitigation measures, the Project's impacts associated with building demolition will be less than significant.

b Construction Impacts Construction activities on the project site such as soil excavation, loading activities, movement of construction equipment and pile driving could generate fugitive dusts that become airborne. To ensure that construction dusts generated by such activities do not impact nearby populations, the Project will be required to comply with all applicable state and local regulations to control dust, including daily watering of exposed soils, covering soil piles, and halting excavation and grading activities during windy conditions. In addition, any potential impacts from the use of various products such as paints, solvents, glues and cements will be reduced to less than significant levels through compliance with California General Construction Activity Storm Water Permit requirements and Best Management Practices. Compliance with these standard practices will ensure that the Project's construction-related impacts are less than significant.

12

c Operational impacts The proposed Project includes residential and commercial office uses. Hazardous materials that would be used, stored or transported in connection with these uses will be limited to commercial and household-type maintenance products. The proposed Project will not include any use that involves the use of large quantities of hazardous materials. Therefore, impacts associated with operation of the proposed Project would be considered less than significant.

d Unidentified subsurface hazards Although the history of on-site use at the Project site does not suggest the existence of previously unidentified subsurface hazardous substances, to ensure that the Project does not have a significant impact as the result of the presence of such a substance, the Project applicant will be required to prepare and submit a Construction Risk Management Plan (the "CRM Plan") to the Director of Public Works for review and approval prior to issuance of any demolition or construction permits for the project. The CRM Plan shall incorporate the recommendations of an environmental assessor's report and shall identify procedures for identifying any hazardous materials that may be encountered during construction. If materials that could present a threat to human health or the environment are discovered, construction in that immediate area shall cease immediately until appropriate standard remedial action has been taken. With implementation of these mitigation measures, the Project's impacts associated with the presence of unidentified hazardous substances will be less than significant.

IV Significant and Unavoidable Environmental Impacts

A Impacts that Cannot Be Mitigated to a Level of Insignificance

The EIR identified one impact as potentially significant and unavoidable. Based on the information provided in the EIR and the record of decision, the City Council finds that this impact can be mitigated to some degree, but that such mitigation would not reduce the impacts to a level of insignificance and further mitigation is infeasible. Therefore, as required by Section 21081 of CEQA, and as shown below in more detail, the City Council finds that specific economic, legal, social, technological, or other considerations make infeasible any alternatives identified in the EIR. The significant and unavoidable impacts of the Project are described below, along with measures that would partially mitigate the impacts.

Air Quality

The temporary air quality impacts generated during construction will remain significant with respect to NO_x emissions even after implementation of feasible mitigation and compliance with mandatory code requirements and adopted standards. These impacts will cease at the completion of construction activities.

B Additional Impacts Which May Not Be Fully Mitigated

The City Council finds that all feasible mitigation measures have been applied, and that based on the record before the City Council all significant impacts will be mitigated to a level

of insignificance except for temporarily significant air quality impacts resulting from construction. In the event that any other environmental impact identified in the EIR cannot, through full compliance with mitigation measures imposed herein, be fully mitigated over time, the City Council finds that specific economic, legal, social, technological, or other considerations make infeasible any additional mitigation measures or alternatives identified in the record and that the Statement of Overriding Considerations adopted concurrently herewith applies with equal force and effect to such impacts.

V Project Alternatives

The alternatives identified in the EIR either would not sufficiently achieve the basic objectives of the Project or would do so only with unacceptable adverse environmental impacts. Accordingly, and for any one of the reasons set forth herein or in the EIR, the City Council finds that specific economic, social, or other considerations make infeasible each of the Project alternatives, including the "No Project - No Changes to the Project Site" alternative (Alternative 4), identified in the EIR, and each is hereby rejected. The City Council further finds that a good faith effort was made to incorporate alternatives into the preparation of the EIR, and that all reasonable alternatives were considered in the review process of the EIR and the ultimate decision on the Project.

CEQA requires agencies reviewing the environmental impacts of a project to consider a range of reasonable alternatives (CEQA Guidelines Section 15126(d), 14 Cal Code of Reg § 15126(d)). The range of alternatives considered in an EIR should include those which can feasibly attain most of the basic objectives of the project. As defined by CEQA, "feasible" means "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors" (CEQA Guidelines Section 15365, 14 Cal Code of Reg § 15365).

The EIR analyzed a total of four alternatives to the proposed Project. The alternatives considered were "Alternative 1 - Prior Version of Project," "Alternative 2 - No Project Code-Conforming With Senior Housing," "Alternative 3 - No Project Code Conforming with Market Rate Housing," and "Alternative 4 - No Project No Changes to the Project Site."

Alternative 1 would consist of a commercial building comprised of 4,106 square feet of retail space, 110,918 square feet of office space, 36,522 square foot supermarket, and 737 parking spaces in a subterranean structure. Alternative 2 would construct a 60-foot tall, 140-unit senior housing project on the RMCP-zoned Crescent lots with an approximately 29,000 square foot market on the ground floor and a 30,468 square foot office building on the Wilshire parcel. This alternative would conform to all code requirements and would not require the zoning code amendments requested by the Project. Alternative 3 would include development of a new 28-foot tall, 66-unit condominium complex on the Crescent parcels and a 3-story, 45-foot tall commercial building on the Wilshire parcel with 10,000 square feet of retail space and 20,000 square feet of office space. This alternative would not require the zoning code amendments requested by the Project. Alternative 4 would leave the site in its existing condition.

The City Council has carefully considered the attributes and environmental impacts of all of the alternatives analyzed in the EIR and has compared them with those of the proposed Project. As required by CEQA, the City Council finds that each of the alternatives is infeasible for various environmental, economic, technical, social and other reasons set forth below. The Project as proposed represents the combination of features that, in the City Council's opinion, best achieves the Project's objectives while minimizing environmental impacts.

A Alternative 1 – Prior Version of Project

1 Summary of Alternative

Under Alternative 1 the previously proposed Triangle Gateway Project would be constructed. This alternative entails construction of a commercial building comprised of 4,106 square feet of retail space, 110,918 square feet of office space, 36,522 square foot supermarket, and 737 parking spaces in a subterranean structure. This alternative was included in the EIR to allow the City Council to compare the scope and effect of the proposed Project against the previous proposal for the project site.

2 Reasons For Rejecting Alternative

Alternative 1 would avoid few of the impacts associated with development of the Project on adjoining properties. Like the Project, Alternative 1 requires a zoning code amendment to create a new C-3P zone (a variation of the C-3 zone). The C-3 P Zone would apply to the entire site and would authorize new, more intense uses for the eight lots fronting Crescent Drive which are currently zoned RMCP. Unlike the Project, Alternative 1 would also require a General Plan Amendment and authorization to reverse the direction of the alley between Wilshire Boulevard and Clifton Way. Although Alternative 1 would result in a building with less overall height and building mass, the smaller setbacks and less street-level landscaping provided by this alternative make it less pedestrian-friendly than the proposed Project. This alternative would result in greater employment growth than the Project and would not provide additional housing. This alternative would have similar impacts on public services and utilities to the Project. Alternative 1 would generate more than four and one-half (4½) times the traffic associated with the Project and would result in significantly greater traffic impacts on local streets, some of which would be unmitigable. This alternative would result in slightly greater impacts to air quality and noise and would have comparable geology impacts.

Although Alternative 1 would produce a development of less overall mass, thus mitigating one impact of concern raised by those commenting on the Project, it would conflict with the City's General Plan and zoning designation for the site, and it fails to achieve the Project's objective to develop luxury apartments and the City's stated goal to provide an adequate transition between the Business Triangle and the adjacent residential uses along the eastside of Crescent Drive. Moreover, Alternative 1 would produce a development that is incompatible with surrounding development, both in style and intensity of use, and would impair the harmonious development of

the area. Finally, Alternative 1 would be environmentally inferior because it would have significantly greater traffic impacts, which the City Council finds unacceptable.

For any one of these reasons, the City Council has determined Alternative 1 to be infeasible.

B Alternative 2 – No Project Code-Conforming With Senior Housing

1 Summary of Alternative

Alternative 2 would involve development of a 30,468 square foot office building on the portion of the site zoned C-3. The portion of the site zoned RMCP would be developed with a 60-foot tall senior housing project with a 29,000 square foot market on the ground floor. This alternative was considered as a “No Project” alternative because it is a reasonable consequence of not proceeding with the Project. Given the location of the site, it is reasonable to assume that some development will occur.

2 Reasons For Rejecting Alternative

Alternative 2 would be consistent with the intent of the General Plan and Zoning Code and would not require any amendments to either document. Alternative 2 would be comparable in scale and mass to the proposed Project and would introduce similar building heights on the respective parcels. Therefore, Alternative 2 would be expected to have the same visual and view impacts as the Project. However, Alternative 2 is less pedestrian-friendly than the Project and would not provide the same opportunity to foster the General Plan’s goal to improve the circulation and pedestrian flow between the retail activity in the Business Triangle and the rest of the Wilshire corridor. Like the Project, this alternative will also require the modification of the parking covenant. Alternative 2 would further the City’s housing goals by providing 140 senior housing units and, like the Project, would have less than significant growth inducing effects. Due to the greater number of dwelling units and the inclusion of the market, this alternative would have a greater impact on public services and utilities. Alternative 2 would generate three times greater traffic than the Project and would result in substantially greater impacts to traffic circulation on local streets and at local intersections. It is likely that Alternative 2 would result in permanent, significant, and unmitigable traffic impacts at two intersections. This alternative would have slightly less air quality impacts than the Project, but it has the potential to generate greater noise impacts. This alternative would have similar impacts from geology and construction-related activities.

Despite some apparently reduced impacts, Alternative 2 does not present an environmentally superior alternative. In fact, it would significantly increase impacts with respect to traffic congestion on local streets and at local intersections. The long term environmental impacts on traffic congestion would outweigh any benefits achieved by the small reduction of other impacts. Based on the foregoing, the City Council has determined Alternative 2 (Code Conforming with Senior Housing) to be not environmentally superior and therefore infeasible.

C Alternative 3 – No Project Code Conforming with Market Rate Housing

1 Summary of Alternative

Alternative 3 would involve development of a three-story commercial building with 10,000 square feet of retail space and 20,000 square feet of office space on the portion of the site zoned C-3. The portion of the site zoned RMCP would be developed with a 28-foot tall, 66-unit condominium complex with underground parking or, alternatively, a 40-foot tall condominium complex with a separate parking structure. This alternative was considered as a "No Project" alternative because it is a reasonable consequence of not proceeding with the Project. Given the location of the site, it is reasonable to assume that some development will occur. Appellants also requested that this Alternative examine the potential impacts and feasibility of developing sixty-six rental units, rather than sixty-six condominium units. Since the Responses to Comments in the EIR indicate that the environmental impacts of developing sixty-six rental units would be the same as developing condominium units, these findings address this Alternative both with condominium units and with rental units.

2 Reasons For Rejecting Alternative

Alternative 3 would produce short-term construction-related impacts similar to the proposed Project (e.g., traffic, noise, air quality). This alternative would be consistent with the General Plan and Zoning Code and would not require amendments to either document. Alternative 3 would have less impact to aesthetics than the Project because of its lower profile, while long-term impacts to air quality, geology, and human health from hazards would be similar to the Project. This alternative would have similar impacts on police and fire services but would place less demand on schools and recreational services than the Project. Alternative 3 will generate slightly less traffic than the Project and, like the Project, will result in no significant impacts to local streets or intersections. This alternative would provide a good transition buffer between the Business Triangle and the adjacent residential uses along the east side of Crescent Drive.

Alternative 3 is environmentally superior to the Project. However, an economic analysis demonstrates that this Alternative developed with rental housing is financially infeasible and would result in a return on investment too low to attract investors. This analysis was prepared by a professional engineer with real estate experience and familiarity with the Project. Based upon the credentials of the author, his familiarity with the Project, and the detail of the analysis set forth in the report, the City Council finds this analysis credible. Although the City Council received oral testimony from an appellant that the appellant was aware of other developers who would construct a project in conformance with Alternative 3, the appellant did not identify any such developer nor explain how such developer would construct the project in an economically feasible manner. Furthermore, no evidence was presented as to why the conclusions of the economic feasibility study were incorrect. In sum, no substantial and credible evidence was presented to rebut the conclusions of the economic analysis. Accordingly, the City Council has determined Alternative 3 (Code Conforming with Market Rate Rental Housing) to be economically infeasible.

Additionally Alternative 3 with condominium units or with rental units would result in fewer apartment units being constructed which would be socially unacceptable. The City Council recognizes its obligation to encourage the production of additional housing to meet the goals of its Housing Element. This Project would promote these Housing Element goals by providing eighty-eight units of market rate rental housing. Eighty-eight units of market rate housing represents approximately 65% of the market rate housing units needed to meet the 2005 goal of the City's Housing Element for additional market rate housing. Constructing sixty six condominium units or rental housing units would reduce the amount of housing being constructed contrary to the goals of the City's Housing Element and contrary to the City's public policy goal of building sufficient housing to meet the needs of the community and to meet the City's share of the regional housing need. The City Council finds that the City is not often presented with an opportunity to encourage the production of a significant amount of housing that is compatible with surrounding development and produces little or no long term environmental impact. The City Council finds that it would be socially irresponsible and unacceptable to reduce the number of units in such a project and therefore Alternative 3 is infeasible for social reasons, whether it includes condominium units or rental housing units.

Furthermore, the City Council believes that it should encourage a variety of housing products within the City in order to accommodate different needs. The production of new rental units would improve the variety of housing products in the City as this would be the first rental housing to be developed in the City in approximately twenty years. Any substantial reduction in the amount of such housing (whether a result of developing sixty six condominium units or sixty six rental units) would be contrary to the goals and objectives of the General Plan as described above, and would also diminish the availability of new rental housing in the City, which would be socially unacceptable by itself due to the diminishing supply of rental housing. Therefore, the City Council also rejects this Alternative 3 as infeasible for social reasons due to the need for additional rental housing even if there were not a need for other types of market rate housing.

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 – No Project No Changes to the Project Site

1 Summary of Alternative

The No Project alternative would leave the site in its existing condition with a 20,900 square foot commercial building and a 244-space surface parking lot.

2 Reasons For Rejecting Alternative

The No Project Alternative would avoid the impacts associated with development of the Project. These impacts include insignificant increases in traffic volumes on adjacent residential

streets, short term significant impacts to air quality associated with construction activity insignificant noise increases, and an insignificant increased demand on public services and utilities. Local residents would likely consider or perceive the impacts of this alternative to be considerably less than the proposed Project.

Although the No Project Alternative would produce less localized construction and nuisance impacts, it would provide none of the benefits associated with the Project and would fail to achieve any of the Project's objectives as described in Section 2.4 of the EIR. Therefore, this alternative is not feasible.

Furthermore, Alternative 4 would not produce any additional housing for the City. It would result in fewer apartment units being constructed which would be socially unacceptable. The City Council recognizes its obligation to encourage the production of additional housing to meet the goals of its Housing Element. This Project would promote these Housing Element goals by providing eighty-eight units of market rate rental housing. Eighty-eight units of market rate housing represents approximately 65% of the market rate housing units needed to meet the 2005 goal of the City's Housing Element for additional market rate housing. Developing no housing on this site would be contrary to the goals of the City's Housing Element and contrary to the City's public policy goal of building sufficient housing to meet the needs of the community and to meet the City's share of the regional housing need. The City Council finds that the City is not often presented with an opportunity to encourage the production of a significant amount of housing that is compatible with surrounding development and produces little or no long term environmental impact. The City Council finds that it would be socially irresponsible and unacceptable to reject such a project and therefore Alternative 4 is infeasible for social reasons.

Furthermore, the City Council believes that it should encourage a variety of housing products within the City in order to accommodate different needs. The production of new rental units would improve the variety of housing products in the City as this would be the first rental housing to be developed in the City in approximately twenty years. To reject the construction of such housing would be contrary to the goals and objectives of the General Plan as described above, and would also diminish the availability of new rental housing in the City, which would be socially unacceptable by itself due to the diminishing supply of rental housing. Therefore, the City Council also rejects this Alternative 4 as infeasible for social reasons due to the need for additional rental housing even if there were not a need for other types of market rate housing.

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.

EXHIBIT B

Statement of Overriding Considerations

The following Statement of Overriding Considerations in connection with the proposed construction of a mixed use development project consisting of a four-story, 39,975 square-foot office/retail building fronting Wilshire Boulevard with a height of 45 feet and a residential component comprised of 88 apartment units with modulated height up to a maximum height of five-stories and 60 feet on property generally located at 131-191 Crescent Drive/9355-9373 Wilshire Boulevard (the Project), as more fully described in Section 2.0 of the EIR, and consisting of requests for a planned development, amendments to an existing parking covenant, and a zoning code amendment, is hereby adopted by the City Council of the City of Beverly Hills (City Council) pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and Section 15093 of the CEQA Guidelines.

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 the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable (CEQA Guidelines section 15093(a)). 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 (CEQA Guidelines section 15093(b)). Those reasons are provided in this Statement of Overriding Considerations.

The City Council finds that the economic, social and other benefits of the Project outweigh the single, temporary, significant and unavoidable impact to air quality identified in the EIR and discussed in Article IV of Exhibit A, and any other remaining significant effects found to be unavoidable. 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.

A The Project will add 88 market rate housing units to the City's rental housing stock. This Project represents the first increase in the City's rental housing stock in approximately two decades. Eighty-eight units of market rate housing also helps the City meet its share of the regional housing needs. The eighty-eight units comprise approximately 65 percent of the market rate units the City must produce by 2005 to meet its Housing Element goals.

B The Project expands the variety of housing opportunities available in the City by introducing a mixed-use overlay zone (the M-PD-2 Zone) and providing a mixed commercial/residential development that would not otherwise be provided in the City. The mixed-

use overlay zone specifically implements Objective 4.3 of the City's Housing Element, which provides that the City should develop standards for mixed commercial and residential uses

C The proposed Project implements several goals of the City's General Plan by providing an opportunity to construct a quality mixed-use development that would not otherwise be provided in the community. The Project will result in a unified development oriented towards and along Wilshire Boulevard, its design complements the scale and character of the adjacent residential neighborhood, and it incorporates urban design amenities that enhance the pedestrian experience and will serve as a visual and pedestrian link between commercial areas along Wilshire Boulevard and the Business Triangle.

D The proposed Project will enhance its section of Wilshire Boulevard and will therefore contribute to the economic vitality of the City.

EXHIBIT C

"Mitigation Measures"

- 1 The Project shall be reviewed by the City of Beverly Hills' Architectural Commission in accordance with the provisions of Article 30, Chapter 3, Title 10 of the Beverly Hills Municipal Code. In its review, the Commission shall consider the building mass and finish materials, other details of the building facade, upper story setbacks, proposed landscaping, pedestrian accommodations and exterior lighting with respect to the criteria set forth in Section 10-3 3010, and apply appropriate conditions of approval to ensure compliance with these criteria. At a minimum, the Architectural Commission's review shall ensure that the Project complies with the following: (1) The Applicant provides a landscaping and street tree plan satisfactory to the Architectural Commission and the Department of Recreation and Parks. Said plan shall, at a minimum, provide the amount of landscaping described in the EIR, (2) The Applicant provides a lighting plan that demonstrates to the satisfaction of the Architectural Commission that the exterior lighting proposed for the Project is consistent with Sections 10-4 314 and 5-6 1101, (3) The final building plans for the Project provide building setbacks, modulation, and massing that is consistent with the project as described in the EIR or improves upon the setbacks, massing, and modulation shown on the plans analyzed in the EIR, (4) No project design or landscape features are modified, or eliminated, without prior review and approval by the City.
- 2 The Applicant shall pay school impact fees in accordance with the most current rate schedule and shall submit proof of payment to the Director of Building & Safety prior to the issuance of the building permits.
- 3 The Applicant shall pay park impact fees (Quimby fees) in accordance with the most current rate schedule and shall demonstrate payment to the Director of Building & Safety prior to issuance of the building permits.
- 4 The Applicant shall submit a Solid Waste Management Plan to the Directors of Planning and Public Works for their review and approval prior to issuance of building permits for the first project component. The plan shall discuss the implementation of source reduction and recycling and shall demonstrate that the project includes measures consistent with the City's AB939 compliance requirements, including but not be limited to: (1) Provision of clearly marked, separate recycling areas for glass, aluminum, office paper, newspaper, and plastics, (2) Provision of recycling bins for glass, aluminum, and plastic next to each beverage machine in each public and employee area and in any other common area where employees and visitors may generate recyclable material, (3) Provision of bins for cardboard recycling during project construction and operation, (4) Provision of a central area for white office paper and newspaper on each floor within each

area and building proposed for office purposes, (5) Promotion of recycling efforts by publicizing the project's recycling program to employees, residents, and visitors, (6) Use of reduced and recyclable packaging for commercial products offered by project components, where possible, (7) Arrangements for the recycling of scrap wood during construction, (8) Arrangements for the recycling of green waste generated by project landscaping, installation, and maintenance, (9) Determination of the number design and placement of waste containers on the project site, (10) Determination of access and turning radius adequacy for waste collection vehicles

- 5 Prior to issuance of any occupancy permit for the project, the Applicant shall demonstrate to the satisfaction of the Director of Transportation that the project complies with the City's Transportation Demand and Trip Reduction Measures under the Congestion Management Program
- 6 A comprehensive Parking Management Plan shall be submitted to the Director of Planning for review and approval prior to issuance of the project occupancy permits. The plan shall address the utilization of the subterranean garage by the respective tenants and operators and shall ensure the effective utilization of the tandem parking by (1) specifying how such parking will be restricted to tenants, rather than visitors, and/or (2) by requiring the use of commercial tandem parking spaces by employees of the same organization, and/or (3) by providing for an attendant service to move cars, and/or (4) by specifying some other method deemed acceptable by the Director of Planning. It shall also provide for weekend use of commercial/office parking by non-project users and shall provide for a method of directing UPS/FedEx and other trucks and/or large vans to the loading area off the alley.
- 7 The project Applicant shall prepare a comprehensive Construction Parking and Hauling Plan and said plan shall be submitted to and approved by the Directors of Planning and Building & Safety prior to the issuance of building permits. Said plan shall demonstrate to the satisfaction of the Directors of Planning and Building & Safety that adequate provisions for parking for covenanted uses and construction workers have been made prior to issuance of construction and grading permits for the project. Adequate provisions shall be defined as demonstration that the Applicant has entered into a contract for the provision of the necessary parking. Such parking shall be located no more than 500 feet from the project site, unless a shuttle service is provided at the project developer's expense, which satisfactorily meet the needs of the covenanted users. The plan shall prohibit any construction-related parking on nearby residential streets or in the alley.
- 8 The Director of Transportation shall consult with the Applicant to ensure that the project and/or the project's Parking Management Plan includes measures to (1) restrict left hand turns into and out of the southern entrance on Crescent Drive, (2) ensure that entry to the northerly driveway in the alley is controlled through key-card access and that all parking for Spago guests in the parking structure is provided by valet, and (3) to provide project

residents and employees with information about proper routing to and from the building Any measures shall be reviewed and approved by the Director of Transportation prior to issuance of the Certificate of Occupancy for the project

- 9 The Applicant shall modify the design of the motor court to the satisfaction of the Directors of Transportation and Planning to accommodate all vehicles, including larger vehicles, that will use the motor court and parking garage Consideration should be given to relocating the pedestrian walkway to the southerly side of the driveway to provide more visibility for both pedestrians and vehicles and cutting back the pedestrian island (towards Crescent Drive) to provide for unimpeded left-turns from the garage onto Crescent Drive The revised plan shall show the size of all parking spaces and shall demonstrate to the satisfaction of the Director of Planning that all spaces shall comply with the City Code requirements, including minimum dimensions for parking spaces The revised plan shall be submitted to the Director of Planning for review and approval prior to issuance of the grading and construction permits for the project
- 10 The Applicant shall install signage in the alley in the vicinity of the loading area The signage shall clearly direct any truck arriving at the loading area to pull as far south as possible so that a second truck can access the northerly loading space without protruding into the pedestrian walkway The proposed signage shall be reviewed and approved by the Directors of Planning and Transportation prior to installation and shall be installed prior to issuance of any occupancy permit for the project
- 11 The Applicant shall be required to comply with the following restrictions on the use of the loading area and alley (1) Two trucks of greater than 30 feet are prohibited from using the loading area at the same time, (2) Commercial vehicles other than small vans (e g couriers) shall be prohibited from using the loading area between the hours of 4 00 p m and 6 00 p m Monday through Friday The project operator shall designate an employee to monitor the loading area and deliveries to ensure compliance with the restrictions set forth in this provision
- 12 The Applicant shall submit a Construction Management Plan to the Director of Planning prior to issuance of any grading or construction permits At a minimum, the Construction Management Plan shall address the following (1) construction delivery schedules, (2) truck hauling/construction traffic routing and access, (3) access to and from the site by construction workers, (4) use of the alley, (5) construction parking (on street construction parking shall be prohibited), and (6) management of vehicular ingress/egress from/to public rights-of-way (e g flagmen, etc) The plan shall demonstrate that any construction impacts to alley operations, on-street parking, or associated with truck assess have been reduced to a level consistent with normal construction activity within the City
- 13 The Applicant shall ensure that the construction contractors shall (1) Use adequate water for dust control (preferably using reclaimed water), (2) Terminate any construction

- activities involving earth disturbance during high wind conditions (winds greater than 25 miles per hour), (3) Operate street sweepers, or roadway-washing trucks, on adjacent roadways to remove dirt dropped by construction vehicles, or dried mud carried off by trucks moving dirt, or bringing construction materials, (4) Cover trucks or wet-down loads of any dirt hauled to or from the project site, (5) Perform low-NOx emission tune-ups on all equipment operating on-site for more than 60 days, (6) Require on-site contractors to operate a congestion relief program including provision of rideshare incentives for construction personnel, provision of off-street parking for construction personnel, limitation of lane closures to non-peak traffic hours, scheduling the receipt of construction materials for non-peak traffic periods where possible
- 14 The Applicant shall not use, or permit to be used, construction vehicles, nor load or unload construction materials or debris, nor permit the same to be done, before 8 a m
 - 15 The Applicant shall restrict pile driving, if required, to the hours of 9 a m to 4 p m on Mondays through Fridays
 - 16 Prior to the issuance of building permits, the Applicant shall submit a Construction Haul Route Plan that avoids the use of residential streets to the City of Beverly Hills Building & Safety Department and the Department of Transportation for review and approval and shall implement the approved Construction Hauling Plan
 - 17 Prior to issuance of building permits, the Applicant shall perform additional, on-site tests specifically designed to investigate potential subsurface faulting as recommended by the project's geotechnical consultant. The phasing and nature of the testing shall be reviewed and approved by the Director of Building and Safety prior to the tests being conducted. Testing shall be performed by a state-licensed geologist approved by the City. Examples of further investigation at the site, which may be required by the Director of Building & Safety include, but are not limited to (1) Performing surface geophysical surveys (similar to those which were performed by Pratt et al (1998) across areas west of the site) to identify the continuity or discontinuity of subsurface stratigraphy, (2) Performing a series of closely spaced cone penetration tests and use of the data (along with the existing geotechnical borehole data) to define the continuity (or lack thereof) of subsurface layers, (3) Performing core borings, or large diameter borings, for down-hole inspection of subsurface conditions to collect data for correlation with previously collected data, (4) Excavating and logging trenches in the vicinity of the building site and perpendicular to the suspected trace of faulting. Upon completion of the tests, the Applicant shall prepare and submit a report and recommendations to the Director of Building & Safety for review and approval. All required mitigation measures to reduce risks associated with subsurface faulting shall be made a condition of the project. The Applicant shall demonstrate compliance with the required measures prior to issuance of any building permit, or on a time schedule deemed appropriate by the Director of Building & Safety. Should the results of additional geotechnical investigation indicate the need for the

redesign of the project, the nature of the redesign shall be reviewed by the Director of Planning and Community Development in order to determine if the redesigned project requires additional environmental review

- 18 Testing shall be done at the Applicant's expense by an environmental assessor approved by the City for Asbestos Containing Building Materials (ACBM), PCBs, and other hazardous substances potentially present on site. The report shall be submitted for review and approval by the Director of Public Works prior to the issuance of the demolition permit for the project. If any hazardous substances are detected in the existing structures or the soil on the project site, prior to the issuance of the demolition permit for the project, the Applicant shall (i) retain a qualified environmental expert approved by the City to supervise the removal and disposal of such substances, and (ii) comply with all requirements imposed by any federal, state, or local regulatory agency with respect to the removal and disposal of such materials from the project site.
- 19 A Construction Risk Management Plan shall be prepared and submitted to the Director of Public Works for review and approval prior to issuance of any demolition or construction permits for the project. The Plan shall incorporate the recommendations of the environmental assessors report and shall identify procedures for identifying any hazardous materials that may be encountered during construction. If materials that could present a threat to human health or the environment are discovered, construction in that immediate area shall cease immediately. Furthermore, a qualified professional shall evaluate the finding(s) and make appropriate recommendations. Work shall not resume in that area until the City determines that appropriate actions have been implemented to protect human health and the environment.

11242

172

EXHIBIT "D"
"Mitigation Monitoring Plan"



Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p>Aesthetics/Visual Quality.</p> <p><input type="checkbox"/> 1. Mass, Scale and Landscape Compatibility.</p> <p>The following mitigation measure is designed to ensure that project design features, building materials, and lighting is consistent with the applicant's proposal, which forms the basis of the less than significant impact judgments detailed above</p> <p>Architectural Review - BHMC Title 10, Chapter 3, Article 30, requires architectural review for all new development in the City. The project shall be reviewed by the City of Beverly Hills Architectural Commission. In its review, the Commission shall consider the building mass and finish materials, other details of the building façade, upper story setbacks, proposed landscaping, and pedestrian accommodations, with respect to criteria set forth in Section 10-3 3010, and apply conditions of approval to ensure compliance with the criteria. Commission review shall be designed to ensure (1) Landscaping and Street Trees. The applicant shall provide a landscaping and street tree plan to the satisfaction of the Architectural Review Committee and City' Recreation and Parks Department. Said plan shall at a minimum provide the amount of landscaping described in this EIR,</p> <p>(2) Exterior lighting along the Crescent Drive and Clifton Way frontages. The applicant shall provide a lighting plan and shall demonstrate to the satisfaction of the Architectural Review Committee that lighting is consistent with BHMC Section 10-4 314 and 5-6 1101,</p> <p>(3) Design features. The Architectural Review Committee shall review the final building plans to ensure that building setbacks, modulation and massing is consistent with the project as described in the EIR, or improves upon the setbacks, massing and modulation shown on the project plans at the time of the EIR Analysis,</p>	<p>Department of Planning & Community Development,</p> <p>Department of Recreation and Parks,</p> <p>Department of Building & Safety</p>	<p>Plans and specifications of all design features and building materials including exterior lighting and landscaping shall be filed with the Department of Planning and Community Development to be reviewed and approved by the City's Architectural Commission. In addition, landscape plan shall include proposed street trees which will be reviewed by the Department of Recreation and Parks to comply with this measure. After Architectural Commission approval, approved plans shall be filed with the Department of Building & Safety</p>	<p>The building permits shall be not be issued until the obligations under this measure are met to the satisfaction of the Directors of Planning & Community Development, Recreation and Parks and Building & Safety Departments</p>

The Crescent Project Mitigation Monitoring Program			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
(4) No project design or landscape features may be modified or eliminated without prior review and approval by the City	See above	See above	See above
Public Services and Utilities			
<input type="checkbox"/> 2. Schools. The applicant shall submit payment of school impact fees in accordance with the most current rate schedule, and shall demonstrate payment to the Director of Building & Safety Department, prior to issuance of the building permits	Department of Building & Safety	The Building & Safety Department will collect the required fees prior to issuance of the building permits	This measure shall be in effect until the issuance of building permits
<input type="checkbox"/> 3. Parks. The applicant shall submit payment of park impact fees (Quimby fees) in accordance with the most current rate schedule, and shall demonstrate payment to the Director of Building & Safety Department, prior to issuance of the building permits	Department of Building & Safety	The Building & Safety Department will collect the required fees prior to issuance of the building permits	This measure shall be in effect until the issuance of building permits

Completed

11242
14

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p><input type="checkbox"/> 4. Solid Waste</p> <p>The applicant shall submit a Solid Waste Management Plan to the City's Planning Director and Public Works Director for review and approval, prior to issuance of building permits for the first project component. The plan shall discuss the implementation of source reduction and recycling and shall demonstrate that the project includes measures consistent with the City's AB939 compliance requirements, including but not be limited to (1) Provision of clearly marked, separate recycling areas for glass, aluminum, office paper, newspaper and plastics, (2) Provision of recycling bins for glass, aluminum and plastic next to each beverage machine in each public and employee area and in any other common area where employees and visitors may generate recyclable material, (3) Provision of bins for cardboard recycling during project construction and operation, (4) Provision of a central area for white office paper and newspaper on each floor within each area and building proposed for office purposes, (5) Promotion of recycling efforts by publicizing the project's recycling program to employees, residents and visitors, (6) Use of reduced and recyclable packaging for commercial products offered by project components, where possible, (7) Arrangements for the recycling of scrap wood during construction, (8) Arrangements for the recycling of green waste generated by project landscaping installation and maintenance, (9) Determination of the number design and placement of waste containers on the project site, (10) Determination of access and turning radius adequacy for waste collection vehicles</p>	<p>Department of Planning & Community Development, Department of Public Works Department of Building and Safety</p>	<p>A Solid Waste Management Program shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The responsible departments shall review the program to ensure that the plan is in compliance with this measure during construction and after completion of the project. The plan check engineers will also review the plan to ensure that the plan complies with this requirement in order to issue the building permits.</p>	<p>This measure shall apply to both construction and operational activities. It is effective upon the issuance of building permits and shall remain effective throughout the life of the project.</p>

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p>Traffic, Circulation and Parking</p> <p><input type="checkbox"/> 5. Congestion Management Program Compliance.</p> <p>Prior to issuance of any occupancy permit for the project, the applicant shall demonstrate to the satisfaction of the Director of Transportation, that the project complies with the City's Transportation Demand and Trips Reduction Measures under the Congestion Management Program</p>	<p>Department of Transportation</p>	<p>The certificate of occupancy shall not be issued for the project until the developer complies with this measure under the Congestion Management Program</p>	<p>This measure is effective upon the issuance of a certificate of occupancy for the commercial component of the project and shall remain effective throughout the life of the project</p>
<p><input type="checkbox"/> 6. Parking Operations.</p> <p>A comprehensive parking management plan shall be submitted to the Director of Planning for review and approval prior to issuance of the project occupancy permits. A draft version of the plan shall be submitted to the Director of Planning prior to certification of the EIR and project approval. The plan shall address the utilization of the subterranean garage by the respective tenants and operators, and shall ensure the effective utilization of the tandem parking by (1) specifying how such parking will be restricted to tenants, rather than visitors, and/or (2) by requiring the use of commercial tandem parking spaces by employees of the same organization, and/or (3) by providing for an attendant service to move cars, and/or (4) by specifying some other method deemed acceptable by the Director of Planning. It shall also provide for weekend use of commercial/office parking by non-project users and shall provide for a method of directing UPS/FedEx and other trucks and/or large vans to the loading area off the alley</p>	<p>Department of Planning & Community Development</p> <p>Department of Building & Safety</p>	<p>The parking Management Plan shall be filed with Department of Planning & Community Development for review and approval. The approved Parking management Plan shall be maintained on file in the Department of Building and Safety Department, Code Enforcement Division, who will have the authority and procedures to address any complaints that might arise</p>	<p>The parking Management plan is effective immediately upon issuance of building permits for the project. The plan shall remain effective throughout the life of the project</p>

11242
176

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<input type="checkbox"/> 7. Short-Term Parking Impacts During Construction The project applicant shall prepare a comprehensive construction parking and hauling plan, and said plan shall be submitted to and approved by the Directors of Planning and Building & Safety prior to the issuance of building permits. Said plan shall demonstrate to the satisfaction of the Directors of Planning and Building & Safety that adequate provisions for parking for covenanted users and construction workers have been made prior to issuance of construction and grading permits for the project. Adequate provisions shall be defined as demonstration that the applicant has entered into a contract for the provision of the necessary parking. Such parking shall be located no more than 500 feet from the project site unless a shuttle service is provided at the project developer's expense which satisfactorily meet the needs of the covenanted users. The plan shall prohibit any construction-related parking on nearby residential streets or in the alley.	Department of Planning & Community Development Department of Building & Safety	The comprehensive construction parking plan shall be maintained on file in the Department of Building & Safety. The Department's plan check engineers shall review the plan to ensure that the plan complies with this measure.	The comprehensive construction parking plan shall be submitted prior to the issuance of building permits and shall be effective immediately upon issuance of building permits for the project, and shall remain effective throughout the construction period.

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p><input type="checkbox"/> 8. Circulation and Access Impacts.</p> <p>The applicant shall consult with the City Engineering Division to ensure that the project and/or the project's parking management plan includes measures to (1) restrict left hand turns into and out of the southern entrance on Crescent Drive, (2) ensure that entry to the northerly driveway in the alley is controlled through key-card access and that all parking for Spago guests in the parking structure is provided by valet, and (3) to provide project residents and employees with information about proper routing to and from the building. Any measures shall be reviewed and approved by the Director of Transportation prior to issuance of the certificate of occupancy for the project.</p> <p>The applicant shall modify the design of the motor court to the satisfaction of the Engineering Division and the Building & Safety Department to accommodate all vehicles that would use the parking garage to the satisfaction of the City. Consideration should be given to relocating the pedestrian walkway to the southerly side of the driveway to provide more visibility for both pedestrians and vehicles, and cutting back the pedestrian island (towards Crescent Drive) to provide for unimpeded left-turns from the garage onto Crescent Drive.</p> <p>The revised plan shall show the size of all parking spaces and shall demonstrate to the satisfaction of the Director of Planning that all spaces shall comply with City Code requirements, including minimum dimensions for parking spaces. The revised plan shall be submitted to the Director of Planning for review and approval prior to issuance of the grading and construction permits for the project.</p>	<p>City Engineering Division</p> <p>Department of Building & Safety</p> <p>Department of Planning & community Development</p>	<p>The measure will be included in the Parking Management Plan, which will be maintained on file in the Department of Building and Safety. In the event that substantial problems arise, the Director of Building and Safety Department may impose operational or physical conditions on the project beyond those specifically stated in the parking management plan to address such problems, after consultation with the Engineering Division. In addition, revised plans shall be provided regarding the design of the motor court and parking configuration for evaluation by the Engineering Division and the Building and Safety Department prior to issuance of building permits.</p>	<p>The Parking Management Plan is effective immediately upon issuance of building permits for the project, and shall remain effective throughout the life of the project. The revised plans shall be provided before issuance of grading and building permits.</p>

11242
178

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p><input type="checkbox"/> 9. Commercial Delivery and Loading -</p> <p>The applicant shall be responsible for the cost of signage to be placed in the alley in the vicinity of the loading area. The signage shall direct any truck arriving at the loading area to pull as far south as possible so that a second truck can access the northerly loading space without protruding into the pedestrian walkway. The proposed signage shall be reviewed and approved by the Engineering Division and the Planning Department prior to installation and shall be installed prior to issuance of any occupancy permit for the project.</p> <p>The applicant shall be required to comply with the following restrictions on the use of the loading area and alley: (1) Two trucks of greater than 30 feet are prohibited from using the loading area at the same time, (2) Commercial vehicles other than small vans (e.g. couriers) shall be prohibited from using the loading area between the hours of 4:00 p.m. and 6:00 p.m. Monday through Friday. The project operator shall designate an employee to monitor the loading area and deliveries to ensure compliance with the restrictions set forth in this provision.</p>	<p>Department of Planning & Community Development</p> <p>Department of Building & Safety</p> <p>City Engineering Division</p>	<p>Plans for signage and marking shall be submitted to Building and Safety Department. Installation of signage shall be subject to approval of Departments of Building & Safety, Transportation and Planning & Community Development. In addition, the City's parking enforcement shall enforce this measure regarding the operation of loading facility.</p>	<p>All the required signage and marking shall be in place prior to the issuance of certificate of occupancy. This measure shall apply to operational activities of the loading facility which shall be effective throughout the life of the project.</p>

11242
179

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p><input type="checkbox"/> 10. Short-Term Impacts During Construction</p> <p>The applicant shall submit a construction management plan to the Director of Building & Safety prior to issuance of any grading or construction permits. At a minimum the construction management plan shall address the following (1) construction delivery schedules, (2) truck hauling/construction traffic routing and access, (3) access to and from the site by construction workers, (4) use of the alley, (5) construction parking (on street construction parking shall be prohibited), and (6) management of vehicular ingress/egress from/to public rights-of-way (e.g. flagmen, etc). The plan shall demonstrate that any construction impacts to alley operations, on-street parking, or associated with truck access have been reduced to a level consistent with normal construction activity within the City.</p>	<p>Department of Planning & Community Development Department of Building & Safety Department of Public Works</p>	<p>The Construction Management Plan shall be reviewed by the Planning & Community Department and filed with the Building & Safety Department prior to issuance of grading permits. The plan check engineer will review the plans to ensure that the plan complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction management Plan.</p>	<p>This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.</p>

11242
180

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p><input type="checkbox"/> Air Quality</p> <p>11. Construction Activity Impacts</p> <p>The applicant shall ensure that the construction contractors shall (1) Use adequate water for dust control (preferably using reclaimed water), (2) Terminate any construction activities involving earth disturbance during high wind conditions (winds greater than 25 miles per hour) (3) Operate street sweepers or roadway-washing trucks on adjacent roadways to remove dirt dropped by construction vehicles or dried mud carried off by trucks moving dirt or bringing construction materials, (4) Cover trucks or wetting-down loads of any dirt hauled to or from the project site, (5) Perform low-NO_x emission tune-ups on all equipment operating on-site for more than 60 days, (6) Require on-site contractors to operate a congestion relief program including provision of rideshare incentives for construction personnel, provision of off-street parking for construction personnel, limitation of lane closures to non-peak traffic hours, scheduling the receipt of construction materials for non-peak traffic periods where possible</p>	<p>Department of Building & Safety Department of Public Works</p>	<p>The primary contractor shall submit an affidavit attesting to the compliance with this measure to the Department of Building & Safety Any cleaning of the public right-of-way shall be to the specifications of the City Engineer</p>	<p>The affidavit shall be submitted prior to the commencement of any work on the project site This measure shall be in effect until the issuance of the certificate of occupancy</p>
<p><input type="checkbox"/> Noise</p> <p>12. Construction Noise Impacts</p> <p>The applicant shall not use construction vehicles nor load or unload construction materials or debris before 8 a m</p> <p>The applicant shall restrict pile driving, if required, to the hours of 9 a m to 4 p m on Mondays through Fridays</p> <p>Prior to the issuance of building permits, the applicant shall submit a construction haul route plan that avoids the use of residential streets to the City of Beverly Hills Building & Safety Department and the Department of Transportation for review and approval and shall implement the approved construction hauling plan</p>	<p>Department of Building & Safety</p>	<p>The primary contractor shall submit a program and an affidavit attesting to the compliance with this measure to the Department of Building & Safety</p>	<p>The program and affidavit shall be submitted prior to the commencement of any work on the project site This measure shall be in effect until the issuance of the certificate of occupancy</p>

The Crescent Project Mitigation Monitoring Program			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p>Geology</p> <p><input type="checkbox"/> 13. Seismic</p> <p>Prior to issuance of building permits, the applicant shall perform additional on-site tests specifically designed to investigate potential subsurface faulting as recommended by the project's geotechnical consultant. The phasing and nature of the testing shall be reviewed and approved by the Director of Building and Safety prior to the tests being conducted. Testing shall be performed by a state licensed geologist approved by the City. Examples of further investigation at the site which may be required by the Director of Building & Safety include, but are not limited to: (1) Performing surface geophysical surveys (similar to those which were performed by Pratt et al (1998) across areas west of the site) to identify the continuity or discontinuity of subsurface stratigraphy, (2) Performing a series of closely spaced cone penetration tests and use of the data (along with the existing geotechnical borehole data) to define the continuity (or lack thereof) of subsurface layers, (3) Performing core borings or large diameter borings for down-hole inspection of subsurface conditions, to collect data for correlation with previously collected data, (4) Excavating and logging trenches in the vicinity of the building site, and perpendicular to the suspected trace of faulting. Upon completion of the tests, the applicant shall prepare and submit a report and recommendations to the Director of Building & Safety for review and approval. All required mitigation measures to reduce risks associated with subsurface faulting shall be made a condition of the project. The applicant shall demonstrate compliance with the required measures prior to issuance of any building permit or on a time schedule deemed appropriate by the Director of Building & Safety.</p>	<p>Department of Building & Safety</p>	<p>The construction plans filed with the Department of Building & Safety shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.</p>	<p>This requirement shall be met prior to the issuance of relevant building permits.</p>

Completed

182

Completed

**The Crescent Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Should the results of additional geotechnical investigation indicate the need for the redesign of the project, the nature of the redesign shall be reviewed by the Director of Planning and Community Development in order to determine if the redesigned project requires additional environmental review	Department of Building & Safety	The construction plans filed with the Department of Building & Safety shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.
<p>Hazards</p> <p><input type="checkbox"/> 14 Related to Building Demolition</p> <p>Testing shall be done at the applicant's expense by an environmental assessor approved by the City, for Asbestos Containing Building Materials (ACBM), PCBs and other hazardous substances potentially present on site. The report shall be submitted for review and approval by the Director of public works, prior to the issuance of the demolition permit for the project. If any hazardous substances are detected in the existing structures or the soil on the project site, prior to the issuance of the demolition permit for the project, the applicant shall (i) retain a qualified environmental expert approved by the City to supervise the removal and disposal of such substances, and (ii) comply with all requirements imposed by any federal, state, or local regulatory agency with respect to the removal and disposal of such materials from the project site.</p>	<p>Department of Public Works</p> <p>Department of Building & Safety</p>	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.

11242
143

Completed

The Crescent Project Mitigation Monitoring Program			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
A Construction Risk Management Plan shall be prepared and submitted to the Director of Public Works for review and approval prior to issuance of any demolition or construction permits for the project. The Plan shall incorporate the recommendations of the environmental assessors report and shall identify procedures for identifying any hazardous materials that may be encountered during construction. If materials that could present a threat to human health or the environment are discovered, construction in that immediate area shall cease immediately. Furthermore, a qualified professional shall evaluate the finding(s) and make appropriate recommendations. Work shall not resume in that area until the City determines that appropriate actions have been implemented to protect human health and the environment.	Department of Public Works Department of Building & Safety	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.

11242
184