



AGENDA REPORT

Meeting Date: September 17, 2007

Item Number: D-1

To: Honorable Mayor & City Council

From: Vincent P. Bertoni, Director of Community Development, AICP
Rita Naziri, Senior Planner

Subject: CITY COUNCIL REVIEW OF THE ARCHITECTURAL COMMISSION'S DECISION DENYING THE PRELIMINARY PLANS FOR A PROPOSED OFFICE BUILDING AT 8767 WILSHIRE BOULEVARD

Attachments:

1. Architectural Commission Minutes dated 3/14/07 and 7/11/07
2. Resolution approving Development Plan Review and Height Variance dated 1/30/07
3. Project Plans (folded separately)

RECOMMENDATION

Based on the foregoing and pending the information and conclusions that may result from the testimony received at the public hearing and deliberations, staff recommends the City Council affirm the Architectural Commission's decision to deny the preliminary plans for the proposed office building at 8767 Wilshire Boulevard.

INTRODUCTION

At its meeting of July 24, 2007, the City Council ordered the review of the Architectural Commission determination denying the preliminary plans for the proposed project at 8767 Wilshire Boulevard. The Architectural Commission denied the proposal on July 11, 2007 meeting on the basis that the project as designed is not in conformity with the good taste and good design and, in general does not contribute to the image of the Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.

BACKGROUND INFORMATION

The project proposal entails construction of a 75,116 square-foot, four-story with a roof line of 56 feet and an architectural feature of 68 feet in height, commercial (office & retail) building on the northeast corner of Wilshire and Robertson Boulevards. The required entitlements for the proposed project include Development Plan Review, height

variance and architectural review. The Planning Commission approved the proposed development through a Développement Plan Review and a height variance on September 14, 2006. Based on appeal filed by the neighboring property owners, the project was also reviewed and approved by the City Council on January 30, 2007 subject to several mitigation measures and conditions of approval including a condition that the project shall be subject to the Architectural Commission review and approval. The project was before the Architectural Commission on March 14, and July 11, 2007 respectively, plus one preview (May 9) and two subcommittee meetings (May 24 and June 4). At the meeting of July 11, 2007, the architectural Commission denied the proposed design.

Existing site characteristics:

The L-shaped site consists of six lots. A BMW automobile dealership storage facility and a small commercial building (located in the southeastern portion of the site) currently occupy the site. Adjacent to the property to the north are a variety of commercial developments including retail stores and offices. Across Wilshire Boulevard to the south is a three-story office/medical building. Across Robertson Boulevard to the west is a two-story commercial building. Adjacent to the property to the east is a two story commercial building; and two and three story multi-family residential properties facing Arnaz Drive. There are no alleys separating the project site from the adjacent properties to the east or north. Street trees on Wilshire Boulevard are Mexican Fan Palm trees. Robertson Boulevard street trees are Ficus trees. Four palm trees on Wilshire Boulevard are proposed to be removed and replaced due to implementation of the mitigation measure to create a right-turn lane.



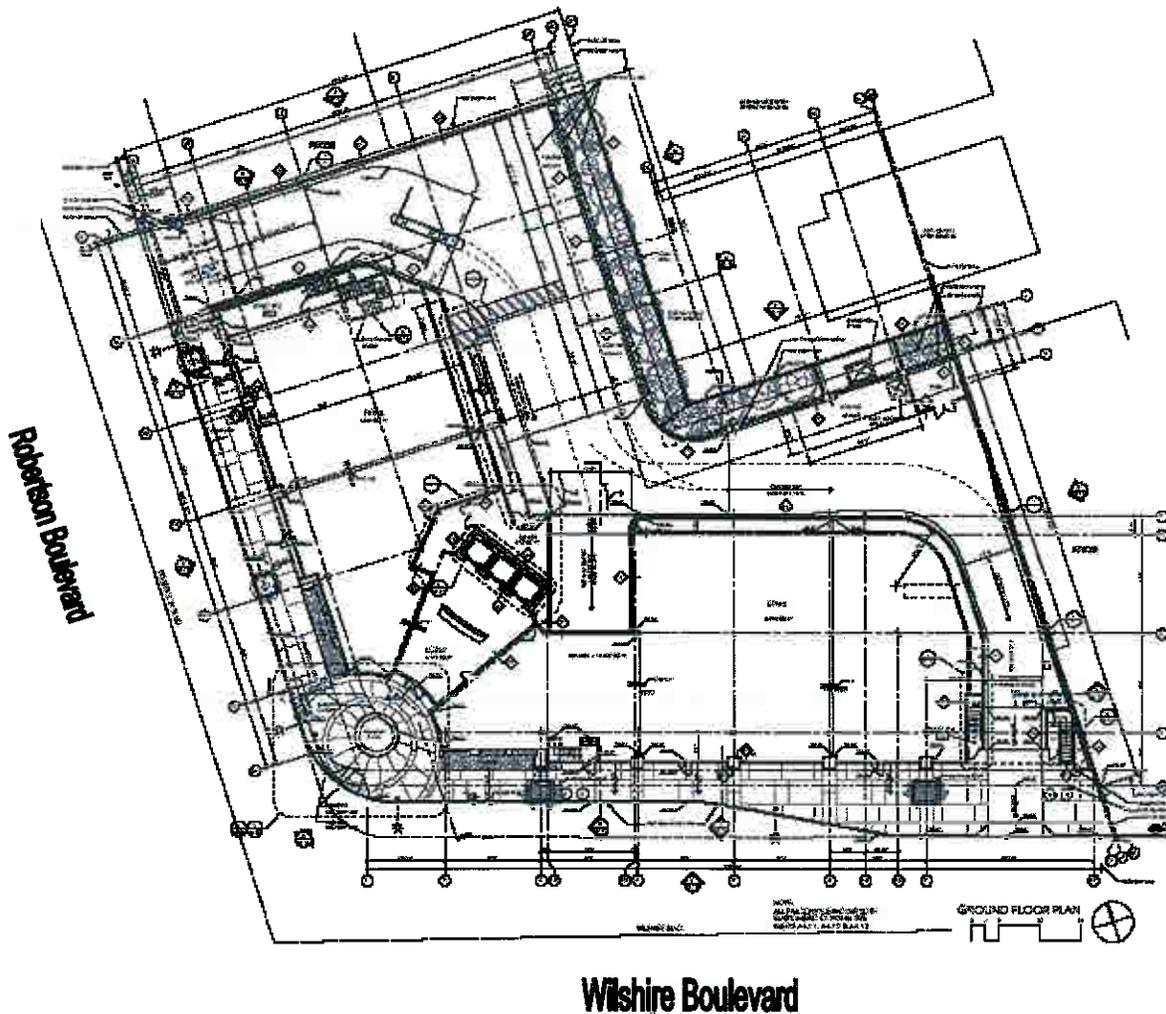
Project Site

Building Design

The building design includes a glass tower with a plaza and a water feature at the corner of Wilshire and Robertson Boulevards. The design of the building also includes

modulations and setbacks throughout the building facades including those facing adjacent residential uses. Major design elements include:

- Building is set back from residential uses a minimum of 10 feet with landscaping on the ground floor and 20 feet on the upper floors with landscaping to provide privacy for multifamily residences at the rear of the property.
- To implement a new turning lane, the applicant is proposing to reduce the sidewalk width on Wilshire Boulevard from 15 feet to 10 feet and dedicating additional five feet along Wilshire Boulevard.



- Building is set back 10 feet along Robertson Boulevard property line (easement).
- Access to the four-level, subterranean garage would be via 26-foot wide driveway on Robertson Boulevard, with egress only from a 16-foot wide driveway on Wilshire Boulevard.

- The pedestrian entrance to the building would be located towards the center of the building at the corner of Wilshire and Robertson Boulevards. A plaza with a water feature is proposed to be located by the entrance of building with special paving material which would require City Council approval.
- The proposed convex-shaped glass tower at the center of the building would have the maximum height of 68 feet. The overall building height to the roof line would be 56 feet with a 3'7" high parapet.



Building Material

- The proposed four-story building is designed in a contemporary design, using glass and limestone veneer as the predominant exterior finish for the building elevations facing Wilshire and Robertson Boulevards. The first three floors would have glazing and glass materials.
- The rear and side façades includes plaster/limestone/glass finish and painted aluminum louvers at the ground floor adjacent to residential and commercial uses.
- The wall surfaces (fronting Wilshire and Robertson Boulevards) up to the third story would be cladding with the Jerusalem Gold limestone and the wall surfaces at the fourth level would be of 1" insulating unit tinted glass with Low E. Coating, PPG Ideascapes, Solarban 70XL on Starphire glass and ¼" green spandrel glass, PPG OPACI-COAT-300, COOL ICE- 6MM PPG STARPHIRE on the top.
- The building parapet is proposed to be of ½" laminated glass to match.
- Painted aluminum louver is proposed to screen the mechanical equipments on the roof top.

- The rear of the building up to second floor would be of La Habra Plaster (SBMF 82, ISBMF BASE 200).
- The rear façade would carry the same architectural treatments as the facades fronting Wilshire and Robertson Boulevards with limestone veneer for the second and third floors and glazing on the fourth floor.
- The glass feature wall at the entry area which is located at the corner of Wilshire and Robertson would be of 1" insulating unit tinted glass with Low E. Coating, PPG Ideascapes, Solarban 70XL on Starphire glass.
- All glass canopies would be ½" fritted laminated glass.
- All window/door styles include multi-paned, tempered glass with painted aluminum frames.
- All balconies would have stainless steel brushed finish railings with 1/2" laminated tempered glass.
- ½" fritted laminated glass canopies are proposed for the ground floor storefronts and balconies on the fourth floor.
- Exterior Lighting: metal wall mounted lighting, BEGA Lighting fixture, 70W 16 G-12 MH.
- All balconies and terraces floors will be finished with Dex-O-TEX, Weatherwear-Promenade, Deck Waterproofing, color-431 Bright grey.
- The plaza would be finished with granite tiles, water line tile, stone banding, concrete with seeded aggregate and honed finish, and computer controlled fountain with Hydrel fountain pool light.

Preliminary landscape plan

The landscape program consists of the following:

- Main entry planters would include Papyrus shrubs and pink strip" New Zealand Flax (Dwarf Variety).
- In the rear setback area, the landscape design would include variety of trees and ground cover including 26-15 gallon Dicksonia Antarctica, 12-24" box Hymenoporum Flavum, 12-24" Box Acer Palmatum Okagami, 30-5 gallon Azalea Formosa (Lavender), 1 gallon impatiens "Double flower" as ground cover.
- On planters located on rear terraces, 1 gallon Pelargonium Peltatum /Ivy Geranium Sofie Cascade is proposed.

REQUIRED FINDINGS FOR ARCHITECTURAL REVIEW

Pursuant to Municipal Code Section 10-3-3010, the Architectural Commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction (including signage) after consideration of whether the following criteria are complied with:

- (a) The plan for the proposed building is in conformity with good taste and good design and in general contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.
- (b) The plan for the proposed building indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable.
- (c) The proposed building is not in its exterior design and appearance of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- (d) The proposed building is in harmony with the proposed developments on land in the General area, with the General Plan for Beverly Hills, and with any precise plans adopted pursuant to the General Plan.
- (e) The proposed building is in conformity with the standards of this Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

ARCHITECTURAL COMMISSION ACTIONS

The project was before the Architectural Commission on March 14, and July 11, 2007 respectively. Based on the project's architect request, the project was also previewed by the Architectural Commission on May 9, 2007. On May 9th meeting, a subcommittee of Architectural Commission was designated to assist the project architect/owner to create a suitable design for the site. Further, Commissioner Meyer also met with the projects' architect separately to provide additional guidance on the project design issues. However, the applicant decided to return to the Commission with the original design with several modifications.

A summary of the Commission's actions follows:

- **March 14, 2007:** The plans submitted to the Architectural Commission showing the building materials and color different from the original plans approved by the City Council. The Commission found that the choice of material/color was not appropriate for the site and that the building stone design with too many horizontal and vertical lines which clashed with numerous glass mullion lines are not suitable. Consequently, the Commission asked the applicant to restudy the plans and return with a modified design.
- **May 9, 2007:** As requested by the project's architect, a preview of the revised project was presented to the Architectural Commission on May 9, 2007 with two different stone shades and color. The architect requested the preview meeting to receive feed back from the Architectural Commission before more detailed plans are

developed and submitted to the City. The Commission determined to form a subcommittee comprised of Commissioners Strauss, and Meyer to provide additional guidance to the applicant.

- **May 24 and June 4:** A subcommittee of Architectural Commission was designated to assist the project architect/owner to create a suitable design for the site. The Architectural Commission Subcommittee met with the project Architect, Richard Spina, the applicant and his representative Joseph Tilem on two different meetings (May 24 and June 4). It should be noted that Commissioner Meyer also met with the projects' architect separately to provide additional guidance on the project design issues. A preliminary sketch/design was discussed at the subcommittee meeting on June 4, 2007.

The consensus of the Architectural Commission sub-committee at the June 4, 2007, meeting was that the original plans should be revised with the following guidance:

- That the preliminary design be developed further for the Architectural Commission consideration,
 - To consider a revised design to reduce the building mass,
 - To consider changing the proposed stone and its color,
 - To simplify the building elements and detailing issues in concert with proposed new design,
 - To modify the glass wall element by changing the glass pattern and setting to provide an opportunity to integrate the glass wall feature into the building design,
 - To provide a massing model of the proposed project.
- **July 11, 2007:** The applicant submitted revised plans containing the original building design with the following modifications:
 - 1) The stone material is changed from green granite to Jerusalem Gold limestone;
 - 2) Plaster color revised to a color to complement the limestone;
 - 3) Glass color revised to reflect the actual color and to integrate with the color of the proposed limestone;
 - 4) Green spandrel glass is selected and a sample of spandrel glass and its color is provided for the Commission review;
 - 5) Main entrance canopy is revised and integrated into the design of the glass feature wall as recommended by the Commission;
 - 6) Additional planters are proposed adjacent to the main entry;
 - 7) Plans are revised by providing additional detailing for the eyebrow canopies.
 - 8) The two-story elements on Wilshire and Robertson corner have shortened by one bay from the corner in order to reduce the building mass and to open the entry area;
 - 9) Planters at the second and third floors have been eliminated to provide more contemporary appearance;

- 10) Wett Design, a leading designer of water features developing a prominent water feature in front of the entry.
- 11) Although no massing model was provided at that time, the applicant presented an updated detailed 3-D computer model at the meeting.

FINDINGS MADE BY THE ARCHITECTURAL COMMISSION

Given the fact that the majority of the project site is currently undeveloped, the Architectural Commission considered this location as an iconic corner and has a lot potential to develop a high quality designed commercial building which would enhance the visual character of Wilshire Boulevard and the surrounding area.

Although the building design consists of limestone veneer with modulation throughout the building facades, the Commission found the proposed design was dated and the design was not harmonious. The Commission pointed out the stone appears to be just placed on top of the glass instead of integrating into the design. In addition, the Commission was also concerned about the building mass especially being adjacent to the residential properties in the rear.

At the subcommittee level, it was recommended that the building design be customized to current design trends. It was also requested that a massing model to be provided. The applicant has decided to keep the original design and implement modifications including change of stone and its colors and other recommended revisions and details as listed in the report.

On July 11, 2007 Architectural Commission meeting, the Architectural Commission determined to deny the project on the basis that the proposed plans is not in conformity with the good taste and good design and in general does not contributes the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality. The Architectural Commission denied the project because the proposal carried the same design theme with minor modifications. In addition, the applicant did not provide a massing model as requested by the Commission.

The consensus of the Architectural Commission was that the Commission already provided sufficient guidance and assistance to the applicant for the proposed building, and did not receive adequate response from the applicant to modify the project, therefore, the Architectural Commission determined to deny the project by 6-1 vote.

Staff also requested that a massing model be provided for the City Council meeting; however, the project architect indicated that no massing model will be provided for this meeting.

Based on the findings made by the Architectural Commission, staff recommends the City Council affirms the Architectural Commission's to deny the proposed design.

ENVIRONMENTAL ASSESSMENT

This project was assessed previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), and the environmental regulations of the City. It was found no significant unmitigated environmental impacts were anticipated; therefore, a mitigated negative declaration was issued by the Planning Commission in conjunction with its conditional approval of the

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project. The Planning Commission's decision was appealed to the City Council, which affirmed the Commission's decision approving the project subject to certain conditions, as more fully set forth in Resolution No. 07-R-12273 adopted by the City Council on January 30, 2007.

PUBLIC NOTICE

Notice of this meeting was mailed on Friday, September 7, 2007 to the applicant, the project architect and the applicant representative. Although no other notice was required for the Architectural Commission meetings, the notice of this meeting was published in the *Beverly Hills Courier* on September 7, 2007 and in the *Beverly Hills Weekly* on September 13, 2007.

FISCAL IMPACT

The project was denied based on design issues and was not analyzed with regard to fiscal impacts.

Vincent P. Bertoni, AICP
Approved By



ATTACHMENT 1

Architectural Commission Minutes

18. PL 070 6018
8767 Wilshire Boulevard
New four-story commercial (office and
retail) building for
**WILSHIRE AND ROBERTSON OFFICE
BUILDING**

Present: Joseph N. Tilem, Attorney
Richard Spina, Architect
George Kobar, Property Owner
Representing the applicant

Staff member Naziri gave a report on the project and it was entered into the record.

The applicant gave a presentation on this item.

Commissioner Rennett questioned the applicant regarding the water features. The applicant stated that water features will be computer controlled.

Commissioner Cohen wanted clarification on the traffic flow and the right turn lane. Staff member Naziri clarified this and stated that it was a mitigation measure requirement in the required traffic study.

Commissioner Strauss stated that the building appears to be heavy looking and felt that was due to the color of the paint and the darkness of the granite and stated that she could not support the project as presented.

Commissioner Meyer questioned the applicant regarding the green building standards. The applicant stated that staff has a mandate for the City Council to have the building built using the green standards as a guideline. Commissioner Meyers stated that the design element could be integrated better, and wanted to know if there was a sample of the spandrel glass. The applicant stated that they have not been able to locate a sample of the spandrel and the intent was for it to be a green color. Commissioner Meyer stated that the project appears to have aluminum shade structures for the upper floor glazing and parts of the third floor glazing. The applicant stated that the eyebrows were primary glass. Commissioner Meyer stated that the stone is beautiful, but a heavy one.

Commissioner Langh concurred with his fellow Commissioners and stated that the planter in the back side of the building is okay, the plant selections are appropriate, and stated that he would like to the planting brought around to the other sides of the building. Commissioner Langh suggested adding greenery around the fountain to soften the building.

Chair Pepp commended that applicant on the nice location of the building and stated that she likes the idea of the element at the corner, but felt that it did not fit. Chair Pepp stated that she was having a problem with the building stone and horizontal lines fighting vertical lines, and stated that the building was massive with too many mullions on the upper floors.

Commissioner Meyer summarized items that the Commission would like to see. He stated that the glazing system was okay, but that he would be looking for more articulation in the stone and front entrance; the colors to should be lighter; the entrance should be larger; some device on the stone to should be used in a way so that the stone does not look "stuck onto" the building; and suggested that the applicant return with a model of the building.

ACTION:

Moved by: Chair Pepp and seconded by Commissioner Strauss; that the plans be returned for restudy.

AYES: Commissioners Meyer, Rennett, Cohen, Langh, Hammerstein, Strauss, and Chair Pepp.

NOES: None.

CARRIED.

6. **8767 Wilshire Boulevard**

WILSHIRE AND ROBERTSON OFFICE BUILDING

New four-story commercial (office and retail) building
(PL 070 6018)

Present: Joseph Tilem, Attorney
Richard Spina, CSA Architects
Kathy Javor, Co-Owner
Representing the applicant

Staff member Naziri gave a report on this item and it was entered into the record.

Commissioner Meyer gave a report on the sub-committee meeting with the applicant. It appears that the applicant has returned to the original scheme instead of the revised scheme as reviewed in the sub-committee.

The applicant gave a presentation on this item.

Commissioner Strauss stated that she would like to see more of what was discussed at the subcommittee meetings and stated that she preferred the lighter colors. Commissioner Strauss questioned the applicant regarding the brackets on the upper canopies.

Commissioner Meyer questioned the applicant regarding the presentation that was submitted at the subcommittee meeting and stated that it was very different.

Chair Lanh stated that the building appears to be the same as presented a few months ago, only with a color change.

Commissioner Pepp stated the center element is not to her liking, the stone on the Wilshire Boulevard side appears to be as it was just placed on top and that she could not support the project.

Commissioner Strauss stated that she could live with the project if a couple of changes were made to the balcony.

The Commissioners expressed concerns regarding the central circular element.

ACTION:

Moved by: Commissioner Pepp and seconded by Chair Langh; that the plans be Denied as presented for the following reason:

- 1) The plan for the proposed building or structure is not in conformity with the good taste and good design and in general does not contribute the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.

AYES: Commissioners Meyer, Rennett, Cohen, Hammerstein, Pepp, and Chair Langh.

NOES: Commissioner Strauss.

CARRIED.

ATTACHMENT 2

**City Council Resolution
No. 07-R-12273**

RESOLUTION NO. 07-R-12273

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS DENYING AN APPEAL AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION CONDITIONALLY ISSUING A DEVELOPMENT PLAN REVIEW PERMIT FOR CONSTRUCTION OF A COMMERCIAL BUILDING; CONDITIONALLY GRANTING A HEIGHT VARIANCE TO ALLOW A BUILDING HEIGHT OF FOUR STORIES WITH A ROOFLINE OF 56 FEET AND AN ARCHITECTURAL FEATURE OF 68 FEET IN HEIGHT; AND ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. An appeal was filed by Bob Noparvar (hereinafter referred to as the "Appellant") from the Planning Commission's September 14, 2006 decision to adopt a Mitigated Negative Declaration and conditionally approve requests for a development plan review permit and a variance to construct a four-story office /retail commercial building with subterranean parking at 8767 Wilshire Boulevard.

Section 2. The Kobar Family Trust (hereinafter referred to as the "Applicant") submitted an application for a Development Plan Review Permit ("D.P.R.") and a variance to permit construction of a 75,116 square foot, 68-foot tall, four-story office/retail commercial building with subterranean parking for 358 cars at property located at 8767 Wilshire Boulevard ("Project").

The Project site is located in the commercial (C-3) zone. Beverly Hills Municipal Code (the "Municipal Code") Section 10-3-2726¹ permits a maximum building height of three

¹ All further Section references are to the Beverly Hills Municipal Code unless otherwise noted.

stories and 45 feet. The proposed Project will exceed the permitted height and number of stories. Accordingly, the Applicant concurrently filed an application seeking a variance from the height limitations.

The Municipal Code establishes development standards for all projects in the C-3 Zone. Section 10-3-2730 requires one parking space for every 350 square feet of floor area. Section 10-3-2741 requires this Project to provide three truck loading spaces on-site. Section 10-3-2745 allows a maximum floor area ratio (FAR) of 2:0. In addition, the Project site is located within 170 feet of a residential zone to the east, and, therefore, is within a commercial-residential transition area. As such, the Project must comply with the City's commercial-residential transition ordinance (the "transition ordinance" codified in Sections 10-3-1951 thru 1960, inclusive, of the Municipal Code), which addresses special issues of interface between the different uses. The Project complies with the design standards of the transition ordinance. However, it must also comply with operational standards that protect the adjacent residential uses during nights and weekends.

Development Plan Review is required for all new commercial buildings. In addition, the City's Architectural Commission must review the Project.

The proposed Project entails the construction of a 75,116 square-foot, four-story office/retail commercial building – 56 feet high to the roofline with a 68-foot high architectural feature at the center – located on the northeast corner of Wilshire Boulevard and Robertson Boulevard at 8767 Wilshire Boulevard. The Project will provide 358 parking spaces in a four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress-only driveway on Wilshire Boulevard. All loading activity will be conducted from three enclosed truck loading areas located along the northeast wall of the building. Delivery vehicles will access the loading areas

from the Robertson Boulevard entrance and will exit onto Wilshire Boulevard. While the proposed Project would exceed the three-story/45-foot height limit, it would conform to the maximum allowable 2:0 floor to area ratio ("FAR"), which limits the building to the same amount of floor area as a three-story building.

The subject property consists of six lots. A BMW automobile dealership storage facility and a small commercial building (located in the southeastern portion of the site) currently occupy the site. Adjacent to the property to the north are a variety of commercial developments including retail stores and offices. Across Wilshire Boulevard to the south is a three-story office/medical building. Across Robertson Boulevard to the west is a two-story commercial building. Adjacent to the property to the east is a two story commercial building; and two and three story multi-family residential properties facing Arnaz Drive. There are no alleys separating the Project site from the adjacent properties to the east and north. Street trees on Wilshire Boulevard are Mexican Fan Palm trees and street trees on Robertson Boulevard are Ficus trees. Implementation of the Project will require the removal and replacement of four (4) palm trees on Wilshire Boulevard.

Section 3. The Applicant initially presented a design which consisted of a three-story plus mezzanine, 45-foot tall office building. The Planning Commission reviewed that design at its meeting of November 15, 2005, and continued the public hearing to January 25, 2006, at which time the Commission directed the Applicant to substantially revise the project to address the following issues: (1) the proposed mix of uses on the Project site; (2) parking issues; (3) project access; (4) loading design; (5) street setback; (6) construction impacts; (7) design issues; and (8) neighbors' privacy. In light of the number of design changes requested by the Planning Commission,

the Applicant withdrew its initial application on January 25, 2006. The Applicant submitted the current Project, designed by Richard Spina of CSA Architects, to the Planning Commission for review on June 5, 2006. The current Project reflects the comments received from staff and the Planning Commission at the January 25, 2006 Planning Commission meeting. On September 14, 2006, the Planning Commission adopted Planning Commission Resolution No. 1442 adopting the mitigated negative declaration and monitoring plan and conditionally issuing a development plan review permit to allow construction of the Project; and, sitting as a board of zoning adjustments, conditionally granting a height variance to allow the Project to exceed the building height limitations imposed by the Municipal Code.

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, with the proposed mitigation measures, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a mitigated negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the City Council independently reviewed and considered the contents of the initial study and the mitigated negative declaration prior to deciding whether to approve the Project. Based on the initial study, the mitigated negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that the mitigated negative declaration

prepared for the Project represents the independent judgment of the City and that, with the proposed mitigation measures, there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 5. On December 12, 2006, the City Council conducted a duly noticed public hearing to consider the appeal. Evidence, both oral and written, was presented at the City Council's *de novo* hearing.

Section 6. The Appellant timely filed its appeal alleging that:

- (1) The Applicant falsely represented the basis for the variance request based on location, shape of land and hardship;
- (2) The shape of the Project site does not preclude development of a conventional 3-story, 45-foot Code-conforming structure;
- (3) The need to facilitate traffic on Wilshire Boulevard does not justify the proposed 4-story building which moves back the building on Wilshire Boulevard to create a right turn lane;
- (4) Municipal Code Section 10-3-3700(b) further illustrates that the Applicant's justification for the variance request is false and inconsistent with the law;
- (5) A Full Environmental Impact Report should be provided, not a simple traffic count to assess the project impact located at the intersection of two major arterials; and

(6) The Project provides additional public parking on Robertson Boulevard for car storage which would deprive adjacent residents of privacy, comfort and quite enjoyment of their property.

Section 7. In considering the application for the development plan review, the City Council evaluated the following criteria:

1. Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;
2. Whether the nature, configuration, location, density, height and manner of operation of the commercial development proposed by the plans will significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property.
3. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area;
4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards; and
5. Whether the proposed plan will be detrimental to the public health, safety or general welfare.

Section 8. Based upon the evidence presented at the hearing, including the staff report and written and oral testimony, the City Council hereby finds as follows with respect to the development plan review:

8.1. The proposal is consistent with the General Plan and any specific plans adopted for the area. The proposed Project design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is Low Density Commercial. The proposed Project consists of 75,116 square feet of office/retail uses within the permitted 2.0 FAR. The proposed Project will also be within the general intensity of use set forth on the Land Use Element Map. As noted above, the Project will not exceed 2.0 FAR. Although a small portion of the Project will have a height exceeding 45 feet, this is located at the center of the Project at the intersection of Robertson Boulevard and Wilshire Boulevard and is offset by increased setbacks to protect adjacent residential uses. The Project also is an anchor location as it is on the corner of two of the City's major streets and through its use of height along Wilshire Boulevard and Robertson Boulevard and setbacks from adjacent residential areas, the Project orients development towards and along Wilshire Boulevard and Robertson Boulevard in order to complement the scale and character of adjacent residential areas.

8.2. The proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The site is currently used as a surface parking lot and does not presently contribute to the aesthetic character of the area.

The proposed Project is of a contemporary design, using glazing and granite veneer as the predominant exterior finish for the building elevations facing Wilshire Boulevard and Robertson Boulevard. The pedestrian entrance to the building will be located towards the center of the building at the corner of Wilshire Boulevard and Robertson Boulevard. The building as

proposed will have modulation and setbacks throughout the building facades, including those facing adjacent residential uses.

Although the proposed Project will increase the building height and number of stories, the maximum density (FAR) on the site will be consistent with that allowed by the General Plan. The height of the building is concentrated at its center at the intersection of Wilshire Boulevard and Robertson Boulevard. The Project is set back from residential uses a minimum of 10 feet on the ground floor and 20 feet on the upper floors with landscaping to maintain adequate privacy for multi-family residences at the rear of the property. Implementation of the Project will improve the appearance of the site and area and is consistent and harmonious with the nature and type of developments designated for the area in the General Plan.

8.3. The nature, configuration, location, density, height and manner of operation of the Project will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property. The density of the Project will be as provided in the General Plan. Although the height of the Project exceeds the zoning limitations, the building is concentrated in the center of the building and ample setbacks are provided at the rear to provide privacy and light for neighboring structures. The Project also proposes surplus parking for public use that could be beneficial for small developments in the area needing parking for their customers. As a result, the Project will potentially reduce the intrusion of commercial parking demand into the nearby residential areas. Additionally, all tenants will be required to provide validated parking. Therefore, the proposed Project will not significantly and adversely interfere with the enjoyment of residential properties in the vicinity of the subject property.

8.4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards. As a result of recommendations in the traffic analysis, the Project proposes the addition of a right-turn lane along Wilshire Boulevard in front of the Project to facilitate right turns at Robertson Boulevard to mitigate the Project-related impact at the intersection of Wilshire Boulevard and Robertson Boulevard. In order to add the new right-turn lane, the width of the sidewalk will be decreased from 15 feet to 10 feet.

The Project also provides three loading spaces, two of which are located near the driveway entrance. Since the loading area location could impact garage circulation and access from the Robertson Boulevard Driveway entrance, the Project will provide a loading management plan prior to building occupancy to ensure that loading and delivery activities do not impede the garage access.

8.5. The Project will not be detrimental to the public health, safety or general welfare. The Project will be constructed in accordance with the City's Building Code standards. Prior to the issuance of building permits, a construction management plan is required for review and approval by the Engineering Division and Building and Safety Division. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed. Therefore, the Project will not be detrimental to the public health, safety or general welfare.

Section 9. Pursuant to Municipal Code Section 10-3-2801, the City Council may grant a variance if, on the basis of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the

Zoning Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Moreover, any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 10. Based upon the evidence presented at the hearing, including the staff report and oral testimony, the City Council hereby finds as follows with respect to the requested variance:

The maximum building height permitted in the C-3 zone is 45 feet and three (3) stories. The Applicant seeks a variance to construct a building with an overall height of 68 feet (the building height to the roof line is 56 feet except for the architectural feature at the building center facing the intersection of Wilshire and Robertson Boulevards). Properties in this segment of Wilshire Boulevard have varying characteristics relative to lot configuration. However, no other property has the subject property's unusual combination of shape and location. The subject property is on an "L" shaped lot that is more difficult to utilize effectively than the conventional rectangular shaped lots in the vicinity and zone. In addition, the subject property is located at a major intersection (Wilshire Boulevard and Robertson Boulevard), which makes it difficult to provide access without impacting circulation. The Project is required to dedicate property for a dedicated turn lane to minimize its impact on traffic. Further, unlike similarly zoned properties, there is no alley between this commercial property and neighboring residentially zoned properties that would otherwise serve as a buffer between the different land uses, and which necessitated incorporation of

the loading areas within the building interior to address noise, traffic, and land use compatibility issues. Each and all of these factors present unique constraints on the property.

Therefore, the City Council concurs with the Planning Commission's determination that the findings for a variance to allow construction of the proposed structure can be made based on the unique shape and location characteristics of the subject property. The strict application of the Code would deprive the Applicant of the use of the commercial property to the same extent as other properties in the same zone, which is a privilege enjoyed by other properties in the vicinity and under an identical zone classification, because of the property shape and location.

Section 11. Based upon the foregoing, the City Council hereby denies the appeal and adopts the mitigated negative declaration, and issues a Development Plan Review Permit and a Variance for the Project, subject to the following mitigation measures and conditions:

Mitigation Measures

Measure 1. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.

Measure 2. Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.

Measure 3. A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site.

Measure 4. All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).

Measure 5. All trucks hauling soil, sand, and loose materials shall maintain at least six inches of freeboard in accordance with California Vehicle code Section 23114.

Measure 6. Traffic speeds on unpaved surfaces shall be limited to 15 miles per hour.

Measure 7. Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.

Measure 8. Heavy-equipment operations shall be suspended during first and second stage smog alerts.

Measure 9. On-site stock piles of debris, dirt, or rusty materials shall be covered or watered at least twice per hour.

Measure 10. All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.

Measure 11. Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber tired equipment rather than track equipment).

Measure 12. Equipment staging areas shall be located on the western portion of the Project site, as far as possible from 141 and 143 N. Arnaz Drive residential developments.

Measure 13. During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face 141 and 143 N. Arnaz Drive development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.

Measure 14. All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed Project. A sign, legible

at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicated the dates and duration of construction activities, as well as provided a telephone number where residents can inquire about the construction process and register complaints.

Measure 15. A “noise disturbance coordinator” shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause, if any, of the noise complaint (e.g. starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

Measure 16. A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.

Further, the City Council hereby adopts the attached Mitigation Monitoring Program attached hereto as Exhibit A.

Conditions of Approval

- 1 The Project shall be subject to the review and approval by the Architectural Commission.
- 2 A detailed parking management plan, satisfactory to the Director of Community Development shall be provided to indicate the operation of the parking garage including public parking operation.
- 3 The Applicant shall provide free of charge parking for all employees working in the building.
- 4 Two-hour free, validated on-site parking shall be provided for patrons of all tenants, including retail, offices, restaurants and other uses that may occupy all or part of the building,

and the Applicant shall provide appropriate signage at entrances to the parking area informing patrons of the validated parking availability. The informational signage shall be subject to approval by the Director of Community Development and shall be installed prior to issuance of a certificate of occupancy.

- 5 Parking spaces, as noted on the staff report, with obscured visibility and potential backing out conflict shall be used as reserved or employee parking spaces.
- 6 Not more than 80 haul truck trips per day (40 arrivals, 40 departures) shall be permitted per day during construction.
- 7 No more than five pieces of diesel equipment shall be permitted to operate on the Project site per day.
- 8 Staging of construction-related vehicles on the City's streets is prohibited.
- 9 A detailed construction management plan, satisfactory to the Director of Public Works, shall be provided prior to issuance of a building permit.
- 10 Prior to the issuance of a certificate of occupancy, a loading management plan, satisfactory to the Director of Community Development, shall be provided and shall include delivery hours and a delivery monitor with responsibility for controlling the circulation of trucks. The delivery monitor shall be responsible for directing the incoming/out going cars while one or more delivery trucks are present.
- 11 "Right Turn Only" signs and arrow marking on the pavement shall be installed at Wilshire Boulevard and Robertson Boulevard driveways.
- 12 Exit onto Robertson Boulevard shall be designed with raised barriers to force right-only turn movement when exiting the property.

- 13 A silent warning device shall be installed at each exit from the garage that would light up whenever a vehicle is leaving the garage, warning the on-coming vehicular and pedestrian traffic.
- 14 Security gates shall be constructed at each garage entrance and exit.
- 15 The proposal requires the removal of three metered parking spaces. Prior to removal of the metered parking spaces, the Applicant shall compensate the City for the lost revenues of the removed spaces in an amount designated by the City's Chief Financial Officer.
- 16 The proposal requires removal and relocation of street lights, a traffic signal pole, pull boxes, under ground wiring, striping, marking, and sign installations. The Applicant shall hire a registered civil engineer to prepare plans and specifications for review and approval by the City. All works shall be performed by the Project contractor/sub-contractors.
- 17 The following uses shall be prohibited on the Project site: medical uses; vehicle dealership-related automotive uses, except that a maximum of 92 parking spaces may be used as car storage for nearby car dealerships; adult entertainment businesses; massage parlors; bars or taverns; liquor stores; markets; exercise facilities; hair or nail salons; pharmacies; and uses that, in the sole opinion of the Director of Community Development, would create potential traffic impacts on the Wilshire Boulevard/ Robertson Boulevard intersection.
- 18 No more than 3,000 square feet of building floor area shall be used for restaurant purposes, and no more than 1,500 square feet of building area shall be dedicated to dining and bar area. Non-destination food service establishments such as coffee shops, fast food establishments, or similar establishments designed to primarily serve building tenants shall not be permitted.

- 19 The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation, Transportation Department and Parks Department. (Attached hereto as Exhibit B is the list of conditions).
- 20 The Applicant shall comply with the applicable City ordinances related to use of groundwater and dewatering, including but not limited to Section 9-4-610 of the Beverly Hills Municipal Code, and shall provide for future connection to reclaimed water lines if deemed appropriate and feasible by City's Department of Public Works.
- 21 The Applicant shall obtain the necessary NPDES permit from the State Regional Water Quality Control Board for the permanent dewatering prior to the issuance of grading permits.
- 22 The Project shall comply with the applicable Fire Department conditions as identified through the building permit plan check process..
- 23 As provided in the Beverly Hills Municipal Code, an extended hours permit is required for any commercial uses that receive patrons between the hours of 10:00 p.m. and 7:00 a.m.
- 24 An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval prior to the issuance of grading permits. This plan must show all improvements in the public-right-of-way adjacent to the Project site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.
- 25 The Applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way.
- 26 An encroachment permit is required for the subterranean garage encroachment into the public right-of-way.

- 27 Pedestrian access on Robertson Boulevard shall be maintained during construction. A pedestrian canopy shall be constructed along Robertson Boulevard.
- 28 The Applicant shall provide all necessary supporting documentation to the City for the City Council to take action concerning right-of-way dedications offered by the Applicant, including all legal descriptions and drawings signed and stamped by a land surveyor licensed to practice in California.
- 29 The Applicant shall submit the appropriate fees for processing of the right-of-way issues through the City Council, and shall comply with the applicable city ordinances.
- 30 The Applicant shall replace the sidewalk adjacent to the Project and sidewalk paving material shall be subject to review by the City Council.
- 31 A maximum of 92 of the 358 parking spaces may be used as overflow storage of vehicles for nearby auto dealerships, and a minimum of 51 of the 358 parking spaces shall be made available for use by the general public. The 51 spaces to be available for use by the general public shall be located on the first and second levels of parking.
- 32 The Property Owner shall not enter into any covenant dedicating use of the excess parking provided by the Project for off-site projects or uses, unless the Planning Commission first approves the use of the excess parking for off-site projects or uses and allows such a covenant.
- 33 Roof-top uses shall not be permitted.
- 34 The Applicant shall develop the Project in an environmentally sensitive and sustainable manner to the satisfaction of the Director of Community Development. The Director of

Community Development shall consider techniques and measures such as those used in seeking LEED certification from the U.S. Greenbuilding Counsel.

Standard Conditions

- 35 The Project shall be constructed in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of August 10, 2006.
- 36 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.
- 37 The City shall monitor the operation of the Project at the site. The City expressly reserves jurisdiction with respect to traffic and parking issues. Should the business or activity conducted at the Project site change so that, in the opinion of the Director of Community Development, additional parking or other mitigation is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing parking spaces, may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in Section 10-3-3307 of the Beverly Hills Municipal Code. Any decision of the Planning Commission in this regard may be appealed in the manner provided by Title 1, Chapter 4, of the Beverly Hills Municipal Code.
- 38 Construction related parking, staging and hauling shall conform to a construction parking, staging and hauling plan submitted by the Applicant and approved by the City Engineer and

the Director of Community Development. The Applicant shall provide to the City Engineer the proposed staging for demolition and construction of the Project so that the City Engineer may determine the amount, appropriate routes, and time of day that heavy hauling truck traffic will need to travel to the subject site.

- 39 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 an 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 procedures 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.

40 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, the owner and their heirs, representatives, successors and assigns shall comply with all such modified or additional conditions.

41 This Resolution approving a Development Plan Review and a Variance 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 Community Development within 60 days of the Planning Commission's decision memorialized in 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 a Development Plan Review and a Variance shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Development Plan Review and the Variance.

42 The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the permit.

43 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 appropriate amount for a documentary handling fee in connection with Fish and Game Code requirements plus the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.

Section 11. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted: January 30, 2007

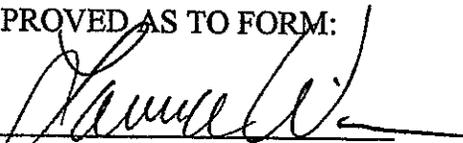


STEPHEN P. WEBB
Mayor of the City of
Beverly Hills, California

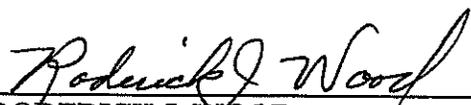
ATTEST:

 (SEAL)
BYRON HOPE
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


RODERICK J. WOOD
City Manager

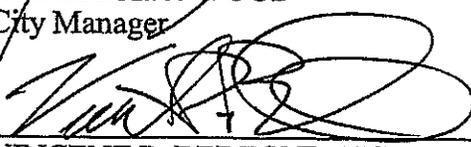

VINCENT P. BERTONI, AICP
Acting Director of Community Development

EXHIBIT A
MITIGATION MONITORING PROGRAM

**Robertson Wilshire Office Building
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p>Transportation/Circulation. A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.</p>	<p>Department of Engineering/Transportation and Department of Community Development</p>	<p>The applicant shall hire a civil engineering consultant to prepare plans for the City's review. Upon approval, the applicant shall hire a sub-contractor to implement the measure.</p>	<p>This measure shall be implemented prior to issuance of certificate of occupancy.</p>
<p>Air Quality. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.</p>	<p>Community Development Department</p>	<p>The applicant shall submit a construction management plan to the Director of Community Development prior to issuance of any grading or construction permits. The Construction Management Plan shall be reviewed by the department and filed with the Building & Safety Division prior to issuance of grading permits. The plan check engineer will review the plan 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. 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>

**Robertson Wilshire Office Building
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Track-out shall not extend 25 feet or more from an active operation and track-out shall be removed at the conclusion of each workday.	Community Development Department	See above	See above
A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.	Community Development Department	See above	See above
All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).	Community Development Department	See above	See above
All trucks hauling soil, sand, and loose materials shall maintain at least six inches of freeboard in accordance with California Vehicle Code Section 23114.	Community Development Department	See above	See above
Traffic speeds on unpaved roads shall be limited to 15 miles per hour.	Community Development Department	See above	See above
Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.	Community Development Department	See above	See above
Heavy-equipment operations shall be suspended during first and second stage smog alerts.	Community Development Department	See above	See above

Completed

**Robertson Wilshire Office Building
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
On-site stock piles of debris, dirt, or rusty materials shall be covered or watered at least twice per hour.	Community Development Department	See above	See above
Noise.			
All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.	Community Development Department	The primary contractor shall submit to the department a program and an affidavit attesting to the compliance with this measure as part of the Construction Management Plan.	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.
Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber tired equipment rather than track equipment).	Community Development Department	See above	See above.
Equipment staging areas shall be located on the western portion of the project site, as far as possible from 141 and 143 N. Arnaz Drive residential developments.	Community Development Department	See above	See above
During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face 141 and 143 N. Arnaz Drive Development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.	Community Development Department	See above	See above

Completed

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**Robertson Wilshire Office Building
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<p>All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provided a telephone number where residents can inquire about the construction process and register complaints.</p>	<p>Community Development Department</p>	<p>See above.</p>	<p>See above</p>
<p>A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.</p>	<p>Community Development Department</p>	<p>The primary contractor shall submit to the department a program and an affidavit attesting to the compliance with this measure as part of the Construction Management Plan. A noise disturbance coordinator shall be required to maintain a log of complaints for the City's inspection.</p>	<p>See above</p>

Completed

EXHIBIT B

**PUBLIC WORKS/ENGINEERING
STANDARD CONDITIONS**

CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

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

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

Standard Conditions List
for the Planning Commission

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

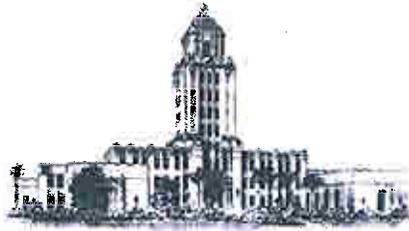
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must 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 C

**STREET TREE MITIGATION PLAN OF THE
RECREATION AND PARKS DEPARTMENT**



PROTECTING
CITY
PARKWAY
STREET TREES
DURING
PRIVATE
PROPERTY
CONSTRUCTION



PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION

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

It is a violation of this City code to affix a sign, residence number plaque, mirror, light fixture, etc. to a City tree.

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



Recreation and Parks Urban Forestry Division at 310.550.4638.

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

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

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

PROJECT PLANNING

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



*Do not design projects at
the expense of trees.*

PROJECT APPROVAL

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



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

SPECIFICATIONS

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

DURING THE PROJECT

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



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

ATTACHMENT 3

**Plans
(Folded Separately)**