

Attachment 4

Revised Conditions of Approval
as adopted by Planning Commission –
Track Changes

Community Development/Planning Project Conditions

1. Compliance with Plans. The Project shall be built in substantial compliance with the approved plans dated _____ (“Approved Plans”). These plans shall be kept on file with the City Clerk’s Office and the Department of Community Development/ Planning, and subject to additional conditions as may be imposed by the Architectural Commission.

2. Minor Amendments. Minor Amendments to the Conditions of Approval may be approved by the Director of Community Development and shall not require an amendment to the 9900 Wilshire Specific Plan.

3. Number of Residential Units. In no case shall the Project include more than 193 residential units in accordance with the Approved Plans and details contained in the approved 9900 Wilshire Specific Plan, as amended. The total floor area of the residential uses shall not exceed 697,223 square feet, inclusive of all common areas.

4. Hotel Rooms. In no case shall the Project include more than 134 hotel rooms in accordance with the Approved Plans and details contained in the approved 9900 Wilshire Specific Plan, as amended. The total floor area of the hotel rooms (exclusive of any hotel dining, bar, meeting room ancillary amenities, and back of house) shall not exceed 95,9281 square feet.

5. Hotel Dining, Bar, Meeting Rooms, and Ancillary Amenities. The project shall include a maximum floor area of 14,435 square feet of hotel spa and fitness amenities; 7,942 square feet of ballroom and meeting room facilities; 1,907 square feet of hotel lobby lounge area; 2,484 square feet of hotel shops; 16,057 square feet of restaurants and bar facilities (including restaurant and bar back of house facilities).~~108,370 square feet of hotel restaurants,~~

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~~bars, ballroom/meeting rooms, ancillary amenities and back of house space. These include, but are not limited to, hotel shops, back of house and storage space, spa and fitness centers, and a hotel lobby lounge.~~The project shall also include a maximum floor area of 45,674 square feet of hotel back of house and storage facilities, and 19,871 square feet of hotel amenity front of house facilities. The hotel amenity front of house facilities shall include hotel entrance, pre-function space, bridal room, display areas, check-in lounge, screening room, elevator lobbies, public restrooms, and public circulation areas. **In addition, the project's total open air dining areas shall not exceed a total of 1,600 square feet.**

5-6. Ancillary Hotel Garden Areas. Use of ancillary hotel garden areas, including the ancillary outdoor live entertainment areas identified in Figures 44 and 45 of the Specific Plan in conjunction with indoor meeting and ballroom facilities shall not exceed the capacity of the indoor meeting and ballroom facility that is being utilized for the event. Under no circumstances shall the residential outdoor live entertainment area shown in Figure 44 of the Specific Plan be utilized in conjunction with any events at the hotel, except by residents of the condominiums.

6-7. Restaurant and Outdoor Event Space Noise. **No amplified music is permitted in the outdoor dining areas. No amplified music inside the restaurants, bars, or lounges shall be audible from the exterior of the restaurants, bars, or lounges.** No amplified music shall be permitted in the hotel garden areas and residential garden areas, including the outdoor live entertainment areas identified in Figures 44 and 45 of the Specific Plan.

7-8. General Parking Requirements. **The project shall have not less than 1,140 parking spaces for residents, residents' guests, hotel guests and visitors, employees, and visitors of the**

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public garden areas as shown in the Approved Plans. This number may be modified by the Director of Community Development by up to 5 spaces to accommodate the final design of the parking layout, and shall be allocated consistent with the following additional conditions of approval.

8.9. Residential Parking. A total of not less than 558 residential parking spaces shall be provided for the condominium component of the project. Of these, not more than 103 spaces may be tandem spaces. Tandem spaces shall not be used for guest parking. Parking spaces for residential units are required to comply with the City's Municipal Code standards and shall be used solely for the parking of the personal vehicles of residents, their guests, and employees associated with the condominium units. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required and shall not be dedicated to or used to provide parking for any off-site use. The parking spaces for each residential unit shall be permanently assigned to the unit and shall be labeled as such.

9.10. Hotel Parking. A total of not less than 582 parking spaces (including not more than 59 tandem spaces and not more than 102 in-aisle spaces) shall be provided for the hotel, dining/bar, hotel ancillary, and meeting room/ballroom uses. In addition, the hotel motor court shall be designed to accommodate at least 22 additional standard parking spaces; 19 large sedan (towncar) spaces; or 14 stretch limousine spaces, while maintaining adequate circulation space at all times. On-site valet parking services shall be provided at all times and shall operate pursuant to ~~the an~~ approved Parking Valet/Operations Plan as required by Condition ~~178~~ below for the tandem and in-aisle spaces.

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~~10.11. Public Garden Parking. As part of the required number of hotel parking spaces, a minimum of 30 spaces shall remain available at all times for visitors of the public gardens located at the southwest corner of Wilshire Boulevard and Merv Griffin Way. Visitors of the public gardens shall receive 3 hours of free parking, after which market rates for parking may be imposed. All leases or sales agreements for hotel or commercial space within the Project shall contain provisions to implement this requirement.~~

~~11.12. Excess ParkingLimousine, Ride Share, Taxi, and Car Service Staging: An additional _____ excess parking spaces shall be provided. These excess spaces may be leased for uses other than residential or on-site hotel or commercial requirements. Such leases shall require prior review and approval by the Director of Community Development. The Director of Community Development's decision to approve or deny a request for to lease excess parking spaces for uses other than residential or on-site hotel or commercial requirements shall be based on evidence that the total remaining parking supply dedicated to the site meets the total parking demand generated by the uses on the site.Additional staging and queuing areas for limousines, ride share vehicles, taxis, and car service vehicles shall be provided in the first level of subterranean parking in the area located below the hotel motor court and accessed by the hotel motor court ramps. This staging area shall be designed to accommodate up to 22 stretch limousines (24.5' in length) or 38 large sedans (18' in length). In the event that additional staging capacity is required, limousines, ride share vehicles, taxis, and car service vehicles shall be staged in the hotel loading dock area. No limousine, ride share, taxi, or car service vehicles shall be staged or queue along adjacent streets or residential areas.~~

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including but not limited to Santa Monica Boulevard, Merv Griffin Way, Wilshire Boulevard, or Whittier Drive.

12.13. Parking Accessibility. Each parking stall designated to meet the numeric requirements of the Americans with Disabilities Act (“ADA”) shall meet all ADA requirements for an accessible parking space.

13.14. Employee Parking. The Project shall provide free on-site parking at all times for all those hotel employees who drive to the Project site to work at all times. All leases or sales agreements for hotel or commercial space within the Project shall contain provisions to implement this requirement. An employee shall be defined as a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. This condition shall also apply to any employees of contractors retained for services on the property.

~~14. Customer Parking. Two hours of free, validated parking shall be provided for patrons of the hotel dining and bar, or any hotel ancillary uses, after which market rates for parking may be imposed. All leases or sales agreements for hotel or commercial space within the Project shall contain provisions to implement this requirement.~~

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

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16. Signage. Prior to the issuance of a building permit, the Applicant shall submit a unified sign plan required by Section 4.6 of the Specific Plan for review and approval. Said unified sign plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. After approval of the Unified Sign Plan, all project signage shall conform to the approved Unified Sign Plan.

17. Parking Signage. Prior to the issuance of a building permit, the Applicant shall submit a signage plan for review and approval by the Department of Community Development/Planning, which plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. All signage shall conform to the signage plan.

18. Parking Valet/Operations Plan. Prior to the issuance of any occupancy permit, the applicant shall prepare and shall have received approval from the Director of Community Development and Director of Public Works of a Parking Valet/Operations Plan for both hotel and residential parking operations. The residential parking operations plan shall include plans to meet the parking needs generated by large on-site events and parties (i.e. to include the aggregate number of people generated for multiple, simultaneous small events occurring on-site). Thereafter, the applicant and subsequent homeowners' association shall implement said plan for any large on-site events and parties. The requirement for this residential operations plan shall be incorporated into the Covenants, Conditions and Restrictions for the condominiums. The hotel parking operations plan shall consider and coordinate with simultaneous events occurring within the condominiums as well as at the Beverly Hilton and the Waldorf Astoria, and shall include information on the number of valet attendants that will

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be on duty at any given time, the standard operating procedures for staging of limousines, ride share vehicles, car service vehicles, and taxis, and any other information deemed necessary by the Community Development Department.

19. Hotel Motor Court Circulation Traffic Control Measures. Prior to the issuance of any occupancy permit, the applicant shall implement the following traffic control measures. Final design and implementation of all traffic control measures shall be subject to the review and approval of the City's Traffic Engineer and the Director of Community Development:

- a. The Applicant shall install a physical barrier at the centerline of Santa Monica Boulevard in the area near the Hotel Motor Court driveway to prohibit vehicles from turning left out of the Hotel Motor Court onto Santa Monica Boulevard to travel eastbound. Such barrier shall be designed to allow left turns into the Hotel Motor Court for vehicles traveling eastbound on Santa Monica Boulevard. The Applicant shall also install signage at the Hotel Motor Court driveway at Santa Monica Boulevard indicating that left turns from the Hotel Motor Court onto eastbound Santa Monica Boulevard are prohibited.
- b. Access to the Hotel Motor Court from the driveway at Merv Griffin Way shall be right-in/right-out only. The Applicant shall install signage at the Hotel Motor Court driveway at Merv Griffin Way indicating that left turns from the Hotel Motor Court onto northbound Merv Griffin Way are prohibited. The applicant shall also install signage at the Hotel Motor Court driveway at Merv Griffin way indicating that left turns from northbound Merv Griffin Way into the Hotel Motor Court are prohibited.

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c. The Applicant shall paint “Keep Clear” road markings on the southbound lanes of Merv Griffin Way adjacent to the east driveway of the Hotel Motor Court.

d. The Applicant shall paint “Keep Clear” road markings in the westbound lanes of Santa Monica Boulevard adjacent to the south driveway of the Hotel Motor Court.

20. Residential Driveway Entrances. Prior to the issuance of occupancy permits and subject to the review and approval of the City Traffic Engineer and Directors of Community Development and Public Works, the Applicant shall install signage at both of the Project’s residential driveways along the western project site boundary indicating that left turns onto eastbound Santa Monica Boulevard and left turns onto westbound Wilshire Boulevard are prohibited.

21. Merv Griffin Way Loading Area Entrance. Prior to issuance of occupancy permits and subject to the review and approval of the City Traffic Engineer and the Directors of Community Development and Public Works, the Applicant shall widen the west side of Merv Griffin Way adjacent to the loading area entrance in order to accommodate right-turn ingress and right-turn egress of a 30-foot long delivery truck such that a delivery truck could sufficiently maneuver without encroaching into adjacent lanes.

22. Loading Operations. Prior to issuance of occupancy permits and subject to the review and approval of the City Traffic Engineer and the Directors of Community Development and Public Works, 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 include, at a minimum, the following measures:

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- a. ~~identify~~ Limit the permissible hours for loading to, which shall not occur outside the hours of 6:00 a.m. to 2:30 p.m. Monday through Saturday and 9:00 a.m. to 2:30 p.m. on Sundays, with no loading operations on Sundays,
- b. ~~and shall designate a delivery monitor~~ A delivery monitor shall be designated to monitor the loading area and deliveries in order to control the circulation activities and to prevent overcrowding in the loading area.
- c. Loading vehicles shall be prohibited from making left turns into the loading area from Merv Griffin Way or out of the loading area onto Merv Griffin Way. The Applicant shall inform all vendors or delivery companies that do business with the owner/operator of the Project of the loading area access restrictions to ensure that drivers are aware of the restrictions prior to making any deliveries.
- d. Visible signage at the exterior of the loading area entrance on Merv Griffin Way identifying that it is a loading area shall be minimal and subject to the review and approval of the Architectural Commission.
- e. Tractor trailers (trucks with articulated trailers that pivot separate from the cab of the truck) shall be prohibited from accessing the loading area along Merv Griffin Way. Under special circumstances, and with prior approval from the Director of Community Development, tractor trailer deliveries may be allowed on a limited basis, subject to any conditions imposed by the Director of Community Development.

The City hereby retains the authority to impose additional conditions on the Project to address loading, delivery and parking issues. The Applicant shall comply with the approved Loading Management Plan and any additional conditions imposed after adoption of this Resolution and

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after adoption of the Loading Management Plan, in order to address parking, loading and delivery issues. No loading shall occur on Wilshire Boulevard or Santa Monica Boulevard.

23. One Year Review. One year after the issuance of a Certificate of Occupancy, or as soon thereafter as the matter may be scheduled, the Director of Community Development shall schedule a hearing before the Planning Commission to review the Project's on-site and off-site traffic and circulation characteristics, parking utilization rates, and the operation of the loading area. At least ten days prior to such hearing, notice shall be posted on the site; mailed to all property owners and residential occupants within 500' of the project site, plus blockface, including all property owners and residential occupants along Whittier Drive, Trenton Drive, and Walden Drive between Wilshire Boulevard and Sunset Boulevard, and Carmelita Avenue between Wilshire Boulevard and Walden Drive, as well as the President of the Beverly Hills North Homeowners' Association or successor organization; and shall be published in two newspapers of local circulation. The full cost of said hearing, including but not limited to technical studies and public notice, shall be borne by the Project Applicant. Upon conclusion of the hearing, the Planning Commission may impose additional conditions upon the Project, including changes to the design of the Project and/or adjacent roadways as necessary to mitigate any unanticipated traffic, circulation, loading, or parking impacts caused by the Project, and the owner, hotel, or Homeowners Association and operator shall forthwith comply with any such additional conditions at their sole expense. However, the owner, hotel, or Homeowners Association may appeal the decision of the Planning Commission to the City Council pursuant to the provisions of the Beverly Hills Municipal Code and any decision of the Planning Commission shall be stayed pending a decision by the City Council on appeal.

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~~a.~~

~~18-24.~~ Safety/Technology. The applicant shall install state-of-the-art devices or equipment as approved by the City's Police and Fire Departments to ensure that wireless telecommunication reception in the parking garage and in the project is adequate for police, fire and other emergency responders and the health and safety of residents and visitors. The system shall include an In-Building Bi-Directional Amplification System that will (a) provide City Emergency services personnel the ability to communicate reliably and efficiently by supported City radio systems, within any occupiable spaces inside the respective buildings; and (b) contain back-up / emergency power to ensure on-going, uninterrupted functionality in the event of any power failures or interruptions. Further, the System shall be tested on a regular basis to ensure reliable performance at all times, and the building owner or future homeowners association shall work cooperatively with the City to design, build, maintain, and update the system as conditions require.

~~19.~~

~~20-25.~~ Public and Common Areas. All public and common areas and facilities shall be clearly depicted, described, or both in the final plans reviewed by the Department of Community Development/Planning prior to issuance of a building permit.

~~21-26.~~ Rooftop Uses. Only those rooftop uses that are designated in the Approved Plans are permitted as part of this approval. These include the residents' pool and terrace on the rooftop of the North Building, and the hotel pool, dining, bar, function room, back of house, fitness center, and spa uses on the rooftop of the South Building.

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22-27. Green Building Design. The Project shall be constructed to meet LEED® Silver certification. A green building plan shall be submitted as part of the application for a building permit. The green building plan shall indicate which LEED® checklist items that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The applicant shall be required to implement all points shown in the final green building plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official may conduct other inspections as needed to ensure compliance with this condition. The Applicant may request amendment of the green building plan and such amendment may be approved by the Building Official. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the applicant shall comply with said Ordinance.

23-28. Gray Water Usage Requirement. The applicant shall install a gray water system as required by Section 3.4 F of the Specific Plan, including sufficient plumbing features to allow gray water to be used for landscaped areas on the property. All plumbing requirements shall be subject to review and approval by the City's Building and Safety Division.

24-29. Architectural Commission Review. Prior to the issuance of building permits, the design, materials and finishes of the building, and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the property to provide an appropriate visual and aesthetically pleasing transition between the property and the neighboring property on the east side of Merv Griffin Way. Particular attention shall be paid to the entry garden areas at the north and south corners of the property that intersect with

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Merv Griffin Way (including the motor court); to the public garden areas spanning the length of the property; to meandering pathways proposed to span the entirety of the north/south perimeter adjacent to Merv Griffin Way; and to the landscaped areas directly abutting the Merv Griffin Way roadway. Landscape plans shall be prepared by a licensed landscape architect.

25-30. Final Building Plans. Final building plans shall be consistent with the preliminary plans approved by this Resolution and shall be prepared by a licensed professional.

26-31. Traffic/Crossing Guard. In addition to the existing City crossing guards in the vicinity of the Project site, during Project construction, the City shall hire and the applicant shall pay for, one or more additional crossing guards to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica at the beginning and end of each school day, as deemed appropriate by the Director of Community Development. In addition, if deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way before and after school. The cost of any such additional crossing guards may be shared by the applicant and the applicant for the Beverly Hilton Revitalization Project if such cost sharing is directed by the Director of Community Development.

27-32. Hiring Practices. The applicant shall require the Construction Manager/Supervisor to verify that no construction workers have prior felony records prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on-site Construction Manager/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District during the performance of their duties, unless

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required within the scope of their duties and with the knowledge or approval of the Construction Manager/Supervisor and prior approval from the School District. The applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. Compliance with this provision shall be verified by the Environmental Compliance Monitor. Further, each contractor on the site shall provide the Environmental Compliance Monitor and the Beverly Hills Unified School District Superintendent a certification form certifying that there are no known felons working on the site.

28.33. Traffic Signal at Merv Griffin Way/Santa Monica Boulevard. The applicant shall install a traffic light at the Merv Griffin Way/Santa Monica Boulevard intersection. Installation and plans for the traffic light are subject to review and approval by the City's Traffic Engineer and Building Official. The applicant may be entitled to a fair share reimbursement from other projects that impact this intersection and necessitate the traffic light. The traffic light either shall be installed and operational prior to construction, or the applicant shall provide adequate security for installation prior to the approval of any final subdivision map.

29.34. Santa Monica Boulevard Roadway Improvements. Prior to the issuance of a certificate of occupancy, the applicant shall provide the right-of-way dedications to the City as shown on the approved plans and subject to review and approval by the City's Public Works Director. As approved by the Public Works Director, the applicant shall install and pay for

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improvements to the Santa Monica Boulevard right-of-way adjacent to the Project as shown on the approved plans, including but not limited to landscaping and street improvements.

35. Merv Griffin and Wilshire Boulevard Intersection Improvements. The north bound configuration of Merv Griffin Way portion of the southern leg of the intersection of Merv Griffin Way and Wilshire Boulevard shall be modified to provide one left-turn lane, one through lane, and one right-turn lane on the portion of Merv Griffin Way within the Specific Plan Area. The improvements shall be completed prior to the recordation of any final subdivision map.

~~30-36.~~ The Applicant shall make good faith efforts to obtain any necessary approvals from relevant agencies and/or property owners to re-construct the portions of street, curb, and sidewalk, or drainage or other roadside facility preventing a uniform street width, located in the City of Los Angeles and along the north side of Santa Monica Boulevard adjacent to the western project site boundary near the Los Angeles Country Club. If all necessary approvals are granted, the Applicant shall re-construct the street, curb, and sidewalk or other facility such that the street, curb, and sidewalk are brought into alignment with the street, curb, and sidewalk along the north side of Santa Monica Boulevard located in the City of Beverly Hills, resulting in uniform street width in both Los Angeles and Beverly Hills. If all necessary approvals cannot be obtained, compliance with this condition shall be demonstrated by furnishing correspondence with the relevant agencies and/or property owners confirming that the Applicant made good faith efforts and correspondence from the relevant agencies and/or property owner confirming denial of the request.

Landscaping and Irrigation

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~~31-37.~~ Prior to final building inspection, the Applicant shall install all proposed irrigation and landscaping, including irrigation controllers, staking, and mulching, in accordance with the Architectural Commission's approval of the final project design.

~~32-38.~~ Prior to occupancy, the Applicant shall submit a letter from the Project landscape architect certifying that all landscape material and irrigation has been installed and is functioning according to the approved landscape plans.

~~33-39.~~ The property owners and successors in interest, including but not limited to any homeowners association, shall be responsible for the maintenance of the site drainage system, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way and all public and private open areas on the site including the western half of Merv Griffin Way. The Covenants, Conditions and Restrictions for this project shall specifically reflect this obligation.

Other City Departments' Requirements

~~34-40.~~ The Applicant shall comply with all applicable conditions and permits required from the Public Works and Transportation Department and Community Services-Recreation and Parks Department attached as Exhibit A. The Applicant shall secure all necessary permits from the Engineering Division of Public Works prior to commencement of any demolition or Project related work.

~~35-41.~~ An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show any existing street furniture within the public right-of-way (ROW) fronting the proposed improvement site. All new construction and relocation of any existing street furniture must be clearly shown.

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

Construction Management

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

- a. Parking and transportation to and from the construction parking area for construction workers, which shall be paid for by the Project applicant.
- b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.
- c. ~~A plan for the proposed demolition/~~construction staging for the Project to determine the amount, appropriate routes and time of day ~~of heavy hauling truck traffic necessary for demolitionhauling, material deliveries etc., to the subject site shall be included in the Construction Management Plan. The times of day of heavy hauling truck traffic shall be scheduled to reflect the City's direction to shift as much of the heavy hauling truck traffic as possible to night-time hours outside of peak traffic~~

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periods. The construction haul route shall incorporate ingress from Wilshire Boulevard and egress from Santa Monica Boulevard, and shall be reviewed and approved by the City Traffic Engineer and the Director of Community Development. The approved haul route is subject to change if the haul route creates unanticipated traffic congestion or noise impacts.

- d. All final construction mitigation measures from the Final Environmental Impact Report and Final Supplemental Environmental Impact Report.
- e. ~~An~~ A construction phasing and timing plan for the Project, and implementation plan for each phase of construction (demolition, excavation, concrete, superstructure, etc).
- f. Specification that construction hauling shall be restricted to Santa Monica and Wilshire Boulevards to/from Interstate 405; any deviations from this requirement first shall be reviewed by the School District and approved by the Director of Community Development.
- g. Specification that hauling of debris and/or soil from the site shall be allowed to take place at night and/or weekends as approved by the Director of Community Development in accordance with an after-hours work permit (BHMC Section 5-1206).
- h. Measures to protect the artificial turf field and associated drainage system on El Rodeo School's campus from construction dirt and debris.
- i. Requirements for measures such as a sign-in/sign-out requirement for all persons accessing and leaving the site, defined separations between public and construction

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areas, fencing and/or landscape barriers, active surveillance, privacy screening, and other similar measures to prevent unauthorized access between such areas.

38.44. A third-party Construction Management Plan Coordinator shall be retained to develop and maintain the Construction Management Plan. The developer shall deposit funds sufficient to pay for the Construction Management Plan Coordinator who shall be hired by and work for the City. Said Construction Management Plan Coordinator shall, to the extent practicable, be the same firm or individual(s) retained for monitoring activities associated with development of the Beverly Hilton Specific Plan.

- a. The Construction Management Plan Coordinator hired to provide these services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Coordinator within a 14 calendar day period after being presented with the list of qualified coordinators, the Director of Community Development shall have the authority to select the Coordinator.
- b. The Construction Management Plan Coordinator should have experience in large private and public development including experience with school or hospital construction. The Coordinator must have a broad range of experience in construction management, estimating, scheduling and large commercial construction practices and techniques. Past experience with development projects in the City of Beverly Hills will be a consideration in the selection process.

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~~39.45.~~ An updated copy of the Construction Management Plan shall be provided to the designated Beverly Hills Unified School District representative, and shall be available at El Rodeo School at all times. Further, an up-to-date copy of the Construction Management Plan shall be made available to the general public on the project's publicly accessible web page.

~~40.46.~~ The Beverly Hills Unified School District shall be given a 14 calendar day period in which to review and comment on the Construction Management Plan before the City approves it.

~~41.47.~~ The Construction Management Plan shall be updated, as deemed necessary by the Coordinator, throughout all phases of the construction process. This Plan shall be amended and updated to coordinate all construction activity at the site area should the adjacent Beverly Hilton Revitalization Project move forward concurrently.

~~42.48.~~ The Construction Management Plan Coordinator shall participate in meetings throughout the construction process and shall provide necessary and prudent advice and resources to the City to properly develop, implement and modify the mitigation plan. Further, the applicant shall invite School District representatives and the City's representatives including but not limited to the Construction Management Plan Coordinator and Environmental Compliance Monitor to attend and participate in regular construction progress meetings.

~~43.49.~~ Requests for after-hours construction permits shall be reviewed by the City's Building Official in accordance with BHMC Section 5-1-206. The Building Official shall confer with the Environmental Compliance Monitor and revise any afterhours permits as necessary to mitigate noise to residential neighbors of the project.

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

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

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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.

52. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties. The final height of the fence shall be approved by the Director of Community Development in consultation with design professionals knowledgeable in the fields of noise and dust mitigation. The design of the construction fence shall be subject to Architectural Commission review and approval. The Applicant shall provide temporary aesthetic improvements, which may include landscaping, to improve the appearance of the site around the fence during the construction period.

~~46.53.~~ The design of the construction barrier/fence required in Mitigation Measure Noise-1 shall be subject to architectural review. The applicant shall provide temporary aesthetic improvements, which may include landscaping, to improve the appearance of the site around the construction barrier/fence during the construction period.

54. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks.

47.55. The applicant shall designate a Community Liaison Officer as outlined in the attached Mitigation Measures, directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the Community Liaison Officer shall be transmitted to the Director of Community

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Development, the City's Building Official, and the Beverly Hills Unified School District Superintendent and Principal at El Rodeo School. In addition, the Applicant shall post the name and telephone number of the Community Liaison Officer on the site in a location readily visible to the general public as approved by the Director of Community Development. Said signs shall also include the name and number of a City contact from the Community Development Department. The Applicant representative's telephone number provided shall be manned during construction hours.

~~48-56.~~ 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 \$75.00 for a documentary handling fee in connection with Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.

~~49-57.~~ Property Maintenance. The property owners and successors in interest, including but not limited to any homeowners' association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, and any costs or corrections due to building or property maintenance code enforcement actions. The Covenants, Conditions and Restrictions for this project shall specifically reflect this obligation.

Environmental Compliance Monitor

~~50-58.~~ The Construction Management Plan Coordinator shall provide assistance in the selection of a full-time Environmental Compliance Monitor. The developer shall deposit funds

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sufficient to pay for the Environmental Compliance Monitor who shall be hired by and work for the City. The Environmental Compliance Monitor shall be selected from a list of individuals deemed qualified by the Director of Community Development and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Monitor within a 14 calendar day period after being presented with the list of qualified monitors, the Director of Community Development shall have the authority to select the Monitor. Said Environmental Compliance Monitor shall, to the extent practicable, be the same firm or individual(s) retained for monitoring activities associated with development of the Beverly Hilton Specific Plan.

51.59. The field office of the Environmental Compliance Monitor shall be located in a office trailer provided by the developer on or adjacent to the El Rodeo School campus for easy access to District staff, parents, and local residents. The location of the field office shall be approved by the Community Development Director. All utility and maintenance costs associated with the installation and maintenance of this trailer shall be paid for by the developer.

52.60. The Environmental Compliance Monitor shall maintain a daily log and provide monthly reports to the City and School District.

53.61. The Environmental Compliance Monitor shall immediately report any violations of the construction mitigation measures to the City.

54.62. City staff shall have the authority to immediately stop construction upon verification of any violation of the Construction Management Plan. Work shall not be allowed to restart until the problem is abated and/or corrective actions are taken to mitigate the violation.

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55-63. The Environmental Compliance Monitor shall conduct a weekly meeting with the project construction manager(s) and shall invite City and School District representatives to attend such meetings.

Specialty Testing

56-64. Specialty consultants (noise and air quality) shall be hired to provide testing and monitoring and provide recommendations as described in the 2008 Final EIR and subsequent Final Supplemental EIR, and imposed by these conditions of approval. The developer shall deposit funds sufficient to pay for the specialty consultants who shall be hired by and work for the City.

57-65. The Construction Management Plan Coordinator shall provide assistance in the selection of these specialists.

58-66. Consultants hired to provide specialty testing services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on specialty testing consultants within a 14 calendar day period after being presented with the list of qualified specialty testing consultants, the Director of Community Development shall have the authority to select the specialty testing consultants.

59-67. All test results shall be maintained on file with the Environmental Compliance Monitor and included in monthly reports submitted to the City and School District.

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~~60-68.~~ Construction noise and vibration shall be monitored at El Rodeo School as part of the Construction Management Plan. Construction activities and/or measures may be modified to correct any excesses in the event acceptable thresholds are exceeded.

~~61-69.~~ The Environmental Monitor shall initiate, and the Developer shall pay for a traffic study to be undertaken within 45 days after the beginning of each school year during construction of the Project to measure the then existing conditions and to determine whether unanticipated impacts resulting from the Project construction are occurring. Additional measures as may be identified by any such study that address impacts from the Project shall be implemented by the developer.

~~62-70.~~ Construction traffic shall be monitored at the site so that the frequency of construction to/from the project site during periods when most schoolchildren are arriving/departing to/from schools will be reduced in the event that construction traffic exceeds thresholds that shall be identified in the Construction Management Plan.

General Conditions

~~63-71.~~ All electrical transformers and other such mechanical equipment shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit. Screening and/or relocation may be required if the proposed locations have the potential to adversely affect the appearance of the building from the public right-of-way.

~~64-72.~~ The Covenants, Conditions and Restrictions (CC&R's) for this project shall reflect the fact that, as this Project is located on Wilshire Boulevard, the maintenance of public

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improvements (street payment, sidewalk, curb, gutter, water and sewer lines) is usually performed at night.

~~65-73.~~ In accordance with the requirements set forth in City Council Resolution 71-R-4269, the applicant shall file a formal written request with the Civil Engineering Department for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Civil Engineering Department. An indemnity bond must be submitted and approved by the City Attorney prior to excavation.

~~66-74.~~ 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.

~~67-75.~~ The Applicant shall comply with the requirements of the Street Tree Mitigation Plan of the Recreation and Parks Department, attached hereto as Exhibit C and incorporated herein by this reference.

~~68-76.~~ These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

~~69-77.~~ 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.

~~70-78.~~ Prior to the earlier of either the issuance of any occupancy permit or the sale or lease of any residential unit in the project, a subdivision map shall be approved by the City and the

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final map for such subdivision shall have been recorded with the County of Los Angeles Recorder and the condominium plan filed with the Department of Real Estate.

79. Prior to the approval of any final map, the applicant shall prepare and submit CC&R's for review and approval by the Director of Community Development and the City Attorney. The CC&R's shall include the provisions in these conditions of approval relating to the Parking Valet/Operations Plan, Property Maintenance, and reflecting that the performance of public improvement along Wilshire Boulevard is usually performed at night. The CC&R's shall be recorded prior to the approval of any final map. The CC&Rs shall include a requirement that the rental of condominiums shall be for a minimum duration of 90 days.

71-80. Prior to any amendments to the CC&R provisions required by these conditions of approval, the amendments shall first be subject to approval by the Director of Community Development.

72-81. Prior to the recordation of any final subdivision map, the applicant shall record a reciprocal parking and access agreement for the site in form and content satisfactory to the Community Development Director and the City Attorney.

73-82. The applicant shall install insulated laminated clear safety glass on the exterior of all the condominium units facing the Los Angeles County Club.

74-83. Unanticipated Traffic, Loading, or Parking Impacts. In the event that the Director of Community Development determines that operation of the project is having unanticipated traffic, loading, or parking impacts, the Director shall require the owner, hotel, or Homeowners Association to provide an analysis of the traffic, loading, or parking impacts and recommend and implement mitigation for the impacts. If, in the opinion of the Director, the owner, hotel, or

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Homeowners Association fails to implement sufficient mitigation to mitigate the unanticipated traffic, loading, or parking impacts, then the Director shall schedule a hearing before the Planning Commission concerning the impacts being created by the projectProject. The owner, hotel, or Homeowners Association shall receive at least ten days' notice of such hearing. Upon conclusion of the hearing, the Planning Commission may impose additional conditions upon the project as necessary to mitigate any unanticipated traffic, loading, or parking impacts caused by the projectProject, and the owner, hotel, or Homeowners Association and operator shall forthwith comply with any such additional conditions at their sole expense. However, the owner, hotel, or Homeowners Association may appeal the decision of the Planning Commission to the City Council pursuant to the provisions of the Beverly Hills Municipal Code and any decision of the Planning Commission shall be stayed pending a decision by the City Council on appeal.

75-84. The Construction Management Plan shall contain a provision prohibiting construction trucks from queuing on Santa Monica Boulevard or Wilshire Boulevard during all aspects of construction.

76-85. An air cleaning/filtering system shall be installed in the condominium buildings subject to the review and approval of the Building Official to assist in the removal of pollutants emanating from the adjacent streets.

77-86. The provisions of the Amended Specific Plan shall not become effective, and no development or implementation of the Amended Specific Plan shall be permitted until a) the ordinance approving the amended development agreement has become effective and b) the amended Development Agreement is executed and recorded.

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~~78.87.~~ Uses ancillary to the residential uses in the Specific Plan, including but not limited to the spa, screening rooms, and common event spaces, shall be for the exclusive use of residents within the Specific Plan. Guests of residents may use such facilities except that there shall be no charge to or for non-resident guests and in no event shall memberships be given or sold to any person or entity that is not a resident within the Specific Plan. Nothing in this condition shall prohibit use of the hotel spa and other ancillary amenities by the general public, except for the fitness facilities, which shall only be accessible to hotel guests and their guests, and residents of the condominiums and their guests.

~~79.88.~~ The applicant shall execute and record against the 9900 Wilshire property, a covenant and agreement to facilitate the continuation of the Golden Globe Awards, or successor event, at The Beverly Hilton Property. The CC&Rs shall be in a form satisfactory to the City Manager and the City Attorney, after consultation with the Beverly Hills Fire and Police Departments. The covenant and agreement shall include provisions providing for (a) the closure of Merv Griffin Way the day prior to and the day of the Golden Globe Awards event, (b) prohibitions on the use of vehicles on or access of persons to Merv Griffin Way the day prior to, the day or and the day after the Golden Globe Awards event, (c) grant of a license to use Merv Griffin Way for camera equipment, satellite truck use, celebrity arrivals, or any similar event-related use on the day prior to and the day of the Golden Globes Awards event, (d) closure of any pedestrian and vehicular access points (other than emergency access as may be required by the Beverly Hills Fire or Police Departments) from the 9900 Wilshire property to Merv Griffin Way and to prohibit persons or vehicles from entering Merv Griffin Way from such access points on the day prior to and the day of the Golden Globe Awards event. These provisions also shall

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apply to the day after the Golden Globe Awards event to the extent reasonably necessary to remove equipment utilized in the Golden Globe Awards event. In addition, the covenant and agreement shall provide for a grant of access to the 9900 Wilshire Property and its buildings at any time as requested by the Beverly Hills Police Department, United States Secret Service, Federal Bureau of Investigation, or other governmental security agency and/or their successors, as needed, to provide security for the Golden Globe Awards event, and (e) cooperation with requests by the Beverly Hills Police Department, United States Secret Services, Federal Bureau of Investigation, or other governmental security agency and/or their successors for a security perimeter on the 9900 Wilshire Property for the Golden Globe Awards event. The covenant and agreement shall provide for notice to all owners of the 9900 Wilshire Boulevard Property, including without limitation successors and assigns, owners of condominium interests, and tenants, of the existence of the covenant and agreement, which covenant and agreement shall be recorded prior to final map approval, but not prior to the issuance of a Building Permit, as that term is defined in the development agreement approved as part of this project.

Demolition

~~80-89.~~ Work at the site shall be accelerated during the summer months and while school is not in session to the fullest extent that is approved by the City.

~~81-90.~~ The applicant shall provide the Beverly Hills Unified School District with a full set of ~~specifications and~~ construction plans and specifications before the start of construction. The applicant shall also provide the Beverly Hills Unified School District with a copy of the detailed construction schedule prior to commencement of construction.

Other Measures

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82-91. During construction, the developer shall install and maintain at least two (2) remotely controlled cameras made accessible via the internet to City staff, the Construction Management Coordinator, and the Environmental Compliance Monitor for mitigation monitoring purposes. The cameras are to be placed at a height and location so that 100% of the project site is visible at all times. Cameras shall be maintained regularly and accessible at all times and shall be equipped with microphones.

83-92. During construction, the Construction Management Coordinator, Environmental Compliance Monitor or the specialty testing consultants shall have the authority to require additional measures deemed necessary to address unanticipated issues that may arise due to construction of the Project. The developer shall fund any and all such recommended measures regardless of the cost.

84-93. Any lighting associated with permitted night-time construction shall be shielded, directed downward, and directed to face west or south, as approved by the Environmental Compliance Monitor.

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CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

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

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

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

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

9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and

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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.

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.

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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.

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