

Attachment 4

Redline of Conditions of Approval

Beverly Hilton 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 ~~March 14,~~April 23, 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 ~~1,~~A, "Standard Conditions List," and Exhibit ~~3,~~C "Mitigation Monitoring and Reporting 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 within the scope of its review authority.
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 Beverly Hilton Specific Plan ("Specific Plan").
3. Number of Residential Units. In no case shall the Project include more than ~~60~~110 residential units in accordance with the approved plans and details contained in approved Beverly Hilton Specific Plan.
4. Number of Hotel Units. In no case shall the Project, upon completion of development as provided for by the Specific Plan, include more than 522 hotel rooms in accordance with the approved plans and details contained in the approved ~~Beverly Hilton~~ Specific Plan. Prior to the completion of the development as provided for by the Specific

Plan, the maximum number of hotel rooms permitted at any given time shall be established by the project phasing section of the Specific Plan, which may be revised with the approval of the Director of Community Development.

5. Square Footage. In no case shall the site include more than ~~842,625~~973, 565 square feet in the locations shown on in the Specific Plan.

6. General Parking Requirements. ~~The~~Upon completion of the development as provided for in the Specific Plan, the Project shall provide capacity for parking not less than ~~1,733 marked~~2,183 parking spaces for all on-site uses existing and proposed at the time of the implementation of the Specific Plan, substantially as shown in ~~Figure 9.~~ ~~Further, the Project shall provide capacity for not less than 2,183 vehicles utilizing valet parking shall be provided on site using marked and unmarked spaces~~Figures 9A, 9B, 9C and 9D. Of these 2,183 spaces, not less than 1,572 marked parking spaces, 331 valet parking spaces and opportunity for 280 spaces on mechanical lifts or other means shall be provided. The valet and mechanical lift spaces opportunity shall be provided, substantially as shown in ~~Figure 10.~~ 10. The 280 spaces utilizing mechanical lifts shall be constructed and made available for use at the discretion of the Community Development Director based on a good faith determination that there is a need for additional parking. These spaces shall provide the required parking for all land uses within the Specific Plan Area.

7. Residential Parking. ~~A~~As part of the 2,183 parking spaces required by Condition 6, a total of not less than ~~195~~330 standard size parking spaces, as defined by Section ~~4.24.3 B.1.~~ of the Specific Plan, shall be provided for the ~~Residence Building.~~ ~~Of these, not more than 380 spaces may be tandem.~~ Residences A and B Buildings. If the number of units is reduced or the number of bedrooms modified then the number of parking spaces required

shall be adjusted consistent with the requirements of the Beverly Hills Municipal Code. No more than 21% of the required Residences A and B Building parking may be tandem. Tandem spaces must be assigned to the same residential unit. Tandem spaces may not be used for guest parking unless exclusively served by valet service. Parking spaces for residential units shall comply with the standards set forth in the Specific Plan 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~~ and shall not be dedicated to or used to provide parking ~~for~~ for any ~~off site use. Parking spaces for the non-residential units shall be permanently assigned to each unit and shall be labeled as such. Residential parking spaces for resident guests and employees shall not be leased, sold, transferred, or otherwise separated from the Residences Building and shall not be dedicated to or used to provide parking for any off site use. The required Codes, use.~~ The required Covenants, Conditions and Restrictions for the Residences ~~Building A and B Buildings~~ shall incorporate the restrictions set forth in this condition.

8. Parking Accessibility. The final parking plan approved by the Building and Safety Division shall meet the minimum number and dimensions for residential and hotel parking stalls in accordance with the requirements of the Americans with Disabilities Act (“ADA”) for an accessible parking space.

9. Employee Parking. The commercial and hotel components of the Project shall not be required to provide free employee parking. However, the owner(s) and/or operator(s) of the commercial and hotel components of the Project shall conduct an annual survey of off-

site parking for employees, and if it is determined that employee parking is occurring in residential neighborhoods, then the Director of Community Development shall have the authority to require commercial tenants and hotels to provide free on-site parking for all employees. 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.

10. Outdoor Event Noise. In addition to the provisions of the Specific Plan, outdoor live entertainment as an ancillary use in conjunction with the hotel shall be subject to the City's Noise Ordinance.

11. 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~~alert pedestrians ~~from~~ ~~drivers of all~~ entering/exiting vehicles at all access points of the residential and hotel garages.

12. 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 approved ~~unified sign plan~~Unified Sign Plan.

13. Parking Valet/Operations Plan. Prior to the issuance of any occupancy permit, for each phase of the development, including the final completed phase, the applicant shall

prepare and shall have received approval from the ~~City's Planning Division~~ Director of Community Development and Director of Public Works and Transportation ~~Division~~ of a Parking Valet/Operations Plan for both hotel and restaurant tandem parking operations and residential parking operations during that phase. 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 at ~~the Residences~~ Building A and B Buildings). Thereafter, the applicant and subsequent homeowners association shall implement said plan for any large on-site events and parties. The requirement for ~~this~~ the final residential operations plan shall be incorporated into the Covenants, ~~Codes~~ Conditions, and Restrictions for the condominiums.

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

15. 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~~ Director of Public Works and Transportation and the Director of Community Development hereby retain 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. The Loading Management Plan shall prohibit loading activities on Wilshire and Santa Monica Boulevards. Further, the access points from Santa Monica Boulevard to the loading area shall be the minimum width feasible as determined by the City's Traffic Engineer.

16. 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.

17. Rooftop Uses. Rooftop uses ~~at the Waldorf=Astoria Hotel and residential building~~ are limited to uses as shown on the approved plans.

18. Green Building Design. The Project shall be constructed to meet the “~~Certified~~Silver” 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 4.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 total is at least 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. As outlined in Section 4.8 of the Beverly Hilton Specific Plan, the applicant will also seek certification under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. If a conflict occurs between the City’s Green Building standards and the LEED standards, the strictest standard shall apply.

19. 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.

20. Architectural Commission Review. Prior to the issuance of building permits, the final 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 west side of Merv Griffin Way. Landscape plans shall be prepared by a licensed landscape architect.

21. 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.

22. Traffic/Crossing Guard. ~~During~~In addition to the existing City crossing guards in the vicinity of the Project site, during Project construction, the ~~Applicant~~City shall hire ~~and the applicant shall pay for, one or more additional~~ crossing ~~guard~~guards to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica Boulevard at the beginning and end of each school day, as deemed appropriate by the Director of Community Development. In addition, if deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way ~~to and from school.~~ before and after school. The cost of any such additional crossing guards may be shared by the applicant and the applicant for the 9900 Wilshire Project if such cost sharing is directed by the Director of Community Development.

23. Hiring Practices. The Applicant shall require the ~~Constructor Manger~~ Construction Manager/Supervisor to verify that no construction workers have prior felony ~~reecord~~ records prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on- site Construction 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 ~~and authorization~~ or approval of the Construction Manager/Supervisor and prior approval from the School District. The Applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. Compliance with this provision shall be verified by the Environmental Compliance Monitor. Further, each contractor on the site shall provide the Environmental Compliance Monitor and the Beverly Hills Unified School District Superintendent a certification form certifying that there are no known felons working on the site.

24. 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. or shall reimburse the City of Beverly Hills for installation of a traffic light. Installation and plans for the traffic light are subject to review and approval by the City's Traffic Engineer and Building ~~and Safety Division~~ Official. The Applicant may be entitled to a fair share reimbursement from other projects that impact this intersection and necessitate the traffic light. The traffic light either shall be installed and operational prior to the certificate of

occupancy of the first building or the Applicant shall have deposited on file with the City an amount equal to their share of the traffic light materials and installation prior to the occupancy of any new building on the site. New buildings include the East Luxury Hotel Building, the ~~Residences~~Residence A and B Building, Poolside ~~Guestrooms~~Cabanas and Conference Center Building.

25. Wilshire Boulevard and Santa Monica Boulevard Roadway Improvements. Prior to the issuance of any 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 Wilshire and 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

26. 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~~building design.

27. 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.

28. 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 ~~the maintenance of the common areas and facilities, the exterior of the building~~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 eastern half of Merv Griffin Way. The Covenants, Conditions and Restrictions for this project shall specifically reflect this obligation.

Other City Departments' Requirements

29. 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.

30. 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.

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

Construction Management

32. The Applicant shall comply with a Construction Management Plan that ~~shall be submitted to and~~ has been approved by the ~~Department~~ Director 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. ~~Costs of parking~~Parking and transportation to and from the construction parking area for construction workers, which shall be paid for by the Project Applicant.
- b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.
- c. A plan for the proposed demolition/construction staging for the Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for 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.
- d. All final construction mitigation measures.
- e. An implementation plan for each phase of construction (demolition, excavation, concrete, superstructure, etc).
- f. A requirement that all buildings be demolished, including the Oasis/Palm Court, Conference Center and the Hotel Support and Office Space buildings shall be wrapped during demolition.
- g. Specification that construction hauling shall be restricted to Santa Monica Boulevard to/from Interstate 405; any deviations from this requirement first shall be reviewed by the School District and approved by the Director of Community Development.

- h. Specification that hauling of debris and/or soil from the site shall be allowed to take place at night and/or weekends as approved by the Director of Community Development in accordance with an after hours work permit (BHMC Section 5-1206).
 - i. Measures to protect the artificial turf field and associated drainage system on El Rodeo School's campus from construction dirt and debris.
 - j. Requirements for measures such as a sign-in/sign-out requirement for all persons accessing and leaving the site, defined separations between public and construction areas, fencing and/or landscape barriers, active surveillance, privacy screening, and other similar measures to prevent unauthorized access between such areas.
 - k. A construction schedule that shall not exceed a total period of not more than 50 months, inclusive of time for all demolition and construction activities, measured from the commencement of any demolition activity. Any revisions to the construction schedule that result in a construction/demolition period of more than 50 months shall require approval from the Director of Community Development.
33. A third-party Construction Management Plan Coordinator shall be retained to develop and maintain the Construction Management Plan. The developer shall deposit funds sufficient to pay for the Construction Management Plan Coordinator who shall be hired by and work for the City.
- a. The Construction Management Plan Coordinator hired to provide these services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the

City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Coordinator within a 14 calendar day period after being presented with the list of qualified coordinators, the Director of Community Development shall have the authority to select the Coordinator.

b. The Construction Management Plan Coordinator should have experience in large private and public development including experience with school or hospital construction. The Coordinator must have a broad range of experience in construction management, estimating, scheduling and large commercial construction practices and techniques. Past experience with development projects in the City of Beverly Hills will be a consideration in the selection process.

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

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

36. The Construction Management Plan shall be updated, as deemed necessary by the Coordinator, throughout all phases of the construction process. This Plan shall be amended and updated to coordinate all construction activity at the site area should the adjacent 9900 Wilshire Project move forward concurrently.

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

38. ~~33.~~ 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 ~~hours~~hour's permits as necessary to mitigate noise to residential neighbors ~~to~~of the project.

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

40. ~~35.~~ 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~~DivisionOfficial. 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.

~~41.~~ ~~36.~~ 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, ~~as feasible,~~ provide temporary ~~landscape~~aesthetic improvements, which may include landscaping, to improve the appearance of the site around the fence during the construction period.

42. 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.

43. ~~37.~~ ~~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~~ The applicant shall designate a Community Liaison Officer as outlined in the attached Mitigation Measures, directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the Community Liaison Officer shall be transmitted to the Director of Community Development, the City's Building Official, and the Beverly Hills Unified School District Superintendent and the El Rodeo School Principal. 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.

44. ~~38.~~ 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

45. ~~39.~~ The property owners and successors in interest, including but not limited to any homeowners association and the hotels shall be responsible for the operation and maintenance of the private sewer connection(s) 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, 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 eastern half of Merv Griffin Way and any costs or corrections due to building or property maintenance code enforcement actions. The ~~covenants, codes, conditions and restrictions~~ Covenants, Conditions and Restrictions for this Project, or other enforceable restriction of the site, including the hotels, shall specifically reflect this obligation.

Environmental Compliance Monitor

46. The Construction Management Plan Coordinator shall provide assistance in the selection of a full-time Environmental Compliance Monitor. The developer shall deposit funds sufficient to pay for the Environmental Compliance Monitor who shall be hired by and work for the City. The Environmental Compliance Monitor shall be selected from a list of individuals deemed qualified by the Director of Community Development and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Monitor within a 14 calendar day period after being presented with the list of qualified monitors, the Director of Community Development shall have the authority to select the Monitor.

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

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

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

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

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

Specialty Testing

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

53. The Construction Management Plan Coordinator shall provide assistance in the selection of these specialists.

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

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

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

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

58. Construction traffic shall be monitored at the site so that the frequency of construction to/from the project site during periods when most schoolchildren are

arriving/departing to/from schools will be reduced in the event that construction traffic exceeds thresholds that shall be identified in the Construction Management Plan.

General Conditions.

59. ~~40.~~ 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.

60. ~~41.~~ The ~~Codes,~~ Covenants, Conditions and Restrictions (CC&R's) for this Project shall disclose the fact that as this Project is located on Wilshire Boulevard and Santa Monica Boulevard, the maintenance of public improvements (street ~~payment~~pavement, sidewalk, curb, gutter, water and sewer lines) along Wilshire and Santa Monica Boulevards is usually performed at night.

61. ~~42.~~ 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.

62. ~~43.~~ 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 ~~1A~~ and incorporated herein by this reference.

63. ~~44.~~ The Applicant shall comply with the requirements of the Street Tree Mitigation Plan of the Recreation and Parks Department, attached hereto as Exhibit ~~2B~~ and incorporated herein by this reference.

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

65. ~~46.~~ 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.

66. ~~47.~~ 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.

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

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

69. ~~50.~~ 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 owners of the hotels, Homeowners Association, or both, 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 owners of the hotels, Homeowners Association, or both, ~~fails~~fail 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 owners of the hotels, Homeowners Association, or both, shall forthwith comply with any such additional conditions at their sole expense. However, the owner or owners of the hotels, Homeowners Association, or both, 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.

70. ~~51.~~ 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.

71. ~~52.~~—The Environmental Compliance Monitor identified in Traffic Mitigation Measure TRAF-1 shall be responsible for monitoring compliance with both the conditions of approval and all the mitigation measures.

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

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

74. 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.

75. Merv Griffin and Wilshire Boulevard Intersection Improvements. The north bound lane configuration of the southern leg of the intersection of Merv Griffin Way and Wilshire Boulevard shall be modified to the full planned configuration as shown in Figure 8 of the Specific Plan within the Specific Plan Area. The improvements shall be completed, or guaranteed to the satisfaction of the City Attorney, prior to the earlier of the recordation of any final subdivision map or the issuance of the certificate of occupancy for the East Luxury Hotel. If completed by others, this project shall pay its fair share toward the cost of the improvement.

76. Uses ancillary to the residential uses in Residences Buildings A and B the Specific Plan 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.

77. The applicant shall execute and record against the entire Specific Plan Area a covenant and agreement to facilitate the continuation of the Golden Globe Awards, or successor event, at The Beverly Hilton property. The covenant and agreement 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) limitations on the use of vehicles on or access of persons to Merv Griffin Way the day prior to, the day or and the day after the Golden Globe Awards event, (c) grant of a license to use Merv Griffin Way for camera equipment, satellite truck use, celebrity arrivals, or any similar event-related use on the day prior to and the day of the Golden Globes Awards event, (d) limitations on any pedestrian and vehicular access points (other than emergency access as may be required by the Beverly Hills Fire or Police Departments) from the driveways of Residence A and B to Merv Griffin Way and to limit 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. These provisions shall recognize that the Beverly Hilton Hotel and Residences A and B Buildings have their primary access from Merv Griffin Way. In addition, the covenant and agreement shall provide for a grant of access to the Specific Plan Area, including the Beverly Hilton,

Residence A Building, Residence B Building, the Luxury Hotel site, and other 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 for the Golden Globe Awards event. The covenant and agreement shall run with the land and shall provide for notice to all future owners of property within the Specific Plan Area, including future owners of units in the Residence A and B Buildings, including without limitation successors and assigns, owners of condominium interests, and tenants, of the existence of the covenant and agreement, which covenant and agreement shall be recorded prior to final map approval or certificate of occupancy for the hotel, but not prior to the issuance of a Building Permit, as that term is defined in the development agreement approved as part of this project.

Demolition

78. The developer shall take all reasonable actions to start and complete the demolition phases of construction on the Oasis/Palm Court and Conference Center during the summer months when El Rodeo School is not in session (approximately June 22nd through September 2nd). In the event that the demolition phases of construction are delayed for any reason such that substantial completion of those activities cannot be accomplished during the summer months of 2009 or 2010, the Community Development Director shall have the discretion, but not the obligation, to allow demolition to proceed

while El Rodeo School is in session. The decision of the Director pursuant to this condition of approval shall be appealable to the City Manager.

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

80. The applicant shall provide the Beverly Hills Unified School District with a full set of final demolition plans and specifications and construction plans and specifications, before the start of demolition and construction respectively. The applicant shall also provide the Beverly Hills Unified School District with a copy of the detailed construction schedule prior to commencement of demolition.

Other Measures

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

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

83. Any lighting associated with permitted night-time construction shall be shielded, directed downward, and approved by the Environmental Compliance Monitor.

84. ~~54.~~ The outdoor roof areas shall not be rented separately from the ballrooms and meeting rooms and shall be utilized only in conjunction with an event occurring inside the hotel.

85. ~~55.~~ During evening hours, hotel employees shall be prohibited from parking in public parking structures owned by the City of Beverly Hills, and shall instead occur in privately owned parking structures unless prior approval for parking is obtained through a special event permit or other appropriate permit from the City.

86. ~~56.~~ The existing setback for the building overhang adjacent to The Beverly Hilton's lobby/retail section just west of the existing Wilshire Tower shall be increased 6.4 feet, for a total setback of 13.9 feet from the property line as shown on Exhibit ~~5E~~ attached hereto.

87. The cabana poolside rooms may be rented for private use during pool hours but shall not be rented for overnight use.

88. The applicant shall provide final parking plans and a parking operations management plan for review and approval by the Community Development Director prior to the issuance of any building permit. The plans shall specify a location or locations in the parking garage that shall have ceiling height sufficient to accommodate the mechanical lifts necessary to accommodate 280 lift operated parking spaces. The applicant shall also provide specifications of the mechanical lift systems to be utilized such that the Director of Community Development can verify that ceiling heights are sufficient to accommodate the equipment.

Exhibit 1A to Conditions of Approval
Standard Conditions of Approval

Exhibit 2B** to Conditions of Approval
Tree Mitigation Conditions**

**Exhibit 3C to Conditions of Approval
Mitigation Monitoring and
Reporting Program**

**Exhibit 4D to Conditions of Approval
Green Building Checklist**

**Exhibit 5E to Conditions of Approval
Building Overhang Exhibit**