

Item No. D-1C

**Resolution Conditionally Approving Vesting Tentative
Tract Map No. 63541 and a Planned Development
Permit to Allow Construction of a Mixed Use Project
for Property Located at 8600 Wilshire Boulevard (Wilshire
Colonial Partners LLC)**

RESOLUTION NO.

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 63541 AND A PLANNED DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A MIXED-USE PROJECT FOR PROPERTY LOCATED AT 8600 WILSHIRE BOULEVARD (WILSHIRE COLONIAL PARTNERS LLC)

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

Section 1. Introduction. Wilshire Colonial Partners LLC, the owner and applicant (the "Applicant", has submitted an appeal of the Planning Commission decision denying applications for a General Plan Amendment, a Zoning Code Amendment to create an Overlay Zone, a Zoning Map Amendment to apply to an overlay zone to the subject property, a Vesting Tentative Tract Map, a Planned Development Permit and a proposed Development Agreement to allow construction of a mixed-use Project consisting of 6,383 square feet of ground floor retail/commercial space and a maximum of 26 residential condominium units, two of which will be affordable units at property located at 8600 Wilshire Boulevard (collectively the "Project"). The appeal of the Planning Commission decision to the City Council was timely filed on July 28, 2006.

Although the Planning Commission's role on General Plan Amendments, Zoning Code Amendments, and Development Agreements is solely advisory to the City Council, the Commission typically has the role of approving or conditionally approving Planned Development Permits and applications for tentative tract maps. In this case, the Planning Commission denied the Project on July 27, 2006, which decision was appealed to the City

Council. After granting the appeal as to the concept of mixed-use, the City Council retained jurisdiction over the Project.

Section 2. Project Background. The City Council, at its meeting on September 19, 2006, held a duly noticed public hearing to consider the appeal of the Planning Commission decision. After presentation of the Project and extensive public comment, the City Council found that mixed residential/commercial use could be appropriate at the proposed location, reversed the Planning Commission decision, and sent the Project back to the Planning Commission directing that the Planning Commission consider the specific issues of the Project such as allowed uses, height, density, landscape and design issues.

On November 30, 2006, the Planning Commission held a hearing regarding the Project modifications. The Planning Commission directed the Applicant to return with revised plans.

On January 25, 2007, the Planning Commission hearing resulted in certain direction to the Applicant regarding mix of uses, parking, height, density, modulation and design. The Planning Commission directed staff to prepare a draft development agreement and resolution for consideration at its meeting on March 8, 2007. At this meeting, the Planning Commission adopted resolution recommending approval of the Project with certain conditions relating to density, parking, height, setbacks, landscaping and uses. In addition, the Planning Commission provided a table that delineated specific conditions in relation to the City Council's direction at the September 19, 2006 hearing and whether they have been met.

On June 19, 2007, the City Council received an overview of the Project including

environmental review and discussed the physical aspects of the Project including building design, height and landscaping. In response to deliberations at the Planning Commission and City Council hearings, the Applicant made certain revisions to the Project and the City Council indicated that it supported certain revisions to the Project including: returning with plans showing options for two or three townhome units including an option for one unit fronting on Stanley Drive with plans showing the pitched rooflines; setting the maximum height on the Wilshire Boulevard building to 61 feet; requesting the applicant to provide the floor plans for the affordable units to determine whether additional height with a pitched roof would be appropriate for the townhouses as an incentive for the provision of the affordable units; request the applicant to provide floor plans showing the affordable units; and requesting the Applicant to remove the garden wall on Stanley Drive and to show the landscaping at the pedestrian/street level on Wilshire. The City Council agreed with the Planning Commission's determination on the removal of the driveway on Charleville and the requirement for additional modulation on Wilshire Boulevard and Stanley Drive. The public hearing was continued to July 24, 2007.

On July 24, 2007, the City Council reviewed the staff's analysis of the revised changes to the Project regarding density, height, modulation, driveway locations and landscaping. The City Council consensus was to support two townhouses on the Charleville side and one on Stanley Drive; support two affordable units with two parking spaces and reduce the extra parking spaces from 11 to 9 spaces and direct Staff to review further the 33 foot pitched roof on the townhomes and require that the Applicant bring back a landscape plan for the townhouses on Charleville and Stanley and at pedestrian street level on Wilshire. The public hearing was continued to October 2, 2007.

On October 2, 2007, the City Council received a report from staff that plans had not been received from the applicant within a sufficient time period for review and the applicant was directed to return to the October 16, 2007 meeting with the requested plan revisions. The public hearing was continued to October 16, 2007.

On October 16, 2007, the City Council, the City Council reviewed revised plans that included a visual depiction of the visual differences between a 30-foot high flat roof and a 33-foot high pitched roof for the townhomes; required that 9 parking spaces be provided for public parking purposes; reviewed the Development Agreement as revised; conducted first readings on the ordinances for the Mixed-Use Overlay Zone and Development Agreement; and directed City staff to prepare resolutions for the project approvals. The public hearing was continued to November 13, 2007.

On November 13, 2007, the City Council

- Considered and certified the Final Environmental Impact Report prepared for the Project, including the Supplement to the Environmental Impact Report dated June 2007, and adopted a Mitigation Monitoring and Reporting Program;
- Adopted a resolution approving a General Plan Amendment that applies to the 8600 Wilshire site, thus allowing mixed use and additional height and density;
- Conducted second reading of an ordinance establishing a mixed-use planned development overlay zone; and
- Conducted second reading of an ordinance approving a development agreement between the City and Applicant for development of the Project.

Section 3. Project Description. The Project consists of 26 residential condominium units within a building envelope of 61 feet in height and a total square footage of 48,042, including 6,383 square feet of ground floor retail/commercial space. Of these 26 units, a maximum of 23 would be oriented toward Wilshire Boulevard and Stanley Drive above the commercial component for a total height of approximately 61 feet in a maximum of five stories. The allowable mix of units would include a maximum of 21 market rate units and two affordable units within the five-story building portion of the project fronting on Wilshire Boulevard. The remaining three units will be townhouses with two units fronting Charleville Boulevard and one unit fronting Stanley Drive for a total height of approximately 33 feet maximum of three stories with pitched rooflines. Parking will be provided at street level and in a subterranean garage up to a total of 97 parking spaces. Existing Code-required parking is 83 spaces and the Applicant will provide an additional 14 spaces, 9 of which will be dedicated as public parking spaces. Of the 97 parking spaces provided, 8 spaces will be compact and 7 spaces will be tandem. Free validated parking during business hours will be provided to Project businesses. The approval of the Project is dependent upon approval of an overlay zone for this location because the current C-3 zoning does not allow residential uses and the Project will exceed the existing three-story/45-foot height limit allowed in the C-3 zone and a greater floor area ratio.

Section 4. Planning Commission Environmental Review. The Planning Commission held duly noticed public hearings to consider the Project and the Draft Environmental Impact Report (“EIR”) on April 27, 2006, June 22, 2006, July 27,

2006, November 30, 2006 and January 25, 2007, and a separate public hearing for the Development Agreement on March 8, 2007. Evidence, both written and oral, was presented at said hearings. The Planning Commission recommended that the City Council (a) make certain CEQA findings and determinations, (b) certify the EIR and (c) adopt a mitigation monitoring program, provided that if the ultimate project design involves a second level of subterranean parking, that further CEQA analysis of that plan must be completed before an environmental determination pursuant to CEQA can be made.

Section 5. City Council Environmental Review. On September 19, 2006, the City Council held a hearing on the appeal of the Planning Commission's July 27, 2006 action denying the Project and the City Council overturned the Planning Commission's decision. The City Council directed the Planning Commission to consider the specific issues of the project such as allowed uses, height, density, landscape and design issues. The Planning Commission recommended approval of the Project, including certification of the EIR. However, if the ultimate Project design involved a second level of subterranean parking, the Planning Commission directed that further CEQA analysis of that plan must be completed before an environmental determination pursuant to CEQA could be made. Subsequent to the Planning Commission's consideration of the Project, a supplement to the EIR dated June 2007 (the "Supplement") was prepared to analyze the Project as revised by the Planning Commission, specifically including the second level of subterranean parking, and other revisions set forth in Section 2.3 of the Supplement. The Supplement was provided to the City Council for its

review and consideration at its meeting of June 19, 2007. The City Council held public hearings on June 19, 2007, July 24, 2007, October 2, 2007, October 16, 2007 and November 13, 2007 to consider the EIR and the Supplement.

On November 13, 2007, the City Council adopted a resolution certifying the Final Environmental Impact Report as defined (“Final EIR”) therein making environmental findings pursuant to CEQA and adopting a mitigation monitoring and reporting program. The certification, environmental findings and mitigation monitoring and reporting program are set forth in Resolution 07-R-_____, dated November 13, 2007, which is incorporated herein by this reference. The mitigation measures are expressly made applicable to the Project and are incorporated into the conditions of approval for the Project as set forth in Exhibit B.

Section 6. Vesting Tentative Tract Map Criteria. Pursuant to the California Subdivision Map Act and the City’s subdivision requirements, the City Council considered the following issues in reviewing the application for Vesting Tentative Tract Map No. 63541:

6.1 Whether the proposed tentative map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City and any applicable Specific Plan of the City;

6.2 Whether the site is physically suitable for the type of development and the proposed density;

6.3 Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6.4 Whether the design of the subdivision or type of improvements are likely to cause serious public health problems and whether the design of the subdivision or the type of improvements will conflict with any public easements; and

6.5 Whether the discharge of wastewater from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements established by the Regional Water Quality Control Board.

Section 7. Findings for Vesting Tentative Tract Map. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the City Council hereby finds as follows with respect to Vesting Tentative Tract Map No. 63541:

7.1. As revised and conditioned, the proposed Project and its design and improvements are consistent with both the General Plan of the City as amended by the City Council on November 13, 2007, and the proposed Overlay Zone. The proposed subdivision and improvements implement the development and improvements described in the Development Agreement and the Final EIR, which in turn are consistent with the General Plan and the Overlay Zone, all of which are hereby incorporated by reference. Further, the Project advances general plan policies and objectives related to providing a mix of residential types and improving residential-commercial transitions as discussed further in Section 8 of this Resolution.

7.2. As revised and conditioned, the site is physically suitable for the type of development and the proposed density. The site currently is vacant except for one parcel that is developed with a commercial building. The infrastructure serving the site is generally adequate to support the development proposed on the site; and the Applicant shall be required to upgrade sewer capacity, if necessary, prior to finalizing the tentative map. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

7.3. As revised and conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Final EIR prepared for the Project found no significant impacts to fish, wildlife or habitat, and concluded that all Project impacts can be mitigated to less than significant levels.

7.4. The design of the subdivision and the type of improvements will not cause serious public health problems and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The proposed map has been preliminarily reviewed by the Public Works and Engineering Department. In addition, encroachment permits will be obtained for all temporary and permanent encroachments into the public right-of-way. The public at large has not acquired any other easement for access through or use of the property.

7.5. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board. The subdivision will be served by the Hyperion Water Treatment Plant. The plant has sufficient capacity to handle the waste

water from the Project. Therefore, the discharge of waste water from the proposed subdivision into the existing sewer systems will not result in a violation of existing requirements presented by the Regional Water Quality Control Board.

Section 8. General Plan Consistency. Based upon the evidence presented, including the staff report and oral testimony, the City Council hereby finds that the Project is consistent with the General Plan and will advance the objectives of the General Plan and proposed Mixed-Use Planned Development Overlay Zone (M-PD-3) for the following reasons:

8.1. The Land Use Element of the General Plan was amended by the City Council on November 13, 2007 and identifies the maximum FAR for the site to be 1.86, with a maximum building height of 61 feet. The Project is consistent with the amended General Plan Land Use Element Map.

The Project is also consistent with specific land use policies and objectives including (1) provision of development standards for projects involving a mix of commercial and residential uses in order to expand the variety of available housing types, (2) maintaining and enhancing qualities that contribute to the long-term stability and desirability of residential and non-residential areas of the City in that the project maintains the appearance of lower density residential development along Charleville Boulevard and elevations that are compatible with existing commercial buildings along Wilshire Boulevard and Stanley Drive, and (3) providing transitional uses between the primarily commercial Wilshire Boulevard corridor and the single family residential uses located south of Charleville Boulevard.

Further, the Project is consistent with other goals and policies set forth in the General Plan including Objective 4.3 of the Housing Element which calls for developing standards for mixed residential-commercial structures, with and without low income housing components, including additional height, in areas currently zoned for commercial uses and consideration of application of such mixed-use standards to the “South side of Wilshire Boulevard, east of Beverly Drive (between Stanley Drive and LeDoux Road, extend to the north side of Charleville Boulevard).” In this case, the Project includes two units affordable for moderate-income households.

8.2 The Project will further the goals and objectives of the General Plan by creating a Mixed-Use Planned Development Overlay Zone (M-PD-3) and providing a mixed commercial/residential development that would not otherwise be provided in the City. The Land Use Element of the General Plan recommends that in commercial areas, “[t]he feasibility of allowing mixed commercial/residential uses should be analyzed in order to expand the variety of housing types available and in certain areas, to improve commercial/residential transitions.” (Land Use Element, Section 2.2).

The Project will further goals and objectives of the General Plan by replacing three vacant lots and a commercial building with a mixed use project, including 26 housing units and subterranean parking. Implementation of the Project expands the housing opportunities available in the City, including the provision of two on-site housing units affordable to moderate-income households, and helps the City fulfill its obligations under the Housing Element and state housing law by helping the City meet its share of the regional housing needs. The Project is consistent with goals and policies set

forth in the General Plan including Program 4.3 of the Housing Element that states as an objective . “[d]evelop standards for mixed commercial and residential uses . . . with and without low-income housing components, including additional height, in areas currently zoned for commercial use . . . such as: South side of Wilshire Blvd., east of Beverly Drive.” The General Plan clearly encourages the development of standards for mixed-use development on the South side of Wilshire, east of Beverly Drive, which is the location of the Project.

8.3. The Project will further goal/object (2) of the Land Use Element by replacing three vacant lots with a mixed-use project, including 6,383 square feet of commercial space with subterranean parking and 26 housing units, two of which are affordable to moderate-income households, that are compatible with the existing neighborhood in scale and preserve the character and “rhythm” of the surrounding streets. The Project’s parking, modern features (green sustainable building requirements) and design will be consistent with the character and quality of life generally associated with the City and the surrounding neighborhood.

Section 9. Overlay Zone Objectives. Pursuant to Beverly Hills Municipal Code Article 1, Chapter 4 and Section 10-3-1944, the City Council may approve a planned development permit if the City Council finds that the proposal will meet the requirements of the Municipal Code and will advance the objectives of the zone in which it is located. The City Council may impose such conditions and restrictions on the approval as are necessary to ensure a planned development will advance objectives of the zone. Any approval of the Project would be contingent upon the City Council’s

enactment of the ordinance establishing a Mixed-Use Planned Development Overlay Zone for the site. The proposed Zone Text Amendment to create the Mixed-Use Planned Development Overlay Zone (M-PD-3) and zone change to apply the overlay to the subject property is warranted because it furthers the public interest, health, safety, morals, peace, comfort, convenience or general welfare. The proposed Overlay Zone would create appropriate standards and criteria to ensure that the Overlay Zone is compatible with uses allowed within the underlying zone and on adjacent properties while maintaining and protecting the public interest, health, safety, morals, peace, comfort, convenience or general welfare.

Should the proposed Mixed-Use Overlay Zone be adopted, a mixed-use development such as the Project would be reviewed in accordance with the following ordinance objectives Pursuant to the proposed Section 10-3-1980.02 of the Beverly Hills Municipal Code:

9.1 To ensure that mixed-use development in the M-PD-3 Zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

9.2 To provide for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood, through appropriate height, modulation, upper-story setbacks, other similar measures, or any combination thereof;

9.3 To provide pedestrian-friendly amenities along the street level, and setbacks that are generally consistent with other development along Wilshire Boulevard and along Stanley Drive between Wilshire Boulevard and Charleville Boulevard, and along Charleville Boulevard between Stanley Drive and Carson Road;

9.4 To ensure that mixed-use development in the M-PD-3 Zone will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety;

9.5 To foster uniform planning and development of all parcels in the M-PD-3 Zone to ensure unified development in the overlay zone; and,

9.6 To protect the public health, safety and welfare.

Section 10. Findings for Overlay Zone Objectives. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the City Council hereby finds as follows with respect to the objectives of the overlay zone:

10.1 As conditioned, the proposed Project is compatible with and will not adversely affect existing and anticipated development in the vicinity and promotes harmonious development of the area. The Project as conditioned incorporates many design elements, including architectural modulation, setbacks and landscaping, designed to integrate the Project with both the commercial areas along Wilshire Boulevard and the residential areas along Charleville Boulevard. Additionally, the arrangement of uses on the site reflects their context to surrounding streets, with commercial uses concentrated along the ground floor of the Wilshire facade and residential uses located above and to the south of the commercial uses at the ground floor.

The Applicant will be required to prepare and submit a construction management plan and to conform all construction activities to said plans to minimize construction impacts on adjacent land uses. Thus, the Project will not adversely affect

existing or anticipated development in the vicinity and will promote harmonious development of the area.

10.2 As conditioned, the Project provides for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood. The northerly building elevation is compatible with varied heights on the surrounding blocks of the existing Wilshire Boulevard streetscape. The project requires landscaped planters to be integrated into the Wilshire Boulevard façade. The project steps down in height from north to south, and takes on a more residential scale and design along Charleville Boulevard, and thus provides a buffer and transition between the commercial street (Wilshire Boulevard) and the single family residential neighborhood to the south. Further, the removal of the wall along Stanley Drive and integration of landscaping in the area between Stanley Drive and the structure on the parcel with the R-1 underlying zone, enhances compatibility with the surrounding neighborhood and enhances the streetscape by providing additional landscaping and greenery leading into the residential neighborhood. While the Project is 61 feet in height, the height and mass of the building is concentrated away from Charleville Boulevard. In addition, limiting the height on the R-1 underlying zone property to a maximum height of 33 feet with a pitched roofline also provides a transition from the commercial to the residential zones.

The proposed and conditioned Project, architectural treatments, setbacks, modulation and landscaping collectively help to reduce the mass of the structure as viewed from the surrounding streets. The Project is compatible in scale and mass to other existing and proposed structures in the vicinity. Further, the Project's

building facade, architectural details and landscaping are subject to review and approval by the Architectural Commission.

10.3 As conditioned, the Project will provide pedestrian-friendly amenities along the street level, including retail/commercial uses and setbacks that are generally consistent with other development along Wilshire Boulevard as well as setbacks along Stanley Drive. The Project provides an opportunity to construct a quality mixed-use development that would not otherwise be encouraged by the underlying zone. The Project design will contribute to the urban design amenities that will serve as a visual and pedestrian link between commercial areas along Wilshire Boulevard.

10.4 As conditioned, the proposed Project will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety. The Project EIR fully analyzes the existing traffic conditions, taking into account ambient traffic growth in the area surrounding the Project, as well as traffic from other projects that are proposed in the vicinity of the Project site. The Project will not induce significantly greater traffic on nearby neighborhood streets. The Final EIR prepared for the Project demonstrates that while the proposed Project will generate more traffic than the one existing use on the Project site, the incremental traffic increase on adjacent streets is not significant. The net weekday traffic generated by the Project is estimated to be approximately 244 daily trips on weekdays and 353 trips on Saturdays, of which 13 will occur in the weekday morning peak hour, 22 in the afternoon peak hour and 24 in the

Saturday mid-day peak hour. These trip generation numbers are significantly lower than those that would be generated by a code-compliant commercial structure of 45 feet in height in a maximum of three stories. By comparison, a code-compliant commercial project would generate 916 daily weekday trips and 691 daily Saturday trips. Weekday morning peaks would average 73 trips, weekday afternoon peaks would average 147 trips, and the Saturday midday peak would be approximately 75 trips. Therefore, the Project traffic will not have a significant impact to any neighborhood street. Access to the Project will be provided via one driveway from Stanley Drive. Gaps in the eastbound traffic stream on Wilshire Boulevard, resulting from the traffic signal operations, will provide adequate opportunity for the traffic to enter Wilshire Boulevard, primarily through right turns from Stanley Drive.

As conditioned, the proposed Project has sufficiently mitigated potentially adverse construction traffic impacts and parking impacts as a result of patron, employee and resident parking demand. In addition, the Project will have no significant traffic impacts when constructed and operational. Conditions will be imposed on the Project to reduce parking impacts, including the following: (1) on-site parking will be provided to all commercial and residential tenants of the development; (2) all commercial patrons and employees will be provided free on-site parking; and (3) a Loading Management Plan and a Parking Management Plan satisfactory to the Director of Community Development and the Director of Public Works and Transportation will be prepared. The Final EIR concluded that the Project's supply of parking is adequate to meet the parking demand generated by the Project. Under the City's parking Codes, 83 parking spaces would be required. Actual parking provided is proposed to be up to 97 spaces including 8 compact

spaces and 7 tandem spaces. 9 spaces in excess of the Code required parking will be dedicated to public use.

10.5 As conditioned, the Project will foster uniform planning and development of all parcels in the M-PD-3 Zone because all parcels are included in the Project which is an integrated development, which respects neighboring development characteristics. Further, the Project's building façade, architectural details and landscaping are subject to review and approval by the Architectural Commission.

10.6. As conditioned, the Project will be developed in such a manner so as to protect the public health, safety and welfare.

Based on the foregoing, the City Council finds that the Project as proposed is consistent with the objectives of the M-PD-3 Zone.

Section 11. As conditioned, the proposed Project has sufficiently mitigated potentially adverse construction traffic impacts and parking impacts as a result of patron, employee and resident parking demand. Conditions will be imposed on the Project to reduce parking impacts, including the following: (1) on-site parking will be provided to all commercial and residential tenants of the development; (2) all employees will be provided free, on-site parking and all commercial patrons will be provided with free, on-site validated parking; and (3) a Loading Management Plan and a Parking Management Plan satisfactory to the Director of Community Development and the Director of Public Works and Transportation. The Final EIR concluded that the Project's

supply of parking is adequate to meet the parking demand generated by the Project. One loading zone will be provided near the Stanley Drive entrance to the Project.

Section 12. As proposed and conditioned, the Project meets the objectives of the proposed Overlay Zone as set forth in Section 11 of this Resolution. For the reasons set forth above, the City Council determines that the findings necessary to approve the Vesting Tentative Tract Map as set forth in Section 6 of this Resolution and the findings necessary to approve the Planned Development Permit can be made, provided that certain conditions of approval, including the mitigation measures and conditions set forth in Resolution No. 07-R-_____, dated November 13, 2007, are imposed and provided that such approvals shall only become valid upon the later effective date of the ordinance adopting the Zone Text Amendment and Zone Change and the ordinance adopting a development agreement.

Section 13. Conditions. Based upon the foregoing findings, the City Council hereby approves, subject to the following conditions, Vesting Tentative Tract Map No. 63541, a Planned Development Permit to allow construction of the Project at the property located at 8600 Wilshire Boulevard, and the occupancy of residential uses and commercial uses at the Project site, provided that commercial uses that front on Wilshire Boulevard shall be pedestrian friendly, as determined by the Director of Community Development:

1. 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 Project.

Covenant Recordation

2. This Resolution approving the Vesting Tentative Tract Map and Planned Development to allow construction of a mixed-use development at the property located at 8600 Wilshire Boulevard (collectively the "Approvals"), shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this Resolution. The covenant shall include a copy of this Resolution as an exhibit.

The Applicant shall deliver a conformed copy of the executed covenant to the Community Development Department **within 60 days** of the City Council decision. If the Applicant fails to deliver the executed covenant within the required 60 days, this Resolution approving a Development Plan Review 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 will affect the City's ability to approve the discretionary approvals.

3. Approval of this Project is subject to all other discretionary approvals required by the City for the Project.

Planning Project Conditions

4. The Project shall be built in substantial compliance with the plans dated September 24, 2007 and submitted for the October 16, 2007, City Council meeting, on file with the City Clerk's office and the Department of Community Development/Planning, except as modified by these conditions of approval, including Exhibit A, "Standard Conditions List" and Exhibit B, "Mitigation Monitoring Program,"

which are incorporated herein by reference, and subject to additional conditions as may be imposed by the Architectural Commission. In no case shall the Project include more than 21 residential units in the area with an underlying zone of C-3 property and 2 townhouses (maximum 2,800 square feet per unit) in the area with an underlying zone of R-1 property. The Applicant may incorporate two additional residential units in the area with an underlying zone of C-3, if those units are deed restricted units as required by the City Attorney and made available to moderate income households (“Affordable Units”). If the Applicant provides these Affordable Units, then one additional townhouse (approximately 2,800 square feet) is permitted in the area with an underlying zone of R-1. The two Affordable Units shall be no less than 750 square feet each with parking assigned to each unit. In addition, in no case shall the Project include less than 6,383 square feet of commercial space. In addition, the ground floor space fronting on Wilshire Boulevard shall be occupied by commercial uses, which, in the opinion of the Director of Community Development, are pedestrian-friendly uses. Any modifications to the plans shall be approved by the Department of Community Development/Planning prior to any work being done on the Project pursuant to those modifications. Review of modifications or corrections of may trigger the need to pay additional processing fees.

5. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such. Parking spaces for residential units shall be used solely for the parking of the personal vehicles of residents and their guests. 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. Those parking spaces required to comply with the City’s Municipal Code shall not be dedicated

to or used to provide parking for any off-site use. In addition, the Project provides nine excess parking spaces (“Excess Parking Spaces”). Such Excess Parking Spaces shall be provided to the City pursuant to a parking easement or other instrument as required by the City Attorney and shall be clearly labeled as such as directed by the Director of Community Development/Planning. Any parking spaces not required to comply with the City’s Municipal Code or that are not the Excess Parking Spaces may be made available to serve off-site uses upon approval by the Department of Community Development/Planning of such use of the parking space. 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.

6. 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.

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

delivery and parking issues, including without limitation the authority to require valet parking for patrons of the commercial uses. The Applicant shall comply with the approved Loading Management Plan and any additional conditions imposed after adoption of this Resolution and after adoption of the Loading Management Plan, in order to address parking, loading and delivery issues.

8. No uses other than those specifically approved in this Resolution shall be permitted as part of this planned development. This condition shall not be construed to bar the Applicant from requesting a modification at a later date to permit additional uses as part of this planned development, which modifications shall be reviewed and approved by the Planning Commission.

9. All 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.

10. The project shall consist of a maximum of two (2) townhomes facing Charleville Boulevard and one (1) townhome facing Stanley on property with R-1 underlying zone and a mixed-use commercial/residential building consisting of no more than 6,383 square feet of commercial/retail floor area and 23 condominium units within 32,230 square feet of area on property with C-3 underlying zone, with two of those units being Affordable Units, and subterranean parking accommodating up to 97 parking spaces. The Applicant agrees to record covenants and/or deed restrictions as determined by the City Attorney to ensure that the sale price of the two Affordable Units shall not exceed an amount determined to be affordable to moderate income households. The

covenants and/or restrictions shall run with the land for the longest period of time permissible under law.

11. No rooftop uses are approved or permitted as part of this planned development.

12. The Project shall provide free on-site parking for its residential and commercial tenants and all on-site employees at all times.

13. The Project shall provide free, validated on-site parking for all patrons of the commercial component whenever commercial uses are open for business. Signage satisfactory to the Director of Community Development shall be visibly posted at the driveway entrance indicating the availability of the free parking in the garage for patrons of the commercial component.

14. Prior to the issuance of occupancy permits for the Project, the Applicant shall install a sign substantially indicating "Yield to Pedestrians Crossing" to warn drivers entering/exiting the residential and commercial garage.

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

16. Neither the Project nor any residents or tenants shall be eligible to participate in the preferential parking zones that are or may be adopted for streets in the vicinity of the Project site.

17. The area between the eastern most townhome facing Charleville Boulevard and Stanley Drive shall not be enclosed with any wall and shall be landscaped.

18. The following uses shall be prohibited on the Project site: any medical uses; vehicle dealership-related automotive uses, adult entertainment businesses; massage parlors; bars or taverns; liquor stores; markets; exercise facilities; hair or nail salons; pharmacies, coffee shops and fast food establishments; and uses that, in the sole opinion of the Director of Community Development, that are high traffic or parking generating uses that would create potential traffic and/or parking impacts in the neighborhood.

19. The maximum height of the two townhomes facing Charleville Boulevard and the townhome fronting Stanley Drive shall (a) be no taller than 33 feet, (b) incorporate pitched roofs (3 in 12 pitch), (c) be different from one another and the commercial/residential building in design and/or architectural style, and (d) be compatible with the residential neighborhoods to the south of the Project site. The project shall incorporate mature trees and other landscaping to the satisfaction of the City's Architectural Commission.

20. Along the Wilshire Boulevard elevation, the fourth floor of the commercial/residential building on the property with C-3 underlying zone shall be set back a minimum four feet (4') from the property line, and the fifth floor shall be set back a minimum of twelve feet (12') from the property line.

21. The railings on balconies on the Wilshire Boulevard façade of commercial/residential building shall be set back a minimum of three feet from the building façade, and shall incorporate planter boxes with foliage between the railing and façade. The landscaping shall be maintained in healthy and attractive condition at all times.

22. The minimum setbacks for development on the property with the R-1 underlying zone shall be thirty feet, three inches (30' 3") from the western property line; ten feet, three and 3/4 inches (10' 3-3/4") from the southern property line; and nine feet, eleven and 7/8 inches (9' 11-7/8") from the eastern property. There shall be no setback from the northern boundary of the property with the R-1 underlying zone.

23. The existing "garden wall" that encloses 232 square feet of green space along Stanley Drive shall be removed and the area shall be planted with landscaping visible from the public right-of-way to create a perceptible visual transition from the commercial areas of the Project to the residential portions of the building and the residential neighborhood to the south. The Stanley Drive elevation of the commercial/residential portion of the project shall incorporate greater modulation subject to review and approval by the Architectural Commission.

24. The Wilshire Boulevard elevation shall be modified to incorporate planter niches with landscaping to soften the building elevation at the street level. The landscaping shall be maintained in healthy and attractive condition at all times. Any encroachments into the public right-of-way for planters shall be subject to review and approval by the City Council. All plantings and planters shall be subject to review and approval by the City's Architectural Commission.

Architectural Commission Review

25. 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 from the C-3 zoned parcels on the north to the R1-Zoned parcels on the southern portions of the Project. Landscape plans shall be prepared by a licensed landscape architect.

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

27. The Applicant shall prepare a model, landscape plan and updated renderings of the Project as seen from Wilshire Boulevard, Stanley Drive and Charleville Boulevard to assist the Architectural Commission's review of the Project.

28. The traffic generated by the development be periodically monitored, at the expense of the Applicant or the successor to the Applicant who owns the commercial portions of the Property, to ensure that the actual levels of traffic do not significantly exceed the levels of traffic anticipated by the Environmental Impact Report prepared for the Project ("EIR"). In the event that such monitoring shows that traffic generated by the Project significantly excess the traffic generation anticipated in the EIR, the Planning Commission or the City Council, after a public hearing, may impose additional conditions on the Project, or specifically on the owner of the commercial portion of the Project, to mitigate the impacts of the increased traffic or to reduce traffic generation to the levels anticipated in the EIR. The Applicant and any successor to the Applicant shall abide by such conditions. The first monitoring activity shall be undertaken approximately one year after the project construction is complete and the building is fully operational.

29. All 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.

30. The project shall conform to all requirements of the overlay zone that governs the Project site and authorizes construction of the Project.

Landscaping and Irrigation

31. 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. 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. The building owner and successors in interest 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.

Other Departments' Requirements

34. 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. An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show all 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.

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

Construction Management

37. The Applicant shall comply with a Construction Management Plan that has been submitted to and approved by the Department of Community Development prior to issuance of a building permit. The Applicant shall comply with the approved Construction Management Plan. The Construction Management Plan shall include, at a minimum, the following:

a. Written information about the construction parking arrangements and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Building and Safety Division of Community Development. On-street parking shall be prohibited at all times during construction. The plan shall provide for construction parking at a nearby site where workers can be transported to and from the Project site.

b. A map identifying routes and parking lots to be utilized and shall 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. Information regarding the anticipated number of workers, the location of parking with respect to schedule during the construction period, the arrangement of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertinent information regarding construction related traffic.

d. The proposed demolition/construction staging for the Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries etc., to the subject site.

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

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

39. Construction vehicular movement in and out of the construction site shall be controlled by flagmen located on Stanley Drive, Charleville Boulevard and/or Wilshire Boulevard to the extent necessary to ensure traffic safety as determined by the Engineering Division of the City's Public Works Department.

40. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties.

41. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person 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 contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person 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.

42. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$50.00 for a documentary handling fee in connection with Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.

Property Maintenance

43. The property owners 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, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes and restrictions shall specifically reflect this obligation.

General Conditions.

44. 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.

45. The Codes, Covenants and Restrictions (CC&Rs) for this project shall reflect the fact that, as this Project is located on Wilshire Boulevard, the maintenance of public improvements (street payment, sidewalk, curb, gutter, water and sewer lines) is usually performed at night.

46. 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.

47. 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.

48. 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.

49. Except as otherwise provided by these conditions, the Project shall be constructed and operated in substantial compliance with the plans submitted to and approved by the City Council.

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

51. 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.

Green Building Design

52. The Project shall be constructed to meet the “Silver” rating pursuant to the City’s green building rating system, which means achieving a minimum of 33 points out of a possible 69 points as set forth in the City’s Green Building/Sustainability Checklist (“Checklist”) attached hereto and incorporated herein as Exhibit D. A green building plan shall be submitted as part of the application for a building permit. The green building plan shall indicate which points in the Checklist that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The applicant shall be required to implement all points shown in the final green building plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official may conduct other inspections as needed to ensure compliance with this condition. The Applicant may request amendment of the green building plan and such amendment may be approved by the Building Official as long as the cumulative points total is at least 33 points. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the Applicant shall then comply with the procedures set forth in that ordinance.

Section 14. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

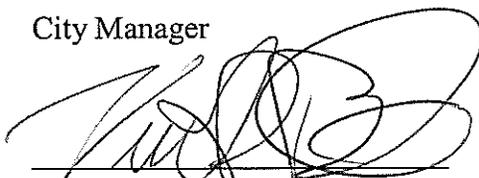
_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager



VINCENT P. BERTONI, AICP
Director of Community
Development

EXHIBIT A

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 sidewalks surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
3. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the project owner or any successor in interest. The landscape material shall not exceed six to eight inches in height and shall not be planted against the street trees. Care shall be taken to not damage or remove existing tree roots within the parkway area. Further the applicant shall remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings, to the satisfaction of the Engineering Division of the City's Public Works Department.
4. 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 conceptual landscape or site plans, shall be removed or relocated unless written approval from the Recreation and Parks Department and the City Engineer first 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.

5. 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 shall be permitted.
6. 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.
7. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
14. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
15. 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.
16. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples include but are not limited to grocery stores, mini markets and food services.
17. 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.
18. 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. If parking area cleaning is implemented, records of cleaning activities shall be retained for verification by a City inspector.
19. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to

be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

EXHIBIT B
MITIGATION MEASURES

**MITIGATION MONITORING
and
REPORTING PROGRAM**

8600 Wilshire – Mixed-Use Development Project

(SCH No. 2005101081)

Prepared for

The City of Beverly Hills
Department of Community Development

July 2007

INTRODUCTION

The California Environmental Quality Act (CEQA) requires that agencies adopting Environmental Impact Reports (EIRs) take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval.

As part of CEQA (state-mandated) environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring and reporting program for assessing and ensuring efficacy of any mitigation measures applied to the proposed project. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval.

This Mitigation Monitoring and Reporting Program (“MMRP”) will be used by the City of Beverly Hills (the “City”) to ensure compliance with mitigation measures associated with 8600 Wilshire Mixed-Use Development Project (the “Project”).

The Mitigation Monitoring and Reporting section of this document identifies the potential impacts under each environmental resource that would occur with implementation of the proposed Project. Under each identified resource, the significant adverse impact(s), its corresponding mitigation measure(s), and the implementation and monitoring requirements are discussed. The implementation and monitoring requirements that have been set forth in this MMRP are as follows:

- Party Responsible for Implementation of Mitigation
- Implementation Phase
- Party Responsible for Monitoring Activity
- Monitoring Activity

A sample mitigation monitoring compliance form is provided at the end of this document. For detailed information regarding environmental resource impact methodology and analysis, please refer to the Draft EIS/EIR and Final EIR.

Throughout the table, various City departments are listed as Responsible Party. Although the City has the ultimate responsibility to ensure compliance with this Mitigation Monitoring and Reporting Plan, the City may delegate certain implementing and/or reporting actions. Monitoring will be done on an independent basis.

This Final Mitigation Monitoring and Reporting Program contains the mitigation measure language approved by the Planning Commission with the additional mitigation measures identified in the Supplement. Some of the Planning Commission’s modifications are not reflected in the Supplement, and the language in this Program shall control.

MITIGATION MONITORING AND REPORTING			
IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
Aesthetics	A1 All exterior lighting shall be shielded in a manner to focus illumination onto entrances, pathways, landscaping, or onto the building itself and not be directed in a manner to cause spillover lighting on adjacent residences.	Plan check process prior to permit issuance; site inspection prior to occupancy	Community Development; Building Safety and Planning Divisions
	A2 <i>Mitigation Measure is no longer necessary because revisions to the Project contemplated by the mitigation measure have been made to the Project.</i>		
	A3 The Project shall incorporate design features to lessen the visual contrast with adjacent commercial buildings on Wilshire Boulevard. These features shall include reduced building height and/or increased step back for the fourth and fifth floors of the building to give the Project's Wilshire Boulevard façade a more pronounced three-story character consistent with adjacent development and existing zoning requirements, and railings on balconies on the Wilshire Boulevard façade set back a minimum of three feet from the building façade, incorporating planter boxes with foliage between the railing and building façade.	Plan check process prior to permit issuance; site inspection prior to occupancy	Community Development; Building Safety and Planning Divisions
	A4 The primary source of shadows cast onto the rear yards of adjacent residences is the 15+ feet western perimeter wall, as well as the first floor of the condominium portion of the Project. To reduce shadows, these structures shall be set back from the western property line of the proposed Project a minimum of ten feet. The wall may not require setback, and as a substitute, the perimeter wall shall be designed at the minimum height that would block the line-of-sight between the proposed Project townhomes and adjacent residences. Other measures shall include wall design features that would allow the passage of light, but maintain screening between the adjacent land uses.	Plan check process prior to permit issuance; site inspection prior to occupancy	Community Development; Building Safety and Planning Divisions

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
Air Quality	AQ1 Water shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.	Verification and enforcement through inspection process	Building and Safety Division
	AQ2 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.	Verification and enforcement through inspection process	Building and Safety Division
	AQ3 A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site.	Verification and enforcement through inspection process	Building and Safety Division
	AQ4 All haul trucks hauling soil, sand and other loose material shall maintain at least six inches of freeboard in accordance with California Vehicle Code Section 23114.	Verification and enforcement through inspection process	Building and Safety Division
	AQ5 All haul trucks hauling soil, sand and other loose material shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).	Verification and enforcement through inspection process	Building and Safety Division
	AQ6 Traffic speeds on unpaved roads shall be limited to 15 miles per hour.	Verification and enforcement through inspection process	Building and Safety Division
	AQ7 Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.	Verification and enforcement through inspection process	Building and Safety Division
	AQ8 Heavy-equipment operations shall be suspended during first and second stage smog alerts.	Verification and enforcement through inspection process	Building and Safety Division
	AQ9 On-site stockpiles of debris, dirt or rusty material shall be covered or watered at least twice per hour.	Verification and enforcement through inspection process	Building and Safety Division
Geology, Seismicity and Hydrology			
	GSH1 Grading Plans shall be submitted for approval by the City to ensure the final grades are designed to prevent soil erosion.	Grading plan check prior to permit issuance	Building and Safety, Public Works
	GSH2 Prior to approval of final plans, the Applicant shall develop and submit for approval by the City a site-specific geotechnical study prepared by a registered geotechnical	Grading plan check prior to permit issuance	Building and Safety, Public Works

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	<p>engineer to ensure that all applicable building codes and design specifications are incorporated into the plans. The geotechnical study shall identify design requirements for structures and foundations to maintain structural integrity to the maximum extent under probable earthquake conditions as determined by the study, including but not limited to, strong seismic ground shaking including the potential for liquefaction.</p>		
	<p>GSH3 Structures built on the Project site shall comply with the most current seismic Building Code standards. This mitigation measure will confirm that the construction of dwelling units and infrastructure meet State safety requirements.</p>	<p>Building plan check prior to permit issuance</p>	<p>Building and Safety</p>
	<p>GSH4 Prior to the approval of a residential project located in a liquefaction zone, such as the proposed Project, special foundation recommendations shall be provided to mitigate this hazard per the requirements of the California State Geologist as well as the City's current building codes and engineering practices. Possible mitigation recommendations include deep piles or caissons to support the planned structures and/or mechanical densification of subsurface soils prone to liquefaction.</p>	<p>Building plan check prior to permit issuance</p>	<p>Building and Safety</p>
<p>Land Use</p>			
	<p>LU1 The Beverly Hills General Plan shall be amended to reflect the mixed-use development of the proposed Project. Additionally, the overlay zone shall be instituted which would include (1) the City's Planned Development requirements, and (2) include objectives of compatibility with surrounding uses. The Project would then be required to comply with the newly-implemented standards of the Overlay Zone.</p>	<p>Amendment of General Plan and Zoning Code by City Council prior to issuance of any permits</p>	<p>Department of Community Development</p>
<p>Noise</p>			
	<p>N1 Construction contracts shall specify that all construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.</p>	<p>Building plan check prior to issuance of permits; inspections</p>	<p>Building and Safety</p>

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING			
IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	<p>N2 A temporary noise barrier shall be placed along the western, southern and eastern perimeter of the construction site. The noise barrier shall have a sound transmission class (STC) rating of no less than 35 and shall be tall enough to block the line-of-sight between activities occurring on the construction site and sensitive receptors, and shall remain in place throughout the construction period. The noise barrier shall be subject to approval by the Architectural Commission.</p>	<p>Inspections and enforcement during construction</p>	<p>Building and Safety</p>
	<p>N3 All residential units located within 600 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed Project. The notice shall include a copy of the project's conditions of approval and mitigation measures. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and signs shall indicate the dates and duration of construction activities, as well as provide telephone numbers for the contractor and a contact person at the City where residents can inquire about the construction process and register complaints.</p>	<p>Inspections and enforcement during construction</p>	<p>Building and Safety</p>
	<p>N4 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 reasonably resolved. All notices that are sent to residential units within 600 feet of the construction site, and all signs posted at the construction site shall list the telephone number for the disturbance coordinator. The noise coordinator shall use best efforts to respond to any complaint within 24-hours from the lodging of the complaint.</p>	<p>Verify establishment before construction, grading or demolition work commences</p>	<p>Community Development; Building and Safety and Planning Divisions</p>
	<p>N5 Construction activities shall not occur between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 5:00 p.m. Saturday, or at anytime on</p>	<p>Enforcement of construction hours; inspections</p>	<p>Community Development; Building and Safety</p>

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	<p>Sunday.</p>		
N6	<p>Consistent with the City's Commercial-Residential Transitions Ordinance, delivery and trash trucks shall be prohibited on the Project site between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between 10:00 p.m. and 9:00 a.m. on weekends and holidays.</p>	<p>Enforcement of Restrictions; recordation of restriction against Property as part of conditions of approval prior to permit issuance</p>	<p>Community Development; Public Works</p>
TP1	<p>Prior to construction of the proposed Project, the Project applicant shall develop and submit a Construction Staging and Traffic Management Plan for approval. The Construction Staging and Traffic Management Plan shall include the following:</p> <ol style="list-style-type: none"> 1. <i>Haul Truck Routes, Queue Areas and Deliveries</i> - The designated truck route for the Project site shall be Wilshire Boulevard for trucks coming from the east or the west. The primary entry point to the site shall be off of Stanley Drive at the southeast corner of the site. Trucks shall access this entry point on Stanley Drive from the north to and from Wilshire Boulevard. Construction traffic shall not be permitted on Stanley Drive (north of Wilshire Boulevard and south of Charleville Boulevard). Flag men shall be provided to control truck access to the site to minimize traffic delays and enhance safety. 2. <i>Construction Transportation/Circulation</i> - General site access and egress shall be located on Stanley Drive. There shall be no site access/egress points on Wilshire Boulevard. Flag men shall be provided as necessary to minimize delays. 3. <i>Pedestrian Safety</i> - The contractor shall install a construction fence around the site perimeter, complying with City requirements, before excavation begins. The contractor shall be required to maintain a minimum sidewalk width of five feet on Wilshire Boulevard during the construction period. The contractor shall also erect protective sidewalk canopies on Stanley Drive and 	<p>Review and approval of Plan by Public Works and Transportation Department prior to commencement of construction; enforcement</p>	<p>Public Works and Transportation</p>

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	<p>Wilshire Boulevard to enhance pedestrian safety along the construction site. A flag man shall be provided whenever trucks entering or leaving the Project site may impede the flow of pedestrian or automotive traffic.</p> <p>4. <i>Parking</i> - Construction worker parking shall be not be permitted on residential streets and shall be provided in an off-site parking lot nearby, and workers shall be shuttled to and from the Project site. The shuttle shall load and unload construction staff near the main gate, which would be on Stanley Drive, near the southeast corner of the site. The shuttle shall operate during the morning starting time and afternoon quitting time. Occasionally, additional trips between the construction site and the off-site parking lot may be required. These trips are expected to have negligible effect to the surrounding street systems within the study area. Whenever feasible construction workers shall park on site in order to alleviate shuttle traffic to and from the project site.</p>		
TP2	<p>Driveway distance from Wilshire Boulevard. To avoid conflicts and possible hazards with vehicles turning southbound onto Stanley Drive from Wilshire Boulevard, the driveway to the proposed project shall be located no less than 40 feet (two car lengths) from the Wilshire Boulevard and Stanley Drive curb return. This measure will likely require the relocation of the Stanley Drive loading dock, as well a possible reconfiguration of the interior parking ramps.</p>	<p>Building plan check prior to issuance of permits; inspections</p>	<p>Building and Safety</p>
TP3	<p>Location of ADA (Americans with Disabilities Act) Accessible Parking Spaces. To avoid conflicts and delays directly at the entrance to the proposed parking garage, the two proposed ADA accessible parking spaces shall be relocated. The</p>	<p>Building plan check prior to issuance of permits; inspections</p>	<p>Building and Safety</p>

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	<p>location of all accessible parking spaces shall be no less than 40 feet from the entrance to the proposed parking garage. The location of the accessible parking spaces shall comply with all applicable ADA requirements.</p>		
<p>TP4</p>	<p>Internal Parking Garage Circulation. To ensure efficient and safe operations of the proposed parking garage, the backout distance from any parking stall shall be no less than 26 feet. For two-way ramps between parking levels, the radius and width of ramps shall comply with AASHTO passenger car standards to allow vehicles to pass each other safely while traveling in opposite directions on the ramp.</p>	<p>Building plan check prior to issuance of permits; inspections</p>	<p>Building and Safety</p>
<p>Utilities</p>	<p>U1 The City shall require, through its Project design and site plan review process, that all feasible and reasonable measures be taken to reduce water consumption, including, but not limited to, systems using reclaimed water for landscaping (should reclaimed water become available to the City), drip irrigation, recirculating hot water systems, water-conserving landscape techniques (such as mulching, installation of drip irrigation systems, landscape design to group plants of similar water demand, soil moisture sensors, automatic irrigation systems, clustered landscaped areas to maximize the efficiency of the irrigation system), water conserving kitchen and bathroom fixtures and appliances, thermostatically controlled mixing valves for baths and showers, and insulated hot water lines, as per City adopted Uniform Building Code (UBC) requirements.</p>	<p>Plan review process; plan check prior to permit issuance</p>	<p>Community Development; Building and Safety</p>
<p>U2</p>	<p>Consultation between the Community Development Department and the Public Works Department shall be required for the proposed Project to determine whether the Project site would have sufficient utility supplies available to serve the proposed development.</p>	<p>Verify utility availability prior to permit issuance</p>	<p>Public Works; Community Development</p>

MITIGATION MONITORING AND REPORTING

IMPACT	MITIGATION MEASURE	IMPLEMENTATION	MONITORING
	U3 For the condominium homes and the retail portion of the proposed Project, commercial size trash compactors shall be installed.	Building plan check prior to permit issuance	Building and Safety
Throughout the table, the City Departments are listed as Responsible Party. Although the City has the ultimate legal responsibility to ensure compliance with this Mitigation Monitoring and Reporting Plan, the City may delegate certain implementing and/or reporting actions. Monitoring will be done on an independent basis.			

APPENDIX A

SAMPLE COMPLIANCE FORM

Mitigation Monitoring and Reporting Program

**8600 WILSHIRE MIXED-USE DEVELOPMENT PROJECT
MITIGATION MEASURE MONITORING COMPLIANCE FORM**

Reporting Period: Pre-Construction Construction Post-Construction

Report Date: _____

Mitigation Measure:

Has the Mitigation Measure been implemented?

Yes No

Notes:

Is further action or monitoring required?

Yes No

If yes, describe:

Is consultation with outside agencies required?

Yes No

If yes, identify agency: _____

Has consultation with outside agency been completed?

Yes No

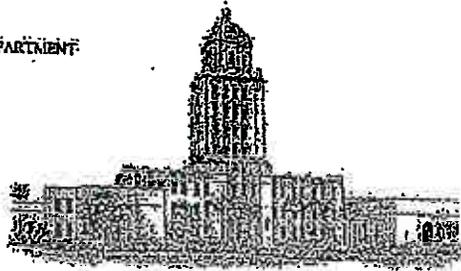
Monitoring Verified By: _____ Date: _____

EXHIBIT C

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

RECREATION AND PARKS DEPARTMENT
455 N. Rexford Drive
Beverly Hills, CA 90210-4617
(310) 285-2536
FAX: (310) 385-0840

STEVE MILLER, DIRECTOR



CITY OF BEVERLY HILLS

Trees and Construction

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

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

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

Elements of the mitigation plan should include:

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

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

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

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

EXHIBIT D

GREEN BUILDING CHECKLIST

City of Beverly Hills			
Green Building/Sustainability Checklist			
New Commercial and Multi-Family Development - Final			
Project Name:			
Project Address:			
Project Pt.	Minimum Certified Points Required (26 Points)*		
Sustainable Sites		14 Points	
C.E.	Construction Activity Pollution Prevention	Required	SS P1**
C.E.	Stormwater Design Requirement	Required	
OWNER	Development Density & Community Connectivity	1	SS 2**
OWNER	Brownfield Redevelopment	1	SS 3**
ARCH.	Alternative Transportation, Public Transportation Access	1	SS 4.1**
ARCH.	Alternative Transportation, Bicycle Storage & Changing Rooms	1	SS 4.2**
ARCH.	Alternative Transportation, Low-Emitting & Fuel-Efficient Vehicles	1	SS 4.3**
C.E.	Alternative Transportation, Parking Capacity	1	SS 4.4**
C.E.	Site Development, Protect or Restore Habitat	1	SS 5.1**
C.E.	Site Development, Maximize Open Space	1	SS 5.2**
C.E.	Stormwater Design, Quantity Control	1	SS 6.1**
C.E.	Stormwater Design, Quality Control	1	SS 6.2**
C.E./ARCH.	Heat Island Effect, Non-Roof	1	SS 7.1**
C.E./ARCH.	Heat Island Effect, Roof	1	SS 7.2**
E.E.	Light Pollution Reduction	1	SS 8**
Water Efficiency		5 Points	
LANDSCAPE	Water Efficient Landscaping, Reduce by 50%	1	WE 1.1**
LANDSCAPE	Water Efficient Landscaping, No Potable Use or No Irrigation	1	WE 1.2**
M.E.	Innovative Wastewater Technologies	1	WE 2**
M.E.	Water Use Reduction, 20% Reduction	1	WE 3.1**
M.E.	Water Use Reduction, 30% Reduction	1	WE 3.2**
Energy & Atmosphere		17 Points	

COMM.	Fundamental Commissioning of the Building Energy Systems	Required	EA P1**
M.E.	Minimum Energy Performance	Required	<u>EA P2**</u>
M.E.	Fundamental Refrigerant Management	Required	EA P3**
M.E.	Optimize Energy Performance (Report from M.E. based on ASHRAE is required)	1 to 10	EA 1**
M.E.	On-Site Renewable Energy (Report from M.E. based on ASHRAE is required)	1 to 3	EA 2**
COMM.	Enhanced Commissioning	1	EA 3**
M.E.	Enhanced Refrigerant Management	1	EA 4**
M.E.	Measurement & Verification	1	EA 5**
OWNER	Green Power	1	EA 6**
Materials & Resources		13 Points	
ARCH.	Storage & Collection of Recyclables	Required	MR P1**
ARCH.	Building Reuse , Maintain 75% of Existing Walls, Floors & Roof	1	MR 1.1**
ARCH.	Building Reuse , Maintain 100% of Existing Walls, Floors & Roof	1	MR 1.2**
ARCH.	Building Reuse , Maintain 50% of Interior Non-Structural Elements	1	MR 1.3**
CONT.	Construction Waste Management , Divert 50% from Disposal	1	MR 2.1**
CONT.	Construction Waste Management , Divert 75% from Disposal	1	MR 2.2**
ARCH.	Materials Reuse , 5%	1	MR 3.1**
ARCH.	Materials Reuse , 10%	1	MR 3.2**
ARCH.	Recycled Content , 10% (post-consumer + ½ pre-consumer)	1	MR 4.1**
ARCH.	Recycled Content , 20% (post-consumer + ½ pre-consumer)	1	MR 4.2**
ARCH.	Regional Materials , 10% Extracted, Processed & Manufactured Regionally	1	MR 5.1**
ARCH.	Regional Materials , 20% Extracted, Processed & Manufactured Regionally	1	MR 5.2**
ARCH.	Rapidly Renewable Materials	1	MR 6**
ARCH.	Certified Wood	1	MR 7**
Indoor Environmental Quality		15 Points	
M.E.	Minimum IAQ Performance	Required	EQ P1**
LEED AP	Environmental Tobacco Smoke (ETS) Control	Required	EQ P2**
M.E.	Outdoor Air Delivery Monitoring	1	EQ 1**
M.E.	Increased Ventilation	1	EQ 2**
CONT.	Construction IAQ Management Plan , During Construction	1	EQ 3.1**

CONT.	Construction IAQ Management Plan, Before Occupancy	1	EQ 3.2**
ARCH.	Low-Emitting Materials, Adhesives & Sealants	1	EQ 4.1**
ARCH.	Low-Emitting Materials, Paints & Coatings	1	EQ 4.2**
ARCH.	Low-Emitting Materials, Carpet Systems	1	EQ 4.3**
ARCH.	Low-Emitting Materials, Composite Wood & Agrifiber Products	1	EQ 4.4**
LEED AP	Indoor Chemical & Pollutant Source Control	1	EQ 5**
M.E.	Controllability of Systems, Lighting	1	EQ 6.1**
M.E.	Controllability of Systems, Thermal Comfort	1	EQ 6.2**
M.E.	Thermal Comfort, Design	1	EQ 7.1**
M.E.	Thermal Comfort, Verification	1	EQ 7.2**
ARCH.	Daylight & Views, Daylight 75% of Spaces	1	EQ 8.1**
ARCH.	Daylight & Views, Views for 90% of Spaces	1	EQ 8.2**
Innovation & Design Process		5 Points	
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.1**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.2**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.3**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.4**
	LEED® Accredited Professional	1	ID 2**
Project Totals (Pre-certification estimates) =			
* Certified 26- 32 points; Silver 33 - 38 points; Gold 39 - 51 points; Platinum 52 - 69 points			
** Refers to LEED Source Book for New Construction for Intent and Requirement of each category			