



## AGENDA REPORT

**Meeting Date:** March 27, 2008

**Item Number:** C-1

**To:** Honorable Mayor & City Council

**From:** Vincent P. Bertoni, AICP Director of Community Development  
Rita Naziri, Senior Planner  
Joyce Parker-Bozylinski, AICP, Consulting Planner

**Subject:** Consideration of Planning Commission's recommendation for approval of a General Plan Amendment, Zone Change, Zone Text Amendment, Specific Plan, Development Agreement and Environmental Impact Report for a Proposed Condominium Project with Ancillary Commercial Uses at 9900 Wilshire (Robinsons-May Site)

**Attachments:**

1. Council Questions/Answers
2. Redline of Conditions of Approval
3. March 11, 2008 City Council Staff Report
4. March 20, 2008 City Council Staff Report
5. Correspondence
6. Mitigation Measures Memorandum from Impact Sciences, Inc.  
(To be provided under separate cover)

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### RECOMMENDATION

Staff recommends that the City Council:

1. Receive the staff presentation,
2. Take public testimony on the project,
3. Close the public hearing. Provide direction to staff on the proposed project and direct staff to bring back the CEQA Resolution and Ordinances for the meeting on April 3, 2008, and the remaining Resolutions on April 9, 2008.
4. Adjourn the meeting until April 3, 2008.

### PROJECT DESCRIPTION

The project site is located at 9900 Wilshire and is bounded by the Los Angeles Country Club on the west, Wilshire Boulevard to the north, Merv Griffin Way to the east, and Santa Monica Boulevard to the south. The project applicant, Project Lotus, LLC, proposes to demolish the existing 228,000 square foot Robinsons-May department store

building and associated parking structure and replace the structures with 235 condominium units in two buildings located near the western (Los Angeles Country Club) border, two commercial buildings which would consist of approximately 11,656 square feet of retail space, 4,200 square feet of restaurant dining space including a 585 square foot outdoor dining space, for a total of 16,441 square feet of retail and restaurant space, and landscaped private and public gardens.

## **DISCUSSION**

The City Council held public hearings on the project on March 11 and March 20, 2008. At the last hearing on March 20<sup>th</sup>, staff provided a brief overview of the project and the applicant finished their presentation from the previous hearing. The City Council also took public testimony on the project and asked questions and provided initial comments on the project.

The purpose of this hearing is to answer any further questions the City Council may have and for the Council to provide direction to staff on the project so that staff can prepare draft Resolutions and Ordinances for City Council consideration. In addition the Fire Marshall and Building Official will be present and will make brief presentations. One item that staff will need direction on in particular is the General Plan Amendment and the details in the Development Agreement as outlined in the March 20, 2008 staff report (Attachment 4).

An Ad Hoc Committee consisting of Mayor Brucker and Councilmember Brickman, met with the applicant on March 21<sup>st</sup> to discuss potential revisions to the project. The Ad Hoc Committee will report on the results of the meeting at the hearing.

Answers to the Council questions raised at both hearings and to questions received after the hearing via email are included as Attachment 1. Staff did not have time to answer all of the recent questions received as noted in the attachment. Answers to the remaining questions will be provided the night of the hearing. Attachment 6 is a memorandum from Impact Sciences Incorporated, the City's environmental consultant, which discusses the various additional mitigation measures that have been discussed during the two public hearings. Many of these mitigation measures relate to the impacts from construction such as air quality and traffic. The memorandum discusses each proposed mitigation measure, its feasibility, and whether it would reduce the impacts identified in the Environmental Impact Report (EIR). The memorandum is still being finalized and will be distributed prior to the Council hearing.

The Attachment 2 is a redline of the Draft Conditions of Approval for Council consideration.

As indicated earlier, one of the purposes of this hearing is for the City Council to provide direction to staff on the project so that Resolutions and Ordinances can be prepared for Council consideration. The following meeting schedule is suggested:

April 3 - Adoption of Resolution Certifying Final EIR  
Introduction of Ordinances for Zone Text Amendment, Zone Change and Development Agreement

Meeting Date: March 27, 2008

April 9 - Adoption of Resolution for General Plan Amendment and Specific Plan  
2<sup>nd</sup> Reading of Ordinances

Vincent P. Bertoni, AICP  
Director of Community Development

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Approved By 

Attachment 1  
Council Questions/Answers

**City Council Question  
March 11, 2008 Hearing**

**1. Did the EIR analyze noise impacts?**

Yes, the DEIR analyzed noise impacts from construction activities as well as the impacts from traffic noise from Santa Monica and Wilshire Boulevards on future residents. Exterior construction activities outside the hours specified in the City's Noise Ordinance (8 a.m. to 6:00 p.m.) and during weekends and holidays as well as vibration from construction activities would result in a Significant and Unavoidable Impacts.

Construction activities performed within the hours specified in the City's Noise Ordinance and traffic noise from Wilshire and Santa Monica Boulevards on future residents were found to be less than significant with mitigation. In addition, a condition of approval requires the applicant to install a 12 ft. high fence to block construction noise.

**2. How would the source of noise be determined if construction activities were being performed at the 9900 Wilshire project and the Hilton project at the same time?**

The source of the noise would be monitored by onsite construction supervisors and during the noisiest construction period (demolition, grading and excavation) an air quality monitor would be on site to monitor visible dust and could also help determine the source of noise.

**3. Was the greenhouse gas issue addressed sufficiently?**

Yes, there is a thorough analysis of the greenhouse gas and global climate change. The Draft EIR includes an existing conditions discussion, a regulatory setting, and a project-level and cumulative impact analysis, with the emphasis on cumulative impacts, which is considered by most to be appropriate for this topic. As a result of a comment from Armbruster & Goldsmith on behalf of the LA Country Club, the Final EIR also estimated the net greenhouse gas emissions. Those emissions were very small (the Draft EIR had already concluded in that the project would not have a cumulatively considerable impact on global climate). In addition the project is an infill project that will provide housing in proximity to commercial and retail uses, neartransit on Wilshire and Santa Monica Boulevards; it incorporates open space, and will meet LEED Gold standards.

**4. What special fire suppression mitigations are required (most desirable) for a residential bldg of this height?**

The Uniform Building Code establishes standards for construction of buildings. The Building Code (Section 403) has a section that addresses high rise buildings. The Fire Department reviewed the proposed project and found that no special mitigations were required other than the requirements found in the Building and Fire Codes. These requirements include among other things the installation of sprinklers and the use of fire resistant construction components in the building. The Fire Marshall will make a presentation at the hearing tonight.

**5. Is it possible to see the blended Hilton and 9900 projects in as many ways as we can see them computer model, flat plans, table models. It would be helpful to see the scale of the side by side projects.**

Visual simulations and computer animations were completed as part of the Planning Commission review; however, these simulations and animations were completed on the original project submitted by the applicant which included the Loft buildings on the 9900 Wilshire site and Residence A on the Hilton site, both of which have been removed as part of the project approved by the Planning Commission. Two of these visual simulations will be provided to the Council during staff presentation.

**6. A. How tall is the tallest building in the City? When was it built?**

A survey of building heights was completed in 2005. Buildings from 160' to 170' (the tallest buildings) are shown on the attached Table.

In the 1970's some taller residential buildings were built in the City. No survey of the height or width of these buildings exists. It appears that most of these buildings are a maximum of six stories or 72 feet. (See attachment A)

**B. What is the longest building in the City? On what size lot?**

The attached Table provides information on two of the larger multi-family projects. The project on Spalding Drive contains two buildings that are approximately 178 feet in length and the project on Swall Drive has four buildings that are approximately 170 to 189 feet in length. (See attachment A)

**7. What is our obligation to Los Angeles Country Club (LACC)? Has Beverly Hills ever weighed in on an adjacent city's project and been listened to?**

The LACC is treated the same as any adjacent property owner. They receive notice of the hearings on the project and have an opportunity to address the Council both in writing and during the public comment period of the public hearings. If LACC, or any member of the public, raises environmental issues they would need to be addressed as part of the Council's review of the project.

The City often comments on projects in adjacent cities and has in the past received funding for traffic mitigation.

**8. What is the overall square footage for the project?**

910,514 sq. ft. (814,071 residential, 80,587 back-of-house for residential and 15,856 commercial)

**9. Did BHUSD have any days on any of their campus remodels where school was shut down or children were kept inside because of air quality?**

No, according to Karen Christiansen, Facilities Director, during construction work at Beverly Hills High School and Beverly Vista, there were several days that work had to be redirected to other areas of the site because of noise and vibration concerns.

**10. Please provide a copy of the mitigation measures of the Beverly Vista EIR.**

Please see Attachment B.

**City Council Questions  
3-20-08 Hearing**

1. What is the square footage difference between the original project and the proposal?

	<b>Original Project</b>	<b>Current Proposal</b>
Residential	821,771 sf <sup>1</sup>	814,071 sf <sup>1</sup>
Residential Spa (sf)	-	14,850 sf
Below Grade Residential Other Spaces (sf)	7,915 sf <sup>2</sup> 19,056 sf <sup>3</sup>	65,737 sf
<i>Total Residential</i>	<i>848,742 sf</i>	<i>894,658 sf</i>
Retail/Restaurant	19,856 sf	15,856 sf
<b>TOTAL</b>	<b>868,598 sf</b>	<b>910,514</b>

<sup>1</sup> Includes ground (plaza) level lobbies and concierge areas

<sup>2</sup> Included in original square footage in the overall total for Residential (829,686-7,915 = 821,771 sf)

<sup>3</sup> Not included in original square footage as area was below grade maintenance and storage areas.

There is net gain of 41,916 total square feet for the project which is below grade residential back of house amenities. There is a net loss of 7,700 square feet of 'residential' square feet (821,771 – 814,071 = 7,700 sf).

2. What is the actual FAR for the project?

2.63 to 1

3. What measures will be taken to protect the children safety and health during construction?

See Mitigation Measures

4. What is the distance between the two condominium buildings?

43 feet

5. How long will it take to provide notification and take action if there were any air quality issues?

Once an air quality issue is identified, corrective action (work stoppage, work reduction, wetting soil, etc.) will need to begin immediately. The Beverly Hills Unified School District spokesperson and the principal at El Rodeo School will be notified immediately by phone.

6. Is the proposed parking adequate for the project?

Yes, the project provides more parking than is required by Code.

	<b>Parking Required</b>	<b>Parking Provided</b>	<b>Parking Spaces Provided Above Code</b>
Residential	623	642	19
Residential Other (Amenities)	-	39	39
Commercial	99	122	23
<b>Total</b>	<b>722</b>	<b>803</b>	<b>81</b>

7. Did EIR evaluate additional square footage?

Yes, the Final EIR will provide a section that analyzes the changes between the original project and the current project. No new impacts have been identified.

8. What is the construction time line for the 9900 Wilshire and Beverly Hilton projects and can they be coordinated?

The 9900 Wilshire project has a construction time line of 33 months and the Beverly Hilton project has a construction time line of 48 months. Construction on the Beverly Hilton site will be phased in order for the hotel to remain operational during the phased construction.

City staff and the Environmental Compliance Monitor, that will be hired to work for the City to oversee both projects, will ensure that construction activities for both projects are coordinated. Detailed construction management plans will need to be approved by the City prior to the issuance of a building permit.

## **Questions Received After March 20, 2008 Hearing**

**Answers to the following questions will be provided at the**

### **April 3<sup>rd</sup> City Council Hearing**

1. Why are we holding hearings during Easter Vacation that pertain to the El Rodeo School EIR?
2. On page 3.1-13 #7 where will the stops be and how will that impact traffic flow, El Rodeo and the Metro Line?
3. What do we do with measures from the EIR that say no mitigation possible?
4. Nitrous Oxide - If the project is smaller will that help mitigate any of the problems or lessen them substantially?
5. Does the 9900 south building shade affect the green, not the fairway on the 16<sup>th</sup> hole of the LACC?
6. Regardless of much money is spent, how will you mitigate the intersection of Wilshire and Santa Monica Blvd's, when the traffic is stopped on the other side of the street?
7. How would construction impacts be mitigated while construction is going on to this intersection of (SM and Wilshire) and (SM- Wilshire and Merv Griffin Way)?
8. How can the City position these projects at such a critical intersection when we are about to adopt the Metro rapid transit subway line?
9. Regarding Plans page A2.2.5 The 4 Bedroom units with or without a den.... do they have all have the bedrooms lined up in a row? Are any of them 2 story, it is difficult to tell with the small plans.

10. Please list square footage etc and what floors they are located on:
  - a. EX 2
  - b. EX1
  - c. E2Z
  - d. EX
  - e. E:
  
11. Are the efficiency units tied as maids rooms to other units or can anyone purchase them as a pier-a tier and use it as a corporate Hotel room?
  
12. On Page 3.1-19 of the final EIR, what assurances do we have that the building will only take two years? Why can't we start demolition early while all of this is pending, we know a project is going there?
  
13. Did all affected roads in the EIR? Carmelita, Elevado?
  
14. Why are we rushing our General Plan? Why isn't that first?
  
15. For the loft units, are there private elevators within the unit or just stairs. Will Paramedics have complete access to all units via an elevator?
  
16. Was the hydrology water table checked to see if there is usable ground water at a low enough extraction level for the gardens area of the grounds so that we do not have to use potable drinking water? (in addition to the use Grey Water)
  
17. Will the applicant consider adding additional parking?
  
18. Please list all square footage and it's usage, including hallways, elevators loading docks, screening rooms, party rooms, wine cellars, storage facilities? How much square footage will be in this project?

19. How many tandem parking spaces will there be (Please include the space behind a tandem space)? Are there any compact spaces? Are there any extra wide spaces for Hummer's or SUV's?
  
20. Where are the freight elevators located? How many are there?
  
21. On Sept 24, 2007 the PC discarded the project for a newer version and only allowed 5 days for additional comments on these changes. If the project was smaller, I can understand allowing the change, but the project became taller and therefore under CEQA shouldn't there be more input time for everyone to digest the changes?
  
22. Are we opening ourselves to litigation by following the letter of the law, but not the spirit of the law?
  
23. When the final project is proposed, does the final EIR need to be reticulated for the school district to see?
  
24. What will be the cumulative impact of both the Hilton and the 9900 projects on Air Quality running side by side if both are approved. The EIR's do not give a cumulative effect of both projects for air quality so close to the school, so how do I differentiate between the two projects?
  
25. On Page 3.1-129 AIR QUALITY, it says no Mitigation Available- ok WHAT DO WE DO?
  
26. On Page 3-1-131 NOISE-! SIGNIFICANT AND UNAVOIDABLE- Do we have the ability to close El Rodeo and move those children to other locations until the noisiest part of the construction is over or put them on a different time schedule that the other schools? All construction vehicles must be moved via Santa Monica Blvd.

27. Will there be a vibration impact in addition to the noise at the school and on the residents?

**ATTACHMENT A**  
**CITY COUNCIL QUESTIONS**

**High Rise Buildings Over 150' in Height**

Address	Height	Stories	Year built	Street Frontage
9100 Wilshire Boulevard	170'	10	1970	Wilshire: 247' Doheny: 158' Oakhurst:158'
9454 Wilshire Boulevard Glendale Federal Building	160	12	1972	Wilshire: 256' Revees: 158' Beverly: 158
8383 Wilshire Boulevard	160	10	1971	Wilshire: 475' Gale: 266' San Vicente: 422'
9401 Wilshire Boulevard	160	12	1971	Wilshire:173' Canon: 173
433 N. Camden Drive	160	12	1973	Camden : 340' Santa Monica" 152'

**Multi Family Structures**

Address	Street Frontage	Lot Size	Height/Story	Year Built
211 Spalding Drive	417'	54,000+	72'	1974
300 N. Swall Drive	800'	210,000+	50'	1983

Table I-1

SUMMARY CHART

Environmental Impact	Mitigation Measures	Impacts After Mitigation
<p><b>NOISE</b></p> <p><b>Construction Noise</b></p> <p>Construction activity for the Beverly Vista School includes the demolition of Buildings A, B, and D followed by construction of proposed buildings and playground expansion. Renovation and repairs are also anticipated to occur along with building construction. Project construction would comply with the noise regulations affecting construction activities established by the City of Beverly Hills. Construction activities would be restricted to the hours specified in the Noise Ordinance. No significant noise impacts are expected from construction activities due to compliance with the City's noise ordinance.</p>	<p>Although no significant noise impacts were created by the proposed project and therefore no mitigation is required under CEQA, the following mitigation measures are recommended to reduce noise levels to the extent feasible.</p> <p><b>a. Construction</b></p> <ol style="list-style-type: none"> <li>1. Construction activities are restricted to the hours between 8:00 A.M. and 6:00 P.M. Monday through Friday. No noise-generating construction activities shall take place on Saturdays, Sundays and holidays unless an after hours permit is obtained from the City.</li> <li>2. All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipment should be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.</li> <li>3. Standard temporary noise barriers shall be used and relocated, as needed, between the construction equipment and the noise-sensitive receptors.</li> </ol>	<p>Less than significant.</p>
<p><b>Traffic-Related Noise</b></p> <p>The noise levels due to project traffic would increase ambient noise levels by 0.4 dB during the A.M. and P.M. peak traffic periods. Project traffic would not create an audible increase in noise levels and would fall well below the 5 dB City noise threshold. Operational impacts related to project-generated traffic are therefore considered less than significant.</p>		

Table I-1 (Continued)

SUMMARY CHART

Environmental Impact	Mitigation Measures	Impacts After Mitigation
<p><b>On-Site Noise Sources</b></p> <p>Noise generated by the playground expansion to the northern portion of the school campus would result in a noise level increase of 1.6 dB to 4.8 dB at the property line of the nearest residential receptors. This noise level increase is below the City's allowable 5 dB noise level increase and therefore would not result in a significant noise impact from the expansion of the school playground.</p>	<p>4. Whenever possible, noisier construction activities should be scheduled when children are not present at school so that classroom impacts are minimized.</p> <p>5. Stockpiling and vehicle staging areas shall be located away from occupied dwellings and other sensitive receptors whenever possible.</p> <p>6. The project sponsors shall notify the communities in advance of construction activities. The construction manager's (or representative's) telephone number shall also be provided with the notification so that community concerns can be expressed and addressed whenever feasible. Forms of notification shall include one or more of the following: signs posted on the site, distribution of leaflets to adjacent residents, publication in the <i>Courier</i>, and/or posting on the District's web site.</p>	
<p><b>b. Facility Operations</b></p> <p>7. Any new mechanical equipment shall be acoustically engineered, incorporating mufflers, enclosures, parapets, etc., so</p>		

Table I-1 (Continued)

**SUMMARY CHART**

Environmental Impact	Mitigation Measures	Impacts After Mitigation
	that noise generated by these operations shall not exceed the noise standard at receptor locations.	
8.	The District shall be responsible for conducting noise monitoring during construction activities and insuring that mitigation measures are enforced to the degree feasible.	

**Cumulative Impacts** - Construction-related noise from individual related projects would be localized and short-term in nature, and therefore, would not contribute to cumulative impacts at more distant locales. Related project development is not anticipated to result in any additional operational noise sources that would result in cumulative noise impacts in the immediate project locale due to their distance from the proposed project site. Noise generated on the project site during project operation would be localized and, therefore, would not contribute to any cumulative noise outside the immediate vicinity of the site. In addition, each related project would undergo environmental review as part of its approval process and would be subject to the requirements of the applicable noise ordinance(s) for construction and operation. Cumulative impacts related to construction and operation noise are therefore anticipated to be less than significant.

Though the School is situated in a residential area, a cumulative traffic growth of 2.0% is expected for the year 2000. The 2.0% growth in cumulative traffic would result in a noise level increase of 0.09 dB which is below the 5 dB threshold and therefore would not result in a significant cumulative noise impact.

**TRAFFIC**

According to the traffic study prepared by Crain & Associates for this project, the project is expected to generate an additional 77 daily trips from approximately 75 students and three to five new teaching positions. The project is expected to generate 22 trips during the A.M. peak traffic hour by the proposed project.

The proposed project is not expected to have a significant impact at any of the study intersections, on the nearby residential streets, or with regard to parking. Therefore, no off-site traffic or parking related mitigation is required for implementation by the proposed project.

Less than significant.

Table I-1 (Continued)

SUMMARY CHART

<u>Environmental Impact</u>	<u>Mitigation Measures</u>	<u>Impacts After Mitigation</u>
<p>and 20 trips in the P.M. peak traffic hour. Traffic attributed to the project represents a 2% increase in daily-traffic on Elm Drive which is well below the 23% increase at which a significant impact would occur. Future levels of service at the two study intersections would remain at LOS A or B during both peak periods, or substantively superior to LOS E or F conditions at which significant impacts would occur. Therefore, the project is not anticipated to result in any significant traffic impacts at the study intersections.</p> <p>The addition of three to five new staff members and some 75 new student enrollment can be expected to increase Beverly Vista's parking demand by roughly 5%. This is not expected to significantly change parking conditions at and around the school, though some additional reliance of on-street capacity will be observed.</p>		
<p><b>Cumulative Impacts</b> - Based on the future traffic projections, future levels of service at the two study intersections would remain at LOS A or B during the peak periods. Due to this incremental increase in local traffic, and the proximity of the land uses included in the related projects list presented in the DEIR Section IV, Environmental Setting (relative to the residential areas in which the Beverly Vista School serves), cumulative traffic impacts would be considered less than significant.</p>		

Table I-1 (Continued)

SUMMARY CHART

Environmental Impact	Mitigation Measures	Impacts After Mitigation
<p><b>HISTORIC RESOURCES</b></p> <p>The project proposes to demolish Buildings A, B, and D of Beverly Vista School, all of which have been determined to be eligible for listing in the National Register of Historic Places as contributors to the thematic historic district of public schools in Beverly Hills and, by virtue of that determination, are listed in the California Register of Historical Places. Demolition of historic resources, which are irreplaceable, is a significant adverse impact and would have a significant adverse effect on the integrity and thus the significance of the identified historic district and its individual components. The project would also have an indirect adverse but less than significant impact on the historic character of the surrounding neighborhood, which primarily dates from the same period as the original Beverly Vista School buildings.</p>	<p>The following measures are recommended as mitigation for the impacts to historic resources posed by the proposed project:</p> <ol style="list-style-type: none"> <li>1. <b>Recordation.</b> Prior to demolition or substantial adverse alteration of Buildings A, B, or D, an Historic American Buildings Survey (HABS) Level II recordation document shall be prepared for each building. Each document shall record the significance and physical condition of the contributing buildings, both historic and current, through original as-built drawings, if available, large format photographs, historic maps, site plans, written data and text. The documentation shall be completed in accordance with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation. Archival copies of the documentation shall be submitted to the National Park Service, the California Office of Historic Preservation, Beverly Hills Public Library, and District archives. In addition, an inventory of existing design and as-built drawings, </li> </ol>	<p>Under CEQA, the mitigation measures outlined above would reduce the significant impacts of the project to the identified historic resources but impacts on these historic resources would remain significant and unavoidable.</p>

Table I-1 (Continued)

**SUMMARY CHART**

<u>Environmental Impact</u>	<u>Mitigation Measures</u>	<u>Impacts After Mitigation</u>
	<p>including those prepared for the 1924-1929 original construction of Beverly Vista School and the 1934 seismic retrofit, shall be compiled. Archival copies of these drawings shall be incorporated into the documentation.</p>	
	<p>2. <b>Reuse of building materials and design elements.</b> Prior to completion of project design and prior to demolition of Buildings A, B, or D, an inventory of significant, character-defining features and materials of the historic resources shall be made by a qualified architectural historian or historic architect. These materials and design elements shall be salvaged and incorporated to the extent feasible into the final design for the replacement buildings. Any salvaged materials not incorporated into the project design shall be made available for use in restoration projects in Beverly Hills and the Los Angeles region. The salvaged materials shall be advertised for a period of not less than thirty days in newspapers of local and regional circulation. Some materials shall also be incorporated into an educational and interpretive exhibit, as</p>	

Table I-1 (Continued)

SUMMARY CHART

Environmental Impact	Mitigation Measures	Impacts After Mitigation
	described as part of Mitigation Measure 4.	
	<p>3. <b>Incorporation of signature features into new design.</b> The final project design shall incorporate architectural elements which have historically characterized Beverly Hills schools and municipal buildings. These elements may include but not be limited to: towers, courtyards, arched openings, and tiled roofs.</p>	
	<p>4. <b>Educational and interpretative programs.</b> To assist the public and interested parties in understanding the historic significance of the Beverly Vista Historic District, an interpretative program shall be developed with the assistance of a qualified historic preservation professional. In addition, curriculum integration of historic preservation will occur in the Beverly Vista middle school History/Social Science program as appropriate. The program may include, but not be limited to: teaching materials; an architectural and historical curriculum specific to Beverly Hills and southern California for the primary and middle school levels;</p>	

Table I-1 (Continued)

SUMMARY CHART

Environmental Impact	Mitigation Measures	Impacts After Mitigation
<p>Cumulative impacts on historic resources evaluate whether impacts of the proposed project and related projects, when taken as a whole, substantially diminish the number or significance of extant resources within the same region. Approval of the proposed project would result in the demolition of three historically significant buildings which have been determined eligible for listing in the National Register of Historic Places as contributors to a thematic district of public schools in Beverly Hills. This is considered to be a significant impact. In addition to these effects associated with the proposed project, a review and assessment of the related projects identified in the DEIR on page 40, in Table IV-1, indicates that construction activities associated with some of these projects, such as the 20<sup>th</sup> Century Fox Studio, could result in demolition and other adverse effects on a number of historic resources which are considered potentially eligible for listing on the National Register of Historic Places. Furthermore, future development within the Beverly Hills Unified School District could also result in cumulative effects, particularly on the thematic historic district of Beverly Hills Public Schools. Even with implementation of the mitigation for historic resource impacts set forth in this EIR, and assuming that mitigation of historic resource impacts would occur with implementation of related projects, the combined cumulative impacts are considered significant and unavoidable. Although mitigation similar to what is proposed in historic resource Mitigation Measure 4, on page 87 of the DEIR, would help address effects on historic resources at the state and or regional level, this would not notably reduce the cumulative effects.</p>	<p>signage, plaques, historic photographs, salvage material, models, other displays and exhibits; tours or events; and published information in form of brochures, pamphlets, videos, electronic media, etc.</p>	<p>Less than significant.</p>

**AESTHETICS/VIEWS**

**(I) Aesthetics**

Although new construction would be generally consistent in terms of size and scale with existing development, the removal of all or portions of Buildings A, B, and D would constitute a loss of historic architectural features that contribute

**(I) Aesthetics**

The final project design shall strive to maintain the aesthetic quality exemplified by the architecture of Buildings A, B, and D. An effort should be made to maintain a Mediterranean theme influenced by Romanesque Revival styling and to continue use of

Table I-1 (Continued)

SUMMARY CHART

<u>Environmental Impact</u>	<u>Mitigation Measures</u>	<u>Impacts After Mitigation</u>
<p>positively to the visual character of the project area. While similar aesthetic elements may be reintroduced with the replacement buildings in an attempt to maintain the aesthetic character of the campus. Detailed architectural plans for the project have not yet been developed and the specifics of building design and material are not yet known. As a result, and without the ability to precisely establish the aesthetic character of replacement buildings, the loss of Buildings A, B, and D would constitute a loss of valued aesthetic resources and would be considered a significant impact. In contrast, removal of the 34 portable buildings, which lack visual appeal and are not consistent with the style or scale of the existing school buildings or the surrounding neighborhood, would have a beneficial effect on the aesthetic quality of the immediate area.</p>	<p>existing dominant building materials. Strong consideration shall be given to the use of salvaged character-defining features and elements for the existing historic buildings. Elements common to historical Beverly Hills schools, such as towers, courtyards, arched openings and tiled roofs, shall also be incorporated into the proposed design to the degree feasible. New construction should reflect the historic height, massing, scale, and building orientation of Beverly Vista School in so far as can be accommodated by the programmatic requirements.</p>	
<p>(2) Views</p> <p>Views within the project vicinity and specifically of the Beverly Vista School are generally limited due to obstruction by existing development, and the proposed development would result in little or no change to views along adjacent roadways. New construction would further concentrate development in the northern portion of the site, thereby opening up views and increasing open space with the removal of 34 temporary buildings. Furthermore,</p>	<p>(2) Views</p> <p>None required.</p>	

Table I-1 (Continued)

**SUMMARY CHART**

<u>Environmental Impact</u>	<u>Mitigation Measures</u>	<u>Impacts After Mitigation</u>
<p>as the proposed size and scale of the proposed buildings would be similar to that of existing development and compatible with surrounding residential uses, existing views are not anticipated to be obstructed. While views of the school bell tower may be lost, the prominence of this feature in the context of surrounding development is not considered significant. Implementation of the project would not result in a significant impact to valued views of on- and off-site aesthetic resources from either public or private vantages.</p>		

**Cumulative Impacts** - None of the identified related projects are located sufficiently close to Beverly Vista School to affect the aesthetic character of the immediate project vicinity nor views associated with it. Furthermore, as the project itself would not significantly impact aesthetic resources and views with implementation of recommended mitigation, the project would not contribute to significant impacts associated with cumulative development.

Attachment 2  
Redline of Conditions of Approval

# 9900 Wilshire Specific Plan

## Exhibit 1

### Conditions of Approval

#### Community Development/Planning Project Conditions

1. Compliance with Plans. The Project shall be built in substantial compliance with the plans bearing a revision date of February 7, 2008 and submitted for review to the City Council along with the Planning Commission's recommendations on the project. These plans shall be kept on file with the City Clerk's office and the Department of Community Development/ Planning, inclusive of Exhibit A, "Standard Conditions List," and Exhibit B, "Mitigation Monitoring Program," which are incorporated herein by reference and made conditions to the approval of the Project. The Project shall be subject to additional conditions as may be imposed by the Architectural Commission.
2. Minor Amendments. Minor amendments to the Conditions of Approval may be approved by the Director of Community Development and shall not require an amendment to the 9900 Wilshire Specific Plan.
3. Number of Residential Units. In no case shall the Project include more than 235 residential units in accordance with the approved plans and details contained in approved 9900 Wilshire Specific Plan. The total square footage of the two condominium buildings including back of house and common areas shall not exceed 894,658 inclusive of the 80,587 square feet of below grade (mezzanine) back of house area.

4. Commercial Space. In no case shall the project include more than a maximum 16,456 square feet of commercial space which includes a maximum 4,800 square foot restaurant including not more than 600 square feet of outdoor dining in the location shown in the Specific Plan. 7

5. Restaurant Noise. No amplified music is permitted in the outdoor dining area of the restaurant. And no amplified music inside the restaurant shall be audible from the exterior of the restaurant.

6. General Parking Requirements. The project shall provide not less than 803 standard size parking spaces as shown in the approved plans. This number may be modified by the Director of Community Development up to 5 spaces to accommodate the final design of the parking layout.

7. Residential Parking. A total of not less than 681 standard size residential parking spaces shall be provided. Of these, not more than 28 spaces may be tandem., Tandem spaces may not be used for guest parking. Parking spaces for residential units are required to comply with the City's Municipal Code standards and shall be used solely for the parking of the personal vehicles of residents, their guests, and employees associated with the condominium units. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required and shall not be dedicated to or used to provide parking for any off-site use. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such.

8. Commercial Parking: A minimum of 99 parking spaces (including 31 tandem spaces) shall be provided for the commercial uses. A total of 122 spaces shall be provided

for the commercial area, however, the excess 23 spaces may be leased on a month to month basis or shorter term. A valet shall be on-site and operating pursuant to the approved Parking Valet/Operations Plan set forth under Condition 14 below for the tandem spaces.

9. Parking Accessibility. A minimum of 19 (15 residential and 4 commercial) parking stalls shall meet the requirements of the Americans with Disabilities Act (“ADA”) for an accessible parking space.

10. Employee Parking. Commercial tenants, including any restaurant, shall provide free on-site parking for all on-site employees at all times. All leases or sales agreements for commercial space within the Project shall contain provisions to implement this requirement. An employee shall be defined as a person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

11. Customer Parking. Two hours free validation parking shall be provided for patrons of the commercial tenants, after which market rates for parking may be imposed. All leases or sales agreements for commercial space within the Project shall contain provisions to implement this requirement.

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

13. Signage. Prior to the issuance of a building permit, the Applicant shall submit the unified sign plan required by Section 4.6 of the Specific Plan for review and approval.

Said unified sign plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. ~~Thereafter~~After approval of the Unified Sign Plan, all project signage shall conform to the ~~unified sign plan~~approved Unified Sign Plan.

14. Parking Valet/Operations Plan. Prior to the issuance of any occupancy permit, the applicant shall prepare and shall have received approval from the City's Planning Division and Transportation Division of a Parking Valet/Operations Plan for both commercial tandem parking operations and residential parking operations. The residential parking operations plan shall include plans to meet the parking needs generated by large on-site events and parties (i.e. to include the aggregate number of people generated for multiple, simultaneous small events occurring on-site). Thereafter, the applicant and subsequent homeowners association shall implement said plan for any large on-site events and parties. The requirement for this residential operations plan shall be incorporated into the Covenants, Codes and Restrictions for the condominiums.

15. Parking Garage Safety/Technology. The applicant shall install state-of-the-art devices to ensure that cellular reception in the parking garage is adequate for police, fire and the health and safety of residents and visitors in the parking structure.

16. Loading. 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. No loading shall occur on Wilshire Boulevard or Santa Monica Boulevard.

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

18. Rooftop Uses. Rooftop uses and structures are limited to the 5 private terraces with pools/spas with trellises as shown on the approved plans. The trellises on the North Building, Level 10 (2 units at north end at Elevation 108' (no pool)), and Level 11 (1 unit at north end at Elevation 120' (no pool)) shall be limited to a maximum 10 feet in height and shall be set back from the face of any exterior wall of the floor immediately below so that a forty five degree (45°) angle to the vertical plane of the nearest outside wall is not intersected.

19. Green Building Design. The Project shall be constructed to meet the “Certified” rating pursuant to the City’s green building rating system, which means achieving not less than 26 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 point's total 26. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the applicant shall comply with said Ordinance.

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

21. Architectural Commission Review. Prior to the issuance of building permits, the design, materials and finishes of the building, and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the property to provide an appropriate visual and aesthetically pleasing transition between the property and the neighboring property on the east side of Merv Griffin Way. Particular attention shall be paid to the garden areas. Landscape plans shall be prepared by a licensed landscape architect.

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

23. Traffic/Crossing Guard. During Project construction, the applicant shall hire a crossing guard to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica at the beginning and end of each school day. In addition, if deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way before and after school.

24. Hiring Practices. The applicant shall require the Constructor Manger/Supervisor to verify that no construction workers have prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on-site Construction Manger/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District during the performance of their duties, unless required within the scope of their duties and with the knowledge or approval of the Construction Manager/Supervisor. The applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers. Compliance with this provision shall be verified by the Environmental Compliance Monitor.

25. Traffic Signal at Merv Griffin Way/Santa Monica Boulevard. The applicant shall install a traffic light at the Merv Griffin Way/Santa Monica Boulevard intersection. Installation and plans for the traffic light are subject to review and approval by the City's Traffic Engineer and Building and Safety Division. The applicant may be entitled to a fair

share reimbursement from other projects that impact this intersection and necessitate the traffic light. The traffic light either shall be installed and operational prior to construction, or the applicant shall provide adequate security for installation prior to the approval of any final subdivision map.

26. Santa Monica Boulevard Roadway Improvements. Prior to the issuance of a certificate of occupancy, the applicant shall provide the right-of-way dedications to the City as shown on the approved plans and subject to review and approval by the City's Public Works Director. As approved by the Public Works Director, the applicant shall install and pay for improvements to the Santa Monica Boulevard right-of-way adjacent to the Project as shown on the approved plans, including but not limited to landscaping and street improvements.

#### Landscaping and Irrigation

27. 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.

28. 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.

29. The property owners and successors in interest, including but not limited to any homeowners association, shall be responsible for the maintenance of the site drainage system, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way and all public and private open areas on the site

including the western half of Merv Griffin Way. The covenants, codes, conditions and restrictions for this project shall specifically reflect this obligation.

Other City Departments' Requirements

30. 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.

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

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

Construction Management

33. 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 Construction Management Plan shall incorporate the Construction Traffic Management Plan and the Construction Workers Parking Plan as described in the attached Mitigation Measures for the project. The Construction Management Plan shall also include, at a minimum, the following requirements:

- a. Parking and transportation to and from the construction parking area for construction workers shall be paid by the Project applicant.

- b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.
- c. A plan for the proposed demolition/construction staging for the Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries etc., to the subject site shall be included in the Construction Management Plan. The construction haul route shall be reviewed and approved by the City Traffic Engineer and the Director of Community Development. The approved haul route is subject to change if the haul route creates unanticipated traffic congestion or noise impacts.

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

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

36. A cash deposit of \$25,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. The \$25,000 deposit shall be replenished as deemed necessary by the City's Building and Safety Division. Such deposit shall be returned to Applicant upon completion of all construction

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

37. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties. The final height of the fence shall be approved by the Director of Community Development in consultation with design professionals knowledgeable in the fields of noise and dust mitigation. The design of the construction fence shall be subject to Architectural

Commission review and approval. The applicant shall provide temporary landscape improvements to improve the appearance of the site around the fence during the construction period.

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

39. 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

40. The property owners and successors in interest, including but not limited to any homeowners association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes, conditions and restrictions for this project shall specifically reflect this obligation.

### General Conditions.

41. 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.

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

43. 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.

44. 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.

45. 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.

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

47. 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.

48. Prior to the earlier of either the issuance of any occupancy permit or the sale or lease of any residential unit in the project, a subdivision map shall be approved by the City and the final map for such subdivision shall have been recorded with the County of Los Angeles Recorder and the condominium plan filed with the Department of Real Estate.

49. Prior to the approval of any final map, the applicant shall prepare and submit CC&R's for review and approval by the Community Development Department and the City Attorney. The CC&R's shall be recorded prior to the approval of any final map.

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

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

52. Unanticipated Traffic Impacts. In the event that the Director of Community Development determines that operation of the project is having unanticipated traffic or parking impacts, the Director shall require the owner or Homeowners Association to provide an analysis of the traffic or parking impacts and recommend and implement mitigation for the impacts. If, in the opinion of the Director, the owner or Homeowners Association fails to implement sufficient mitigation to mitigate the unanticipated traffic or parking impacts, then the Director shall schedule a hearing before the Planning Commission concerning the impacts being created by the project. The owner or Homeowners Association shall receive at least ten days notice of such hearing. Upon conclusion of the hearing, the Planning Commission may impose additional conditions upon the project as necessary to mitigate any unanticipated traffic or parking impacts caused by the project, and the owner or Homeowners Association and operator shall forthwith comply with any such additional conditions at their sole expense. However, the owner or Homeowners Association may appeal the decision of the Planning Commission to the City Council pursuant to the provisions of the Beverly Hills Municipal Code and any decision of the Planning Commission shall be stayed pending a decision by the City Council on appeal.

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

54. The Environmental Compliance Monitor identified in Traffic Mitigation Measure #1 shall be responsible for monitoring compliance with both the conditions of approval and all the mitigation measures.

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

56. The Applicant shall install state-of-the-art devices or equipment as approved by the City's Police and Fire Departments to ensure that wireless telecommunication reception in the parking garage is adequate for police, fire and other emergency responders and the health and safety of residents and visitors in the parking structure.

57. The provisions of the Specific Plan shall not become effective until the ordinance approving the zone text amendment and zone change establishing the 9900 Wilshire Specific Plan zoning and applying the zoning to the subject property becomes effective.

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

59. Merv Griffin and Wilshire Boulevard Intersection Improvements. The north bound configuration of Merv Griffin Way portion of the southern leg of the intersection of

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

60. Uses ancillary to the residential uses in the Specific Plan, including but not limited to the spa, screening rooms, and common event spaces, shall be for the exclusive use of residents within the Specific Plan. Guests of residents may use such facilities except that there shall be no charge to or for non-resident guests and in no event shall memberships be given or sold to any person or entity that is not a resident within the Specific Plan.

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

persons or vehicles from entering Merv Griffin Way from such access points on the day prior to and the day of the Golden Globe Awards event. These provisions also shall apply to the day after the Golden Globe Awards event to the extent reasonably necessary to remove equipment utilized in the Golden Globe Awards event. In addition, the covenant and agreement shall provide for (d) grant of access to the 9900 Wilshire Property and its buildings at any time as requested by the Beverly Hills Police Department, United States Secret Service, Federal Bureau of Investigation, or other governmental security agency and/or their successors, as needed, to provide security for the Golden Globe Awards event, and (e) cooperation with requests by the Beverly Hills Police Department, United States Secret Services, Federal Bureau of Investigation, or other governmental security agency and/or their successors for a security perimeter on the 9900 Wilshire Property for the Golden Globe Awards event. The covenant and agreement shall provide for notice to all owners of the 9900 Wilshire Boulevard Property, including without limitation successor and assigns, owner of condominium interests, and tenants of the existence of the covenant and agreement, and shall be recorded prior to final map approval.

Attachment 3  
March 11, 2008 City Council Staff Report



## AGENDA REPORT

- Meeting Date:** March 11, 2008
- Item Number:** D-1
- To:** Honorable Mayor & City Council
- From:** Vincent P. Bertoni, AICP, Director of Community Development  
Larry Sakurai, Principal Planner  
Donna Jerex, Senior Planner
- Subject:** Consideration of Planning Commission's recommendation for approval of a General Plan Amendment, Zone Change, Specific Plan, Development Agreement and Environmental Impact Report for a Proposed Condominium Project with Ancillary Commercial Uses at 9900 Wilshire (Robinsons-May Site)
- Attachments:**
1. Commission Environmental Impact Report Resolution with Attachments (Findings of Fact, Statement of Overriding Considerations and Mitigation Measures)
  2. Commission General Plan and Zoning Amendment Resolution
  3. Commission Specific Plan Resolution with Attachments (Conditions of Approval and 9900 Wilshire Specific Plan)
  4. Commission Development Agreement Resolution with Attachment (Development Agreement)
  5. Planning Commission Staff Reports
  6. Applicant's Submittal Packet
  7. Final Environmental Impact Report (under separate cover)
  8. Project Plans (under separate cover)

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### **RECOMMENDATION**

Staff recommends that the City Council:

1. Take public testimony and approve the Planning Commission recommendations for the project.
2. Provide direction to staff on the proposed project and continue the hearing until March 20, 2008.

## **INTRODUCTION**

The project site is located at 9900 Wilshire and is bounded by the Los Angeles Country Club on the west, Wilshire Boulevard to the north, Merv Griffin Way to the east, and Santa Monica Boulevard to the south. The project applicant, Project Lotus, LLC, proposes to demolish the existing 228,000 square foot Robinsons-May department store building and associated parking structure and replace the structures with 235 condominium units in two buildings located near the western (Los Angeles Country Club) border, two commercial buildings which would consist of approximately 11,656 square feet of retail space, 4,200 square feet of restaurant dining space including a 585 square foot outdoor dining space, for a total of 16,441 square feet of retail and restaurant space, and landscaped private and public gardens.

## **DISCUSSION**

The staff report is organized by the following topics:

1. Planning Commission Action
2. Project Description
3. Requested Entitlements
  - a) General Plan and Zoning Amendment
  - b) Specific Plan
  - c) Development Agreement
4. Environmental Impact Report

### **Planning Commission Action**

The original project submitted by the applicant consisted of 252 condos located in two 12 story condominium buildings, two four-story loft buildings and 19,856 square feet of retail and restaurant space, as well as 600 square feet of outdoor dining. Over the course of seven months, the Planning Commission held ten hearings on the project to consider the proposal and make recommendations for changes to the project to minimize impacts to the adjacent El Rodeo School and the single family homes to the north and to increase the amount of public garden areas. These recommended changes included among other items:

1. Increasing the setback of the North building from Wilshire Boulevard from 35 feet to 57 feet from the property line and 72 feet from the curb to match the setback of Hilton's Wilshire Tower.
2. Providing a stepped design on the North Building which includes a setback of 90 feet at the 108 foot elevation (9 stories).
3. Removing the two loft buildings (30 units) along Merv Griffin Way.
4. Increasing the amount of public open space on the project from the original proposal of a .42 acre public garden on the corner of Wilshire and Santa Monica Boulevards to .81 acres (35,468 square feet) which includes a series of perimeter gardens that extend south along Merv Griffin Way. These new gardens are terraced to be accessible from Merv Griffin Way and integrate a public sidewalk, water features and variety of landscape.
5. Moving the proposed Restaurant north and west to continue the public garden at the corner of Merv Griffin Way and Santa Monica Blvd.

The Planning Commission resolutions recommending approval of the project are included as Attachments 1 through 4. The Commission recommended approval of the project on a 3-2 vote. The two Planning Commissioners that did not support the project had concerns about the overall mass of the two buildings which extend along the length of the property (793 feet combined with 43 feet between the two buildings). The Commissioners felt that the combination of increased height and overall length of the two buildings created too much building mass.

### Project Description

The proposed project includes 235 condominium units in two buildings located near the western (Los Angeles Country Club) border, a one-story commercial building which would consist of approximately 11,656 square feet of retail space along Santa Monica Boulevard frontage, 2,000 square feet of restaurant dining space, and 2,200 square feet of "back-of-house" restaurant space at the corner of Santa Monica Boulevard and Merv Griffin Way, for a total of 15,856 square feet of retail and restaurant space, as well as 585 square feet of outdoor dining space and landscaped private and public gardens. Further details on the project are provided in Attachment 6 (Applicant's Submittal Packet) and Attachment 8 (Project Plans).

The major project components include the following:

- North Condominium Building with 103 units. The North Building would incorporate a stepped design from Wilshire Boulevard with heights ranging from 9 stories (108 ft. from the datum point and from adjacent grade), 12 stories (149 ft. from the datum point from adjacent grade) and 13 stories (161 ft. from the datum point and from adjacent grade). The North Building also includes back of house facilities such as two screening rooms, an events room, game rooms, resident wine storage and general storage, warming kitchen, laundry area, staff facilities and a building office in an underground mezzanine. All of these would be shared with the residents in the South Building.
- South Building with 132 condominium units. The height of the South Building would range from 13 stories (161 ft. from datum point and 169 ft. from adjacent grade), 14 stories (180 ft. from datum point and 188 ft. from adjacent grade) and 15 stories (185 ft. from datum point and 193 ft. and 205 ft. from adjacent grade).
- Total Residential Unit Count:

Studios	58
1 Bdrm	24
2 Bdrm	38
3 Bdrm	28
3 Bdrm + Den	36
4 Bdrm	27
4 Bdrm + Den	10
Penthouses	14
<b>Total:</b>	<b>235</b>

- Commercial Retail building of 11,656 square feet at a height of approximately 3 stories (28 ft. from the datum point and 48 ft. from adjacent grade) along the Santa Monica Boulevard frontage. A spa pavilion for residents of the condominiums consisting of a pool, gym and spa facilities would be located in the two stories above the ground level retail.
- A one-story commercial building (at a height of approximately 0 ft. to 28 ft. from the datum point and 22 ft. to 50 ft. from adjacent grade; higher heights are due to a single architectural feature - Atrium) generally at the corner of Santa Monica Boulevard and Merv Griffin Way with 4,200 square feet on restaurant space with 585 square feet of outdoor seating.
- A two-level subterranean parking garage containing a total of 803 parking spaces. Of the 803 parking spaces provided, 681 would be available to project residents, employees and visitors, and the remaining 122 spaces would be for the retail and restaurant portions of the project. Twenty-eight of the residential spaces would be tandem and 31 of the commercial spaces would be tandem. All of the retail and restaurant parking would be separated from the parking for the residents and their visitors. Valet parking would be provided for residents and their guests, as well as for retail and restaurant patrons.
- Landscaped gardens and other open space throughout the project site. The landscaped gardens consist of both private gardens and public gardens. The public gardens (.81 acres) are located at the corner of Wilshire Boulevard and Merv Griffin Way, along the entire length of Merv Griffin Way and at the corner of Merv Griffin Way and Santa Monica Boulevard.

In accordance with height limitations per Beverly Hills Municipal Code, all building heights on a single parcel are measured from the single highest point at the natural ground level at the perimeter of a building or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected. The northwest corner of the site represents the highest elevation and the southeast corner of the site, the lowest elevation. The Planning Commission had requested that both the height from adjacent grade and the datum point be provided and that the Specific Plan measure heights from adjacent grade.

Access to site would be provided from four locations along the perimeter of the project site as follows:

- A residential entry/exit on Wilshire Boulevard. This driveway would lead to the private access roadway along the western side of the project site and have two-way flow, with ingress and egress limited to right-turn in and right-turn out.
- A residential entry/exit on Santa Monica Boulevard. This driveway would have ingress and egress limited to right-turn in, right-turn out and left-turn in and lead to the private access roadway along the western side of the project site.
- A new driveway providing retail and restaurant ingress and egress along Merv Griffin Way. This driveway is located directly across the street from the entry to The Beverly Hilton Hotel.
- A new driveway providing restaurant and retail access along Santa Monica Boulevard.

Several circulation improvements are proposed as part of the project. These include the following improvements:

- Reconstruct Santa Monica Boulevard along the project frontage to both facilitate project access and also provide a third westbound lane.
- Contribute a "fair-share" towards the cost of realigning Merv Griffin Way and providing a northbound left-turn, through, and right-turn lane at the intersection of Wilshire Boulevard and Merv Griffin Way.
- Contributing a "fair share" towards the cost of signaling the intersection of Santa Monica Boulevard and Merv Griffin Way.

### Project Entitlements

#### *General Plan and Zoning Amendment*

As part of the project, the applicant is proposing a General Plan Amendment that would change the land use designation for the entire project site from "Low Density General Commercial" to "9900 Wilshire Specific Plan" and add the following underlined language to the Land Use Element.

#### IDENTIFICATION OF LAND USE ISSUES AND OBJECTIVES

##### 1. Recommendations and Development Criteria for Land Use

Amend the fourth paragraph under *2.2 Commercial Areas* as follows:

It is also recommended that certain anchor locations be set aside to permit development of a higher intensity type of development which is not otherwise provided in the community. These anchor locations should include large parcels that are located at the gateways to the City, such as the site at 9900 Wilshire Boulevard where additional building height is appropriate. A variety of land uses such as commercial, residential, and mixed use should be considered for the gateway locations. A change of use from commercial to residential or mixed use should be allowed only if such uses provide an adequate transition to adjacent single family neighborhoods. These areas should be located so as to be accessible from the City's major shopping areas and close to the City's major streets.

In addition, the applicant is proposing to change the zoning designation for the entire project site from "C3" to the "9900 Wilshire Specific Plan" zone. The floor area ratio (FAR) allowed under the C3 zone is 2 to 1 and the project is proposing 2 to 1 for the commercial portion of the site and 2.66 to 1 for the residential portion. Another way to view the residential square footage would be as dwelling units per square foot of the site area. The R-4 zone allows one unit for 900 square feet. The applicant is proposing 1 unit per 1,472 square feet (i.e. lower density). The FAR for the site will be established as part of the 9900 Wilshire Specific Plan.

#### *9900 Wilshire Specific Plan*

The proposed "9900 Wilshire Specific Plan" would establish land uses and development, design, and operational standards for the project and the project site. The draft specific plan is included as Exhibit A in Attachment 3.

Chapter 1 of the Specific Plan provides information on the purpose and intent and goals and objectives of the Specific Plan. Chapters 2 and 3 provide the planning context and various components of the Plan. Chapter 4 includes a list of uses that would be permitted on the site as well as requirements for parking, building height, outdoor living spaces, signage, and green building standards. Chapter 5 includes provisions for administering the Specific Plan and includes the process and reviewing authority for amendments and modifications to the Plan. Chapter 6 includes items such as the hours of operation for the retail/restaurant portion of the site and standards for the outdoor dining.

Attached to the Specific Plan (Exhibit A in Attachment 3) are the proposed conditions of approval for the project. The mitigation measures from the EIR will also be conditions of approval but they are included with Attachment 1 (EIR Resolution).

#### *Development Agreement*

The proposed Development Agreement is intended to provide benefits to both the City and the applicant. The Agreement vests the project entitlements for a two year period and if a Vesting Tentative Tract Map is approved by the City, the term would be extended until the expiration of the vesting tentative map or approval and recordation of a final subdivision map for the project. The Agreement provides the City with infrastructure fees and additional fees that could not otherwise be required of the development.

The Development Agreement (Exhibit A of Attachment 4) for the project would require the developer to make a "public benefit contribution" to the City of \$23,000,000. This contribution would address the project's impact on the City's infrastructure (streets, utilities, lights) and affordable housing. The Planning Commission recommended that a portion of the Public Benefit Contribution be placed in an affordable housing fund. The amount to be placed in the fund would be calculated by multiplying \$261,733 by ten percent (10%) of the number of dwelling units (23). This would result in \$6,150,725.50 being placed in an affordable housing fund. The Commission also recommended that a portion (10%) of the Public Benefit Contribution be used solely for the purpose of implementing improvements to address congestion at the intersection of Santa Monica Boulevard and Wilshire Boulevard.

In addition, an Environmental Mitigation and Sustainability Fee would be required. The fee would be paid concurrent with each sales transaction. The amount of the EMS Fee would be \$4.50 for each \$1,000 of the sales price of the property. The EMS Fee would be paid from the escrow account set up for the sale. The fee would be paid upon the initial sale of the unit and for each subsequent sale of the unit by the current owner.

The Development Agreement also requires a public open space easement in favor of the City over the public gardens to ensure that the gardens are maintained as public open space for the life of the project, an easement for future bus turn outs, an easement for a future subway stop, and the provision of two significant gateway statements (public art or other features).

#### Environmental Impact Report (EIR)

The purpose of preparing an EIR for a project is to provide the City and the public in general with detailed information about the effects the proposed project is likely to have on the environment and to list ways in which the significant effects might be minimized. An EIR must also identify and analyze alternatives to the proposed project.

A Draft EIR was prepared and circulated on August 8, 2007 for a 52-day comment period. Copies of the Draft EIR and the Appendices were provided to the City Council at that time and are not included as attachments to the staff report. Copies of these documents are available upon request. At the end of the comment period, a Final EIR which consists of Response to Comments and Changes to the Draft EIR was prepared and is included as Attachment 7.

### *Significant and Unavoidable Environmental Impacts*

Six significant, unavoidable impacts were identified in the Environmental Impact Report. Of these six, three impacts related to air quality, noise and ground vibration would only occur during the project construction. The six significant, unavoidable impacts are as follows:

- Aesthetics and Views – The proposed project would conflict with two objectives within the Land Use Element of the General Plan such that the visual character of the site and surrounding area would be substantially altered. The North and South Buildings would also obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.
- Air Quality – During project construction, oxides of nitrogen (NO<sub>3</sub>) emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation. The LST analysis shows that maximum 24-hour PM<sub>10</sub> and PM<sub>2.5</sub> concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the project site during construction.
- Cultural Resources – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.
- Land Use and Planning – The proposed project would conflict with two objectives within the Land Use Element (Areas of transitional Conflict and Scale of the City) of the General Plan and one program (landmark preservation) included in the Conservation Element such that significant land use impacts would result from inconsistency with the City's General Plan.
- Noise – For construction activities performed outside the hours specified within the City's noise ordinance, the project would result in significant project-level and cumulative noise impacts.
- Groundborne Vibration – Due to the proximity of sensitive receptors, ground vibrations from project construction would exceed the Federal Railway Administration (FRA) groundborne vibration threshold such that significant unavoidable impacts would result.

### *Environmental Impacts Less than Significant*

The EIR found that the following areas were less than significant either with or without mitigation: Aesthetics (Light and Glare, Shade and Shadow), Air Quality (Criteria Pollutants – Operations, Localized Carbon Monoxide Emissions – Operations,

Consistency with SCAG/AQMP Population Projections, Odors and Hazardous Materials), Cultural Resources (Street Lights, Archaeological Resources, and Paleontological Resources), Geology and Soils, Hazardous and Hazardous Materials, Hydrology and Water Quality, Noise (Other than Construction), Population and Housing, Public Services, Transportation, Traffic, Parking and Circulation, and Utilities and Service Systems.

A list of the Mitigation Measures for the project is included as Exhibit C to Attachment 1 (Commission EIR Resolution). As a point of information, some of the Mitigation Measures in the Final EIR were changed by the Planning Commission and while these changes were incorporated into the Mitigation Monitoring and Reporting Program in Exhibit C, they have not been changed in the Final EIR which had already been printed. An appendix will be added to the Final EIR which discusses these changes.

#### *Findings of Fact and Statement of Overriding Considerations*

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

1. Changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effects as identified in the EIR
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency, not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Findings of Fact for the project are provided as Exhibit A to Attachment 1.

As noted in number 3 above, CEQA also requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable. CEQA requires the agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record. A Statement of Overriding Considerations has been prepared for the proposed project and is included as Exhibit B to Attachment 1.

#### Meeting Schedule

March 11      Staff Presentation  
                  Applicant Presentation  
                  Public Testimony

Meeting Date: March 11, 2008

City Council Questions and Comments

March 20 Staff Presents Additional Information Requested by Council  
City Council Direction

April 1 Adopt Resolutions and 1<sup>st</sup> Reading of Ordinances

April 8 2<sup>nd</sup> Reading of Ordinances

**FISCAL IMPACT**

See discussion under "Development Agreement" above which addresses the potential fiscal impacts to the City resulting from a change from commercial to residential uses at the project site.

Vincent P. Bertoni, AICP  
Director of Community Development

Approved By



Attachment 4  
March 20, 2008 City Council Staff Report



## AGENDA REPORT

**Meeting Date:** March 20, 2008

**Item Number:** D-1

**To:** Honorable Mayor & City Council

**From:** Vincent P. Bertoni, AICP, Director of Community Development  
Rita Naziri, Senior Planner  
Joyce Parker-Bozylinski, AICP, Consulting Planner

**Subject:** Consideration of Planning Commission's recommendation for approval of a General Plan Amendment, Zone Change, Specific Plan, Development Agreement and Environmental Impact Report for a Proposed Condominium Project with Ancillary Commercial Uses at 9900 Wilshire (Robinsons-May Site)

**Attachments:**

1. Santa Monica and Wilshire Boulevard Intersection Study
2. City Council Staff Report Dated March 11, 08 (without attachments)

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### **RECOMMENDATION**

Staff recommends that the City Council:

1. Hear the staff presentation, applicant's presentation, take public testimony on the project and close the public hearing.
2. Consider the Planning Commission recommendations for the project.
3. Provide direction to staff on the proposed project and direct staff to bring back draft Resolutions and Ordinances at the next hearing.
4. Continue hearing until April 1, 2008.

### **INTRODUCTION**

The project site is located at 9900 Wilshire and is bounded by the Los Angeles Country Club on the west, Wilshire Boulevard to the north, Merv Griffin Way to the east, and Santa Monica Boulevard to the south. The project applicant, Project Lotus, LLC, proposes to demolish the existing 228,000 square foot Robinsons-May department store building and associated parking structure and replace the structures with 235 condominium units in two buildings located near the western (Los Angeles Country Club) border, two commercial buildings which would consist of approximately 11,656 square feet of retail space, 4,200 square feet of restaurant dining space including a 585 square foot outdoor dining space, for a total of 16,441 square feet of retail and restaurant space, and landscaped private and public gardens.

## **DISCUSSION**

The City Council held a public hearing on the project on March 11, 2008. At the hearing, staff presented the proposed project and the Council took public testimony. Due to audio problems with the televised portion of the hearing and the tremendous amount of public comment, the applicant was able to present only a portion of their presentation. At this hearing, the applicant will present the remainder of their presentation. In addition, in order to give the public another opportunity to speak on the project, the Council left the public hearing open. In addition, the Mayor requested that public comments should be limited to only those speakers that didn't speak at the previous hearing.

Staff is currently working on questions received from the City Council at the last hearing and other questions received to date. Responses to each of the questions will be provided to the Council the night of the hearing. After receiving staff and applicant presentations and public testimony, staff recommends that the Council ask any additional questions they may have and deliberate on the project.

### **Beverly Hills Unified School District**

The City was invited to attend a meeting on March 13th with the El Rodeo PTA to answer questions concerning the proposed 9900 Wilshire and the Beverly Hilton Revitalization projects. Vice Mayor Brucker and Planning Commission Chair Furie were in attendance at the meeting. Staff gave a brief overview of the review process and proposed mitigation measures. There were a lot of questions and responses but the main concerns raised at the meeting were related to construction noise, traffic and air quality. The discussion centered on ways to reduce or eliminate the impacts and how the mitigation measures would be implemented.

Staff has been working closely with Karen Christiansen, Facilities Director, for the Beverly Hills United School District who has been assigned to be the main point of contact regarding both of these projects. Staff is currently working with Ms. Christiansen on possible refinements to some of the mitigation measures. She has also met with both applicants and is working with them on other possible solutions to help mitigate the impacts. In addition to determining the cost of new replacement windows at El Rodeo School to mitigate noise impacts, she is determining the cost of installing air filters to help mitigate indoor air quality impacts. Due to the age of school, the HVAC and electrical system may need to be upgraded or replaced to accommodate the air filters. Based on the cost of these improvements, the Council will need to determine whether they can be required as mitigation measures or whether they want to include them as part of the School Benefit Fee identified in the Development Agreement. In addition, the School District has developed a Communications Plan that establishes Ms. Christiansen as the point of contact during all phases of construction. She will be attending all pre-construction and construction meetings and will be actively working with the Environmental Monitor hired by the City to ensure compliance with the various mitigation measures.

Staff is currently evaluating different ways of accomplishing the proposed demolition and is exploring possible mitigation measures that would require all construction hauling vehicles operate at night, that all demolition, grading and excavation be completed during the summer or that the building be wrapped during demolition to minimize the

amount of dust and pollutants. Staff will have further information about these options at the hearing.

### Policy Questions

As part of City Council deliberations, there is several policy questions that staff is seeking direction on. One of these is whether the Housing Element should be amended. Staff had recommended to the Planning Commission an amendment to the Housing Element to recognize this as an appropriate site for mixed use development. The Planning Commission did not recommend the amendment to the City Council because the Commission believed that there was insufficient commercial development to consider this to be a mixed use project. Staff had recommended the following amendment (new text is underlined) to the Housing Element:

Program 4.3: "Develop standards for mixed residential-commercial developments, with and without low income housing components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas, such as:

- South side of Wilshire Boulevard, east of Beverly Drive (Between Stanley Drive and LeDoux Road, extend to the north side of Charleville Boulevard).
- Eastern area of the Business Triangle.
- South side of Burton Way (commercially zoned parcels).
- Olympic Boulevard (commercially zoned parcels).
- La Cienega Boulevard north of Wilshire Boulevard.
- City-owned property where some or all of the residential units would be for lower-income housing.
- East side of Beverly Drive.
- 9900 Wilshire Boulevard"

Does the City Council believe that this is a mixed use project and that it furthers the General Plan direction to explore opportunities for mixed use development?

The other policy questions relate to provisions in the Development Agreement. The questions are as follows:

- 1) The Planning Commission had recommended that \$6,150,725.50 be set aside from the Public Benefit Contribution for Affordable Housing. Is the City Council in agreement with this amount?
- 2) The Planning Commission also recommended that ten percent (or \$2,300,000) of the Public Benefit Contribution be used solely for the purpose of implementing improvements to address congestion at the intersection of Santa Monica Boulevard and Wilshire Boulevard. How much, if anything should be set aside from the Public Benefit Contribution for future Wilshire/Santa Monica Intersection improvements?

Meeting Date: March 20, 2008

- 3) The Planning Commission made a recommendation that the applicant pay a school benefit fee but did not make a recommendation regarding the amount of the fee. How much, if anything, should be required as a school benefit fee?

The three options for improvements to Santa Monica Boulevard and Wilshire Boulevard are included as Attachment 1.

Summary

In summary, staff is recommending that the City Council:

- 1) Hear the staff presentation, applicant's presentation and take public testimony on the project,
- 2) Consider the Planning Commission recommendations for the project,
- 4) Provide direction to staff on the proposed project, and
- 4) Continue the hearing until April 1<sup>st</sup> and direct staff to bring back draft Resolutions and Ordinances.

Vincent P. Bertoni, AICP  
Director of Community Development

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Approved By



Attachment 5  
Correspondence

## Rita Naziri

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**From:** Donna Hanson [hansonpilates@mac.com]  
**Sent:** Tuesday, March 25, 2008 12:01 PM  
**To:** Rita Naziri  
**Subject:** demolition of Robinson/May-Beverly Hilton

Dear Ms. Naziri:

We understand that you are organizing the paperwork for the April 1<sup>st</sup> meeting regarding the Beverly Hilton and Robinsons-May projects. We are an El Rodeo family. Will you please include our input:

We urge that the city of Beverly hills require that these projects do their demolition phase during summer of 2008 only—starting the first date the schools are dismissed and ending before schools open in September [and having longer work days in order to achieve this]. There is a lot of dust flying in the air (as well as noise and vibration) during demolition and it must be done when kids are not in school.

Also, we ask that the City of Beverly Hills ask for enough money from these projects in order to cover what needs to be done at El Rodeo—i.e. for planting tall ficus trees along Wilshire border, double-pane-ing the windows, extra security guards, etc...

The health and safety of our kids is the most important factor.  
Thank-you The Hansons

## Rita Naziri

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**From:** Roya Shamsian [mynicolet@yahoo.com]  
**Sent:** Monday, March 24, 2008 10:54 PM  
**To:** Rita Naziri  
**Subject:** The Hilton Project

Dear Ms. Naziri:

We understand that you are organizing the paperwork for the April 1st meeting regarding the Beverly Hilton and Robinsons-May projects. We are an El Rodeo family. Will you please include our input:

We urge that the city of Beverly hills require that these projects do their demolition phase during summer of 2008 only—starting the first date the schools are dismissed and ending before schools open in September [and having longer work days in order to achieve this]. There is a lot of dust flying in the air (as well as noise and vibration) during demolition and it must be done when kids are not in school.

Also, we ask that the City of Beverly Hills ask for enough money from these projects in order to cover what needs to be done at El Rodeo—i.e. for planting tall ficus trees along Wilshire border, double-pane-ing the windows, extra security guards, etc...

The health and safety of our kids is the most important factor.

Thank you,  
Roya Shamsian  
David Shamsian

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## Rita Naziri

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**From:** Donna Hanson [hansonpilates@mac.com]  
**Sent:** Tuesday, March 25, 2008 12:01 PM  
**To:** Rita Naziri  
**Subject:** demolition of Robinson/May-Beverly Hilton

Dear Ms. Naziri:

We understand that you are organizing the paperwork for the April 1<sup>st</sup> meeting regarding the Beverly Hilton and Robinsons-May projects. We are an El Rodeo family. Will you please include our input:

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Also, we ask that the City of Beverly Hills ask for enough money from these projects in order to cover what needs to be done at El Rodeo—i.e. for planting tall ficus trees along Wilshire border, double-pane-ing the windows, extra security guards, etc...

The health and safety of our kids is the most important factor.  
Thank-you The Hansons

## Rita Naziri

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**From:** Jila Toobi [jtoobi@yahoo.com]  
**Sent:** Tuesday, March 25, 2008 9:42 AM  
**To:** Rita Naziri  
**Subject:** Beverly Hilton/Robinsons-May

Dear Ms. Naziri:

We understand that you are organizing the paperwork for the April 1st meeting regarding the Beverly Hilton and Robinsons-May projects. We are an El Rodeo family. Will you please include our input:

We urge that the city of Beverly hills require that these projects do their demolition phase during summer of 2008 only--starting the first date the schools are dismissed and ending before schools open in September [and having longer work days in order to achieve this]. There is a lot of dust flying in the air (as well as noise and vibration) during demolition and it must be done when kids are not in school.

Also, we ask that the City of Beverly Hills ask for enough money from these projects in order to cover what needs to be done at El Rodeo--i.e. for planting tall ficus trees along Wilshire border, double-pane-ing the windows, extra security guards, etc... The health and safety of our kids is the most important factor.

Thank you,  
Jila Toobi

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## Rita Naziri

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**From:** SGallop100 [sgallop100@aol.com]  
**Sent:** Monday, March 24, 2008 6:38 PM  
**To:** Rita Naziri  
**Subject:** (no subject)

Ms. Naziri,

I ask that the demolition be done only during the summer months for the health and safety of our children and our future.

Best,

Sarah Gallop  
El Rodeo Parent

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## Rita Naziri

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**From:** Forouzan Khalili [forouzank@sbcglobal.net]  
**Sent:** Monday, March 24, 2008 7:02 PM  
**To:** Rita Naziri  
**Subject:** Robsinson's May Projects

Dear Ms. Naziri:

We understand that you are organizing the paperwork for the April 1<sup>st</sup> meeting regarding the Beverly Hilton and Robinsons-May projects. We are an El Rodeo family. Will you please include our input:

We urge that the city of Beverly hills require that these projects do their demolition phase during summer of 2008 only—starting the first date the schools are dismissed and ending before schools open in September [and having longer work days in order to achieve this]. There is a lot of dust flying in the air (as well as noise and vibration) during demolition and it must be done when kids are not in school.

Also, we ask that the City of Beverly Hills ask for enough money from these projects in order to cover what needs to be done at El Rodeo—i.e. for planting tall fichus trees along Wilshire border, double-pane-ing the windows, extra security guards, etc...

The health and safety of our kids is the most important factor.

I thank you in advance for your attention to this delicate matter. Since our children are our future, it is imperative to protect them.

Dr. Emil and Forouzan Khalili

## Rita Naziri

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**From:** BradTJoy@aol.com  
**Sent:** Monday, March 24, 2008 11:04 PM  
**To:** Rita Naziri  
**Subject:** Robinsons project

Dear Mr. Naziri,

I am a parent of two children at El Rodeo Elementary School. I heard of the project that is about to be started at the old Robinson's May on Wilshire Blvd. right across the street from the school.

As an alumni of the Bevely Hills School District, I can honestly say I feel lucky and excited about all of the wonderful projects that are going on around our city. In a day and age where the economy is so low, we can always bet that Beverly Hills keeps improving and will continue to attract the tourism. I do think that the construction is meant to make positive changes!

**HOWEVER,** and I do not say that lightly!, I strongly urge that you demolish this building in the summer when school is NOT in session. The debris that will come from the demotion of that building, NOT TO MENTION the possible mold, asbestos, etc. that could be in the walls, is SO VERY dangerous to our children. We should not expose the children to something foreign that could be in the very walls of the building - look what happened from the BHHS oil rig!

Thank you for re-considering your timing.

Best,

Teddi Gilderman  
Parent / PTA Board Member

---

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**Rita Naziri**

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**From:** kathrine pastovy [kpartovy2@yahoo.com]  
**Sent:** Monday, March 24, 2008 10:10 PM  
**To:** Rita Naziri

I am writing this note to show my concern about the demolition of the Robinson May. I have 2 children in El Rodeo and they both have severe allergies to dust in the air you need to refrain from the demolition until the summer when kids are out of school. Otherwise this will be a major problem for many students at this school and it will be detrimental to everyone health. Thank you for the efforts and understanding of this matter.

Sincerley,

Kathy Partovy

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**Rita Naziri**

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**From:** Janet L Ripley [ripley90212@gmail.com]  
**Sent:** Tuesday, March 25, 2008 10:06 AM  
**To:** Rita Naziri  
**Cc:** shiva@moreh.org; Mitzi Weisfeld  
**Subject:** El Rodeo School - Ficus Tree Hedges Needed

Is it possible for the company building & tearing down the Robinson's May to plant mature big ficus tree hedges (such as the ones that grow very tall) that you see all over the residential streets of Walden, Angelo, etc... so that against the school play yard fence on Wilshire Blvd. will eventually be shielded in a mass of tall ficus tree hedging?

Sincerely,  
Janet Ripley  
Concerned Parent of El Rodeo

**ATTACHMENT 6**

**Mitigation Measures Memorandum from Impact Sciences, Inc.  
(To be provided under separate cover)**