STAFF REPORT

CITY OF BEVERLY HILLS

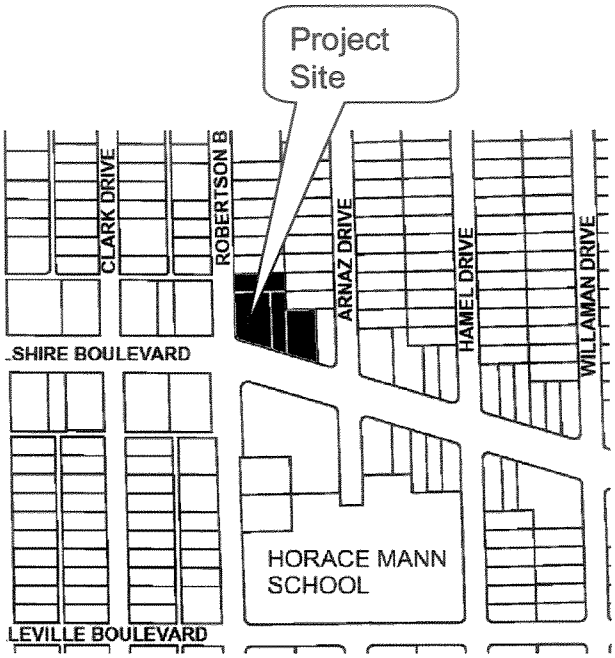
For the Planning Commission
Meeting of September 24, 2009

TO: The Planning Commission

FROM: Georgana Millican
Associate Planner

THROUGH: Jonathan Lait, AICP
City Planner

SUBJECT: A request for an amendment to a Development Plan Review which conditionally approved the construction of a commercial building with retail, restaurant, and commercial offices uses. The request would amend the conditions of approval to eliminate 51 parking spaces previously reserved for public use and specifically allow medical uses, pharmacy uses, and a sundry shop designed primarily to serve tenants of the building currently under construction located at **8767 Wilshire Boulevard**.



RECOMMENDATION

Staff recommends the Planning Commission direct staff to prepare a resolution denying the requested amendment to the previously proposed project.

EXECUTIVE SUMMARY

The proposed project is a request for an amendment to a previously approved Development Plan Review to revise the conditions of approval. The existing approval allows for the construction of a commercial building with general office, retail and restaurant uses and specifically prohibits medical, pharmacy and restaurant type uses

designed to primarily serve tenants of the building and also requires that a minimum of 51 parking spaces to be reserved for use by the general public.

A variance for height was also approved as part of the project. The variance is related to unique physical attributes associated with the subject property and is unchanged by this request.

The Applicant, Alex DeGood, on behalf of property owners Kobor Family Trust, seeks to revise the conditions of approval to allow medical and pharmacy uses and a commercial sundry shop designed to primarily serve tenants/and patrons of the building. In addition, the Applicant seeks to eliminate the condition of approval requiring 51 parking spaces for use by the general public.

Although the proposed revisions result in an increase in vehicular trips and traffic compared to the previously approved project, those increases do not result in a significant impact under the criteria set forth under the California Environmental Quality Act (CEQA) (Attachments 7A, B and C – updated Traffic Studies). Similarly, revised technical studies were prepared to analyze potential impacts related to air quality, noise, and green house gas emissions (Attachment 8). No new impacts have been identified.

This report provides a background and history of the existing approval and analyzes each of the applicant's requests. In addition, the proposed changes to the project have been reviewed for potential environmental impacts as required by CEQA and no new impacts were identified.

GENERAL INFORMATION	
Applicant	Alex DeGood, Jeffer, Mangels, Butler & Marmaro LLP
Project Owner	Kobor Family Trust
Zoning District	C-3

BACKGROUND

The Planning Commission adopted Resolution No. 1442 (Attachment 3, including minutes) on September 14, 2006, conditionally approving a Development Plan Review Permit and a Variance to allow the construction of a 75,116 square foot, four-story (68 feet high), office/retail commercial building with 4 levels of subterranean parking containing 358 parking spaces. The building is currently under construction. As discussed later in this report, the approved number of parking spaces represented a surplus of over 100 parking spaces compared to what was required by the Zoning

Code. These surplus spaces were identified for use by the general public (minimum of 51 required spaces) and vehicular storage for BMW (maximum of 92 spaces).

In approving the project, the Planning Commission imposed a number of conditions and restrictions on the project, including a prohibition of certain uses that might result in potential traffic impacts or were otherwise found to be inappropriate at this location, including:

> *Automobile dealership related uses* (with the exception that a maximum of 92 of the surplus spaces were allowed to be used for vehicle storage); *Medical Uses*; *Adult Entertainment/Massage Uses; Bars/Taverns/Liquor Stores; Pharmacy; Markets; Exercise Facilities; Hair/Nail Salons; Smaller non-destination food service establishments including coffee shops, fast food establishments; or similar establishments.*

In addition, the Commission required that 21 parking spaces be made available for use by the general public.

The approval was subsequently appealed to the City Council by a neighboring property owner. The City Council conducted a de novo hearing on the project on December 12, 2006. The Council, after considering public testimony and the action of Planning Commission, deliberated and denied the appeal and upheld the Planning Commission's approval with the added conditions contained in City Council Resolution No. 07-R-12273 (Attachment 2, including minutes). The added conditions included the following:

- No roof-top uses shall be permitted;
- That 51(compared to 21 required by Planning Commission) parking spaces be required to be made available for use by the general public and be located on the first and second levels of parking;
- That the building be developed in an environmentally sensitive and sustainable manner to the satisfaction of the Director of Community Development.

At the time the building permit was issued, it complied with all conditions of approval.

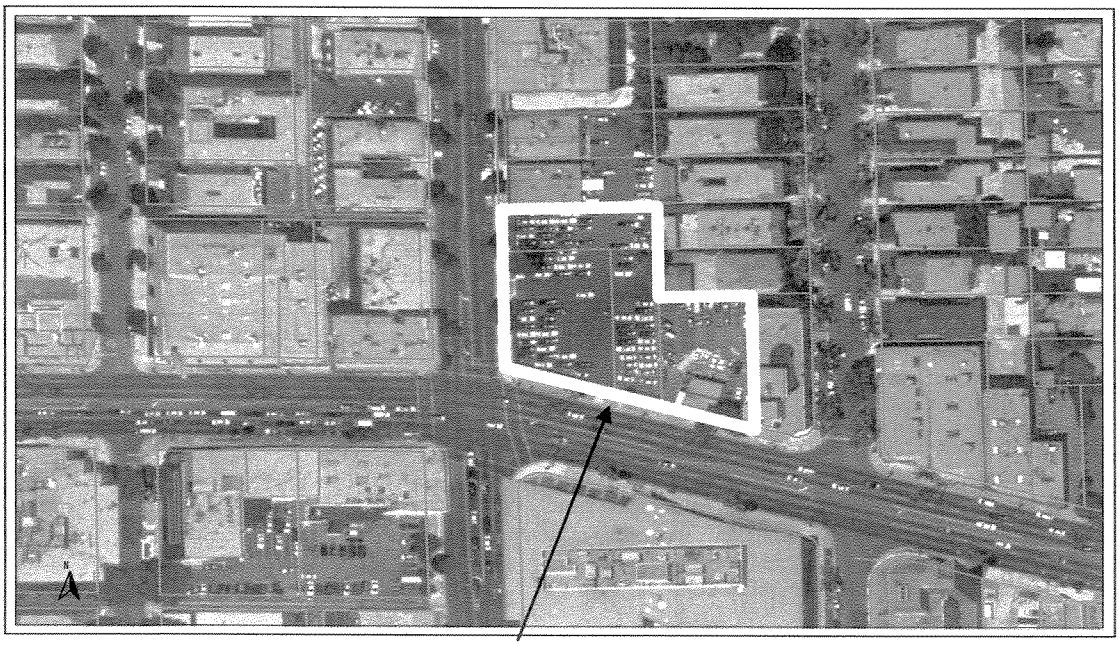
APPLICATION PROCESSING

The subject application was submitted to the City on October 15, 2008 and deemed complete for filing on November 14, 2008. Notwithstanding the determination of completeness, pursuant to Section 15109 of the Guidelines for the California Environmental Quality Act, 14 Cal. Code Regs, Sec. 1500 *et seq.* (CEQA Guidelines), on January 22, 2009, the City suspended the 180-day environmental review time period for the subject project because the project applicant did not provide the information necessary to properly analyze potential environmental impacts associated with proposed revisions to the project (Attachment 4).

The applicant submitted the required documents on July 15, 2009, at which time, the timeframe established by CEQA Guidelines to complete the environmental review restarted. Therefore, if the Planning Commission votes to approve the project, it must complete and act upon the addendum to the Mitigated Negative Declaration by November 2, 2009. In addition, to comply with the State's Permit Streamlining Act [California Government Code Section 65950 (a) (3)], the Planning Commission must act on the proposed amendment to the Development Plan Review Permit within 60 days of action on the addendum.

NEIGHBORHOOD SETTING

The project site is an L-shaped site consisting of six lots that previously was occupied by the BMW automobile dealership storage facility and a small commercial building (located in the southeastern portion of the site) which has been demolished as part of the construction of the building that is currently underway. Adjacent to the property to the north are a variety of commercial developments including retail stores and medical and general commercial offices. Across Wilshire Boulevard to the south is a three-story office/medical building. Across Robertson Boulevard to the west is a two-story commercial building. Adjacent to the property to the east is a two story commercial building; and two and three story multi-family residential properties facing North Arnaz Drive. There are no alleys separating the project site from the adjacent properties to the east or north. A right-turn lane is being created on Wilshire Boulevard to Robertson Boulevard north as a required mitigation measure for the Approved Project.



Project Site

PROJECT DESCRIPTION

The proposed project is an application for an amendment to a previously approved Development Plan Review that approved the construction of a 75,116 square-foot, four-story, 68-foot high commercial building on the northeast corner of Wilshire and Robertson Boulevards. As approved, potential uses of the building include retail, restaurant (maximum 3,000 square feet – with up to 1,500 square feet dining and bar area), vehicle storage for nearby vehicle dealerships and general commercial offices. As identified above, the use and operation of the building is restricted by conditions of approval.

The Applicant requests an amendment to the existing approval to allow the following use/ and square footage allocation: 54,900 square feet of medical uses, 4,696 square feet of general office area, 2,000 square feet of restaurant/sundry shop area, 1,116 square feet of pharmacy uses, and 12,404 square feet of retail uses. The Applicant also seeks to eliminate the requirement to provide 51 parking spaces for public use. The specific conditions of approval to City Council Resolution No. 07-R-12273 that the Applicant is requesting to modify are as follows:

- Condition No. 17 - Prohibits any medical or pharmacy uses within the building.

  Applicant Requested Revision – Allow 54,900 square feet of medical uses and 1,116 square feet of pharmacy area to serve the medical tenants.

- Condition No. 18 - Prohibits any non-destination food service establishments such as coffee shops, fast food establishments or similar establishments designed to primarily serve building tenants.

  Applicant Requested Revision – Allow either a 2,000 square foot (with dining and bar area under 1,000 square feet) restaurant *or* sundry shop designed to serve building tenants and patrons.

- Condition No. 31 – Requires a minimum of 51 parking spaces provided in the building to be made available for use by the general public and be located on the first or second floors of the parking levels.

  Applicant Requested Revision – No parking spaces to be made available for use by the public.

Each of these requests is detailed below.

DESCRIPTION OF REQUESTED REVISIONS

Medical and Pharmacy Uses

Applicant Requested Revision: Amend Condition No. 17 of City Council Resolution No. 07-R-12273 to allow medical and pharmacy uses. The Applicant has requested that the conditions of approval be revised to allow 54,900 square feet of medical uses and 1,116 square feet of pharmacy area to serve the medical tenants within the building.

Purpose of Existing Condition: This condition was imposed on the project to limit potential future traffic and parking related impacts that might result from a medical use of the building.

Impact of Requested Revision: Medical uses have higher trip generation rates and parking demand compared to a general commercial office use. For comparison purposes, the table below shows the trip generation for the 54,900 square feet of floor area requested to be converted from general office to medical office, based on the Institute of Transportation Engineers, Trip Generation Handbook, 7th Edition.

General Office vs. Medical Office Trips Per Day Comparison		
Use	Size	Trips Per Day
General Office	54,900 sq.ft.	604 trips (based on 11.01 per 1,000 sq.ft.)
Medical Office	54,900 sq.ft.	1,984 trips (based on 36.13 per 1,000 sq.ft.)

As indicated above, a medical office of 54,900 square feet would generate three times the trips per day as the same size general office use.

A comparison of the number of trips generated by the approved project compared to the proposed project is provided below.

Permitted Project vs. Proposed Project Daily Trips Comparison		
	Size	Daily Trips
Permitted Project	Total – 75,116 sq.ft.	**Total – 1,321 daily trips**
General Office	58,930 sq.ft.	649
Retail	16,070 sq.ft.	712

Proposed Project	Total – 75,116 sq.ft.	**Total - 2,970 daily trips**
Medical Office	54,900 sq.ft.	2,030
General Office	4,696 sq.ft.	127
Retail	12,404 sq.ft.	533
Pharmacy	1,116 sq.ft.	101
Quality Restaurant *	2,000 sq.ft.	180

Although discussed below, it should be noted here that the originally approved project results in a significant impact to traffic and circulation at the Wilshire Boulevard/Robertson Boulevard intersection, as established by the City's adopted thresholds of significance. However, this impact was mitigated by the addition of a dedicated right-hand turning lane along Wilshire Boulevard in front of the project site. Although the increased number of trips that would result from approval of the medical use would further impact this intersection, the added turning lane would still mitigate this impact to less than significant for CEQA purposes.

CEQA standards aside, both the Planning Commission and City Council previously sought to minimize potential impacts to this intersection by prohibiting medical uses at this location and approval of the Applicant's revision would result in a 225% increase in vehicle trips compared to the permitted project.

Although the previously adopted mitigated negative declaration indicated that the Approved Project was very near to resulting in a significant impact to the street segment of Clifton Way, east of Robertson Boulevard, the proposed change of use, despite the increased number of vehicular trips does not trigger an impact. This is explained in the "Trip Distribution Clarification" Memorandum dated September 16, 2009 (Attachment 7C). This memo, which has been reviewed and found to be appropriate by the City's Transportation Division, indicates that improvements in the internal distribution of trips which allow all users of the building to utilize both available driveways along Robertson Boulevard and Wilshire Boulevard from the project site allow users of the building to avoid and reduce routes around the adjacent roadway segments.

Restaurant or Sundry Shop

Applicant Requested Revision: Modify Condition No. 18 to allow either a 2,000 square foot (with dining and bar area under 1,000 square feet) restaurant *or* sundry shop designed to serve building tenants and patrons.

The conditions of approval of the original project prohibits any non-destination food service establishments such as coffee shops, fast food establishments or similar establishments designed to primarily serve building tenants. The approved project permitted up to a 3,000 square foot restaurant (with up to 1,500 square feet of dining

and bar area); however this restaurant was to be a destination type of restaurant and specifically not allowed to be a coffee shop or fast food type of establishment. It should be noted that the current permitted plans for the project do not indicate any restaurant uses in the building but call out general commercial office and retail uses only.

The Applicant wishes to modify the condition to allow a 2,000 square foot "restaurant with no more than 999 square feet of dining/bar area or a sundry shop designed to serve building tenants and patrons." The Applicant has not specified as to what the sundry shop would sell or whether it would include coffee or food uses.

Purpose of Existing Condition: As first imposed by the Planning Commission, this restriction of uses was solely related to traffic. Coffee shops and fast food type of uses are high turnover uses that generate more vehicular trips than other types of restaurants. However, as modified by the City Council a further prohibition was established for restaurants designed to primarily serve building tenants.

Impact of Requested Revision: The updated traffic study included analysis of a 2,000 square foot "Quality Restaurant" use in the estimated project trip generation. The study indicated that this use would result in a maximum of 180 trips per day. Although the study did not analyze a "sundry shop" type use, should the Commission seek to modify the condition to allow for a sundry shop, any such use must be restricted to a maximum of 180 trips per day with the requirement that a traffic generation study be provided for the specific use prior to the issuance of permits for the tenant improvements for the space. Such a restriction would ensure that this sundry shop would not result in any traffic impacts. Further, allowing either the restaurant or sundry shop to be primarily for tenants of patrons of the building is not anticipated to result in any unforeseen impacts, traffic, or otherwise.

Removal of 51 Parking Spaces Designated for Public Use

Applicant Requested Revision – Modify Condition No. 31 to eliminate the requirement that a minimum of 51 parking spaces be made available for use by the general public and be located on the first or second floors of the parking levels. It should be noted that the total number of parking spaces in the building was reduced from 358 as approved by Council to 336 due to federally mandated ADA requirements and building code required structural changes during the plan check process and a building permit was issued with 336 parking spaces. This 336 space garage still allows for all 215 code required parking spaces and the 51 parking spaces for the public with a surplus of 70 parking spaces (Letter from Sr. Plan Review Architect, Attachment 10). The total number of parking spaces required for the proposed uses would be 333, leaving only three (3) surplus parking spaces.

Impact of Requested Revision: The area of Robertson Boulevard was identified by the General Plan Topic Committees as deficient in available parking for general public use.

The need for additional parking in the area was brought up repeatedly during the public hearings on the project and the benefit of the additional parking that the project was proposing was included in one of the required findings for approval of the Development Plan Review Permit by the Commission and Council. Inasmuch as the project would provide the additional public parking, the potential for parking intrusion into the adjacent residential neighborhoods and associated traffic from people circling the block and looking for parking would be expected to be reduced resulting in a benefit to the area residents (see Section 5.3 at page 6 of PC Resolution and Section 8.3 at page 8 of Council Resolution)

While a parking impact was not identified under CEQA, approval of the requested revisions would increase traffic at the site and associated potential for increased parking demand and impacts in the vicinity while at the same time removing public parking from the site in an area that has previously been identified as deficient in parking. The combination of these factors have the potential to negatively impact both the surrounding commercial and residential areas.

ANALYSIS

The prior public hearings for the subject project generated significant public input from residents in proximity to the site. Primary concerns addressed traffic-related impacts, commercial intrusions into residential neighborhoods and competing demand for scare parking resources. Additionally, as part of the variance application, residents expressed concern regarding the building height. The variance is not being amended as part of the subject application and the conditions supporting the findings made to grant that approval have not changed. The lot still possesses the same constraints that were identified when the project was approved several years ago, including an unusual L-shaped parcel, proximity to a major intersection, no alley access and the requirement for a dedicated turn lane.

The original general office building project did result in a traffic impact that was mitigated with a dedicated right turn lane. The proposed medical and related land uses were similarly re-evaluated and an addendum was prepared to augment that initial analysis. The traffic study shows that there will be an increase in vehicle trips to the project site, however, that increase does not result in any additional traffic-related impacts. The City's Transportation Division has peer reviewed the study (Attachment 9) and will be present at the hearing to answer any questions the Commission may have regarding this analysis.

Notwithstanding the finding of no impact under CEQA, the residential neighborhoods in the area can anticipate additional commercial intrusions as a result of proposed project. This is due to the 225% increase in vehicle trips to the site as a result of introducing medical uses, and due to the loss of available public parking. The project as conditioned today requires 51 spaces be made conveniently available (first two levels

of the subterranean garage) to the public. These parking spaces were viewed as a public benefit to the community as it would aid nearby business owners whose customers could use those spaces. Further, this is a condition of approval that the Applicants accepted during the proceeding on the approved project. Additionally the parking would reduce the number trips into nearby residential neighborhoods as fewer visitors to the area would be left to actively search for parking. Other disturbances associated with this incursion into residential neighborhoods, such as increased noise, visitor activity, and possibly litter can be anticipated.

Medical land use itself has generated significant discussion from the Planning Commission and City Council in recent months due in part to the increasing demand for medical office space in the City. There are concerns regarding the perceived proliferation of medical-related land uses in the city, its impacts to the city's economic base and ability to attract other large tenant office users, among other concerns. The City Council in July directed staff to prepare an ordinance that would effectively limit new or expanded medical uses in the city. However, the Council also directed that an exemption be included that would permit new or expanded medical land uses if there was sufficient code-compliant parking on site. The subject project does comply with the zoning code in terms of the number of required parking spaces for a medical land use. Also notable and important to the subject discussion, is that the City Council recognized that there were a few 'pipeline' projects that it considered should be exempt from any new ordinance that was drafted. The subject application was identified as one of those pipeline projects. While the medical land use ordinance has not been adopted by the City Council at this time, staff recommends this broader discussion regarding the appropriateness of medical in the city, as it pertains to the subject application, not be considered in the Planning Commission final determination. This is based on the Council's discussions to date and the fact that neither the zoning code nor the general plan contain policies against this type of land use. This recommendation does not preclude consideration of other issues in making an informed decision about the subject application.

Since the original project was approved there have been no significant enhancements to local streets to improve traffic circulation and no demonstrative increase in the availability of public parking. While the project may not result in an environmental impact under CEQA, it clearly will increase vehicle traffic in the area, including nearby residential neighborhoods. Other than the aforementioned discussion regarding medical land uses, there have been no changes in public policy that would cause staff to re-evaluate the conclusions made by the Planning Commission and City Council on appeal when it prohibited medical and related land uses at the subject site. Concerns regarding commercial intrusions and related impacts to residential neighbors remain a significant concern. And, moreover, the city, local businesses and residents in the area are denied a public benefit of 51 parking spaces that was agreed to by the Applicant as part of the existing project. It is clear from the administrative record that original project approval was contingent on the provision of this benefit. The loss of this benefit

undermines the agreement reached during the public hearing process to address concerns raised by those in opposition to the project. The same holds true for conversion of general office to medical, which was specifically agreed upon as an unpermitted land use.

Accordingly, staff is unable to support the proposed project as currently presented. It is recommended that the Planning Commission deny the application based on the Development Review Permit findings below.

DEVELOPMENT REVIEW PERMIT FINDINGS

The Planning Commission may authorize the modification of the original approval to allow medical, general office commercial, pharmacy, retail, and restaurant/sundry shop uses in the building in addition to removing the requirement to provide the additional 51 parking spaces to the general public, if the following DPR findings are made:

A. The proposal is consistent with the General Plan and any specific plans adopted for the area.
B. The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.
C. The nature, configuration, location, density, height and manner of operation of the project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.
D. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.
E. The project will not be detrimental to the public health, safety or general welfare.

With regard to the subject application, staff is unable to support Finding C as provided below:

> The nature, configuration, location, density, height and manner of operation of the project may significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. In granting the existing entitlement for this project, both the Planning Commission and City Council prohibited medical uses which have the potential result in negative impacts on the adjacent residential uses. Technical traffic studies prepared in conjunction with the medical use of the building indicate that the proposed change in use from the original approval of general office to medical uses increases the daily number of vehicular trips by over 300% (from 604 daily trips to 1,984 daily trips for the medical component alone). Moreover, the Applicant now seeks to eliminate the 51 public parking spaces that were previously agreed to be provided by the Applicant upon recordation of the covenant

and agreement accepting the terms and conditions of the City's approval. The intensification of land use *combined* with the loss of planned public parking further exacerbates this project's potential interference with the use and enjoyment of residential properties in the vicinity.

PUBLIC NOTICE AND COMMENTS

The Project noticed to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet of the property. The notice of proposed project and public hearing was mailed on September 14, 2009. A notice with an address correction (8767 Wilshire Boulevard rather than 8757 Wilshire Boulevard) was sent out on September 17, 2009 to the notice radius. In addition, notice of the proposed project was published in the Beverly Hills Courier on Friday, September 18, 2009. As of this writing, staff has not received any comments regarding this notice.

ENVIRONMENTAL DETERMINATION

This proposed project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. An Initial Study was prepared for the previous project approved by the Commission at its September 14, 2006 meeting to analyze potential impacts that might be generated by the then proposed project. Based on the Initial Study prepared for the then proposed project, traffic and circulation were identified as an environmental factor that could possibly be impacted. A traffic study was prepared to study this potential impact, and it was determined that the then proposed project would not generate any significant impacts after a proposed mitigation measure was identified. Therefore, a Mitigated Negative Declaration was adopted by the Commission at its September 14, 2006 meeting.

Because the project currently before the Commission utilizes the same site location and approximately the same footprint, square footage, and mass of the previously approved project, the previously adopted Mitigated Negative Declaration has been carried forward, pursuant to Section 15164 of the California Environmental Quality Act, for use on the project currently before the Commission. In addition to the information contained in the previously adopted Mitigated Negative Declaration, an addendum to the Mitigated Negative Declaration has been prepared to analyze changes in trip generation and circulation which may result due to the different uses associated with the new project when compared to the previously approved project. The Mitigated Negative Declaration has been included for the Commission's reference as Attachment 5, and the addendum to the Mitigated Negative Declaration has been included for the Commission's reference as Attachment 6.

However, pursuant to CEQA Guidelines Section 15270, a project that is denied or rejected by the City is statutorily exempt from the requirements of CEQA. Inasmuch as staff is recommending that the Planning Commission deny the subject application, no action is recommended with respect to CEQA.

COMMISSION ACTION

Based on the foregoing analysis staff recommends that the Planning Commission direct staff to prepare a resolution denying the requested revisions and treating the denial as exempt from CEQA.

In addition to the recommended action, the Commission may wish to:

1. Direct staff to prepare a resolution adopting the addendum to the MND and approving the project; or

2. Direct staff to prepare a resolution adopting the addendum to the MND and denying the project

Georgana Millican
Associate Planner

Attachments:

1. Letter from the Applicant dated September 10, 2009
2. City Council Resolution No. 07-R-12273 (including minutes)
3. Planning Commission Resolution No. 1442 (including minutes)
4. Letter to applicant suspending CEQA processing timeframes
5. Previously adopted MND
6. Addendum to previously adopted MND

7a. Traffic Study
7b. Revised Traffic Study to include restaurant
7c. Trip Distribution Clarification Memorandum

8. Air Quality, Noise and Green House Gas Emission Study
9. City's Transportation Division Peer Review Memo
10. Letter from Sr. Plan Review Architect regarding parking spaces
11. Covenant and Agreement Accepting Conditions of Approval (ppg. 1-3 only)

ATTACHMENT 1

JMBM | Jeffer Mangels Butler & Marmaro LLP

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Ref: 62013-0007

September 10, 2009

VIA EMAIL AND U.S. MAIL
David Reyes
Principal Planner
Community Development Department
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Re: 8767 Wilshire Boulevard - Updated DPR #PL0857275 Request

Dear David:

In response to our recent conversations and your September 8, 2009 email, this letter presents G.E.K. Construction's (the "Applicant's") updated request in the above-referenced application (the "Project"). As you know, changes in traffic analysis, parking configuration, and construction logistics have necessitated certain modifications of the original Project. Detailed below are the Project's specific requests as they relate to the original entitlement (City Council Resolution NO. 07-R-12273) with the understanding that these requests will be presented at the City's September 24, 2009 Planning Commission meeting.

- Amend Condition of Approval No. 17 to allow medical office and pharmacy use.
- Amend Condition of Approval No. 18 to allow either a restaurant facility not to exceed 2,000 square feet of total space with no more than 999 square feet of dining/bar area *or* a sundry shop designed to serve building tenants and patrons.
- Amend Condition of Approval No. 31 to require a maximum of 336 parking spaces, with no parking spaces required to be made available for use by the general public.
- Allow construction of a 1,116 square foot pharmacy to serve medical office patrons.

As we recently discussed, the Applicant no longer requests an amendment of Condition of Approval No. 33 (roof-top uses). Further, the Applicant no longer requests a modification of various Conditions of Approval as they relate to the loading and hauling of excavated material from the site, as hauling has been completed.

The Applicant therefore requests approval of a 75,116 square foot building with the following uses: 54,900 square feet of medical area, 4,696 square feet of general office area, 12,404 square feet of retail area, 2,000 square feet of restaurant/sundry shop area, and 1,116 square feet of pharmacy area. The total square footage of the building remains 75,116, the same as that approved in the original entitlement.

Please let me know if you have any questions or require additional information.

Sincerely,

Alex DeGood of
Jeffer, Mangels, Butler & Marmaro LLP

cc: Georgana Millican-via email
Benjamin M. Reznik, Esq.

ATTACHMENT 2

RESOLUTION NO. 07-R-12273

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

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

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

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

The Project site is located in the commercial (C-3) zone. Beverly Hills Municipal Code (the "Municipal Code") Section 10-3-2726[1] permits a maximum building height of three

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

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

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

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

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

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

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

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

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

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq*), and the City's Local CEQA Guidelines The City prepared an initial study and, based on the information contained in the initial study, with the proposed mitigation measures, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a mitigated negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the City Council independently reviewed and considered the contents of the initial study and the mitigated negative declaration prior to deciding whether to approve the Project. Based on the initial study, the mitigated negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that the mitigated negative declaration

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

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

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

(1) The Applicant falsely represented the basis for the variance request based on location, shape of land and hardship,

(2) The shape of the Project site does not preclude development of a conventional 3-story, 45-feet Code-conforming structure;

(3) The need to facilitate traffic on Wilshire Boulevard does not justify the proposed 4-story building which moves back the building on Wilshire Boulevard to create a right turn lane;

(4) Municipal Code Section 10-3-3700(b) further illustrates that the Applicant's justification for the variance request is false and inconsistent with the law;

(5) A Full Environmental Impact Report should be provided, not a simple traffic count to assess the project impact located at the intersection of two major arterials; and

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

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

1. Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;

2. Whether the nature, configuration, location, density, height and manner of operation of the commercial development proposed by the plans will significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

3. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area;

4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards; and

5. Whether the proposed plan will be detrimental to the public health, safety or general welfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mitigation Measures

Measure1. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions of Approval

1 The Project shall be subject to the review and approval by the Architectural Commission.

2 A detailed parking management plan, satisfactory to the Director of Community Development shall be provided to indicate the operation of the parking garage including public parking operation

3 The Applicant shall provide free of charge parking for all employees working in the building.

4 Two-hour free, validated on-site parking shall be provided for patrons of all tenants, including retail, offices, restaurants and other uses that may occupy all or part of the building,

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

5 Parking spaces, as noted on the staff report, with obscured visibility and potential backing out conflict shall be used as reserved or employee parking spaces.

6 Not more than 80 haul truck trips per day (40 arrivals, 40 departures) shall be permitted per day during construction

7 No more than five pieces of diesel equipment shall be permitted to operate on the Project site per day.

8 Staging of construction-related vehicles on the City's streets is prohibited

9 A detailed construction management plan, satisfactory to the Director of Public Works, shall be provided prior to issuance of a building permit.

10 Prior to the issuance of a certificate of occupancy, a loading management plan, satisfactory to the Director of Community Development, shall be provided and shall include delivery hours and a delivery monitor with responsibility for controlling the circulation of trucks. The delivery monitor shall be responsible for directing the incoming/out going cars while one or more delivery trucks are present.

11 "Right Turn Only" signs and arrow marking on the pavement shall be installed at Wilshire Boulevard and Robertson Boulevard driveways.

12 Exit onto Robertson Boulevard shall be designed with raised barriers to force right-only turn movement when exiting the property.

13 A silent warning device shall be installed at each exit from the garage that would light up whenever a vehicle is leaving the garage, warning the on-coming vehicular and pedestrian traffic.

14 Security gates shall be constructed at each garage entrance and exit.

15 The proposal requires the removal of three metered parking spaces. Prior to removal of the metered parking spaces, the Applicant shall compensate the City for the lost revenues of the removed spaces in an amount designated by the City's Chief Financial Officer.

16 The proposal requires removal and relocation of street lights, a traffic signal pole, pull boxes, under ground wiring, striping, marking, and sign installations. The Applicant shall hire a registered civil engineer to prepare plans and specifications for review and approval by the City. All works shall be performed by the Project contractor/sub-contractors.

17 The following uses shall be prohibited on the Project site: medical uses; vehicle dealership-related automotive uses, except that a maximum of 92 parking spaces may be used as car storage for nearby car dealerships, adult entertainment businesses; massage parlors; bars or taverns; liquor stores; markets; exercise facilities; hair or nail salons; pharmacies; and uses that, in the sole opinion of the Director of Community Development, would create potential traffic impacts on the Wilshire Boulevard/ Robertson Boulevard intersection.

18 No more than 3,000 square feet of building floor area shall be used for restaurant purposes, and no more than 1,500 square feet of building area shall be dedicated to dining and bar area. Non-destination food service establishments such as coffee shops, fast food establishments, or similar establishments designed to primarily serve building tenants shall not be permitted.

19 The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation, Transportation Department and Parks Department. (Attached hereto as Exhibit B is the list of conditions).

20 The Applicant shall comply with the applicable City ordinances related to use of groundwater and dewatering, including but not limited to Section 9-4-610 of the Beverly Hills Municipal Code, and shall provide for future connection to reclaimed water lines if deemed appropriate and feasible by City's Department of Public Works

21 The Applicant shall obtain the necessary NPDES permit from the State Regional Water Quality Control Board for the permanent dewatering prior to the issuance of grading permits.

22 The Project shall comply with the applicable Fire Department conditions as identified through the building permit plan check process..

23 As provided in the Beverly Hills Municipal Code, an extended hours permit is required for any commercial uses that receive patrons between the hours of 10:00 p.m. and 7:00 a.m.

24 An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval prior to the issuance of grading permits. This plan must show all improvements in the public-right-of-way adjacent to the Project site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.

25 The Applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way.

26 An encroachment permit is required for the subterranean garage encroachment into the public right-of-way.

27 Pedestrian access on Robertson Boulevard shall be maintained during construction. A pedestrian canopy shall be constructed along Robertson Boulevard.

28 The Applicant shall provide all necessary supporting documentation to the City for the City Council to take action concerning right-of-way dedications offered by the Applicant, including all legal descriptions and drawings signed and stamped by a land surveyor licensed to practice in California.

29 The Applicant shall submit the appropriate fees for processing of the right-of-way issues through the City Council, and shall comply with the applicable city ordinances.

30 The Applicant shall replace the sidewalk adjacent to the Project and sidewalk paving material shall be subject to review by the City Council.

31 A maximum of 92 of the 358 parking spaces may be used as overflow storage of vehicles for nearby auto dealerships, and a minimum of 51 of the 358 parking spaces shall be made available for use by the general public. The 51 spaces to be available for use by the general public shall be located on the first and second levels of parking.

32 The Property Owner shall not enter into any covenant dedicating use of the excess parking provided by the Project for off-site projects or uses, unless the Planning Commission first approves the use of the excess parking for off-site projects or uses and allows such a covenant.

33 Roof-top uses shall not be permitted.

34 The Applicant shall develop the Project in an environmentally sensitive and sustainable manner to the satisfaction of the Director of Community Development. The Director of

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

Standard Conditions

35 The Project shall be constructed in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of August 10, 2006.

36 The Applicant shall comply with the requirements of the street tree mitigation plan of the Recreation and Parks Department attached hereto as Exhibit C and incorporated herein by this reference.

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

38 Construction related parking, staging and hauling shall conform to a construction parking, staging and hauling plan submitted by the Applicant and approved by the City Engineer and

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

39 A cash deposit of $5,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice and (c) issue a stop work notice until such time that an additional deposit of $10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that an additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional $10,000, pursuant to the procedures set fort herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited. The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy

of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

40 The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this resolution and the Applicant, the owner and their heirs, representatives, successors and assigns shall comply with all such modified or additional conditions.

41 This Resolution approving a Development Plan Review and a Variance shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission's decision memorialized in this Resolution. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving a Development Plan Review and a Variance shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Development Plan Review and the Variance.

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

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

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

Adopted: January 30, 2007

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

ATTEST:

(SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

VINCENT P BERTONI, AICP
Acting Director of Community Development

EXHIBIT A

MITIGATION MONITORING PROGRAM

Robertson Wilshire Office Building
Mitigation Monitoring Program

Completed	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
	Transportation/Circulation.			
☐	A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.	Department of Engineering/ Transportation and Department of Community Development	The applicant shall hire a civil engineering consultant to prepare plans for the City's review. Upon approval, the applicant shall hire a sub-contractor to implement the measure.	This measure shall be implemented prior to issuance of certificate of occupancy.
	Air Quality.			
☐	Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.	Community Development Department	The applicant shall submit a construction management plan to the Director of Community Development prior to issuance of any grading or construction permits. The Construction Management Plan shall be reviewed by the department and filed with the Building & Safety Division prior to issuance of grading permits. The plan check engineer will review the plan to ensure that the plan complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan. Any cleaning of the public right-of-way shall be to the specifications of the City Engineer.	The affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.

Completed

Robertson Wilshire Office Building
Mitigation Monitoring Program

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

Completed

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

Completed

Robertson Wilshire Office Building
Mitigation Monitoring Program

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

EXHIBIT B

PUBLIC WORKS/ENGINEERING
STANDARD CONDITIONS

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.

2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.

3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of *$5,638.80**, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)

4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

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

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

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

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

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

10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the project.

13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

Standard Conditions List
for the Planning Commission

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.

17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.

18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

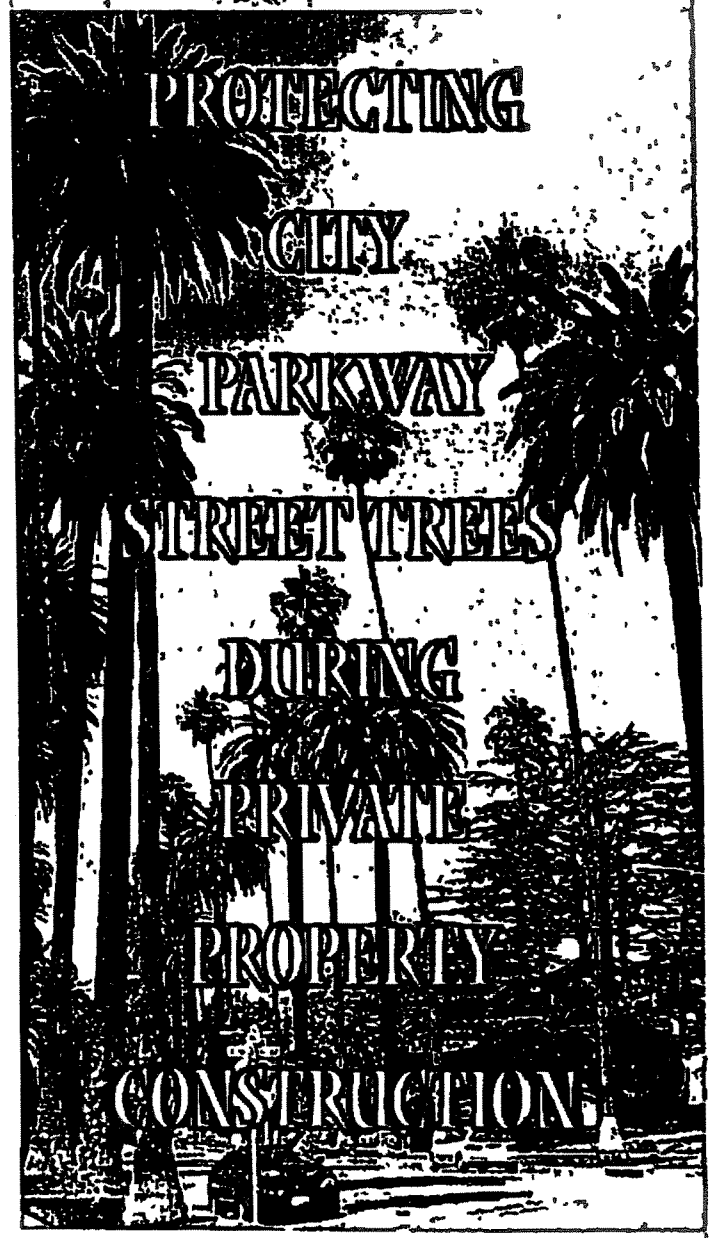
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

EXHIBIT C

STREET TREE MITIGATION PLAN OF THE RECREATION AND PARKS DEPARTMENT

CITY OF BEVERLY HILLS

PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION



PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION

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

The maintenance and protection of street trees is a shared responsibility between property owners and the City of Beverly Hills. If you feel that a street tree is unheathy, damaged or in need of pruning, please contact the Department of Recreation and Parks Urban Forestry Division at 310 550 4638.

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

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

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

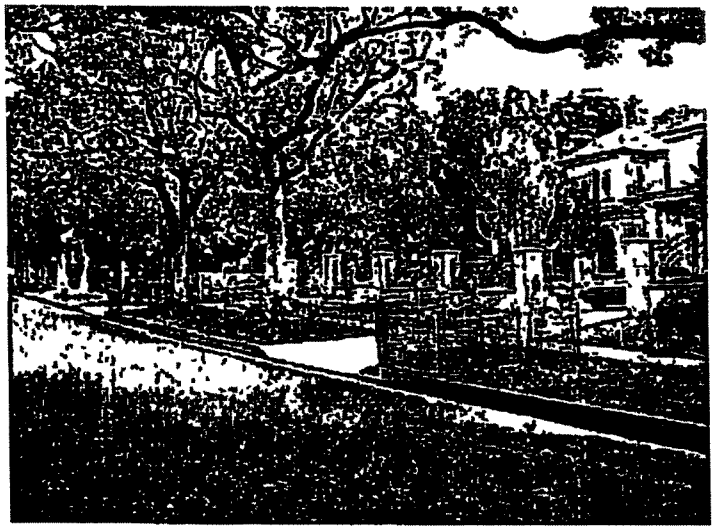
PROJECT PLANNING

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

Do not design projects at the expense of trees

PROJECT APPROVAL

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



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

SPECIFICATIONS

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

DURING THE PROJECT

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

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

Environmental Utilities Manager Shana Epstein provided the staff report. Ms. Epstein noted staff has been working with the California Department of Health Services to determine feasible ways to use this shallow groundwater. She explained the five options the Groundwater Management Plan Technical Committee and the Pubic Works Commission discussed and noted staff is recommending Option 4 which is the cost to purchase imported water and an administrative charge to administer the transaction.

In response to Mayor Webb's inquiry regarding the request at the last Council meeting to continue this matter, Ms. Epstein reported the issue has been resolved.

There were no members of the audience who wished to comment. Mayor Webb closed the public hearing.

There were no further questions or comments of Councilmembers.

MOVED by Councilmember Brucker, seconded by Councilmember Briskman to adopt Resolution D-1 as follows:

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES TO ADD GROUNDWATER REPLENISHMENT FEE FOR FISCAL YEAR 2006/2007.

Ayes: Councilmember Fenton, Councilmember Brucker, Councilmember Briskman, Vice Mayor Delshad, and Mayor Webb.
Noes: None.

CARRIED

ITEM D-1: ADOPTED RES#06-R-12254

2. This being the time and place set, a public hearing was held to consider:

AN APPEAL FROM THE DECISION OF THE PLANNING COMMISSION CONDITIONALLY ISSUING A DEVELOPMENT PLAN REVIEW PERMIT FOR CONSTRUCTION OF A COMMERCIAL BUILDING WITH RETAIL, RESTAURANT AND OFFICE USES AND FOUR LEVELS OF SUBTERRANEAN PARKING, AND TO ADOPT A MITIGATED NEGATIVE DECLARATION; AND OF THE PLANNING COMMISSION, SITTING AS A BOARD OF ZONING ADJUSTMENTS, CONDITIONALLY GRANTING A HEIGHT VARIANCE TO ALLOW A BUILDING HEIGHT OF FOUR STORIES WITH A ROOFLINE OF 56

FEET AND AN ARCHITECTURAL FEATURE OF 68 FEET IN HEIGHT, FOR A PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD. Comment: The Planning Commission adopted a resolution approving this project on September 14, 2006. On September 27, 2006, an appeal was filed of this decision to the City Clerk requesting a public hearing.

The notice of the hearing was published as required by law and an affidavit to this effect is on file with the City Clerk.

The report of the Director of Community Development and the record of the Community Development Department in this matter are made a part of the record of this hearing.

City Planner Vince Bertoni introduced staff and the consultants involved with this project and explained the process for the hearing this evening. He presented the basis for the Planning Commission's determination on this matter, their granting of the height variance and their recommendation. Mr. Bertoni mentioned the Commission vote was 4 to 1 to approve the project. He introduced Senior Planner Rita Naziri who went over the specifics of the project.

Planning Commission Chair Stacy Marks provided the Commission's analysis of this project and explained how they came to the decision to grant a variance at this location. Ms. Marks answered questions from the City Councilmembers pertaining to the vote and clarified the Commission did receive guidance from staff and the City Attorney regarding the variance versus an overlay zone concept.

Joseph Tilem, representing the applicant, addressed the Council with the merits of this project and the concerns raised by the appellant. Mr. Tilem mentioned receiving letters from residents in the appellant's building now expressing support of the project stating this is a better project for the area than a code conforming project would be. He noted the land use element of the General Plan as it currently exists and spoke about the traffic concerns and parking needs for this area of the City.

Bob Noparvar, appellant, handed in letters from Arnaz Drive residents opposing this project. Mr. Noparvar pointed out he is not opposed to the project at the proposed location, but would like it to be within the guidelines of the current zoning code without preferential treatment. He noted that prior to purchasing his condominium he was told by the City that the zoning was a C-3 and the maximum height for construction on the proposed site would be a 45 feet or three stories, whichever is less. He raised various concerns regarding the project and spoke about the quality of life issues that will be taken away from the residents of the condominium site and the surrounding residents.

Speaking:

1. Leon Gersh noted he lives in the building on Arnaz Drive and expressed his opposition to grant the variance to the applicant.

2. Farsheed Shomloo thanked the Mayor for bringing up concerns about traffic in this area and asked the Council to take a closer look at the traffic impacts this project could yield.

3. Tom Korey, commercial broker, commented that the City needs new quality office space, expressed his support for this project and urged the Council to uphold the decision of the Planning Commission and deny the appeal.

4. Aziz Mokhtar noted he is from Iran and received his US Citizenship on November 16 and spoke about concerns with approving this project and other projects along Wilshire.

5. Anita Zussman Eddy, Beverly Hills Chamber of Commerce, presented the reasons the Board of Directors of the Chamber supports the project and approved the project as approved by the Planning Commission.

6. Kathy Javor, owner of the project, spoke about the 4 1/2 years of changes and variations made to this project to accommodate what the Planning Commission and staff have requested to benefit the adjacent property owners.

There were no other members of the audience who wished to comment and Mayor Webb closed the public hearing.

In response to Councilmember Briskman's questions, Senior Planner Naziri stated there are 51 excess parking spaces over the 92 available for public parking.

In response to Councilmember Brucker's request for a clarification of using a variance versus an overlay zone, Director of Community Development Mahdi Aluzri explained the reasons why the staff concluded that the variance process was more appropriate in this specific case.

Vice Mayor Delshad asked questions about this location being an anchor location and the shading of the project on the neighborhood.

City Attorney Laurence Wiener explained the definition of a variance in response to a question from Vice Mayor Delshad.

On a straw vote on the concept of the basic approval of granting the request to deny the appeal, Councilmember Brucker and Vice Mayor Delshad were in favor of granting the appeal and Councilmembers Briskman and Fenton and Mayor Webb were in favor of denying the

appeal.

Councilmember Brucker stated he liked the building but did not agree that the variance was the correct process, and Vice Mayor Delshad felt special privileges were being granted to the developer.

Following discussion, the majority of the Council decided to impose the following conditions as part of the approval process: sustainability, no rooftop usage, and 51 spaces reserved on the 1st or 2nd parking level for public parking.

MOVED by Councilmember Briskman, seconded by Councilmember Fenton that the City Attorney be directed to prepare a resolution and findings denying the appeal and (i) conditionally approving a Development Plan Review Permit for construction of a commercial building with retail, restaurant and office uses and four levels of subterranean parking; (ii) adopt a mitigated negative declaration; and (iii) conditionally granting a height variance to allow a building height of four stories with a roofline of 56 feet and an architectural features of 68 feet in height, for the project proposed at 8767 Wilshire Boulevard subject to the following conditions: that the building be built with a sustainable standard, with no rooftop uses and that the 51 spaces reserved for public parking be kept for public parking on the first and second floor of the parking structure.

Ayes: Councilmember Fenton, Councilmember Briskman, and Mayor Webb.
Noes: Councilmember Brucker, and Vice Mayor Delshad.

CARRIED

ITEM D-2: APPEAL DENIED WITH CITY ATTORNEY TO PREPARE RESOLUTION AND FINDINGS APPROVING THE PROJECT SUBJECT TO THE CONDITIONS IMPOSED BY THE COUNCIL

E. CONTINUED AND NEW BUSINESS

1. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS MODIFYING PREFERENTIAL PERMIT PARKING ZONE "AC" ON THE 100 BLOCK OF NORTH WILLAMAN DRIVE AND DESIGNATING THE ZONE "AF". Comment: Modifies the parking restriction and zone designation on 100 block of N. Willaman Drive to "1-Hour Parking, 8am to 5 pm; and No Parking 5pm to 2am, Daily, Except by Permit AF."

ATTACHMENT 3

RESOLUTION NO. 1442

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY ISSUING A DEVELOPMENT PLAN REVIEW PERMIT FOR CONSTRUCTION OF A COMMERCIAL BUILDING WITH RETAIL, RESTAURANT AND OFFICE USES AND FOUR LEVELS OF SUBTERRANEAN PARKING; AND OF THE PLANNING COMMISSION, SITTING AS A BOARD OF ZONING ADJUSTMENTS TO THE CITY OF BEVERLY HILLS, CONDITIONALLY GRANTING A HEIGHT VARIANCE TO ALLOW A BUILDING HEIGHT OF FOUR STORIES WITH A ROOF LINE OF 56 FEET AND AN ARCHITECTURAL FEATURE OF 68 FEET IN HEIGHT, FOR PROPERTY LOCATED AT 8767 WILSHIRE BOULEVARD

Section 1. Joseph N. Tilem, Attorney, on behalf of Kobar Family Trust, owner, hereinafter referred to as the "Applicant," has submitted an application for a Development Plan Review ("D.P.R.") for construction of a 75,116 square foot, four-story (68 feet high) office/retail commercial building with subterranean parking for 358 cars at property located at 8767 Wilshire Boulevard, hereinafter referred to as the "Project."

The Project site is located in the commercial (C-3) zone. Beverly Hills Municipal Code Section 10-3.2726 permits a maximum building height of three stories or 45 feet whichever is less. The proposed Project will exceed the permitted height and number of stories, therefore, the applicant has filed an application seeking a variance from height requirement.

Beverly Hills Municipal Code Section 10-3.2745 allows a maximum floor area ratio (FAR) of 2:0. The Project site is within 170 feet of residential zone to the east; therefore, the Project site is in a commercial-residential transition area. As such, the Project must comply with the City's commercial-residential transition ordinance (Sections 10-3.1951 thru 1960), which addresses special issues of interface between the different uses. The Project complies with the design standards

(primarily setbacks) of the ordinance, but is also required to comply with operational standards that protect the adjacent residential uses during nights and weekends.

Beverly Hills Municipal Code Section 10-3-2730 requires one parking space for every 350 square feet of floor area. Code Section 10-3.2741 requires three truck loading spaces be provided on-site.

Development Plan Review is required for all new commercial buildings. In addition, the City's Architectural Commission will review the Project to assure that it is of a high standard of visual quality.

The proposed Project entails the construction of a 75,116 square-foot, four-story, 56 feet high to the roofline with a 68-feet high architectural feature at the center, office/retail commercial building on the northeast corner of Wilshire Boulevard and Robertson Boulevard, at 8767 Wilshire Boulevard. The Project will provide 358 parking spaces in four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress only driveway on Wilshire Boulevard. Loading activity will be conducted within the building, at three truck loading areas located along the northeast wall, accessible from the Robertson Boulevard entrance and will exit onto Wilshire Boulevard. While the proposed Project would exceed the three-story/45-foot height limit, it would conform to the 2:0 floor to area ratio ("FAR") which limits the building to the same amount of floor area as a three-story building.

The subject property consists of six lots. A BMW automobile dealership storage facility and a small commercial building (located in the southeastern portion of the site) currently occupy the site. Adjacent to the property to the north are a variety of commercial developments including retail stores and offices. Across Wilshire Boulevard to the south is a three-story office/medical building. Across Robertson Boulevard to the west is a two-story commercial

building. Adjacent to the property to the east is a two story commercial building; and two and three story multi-family residential properties facing Arnaz Drive. There are no alleys separating the Project site from the adjacent properties to the east and north. Street trees on Wilshire Boulevard are Mexican Fan Palm trees and street trees on Robertson Boulevard are Ficus trees. Four palm trees on Wilshire Boulevard are proposed to be removed and replaced.

On November 16, 2005, the Planning Commission reviewed a proposal by Applicant for a three-story plus mezzanine proposal at the Project site. The Planning Commission continued the public hearing to January 25, 2006, at which time, the Commission directed the Applicant to substantially revise the project to address the following issues: proposed mix of uses; parking issues; project access; loading design; street setback; construction impacts; design issues and neighbors' privacy. On January 25, 2006, the Applicant withdrew its application because of the number of design changes required. The current Project, designed by Richard Spina of CSA Architects was submitted to the Planning Commission for review on June 5, 2006.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, with the proposed mitigation measures, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a mitigated negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the mitigated negative declaration prior to deciding whether to approve the Project.

Based on the initial study, the mitigated negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the mitigated negative declaration prepared for the Project represents the independent judgment of the City and that, with the proposed mitigation measures, there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On August 10, 2006, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. In considering the application for the development plan review, the Planning Commission evaluated the following criteria:

1. Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;

2. Whether the nature, configuration, location, density, height and manner of operation of the commercial development proposed by the plans will significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

3. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area;

4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian vehicle conflicts or pedestrian safety hazards; and

5. Whether the proposed plan will be detrimental to the public health, safety or general welfare.

Section 5. Based upon the evidence presented, including the staff report and written and oral testimony, the Planning Commission hereby finds as follows with respect to the development plan review:

5.1. The proposal is consistent with the General Plan and any specific plans adopted for the area. The proposed Project design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is Low Density Commercial. The proposed Project consists of 75,116 square feet of office/retail uses which is permitted in the C-3 Zone. The proposed Project will have a height exceeding the Low Density Commercial land use designation, but the height is intended to compensate for the unusual configuration of the property and its associated physical constraints in developing the site more conventionally. The proposed development including its density is generally consistent with the General Plan designation for the subject site

5.2. The proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The site is not optimally used at present. Under the current zoning designation, the Project site could be developed with a maximum density of 2.0 FAR and three stories/ 45 feet in height. As proposed, the building conform to the 2.0 FAR requirement, but will exceed the height limitation. As proposed, the Project would house general office and retail uses with prospects for a high end restaurant or vehicle storage. However, the building would not be used for medical offices or coffee shops.

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

Although the proposed Project will increase the building height and number of stories, the maximum density (FAR) on the site will remain the same as allowed by the General Plan. The proposed building would be 68 feet in height, 23 feet higher than the maximum allowed by Code. However, the height is concentrated at the center of the building at the intersection of Wilshire Boulevard and Robertson Boulevard. The overall height of the building to the roof line is 56 feet which is 11 feet higher than permitted by Code. The Project proposes setbacks and modulation throughout the building facades. The proposal is set back a minimum of 10 feet on the ground floor and 20 feet on the upper floors with landscaping to maintain adequate privacy for multi-family residences at the rear of the property. In November 2005, when the Planning Commission reviewed the previously proposed project for this site, it was noted that additional height may be considered. Implementation of the Project will improve the appearance of the site and area and is consistent and harmonious with the nature and type of developments designated for the area in the General Plan.

5.3. The nature, configuration, location, density, height and manner of operation of the Project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. Although the proposed Project will increase the height /number of stories of the building, the density on the site will remain the same as the General Plan allows. Although the height of the proposed structure is higher than the

maximum development permitted on the site, the building mass is concentrated in the center of the building and ample setbacks are provided at the rear to provide privacy and light for neighboring structures. The Project also proposes surplus parking for public use that could be beneficial for small developments in the area needing parking for their customers. As a result, the Project will potentially reduce the intrusion of commercial parking demand into the nearby residential areas, ni part because all tenants will be required to provide validated parking. Therefore, the proposed Project will not significantly and adversely interfere with the enjoyment of residential properties in the vicinity of the subject property.

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

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

5.5. The Project will not be detrimental to the public health, safety or general welfare. The Project will be constructed in accordance with the City's Building Code standards and is generally consistent with the zoning for the area. Prior to the issuance of building permits, a

construction management plan is required for review and approval by the Engineering Division and Building and Safety Division. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed. Therefore, the Project will not be detrimental to the public health, safety or general welfare.

Section 6. Pursuant to Municipal Code Section 10-3.2801, the Planning Commission may grant a variance if, on the basis of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of the Zoning Code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Moreover, any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 7. Based upon the evidence presented, including the staff report and oral testimony, the Planning Commission hereby finds as follows with respect to the requested variance.

The maximum building height permitted in the C-3 zone is 45 feet and 3 stories. The applicant seeks a variance to construct a building with overall height of 68 feet (the building height to the roof line is 56 feet except for the architectural feature at the building center facing the intersection of Wilshire and Robertson Boulevards). Properties in this segment of Wilshire Boulevard have varying characteristics relative to lot configuration. However, no other property has the subject property's unusual combination of shape and location. The subject property is on an "L" shaped lot that is more difficult to utilize effectively than the conventional rectangular shaped lots

in the vicinity and zone. In addition, the subject property is located at a major intersection (Wilshire Boulevard and Robertson Boulevard), which makes it difficult to provide access without impacting circulation. The Project is required to dedicate property for a dedicated turn lane to minimize its impact on traffic. Further, unlike similarly zoned properties, there is no alley between this commercial property and neighboring residentially zoned properties that would otherwise serve as a buffer between the different land uses, and which necessitated incorporation of the loading areas within the building interior to address noise, traffic, and land use compatibility issues. Each and all of these factors present unique constraints on the property.

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

Section 8. Based upon the foregoing, the Planning Commission hereby adopts the mitigated negative declaration, finds that considering the whole record that there is no evidence that the proposed project would have any potential for adverse effects on wildlife resources or habitat and has thus rebutted the presumption of adverse effect in 14 California Code of Regulations Section 753.5(d), and issues a Development Plan Review and a Variance for the Project, subject to the following mitigation measures and conditions:

Mitigation Measures

Measure1. Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.

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

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

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

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

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

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

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

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

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

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

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

Measure 13. During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face

141 and 143 N. Arnaz Drive Development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.

Measure 14. All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicated the dates and duration of construction activities, as well as provided a telephone number where residents can in quire about the construction process and register complaints.

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

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

Further, the Planning Commission hereby adopts the attached Mitigation Monitoring Program attached hereto as Exhibit A.

Conditions of Approval

1. The Project shall be subject to the review and approval by the Architectural Commission.
2. A detailed parking management plan shall be provided to indicate the operation of the parking garage including public parking operation.
3. The Applicant shall provide free of charge parking for all employees of the building.

4. Two-hour free, validated on-site parking shall be provided for patrons of all tenants, including retail, offices, restaurants and other uses that may occupy all or part of the building, and the applicant shall provide appropriate signage at entrances to the parking area informing patrons of the validated parking requirements. The informational signage shall be subject to approval by the Director of Community Development and shall be installed prior to issuance of a certificate of occupancy.

5. Parking spaces, as noted on the staff report, with obscured visibility and potential backing out conflict shall be used as reserved or employee parking spaces.

6. Not more than 80 haul truck trips per day (40 arrivals, 40 departures) shall be permitted per day during construction.

7. No more than five pieces of diesel equipment shall be permitted to operate on the Project site per day.

8. Staging of construction-related vehicles on the City's streets is prohibited.

9. A detailed construction management plan shall be provided prior to issuance of building permit.

10. Prior to the issuance of a certificate of occupancy, a loading management plan shall be provided to include the delivery hours and a delivery monitor with responsibility for controlling the circulation of trucks. The delivery monitor shall be responsible for directing the incoming/out going cars while one or more delivery trucks are present.

11. "Right Turn Only" signs and arrow marking on the pavement shall be installed at Wilshire Boulevard and Robertson Boulevard driveways.

12. Exit onto Robertson Boulevard shall be designed with raised barriers to force right-only turn movement when exiting the property.

13. A silent warning device shall be installed at each exit from the garage that would light up whenever a vehicle is leaving the garage, warning the on-coming vehicular and pedestrian traffic.

14. Security gates shall be constructed at each garage entrance and exit.

15. The proposal requires the removal of three metered parking spaces. Prior to removal of the metered parking spaces, the Applicant shall compensate the City for the lost revenues of the removed spaces.

16. The proposal requires removal and relocation of street lights, traffic signal pole, pull boxes, under ground wiring, striping, marking, sign installations. The Applicant shall hire a registered civil engineer to prepare plans and specifications for review and approval by the City. All works shall be performed by the Project contractor/sub-contractors.

17. The following uses shall be prohibited on the Project site: medical uses; vehicle dealership-related automotive uses, except that a maximum of 92 parking spaces may be used as car storage for nearby car dealerships; adult entertainment businesses; massage parlors; bars or taverns; liquor stores; markets; exercise facilities; hair or nail salons; pharmacies; and uses that would create potential traffic impacts on the Wilshire Boulevard/ Robertson Boulevard intersection.

18. No more than 3,000 square feet of building floor area shall be used for restaurant purposes, and no more than 1,500 square feet of building area shall be dedicated to dining and bar area. For purposes of this condition, smaller non-destination food service establishments such as coffee shops, fast food establishments, or similar establishments shall not be permitted.

19. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation, Transportation Department and Parks Department. (Attached hereto as Exhibit B is the list of conditions).

20. The Applicant shall provide a permanent dewatering system on site to discharge the groundwater directly to the City's storm drain system and comply with the applicable City ordinances, and shall provide for future connection to reclaimed water lines if deemed appropriate and feasible by City's Department of Public Works.

21. The Applicant shall obtain the necessary NPDES permit from the State Regional Water Quality Control Board for the permanent dewatering prior to the issuance of grading permits.

22. The Project shall comply with the applicable Fire Department conditions.

23. An extended hours permit is required for any commercial uses that receive patrons between the hours of 10:00 p.m. and 7:00 a.m.

24. An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval prior to the issuance of grading permits. This plan must show all improvements in the public-right-of-way adjacent to the proposed improvement site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.

25. The Applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way.

26. An encroachment permit is required for the subterranean garage encroachment into the public right-of-way.

27. Pedestrian access on Robertson Boulevard shall be maintained during construction. A pedestrian canopy shall be constructed along Robertson Boulevard.

28. The Applicant shall provide all necessary supporting documentation to the City for the City Council actions concerning right-of-way dedications by the Applicant, including all legal descriptions and drawing signed and stamped by a land surveyor licensed to practice in California.

29. The Applicant shall submit the appropriate fees for processing of the right-of-way issues through the City Council, and shall comply with the applicable city ordinances.

30. Sidewalk paving material is subject to review by the City Council.

31. A maximum of 92 of the 358 parking spaces may be used as overflow storage of vehicles for nearby auto dealerships, and a minimum of 21 of the 358 parking spaces shall be made available for use by the general public.

32. The Property Owner shall not enter into any covenant dedicating use of the excess parking provided by the project for off-site projects or uses, unless the Planning Commission first approves the use of the excess parking for off-site projects or uses and allows such a covenant.

Standard Conditions

33. The Project shall be constructed in substantial compliance with the plans submitted to and approved by the Planning Commission at its meeting of August 10, 2006.

34. 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.

35. The City shall monitor the operation of the Project at the site. The City expressly reserves jurisdiction with respect to traffic and parking issues. Should the business or activity conducted at the Project site change so that, in the opinion of the Director of Community

Development, additional parking is required for the Project site in order to avoid significantly adverse traffic safety impacts, pedestrian vehicle conflicts, or parking impacts, then, regardless of the use at the site, additional conditions, including the requirement of providing parking spaces may be imposed upon the Project site by the Planning Commission pursuant to a public hearing noticed in accordance with the procedures set forth in Section 10-3-3307 of the Beverly Hills Municipal Code. Any decision of the Planning Commission in this regard may be appealed in the manner provided by Title 1, Chapter 4, of the Beverly Hills Municipal Code. This condition is in addition to the requirements set forth in Section 10-3-3315 of the Beverly Hills Municipal Code.

36. Construction related parking, staging and hauling shall conform to a construction parking, staging and hauling plan submitted by the Applicant and approved by the City Engineer and the Director of Community Development. The Applicant shall provide to the City Engineer the proposed staging for demolition and construction of the Project so that the City Engineer may determine the amount, appropriate routes, and time of day that heavy hauling truck traffic will need to travel to the subject site.

37. A cash deposit of $5,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice and (c) issue a stop work notice until such time that an additional deposit of $10,000 is deposited with the City to cover the costs associated

with subsequent violations. Work shall not resume for a minimum of two days after the day that an additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional $10,000, pursuant to the procedures set fort 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.

38. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this resolution and the Applicant, the owner and their heirs, representatives, successors and assigns shall comply with all such modified or additional conditions.

39. This Resolution approving a Development Plan Review and a Variance shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission's decision memorialized in this Resolution. At the time that the Applicant delivers the covenant to the

City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving a Development Plan Review and a Variance shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Development Plan Review and the Variance.

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

41. 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 $25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.

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Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: September 14, 2006

Stacy Marks
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Mahdi Aluzri
Director of Community Development

David D. Gustavson
Director of Public Works & Transportation

EXHIBIT A

MITIGATION MONITORING PROGRAM

Robertson Wilshire Office Building
Mitigation Monitoring Program

Completed	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
	Transportation/Circulation.			
☐	A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.	Department of Engineering/ Transportation and Department of Community Development	The applicant shall hire a civil engineering consultant to prepare plans for the City's review. Upon approval, the applicant shall hire a sub-contractor to implement the measure.	This measure shall be implemented prior to issuance of certificate of occupancy.
	Air Quality.			
☐	Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.	Community Development Department	The applicant shall submit a construction management plan to the Director of Community Development prior to issuance of any grading or construction permits. The Construction Management Plan shall be reviewed by the department and filed with the Building & Safety Division prior to issuance of grading permits. The plan check engineer will review the plan to ensure that the plan complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan. Any cleaning of the public right-of-way shall be to the specifications of the City Engineer.	The affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.

Completed

Robertson Wilshire Office Building
Mitigation Monitoring Program

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

Completed

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

Completed

Robertson Wilshire Office Building
Mitigation Monitoring Program

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

EXHIBIT B

PUBLIC WORKS/ENGINEERING

STANDARD CONDITIONS

EXHIBIT C

STREET TREE MITIGATION PLAN OF THE RECREATION AND PARKS DEPARTMENT

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF BEVERLY HILLS)

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1442 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on September 14, 2006, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Krasne, Reims, Melamed, and Marks.

NOES: Commissioner Furie.

MAHDI ALUZRI
Secretary of the Planning Commission/
Director of Community Development
City of Beverly Hills, California

CITY OF BEVERLY HILLS

City Council Chambers
Commission Meeting Room A

PLANNING COMMISSION MEETING SYNOPSIS

August 10, 2006

1:30 p.m.

Commission Action is noted in bold Italics.

OPEN MEETING

ROLL CALL AT 1:35 PM

Commissioners Present: N. Furie, N. Krasne (arrived at 1:40 p.m.), K. Reims, Vice Chair S. Melamed, and Chair S. Marks.

Commissioners Absent: None.

Staff Present: V. Bertoni, A. Arlington, L. Sakurai, R. Naziri, R. Balderas, M. Riedel (Department of Community Development); H. Buchman (Korve Engineering); D. Snow (City Attorney's Office).

PLEDGE OF ALLEGIANCE

COMMUNICATIONS FROM THE AUDIENCE

CONSENT CALENDAR

Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. (Note: Appeal Fee Required.)

1. **992 Alpine Drive**
   Hillside R-1 Permit

   Resolution to approve a request for a Hillside R-1 Permit for a proposed 500 square foot, 14 foot high, single-story detached guest house to be located within

100 feet of the front property line on an estate property located at 992 North Alpine Drive. (Continued from July 13, 2006. Public Hearing closed.)
Melamed - Reims / 4
That the resolution approving the Hillside R-1 Permit be adopted.

2. **1125 Carolyn Way**
Hillside R-1 Permit

Resolution to approve a Hillside R-1 Permit to allow a 736 square-foot second story addition, in excess of 14 feet in height, to match an existing nonconforming north side yard setback (regarding view preservation), and allow a six-foot high wall and hedge to encroach into a front yard without conforming to the open-to-public view standard, height standard, or location restriction for the property located at 1125 Carolyn Way. (Continued from July 13, 2006. Public Hearing closed.)
Furie - Melamed / 5
That the amended resolution approving the Hillside R-1 Permit be adopted.

DISCUSSION ITEMS

3. **General Plan Update: Preliminary Draft Land Use Alternatives; Meeting Schedule**

INFORMATION ITEMS

4. **Proposed Planning Commission Training Sessions for FY 2006 / 2007**

The following were considered beginning at 7:05 PM

COMMUNICATIONS FROM THE AUDIENCE

PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS

5. **9588 Wilshire Boulevard**
Mixed-Use Development

Draft Environmental Impact Report (EIR) for a proposed mixed-use, commercial / residential project ("Project") to be located at 9588 Wilshire Boulevard, 120 Peck Drive, 125 South Camden Drive, and 133 South Camden Drive. (Continued from July 27, 2006.)
Consideration of this matter was continued to the meeting of September 28, 2006, by order of the Chair.

6. 8767 Wilshire Boulevard
New Office Building

A request for a Development Plan Review and a Variance application to allow construction of a 75,116 square foot, four-story, 68-foot high commercial (office and retail) building on the north east corner of Wilshire and Robertson Boulevards at property located at 8767 Wilshire Boulevard. The project as proposed would provide 358 parking spaces within a four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress only on Wilshire Boulevard. Loading activity would be conducted within the building, provided by three truck loading areas accessible from the Robertson Boulevard entrance and exit on to Wilshire Boulevard. The proposed variance is to allow the proposed building to exceed the 45-foot / three-story height limit.
Reims - Krasne / 4 Furie no
That a resolution to approve the Development Plan Review and Variance be drafted for consideration at the meeting of September 14, 2006.

COMMUNICATIONS FROM THE COMMISSION

COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

ADJOURNED AT 1:20 AM

- the proposed retail-residential use would not deprive the City of revenue;
- the EIR reports that there would be no significant traffic impacts;
- the EIR states that there would be enough capacity in the wastewater system to accommodate the proposed projects as well as future projects in the area;
- that there would be three separate project entrances and exits;
- that the setbacks are 15 feet at ground level.

The Commission requested additional details on the proposal as well as copies of related Code sections in preparation for the next hearing on the matter.

ACTION:

Consideration of this matter was continued to the meeting of September 28, 2006, by order of the Chair.

6. 8767 Wilshire Boulevard
New Office Building

A request for a Development Plan Review and a Variance application to allow construction of a 75,116 square foot, four-story, 68-foot high commercial (office and retail) building on the north east corner of Wilshire and Robertson Boulevards at property located at 8767 Wilshire Boulevard. The project as proposed would provide 358 parking spaces within a four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress only on Wilshire Boulevard. Loading activity would be conducted within the building, provided by three truck loading areas accessible from the Robertson Boulevard entrance and exit on to Wilshire Boulevard. The proposed variance is to allow the proposed building to exceed the 45-foot / three-story height limit.

Senior Planner Naziri summarized the staff report. Ms. Naziri noted that the Planning Commission had considered a different version of this project at their meeting of November 16, 2005.

Commission Melamed noted for the record that his cousin is a tenant in the neighboring building but there have been no conversations between himself and his cousin regarding this matter, nor will the relationship with his cousin affect his consideration in this matter.

In response to a question from the Commission regarding what findings must be made to approve a Variance, Assistant City Attorney Snow clarified that this will come down to weighing of various factors, and to the extend the Planning Commission determined if there would be limitations on access that would not be applicable to other properties in the area due to the busy nature of the intersection, then it could be a basis for granting a Variance

City Planner Bertoni clarified that when consider granting a Variance it is appropriate to examine whether or not the project could be modified so that a Variance is not necessary.

Joseph Tilem, attorney representing the Kobor Family Trust, the applicant, summarized the proposal in detail. He stated that the Director of Community Development has suggested that the proposed location was an appropriate corner to keep FAR 2:1 but that due to shape of the lot and the configuration of the Robertson and Wilshire Boulevards intersection, the developer thought it would be more appropriate to increase the building height. The Planning Department suggested retaining the 2:1 FAR but to go up to four stories adding that the traffic generated by current proposal is the same as for the original proposal. Mr. Tilem stated that the applicant would prefer a medical use at this location but he does accept the condition that it never be a medical use. While there is considerable parking the financial viability of allowing public use of the facility needs further consideration, because this is private property and it would not be financially feasible if parking is required to be established at City-priced parking lot rates.

Mr. Tilem addressed some of the conditions suggested by the Commission at the previous hearing as follows:

1. No on-site food facility - First class office space must have some facility to offer food, although the applicant does understand that there is not to be a facility that would become a "destination restaurant" with all the associated traffic
2. Extra right-turn lane on Wilshire to mitigate traffic - To provide that extra lane the applicant was required to set the building back five feet but now, at the last minute, staff wants to set it back another five feet. The applicant can't provide that and there really is no need for it.

Steve Kaplan of the Law Office of Rob Gushon, representing Tracey Darroll, managing partner of the Beverly Hills Medical Plaza, an adjacent commercial property owner who opposes the proposed project, handed out a position paper articulating the basis of Ms. Darroll's opposition. He stated that he thinks the environmental review is deficient and that at minimum a focused EIR should be required. He noted that the proposed project opens itself to collateral attack on an environmental challenge for lack of review. The key is the Variance: the staff report shows no justification for the requested Variance; unless there is a Specific Plan or an Overlay Zone, guidelines should be ignored to support a Variance. The hardship this applicant is facing is self-imposed; he could design a Code-compliant project; a project across the street has the same L-shape and conforms to Code.

Tracey Darroll, Managing Partner of Beverly Hills Medical Plaza at 150 North Robertson Boulevard located about 100 ft. from proposed project; stated that the Plaza did not receive a Variance and that it has complied with all City Codes. She noted that the Plaza gave up square footage and did not build to a full 2:1 FAR precisely in order to keep a distance from the residents and to provide a large porte cochere that cars could pull in off Robertson Boulevard to access the building without causing queuing problem on the City street. She noted that the proposed building is much more attractive but that she has concerns that it will block the view and overshadow the other buildings in the area because it is so much higher. A larger concern is the traffic: with expanded parking the amount of traffic will be increased tremendously at the corner of Wilshire and Robertson. She also expressed concerned with water level adding that the Plaza has full time pumps running underneath the building just to keep up with the high water table. Since the proposed project will go down four stories she wondered if this would cause of backup of water.

Stewart Powell, a resident on North Arnaz Drive, stated that the new design is beautiful but he thinks there should be some food facility allowed. He expressed concern with the ingress and egress wondering how one would be able to turn left into the building without blocking traffic on Robertson Boulevard and for the traffic impact on the local residential area. He added that appropriate landscaping requirements to help buffer the view from the residential building be imposed. He noted that the proposed building would block their view and reduce light. He questioned why a Variance would be approved for an architectural element that would further block their view.

Joe Moosarian, a resident on North Arnaz Drive, expressed concerned with the ingress and egress and view blocking. He stated that he is concerned that it may become a medical use in the future. Based on their being an extra 1200+ car trips on Wilshire Boulevard, he stated that there is concern that the residential streets will be impacted adding that there should be mitigation measures for the extra traffic that will use Arnaz Drive.

Nataliya Borchenko, a resident on Arnaz Drive and business owner on South Robertson, expressed concern for traffic impacts in the area. She noted that the exit off Robertson Boulevard is good but difficult because Arnaz Drive also has an exit onto Wilshire Boulevard so that drivers trying to turn onto Wilshire Boulevard from Arnaz Drive have a difficult time doing so. This proposal involves two turns onto Wilshire Boulevard, one from Arnaz Drive and one for those exiting the building. Ms. Borchenko also expressed concern that the proposed project would be located so close to residences.

Darian Bojeaux, a resident on North Palm Drive, stated that there is no justification for a Variance. She submitted a petition signed by 18 area residents on North Palm and Whittier Drives that expressed opposition to "...any project at 8767 Wilshire Boulevard which would exceed the existing 3 story 45 foot height and density limits."

Joseph Tilem, on behalf of the applicant, rebutted and stated that traffic issues have been vetted numerous times by the City and the plan has been determined to be workable. He noted that the project lot is oddly-shaped and that there is a similar project on the corner of Wilshire Boulevard and Rodeo Drive that received an FAR increase allowance of 17 percent. He clarified that the applicant is only requesting an extra height to gain the square footage lost by providing the right turn lane that even a 45 foot medical building would block the view of another 45 foot building adding that that the proposed architectural feature that would project 15 feet feature above the roof is allowed by Code.

In response to a question from the Commission, Richard Spina, architect representing the applicant, described the roof and design concept in detail. He noted that the Code allows mechanical and penthouses as long as they do not exceed 15 feet above the main roof and are set back at a 45 degree angle from the front of the building. He clarified that the building is 68 feet high, not 71 feet and that part of design concept is to have the project appear "light" hence the use of glass.

In response to a question from the Commission, City Planner Bertoni stated that the General Plan provides for general long range guidance for the development of the City; it may indicate that a location is an appropriate location for additional height but this does not mean that the required findings can be made for a Variance at the same location adding that an Overlay Zone commonly used to accomplish that in this City.

The Commission discussed the proposal in detail focusing on the proposed uses; height, loading and parking.

In response to a question from the Commission, Helene Buchman of Korve Engineering, traffic consultant to the City, stated that staff believes that the types of truck that would come into this site in this configuration can be accommodated. She added that as long as there is a loading management plan and supervision, backup onto Robertson Boulevard could be avoided. She clarified that her understanding of the types of use the building would have would not involve an intense use of the loading areas at the same time and that the majority of the vehicles would be similar to UPS and smaller trucks. She suggested that staggering deliveries could accomplish this: the loading manager could allocate

delivery times to the tenants. She stated that the restaurant use would probably be the most intense use on a regular basis.

The Assistant City Attorney Snow noted that staff presented justification for grating a variance, and the Planning Commission is charged to weigh it and decide if the requested variance could be justified.

In response to a question from the Commission, staff summarized and clarified the findings that must be made for the Variance.

After consideration, four Commissioners concurred that the proposed project:

- is consistent with the General Plan and any specific plans adopted for the area
- would not adversely affect existing and anticipated development in the vicinity and would promote harmonious development of the area
- would increase the building height and number of stories, the maximum density (FAR) on site would remain the same as allowed by the General Plan
- the nature, configuration, location, density, height and manner of operation of the proposed project would not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property
- would not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.

The Commission stated that the findings for a Variance can be made based on the unique shape and location characteristics of the property.

Commissioner Furie stated that he could not find justification for the Variance because testimony showed that it would be possible to build at a 2:1 FAR using a mezzanine at the location; based on that the applicant is not being deprived of privileges that others enjoy.

The Commission also reviewed the proposed conditions of approval and imposed additional conditions of approval including prohibition on certain uses such as hair/nail salons, medical uses, pharmacy, coffee shops, allowing quality restaurant with no more than 1,500 square feet dining and bar area and allowing 92 of the 357 parking spaces be used as over flow storage of vehicles for nearby car dealerships and a minimum of 21 parking spaces be available for use by the general public.

Assistant City Attorney Snow stated that the public hearing remains open.

<u>ACTION</u>:

Moved by Commissioner Reims and seconded by Commissioner Krasne.

That a resolution to approve the Development Plan Review and Variance be prepared for consideration at the meeting of September 14, 2006.

AYES: Commissioners Krasne, Reims, Melamed, and Chair Marks.

NOES: Commissioner Furie.

CARRIED.

COMMUNICATIONS FROM THE COMMISSION

COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

ADJOURNED AT 1:20 AM

PASSED AND APPROVED THIS 29th DAY OF MARCH, 2007.

_____

Noah D. Furie, Chair
Submitted by Vincent P. Bertoni, Secretary

CITY OF BEVERLY HILLS

City Council Chambers
Commission Meeting Room A

PLANNING COMMISSION MEETING SYNOPSIS

September 14, 2006

1:30 p.m.

ROLL CALL AT 1:35 PM

Commissioners Present: N. Furie, N. Krasne, K. Reims, Vice Chair S. Melamed, and Chair S. Marks.

Commissioners Absent: None.

Staff Present: M. Aluzri, V. Bertoni, A. Arlington, R. Naziri, M. McGrath, H. Carter, M. Riedel (Department of Community Development); H. Buchman, (Korvé Engineering); L. Tatum (EIP Associates); R. Solomon (Fire Department); D. Snow (City Attorney's Office).

PLEDGE OF ALLEGIANCE

COMMUNICATIONS FROM THE AUDIENCE

Howard Marks, a resident, addressed the Commission regarding the ongoing attempt to attract certain kinds of businesses to the City.

CONSIDERATION OF MINUTES

1. Consideration of the Planning Commission minutes of March 30, 2006.
   Furie - Melamed / 5
   That the Planning Commission minutes of March 30, 2006, be approved as amended.

CONSENT CALENDAR

Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. (Note: Appeal Fee Required.)

2. **900 Alpine Drive**
Hillside R-1 Permit

Resolution to approve a request for a Hillside R-1 Permit to allow floor area in excess of 15,000 square feet for a new two story single-family home in excess of 14 feet in height (regarding view preservation) at 900 Alpine Drive. (Continued from August 24, 2006; public hearing closed.)
Krasne - Reims / 5
That the amended resolution approving the Hillside R-1 Permit be adopted.

3. **8767 Wilshire Boulevard**
New Office Building

A resolution to approve a request for a Development Plan Review and a Variance application to allow construction of a 75,116 square foot, four-story, 68-foot high commercial (office and retail) building on the north east corner of Wilshire and Robertson Boulevards at property located at 8767 Wilshire Boulevard. (Continued from August 10, 2006; public hearing open.)
Krasne - Melamed / 4 Furie no
That the amended resolution approving the Development Plan Review and a Variance for a new office building be adopted.

GENERAL PLAN

4. **General Plan Update: Preliminary Policy Papers**

PLANNING COMMISSION / BOARD OF ZONING ADJUSTMENTS / PLANNING AGENCY PUBLIC HEARINGS

5. **Architectural Commission / Design Review Commission Resolution**

Resolution to approve an ordinance amending various provisions of Chapter 3 of Title 10 of the City's Municipal Code with respect to the procedures of the City's Architectural Commission and Design Review Commission.
Discussion of this item was continued to a future meeting to be determined.

INFORMATION ITEMS

6. **Westside Cities' October 6, 2006, Symposium "Creating Livable Boulevards on the Westside"**

7. **Follow-Up to Training - Session 1: Traffic Models**

COMMUNICATIONS FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

ADJOURNED AT 5:20 PM

ACTION:

Moved by Commissioner Krasne and seconded by Commissioner Reims.

That the amended resolution approving the Hillside R-1 Permit be adopted.

AYES: Commissioners Furie, Krasne, Reims, Melamed, and Chair Marks.

NOES: None.

CARRIED.

Assistant City Attorney Snow stated that the 14-day appeal period begins today.

3. **8767 Wilshire Boulevard**
New Office Building

A resolution to approve a request for a Development Plan Review and a Variance application to allow construction of a 75,116 square foot, four-story, 68-foot high commercial (office and retail) building on the north east corner of Wilshire and Robertson Boulevards at property located at 8767 Wilshire Boulevard. (Continued from August 10, 2006; public hearing open.)

Senior Planner Rita Naziri summarized the staff report and entered it into the record.

In response to a comment from the Commission, Ms. Naziri stated that architectural projections that do not meet Code, i.e., that are not setback 35 feet from the edge of the building, are included in the total height of the proposed building even though the maximum of 68 feet is reached only at the corner where the architectural projection is located.

The Commission discussed the resolution concentrating on the conditions of approval. They requested several modifications to the conditions of approval and directed staff to redraft the resolution incorporating those changes.

In response to comments from the Commission, Helene Buchman of Korvé Engineering, traffic consultant to the City, clarified that coffee shops and fast food restaurants generate very high traffic trips.

Principal Planner Sakurai stated that the condition restricting a coffee shop at the project site was included precisely because a coffee shop or similar resource would tend to increase even more the amount of traffic to the intersection. He added that this is especially important because the traffic impacts of the proposed project were very close to being considered "significant."

Joseph Tilem, attorney representing the applicant, regarding the proposed revisions to the resolution conditions stated that the applicant thinks that a coffee shop such as Starbucks would be an appropriate use and requested that the prohibition against of coffee shop be removed.
In response to a request staff reiterated that analysis conforming to the City's traffic study guidelines that would allow a coffee shop use at the location was not prepared.

Bob Noparvar, a resident on North Arnaz Drive, expressed concern with the height and stated that he would appeal an approval of the proposed project based on excessive height and the potential traffic impacts.

Joseph Tilem, attorney representing the applicant, rebutted stating that the FAR is exactly what the Code allows and that 45 feet under the City Code means 45 feet plus a 15-foot unoccupied architectural feature.

Kathy Javor, the applicant, stated that it is important to remember that there is a distance of 56 feet (more than an alley) between the corner where Mr. Noparvar's residence is located and the proposed building.

The public hearing was closed.

Commissioner Furie stated for the record that, as at the previous hearing, he is unable to make the findings for the Variance.

ACTION:

Moved by Commissioner Krasne and seconded by Commissioner Melamed.

That the amended resolution to approve the Development Plan Review and Variance for a new office building be adopted.

AYES: Commissioners Krasne, Reims, Melamed, and Chair Marks.

NOES: Commissioner Furie.

CARRIED.

Assistant City Attorney Snow stated that the 14-day appeal period begins today.

ATTACHMENT 4

COMMUNITY DEVELOPMENT
PLANNING
TEL: 310.285.1123

455 North Rexford Drive
Beverly Hills, CA 90210
FAX: 310.858.5966

January 22, 2009

Benjamin M. Reznik
1900 Avenue of the Stars, Suite 700
Los Angeles, CA 90067

RE: 8767 Wilshire Boulevard (PL0857275)
Development Plan Review – Request to Convert General Office Building to Medical Office

Dear Mr. Reznik,

We are in receipt of your letter to the Director of Community Development, Anne Browning-McIntosh, AICP, dated January 21, 2009. Pursuant to Section 15109 of the Guidelines for the California Environmental Quality Act, 14 Cal. Code Regs, Sec. 15000 *et seq.* ("CEQA Guidelines"), the City, effective immediately, is suspending the environmental review time period for the subject project due to unreasonable delay caused by the project applicant's refusal to provide necessary environmental documentation. The City's Planning Division has requested specific traffic studies on three prior occasions: November 21, December 8, and December 30, 2008 (enclosed).

By way of background, the City Council adopted Resolution No. 07-R-12273, on January 30, 2007 approving discretionary applications for a Development Plan Review permit and Variance. The City Council also adopted a Mitigated Negative Declaration. The project, which is currently under construction, was approved as a general office building with ground floor retail/commercial uses.

On October 15, 2008, the applicant submitted a new application to change the project to a medical office building with ground floor retail/commercial uses. This application was deemed complete on November 14, 2008. The proposed change in land use requires discretionary approval by the Planning Commission, or City Council on appeal. Also required is an evaluation of the potential environmental impacts associated with this change in land use. Consistent with Section 15063 (e) of the CEQA Guidelines, 14 Cal. Code Regs Sections 15000, *et seq.* the City has

requested, and the applicant has refused to provide, necessary data and information to determine the appropriate level of environmental review. Moreover, it has been made clear to staff through written correspondence and telephone calls that the applicant does not intend to provide this information. Accordingly, the City is left with no option but to construe the applicant's actions as unnecessarily delaying the City's ability to comply with its CEQA obligations. This failure to provide the requested information necessitates that the City suspend the time periods set forth in CEQA Guidelines Sections 15107 and 15108.

As a result of the applicant's refusal to provide the requested traffic analysis, staff has conducted preliminary analysis of potential impacts based on the partial data that has been provided. Using the same methodology and existing traffic volume data contained in the "Supplemental Traffic Analysis for the 8767 Wilshire Boulevard Building Project," staff determined that the proposed project revisions could result in an unmitigable significant impact to the residential street segment of Clifton Way east of Robertson Boulevard. One of the reasons the City requested the additional information was to enable it to determine whether these impacts would actually occur. Lacking information to the contrary, the City is left with no option but to determine that an Environmental Impact Report is required (14 Cal. Code Regs Section 15064 (a)(1)).

Pursuant to CEQA Guidelines Section 15108, a City shall complete and certify a Final EIR within one year after the date the application is deemed complete. Once the time periods suspended in this letter have been resumed, the City would have approximately 10-months to complete and certify the Final EIR.

To release this suspension of time periods and resume application processing, the following action is required:

1. The applicant shall submit for peer review a traffic study as previously requested that includes the following:
    a. A residential street segment analysis with all of the street segments studied in Raju's Supplemental Traffic Analysis dated June 1, 2006.
    b. A finding that all of the other intersections previously studied in the project scope would not be impacted. This finding needs to be supported by rationale based on sound, professional accepted practices.
    c. The applicant shall pay $4,742.00 for this peer review as indicated in the City's current fee schedule.

2. The applicant shall submit for peer review an addendum to the Air Quality and Noise Impact Technical Analysis prepared by Terry A. Hayes Associates, LLC and dated July 2006, as previously requested, as follows:

a. The addendum would analyze the impacts from this new project and substitute previously used traffic studies with updated traffic data as requested above.
b. The applicant shall pay $2,500 for this peer review as indicated in the City's current fee schedule.

Alternatively, we request written authorization from your office to engage the services of a professional environmental consulting firm to prepare the required Environmental Impact Report. While the City would engage the services of a consultant, the applicant would be required to deposit with the City the funds necessary to pay for these project-specific services.

Finally, the City's Planning Division has the discretion to schedule the subject project for hearing before the Planning Commission without conducting the necessary environmental review. Should your client be interested in pursuing this approach, please advise the undersigned. You are advised, however, that Section 15109 of the CEQA Guidelines states in pertinent part that a City, "...may disapprove a project application where there is unreasonable delay in meeting requests." Without receipt of the requested information and, therefore, an inability to accurately evaluate the project's environmental impacts pursuant to CEQA, staff would have no choice but to recommend denial of the project.

Sincerely,

David Reyes, Principal Planner

cc: Anne Browning-McIntosh, AICP, Director of Community Development
Jonathan Lait, AICP, Assistant Director of Community Development
David M. Snow, Assistant City Attorney
Alex DeGood, Esquire

ATTACHMENT 5

NEGATIVE DECLARATION

Determination Number: **PL0623585**

An application has been filed with the City of Beverly Hills for approval of the following project:

Name of Project: 8767 Wilshire Boulevard Office Building

Project Address: 8767 Wilshire Boulevard

Name of Applicant: George Kobar

Project Description:

A request for approval of a Development Plan Review and a Variance application to allow construction of a 75,116 square foot,4-story, 68-foot high commercial (office & retail) building on the north east corner of Wilshire and Robertson Boulevards at **8767 Wilshire Boulevard**. The project as proposed would provide 358 parking spaces within a four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress only on Wilshire Boulevard. Loading activity would be conducted within the building, provided by three truck loading areas accessible from the Robertson Boulevard entrance and exit on to Wilshire Boulevard. The proposed variance is to allow the proposed building to exceed the 45-foot/3-story height limit. Pursuant to Beverly Hills Municipal Code 10-3-3100 and 10-3-3700, the Planning Commission, in order to make the necessary findings to approve a request, may impose such conditions as it deems appropriate to protect the public health, safety and general welfare.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and the CEQA Guidelines of the City of Beverly Hills, the Lead Agency has analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Lead Agency prepared this Mitigated Negative Declaration.

A copy of the Initial Study, documenting reasons to support the finding, is attached. Mitigation measures, if any, included in the project to avoid potentially significant effects are also attached.

A period of at least 20 days from the date of publication of the notice of this **MITIGATED NEGATIVE DECLARATION** will be provided to

enable public review of the project specifications, the Initial Study and this document prior to the final adoption of the MITIGATED NEGATIVE DECLARATION by the Lead Agency. A copy of the project application and plans is on file in the offices of Planning and Community Development, 455 North Rexford Drive, Room G-40, Beverly Hills, California 90210 310.285.1123.

Prepared: **July 24, 2006** Adopted:

RITA NAZIRI
Senior Planner

Mitigation Measures

The following measures are proposed to ensure that the project will not have any significant, adverse environmental impacts:

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

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

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

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

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

Measure III.a.6: Traffic speeds on unpaved roads shall be limited to 15 miles per hour.

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

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

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

Measure XI.a/b.1: All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.

Measure XI.a/b.2: Grading and construction contractors shall use quieter equipment as opposed to

noisier equipment (such as rubber tired equipment rather than track equipment).

Measure XI.a/b.3: Equipment staging areas shall be located on the western portion of the project site, as far as possible from 141 and 143 N. Arnaz Drive residential developments.

Measure XI.a/b.4: During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face 141 and 143 N. Arnaz Drive Development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.

Measure XI.a/b.5: All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicated the dates and duration of construction activities, as well as provided a telephone number where residents can in quire about the construction process and register complaints.

Measure XI.a/b.6: A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

Measure VI.a.1: A right-turn lane shall be added to the westbound approach to the intersection of Wilshire Boulevard and Robertson Boulevard.

PL0623585

Environmental Checklist Form

1. Project title: 8767 Wilshire Boulevard

2. Lead agency name and address:

   City of Beverly Hills
   455 North Rexford Drive
   Beverly Hills, California 90210

3. Contact person and phone number: Rita Naziri, 310.285.1123

4. Project location: 8767 Wilshire Boulevard

5. Project sponsor's name and address:

   Kobor Family Trust, 250 N. Robertson Blvd., #421 Beverly Hills, CA 90211

6. General Plan designation: Low Density General Commercial

7. Zoning: C-3 Commercial

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   A request for approval of a Development Plan Review and a Variance application to allow construction of a 75,116 square foot,4-story, 68-foot high commercial (office & retail) building on the north east corner of Wilshire and Robertson Boulevards at **8767 Wilshire Boulevard**. The project as proposed would provide 358 parking spaces within a four-level subterranean garage with ingress and egress from Robertson Boulevard and an egress only on Wilshire Boulevard. Loading activity would be conducted within the building, provided by three truck loading areas accessible from the Robertson Boulevard entrance and exit on to Wilshire Boulevard. The proposed variance is to allow the proposed building to exceed the 45-foot/3-story height limit. Pursuant to Beverly Hills Municipal Code 10-3-3100 and 10-3-3700, the Planning Commission, in order to make the necessary findings to approve a request, may impose such conditions as it deems appropriate to protect the public health, safety and general welfare.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

   The project site is located on the northeast corner of Wilshire Boulevard and Robertson Boulevard intersection. The L-shaped site consists of six lots. BMW

automobile dealership storage facility and a commercial building are currently occupied the site. Adjacent to the property to the north are variety of commercial developments including retail stores and offices. Across the street along Wilshire Boulevard, to the south is a three-story office/medical building. Across the street along Robertson Boulevard, to the west is a two-story commercial building. Adjacent to the property to the east is two story commercial building and two and three story multi-family residential properties facing Arnaz Drive. There is no alley separating the project site from the multi-family land uses on the eastside of the property facing Arnaz Drive.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology / Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation / Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Rita Naziri — Date: July 20, 2006

Printed Name: Rita Naziri — For: City of Beverly Hills

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues:	**Potentially Significant**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an option model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	X
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	X	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	X	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	X	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	X	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	X	☐

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	X

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				X

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?		X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES -- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?				X
b) Police protection?				X
c) Schools?				X
d) Parks?				X
e) Other public facilities?				X
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	

Issues:	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION OF ENVIRONMENTAL EVALUATION:

I. AESTHETICS.

a. **No Impact.** There are no public scenic vistas or resources of any significance within the project area that would be affected by the proposed project.

b. **No Impact**. There are no significant scenic resources in the vicinity of the project site that would be affected by the proposed project.

c. **Less Than Significant Impact.** The project as proposed involves the development of a large commercial building (retail spaces, general office space and 4-level subterranean parking structure) at a predominant corner of two important boulevards in the City of Beverly Hills. Due to the fact that the majority of the project site is currently undeveloped, construction of the proposed of commercial building would change the visual character of the immediate area and its surrounding. The project as proposed is subject to the approval of the Planning Commission through the Development Plan Review and Variance applications. The project cannot be approved unless the Planning Commission finds that the proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area, among the other various Development Plan Review findings and meet the variance findings. In addition, the City's Architectural Commission also will review the project to assure that the development in the City is maintained to a high standard of visual quality.

d. **Less Than Significant Impact.** The project would also introduce new lighting and glare into the area. Glare can result from daytime reflection of sunlight off flat building surfaces. The City discourages the use of reflective surfaces in new development, particularly when they might be oriented toward residential areas. The project is subject to community ordinances that limit the amount of spillover light relative to the ambient.

Shadows are of most concern when they are cast onto residential uses from taller structures. Shadows affect solar and light access to both interior and yard spaces. Shadows are typically cast in a westward to eastward direction as the day advances from morning to afternoon and evening. The project is adjacent to multi-family residences located to the east of the project site. The rear yards of these residences adjoin the project site. The maximum coverage at both adjacent residential lots occurs during Winter Solstice at 4:00 p.m. approximately more than 50% of the residential lots would be in shadow at these times. Shadow coverage levels are less during early hours of afternoon. During spring, summer and fall the rear yard of 141 N. Arnaz Drive will be on shadow in the afternoon hours. To reduce shadows, the proposed structure is set back from the eastern property line of the proposed project a minimum of 20 feet on upper floors. Shadow cast upon neighboring structures are considered adverse, but less than significant due to the duration and exposure of shadows to nearby buildings.

II. AGRICULTURE RESOURCES.

a.-c. **No Impact.** The project site is located in an urbanized area and there are no significant plots of rural land in the vicinity of the project; therefore, the project is not expected to have any significant impacts to agricultural resources.

III. AIR QUALITY.

a. **Less Than Significant With Mitigation.** The construction impacts study conducted by the applicant's traffic engineer, Raju Associates Inc., indicates that a total of 61,000 cubic yards dirt will be hauled away from the site which will take 4,066 trucks. The duration for excavation is estimated to be 112 days. The excavation process would result in a maximum of 40 loads (80 one-way trips) per day. Based on the Air Quality and Noise Impact Technical Report prepared by Terry A. Hayes Associates LLC, dated July 2006, states that the

project is generally consistent with all local and regional planning standards on which the air quality plan was based on, however in order to keep the emission below the thresholds of potential significance during construction activity and to ensure that the project does not conflict with or obstruct the implementation of the AQMP, the project will be required to comply with the following conditions of approval that no more than 80 one-way trips per day (40 arrivals, 40 departures) shall be permitted per day during construction. In conjunction with the above conditions of approval, no more than five pieces of diesel equipment such as one excavator/crane, one rubber tired loader, two tractors/loaders/backhoes/forklift and one miscellaneous piece of equipment shall be permitted to operate on the project site per day.

It was also noted that the project will be subject to the provisions of the South Coast Air Quality Management District's Rule 403 during the construction period. The following is a list of SCAQMD Rule 403 control measures to reduce construction emissions to level of insignificant. The mitigation measures shall be implemented for all areas of construction activity:

Measure III.a.1:Water or a stabilizing agent shall be applied to exposed surfaces in sufficient quantity to prevent generation of dust plumes.
Measure III.a.2: Track-out shall not extend 25 feet or more from an active operation, and track-out shall be removed at the conclusion of each workday.
Measure III.a.3: A wheel washing system shall be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the project site.
Measure III.a.4: All haul trucks hauling soil, sand, and other loose materials shall be covered (e.g., with tarps or other enclosures that would reduce fugitive dust emissions).
Measure III.a.5: All trucks hauling soil, sand, and loose materials shall maintain at least sic inches of freeboard in accordance with California Vehicle code Section 23114.

Measure III.a.6: Traffic speeds on unpaved roads shall be limited to 15 miles per hour.
Measure III.a.7: Operations on unpaved surfaces shall be suspended when winds exceed 25 miles per hour.
Measure III.a.8: Heavy-equipment operations shall be suspended during first and second stage smog alerts.
Measure III.a.9: On-site stock piles of debris, dirt, or rusty materials shall be covered or watered at least twice per hour.

b., c. **Less than significant with Mitigation**. Recent monitoring data show recurring violations of both the federal and State hourly standard for ozone and State standard for PM_{10}. First-stage smog alerts have been rare in recent years at nearby monitoring stations. While the summer ozone levels are occasionally unhealthful for all receptor populations, they are lower than inland communities. Levels of primary automobile pollutants, such as CO, have rarely exceeded their standards in recent years. In general, data shows that improvement has occurred throughout the 1990s in the western coastal portions of the Los Angeles Basin. However, desirable levels have not yet been attained for some pollutants.

As noted above, the project as proposed can potentially exceed the SCAQMD's thresholds of potential significance, with regard to construction activity; therefore, by implementing of mitigation measures noted previously, construction emissions would result in a less than significant impact. In general, air quality issues and thresholds are regional in nature (i.e. policies and thresholds are generally formulated in the context of air quality goals for the air basin as a whole), so the mitigation prevents the project from resulting in a cumulatively considerable net increase of any criteria pollutant in the South Coast Air Basin.

d. **Less Than Significant**. The project is not located in the vicinity of any heavy stationary sources, nor would it introduce any new, heavy stationary air emission sources. To the extent that the basin experiences poor air quality, the project would

expose sensitive receptors to pollutants, but episodes where the one-hour and eight-hour State carbon monoxide standards are exceeded are infrequent and are not the result of the project.

e. **Less Than Significant.** The project does not propose or facilitate uses that are significant sources of objectionable odors.

IV. BIOLOGICAL RESOURCES.

a., b., d. **No Impact**. The project area is a fully developed urban area, where there are no sizable, subdividable tracts of land. No significant habitats or migratory wildlife corridors would be directly affected by the project, and the project does not propose any policy changes that present significant impacts to endangered, threatened, or rare species or their habitats.

c. **No Impact.** The project involves no development in a federally protected wetland and involves no improvements that would impair or interrupt hydrological flow into such a wetland.

e. **No Impact.** The project will be required to comply with the City's tree preservation ordinance.

f. **No Impact.** There are no natural habitats or natural biological communities in the vicinity of the project. As the project is not of such a scope as to have a significant, wide-ranging effect on the natural environmental, it appears to be consistent with all habitat conservation plans and natural community conservation plan that may be applicable to the area.

V. CULTURAL RESOURCES.

a., b. **No Impact.** Neither the project site nor any existing development on the subject site is listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register or Historical Resources. Neither the

project site nor any existing development on the site has been included in a local register of historical resources. The project site contains no known historical or archeological resource of any architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural significance.

c. **No Impact.** The project site is located in a developed setting containing no unique geologic features or any identified paleontological resources.

d. **No Impact.** There is no evidence of any human remains on the project site or in the vicinity of the project.

VI. GEOLOGY AND SOILS.

a. Seismic hazards.

i. **Less Than Significant Impact**. There are no Alquist-Priolo faults in Beverly Hills. There is no substantial evidence of any earthquake fault on or close to the project site. Therefore, there does not appear to be any significant potential for surface rupture.

ii. **Less Than Significant Impact.** Southern California is a seismically active region and prone to earthquakes, which may result in hazardous conditions to people within the region. Earthquakes and ground motion can affect a wide-spread area. Nineteen individual faults or fault zones within 50 miles of the area, including the three local faults, are capable of generating earthquakes of Richter magnitude 6.25 to 8.5 (City of Beverly Hills Industrial Area Plan Draft EIR 1990). The potential severity of ground shaking depends on many factors, including the distance from the originating fault, the earthquake magnitude and the nature of the earth materials beneath the site. The most serious impacts associated with ground shaking

would occur if the structures were not properly constructed according to seismic engineering standards. Buildings have been designed to withstand strong earthquakes. The proposed building and structures will adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards. These necessary compliance strategies will reduce potentially significant impacts to less than significant levels.

iii. **Less Than Significant Impact.** Although there is no evidence of potential seismically induced ground failure on the site, the site is located in a mapped liquefaction area (1990 Seismic Hazards Mapping Act, Chapter 7.8 Act, Chapter 7.8 of Division 2 of the California Public Resources Code). Liquefaction is a process where water-saturated loose sands lose strength due to moderate or strong seismic shaking resulting in the transformation of soil into an essentially liquid state. This could cause the bearing strength to be lost underneath structures possibly causing significant settlement and differential settlement. The potential for liquefaction is greatest where the depth to groundwater is less than 50 feet below ground surface and the underlying soils consist of saturated sandy and silty soils of low plasticity. The depth to groundwater is approximately at depths of 22 to 24 feet with historic highs of about 10 feet below ground surface at the site. Therefore, there appears to be a potential for liquefaction to occur during an earthquake. As such, the project is subject to the provisions of Chapter 6 of the California Division of Mines and Geology Special Publication No. 117 and Public Resources Code Section 2693 (C). Conformance with these provisions will mitigate potentially significant liquefaction hazards to a less than significant level, therefore, no

significant ground failure impacts are anticipated.

iv. **No Impact.** The site is located in level terrain and is no evidence of potential landslides on the site. The site is not located in any mapped landslide area (1990 Seismic Hazards Mapping Act, Chapter 7.8 of Division 2 of the California Public Resources Code). Therefore, the project is not expected to have any potentially significant, adverse impact from landslides.

b. **Less Than Significant Impact.** The project site is currently a vacant lot. Impacts related to soil erosion would not be anticipated since construction activities would be short-term, and soil erosion typically occurs over an extended period of time. Since the project site is primarily vacant, the loss of topsoil as a result of grading and excavation activities would not be considered substantial.

c. **Less Than Significant Impact.** There is no evidence of unstable soil conditions at the project site. No such conditions were revealed in recent nearby development (offices on North and South Robertson Boulevard, residences on Arnaz Drive).

d. **No Impact.** Based on the soils investigation prepared by G.E.K. Construction Inc., the on-site soil was identified as being on the low expansion range. Therefore, no impacts related to expansive soils are anticipated.

e. **No Impact.** The community is served by a municipal waste water system and does not rely on septic tanks.

VII. HAZARDS AND HAZARDOUS MATERIALS.

a., b., c. **No Impact.** The project neither proposes nor facilitates any activity involving significant use, transport, or disposal of hazardous substances.

d. **Less Than Significant Impact.** Historical records indicate that project site was formerly occupied by a rental car agency. During this period two underground storage tans (USTs) were installed and operated. The storage tanks were removed by the current owner in 2006. Based on the report provided by the applicant and confirmed by the Beverly Hills Fire Department, the soil did not contain detectable concentrations of organic lead and contained hydrocarbon concentrations that were below typical action levels.

e., f. **No Impact.** The project is not located within two miles of any airport.

g. **No Impact.** The project poses no physical or operational barriers to emergency plans.

h. **No Impact.** There are no significant areas of flammable brush, grass, or trees in the vicinity of the project site.

VIII. HYDROLOGY AND WATER QUALITY.

a. **Less Than significant Impact.** The project involves no significant discharges beyond wastewater associated with ordinary human occupation of the facility, and the project will comply with all discharge requirements of State and Federal agencies.

b. **Less Than Significant Impact.** Construction of the proposed subterranean garage will extend below the ground water level and dewatering will be required. A dewatering system should be used in order to continue the construction of the project. The subterranean parking shall be designed with waterproofing and ground water collection and disposal system. To prevent the degradation of water quality, all construction would be in compliance with the Sate Water Resources Control Board (SWRCB) regulations, including compliance with the National Pollutant Discharge Elimination System (NPDES) and Storm Water Pollution Prevention Plan requirements. Overall, any

change in groundwater recharge rates resulting from the project appears to be insignificant.

c., d., e. **Less Than Significant Impact.** The proposed project would not result in changes in currents or the course or direction of water movements. While the project may contribute to storm drainage water flows, there are not significant permeable areas on the site and no significant changes in drainage are anticipated from the project. As such, this would not affect water movements or currents, and there would not be a significant change in volume. No direct alterations to the water courses would be implemented. Changes in drainage would not be substantial enough to significantly change siltation or increase erosion. No significant impacts are anticipated. The project is required to conform to the City's Urban Runoff Ordinance.

f,g ,h, i., j. **No Impact.** The project will not degrade water quality. The project site is not located within a 100-year flood plain or subject to localized flooding. The area was subject to occasional flooding during heavy storm precipitation but the recently completed Hollyhills Storm Drain System has since substantially reduced such incidents and additional development standards have been instituted that address storm flow along the streets. The project site also would not increase e nor create new potential for exposure to problems associated with water related hazards such as flooding, seiche, tsunami, or mudflows.

IX. LAND USE AND PLANNING.

a. **No Impact.** The project is not of sufficient scale to pose a physical barrier to the community.

b. **Less Than significant Impact**. The commercial zone along Wilshire Boulevard is designated as a low-density commercial area with a Floor Area Ratio (FAR) of 2.0 and a maximum height of 45 feet and three stories. The project as proposed would be 68 feet high and four stories. The applicant has

requested a height variance from the Zoning Code to allow the proposed building height with 2.0 FAR as permitted by Zoning Code.

c. **NO Impact.** There are no habitat conservation plans in the area.

X. MINERAL RESOURCES.

a., b. **No Impact.** No mineral resource of value to the region and the residents of the State are known to be within the project area other than petroleum, and the project proposes no policies or improvements that would have any effect on the petroleum resources located in the vicinity. The project involves no site designated for resource recovery.

XI. NOISE.

a., b. **Less Than Significant Impact with Mitigation.** The proposed project is expected to increase existing noise levels due to construction and incrementally as a result of operation of the project and increases in traffic. The level and intensity of noise impacts associated with additional vehicular movement is evaluated by the Air Quality and Noise Impact Technical Report prepared by Terry Hayes and Associates LLC. Based on the report, operational noise impact would be less than significant and no mitigation measures are required. However, there could be some high levels of noise during construction, but construction noise is temporary and is restricted during the times of day when residential areas are most sensitive to noise by the City's construction noise ordinance. Standard construction mitigation would minimize the impact of construction noise on existing sensitive residential uses located in the project vicinity, and the intensity and duration of these noise impacts is limited by existing city requirements which regulate the days and hours when construction is permitted. However, mitigation to reduce construction-related noise levels is recommended given the close proximity of residential uses to the project site

including:

Measure XI.a/b.1: All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices.

Measure XI.a/b.2: Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber tired equipment rather than track equipment).

Measure XI.a/b.3: Equipment staging areas shall be located on the western portion of the project site, as far as possible from 141 and 143 N. Arnaz Drive residential developments.

Measure XI.a/b.4: During construction, sound attenuation blankets with a Sound Transmission Class rating of 20 or more shall be used on the second, third, and fourth floors that face 141 and 143 N. Arnaz Drive Development. The sound attenuation blankets shall break the line of sight between the construction activities and 141 and 143 N. Arnaz Drive.

Measure XI.a/b.5: All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicated the dates and duration of construction activities, as well as provided a telephone number where residents can in quire about the construction process and register complaints.

Measure XI.a/b.6: A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and would be required to implement reasonable measures such that the complaint is resolved. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

This impact is considered less than significant with these limitations and mitigations.

c. **Less Than significant Impact.** There may be greater noise from an increased level of activity on the site, but not to a significant degree. The activity areas are entirely enclosed, and the marginal increase in noise would be associated with the traffic to and from the site; the increase being largely in recurrence and/or duration rather than in loudness.

d., **Less Than significant Impact.** The project would tend to diminish the potential noise impacts associated with an open parking lot (current use) by providing an enclosed parking structure and screening the nearby neighborhood from noise from the thoroughfares. However, due to construction-related excavation and shoring activities which may require the use of piles, the proposed project may lead to a substantial temporary increase in ambient noise levels in the project vicinity above existing levels. By implementing mitigation measures and compliance with the City's noise ordinance, construction noise would result in a less than significant impact.

e., **NO Impact.** There is no private airstrip within the
f vicinity.

XII. POPULATION AND HOUSING.

a. **No Impact**. The project is located in a developed area and requires no significant changes to the local infrastructure to accommodate it.

b., **No Impact.** The project site is currently a
c. commercial zone without housing uses.

XIII. PUBLIC SERVICES.

No Impact. The project is not anticipated to have any impacts on public services not already assumed as part of the general plan and zoning for the area.

XIV. RECREATION.

No Impact. The project will not add population that will require additional recreational facilities, or result in deterioration of existing facilities. The project does not propose any new recreational facilities that would have an adverse physical effect on the environment.

XV. TRANSPORTATION/TRAFFIC.

a. **Less Than Significant With Mitigation Incorporation.** Based on the Traffic Study prepared by Raju Associates, Inc., the proposed project is expected to have significant traffic impact during A.M. peak hours at the intersection of Robertson and Wilshire Boulevards. In order to address the impact, a mitigation measure is proposed to eliminate the impact. A right turn lane is proposed to be added to remove the impact. The applicant is proposing to reconfigure the sidewalk and street lanes. To achieve a new lane the width of the side walk would be decrease in width from 15 feet to 10 feet and the shared through/right-turn lane will be split into a through lane and a separate right-turn lane. The length of the turn lane would be 100 feet with a 60 foot taper which will be able to accommodate the right turn volumes at this location. The proposed mitigation measure would reduce the sidewalk width from 15 feet to 10 feet. Staff is proposing a condition that the building to be set back by additional five feet at Wilshire Boulevard property line to provide a 15 feet sidewalk for continuity and consistency.

<u>Measure VI.a.1</u>: A right-turn lane shall be added to the westbound approach to the

intersection of Wilshire Boulevard and Robertson Boulevard.

It should be noted that a Supplemental Traffic analysis prepared by the applicant has evaluated five different use alternatives for the site.

The project including the proposed alternatives traffic impacts are shown as follows:

Alternative	**Significant Impact**	**Mitigation**
Project Office/Retail	Weekday morning peak hour impact on Robertson/Wilshire Boulevard	Addition of a right turn lane on Wilshire Boulevard Less than significant
Alternative 1 Office/Retail/restaurant Coffee shop	Weekday morning peak hour and Saturday midday peak hour impact on Robertson/Wilshire Boulevard	Addition of a right turn lane on Wilshire Boulevard Less than significant
Alternative 2 Office/Retail/restaurant Coffee shop/car storage	Weekday morning peak hour and Saturday midday peak hour impact on Robertson/Wilshire Boulevard	Addition of a right turn lane on Wilshire Boulevard Less than significant
Alternative 3 Office/Retail/car storage	Weekday morning peak hour and Saturday midday peak hour impact on Robertson/Wilshire Boulevard	Addition of a right turn lane on Wilshire Boulevard Less than significant
Alternative 4 Reduced Office & Retail/restaurant Coffee shop/car storage	No Intersection Impact.	No Mitigation
Alternative 5 Reduced Office/ Retail/ car storage	No Intersection Impact.	N Mitigation-

It should be noted that the measure would adequately address the proposed mix of general office and retail uses; medical office uses have not been evaluated. In addition, in evaluating restaurant and coffee shop uses trip generation trips, the supplemental traffic analysis prepared by the applicant's traffic consultant applied a 20% pass by reduction and internal

trip credit which is not allowed by the City policies. In the supplemental traffic study, the number of trips subtracted for this use is 165 per day. In order to measure the potential impacts of those alternatives that include the coffee shop, Korve Engineering, City's traffic consultant has done spot check, adding back in these 165 daily trips. Based on City's consultant analysis, it appears that at least one street segment (Clifton Way east of Robertson Boulevard), will be impacted (Alternatives 1&2). Based on the above and given the traffic-related concerns in this area of the City, it is recommended that the 20% pass-by trips be restored to the analysis in order to determine if impacts will also occur at critical intersections or on other street segments.

However, the applicant has verbally noted that the applicant will not consider any food facilities within the proposed building. Therefore, a condition will be imposed to prohibit food facilities including restaurants and coffee shop in the proposed building. By adding this condition, no additional traffic impacts anticipated.

b. **Less than Significant Impact.** Based on the Los Angeles County Congestion Management Program's (CMP) guidelines, the proposed project will add less than 50 trips to each of the CMP intersections; therefore, the project's traffic is not considered to be significant with regard to the CMP.

c. **No Impact.** There are no air traffic patterns over the City that would be affected by the construction of a three-story building.

d. **Less than Significant Impact.** The proposal will provide 358 parking spaces within 4-level of subterranean parking structure. The project as proposed requires 215 parking spaces. The project would have 143 additional parking spaces. Because concerns were raised regarding the design of the

parking levels and parking spaces, the applicant modified the parking layout. However, the garage will function better if additional makings and signage are installed.

e. **No Impact.** The project as proposed would not impede emergency access or circulation of emergency vehicles.

f. **No Impact.** The project as designed provides additional parking beyond the parking required by Code.

g. **No Impact.** The project as designed does not affect any alternative transportation policies. It will be required to comply with the City's Congestion Management Ordinance (Title 10, Chapter 7 of the Beverly Hills Municipal Code).

XVI. UTILITIES AND SERVICE SYSTEMS.

a., e. **Less Than Significant Impact.** The General Plan anticipates greater development in the project area than exists currently, and the infrastructure is generally considered to be adequate to support General Plan policies. Project-related discharges would be limited to wastewater associated with ordinary human occupation of the proposed facilities and stormwater resulting from surface water runoff at the project site. The proposed project is not anticipated to exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB) or to require the construction of new water or wastewater treatment or drainage facilities. The project will comply with all waste discharge requirements and water quality objectives of state and federal agencies. In addition, it is unlikely that the implementation of the proposed project would result in the need for new water supply systems or the major alteration of existing systems.

f. **Less Than Significant Impact.** The proposed project
,g includes commercial uses and would result in the increased generation of solid waste. Solid waste impacts for commercial uses would be less than significant. However, given limited capacities at landfills servicing the proposed project, the project site shall comply federal, state, and local requirements associated with solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a. **No Impact.** The project is located in a built-up urban environment and is not of such a scale or proximity to any natural habitat or natural or historical resources to have potentially significant impacts such resources.

b. **No Impact.** In the context of other pending or planned development in the region, the project's effects are inconsequential relative to the overall aggregate effects of the area's development. The cumulative impact of development in the region is virtually the same with or without the project as proposed.

c. **No Impact.** The project poses no significant hazards to humans.

SUPPORTING INFORMATION SOURCES:

Beverly Hills Municipal Code.

Beverly Hills General Plan.

Beverly Hills Official Zoning Map.

Guidelines for Implementation of the California Environmental Quality Act, prepared by the Governor's Office of Planning and Research, 1998; updated 1999-2001.

Geotechnical Report for Seismic Safety Element for the City of Beverly Hills, prepared by Woodward-Clyde Consultants, 1987.

CEQA Air Quality Handbook, prepared by the South Coast Air Quality Management District, 1993, as updated 2002.

Hazardous Waste and Substances Sites List, prepared by the California Environmental Protection Agency Hazardous Materials Data Management Program, 1998.

The Congestion Management Plan for Los Angeles County, Prepared by the Los Angeles County Metropolitan Transportation Authority, adopted December 1995.

Endangered and Threatened Animals of California, California Department of Fish and Game, Resources Agency, October, 1996.

Endangered, Threatened and Rare Plants of California, California Department of Fish and Game, Resources Agency, January, 1996.

RESPONSES TO COMMENTS

The Mitigated Negative Declaration for the Wilshire Robertson Office Building Project was circulated for public review from July 32 2006 to August 21, 2006. Two comment letters and one petition were received.

COMMENTS ON THE MITIGATED NEGATIVE DECLARTION

The following letters were received before or during the public comment period and contain comments on the Mitigated Negative Declaration:

1. Notes from Rob Glushon for George Kobar Opposition submitted at the Planning Commission Meeting of August 10, 2006
2. Woody Yee, Los Angeles County Metropolitan Authority
3. Petition Opposing Building Project at 8767 Wilshire Boulevard, Beverly Hills, Submitted at the Planning Commission Meeting of August 10, 2006.

Comments on the Mitigated Negative Declaration have been numbered and responses to those comments are included after each letter.

PUBLIC HEARING

A public hearing on the project and Mitigated Negative Declaration was held on August 10, 2006. A copy of the staff report for the public hearing is included.

A

Notes for Rob Glushon for George Kobor's Opposition

1. Variance – it should not be granted for the creation of a self-hardship. Mr. Kobor created the lot in an L-shape. He cannot claim a hardship because there is no unusual condition as to the property except for what he himself created. In fact he can build on either rectangle as separate parcels.

A.

2. There is no uniqueness as stated above as there is to topography issues. The only issue that they raise is location and shape of the lot. Again the lot is a lot that was created by Mr. Kobor by assembling parcels. This is not a hardship. Further, the hardship that is requested is a hardship as to height and there is no uniqueness at this particular property with respect to height as the parcel does not limit him on going to 45 ft. in height.

A.

3. By granting a variance, you are granting a special privilege that no one else within the vicinity will be able to enjoy. The buildings north on Robertson do not enjoy a greater height nor do the buildings east and west on Wilshire nor the buildings on south side of Wilshire. The south side of Wilshire Boulevard does not enjoy any special privileges that this applicant does not have. Just because the property is being built on the corner is not unique and there is no special privilege. The fact that it's being built on the corner is not unique, as if you look across the street to the BMG building, that building was also built on a corner. It was also built on an L-shape lot and in fact, there's a cut out at the rear of the building because of the school and that would have been a greater hardship than what this building is requested. The building across the street is no more than 45 ft. in height and what is being created here is just the opposite; it is a special privilege being granted to Mr. Kobor for his building. He does not deserve any granting of a variance.

In fact, if you grant a variance for Mr. Kobor based upon the fact that he assembled his own lot should the variance be granted to anybody that assembles his own lots not in a rectangle and/or square position.

A.

The variance he requests is a variance for height. A variance is granted to make the building compatible with other buildings in the neighborhood who have built in accordance with the zoning regulations. There are no buildings that have been built at a greater height than 45 ft. within this area under the current zoning regulations. Thus, again you are granting a special privilege to this individual and there is no grounds for self imposed hardship.

B. 1,2,3

With respect to the traffic issues, in the Traffic Report, there is no analysis of the traffic on Robertson Boulevard. All of the analysis for mitigating measure was looked at with respect to Wilshire Boulevard. It is noted that the intersection on Robertson and Wilshire is Level F and this in fact would impede traffic even further by this development. While the developers requested only a 2.0 FAR, a lot of times, this Planning Commission has recognized that because of the density of 2.0 being the maximum density that there needs to be adjustment and even reduction in density so as not to further impact the intersection. As to Robertson Boulevard, Robertson Boulevard is a main thoroughfare from the freeway at National and Robertson and as such carries most of the traffic from that area exiting the freeway up into West Hollywood where people work in the Design Center and also at Cedar Sinai Hospital and the medical buildings and other retail stores that are

B. 4. (a & b)

located within that area. This is a major thoroughfare. The Traffic Report state that a mitigating measure would be to provide for right-hand exiting strictly on Robertson and no left-hand turn coming south on Robertson in order to enter the building. How will that condition be monitored and what happens if in fact it is not monitored. What needs to be implemented is a divider which will limit the entry way on Robertson. This should be done at the cost of the developer with landscaping in the divider. That would prohibit any cars from making a left-hand turn into the building. This could be accomplished by having the building on the Robertson side set back an additional 5 ft. which would give sufficient room in the middle of the street to provide the divider while at the same time not impeding an impact the left-hand turn signal at Robertson and Wilshire.

5.

Next issue is view impact. By allowing this building to go beyond 45 ft. in height, in addition to the shade and shadow analysis that was done under the EIR study, there needs to be a further study of impact upon views and vistas of the surrounding buildings and the condominiums. If this building is built above 45 ft. effectively what you will have is an impact of the views and vistas of those people from not only the condos but people on Robertson and Wilshire and their views and vistas towards the mountains, which is reasonably expected for a building of 45 ft. in height. The Staff Report seems to indicate that the developer is providing a benefit by providing additional parking spaces in the building over and above that which is required, however, it must be remembered that these parking spaces are not being offered to the public which is greatly needed in this area but in fact is being offered at a dollar amount to fill the pockets of the developer.

6.

7.

Also important here is the fact that there is no alleys whether north of Wilshire and/or north and south dividing the condos and the new proposed building. The developer states that by setting back the building to 20 ft. which can provide adequate separation. However, if there is a north – south alley that runs between this property, the alley itself would be 20ft. and then you would have in accordance with our transitional codes, another set back of the building so you would have greater than 20 ft. and this building should be looked at in the same manner as if there was an alley there. By doing this additional set back beyond the 20 ft., you will ensure not only view, but light and air.

8.

In order to make findings, you must determine that this building is a harmonious development with other buildings in the area. If you look at other buildings in the area, as stated in your Staff Report you will note that most of the buildings in this area are 2 stories and/or 3 stories pursuant to the existing codes and this developer should build in accordance with the existing code and no special privilege should be granted.

This developer also says that he is providing a great building because he is providing modulation but it must be remembered, he's giving you nothing because most of the buildings that developers in this area build already provide modulation, as an example look at the BMG building across the street which provide modulation at the corner and other portions of the building.

Further, with respect to dedications as stated above, the dedication on Wilshire for a right-hand turn lane only helps if there is no bus or dedicated bus lane which is now

9. (a & b)

being discussed. If you look at the BMG building across the street, you will note that not only is there a dedication on Wilshire but there is also a dedication on Robertson Boulevard for a right-hand turn at that particular location. In this particular building, there should also be a dedication as stated above of 5 ft. to provide the medium divider, by these additional dedications for this building, you will be able to have unfretted access onto Robertson Boulevard where the traffic will then be able to flow freely and not impede traffic coming north and south.

With respect to the loading zone, you have no assurances that any of the loading vehicles will in fact use the loading zone; the loading zone as designed impedes the ingress and egress off of Robertson Boulevard which will provide a conflict for visitors and employees traffic coming into the building.

Also in the Staff Report, there is an indication that there's to be a monthly schedule on the loading delivery. Who has the responsibility of preparing the monthly schedule when numerous tenants will be in the building, how do we know that the monthly schedule will be adhered to and what are the financial ramification if in fact it's not held to. What happen if a monthly schedule is given, it still impacts the ingress and egress of this building. Do you eliminate all deliveries or allow the trucks to park on the street. Remember there is no alley here.

10

Dirt Removal. While the mitigation factor indicates that there are 80 hauls per day, how is it monitored and how might those hauls impact major intersections with respect to traffic in the north-south, east-west directions.

This project has not had a total analysis with respect to all environmental conditions and needs an Environmental Impact Report to analyze this particular building and all the potential alternatives with respect to this property. There has been a substantial amount of evidence presented pursuant to CEQA and if in fact there is a substantial amount of evidence, a fair argument could be made with respect to the evidence as presented to indicate environmental impacts, you are left with no other alternative but to order an Environmental Impact Report to test the different issues. Not to do so, leaves the City of Beverly Hills vulnerable for a challenge under the fair argument rule.

So let's order an Environmental Impact Report. This building does not comply with the current general plan, does not deserve a variance with special privilege, and does not meet the findings for a Development Plan Review.

What you have is a developer that is trying to impose his own self-hardship in light of proper planning for this corner. There is no special circumstance at this corner nor is there any special significance to this corner. Don't let the developer try to create concept.

RESPONSE TO LETTER 1
Mr. Rob Glushon

Response to Comment:

A. Page 1, Paragraph 1,2,3 and Page 2 Paragraph 1 and 2:

Comment is noted and will be considered by the City's decision makers.

B. Page 2, Paragraph 3 and Page 3, Paragraph 1

1. *"With respect to traffic issues ... there is no analysis of the traffic on Robertson Boulevard."* The traffic study did review the traffic on Robertson Boulevard as well as Wilshire in the intersection analysis. The analysis methodology looks at all of the movements and approaches to the intersection and determines which is the most impacted. This is done by comparing the volume of traffic to the capacity of each approach to handle that volume and assigning a level of service factor. Given the volumes for each approach to and movement at this intersection, it was determined that the level of service at Wilshire and Robertson was E in the existing conditions. If nothing else is developed in the vicinity of that intersection and if no improvements are made to the intersection, by 2008, the cumulative growth in the area will have degraded the level of service to F. It should be noted that new development cannot be made responsible for mitigating the effects of cumulative growth. However, by the standards of the City of Beverly Hills, new development itself cannot degrade this level of service. If it is anticipated that a proposed development will do so, a mitigation must be identified. In this case, by splitting out the right turns from the through movements, the westbound approach to the intersection would operate in such a way that the LOS at the intersection would not be degraded.
2. 3rd paragraph: RE: Floor Area Ratio (FAR) – In and of itself, the FAR is not the driving factor for determining traffic generation and potential impacts to the roadway system. We look at type and density of each land use proposed for a site to determine the trip generation and thus analyze the impacts. Comparatively, one development with an FAR of 2.0 can generate many more trips than another on the same site if the land uses in that development are higher generators or if particular land use types have greater square footage than others. Moreover, the same site might be able to accommodate an FAR of more than 2.0 and generate fewer trips, depending upon the land uses in that development.
3. *"... Robertson Boulevard ... carries most of the traffic from that area exiting the freeway up into West Hollywood ..."* While Robertson Boulevard provides access from the Santa Monica Freeway to points north, in the vicinity of this project, La Cienega Boulevard carries more north-south traffic than Robertson Boulevard does.

4. Page 3, paragraph carried over from Page 2:

   a) *"The Traffic Report states that a mitigating measure would be to provide for right-hand exiting strictly on Robertson and no left hand turn coming south on Robertson in order to enter the building. How well that be monitored?"* Conditions have been placed on the development to install a structure such as a raised concrete island that would force right turns into and out of the Robertson Boulevard driveway. Such a structure would physically prevent left turns into and out of the site.

   b) *"What needs to be implemented is a divider ... at the cost of the developer ... with landscaping in the divider."* There is not sufficient right of way on this segment of Robertson Boulevard to accommodate a landscaped divider. In addition, given the projected movements at this point, there is not a nexus between the turning volumes out of this driveway to require the developer to build such a divider. The same would hold true relative to the suggestion of an additional 5' setback to accommodate a raised median.

5. Page 3, second paragraph:

   "..... *there needs to be a further study of impact upon views"* The proposed project would introduce an approximately 68-foot tall, four story building. The nearest natural feature to the proposed project site is the Santa Monica Mountains. The proposed project is located on the northeast corner of Wilshire Boulevard and Robertson Boulevard. As proposed the structure provides setbacks through out the building and as situated the proposed structure would not restricts views towards Santa Monica Mountains of the structures located at the north of Wilshire Boulevard either on Arnaz Drive or Robertson Boulevard. The proposed project, which would be a maximum of 68 feet in height, would not affect this view point. It should be noted that any development on the project site at the building heights allowed by the City's municipal code would have a similar effect.

6. Page 3, last paragraph:

   "... it must be remembered that these parking spaces are not being offered to the public ..." As of the Planning Commission's action, these spaces will be made available to the public, but there will be a charge to park in them.

7. Page 4, last paragraph:

   "... the dedication on Wilshire ... only helps if there is no bus or dedicated bus lane which is now being discussed." Such a bus-only lane has not been adopted

or implemented by any agency. In the future, should there be any type of dedicated right-of-way for transit vehicles, any modification to the physical layout of the intersection would be subject to review by the appropriate agencies.

8. Page 4, First paragraph:

".....The building is a harmonious development with other building in the area" The site is currently not optimally used. Under the current zoning designation, the project site could be developed with a maximum density of 2.0 and three stories/ 45 feet in height. As proposed, the building would have 2.0 FAR, but will exceed the height limitation. As proposed, the project consists of general office use and retail with prospects for eating establishments or car storage. However, uses such as medical office use, Coffee shops are among uses that are permitted on the project site.

The proposed building façade is of a contemporary design, using glazing and granite veneer as the predominant exterior finish for the building elevations facing Wilshire and Robertson Boulevards. The pedestrian entrance to the building would be located towards the center of the building at the corner of Wilshire and Robertson Boulevards. The building as proposed would have modulation and setbacks through out the building facades.

Although the proposed project will increase the building height and number of stories, the density on the site will remain the same as allowed by General Plan. The proposed building will be 68 feet in height, 23 feet higher than the maximum allowed by Code. However, the height is concentrated at the center of the building at the intersection of Wilshire and Robertson Boulevards. The overall height of the building to the roof line is 56 feet which is 11 feet higher than permitted by Code. The project is providing set back and modulations through out the building facades. The proposal is set back a minimum of 10 feet on the ground floor and 20 feet on the upper floors with landscaping to maintain adequate privacy for multi-family residences at the rear of the property. In addition, the Community Character Committee of General Plan recommended that the City consider variation in building heights in this area to relieve the monotony that would be created if all new construction met today's standards of 45 feet with 3 stories. In addition, in November of 2005, when the Planning Commission reviewed the previous project for this site, it was noted that additional height may be considered. Implementation of the project will improve the appearance of the site and area; and is consistent and harmonious with the nature and type of developments designated for the area in the General Plan.

9. Page 5, First paragraph, middle of page:

a) *" ... you have no assurances that any of the load vehicles will in fact use the loading zone ..."* The loading management plan will account for how all delivery vehicles will be allocated time at available internal loading areas. If there are violations of the plan when the building is operational, these can be dealt with through the code enforcement process.

b) *"... the loading zone as designed impedes the ingress and egress off of Robertson Boulevard which will provide conflict for visitors and employees traffic coming into the building."* The loading area was redesigned several times, as were the access points to the ground floor retail spaces. The current configuration shows the loading area to be well inside the building, with direct access to the egress driveway onto Wilshire Boulevard. We believe the current configuration, in coordination with a detailed loading management program, will accommodate the delivery needs of the tenants so as not to impact ingress or egress of other vehicles.

10. Page 6, First paragraph:

" ... There are 80 hauls per day, how is it monitored and how might those hauls impact major intersections ..." The developer is required to submit a construction management plan that outlines, among other issues, how the trucks that haul dirt will access the site. The conditions of approval clearly state that this process will not impact the movement of traffic at this intersection.

Metro letter

Tab 6

Los Angeles County
Metropolitan Transportation Authority

One Gateway Plaza
Los Angeles, CA 90012-2952

213-922.2000 Tel
metro.net

Metro

RECEIVED
CITY OF BEVERLY HILLS
AUG 1 0 2006
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

August 10, 2006

Ms. Rita Naziri, Senior Planner
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210-4817

Dear Rita:

It was my pleasure meeting you this morning to discuss possible relocation of Metro's bus stop on the northeast corner of Wilshire Boulevard at Robertson Boulevard. The subject bus stop serves Metro local Line 20 and Line 21. Relocation of this bus stop to the northwest corner of Wilshire Boulevard at Robertson Boulevard is feasible, however, it requires extending the bus stop currently serving Metro Rapid Line 720.

As we discussed, it is Metro's customary policy to keep Metro Rapid bus stops physically separate from local bus stops. All Metro Rapid bus stops will eventually have bus stop shelters featuring a silent message sign notifying passengers of the next Rapid bus arrival. Combining Metro Rapid and local bus stops will mislead passengers waiting for local bus service who are reading the message sign. Less congestion and confusion with boarding and alighting buses is an additional benefit of separating bus stops.

The following points should be addressed in order to relocate the bus stop:

- Remove three parking meters, specifically, numbers 8811; 8813; and 8815. Upon removal of the parking meters, any grey curbing beginning from northwest corner of Wilshire Bl. and Robertson Bl. to the northeast corner of

Wilshire Boulevard at Clark Drive requires red paint. Metro Stops and Zones maintenance personnel can provide application of red paint to curbs.

- In order to avoid damage to the street, the concrete bus pad should be extended approximately 90 feet.

The additional curb length is needed to accommodate Metro's larger 60 foot articulated buses in addition to maintaining separation of the Metro Rapid bus stop from the local bus stop.

A bus stop post will be installed near the entrance to Beverly Hills BMW. I have concerns that the owner of the business will be upset with the extension of the bus zone and consequently, the loss of parking adjacent to the business and passenger waiting near the entrance to the business. The City of Beverly Hills' support of extending the bus zone is expected should the business owner contact Metro.

Again, it was a pleasure meeting you this morning. Please contact me if you have questions or if I can be of further assistance.

Sincerely,

Woody Yee
Stops and Zones Supervisor
(213) 922-5063
yeew@metro.net

RESPONSE TO LETTER 2

Los Angeles County, Metropolitan Transportation Authority (MTA)

Response to Comment :

A. Comment is noted.

CITY OF BEVERLY HILLS
PLANNING DEPARTMENT
SUBMITTED AT PLANNING
COMMISSION MEETING OF:-
8-10-06

Petition Opposing Building Project at 8767 Wilshire Boulevard, Beverly Hills

We are opposed to building any project at 8767 Wilshire Boulevard which would exceed the existing 3 story 45 foot height and density limits.

Signature	Printed Name	Address
	Darren Bojeaux	123 N. Palm Dr. B.H.
	Lee Postowak	123 N. Palm Dr B.H.
	ANGELICA KULCH	127 N. PALM DR B.H.
	RONALD KULCH	127 N. PALM DR. B.H
	Jilla Azizzadeh	120 N. Palm Dr B.H
	Diana Perry Doyle	114 N. Palm Dr BH BH
	NANCY P PERRY	114 N PALM DR
	PEARL MOLDOVAN	112 N. Palm Dr
	FRANK MOLDOVAN	112 N. Palm Dr
	FRED BLUM	107 N. Palm Dr
	CYNTHIA BLUM	107 N. Palm Dr
	HIRI ETESAMI	117 N. Palm Dr
	JACKIE ETESAMI	117 N. Palm Dr.

CITY OF BEVERLY HILLS
PLANNING DEPARTMENT
SUBMITTED AT PLANNING COMMISSION MEETING ON 2/8/06

Petition Opposing Building Project at 8767 Wilshire Boulevard, Beverly Hills

We are opposed to building any project at 8767 Wilshire Boulevard which would exceed the existing 3 story 45 foot height and density limits.

Signature	Printed Name	Address
Rita Kertesz	RITA KERTESZ	608 N. WHITTIER DR.
[illegible]	ERNEST KERTESZ	608 N. WHITTIER DR.
Nathalie Kertesz	NATHALIE KERTESZ	608 N. WHITTIER DR.
Monica Kertesz	MONICA KERTESZ	608 N WHITTIER DR.
[illegible]	ILZE BREHMER	608 N WHITTIER DR

RESPONSE TO LETTER 3
Petition Opposing the Proposed Building Height

Response to Comment:

A. Comment is noted and will be considered by the City's decision makers. Please see "Response to Letter 1, Response No. 5."

ATTACHMENT 6

ADDENDUM TO NEGATIVE DECLARATION

SITE: 8767 Wilshire Boulevard, Beverly Hills, CA 90210
PROJECT TITLE: 8767 Wilshire Boulevard
PROJECT APPLICANT: Alex DeGood for owner Kobor Family Trust

PROJECT DESCRIPTION: A request for a Development Plan Review to revise conditions of approval for a previously approved commercial/retail/restaurant building currently under construction at the property located at 8767 Wilshire Boulevard (referred to as the "Approved Project"). The Approved Project specifically prohibited medical uses, pharmacy uses, smaller non-destination food service establishments and required 51 additional surplus parking spaces, over what was required for the building uses, to be made available to the general public. The Kobor Family Trust (the "Applicant") proposes to revise the conditions of approval to allow these uses and to remove the condition of approval that requires 51 surplus parking spaces for the general public. The overall building envelope including height, setbacks, access and loading for the Approved Project would not change with the proposed project revisions. The California Environmental Quality Act (CEQA) analysis for the Approved Project consisted of a Negative Declaration.

PURPOSE: This Addendum to the previously adopted Negative Declaration is being prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines which allows for the lead agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,

(3) New information of substantial importance identifies one or more significant effects not discussed in the previous negative declaration, significant effects previously examined will be substantially more severe than shown in the previous negative declaration, mitigation measures or alternatives previously found not to be feasible or not analyzed in the negative declaration would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

FINDINGS REGARDING THE PROPOSED PROJECT REVISIONS:

1. The Approved Project was environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study (attached) and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts and the City adopted a Mitigated Negative Declaration.

2. On September 14, 2006, the City of Beverly Hills Planning Commission adopted the Mitigated Negative Declaration as part of Planning Commission Resolution #1442 conditionally approving a Development Plan Review and Variance for the Approved Project, which allowed general commercial/retail/destination restaurant uses, but prohibited medical uses. The approval was subsequently appealed to the City Council, which adopted Resolution No. 07-R-12273 denying the appeal and upholding the decision of the Planning Commission with additional conditions of approval added.

3. An application was submitted on October 15, 2008 and was deemed complete on November 14, 2008. The City suspended the 180-day review time period on January 22, 2009 because the project applicant did not provide the information necessary to properly analyze potential environmental impacts associated with the proposed revisions to the project. The Applicant resubmitted the required documents on July 15, 2009, which restarted the timeframe established by CEQA Guidelines, to revise the Approved Project's conditions of approval (specifically, the Development Plan Review conditions) to allow medical, pharmacy and restaurant or sundry retail uses at the site and to eliminate the condition requiring 51 surplus parking spaces to be available for general public use.

4. Staff analyzed the proposed project revisions to determine if any impacts would result from the proposed changes including allowing medical, pharmacy, restaurant or sundry retail uses and eliminating the 51 surplus parking space requirement. This analysis include the review of additional technical studies of traffic, air quality, and noise issues. Those technical studies, which were prepared by the Applicant and peer reviewed by the City, are attached hereto, and incorporated herein. Pursuant to CEQA Guidelines Section 15162 the City finds a new mitigated negative declaration is not required for this revision because:

   a) The proposed project revisions do not result in any new significant environmental effects and, like the Approved Project, no unmitigatable significant impacts have been identified. The project revisions propose a change to the uses within the building from general office and retail to medical office, general office, pharmacy, retail, restaurant or sundry shop. Revised traffic, air quality, and noise studies completed for the proposed project revisions conclude that there will not be any new significant unmitigatable impacts. Therefore, the proposed revisions do not represent a substantial change in the project, and will not result in new significant environmental impacts or a substantial increase in the severity of any impacts.

   b) The project revisions will not result in any significant environmental impacts, and the circumstances under which the project is being undertaken have not substantially changed since the CEQA determination was made for the Approved Project. The area in which the project is located is substantially the same as it was when the determination was made for the Approved Project.

   c) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the prior Mitigated Negative Declaration was adopted, that identifies a significant environmental effect. Because the proposed project revisions would not result in any new or more severe environmental impacts that those associated with the Approved Project, there is no need for new or substantially modified mitigation measures.

Therefore, Pursuant to CEQA Guidelines Section 15164, an Addendum to the Negative Declaration has been prepared to document the revised uses including 54,900 square feet of medical, 1,116 square foot pharmacy, 4,696 square feet of general commercial office, 2,000 square feet of restaurant or sundry retail (with up to 999 square feet of dining and bar area) and 12,404 square feet of retail and for the removal of the 51 parking spaces conditioned to be available for public use.

For any questions regarding this matter, please contact Associate Planner Georgana Millican in the Beverly Hills Community Development Department at 310.285.1121.

By: _____

Georgana Millican, Associate Planner

DATE: September 17, 2009 HEARING DATE: September 24, 2009

ATTACHMENT 7a

RAJU Associates, Inc.

524 S. Rosemead Blvd.,
2nd Floor,
Pasadena, CA 91107
Voice(626) 792-2700
Fax: (626) 792-2772

MEMORANDUM

TO: Mr. Bijan Vizari, City of Beverly Hills
CC: Mr. Alex DeGood, JMBM
CC: Ms. Kathy Javor, GEK Construction, Inc.

FROM: Srinath Raju, P.E.
Christopher Munoz

SUBJECT: 8767 Wilshire Boulevard Medical Office Project
Supplemental Updated Traffic Impact Analysis

DATE: July 15, 2009 **REF:** RA 295

This technical memorandum summarizes a comprehensive traffic and parking analysis conducted by Raju Associates, Inc., to evaluate the potential traffic impacts due to the modification of land uses of the proposed development at the Wilshire Robertson Office Project located at 8767 Wilshire Boulevard in the City of Beverly Hills, California. A traffic study was prepared and approved for an office building at this site that was entitled for 75,116 square feet of general office and retail/restaurant/coffee-shop uses.

The modified land use development that is being proposed at the 75,116 square feet building is 54,900 square feet of medical office use, 4,696 square feet of general office use, 11,404 square feet of retail, 3,000 square feet restaurant and 1,116 square feet of pharmacy use. The methodologies and assumptions utilized in this analysis are consistent with those used in the traffic study.

STUDY SCOPE

The scope of work for this effort was developed in conjunction with the City of Beverly Hills staff and is similar to that used in the original traffic study, *Traffic Study for the 8767 Wilshire Boulevard*

Office Building Project prepared by Raju Associates in May 2006 and supplemented with additional analyses summarized in a technical memorandum, *Supplemental Traffic Analysis for the 8767 Wilshire Boulevard Office Building Project* dated June 1, 2006. The base assumptions, technical methodologies and geographic coverage of the study were all identified as part of the study approach and are the same as those in the original traffic study. The study is directed at the analysis of potential traffic impacts on the street system produced by the updated proposed project.

The Project's updated trip generation was estimated and traffic impact analyses were conducted at the same seven study intersections and seven street segments for weekday morning and evening peak hour conditions similar to the analyses presented in the original traffic study for the Project.

Also, the updated traffic impact analysis includes evaluation of two intersections adjacent to the project site during the midday peak period (12 noon to 4:00 p.m.), since medical office traffic peaks during weekday mid-day peak periods. They are:

- Robertson Boulevard/Clifton Way
- Robertson Boulevard/Wilshire Boulevard

These two intersections are located immediately adjacent to the project site and were chosen for analysis working closely with the City of Beverly Hills staff because project effects would be maximum at these locations and that these effects dissipate as one travels farther from the site. Since these two locations were not significantly impacted during mid-day peak period, no further analysis of locations farther away where project's effects would be less would be required.

The analyses summary and results are described in more detail below.

LEVEL OF SERVICE METHODOLOGY

Level of Service (LOS) is a qualitative measure used to describe the condition of traffic flow, ranging from excellent conditions at LOS A to overloaded conditions at LOS F. LOS D is typically recognized as the minimum acceptable level of service in urban areas. The Level of service definitions for signalized intersections is provided in Attachment A. The analyzed intersections are controlled by traffic signals.

The Intersection Capacity Utilization (ICU) method of intersection analysis, per the City of Beverly Hills, was used to determine the intersection volume to capacity (V/C) ratio and corresponding level of service at each study intersection. A capacity of 1,600 vehicles per lane per hour was assumed in the capacity calculations.

SIGNIFICANT IMPACT CRITERIA

The City of Beverly Hills guidelines have established threshold criteria to determine if a project has a significant traffic impact at a specific intersection location. According to the criteria, a project impact is considered significant if the following conditions are met:

Intersection Condition With Project Traffic LOS	Project-Related Increase in V/C Ratio
D	equal to or greater than 0.040
E or F	equal to or greater than 0.020

Street Segment Impact Thresholds

The City of Beverly Hills has established specific threshold criteria for project impacts to any street segment. These thresholds are described below:

- Average daily traffic (ADT) less than 3,750 vehicles per day (vpd), project traffic increases ADT by 25% and/or increases the peak hour by 25%
- ADT greater that 3,750 vpd but less than 6,750 vpd, project traffic increases ADT by 12.5% and/or increases the peak hour by 12.5%
- ADT greater than 6,750 vpd, project traffic increases ADT by 6.25% and/or increases the peak hour by 6.25%

WEEKDAY MORNING AND EVENING PEAK HOUR TRAFFIC ANALYSIS

The modified land use development proposed for the Project consists of 54,900 square feet of medical office use, 4,696 square feet of general office use, 11,404 square feet of retail, 3,000 square feet of restaurant, and 1,116 square feet of pharmacy use.

Project Trip Generation

Utilizing the Institute of Transportation Engineers (ITE) Trip Generation Informational Report, 7th Edition trip generation rates for the various uses and the sizes of the various uses for the proposed project, the project's total peak hour trip generation was determined. Table 1 summarizes the weekday morning and evening peak hour trip generation estimates. As indicated in the table, the Proposed Project would generate a net total of approximately 3,017 weekday daily trips, including 119 trips during the morning peak hour (100 inbound, 19 outbound) and 206 trips during the evening peak hour (66 inbound, 140 outbound).

Utilizing the same regional trip distribution patterns as the entitled office Project from the original traffic study and supplemental analysis, the updated project-only trips were estimated. The regional trip distribution for project trips was assumed to be the following:

- To and From the North: 20%
- To and From the South: 35%
- To and From the East: 20%
- To and From the West: 25%

These updated project only trips were assigned to the street system and added to the Cumulative Base peak traffic volumes (from the original report, see Figure 1) to obtain Cumulative Plus Project traffic volumes. The project only and Cumulative Plus Project (proposed medical office conversion) peak hour traffic volumes are illustrated in Figures 2 and 3, respectively, for weekday conditions.

Intersection Analysis

The Cumulative Plus Project (medical office conversion) peak hour traffic volumes were analyzed to determine the volume to capacity (V/C) ratio and level of service (LOS) at each of the analyzed intersections. The results of this analysis are summarized on Table 2. Table 2 indicates that the increase in traffic resulting from the addition of the modified Project traffic does not change the level of service (LOS) at five of the seven study intersections compared to Cumulative Base conditions during the weekday peak hours. The operational level of service at the analysis intersections would be similar to those identified in the original traffic study. Capacity calculation worksheets are included in Attachment B.

TABLE 1
ESTIMATED PROJECT TRIP GENERATION

WEEKDAY

	Size	Daily	AM Peak Hour			PM Peak Hour		
			IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Project								
Medical Office	54,900 s.f.	2,030	107	29	136	49	131	180
General Office	4,696 s.f.	127	14	2	16	1	6	7
Retail	11,404 s.f.	490	7	5	12	21	22	43
Pharmacy	1,116 s.f.	101	2	2	4	5	4	9
Quality Restaurant	3,000 s.f.	270	1	1	2	15	7	22
Existing Uses [1]								
BMW Storage Facility (to be relocated)		n/a	25	20	45	23	26	49
Commercial Building (to be removed)		n/a	6	0	6	2	4	6
Net Trips at Project Site		**3,017**	**100**	**19**	**119**	**66**	**140**	**206**
Trip Rates [2]								
General Office (ITE Land Use 710)	per 1,000 s.f.	[3]	88%	12%	[3]	17%	83%	1.49
Medical Office (ITE Land Use 720)	per 1,000 s.f.	[4]	79%	21%	2.48	27%	73%	[4]
Retail (ITE Land Use 820)	per 1,000 s.f.	42.94	61%	39%	1.03	48%	52%	3.75
Pharmacy (ITE Land Use 880)	per 1,000 s.f.	90.06	59%	41%	3.20	50%	50%	8.42
Quality Restaurant (ITE Land Use 931)	per 1,000 s.f.	89.95	50%	50%	0.81	67%	33%	7.49

[1] Existing Uses to be removed or relocated. Trip generation for these uses based on actual driveway counts during peak hours.
[2] ITE Trip Generation Manual, 7th Edition, 2003
[3] Trip generation for office was calculated using the following formulas:

Daily: $Ln(T) = 0.77\ Ln(X) + 3.65$

AM Peak Hour: $Ln(T) = 0.80\ Ln(X) + 1.55$

[4] Trip generation for medical office was calculated using the following formulas:

Daily: $T = 40.89\ (X) - 214.97$

PM Peak Hour: $Ln(T) = 0.93\ Ln(X) + 1.47$

Where:
Ln = Natural logarithm
T = Two-way volume of traffic (total trip-ends)
X = Area in 1,000 gross square feet of leasable area

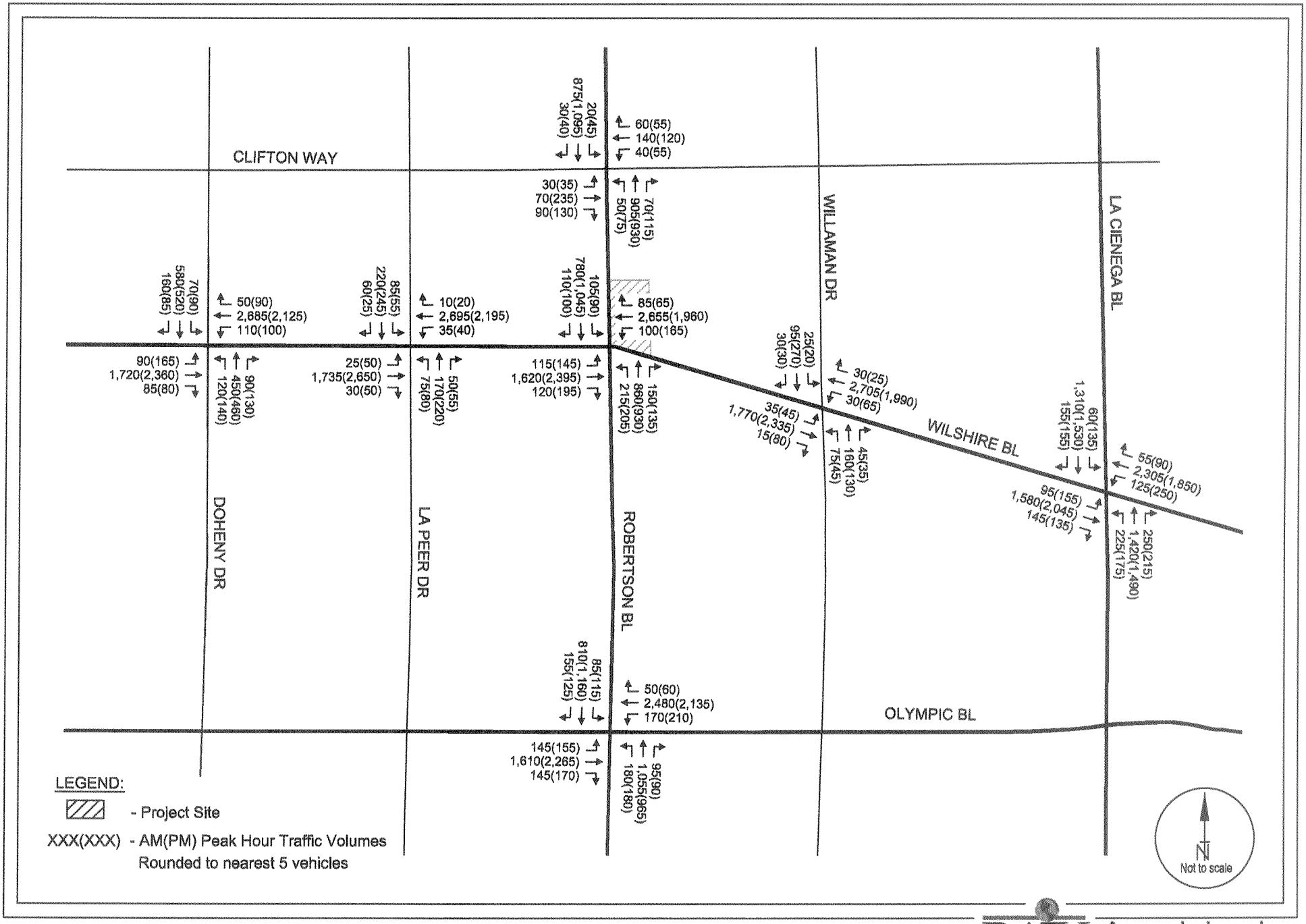


FIGURE 1
CUMULATIVE BASE PEAK HOUR TRAFFIC VOLUMES

RAJU Associates, Inc.

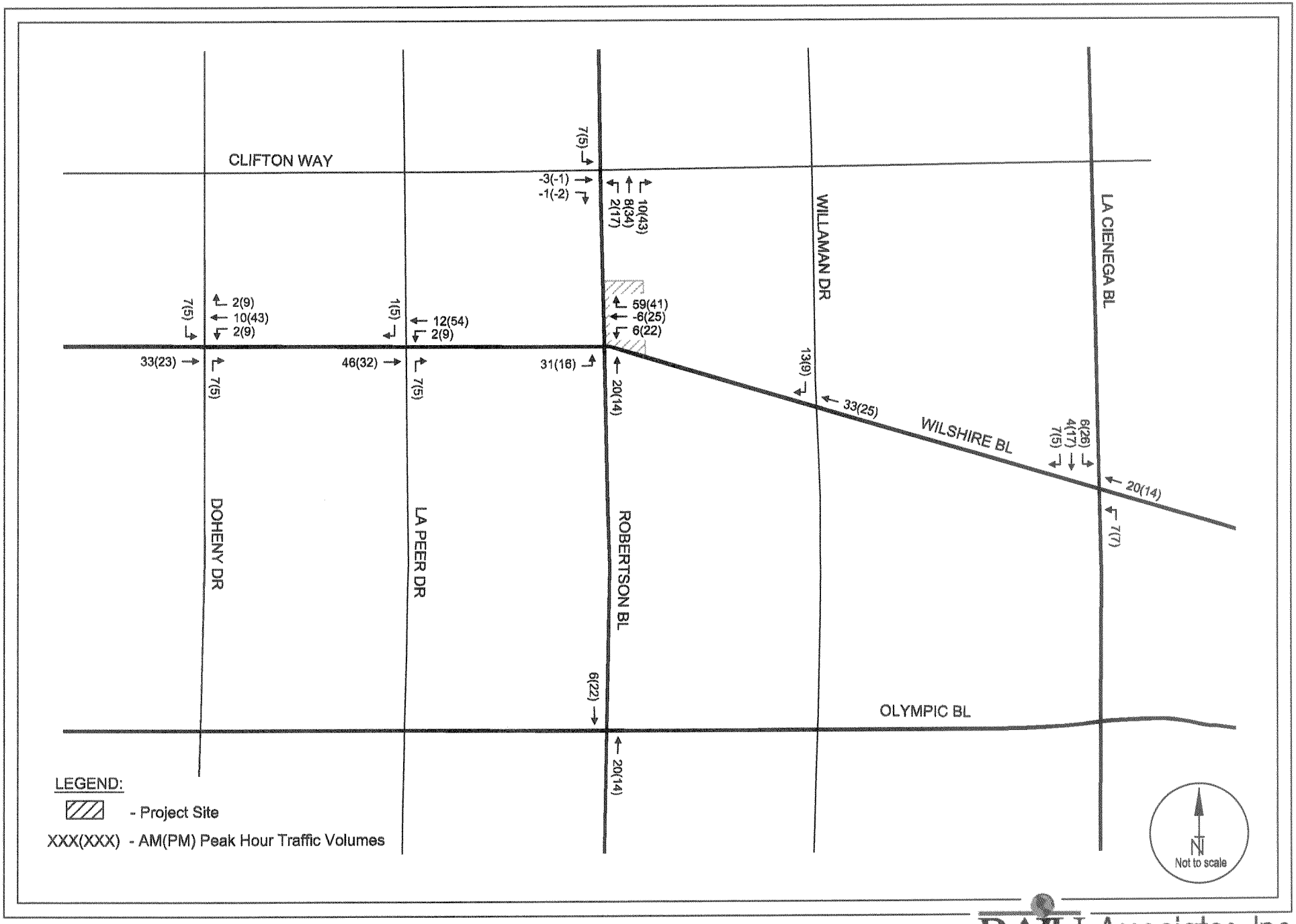
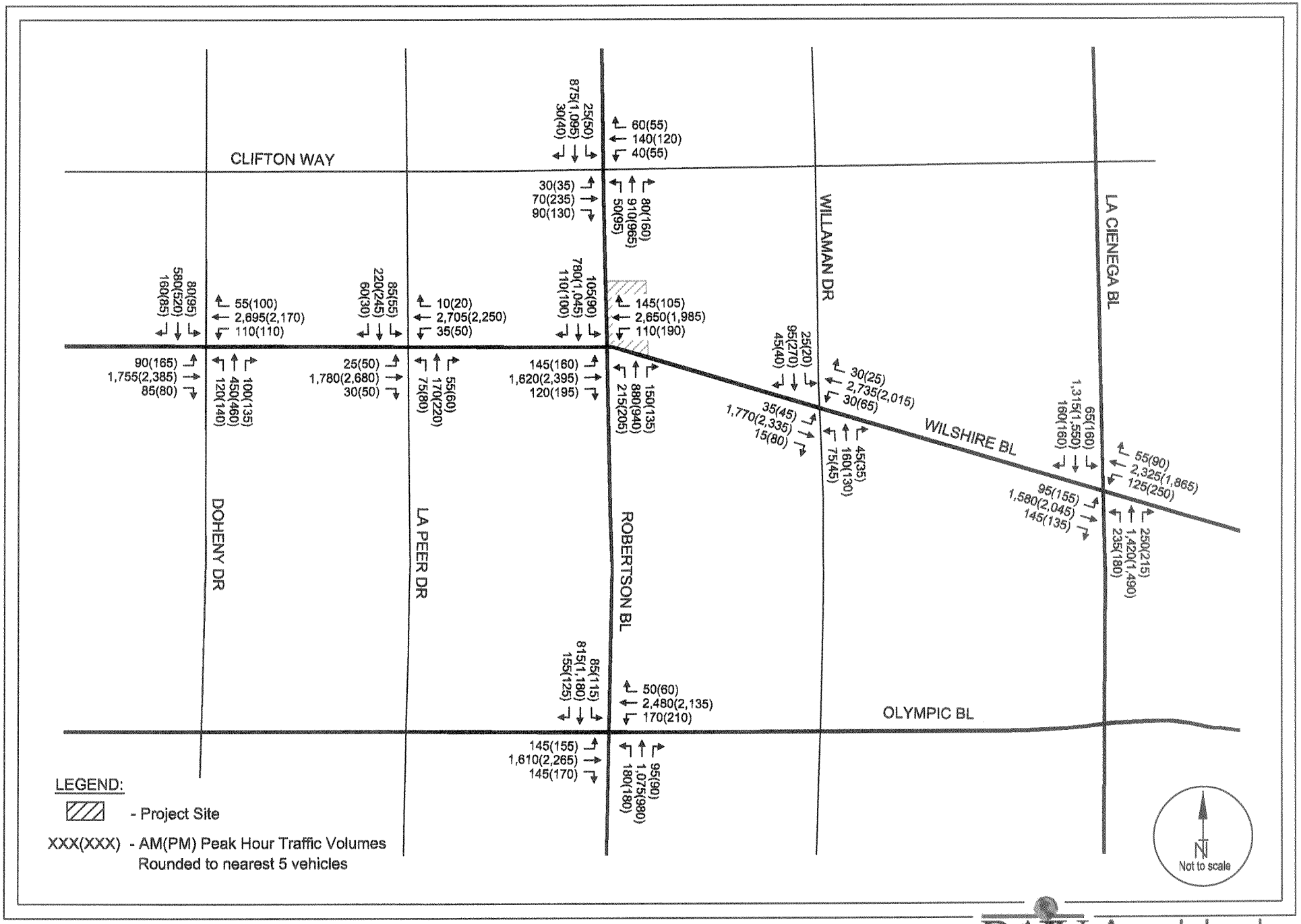


FIGURE 2
NET PROJECT ONLY PEAK HOUR TRAFFIC VOLUMES

RAJU Associates, Inc.



RAJU Associates, Inc.

FIGURE 3
CUMULATIVE PLUS PROJECT PEAK HOUR TRAFFIC VOLUMES

TABLE 2
INTERSECTION LEVEL OF SERVICE ANALYSIS
FUTURE CONDITIONS - MEDICAL OFFICE CONVERSION PROJECT

WEEKDAY

Intersection	Peak Hour	Cumulative Base		Cumulative Plus Project		Project Increase in V/C	Significant Project Impact	Cumulative Plus Project with Mitigation		Residual Increase in V/C	Residual Project Impact
		V/C	LOS	V/C	LOS			V/C	LOS		
1. Doheny Dr & Wilshire Boulevard	AM	1.054	F	1.061	F	0.007	No				
	PM	1.014	F	1.028	F	0.014	No				
2. La Peer Dr & Wilshire Boulevard	AM	0.900	D	0.903	E	0.003	No				
	PM	0.906	E	0.922	E	0.016	No				
3. Robertson Bl & Wilshire Boulevard	AM	1.157	F	1.187	F	0.030	Yes	1.157	F	0.000	No
	PM	1.230	F	1.244	F	0.014	No	1.244	F	0.014	No
4. Willaman Dr & Wilshire Boulevard	AM	0.882	D	0.889	D	0.007	No				
	PM	0.870	D	0.876	D	0.006	No				
5. La Cienega Bl & Wilshire Boulevard	AM	1.098	F	1.111	F	0.013	No				
	PM	1.170	F	1.179	F	0.009	No				
6. Robertson Bl & Clifton Way	AM	0.602	B	0.612	B	0.010	No				
	PM	0.800	C	0.811	D	0.011	No				
7. Robertson Bl & Olympic Boulevard	AM	1.131	F	1.137	F	0.006	No				
	PM	1.249	F	1.256	F	0.007	No				

Using the City's significant impact criteria, the intersection of Robertson Boulevard/Wilshire Boulevard would be significantly impacted by the medical office Project during weekday morning peak hour similar to the approved, entitled project. The proposed mitigation at this location (same as that for the entitled project) consisting of a separate westbound right-turn lane would fully mitigate the project-related impacts at this intersection.

Street Segment Analysis

The potential impacts of the Project traffic on the adjacent neighborhood residential streets were assessed using the City's criteria. The results of the weekday analysis, which are summarized in Table 3, indicate that the Project will not have a significant impact on the residential streets within the local neighborhood on both daily and peak hour bases. The increase in traffic due to the Project would range between approximately 0.5% to 8.2% on a daily basis and 0.2% to 8.8% during the peak hours.

WEEKDAY MID-DAY PEAK HOUR TRAFFIC ANALYSIS

The assessment of conditions relevant to this study includes existing traffic volumes and operating conditions at the two analyzed intersections. A detailed description of these elements is presented below.

Existing Traffic Volumes

Weekday mid-day peak hour traffic counts were compiled from data collected at the analyzed intersections on November 5, 2008 between the hours of 12 Noon and 4 P.M. The resulting traffic volumes reflect typical weekday mid-day peak operations during current year 2008 conditions. The traffic volumes shown in Figure 4 represent the existing 2008 midday peak hour conditions. The raw data showing the counts are included in Attachment C.

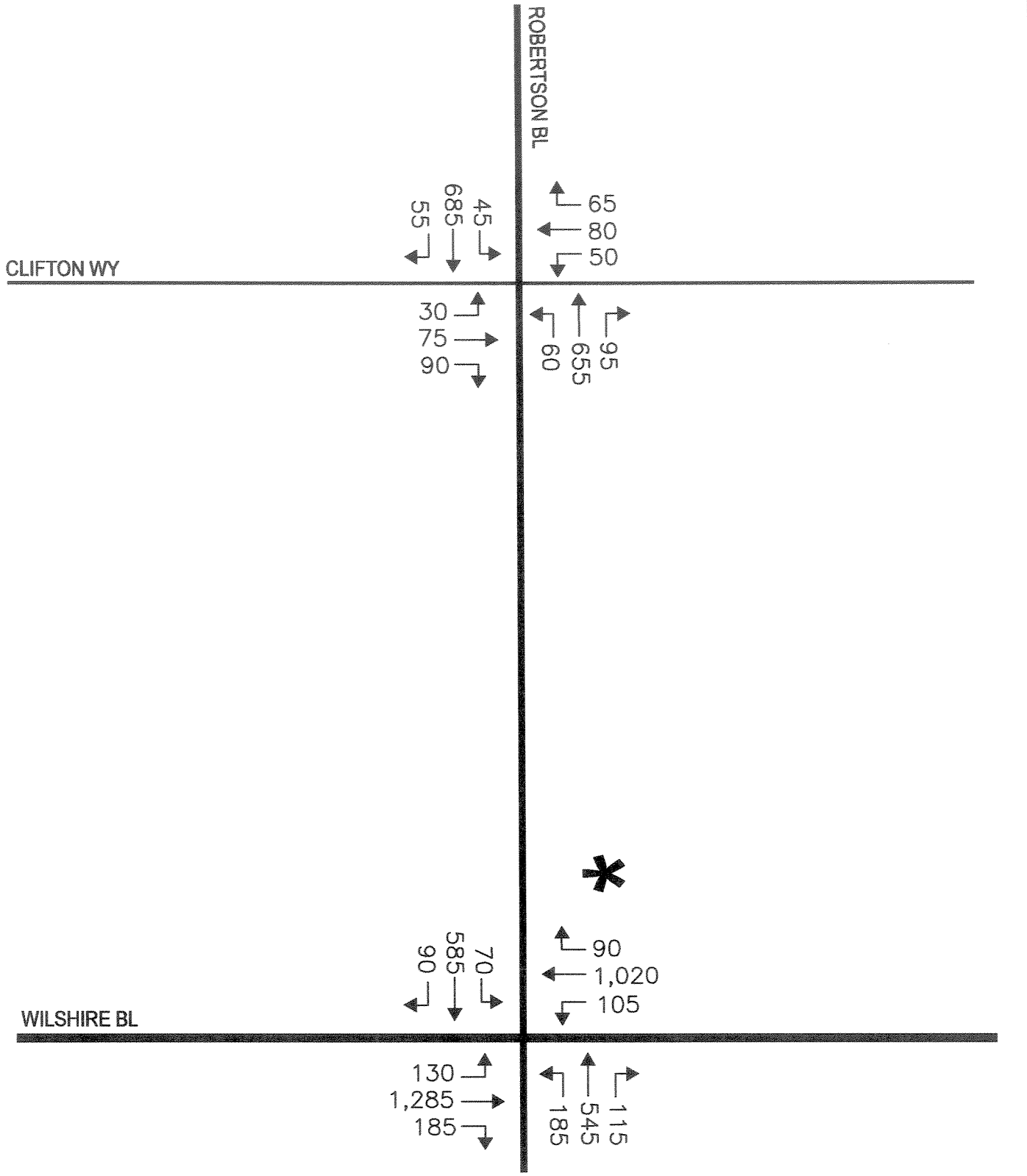
Existing Levels of Service

The existing traffic volumes presented in Figure 4 for the midday peak hour were used in conjunction with the level of service methodologies described above, and the current intersection characteristics, to determine operating conditions at the analyzed intersections.

TABLE 3
STREET SEGMENT TRAFFIC ANALYSIS

Street Segment	Average Daily Traffic				Project % of Trips	Impact Criteria	Significant Impact?
	Existing Conditions	% Project	Net Project	Existing Plus Project			
Clifton Way east of Robertson Bl	5,510	30%	453	5,963	8.2%	12.5%	No
Clifton Way west of Robertson Bl	5,593	10%	151	5,744	2.7%	12.5%	No
La Peer Dr north of Wilshire Bl	8,690	3%	45	8,735	0.5%	6.25%	No
La Peer Dr south of Wilshire Bl	9,170	5%	151	9,321	1.6%	6.25%	No
Clark Dr north of Wilshire Bl	3,755	7%	106	3,861	2.8%	12.5%	No
Arnaz Dr north of Wilshire Bl	2,160	5%	75	2,235	3.5%	25.0%	No
Willaman Dr south of Clifton Way	6,843	10%	151	6,994	2.2%	6.25%	No

Street Segment	PK HR	Peak Hour Traffic				Project % of Trips	Impact Criteria	Significant Impact?
		Existing Conditions	% Project	Net Project	Existing Plus Project			
Clifton Way	AM	349	30%	14	363	4.0%	12.5%	No
east of Robertson Bl	PM	532		47	579	8.8%	12.5%	No
Clifton Way	AM	355	10%	-2	353	-0.6%	12.5%	No
west of Robertson Bl	PM	514		14	528	2.7%	12.5%	No
La Peer Dr	AM	648	3%	1	649	0.2%	6.25%	No
north of Wilshire Bl	PM	881		5	886	0.6%	6.25%	No
La Peer Dr	AM	856	5%	9	865	1.1%	6.25%	No
south of Wilshire Bl	PM	894		13	907	1.5%	6.25%	No
Clark Dr	AM	157	7%	-3	154	-1.9%	12.5%	No
north of Wilshire Bl	PM	380		9	389	2.4%	12.5%	No
Arnaz Dr	AM	118	5%	7	125	5.9%	25.0%	No
north of Wilshire Bl	PM	206		5	211	2.4%	25.0%	No
Willaman Dr	AM	611	10%	13	624	2.1%	6.25%	No
south of Clifton Way	PM	652		9	661	1.4%	6.25%	No



LEGEND:

XXX - MID-DAY PEAK HOUR TRAFFIC VOLUMES ROUNDED TO THE NEAREST 5 VEHICLES

* - PROJECT LOCATION

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FIGURE 4
EXISTING MID-DAY PEAK HOUR TRAFFIC VOLUMES

Table 4 summarizes the results of the intersection capacity analysis for existing conditions at the study intersections. The table indicates the existing V/C ratio during the midday peak hour and the corresponding LOS at the study intersections. As indicated in the table, both the analyzed intersections are currently operating at LOS D or better during the midday peak hour.

Future Traffic Projections

In order to properly evaluate the potential impact of the proposed project on the local street system during the mid-day peak period, estimates of the Future Cumulative mid-day traffic volumes both with and without the project were developed. The Future Cumulative without the project was first developed including estimates for background growth in area-wide trip making in the vicinity of the study area. The Future Cumulative without project traffic represents the Cumulative Base conditions. The traffic generated by the proposed project (medical office conversion) was then estimated and assigned separately to the street system. The addition of the project traffic and the cumulative base traffic represents the Future Cumulative with Project scenario. Each of these future traffic scenarios is described further in this chapter.

Future Cumulative Base Traffic Projections

The Future Cumulative Base (without Project) traffic projections reflect growth in traffic from background or ambient growth due to the effects of overall area-wide regional growth both within and outside the study area. The traffic in the vicinity of the study area has been estimated to increase at a rate of about 0.64% per year per the Year 2004 County of Los Angeles Congested Management Program (CMP). Future increases in background traffic volumes due to regional growth and development are expected to continue at this rate. However, per the City of Beverly Hills direction, the existing 2008 traffic volumes were adjusted upward by a factor of 1% per year (a total of 3% to the Year 2011) to reflect area-wide regional growth. The resulting mid-day peak hour traffic volumes are illustrated in Figure 5 and represent Cumulative Base conditions.

Project Trip Generation

Utilizing the Institute of Transportation Engineers (ITE) Trip Generation Informational Report, 7th Edition trip generation rates for the various uses and the sizes of the various uses for the proposed project, the project's total mid-day peak hour trip generation was determined. Table 5 presents details of the proposed project's trip generation including type of use, size, applicable

TABLE 4
EXISTING (2008) INTERSECTION LEVEL OF SERVICE ANALYSIS

No.	Intersection	WEEKDAY MID-DAY Peak Hour V/C	LOS
1.	Robertson Boulevard & Clifton Way	0.540	A
2.	Robertson Boulevard & Wilshire Boulevard	0.795	C

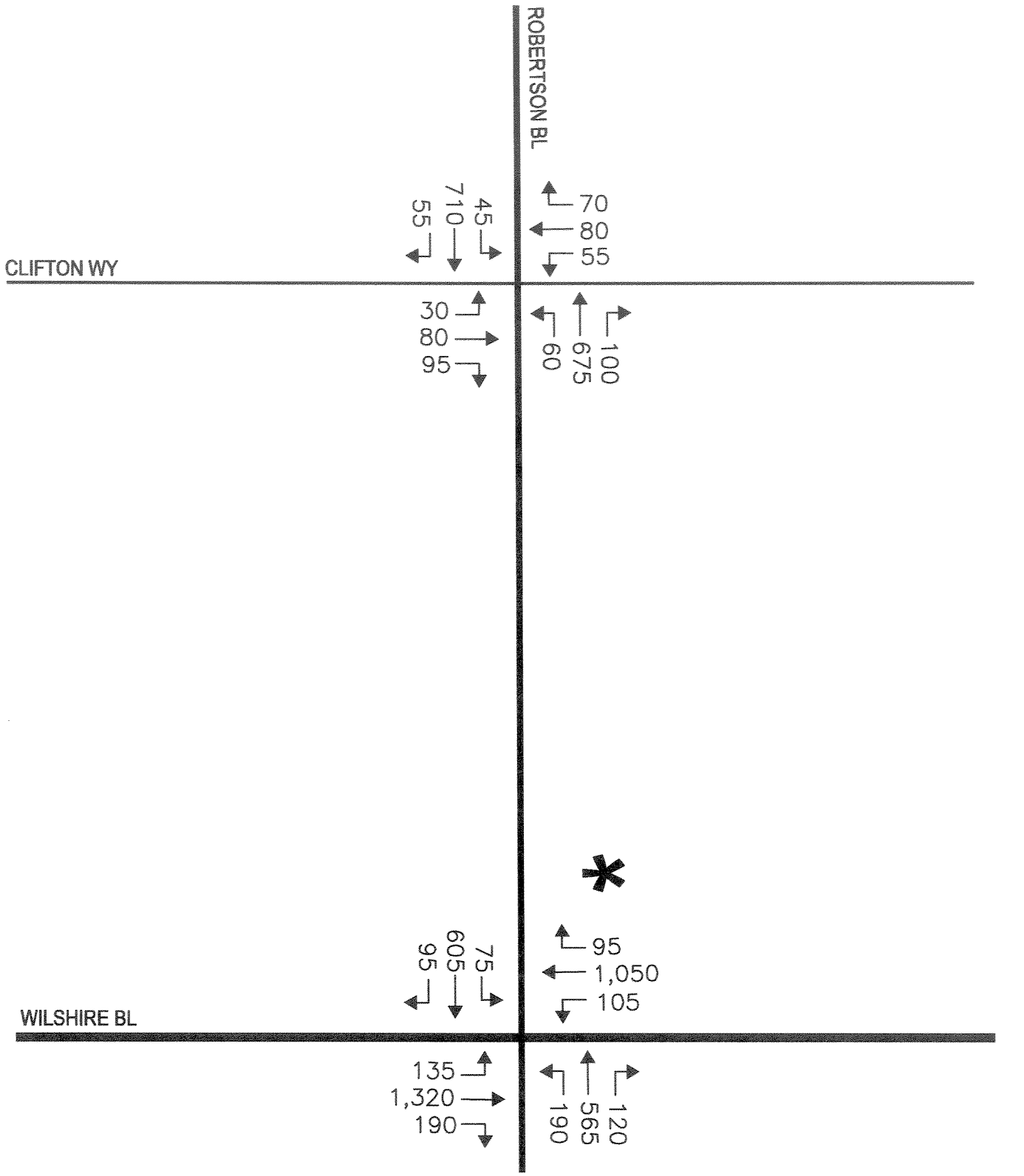

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FIGURE 5
CUMULATIVE BASE MID-DAY PEAK HOUR TRAFFIC VOLUMES

TABLE 5
ESTIMATED PROJECT TRIP GENERATION

WEEKDAY

	Size	Mid-day Peak Hour		
		IN	OUT	TOTAL
Proposed Project				
Medical Office	54,900 s.f.	98	146	244
General Office	4,696 s.f.	14	2	16
Retail	11,404 s.f.	22	21	43
Pharmacy	1,116 s.f.	6	6	12
Quality Restaurant	3,000 s.f.	17	10	27
Net Trips at Project Site		**157**	**185**	**342**
Trip Rates [1]				
General Office (ITE Land Use 710)	per 1,000 s.f.	88%	12%	[2]
Medical Office (ITE Land Use 720)	per 1,000 s.f.	40%	60%	4.45
Retail (ITE Land Use 820)	per 1,000 s.f.	48%	52%	3.75
Pharmacy (ITE Land Use 880)	per 1,000 s.f.	50%	50%	11.07
Quality Restaurant (ITE Land Use 931)	per 1,000 s.f.	62%	38%	9.02

[1] ITE Trip Generation Manual, 7th Edition, 2003
[2] Trip generation for office was calculated using the following formulas:

AM Peak Hour: $Ln(T) = 0.80\ Ln(X) + 1.55$

Where:
Ln = Natural logarithm
T = Two-way volume of traffic (total trip-ends)
X = Area in 1,000 gross square feet of leasable area

peak hour of generator rate (to assess the maximum effects due to the proposed project) and trip generation estimates.

From Table 5, it can be observed that the proposed project's (peak hour of generator) trip generation would result in a net total of approximately 342 trips (157 inbound, 185 outbound) assumed to all occur during the mid-day peak hour. This is a conservative assumption since the peak hour of generator of office uses does not occur during mid-day but rather in the morning peak hour; and that for retail uses, the peak hour of generator does not occur also during mid-day peak hour but rather during the evening peak hour. However, for the purposes of this analysis, the peak hour of generator of all the proposed uses are assumed to occur during the mid-day peak hour.

Project Trip Distribution/Assignment

Utilizing the same regional trip distribution patterns as the entitled office Project, the mid-day peak hour project-only trips were estimated.

Based on these distribution assumptions and trip generation from the proposed project, the project only trips were assigned to the street system. These project only mid-day peak hour trips are presented in Figure 6.

Future Cumulative Plus Project Traffic Volumes

Utilizing the project-only traffic estimates developed for the mid-day peak hour, traffic forecasts for the Future Cumulative with Project conditions were developed. The Future Cumulative Base traffic forecasts were combined with the project-only traffic volumes to obtain the Future Cumulative Plus Project traffic volume forecasts. The Cumulative Plus Project traffic volumes during the midday peak hour are presented in Figure 7.

Intersection Analysis

The Cumulative without Project and with Project mid-day peak hour traffic conditions were analyzed utilizing the methodologies and assumptions per the City of Beverly Hills traffic study guidelines. The results were then used to assess the potential impact of the proposed project on the local street system.

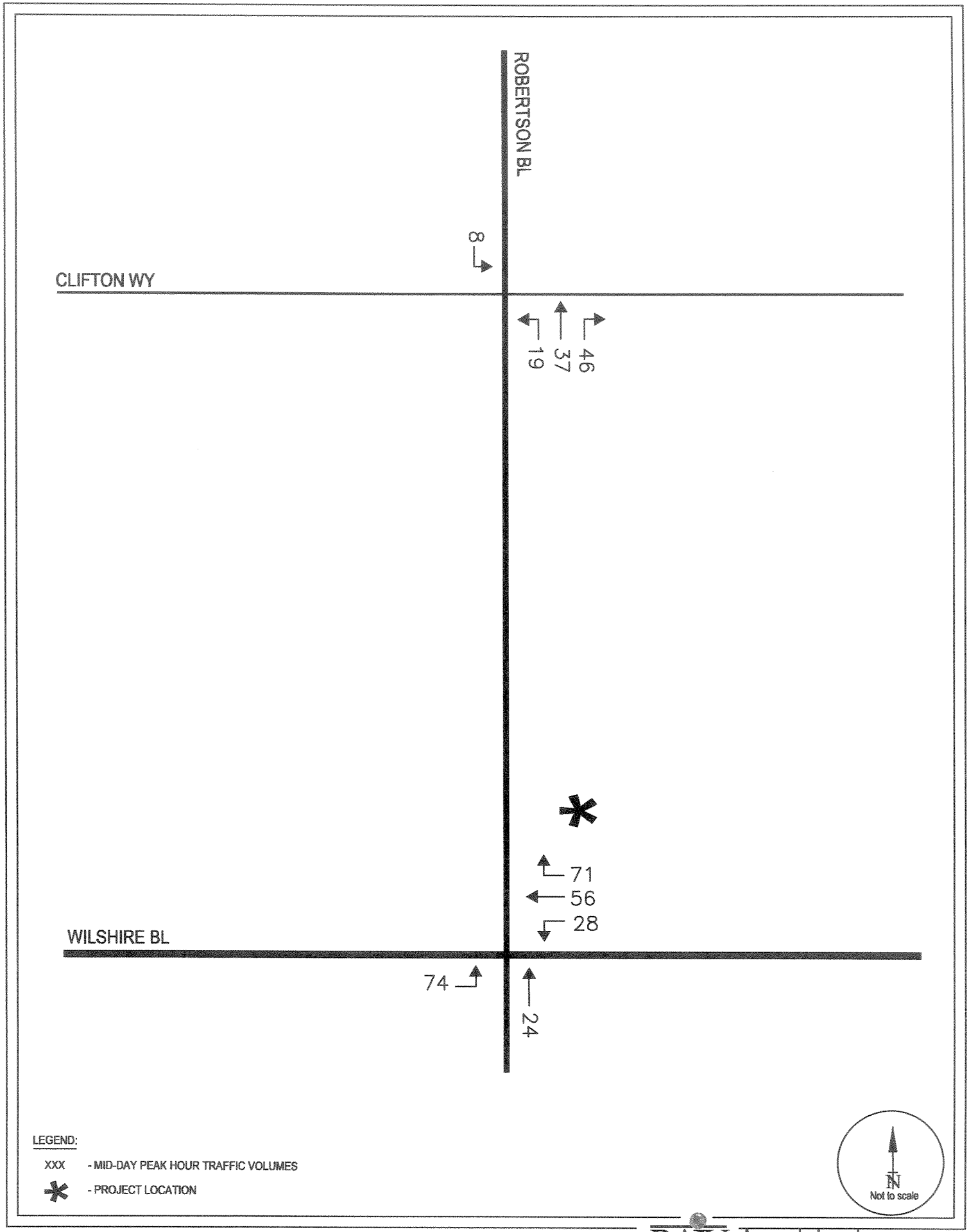

FIGURE 6
PROJECT ONLY MID-DAY PEAK HOUR TRAFFIC VOLUMES

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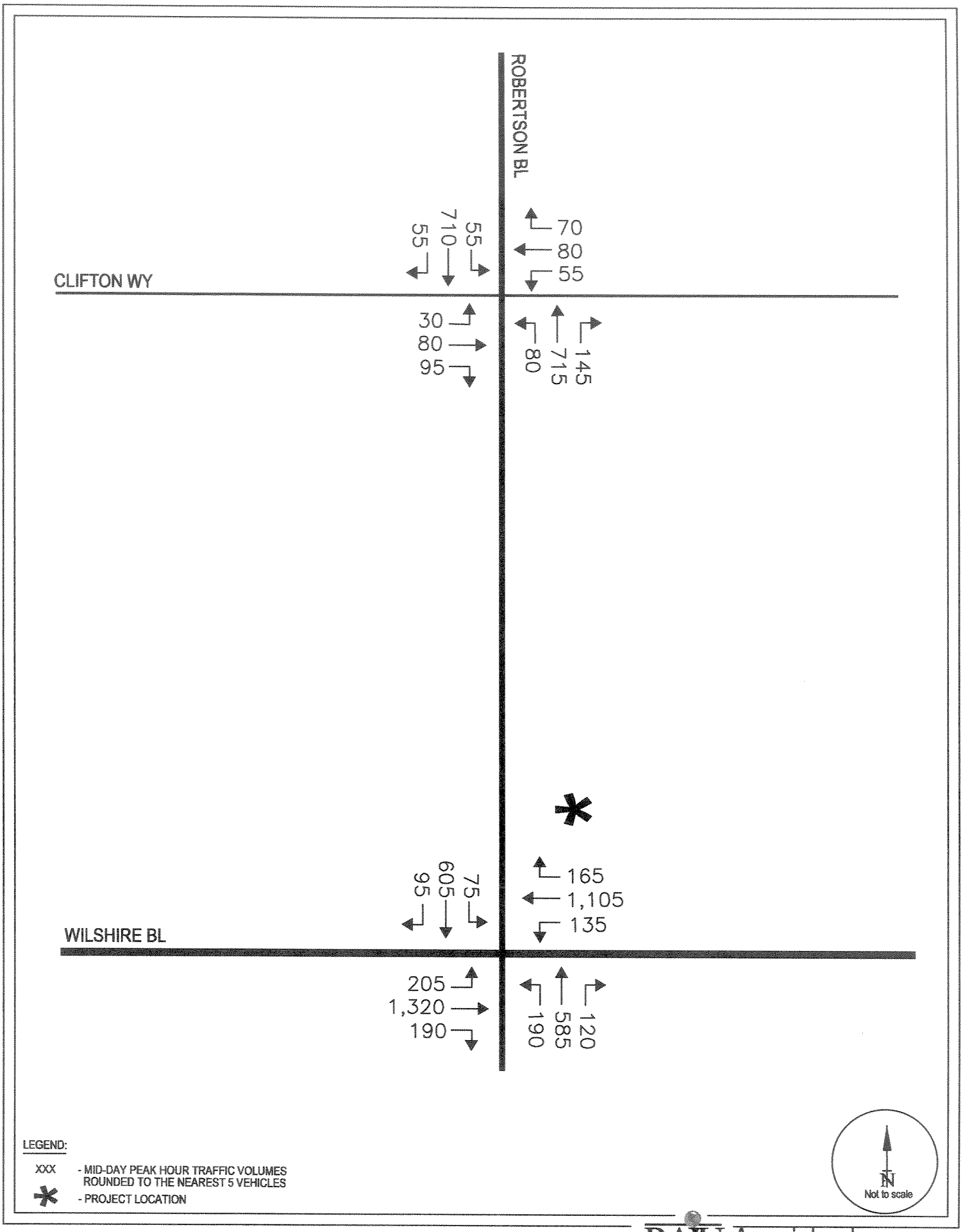


FIGURE 7
CUMULATIVE PLUS PROJECT MID-DAY PEAK HOUR TRAFFIC VOLUMES

RAJU Associates, Inc.

The traffic impact analysis compares the volume to capacity (V/C) ratios at the study location under the future without project and future with project conditions to determine the incremental difference in V/C ratios caused by the proposed project. This provides the information needed to assess the potential impact of the project using significance criteria established by the City of Beverly Hills.

Future Cumulative Base Traffic Conditions. The Cumulative Base mid-day peak hour traffic volumes were analyzed to determine the volume to capacity (V/C) ratio and LOS at the analyzed intersections. The results of this analysis are summarized on Table 6. Table 6 indicates that both the analyzed intersections are projected to operate at LOS D or better during the mid-day peak hour. Capacity calculation worksheets are included in Attachment D.

Future Cumulative Plus Project Traffic Conditions. The Cumulative Plus Project mid-day peak hour traffic volumes were analyzed to determine the volume to capacity (V/C) ratio and LOS at the analyzed intersection. The results of this analysis are also summarized on Table 6. Table 6 indicates that both the analyzed intersections are projected to continue to operate at LOS D or better during the midday peak hour. Capacity calculation worksheets are included in Attachment D.

Using the specified significant impact criteria, the traffic impacts at the analyzed locations were determined. It can be observed from Table 6 that the analyzed intersections would not be significantly impacted by the proposed project. The project proposes to continue to provide an improvement at the intersection of Wilshire Boulevard and Robertson Boulevard per the currently approved entitlement documents. No changes to the mitigation measures would be required for the proposed medical office project.

Street Segment Analysis

The potential impacts of the Project traffic on the adjacent neighborhood residential streets were assessed using the City's criteria. The results of the weekday mid-day analysis, which is summarized in Table 7, indicates that the Project will not have a significant impact on the residential streets within the local neighborhood on mid-day peak hour bases. The increase in traffic due to the Project would range between approximately 0.8% to 11.1% during the weekday mid-day peak hour.

TABLE 6
INTERSECTION LEVEL OF SERVICE ANALYSIS
FUTURE CONDITIONS - MEDICAL OFFICE CONVERSION PROJECT (MID-DAY)

WEEKDAY

Intersection	Peak Hour	Cumulative Base		Cumulative Plus Project		Project Increase in V/C	Significant Project Impact
		V/C	LOS	V/C	LOS		
1. Robertson Bl & Clifton Way	MD	0.553	A	0.587	A	0.034	No
2. Robertson Bl & Wilshire Boulevard	MD	0.817	D	0.835	D	0.018	No

TABLE 7
STREET SEGMENT TRAFFIC ANALYSIS - MID-DAY PEAK HOUR

Street Segment	PK HR	Peak Hour Traffic				Project % of Trips	Impact Criteria	Significant Impact?
		Existing Conditions	% Project	Net Project	Existing Plus Project			
Clifton Way east of Robertson Bl	MD	485	30%	54	539	11.1%	12.5%	No
Clifton Way west of Robertson Bl	MD	476	10%	19	495	4.0%	12.5%	No
La Peer Dr north of Wilshire Bl	MD	744	3%	6	750	0.8%	6.25%	No
La Peer Dr south of Wilshire Bl	MD	898	5%	17	915	1.9%	6.25%	No
Clark Dr north of Wilshire Bl	MD	362	7%	13	375	3.6%	12.5%	No
Arnaz Dr north of Wilshire Bl	MD	181	5%	8	189	4.4%	25.0%	No
Willaman Dr south of Clifton Way	MD	644	10%	16	660	2.5%	6.25%	No

PARKING ANALYSIS

The Proposed Project consists of 54,900 square feet of medical office use, 4,696 square feet of general office use, 11,404 square feet of retail, 3,000 square feet of restaurant, and 1,116 square feet of pharmacy use. The project also proposes to construct a subterranean parking structure with 336 parking spaces.

Two sets of parking analyses have been presented in this study. Firstly, the required parking based on the City of Beverly Hills Code has been calculated and compared to the parking provisions for the proposed project to assess adequacy. Next, a parking demand profile for the peak day during a peak month for the combination of uses has been developed using the nationally-accepted state-of-the-art Urban Land Institute's (ULI's) Shared Parking Model and compared with the available parking supply provided by the Project. A brief discussion of both these analyses follows.

City of Beverly Hills Parking Code Requirements

The City of Beverly Hills Parking Code provides the following guidelines for minimum parking requirements for the following uses:

Medical Office → 1 spaces per 200 square feet
General Office → 1 space per 350 square feet
Commercial Retail Uses → 1 space per 350 square feet

The required parking supply for the proposed project would be 332 spaces (54,900*1/200 sf + 4,696*1/350 sf +15,520*1/350 sf). The Project proposes to provide a supply of 336 spaces which is more than the code-required parking supply.

Shared Parking Analysis

An analysis of parking demand during the peak month of the year for the various uses proposed for the Project was conducted using the ULI's Shared Parking Model. Attachment E provides the input worksheet, assumptions and parameters associated with the ULI's Shared Parking model base worksheet, detailed output table indicating the peak parking demand on a weekday and weekend day in December month, charts showing the distribution of parking demand throughout

the day on a December weekday and weekend day in relation to the proposed parking supply for the Project; and charts showing the peak parking demands on weekdays and weekend days throughout the year.

From the output provided by the parking model, it can be observed that the peak demand for the combination of uses that make up the proposed project was estimated to be 320 spaces on a December weekday at 2 P.M. and 295 spaces at 11 A.M. on a December weekend day. The Project's parking supply is greater than the estimated peak demand during a peak month.

Therefore, the proposed medical office conversion project would provide sufficient and required parking.

SUMMARY

The entitled project at 8767 Wilshire Boulevard consisted of 75,116 square feet of Office, Retail, Coffee Shop and Restaurant uses. The currently proposed project (medical office conversion) at this site consists of the same 75,116 square feet building with the following breakdown of uses - 54,900 square feet of medical office, 4,696 square feet of general office, 11,404 square feet of retail, 3,000 square feet of restaurant and 1,116 square feet of Pharmacy. The currently-proposed project would also provide 336 subterranean parking spaces.

A detailed traffic impact analysis was performed at the same seven study Intersections and seven street segments for weekday morning and evening peak hours conditions similar to the analyses presented in the original traffic study for the Project (*Traffic Study for the 8767 Wilshire Boulevard Office Building Project* prepared by Raju Associates in May 2006 and supplemented with additional analyses summarized in a technical memorandum, *Supplemental Traffic Analysis for the 8767 Wilshire Boulevard Office Building Project* dated June 1, 2006), as well at two intersections adjacent to the project site during the midday peak period. The following key observations can be made:

- The proposed medical office conversion project (similar to the original office project) will cause a significant traffic impact at the intersection of Wilshire Boulevard/Robertson Boulevard.
- The same physical mitigation measure as was required for the entitled office project (westbound right-turn lane at the intersection of Wilshire Boulevard/Robertson Boulevard)

was tested and with the proposed medical office conversion project, the significant impact at the intersection was determined to be mitigated. No residual significant impacts would remain with the medical office conversion project (similar to the entitled office project).

- An additional conservative peak hour of generator traffic analysis was conducted for weekday mid-day peak conditions for the medical office conversion project. It was determined that the proposed medical office conversion project would not have a significant impact at any of the analyzed locations.

- A detailed parking analysis was also performed to verify adequacy of parking supply and it was determined that the currently proposed medical office conversion project would provide sufficient and required parking supply.

Summarizing, the Medical Office Conversion Project at 8767 Wilshire Boulevard (consisting of 54,900 square feet of medical office use, 4,696 square feet of general office use, 11,404 square feet of retail, 3,000 square feet of restaurant, and 1,116 square feet of pharmacy use with 336 parking spaces on-site) along with the previously identified westbound right-turn lane mitigation measure at the Wilshire-Robertson Boulevard intersection would not have any residual significant traffic impacts during the weekday morning, mid-day and evening peak hours and would satisfy the parking requirements per the City of Beverly Hills zoning code.

ATTACHMENT A

Level of Service Definitions

LEVEL OF SERVICE DEFINITIONS FOR SIGNALIZED INTERSECTIONS

Level of Service	Volume/Capacity Ratio	Definition
A	0.000 - 0.600	EXCELLENT. No Vehicle waits longer than one red light and no approach phase is fully used.
B	>0.600 - 0.700	VERY GOOD. An occasional approach phase is fully utilized; many drivers begin to feel somewhat what restricted within groups of vehicles.
C	>0.700 - 0.800	GOOD. Occasionally drivers may have to wait through more than one red light; backups may develop behind turning vehicles.
D	>0.800 - 0.900	FAIR. Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive backups.
E	>0.900 - 1.000	POOR. Represents the most vehicles intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	> 1.000	FAILURE. Backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths

Source: Transportation Research Board, *Transportation Research Circular No. 212, Interim Materials on Highway Capacity*, 1980.

ATTACHMENT B

Level of Service Worksheets
Updated – Cumulative Plus Project

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: DOHENY DRIVE
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	160	0	0.000	N-S(1):	0.332 *
	TH	2.00	582	3,200	0.232	N-S(2):	0.306
	LT	1.00	78	1,600	0.049 *	E-W(1):	0.453
Westbound	RT	0.00	54	0	0.000	E-W(2):	0.629 *
	TH	3.00	2,697	4,800	0.573 *		
	LT	1.00	112	1,600	0.070	V/C:	0.961
Northbound	RT	1.00	99	1,600	0.000	Lost Time:	0.100
	TH	1.00	452	1,600	0.283 *		
	LT	1.00	119	1,600	0.074		
Eastbound	RT	0.00	87	0	0.000	ICU:	1.061
	TH	3.00	1,753	4,800	0.383		
	LT	1.00	89	1,600	0.056 *	LOS:	F

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	85	0	0.000	N-S(1):	0.347 *
	TH	2.00	519	3,200	0.189	N-S(2):	0.277
	LT	1.00	93	1,600	0.058 *	E-W(1):	0.581 *
Westbound	RT	0.00	99	0	0.000	E-W(2):	0.577
	TH	3.00	2,169	4,800	0.473		
	LT	1.00	108	1,600	0.068 *	V/C:	0.928
Northbound	RT	1.00	137	1,600	0.018	Lost Time:	0.100
	TH	1.00	462	1,600	0.289 *		
	LT	1.00	140	1,600	0.088		
Eastbound	RT	0.00	78	0	0.000	ICU:	1.028
	TH	3.00	2,384	4,800	0.513 *		
	LT	1.00	167	1,600	0.104	LOS:	F

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: LA PEER AVENUE
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	59	0	0.000	N-S(1):	0.195
	TH	1.00	222	1,600	0.176 *	N-S(2):	0.222 *
	LT	1.00	83	1,600	0.052	E-W(1):	0.399
Westbound	RT	0.00	12	0	0.000	E-W(2):	0.581 *
	TH	3.00	2,705	4,800	0.566 *		
	LT	1.00	35	1,600	0.022	V/C:	0.803
Northbound	RT	0.00	57	0	0.000	Lost Time:	0.100
	TH	1.00	172	1,600	0.143		
	LT	1.00	73	1,600	0.046 *		
Eastbound	RT	0.00	30	0	0.000	ICU:	0.903
	TH	3.00	1,780	4,800	0.377		
	LT	1.00	24	1,600	0.015 *	LOS:	E

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	30	0	0.000	N-S(1):	0.209
	TH	1.00	247	1,600	0.173 *	N-S(2):	0.223 *
	LT	1.00	55	1,600	0.034	E-W(1):	0.599 *
Westbound	RT	0.00	22	0	0.000	E-W(2):	0.504
	TH	3.00	2,250	4,800	0.473		
	LT	1.00	48	1,600	0.030 *	V/C:	0.822
Northbound	RT	0.00	60	0	0.000	Lost Time:	0.100
	TH	1.00	220	1,600	0.175		
	LT	1.00	80	1,600	0.050 *		
Eastbound	RT	0.00	48	0	0.000	ICU:	0.922
	TH	3.00	2,681	4,800	0.569 *		
	LT	1.00	50	1,600	0.031	LOS:	E

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	112	0	0.000	N-S(1):	0.388
	TH	2.00	780	3,200	0.279 *	N-S(2):	0.415 *
	LT	1.00	105	1,600	0.066	E-W(1):	0.431
Westbound	RT	0.00	145	0	0.000	E-W(2):	0.672 *
	TH	3.00	2,650	4,800	0.582 *		
	LT	1.00	108	1,600	0.068	V/C:	1.087
Northbound	RT	0.00	151	0	0.000	Lost Time:	0.100
	TH	2.00	879	3,200	0.322		
	LT	1.00	217	1,600	0.136 *		
Eastbound	RT	0.00	122	0	0.000	ICU:	1.187
	TH	3.00	1,620	4,800	0.363		
	LT	1.00	144	1,600	0.090 *	LOS:	F

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	100	0	0.000	N-S(1):	0.392
	TH	2.00	1,044	3,200	0.358 *	N-S(2):	0.486 *
	LT	1.00	90	1,600	0.056	E-W(1):	0.658 *
Westbound	RT	0.00	105	0	0.000	E-W(2):	0.534
	TH	3.00	1,984	4,800	0.435		
	LT	1.00	188	1,600	0.118 *	V/C:	1.144
Northbound	RT	0.00	134	0	0.000	Lost Time:	0.100
	TH	2.00	942	3,200	0.336		
	LT	1.00	204	1,600	0.128 *		
Eastbound	RT	0.00	196	0	0.000	ICU:	1.244
	TH	3.00	2,395	4,800	0.540 *		
	LT	1.00	159	1,600	0.099	LOS:	F

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: WILLAMAN DRIVE
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	43	0	0.000	N-S(1):	0.192 *
	TH	1.00	96	1,600	0.104	N-S(2):	0.152
	LT	0.00	27	1,600	0.017 *	E-W(1):	0.391
Westbound	RT	0.00	30	0	0.000	E-W(2):	0.597 *
	TH	3.00	2,736	4,800	0.576 *		
	LT	1.00	30	1,600	0.019	V/C:	0.789
Northbound	RT	0.00	46	0	0.000	Lost Time:	0.100
	TH	1.00	158	1,600	0.175 *		
	LT	0.00	76	1,600	0.048		
Eastbound	RT	0.00	16	0	0.000	ICU:	0.889
	TH	3.00	1,769	4,800	0.372		
	LT	1.00	34	1,600	0.021 *	LOS:	D

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	38	0	0.000	N-S(1):	0.145
	TH	1.00	270	1,600	0.205 *	N-S(2):	0.234 *
	LT	0.00	20	1,600	0.013	E-W(1):	0.542 *
Westbound	RT	0.00	23	0	0.000	E-W(2):	0.452
	TH	3.00	2,013	4,800	0.424		
	LT	1.00	63	1,600	0.039 *	V/C:	0.776
Northbound	RT	0.00	35	0	0.000	Lost Time:	0.100
	TH	1.00	130	1,600	0.132		
	LT	0.00	46	1,600	0.029 *		
Eastbound	RT	0.00	80	0	0.000	ICU:	0.876
	TH	3.00	2,335	4,800	0.503 *		
	LT	1.00	45	1,600	0.028	LOS:	D

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: LA CIENEGA BOULEVARD
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	161	0	0.000	N-S(1):	0.389
	TH	3.00	1,316	4,800	0.308 *	N-S(2):	0.454 *
	LT	1.00	66	1,600	0.041	E-W(1):	0.439
Westbound	RT	0.00	53	0	0.000	E-W(2):	0.557 *
	TH	3.00	2,326	4,800	0.496 *		
	LT	1.00	127	1,600	0.079	V/C:	1.011
Northbound	RT	0.00	251	0	0.000	Lost Time:	0.100
	TH	3.00	1,419	4,800	0.348		
	LT	1.00	233	1,600	0.146 *		
Eastbound	RT	0.00	147	0	0.000	ICU:	1.111
	TH	3.00	1,580	4,800	0.360		
	LT	1.00	97	1,600	0.061 *	LOS:	F

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	162	0	0.000	N-S(1):	0.455
	TH	3.00	1,549	4,800	0.356 *	N-S(2):	0.469 *
	LT	1.00	159	1,600	0.099	E-W(1):	0.610 *
Westbound	RT	0.00	89	0	0.000	E-W(2):	0.504
	TH	3.00	1,866	4,800	0.407		
	LT	1.00	249	1,600	0.156 *	V/C:	1.079
Northbound	RT	0.00	215	0	0.000	Lost Time:	0.100
	TH	3.00	1,492	4,800	0.356		
	LT	1.00	180	1,600	0.113 *		
Eastbound	RT	0.00	136	0	0.000	ICU:	1.179
	TH	3.00	2,045	4,800	0.454 *		
	LT	1.00	155	1,600	0.097	LOS:	F

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: CLIFTON WAY

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	28	0	0.000	N-S(1):	0.341 *
	TH	2.00	874	3,200	0.290	N-S(2):	0.322
	LT	0.00	26	1,600	0.016 *	E-W(1):	0.142
Westbound	RT	0.00	62	0	0.000	E-W(2):	0.171 *
	TH	1.00	142	1,600	0.153 *		
	LT	0.00	40	1,600	0.025	V/C:	0.512
Northbound	RT	0.00	79	0	0.000	Lost Time:	0.100
	TH	2.00	911	3,200	0.325 *		
	LT	0.00	51	1,600	0.032		
Eastbound	RT	0.00	91	0	0.000	ICU:	0.612
	TH	1.00	68	1,600	0.117		
	LT	0.00	28	1,600	0.018 *	LOS:	B

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	40	0	0.000	N-S(1):	0.412
	TH	2.00	1,095	3,200	0.371 *	N-S(2):	0.430 *
	LT	0.00	51	1,600	0.032	E-W(1):	0.281 *
Westbound	RT	0.00	56	0	0.000	E-W(2):	0.164
	TH	1.00	118	1,600	0.143		
	LT	0.00	55	1,600	0.034 *	V/C:	0.711
Northbound	RT	0.00	158	0	0.000	Lost Time:	0.100
	TH	2.00	964	3,200	0.380		
	LT	0.00	94	1,600	0.059 *		
Eastbound	RT	0.00	129	0	0.000	ICU:	0.811
	TH	1.00	233	1,600	0.247 *		
	LT	0.00	33	1,600	0.021	LOS:	D

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: OLYMPIC BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: AM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	156	0	0.000	N-S(1):	0.419 *
	TH	2.00	817	3,200	0.304	N-S(2):	0.415
	LT	1.00	85	1,600	0.053 *	E-W(1):	0.471
Westbound	RT	0.00	49	0	0.000	E-W(2):	0.618 *
	TH	3.00	2,480	4,800	0.527 *		
	LT	1.00	169	1,600	0.106	V/C:	1.037
Northbound	RT	0.00	96	0	0.000	Lost Time:	0.100
	TH	2.00	1,074	3,200	0.366 *		
	LT	1.00	178	1,600	0.111		
Eastbound	RT	0.00	144	0	0.000	ICU:	1.137
	TH	3.00	1,609	4,800	0.365		
	LT	1.00	146	1,600	0.091 *	LOS:	F

Peak Period: PM PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	123	0	0.000	N-S(1):	0.405
	TH	2.00	1,180	3,200	0.407 *	N-S(2):	0.519 *
	LT	1.00	113	1,600	0.071	E-W(1):	0.637 *
Westbound	RT	0.00	59	0	0.000	E-W(2):	0.555
	TH	3.00	2,135	4,800	0.457		
	LT	1.00	208	1,600	0.130 *	V/C:	1.156
Northbound	RT	0.00	91	0	0.000	Lost Time:	0.100
	TH	2.00	978	3,200	0.334		
	LT	1.00	179	1,600	0.112 *		
Eastbound	RT	0.00	172	0	0.000	ICU:	1.256
	TH	3.00	2,263	4,800	0.507 *		
	LT	1.00	156	1,600	0.098	LOS:	F

* = Critical Movement

ATTACHMENT C

Traffic Counts – Mid-day Peak Hour

Intersection Turning Movement

Prepared by:

National Data & Surveying Services

N-S STREET: Robertson Blvd DATE: 11/5/2008 LOCATION: City of Beverly Hills

E-W STREET: Clifton Way DAY: WEDNESDAY PROJECT# 08-5118-001

	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	TOTAL
LANES:	0	2	0	0	2	0	0	1	0	0	1	0	
9:00 AM													
9:15 AM													
9:30 AM													
9:45 AM													
10:00 AM													
10:15 AM													
10:30 AM													
10:45 AM													
11:00 AM													
11:15 AM													
11:30 AM													
11:45 AM													
12:00 PM	15	144	18	0	138	9	11	20	28	10	19	10	422
12:15 PM	18	148	20	8	156	16	5	31	17	11	11	18	459
12:30 PM	12	146	22	3	154	13	7	19	19	12	12	15	434
12:45 PM	9	171	30	6	134	7	11	17	23	11	16	13	448
1:00 PM	15	142	28	8	149	13	5	16	21	10	11	14	432
1:15 PM	10	155	28	6	125	10	11	18	24	14	17	5	423
1:30 PM	10	153	23	12	140	13	7	17	21	15	17	11	439
1:45 PM	13	148	21	9	151	16	7	19	23	13	19	11	450
2:00 PM	19	142	24	9	162	20	8	19	16	7	12	15	453
2:15 PM	10	159	16	13	171	17	10	11	18	14	19	12	470
2:30 PM	17	160	24	10	176	13	8	21	25	8	19	20	501
2:45 PM	13	162	28	10	174	14	8	20	23	12	26	21	511
3:00 PM	20	175	27	11	166	11	4	25	25	17	16	14	511
3:15 PM	16	167	14	6	149	13	6	21	24	15	17	8	456
3:30 PM	20	173	24	6	161	8	5	27	14	13	17	10	478
3:45 PM	16	146	22	7	152	15	2	29	22	11	24	10	456
4:00 PM													
4:15 PM													
4:30 PM													
4:45 PM													
5:00 PM													
TOTAL VOLUMES =	NL 233	NT 2491	NR 369	SL 124	ST 2458	SR 208	EL 115	ET 330	ER 343	WL 193	WT 272	WR 207	TOTAL 7343

NOON Peak Hr Begins at: 215 PM

PEAK VOLUMES =	60	656	95	44	687	55	30	77	91	51	80	67	1993
PEAK HR. FACTOR:		0.913			0.978			0.917			0.839		0.975

CONTROL: Signalized

Intersection Turning Movement

Prepared by:

National Data & Surveying Services

N-S STREET: Robertson Blvd DATE: 11/5/2008 LOCATION: City of Beverly Hills

E-W STREET: Wilshire Blvd DAY: WEDNESDAY PROJECT# 08-5118-002

	NORTHBOUND			SOUTHBOUND			EASTBOUND			WESTBOUND			
	NL	NT	NR	SL	ST	SR	EL	ET	ER	WL	WT	WR	TOTAL
LANES:	1	2	0	1	2	0	1	3	0	1	3	0	
9:00 AM													
9:15 AM													
9:30 AM													
9:45 AM													
10:00 AM													
10:15 AM													
10:30 AM													
10:45 AM													
11:00 AM													
11:15 AM													
11:30 AM													
11:45 AM													
12:00 PM	42	115	24	20	134	26	36	241	32	20	225	16	931
12:15 PM	44	121	24	26	122	30	34	265	48	23	238	17	992
12:30 PM	44	124	24	28	134	19	30	228	44	29	253	15	972
12:45 PM	49	152	28	16	112	24	28	267	37	28	278	15	1034
1:00 PM	46	126	33	21	125	22	27	267	39	29	273	19	1027
1:15 PM	58	149	31	12	117	22	26	291	35	18	289	17	1065
1:30 PM	52	155	37	15	124	30	27	261	38	23	275	16	1053
1:45 PM	46	122	27	16	134	25	29	266	47	37	246	22	1017
2:00 PM	52	130	30	20	137	21	27	281	43	30	273	27	1071
2:15 PM	46	131	21	20	147	21	27	283	47	29	266	15	1053
2:30 PM	52	144	30	18	151	26	32	291	43	30	228	13	1058
2:45 PM	59	145	24	19	153	26	35	290	55	25	252	21	1104
3:00 PM	52	143	29	16	150	28	36	316	47	32	266	24	1139
3:15 PM	40	133	21	19	142	23	37	309	56	19	274	15	1088
3:30 PM	48	144	33	13	149	18	30	302	37	24	233	24	1055
3:45 PM	43	127	32	23	145	21	26	356	45	28	245	27	1118
4:00 PM													
4:15 PM													
4:30 PM													
4:45 PM													
5:00 PM													
TOTAL VOLUMES =	NL 773	NT 2161	NR 448	SL 302	ST 2176	SR 382	EL 487	ET 4514	ER 693	WL 424	WT 4114	WR 303	TOTAL 16777

NOON Peak Hr Begins at: 300 PM

PEAK VOLUMES =	183	547	115	71	586	90	129	1283	185	103	1018	90	4400
PEAK HR. FACTOR:		0.939			0.963			0.935			0.940		0.966

CONTROL: Signalized

ATTACHMENT D

Level of Service Worksheets – Midday Peak Hour

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: CLIFTON WAY

Scenario: EXISTING (2008) CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	55	0	0.000	N-S(1):	0.281
	TH	2.00	687	3,200	0.246 *	N-S(2):	0.284 *
	LT	0.00	44	1,600	0.028	E-W(1):	0.156 *
Westbound	RT	0.00	67	0	0.000	E-W(2):	0.143
	TH	1.00	80	1,600	0.124		
	LT	0.00	51	1,600	0.032 *	V/C:	0.440
Northbound	RT	0.00	95	0	0.000	Lost Time:	0.100
	TH	2.00	656	3,200	0.253		
	LT	0.00	60	1,600	0.038 *		
Eastbound	RT	0.00	91	0	0.000	ICU:	0.540
	TH	1.00	77	1,600	0.124 *		
	LT	0.00	30	1,600	0.019	LOS:	A

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: WILSHIRE BOULEVARD

Scenario: EXISTING (2008) CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	90	0	0.000	N-S(1):	0.251
	TH	2.00	586	3,200	0.211 *	N-S(2):	0.325 *
	LT	1.00	71	1,600	0.044	E-W(1):	0.370 *
Westbound	RT	0.00	90	0	0.000	E-W(2):	0.312
	TH	3.00	1,018	4,800	0.231		
	LT	1.00	103	1,600	0.064 *	V/C:	0.695
Northbound	RT	0.00	115	0	0.000	Lost Time:	0.100
	TH	2.00	547	3,200	0.207		
	LT	1.00	183	1,600	0.114 *		
Eastbound	RT	0.00	185	0	0.000	ICU:	0.795
	TH	3.00	1,283	4,800	0.306 *		
	LT	1.00	129	1,600	0.081	LOS:	C

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: CLIFTON WAY

Scenario: CUMULATIVE BASE CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	57	0	0.000	N-S(1):	0.289
	TH	2.00	708	3,200	0.253 *	N-S(2):	0.292 *
	LT	0.00	45	1,600	0.028	E-W(1):	0.161 *
Westbound	RT	0.00	69	0	0.000	E-W(2):	0.147
	TH	1.00	82	1,600	0.128		
	LT	0.00	53	1,600	0.033 *	V/C:	0.453
Northbound	RT	0.00	98	0	0.000	Lost Time:	0.100
	TH	2.00	676	3,200	0.261		
	LT	0.00	62	1,600	0.039 *		
Eastbound	RT	0.00	94	0	0.000	ICU:	0.553
	TH	1.00	79	1,600	0.128 *		
	LT	0.00	31	1,600	0.019	LOS:	A

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE BASE CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	93	0	0.000	N-S(1):	0.259
	TH	2.00	604	3,200	0.218 *	N-S(2):	0.336 *
	LT	1.00	73	1,600	0.046	E-W(1):	0.381 *
Westbound	RT	0.00	93	0	0.000	E-W(2):	0.321
	TH	3.00	1,049	4,800	0.238		
	LT	1.00	106	1,600	0.066 *	V/C:	0.717
Northbound	RT	0.00	118	0	0.000	Lost Time:	0.100
	TH	2.00	563	3,200	0.213		
	LT	1.00	188	1,600	0.118 *		
Eastbound	RT	0.00	191	0	0.000	ICU:	0.817
	TH	3.00	1,321	4,800	0.315 *		
	LT	1.00	133	1,600	0.083	LOS:	D

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: CLIFTON WAY

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	57	0	0.000	N-S(1):	0.326 *
	TH	2.00	708	3,200	0.256	N-S(2):	0.307
	LT	0.00	53	1,600	0.033 *	E-W(1):	0.161 *
Westbound	RT	0.00	69	0	0.000	E-W(2):	0.147
	TH	1.00	82	1,600	0.128		
	LT	0.00	53	1,600	0.033 *	V/C:	0.487
Northbound	RT	0.00	144	0	0.000	Lost Time:	0.100
	TH	2.00	713	3,200	0.293 *		
	LT	0.00	81	1,600	0.051		
Eastbound	RT	0.00	94	0	0.000	ICU:	0.587
	TH	1.00	79	1,600	0.128 *		
	LT	0.00	31	1,600	0.019	LOS:	A

* = Critical Movement

Project: MEDICAL OFFICE CONVERSION PROJECT AT 8767 WILSHIRE BOULEVARD

North/South Street: ROBERTSON BOULEVARD
East/West Street: WILSHIRE BOULEVARD

Scenario: CUMULATIVE PLUS PROJECT CONDITIONS

Thru Lane:	1600 vph	N-S Split Phase :	N
Left-Turn Lane:	1600 vph	E-W Split Phase :	N
Dual LT Penalty:	20 %	Lost Time (% of cycle) :	10

Peak Period: MIDDAY PEAK HOUR

Approach	Movement	Lanes	Volume	Capacity	V/C	ICU ANALYSIS	
Southbound	RT	0.00	93	0	0.000	N-S(1):	0.266
	TH	2.00	604	3,200	0.218 *	N-S(2):	0.336 *
	LT	1.00	73	1,600	0.046	E-W(1):	0.399 *
Westbound	RT	0.00	164	0	0.000	E-W(2):	0.393
	TH	3.00	1,105	4,800	0.264		
	LT	1.00	134	1,600	0.084 *	V/C:	0.735
Northbound	RT	0.00	118	0	0.000	Lost Time:	0.100
	TH	2.00	587	3,200	0.220		
	LT	1.00	188	1,600	0.118 *		
Eastbound	RT	0.00	191	0	0.000	ICU:	0.835
	TH	3.00	1,321	4,800	0.315 *		
	LT	1.00	207	1,600	0.129	LOS:	D

* = Critical Movement

ATTACHMENT E

Shared Parking Analysis Worksheets & Charts

Description: Medical Office, General Office, Retail and Pharmacy (75,116 sf)

ksf = thousand square feet

Projected Parking Supply: 336					Mode Adjustment				Noncaptive Ratio			
			Max Parking Spaces		Weekday		Weekend		Weekday		Weekend	
Land Use	Quantity		Weekday	Weekend	Daytime	Evening	Daytime	Evening	Daytime	Evening	Daytime	Evening
Community Shopping Center (<400 ksf)	15,520	sf GLA	45	50	100%	100%	100%	100%	100%	100%	100%	100%
Employee			11	12	100%	100%	100%	100%	100%	100%	100%	100%
Regional Shopping Center (400 to 600 ksf)		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Super Regional Shopping Center (>600 ksf)		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Fine/Casual Dining Restaurant		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Family Restaurant		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Fast Food Restaurant		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Nightclub		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Cineplex		seats	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Performing Arts Theater		seats	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Arena		seats	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Pro Football Stadium		seats	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Pro Baseball Stadium		seats	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Health Club		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Convention Center		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Hotel-Business		rooms	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Hotel-Leisure		rooms	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Restaurant/Lounge		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Conference Ctr/Banquet (20 to 50 sq ft/guest room)		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Convention Space (>50 sq ft/guest room)		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Residential, Rental, Shared Spaces		units	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Reserved		sp/unit	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Guest		units	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Residential, Owned, Shared Spaces		units	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Reserved		sp/unit	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Guest		units	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office <25 ksf	4,696	sf GLA	1	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			16	2	100%	100%	100%	100%	100%	100%	100%	100%
Office 25 to 100 ksf		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office 100 to 500 ksf		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Office >500 ksf		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Data Processing Office		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Medical/Dental Office	54,900	sf GLA	165	165	100%	100%	100%	100%	100%	100%	100%	100%
Employee			82	82	100%	100%	100%	100%	100%	100%	100%	100%
Bank (Branch) with Drive-In		sf GLA	0	0	100%	100%	100%	100%	100%	100%	100%	100%
Employee			0	0	100%	100%	100%	100%	100%	100%	100%	100%
Subtotal Customer/Guest Spaces			211	215								
Subtotal Employee/Resident Spaces			109	96								
Subtotal Reserved Spaces			0	0								
Total Parking Spaces			320	311								

Table
Project: 8767 Wilshire Boulevard Medical Office Project
Description: Medical Office, General Office, Retail and Pharmacy (75,116 sf)

11/19/2008

December
Weekday Estimated Peak-Hour Parking Demand

	Monthly Adj.	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM	Overall Pk 2 PM	AM Peak Hr 11 AM	PM Peak Hr 2 PM	Eve Peak Hr 6 PM
Community Shopping Center (<400 ksf)	100%	-	2	7	14	25	34	41	45	45	45	43	38	36	34	29	23	14	5	-	45	34	45	36
Employee	100%	1	2	4	8	9	10	11	11	11	11	11	10	10	10	10	8	4	2	-	11	10	11	10
Office <25 ksf	100%	-	-	-	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	1	-	1	-
Employee	100%	-	5	12	15	16	16	14	14	16	16	14	8	4	2	1	-	-	-	-	16	16	16	4
Medical/Dental Office	100%	-	-	149	149	165	165	50	149	165	165	149	132	111	50	25	-	-	-	-	165	165	165	111
Employee	100%	-	-	49	82	82	82	82	82	82	82	82	82	55	25	12	-	-	-	-	82	82	82	55
TOTAL DEMAND	Customer	-	2	156	164	191	199	91	194	211	210	192	170	147	84	54	23	14	5	-	211	199	211	147
	Employee	1	7	65	105	107	108	107	107	109	109	107	100	69	37	23	8	4	2	-	109	108	109	69
	Reserved	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		1	9	221	269	298	307	198	301	320	319	299	270	216	121	77	31	18	7	-	320	307	320	216
																					320	307	320	216

Footnote(s):

December
Weekend Estimated Peak-Hour Parking Demand

		6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	10 PM	11 PM	12 AM	Overall Pk 11 AM	AM Peak Hr 11 AM	PM Peak Hr 12 PM	Eve Peak Hr 6 PM
Community Shopping Center (<400 ksf)	100%	1	3	5	18	30	35	43	48	50	50	48	45	40	38	33	25	18	8	-	35	35	43	40
Employee	100%	1	2	5	9	10	11	12	12	12	12	12	11	10	10	9	8	5	2	-	11	11	12	10
Employee	100%	-	-	1	2	2	2	2	2	1	1	-	-	-	-	-	-	-	-	-	2	2	2	-
Medical/Dental Office	100%	-	-	149	149	165	165	50	-	-	-	-	-	-	-	-	-	-	-	-	165	165	50	-
Employee	100%	-	-	49	82	82	82	82	-	-	-	-	-	-	-	-	-	-	-	-	82	82	82	-
TOTAL DEMAND	Customer	1	3	154	167	195	200	93	48	50	50	48	45	40	38	33	25	18	8	-	200	200	93	40
	Employee	1	2	55	93	94	95	96	14	13	13	12	11	10	10	9	8	5	2	-	95	95	96	10
	Reserved	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		2	5	209	260	289	295	189	62	63	63	60	56	50	48	42	33	23	10	-	295	295	189	50
																					295	295	189	50

Table
Project: 8767 Wilshire Boulevard Medical Office Project
Description: Medical Office, General Office, Retail and Pharmacy (75,116 sf)

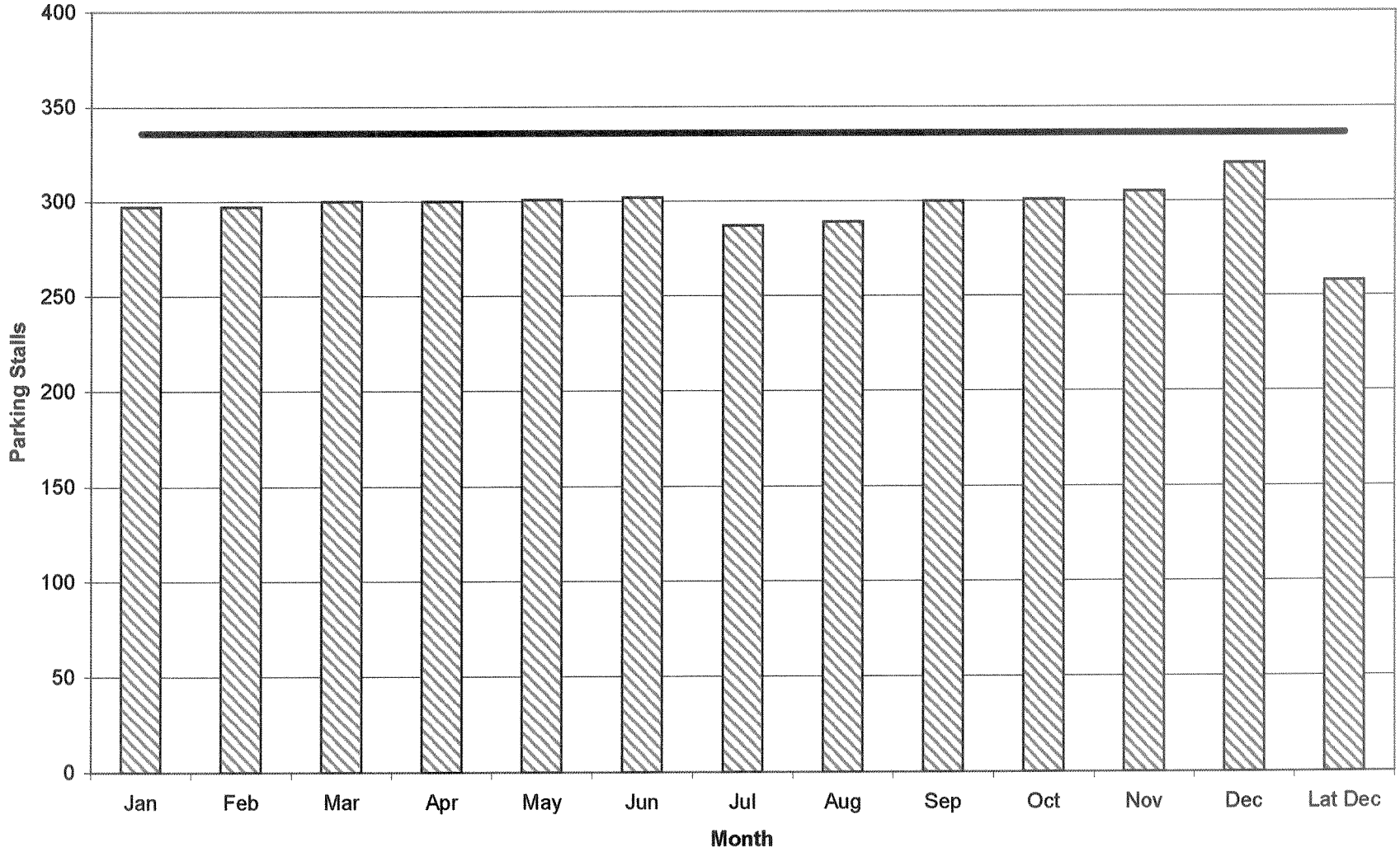
11/19/2008

SHARED PARKING DEMAND SUMMARY

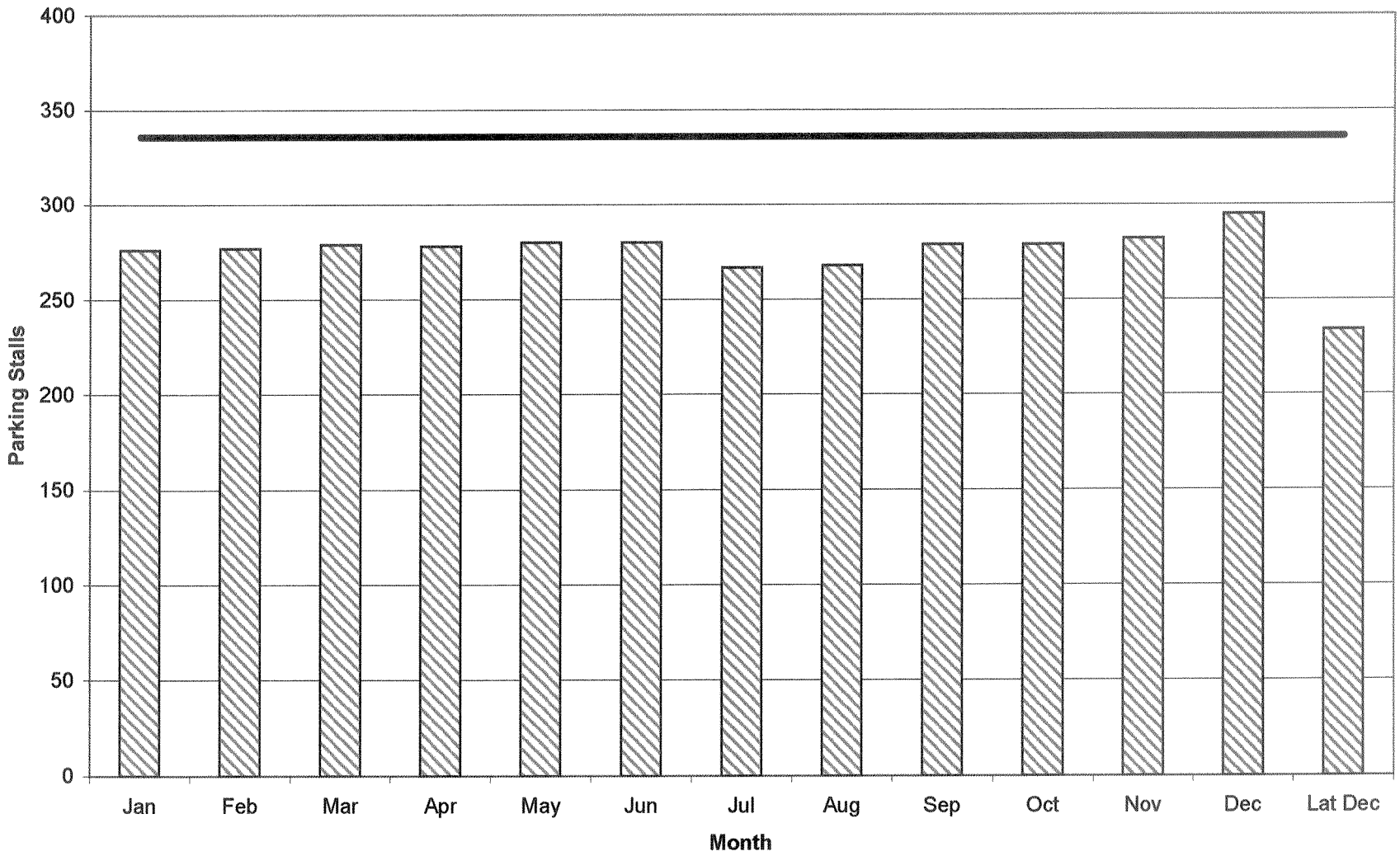
PEAK MONTH: DECEMBER -- PEAK PERIOD: 2 PM, WEEKDAY

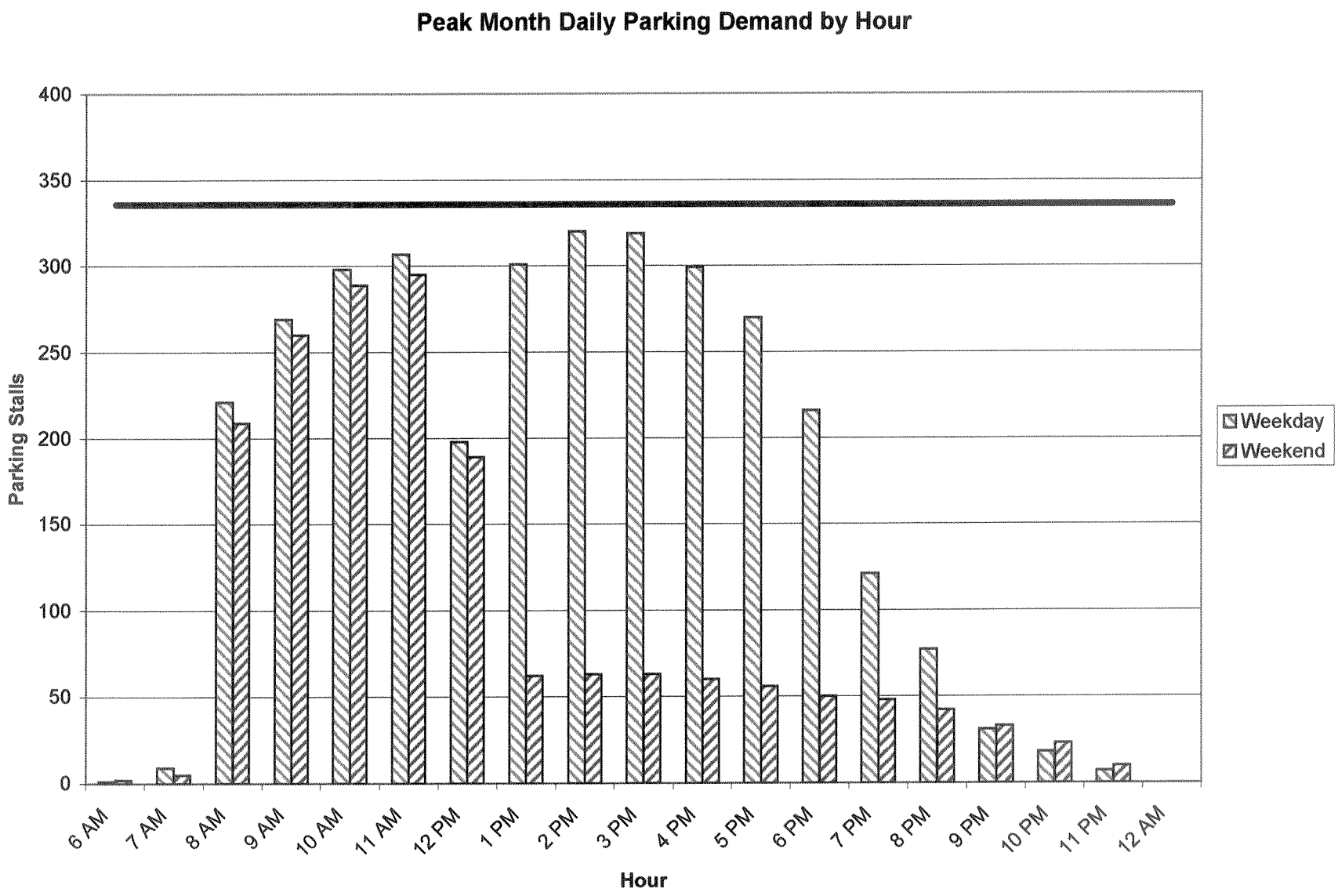
			Weekday					Weekend					Weekday			Weekend		
	Project Data												Peak Hr Adj	Peak Mo Adj	Estimated Parking	Peak Hr Adj	Peak Mo Adj	Estimated Parking
Land Use	Quantity	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	2 PM	December	Demand	11 AM	December	Demand
Community Shopping Center (<400 ksf)	15,520	sf GLA	2.90	1.00	1.00	2.90	/ksf GLA	3.20	1.00	1.00	3.20	/ksf GLA	1.00	1.00	45	0.70	1.00	35
Employee			0.70	1.00	1.00	0.70	/ksf GLA	0.80	1.00	1.00	0.80	/ksf GLA	1.00	1.00	11	0.95	1.00	11
Residential, Rental, Shared Spaces		units	1.50	1.00	1.00	1.50	/unit	1.50	1.00	1.00	1.50	/unit	0.70	1.00	0	0.70	1.00	0
Reserved		sp/unit	0	1.00	1.00	0	/unit	0	1.00	1.00	0	/unit	1.00	1.00	0	1.00	1.00	0
Guest		units	0	1.00	1.00	0	/unit	0	1.00	1.00	0	/unit	0.20	1.00	0	0.20	1.00	0
Reserved		sp/unit	0.00	1.00	1.00	0.00	/unit	0.00	1.00	1.00	0.00	/unit	1.00	1.00	0	1.00	1.00	0
Guest		units	0.15	1.00	1.00	0.15	/unit	0.15	1.00	1.00	0.00	/unit	0.20	1.00	0	0.20	1.00	0
Office <25 ksf	4,696	sf GLA	0.30	1.00	1.00	0.30	/unit	0.03	1.00	1.00	0.03	/unit	1.00	1.00	1	1.00	1.00	0
Medical/Dental Office	54,900	sf GLA	3.00	1.00	1.00	3.00	/ksf GLA	3.00	1.00	1.00	3.00	/ksf GLA	1.00	1.00	165	1.00	1.00	165
Employee			1.50	1.00	1.00	1.50	/ksf GLA	1.50	1.00	1.00	1.50	/ksf GLA	1.00	1.00	82	1.00	1.00	82
													Customer		211	Customer		200
													Employee		109	Employee		95
													Reserved		0	Reserved		0
													Total		320	Total		295

Weekday Month-by-Month Estimated Parking Demand

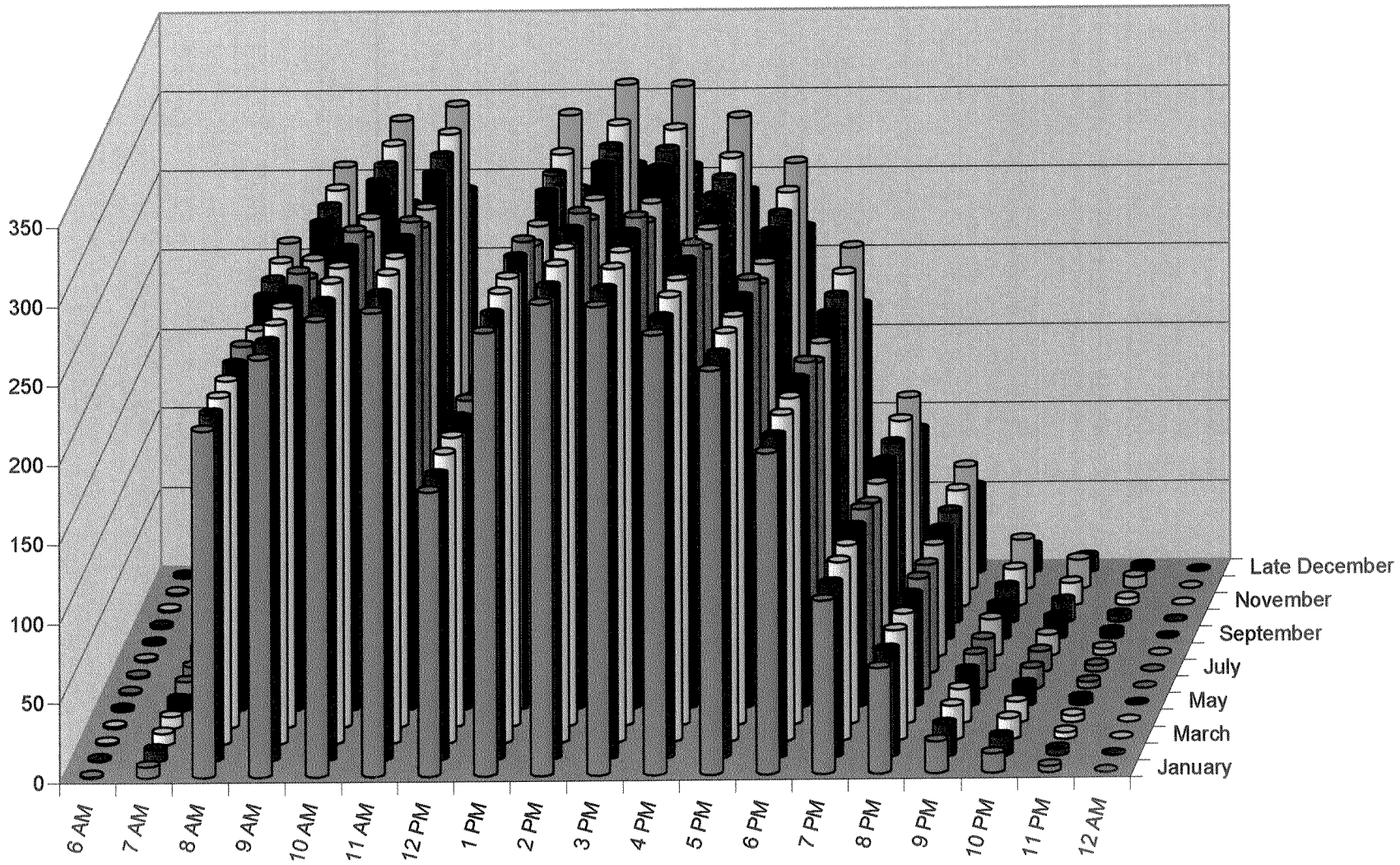


Weekend Month-by-Month Estimated Parking Demand

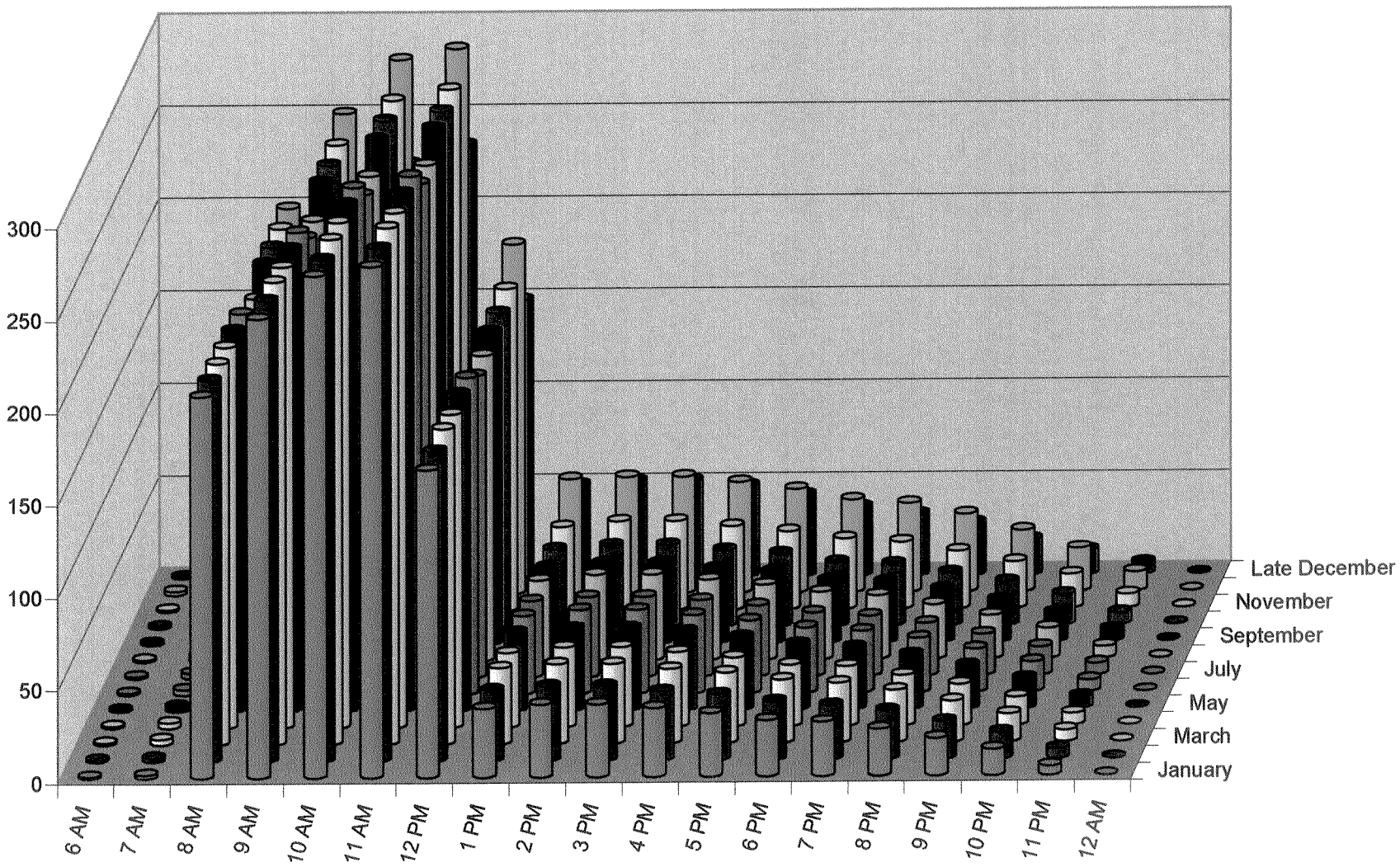



Peak Month Daily Parking Demand by Hour
Parking Stalls
400
350
300
250
200
150
100
50
0
6 AM
7 AM
8 AM
9 AM
10 AM
11 AM
12 PM
1 PM
2 PM
3 PM
4 PM
5 PM
6 PM
7 PM
8 PM
9 PM
10 PM
11 PM
12 AM
Hour
Weekday
Weekend

Weekday Comparison by Month and by Hour



Weekend Comparison by Month and by Hour



ATTACHMENT 7b

RAJU Associates, Inc.

524 S. Rosemead Blvd.,
2nd Floor,
Pasadena, CA 91107
Voice:(626) 792-2700
Fax: (626) 792-2772

MEMORANDUM

TO: Mr. Bijan Vaziri, City of Beverly Hills
Mr. David Reyes, City of Beverly Hills
CC: Ms. Kathy Javor

FROM: Srinath Raju, P.E.
Chris Munoz

SUBJECT: 8767 Wilshire Boulevard Medical Office Conversion Project
Traffic Study Update

DATE: August 28, 2009 **REF:** RA 295

This memorandum provides a brief evaluation of changes to the proposed project description for the Medical Office Conversion Project located at 8767 Wilshire Boulevard in the City of Beverly Hills, CA. The most recent change in the proposed project description includes reducing the restaurant square footage to 2,000 square feet (with bar / seating area of up to 999 square feet) and correspondingly increasing the retail square footage to 12,404 square feet.

A detailed trip generation evaluation of the proposed change described above was conducted. The trip generation comparison during AM, PM and Mid-Day peak hours on weekdays for the proposed project prior to and after the proposed change is shown in Table 1.

From Table 1, the following observations can be made:

1. The project description from the Traffic Study Technical Memorandum prepared by Raju Associates, Inc., dated July 15, 2009 included 54,900 square feet of Medical Office use, 4,696 square feet of General Office use, 11,404 square feet of Retail use, 1,116 square feet of Pharmacy use and 3,000 square feet of Quality Restaurant use. These uses generated a total of 3,017 daily trips, 119 AM peak hour trips, 342 Mid-day peak hour trips and 206 PM peak hour trips.

TABLE 1
COMPARISON OF PROJECT WEEKDAY TRIP GENERATION ESTIMATES - AM, MIDDAY, AND PM PEAK HOURS

Project Description per Traffic Study Technical Memorandum, Raju Associates, Inc., dated July 15, 2009

			AM Peak Hour			Mid-day Peak Hour			PM Peak Hour		
	Size	Daily	IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Medical Office	54,900 s.f.	2,030	107	29	136	98	146	244	49	131	180
General Office	4,696 s.f.	127	14	2	16	14	2	16	1	6	7
Retail	11,404 s.f.	490	7	5	12	22	21	43	21	22	43
Pharmacy	1,116 s.f.	101	2	2	4	6	6	12	5	4	9
Quality Restaurant	3,000 s.f.	270	1	1	2	17	10	27	15	7	22
Existing Uses [1]											
BMW Storage Facility (to be relocated)		n/a	25	20	45	0	0	0	23	26	49
Commercial Building (to be removed)		n/a	6	0	6	0	0	0	2	4	6
Net Trips at Project Site		**3,017**	**100**	**19**	**119**	**157**	**185**	**342**	**66**	**140**	**206**

Proposed Project Description - August 2009, including proposed changes

			AM Peak Hour			Mid-day Peak Hour			PM Peak Hour		
	Size	Daily	IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Medical Office	54,900 s.f.	2,030	107	29	136	98	146	244	49	131	180
General Office	4,696 s.f.	127	14	2	16	14	2	16	1	6	7
Retail	12,404 s.f.	533	8	5	13	24	23	47	23	24	47
Pharmacy	1,116 s.f.	101	2	2	4	6	6	12	5	4	9
Quality Restaurant	2,000 s.f.	180	1	1	2	11	7	18	10	5	15
Existing Uses [1]											
BMW Storage Facility (to be relocated)		n/a	25	20	45	0	0	0	23	26	49
Commercial Building (to be removed)		n/a	6	0	6	0	0	0	2	4	6
Net Trips at Project Site		**2,970**	**101**	**19**	**120**	**153**	**184**	**337**	**63**	**140**	**203**
Trip Rates [2]											
General Office (ITE Land Use 710)	per 1,000 s.f.	[3]	88%	12%	[3]	88%	12%	[3]	17%	83%	1.49
Medical Office (ITE Land Use 720)	per 1,000 s.f.	[4]	79%	21%	2.48	40%	60%	4.45	27%	73%	[4]
Retail (ITE Land Use 820)	per 1,000 s.f.	42.94	61%	39%	1.03	48%	52%	3.75	48%	52%	3.75
Pharmacy (ITE Land Use 880)	per 1,000 s.f.	90.06	59%	41%	3.20	50%	50%	11.07	50%	50%	8.42
Quality Restaurant (ITE Land Use 931)	per 1,000 s.f.	89.95	50%	50%	0.81	62%	38%	9.02	67%	33%	7.49

[1] Existing Uses to be removed or relocated. Trip generation for these uses based on actual driveway counts during peak hours.
[2] ITE Trip Generation Manual, 7th Edition, 2003
[3] Trip generation for office was calculated using the following formulas:

Daily: $Ln(T) = 0.77\ Ln(X) + 3.65$
AM Peak Hour: $Ln(T) = 0.80\ Ln(X) + 1.55$

[4] Trip generation for medical office was calculated using the following formulas:

Daily: $T = 40.89\ (X) - 214.97$
PM Peak Hour: $Ln(T) = 0.93\ Ln(X) + 1.47$

Where:
Ln = Natural logarithm
T = Two-way volume of traffic (total trip-ends)
X = Area in 1,000 gross square feet of leasable area

2. The currently proposed project including the proposed changes includes 54,900 square feet of Medical Office use, 4,696 square feet of General Office use, 12,404 square feet of Retail use (compared to 11,404 square feet previously), 1,116 square feet of Pharmacy use and 2,000 square feet of Quality Restaurant use (compared to 3000 square feet previously) . These uses generate a total of 2,970 daily trips, 120 AM peak hour trips, 337 Mid-day peak hour trips and 203 PM peak hour trips.
3. The July 15, 2009 Traffic Study, reviewed and approved by the City of Beverly Hills identified one significant impact at the intersection of Wilshire Boulevard / Robertson Boulevard. A mitigation measure to mitigate the significant impact was proposed at this location. This mitigation measure included provision of a separate westbound right-turn lane along Wilshire Boulevard at the intersection with Robertson Boulevard. This mitigation measure would mitigate the significant impacts of the project to a level of insignificance, and that no residual significant impacts would remain with the proposed project and its mitigation measure.
4. The currently proposed project description with the proposed changes to the uses results in less trip generation (47 less daily trips, 5 less mid-day trips and 3 less PM peak hour trips) or the same trip generation (119 versus 120) as the proposed project analyzed and approved in the July 15, 2009 Traffic Study Technical Memorandum and therefore, would result in the same or less impacts with the proposed mitigation measure at the intersection of Wilshire Boulevard and Robertson Boulevard. Therefore, the analysis and conclusions from the July 15, 2009 Traffic Study Technical Memorandum would still be valid and applicable.

If you have any questions or comments, please feel free to contact us at 626-792-2700.

ATTACHMENT 7c

RAJU Associates, Inc.

524 S. Rosemead Blvd.,
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Pasadena, CA 91107
Voice:(626) 792-2700
Fax: (626) 792-2772

MEMORANDUM

TO: Mr. Bijan Vaziri, City of Beverly Hills
Mr. David Reyes, City of Beverly Hills
CC: Ms. Kathy Javor

FROM: Srinath Raju, P.E.
Chris Munoz

SUBJECT: 8767 Wilshire Boulevard Medical Office Conversion Project
Trip Distribution Clarification

DATE: September 16, 2009 **REF: RA 295-2**

This memorandum provides brief clarification on the Proposed Project's trip distribution patterns used in the traffic impact evaluation of the Medical Office building at 8767 Wilshire Boulevard in the City of Beverly Hills, California. This clarification memorandum has been prepared in response to a request by the City of Beverly Hills on September 15, 2009 for the same.

The previously approved traffic study report for the 8767 Wilshire Boulevard office project from 2006 utilized the regional trip distribution patterns shown in Figure A, in the evaluation of the Proposed Project's trips, as follows:

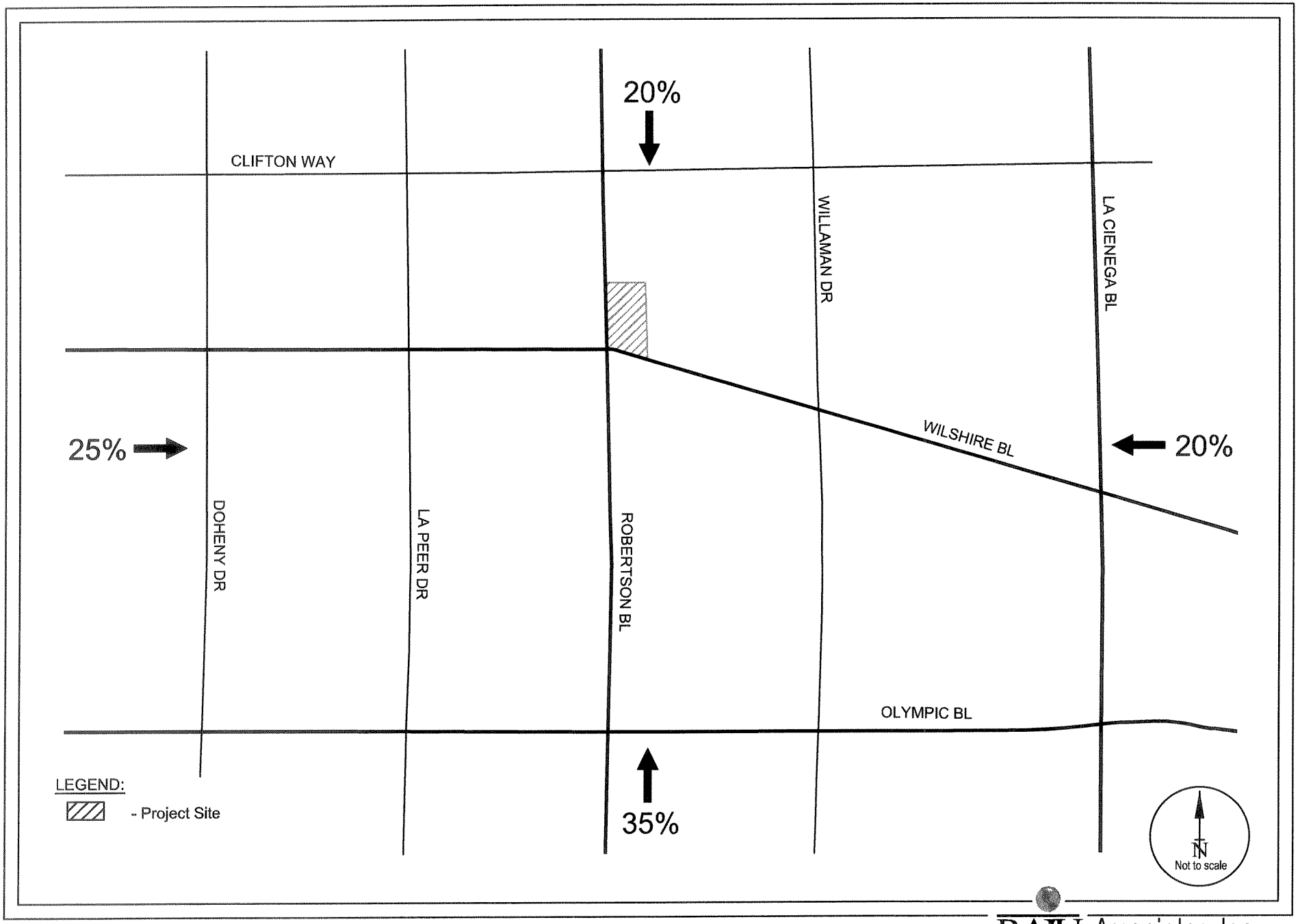
To/From the North → 20%
To/From the South → 35%
To/From the East → 20%
To/From the West → 25%

The currently approved Technical Memorandum for the Medical Office Conversion Project, dated July 15, 2009, utilized the same regional trip distribution patterns as shown in Figure A and noted above. However, the localized assignments at the two driveways along Robertson Boulevard

north of Wilshire Boulevard and Wilshire Boulevard east of Robertson are different between the 2006 Traffic Study Report and the July 2009 Traffic Study Technical Memorandum. The 2006 report assumed that only a small portion (monthly parkers only) of the parking lot users would utilize the Wilshire Boulevard exit and that most of the users would utilize Robertson Boulevard exist to Clifton Way to Arnaz Drive to Wilshire Boulevard westbound to go south and west.

Currently, with the Medical Office conversion project, it is anticipated in the July 15, 2009 Traffic Study that the Wilshire Boulevard exit would be available to all users including monthly parkers and visitors/patients and other staff to get to Wilshire Boulevard westbound to go south at the various available north-south roadways and west along Wilshire Boulevard. With improved internal distribution of trips to both the available driveways along Robertson Boulevard and Wilshire Boulevard from the Proposed Project site (due to their availability to all users), the circuitous exit routes used by the patrons under the previous plan would now be avoided/reduced and improved circulation around the site would be achieved. This is reflected in the project trip distribution around the site along the adjacent roadway segments such as Clifton Way and Arnaz Drive, where the project trip distribution percentages would be less than what was previously assumed in the 2006 Study.

If there are any questions or comments, please let us know.



RAJU Associates, Inc.

FIGURE A
REGIONAL PROJECT TRIP DISTRIBUTION

ATTACHMENT 8

Rincon Consultants, Inc.
790 East Santa Clara Street
Ventura, California 93001

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August 24, 2009
Job No. 09-64820

David Reyes, Senior Planner
Community Development/Planning
City of Beverly Hills
455 N. Rexford Drive, Room G-40
Beverly Hills, CA 90210

Subject: Greenhouse Gas Analysis for the 8767 Wilshire Boulevard Medical Office Project

Dear Mr. Reyes:

Rincon Consultants, Inc. conducted a greenhouse gas (GHG) analysis that provides an evaluation of GHG emissions associated with operation of the 8767 Wilshire Boulevard Medical Office Project. The impact analysis concerns a proposed change in the future use of a previously approved 75,116 square foot (sf) building from office/retail/restaurant/coffee-shop use to a new mix of uses, including 54,900 sf of medical office space, 4,696 sf of general office, 11,404 sf of retail, 3,000 sf of restaurant, and 1,116 sf of pharmacy.

Based on the traffic study prepared for the project (Raju Associates, July 2009), the currently proposed mix of uses would result in generation of a greater number of average daily vehicle trips than that associated with the previously approved version of the project. The previously approved project was analyzed under the California Environmental Quality Act (CEQA) prior to the passage of Senate Bill 97, which requires analysis of GHG emissions in CEQA documents (for more information refer to the regulatory setting, below). Therefore, no GHG emissions inventory or analysis was conducted during the previous project approval process. This GHG analysis examines the total emissions estimated from the project as currently proposed, as well as the difference in estimated emissions between the currently proposed project and the previously approved project.

SETTING

Greenhouse Gases. Gases that absorb and re-emit infrared radiation in the atmosphere are called GHGs, in reference to the fact that greenhouses retain heat. Common GHGs include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O_X), fluorinated gases, and ozone. GHG are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills. Man-made GHGs, many of which have greater

heat-absorption potential than CO_2, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulfur hexafluoride (SF_6) (Cal EPA, 2006). Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere. Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CDE), and is the amount of a GHG emitted multiplied by its GWP[1]. Carbon dioxide has a GWP of one. By contrast, methane (CH_4) has a GWP of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis.

The accumulation of GHG in the atmosphere regulates the earth's temperature. Without the natural heat trapping effect of GHG, Earth's surface would be about 34° C cooler (CAT, 2006). However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations. The following discusses the primary GHGs of concern.

Carbon Dioxide. The global carbon cycle is made up of large carbon flows and reservoirs. Billions of tons of carbon in the form of CO_2 are absorbed by oceans and living biomass (i.e., sinks) and are emitted to the atmosphere annually through natural processes (i.e., sources). When in equilibrium, carbon fluxes among these various reservoirs are roughly balanced (USEPA, April 2008). CO_2 was the first GHG demonstrated to be increasing in atmospheric concentration, with the first conclusive measurements being made in the last half of the 20th Century. Concentrations of CO_2 in the atmosphere have risen approximately 35% since the industrial revolution. Per the IPCC (2007), the global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 parts per million (ppm) to 379 ppm in 2005. The atmospheric concentration of CO_2 in 2005 exceeds the natural range over the last 650,000 years (180 to 300 ppm) as determined from ice cores. The average annual carbon dioxide concentration growth rate was larger during the last 10 years (1995–2005 average: 1.9 ppm per year) than it has been since the beginning of continuous direct atmospheric measurements (1960–2005 average: 1.4 ppm per year), although there is year-to-year variability in growth rates.

Methane. Methane (CH_4) is an effective absorber of radiation, though its atmospheric concentration is less than that of carbon dioxide and its lifetime in the atmosphere is limited to 10-12 years, compared to some other GHGs. It has a GWP approximately 21 times that of CO_2. Over the last 250 years, the concentration of CH_4 in the atmosphere has increased by 148% (IPCC 2007). Anthropogenic sources of CH_4 include landfills, natural gas and petroleum systems, agricultural activities, coal mining, wastewater treatment, stationary and mobile combustion, and certain industrial processes (USEPA, April 2008).

[1] Carbon dioxide equivalent (CDE or CO_2E) is a quantity that describes, for a given mixture and amount of GHGs, the amount of CO_2 (usually in metric tons; million metric tons [megatonne] = $MMTCO_2E$ = terragram [Tg] CO_2 Eq; 1,000 MMT = gigatonne) that would have the same global warming potential (GWP) when measured over a specified timescale (generally, 100 years).

Nitrous Oxide. Concentrations of nitrous oxide (N_2O) also began to rise at the beginning of the industrial revolution. N_2O is produced by microbial processes in soil and water, including those reactions that occur in fertilizers containing nitrogen. Use of these fertilizers has increased over the last century. Nitrous oxide's GWP is 300 times that of CO_2.

Fluorinated Gases (HFCS, PFCS and SF_6). Fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfurhexafluoride (SF_6), are greenhouse gases that are emitted from a variety of industrial processes. Fluorinated gases are used as substitutes for ozone-depleting substances, such as chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), and halons, which have been regulated since the mid-1980s because of their ozone-destroying potential and are phased out under the Montreal Protocol and Clean Air Act Amendments of 1990. Fluorinated gases are typically emitted in smaller quantities than CO_2, CH_4, and N_2O, but each molecule can have a much greater global warming effect. SF_6 is the most potent greenhouse gas the IPCC has evaluated.

Greenhouse Gas Inventory. California is the second largest contributor in the United States among states. If California were a country, it would be the sixteenth largest contributor in the world (AEP, 2007). Based upon the California Air Resources Board (ARB) *California Greenhouse Gas Inventory for 2000-2006* (http://www.arb.ca.gov/cc/inventory/data/data.htm), California produced 480 million metric tons [MMT] CDE in 2006. The major source of GHG in California is transportation, contributing 39% of the state's total GHG emissions. Electricity generation is the second largest source, contributing 22% of the state's GHG emissions. California emissions are due in part to its large size and large population. California had the fourth lowest CO_2 emissions per capita from fossil fuel combustion in the country in 2001, due to the success of its energy-efficiency and renewable energy programs and commitments that have lowered the state's GHG emissions rate of growth by more than half of what it would have otherwise been (CEC, December 2006). Another factor that reduces California's per capita fuel use and GHG emissions, as compared to other states, is its relatively mild climate.

REGULATORY SETTING

California Regulations. Assembly Bill (AB) 1493, requiring the development and adoption of regulations to achieve "the maximum feasible reduction of greenhouse gases," emitted by noncommercial passenger vehicles, light-duty trucks, and other vehicles used primarily for personal transportation in the State was signed into law in September 2002. In 2005, Executive Order S-3-05 established statewide GHG emissions reduction targets. S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80% of 1990 levels (CalEPA, 2006).

In response to EO S-3-05, the CalEPA created the Climate Action Team (CAT), which in March 2006, published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce climate change greenhouse gas emissions. These are strategies that

could be implemented by various state agencies to ensure that the AB 32 targets are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/ infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc.

AB 32, the "California Global Warming Solutions Act of 2006," was signed into law in the fall of 2006. AB 32 requires the ARB to adopt regulations by January 1, 2008 to require reporting and verification of statewide GHG emissions. The ARB was required to produce a plan by January 1, 2009 to indicate how emission reductions will be achieved from significant GHG sources via regulations, market mechanisms, and other actions. In addition, this law requires the ARB to adopt regulations by January 1, 2010 to implement the early action GHG emission reduction measures that can be implemented before the adoption of those recommended by the 2009 plan. The bill requires achievement by 2020 of a statewide GHG emissions limit equivalent to 1990 emissions (essentially a 25% reduction below 2005 emission levels; same requirement as under S-3-05), and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions.

In response to the requirements of AB 32, the ARB produced a list of 37 early actions for reducing GHG emissions in June 2007. The ARB expanded this list in October 2007 to 44 measures that have the potential to reduce GHG emissions by at least 42 million metric tons of CO_2 emissions by 2020, representing about 25% of the estimated reductions needed by 2020 (ARB, October 2007). After completing a comprehensive review and update process, the ARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CDE. The scoping plan required under AB 32 was approved by the ARB Board on December 12, 2008, and it provides the outline for actions to reduce GHG in California. The scoping plan has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 cost of implementation fee regulation to fund the program.

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis under CEQA. This bill directs the California Office of Planning and Research to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions by July 1, 2009. Draft guidelines were released in April 2009. The Resources Agency is required to certify or adopt those guidelines by January 1, 2010.

Executive Order S-01-07 was enacted on January 18, 2007. The order mandates that a statewide goal be established to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020. In addition, a Low Carbon Fuel Standard ("LCFS") for transportation fuels is to be established for California.

Senate Bill (SB) 375, signed in August 2008, requires the inclusion of sustainable communities' strategies (SCS) in regional transportation plans (RTPs) for the purpose of

reducing GHG emissions. The bill requires ARB to set regional targets for the purpose of reducing greenhouse gas emissions from passenger vehicles, for 2020 and 2035. On January 23, 2009 ARB appointed a Regional Targets Advisory Committee (RTAC) to provide recommendations on factors to be considered and methodologies to be used in the ARB target setting process, as required under SB 375. The Committee must provide its recommendations in a report to ARB by September 30, 2009.

For more information on the assembly bills, executive orders, and reports discussed above, please refer to the following websites: www.climatechange.ca.gov and www.arb.ca.gov/cc/cc.htm.

Local Regulations and CEQA Requirements. GHG emissions and their contribution to global climate change have only recently been addressed in CEQA documents, such that CEQA and current case law do not provide specific guidance relative to their assessment. Quantitative significance thresholds for this topic have not been adopted by the State of California, though the South Coast Air Quality Management District (SCAQMD) has adopted interim GHG significance threshold for projects where the SCAQMD is lead agency (SCAQMD, December 5, 2008), which is applicable specifically to stationary source emissions and has not been recommended by SCAQMD for use with respect to land use projects. The Office of Planning and Research (OPR) is directed under SB 97, to prepare, develop, and transmit to the Resources Agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions through CEQA by July 1, 2009. Draft guidelines were released in April 2009, which do not include quantitative emissions thresholds. The California Resources Agency (Resources Agency) will certify and adopt amendments to the *CEQA Guidelines* for the feasible mitigation of GHG emissions or the effects of GHG emissions implementing the draft guidelines, on or before January 1, 2010, pursuant to SB 97 (Dutton, 2007). These updated *CEQA Guidelines* will provide regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents. In the interim, in an effort to guide professional planners, land use officials and CEQA practitioners, the Governor's Office of Planning and Research (OPR) prepared *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA). CEQA and Climate Change* offers informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents. This guidance was developed in cooperation with the Resources Agency, the California Environmental Protection Agency (CalEPA), and the ARB.

METHODOLOGY AND SIGNIFICANCE THRESHOLDS

The information provided in this section is based on recently established California goals for reducing GHG emissions, as well as a project-specific emissions inventory developed for the proposed project. Determining how a proposed project might contribute to climate change, and what the overall effect of an individual project would be based on that contribution is still undergoing debate at this time. As previously discussed, no approved thresholds or methodologies are currently available for determining the significance of a land use project's potential cumulative

contribution to global climate change in CEQA documents. An individual project (unless it is a massive construction project, such as a dam or a new freeway project, or a large fossil-fuel fired power plant) does not generate sufficient GHG emissions to directly influence global climate change; therefore, the issue of global climate change typically involves an analysis of whether a project's contribution towards a cumulative impact is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Methodology. Calculations of carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O) are provided for full disclosure of the magnitude of potential project effects. The analysis focuses on CO_2, N_2O, and CH_4 as these are the GHG emissions that the project would emit in the largest quantities. Calculations were based on the methodologies discussed in the CAPCOA white paper (January 2008) and included the use of the California Climate Action Registry General Reporting Protocol (January 2009).

Operational Emissions. Operational emissions of CO_2, associated with space heating and architectural coatings were quantified using the URBEMIS 2007 (version 9.2.4) software model. N_2O and CH_4 emissions were quantified using the California Climate Action Registry General Reporting Protocol (January 2009) indirect emissions factors for electricity use (see Appendix for calculations). The calculations and emission factors contained in the General Reporting Protocol were selected based on technical advice provided to the Registry by the California Energy Commission. This methodology is considered reasonable and reliable for use, as it has been subjected to peer review by numerous public and private stakeholders, and in particular by the California Energy Commission, and is recommended by CAPCOA (January 2008).

Emissions from Mobile Combustion. Emissions of CO_2 from transportation sources were quantified using the URBEMIS 2007 (version 9.2.4) computer model. Because the prior air quality analysis conducted by Terry Hayes and Associates (June 2009) used the Year 2009 for their analysis, this fleet year was used herein for consistency. Please note that the URBEMIS calculations do not include reductions for pass-by or internal trips that would be expected given the proposed mix of land uses within the building; therefore, these caculations are considered conservative. N_2O and CH_4 emissions were quantified, using the California Climate Action Registry (CCAR) General Reporting Protocol (January 2009) direct emissions factors for mobile combustion (see Appendix for calculations). Total daily mileage for weekday and weekend operations was calculated in URBEMIS 2007 and extrapolated to derive total annual mileage. Emission rates were based on the vehicle mix output, generated by URBEMIS 2007, and the emission factors found in CCAR General Reporting Protocol.

It should be noted that one of the limitations to a quantitative analysis is that emission models, such as URBEMIS, evaluate aggregate emissions and do not demonstrate, with respect to a global impact, what proportion of these emissions are "new" emissions, specifically attributable to the proposed project in question. For most projects, the main contribution of GHG emissions is from motor vehicles and the total vehicle miles

traveled (VMT), but the quantity of these emissions appropriately characterized as "new" is uncertain. Traffic associated with a project may be relocated trips from other locales, and consequently, may result in either higher or lower net VMT. In this instance, it is likely that some of the proposed project-related GHG emissions, associated with traffic and energy demand, would be truly "new" emissions. However, it is also likely that some of the emissions represent diversion of emissions from other locations. Thus, although GHG emissions are associated with the project, it is not possible to discern how much diversion is occurring or what fraction of those emissions represents global increases. In the absence of information regarding the different types of trips, the VMT estimate generated by URBEMIS is used as a conservative, "worst-case" estimate.

Significance Thresholds. This analysis is based on the methodologies recommended by the California Air Pollution Control Officers Association [CAPCOA] (January 2008) *CEQA and Climate Change* white paper. CAPCOA conducted an analysis of various approaches and significance thresholds, ranging from a zero threshold (all projects are cumulatively considerable) to a high of 40,000 – 50,000 metric tons CDE per year. For example, assuming a zero threshold and the AB 32 2020 targets, this approach would require all discretionary projects to achieve a 33% reduction from projected "business-as-usual" emissions to be considered less than significant. A zero threshold approach could be considered on the basis that climate change is a global phenomenon, and not controlling small source emissions would potentially neglect a major portion of the GHG inventory. Another method, based on a market capture approach that requires mitigation for greater than 90% of likely future discretionary development, would use a quantitative threshold of greater than 900 metric tons CDE/year for most projects, which would generally correspond to office projects of approximately 35,000 square feet, retail projects of approximately 11,000 square feet, or supermarket space of approximately 6,300 square feet. Another potential threshold of 10,000 metric tons was considered by the Market Advisory Committee for inclusion in a GHG Cap and Trade System in California. A 10,000 metric ton significance threshold would correspond to the GHG emissions of approximately 550 residential units, 400,000 square feet of office space, 120,000 square feet of retail, and 70,000 square feet of supermarket space (CAPCOA, January 2008). This threshold would capture roughly half of new residential or commercial development (CAPCOA, January 2008). The basic concepts for the various approaches suggested by CAPCOA are used herein to determine whether or not the proposed project's GHG emissions are "cumulatively considerable."

The SCAQMD has adopted interim GHG significance threshold for projects where the SCAQMD is lead agency (SCAQMD, December 5, 2008), which is applicable specifically to stationary source emissions and has not been recommended by SCAQMD for use with respect to land use projects.

The information provided in this section is based on recently established California goals for reducing GHG emissions. The City of Beverly Hills, as the lead agency, has no duty to establish a significance threshold for GHG emissions. Therefore, this analysis is specific to the proposed project and does not establish thresholds for the City or set precedence for the type of analysis in a climate change analysis, as this

discipline is still evolving and is expected to undergo multiple renditions before standards and thresholds are published.

IMPACT ANALYSIS

On-Site Operational Emissions. This category includes emissions from consumption of electricity and natural gas as part of building operation and heating/cooling. Operation of the proposed project would consume an estimated 24,000 kilowatt-hours [kWh]/year of electricity more than the previously approved project (refer to Table 1). Available electrical demand factors do not differentiate between use of the building for commercial office as compared to typical medical offices that do not contain diagnostic equipment; therefore, the calculated change in energy consumption that would occur is primarily a result of designating a portion of the building to specific retail and food service uses (see Appendix A). The generation of electricity used at the site occurs at offsite power plants, much of which is generated by the combustion of fossil fuels that yields substantial amounts of CO_2, and to a smaller extent N_2O and CH_4.

Table 1
Estimated Electricity Consumption

Type of Use	Units (1,000 sf)	Electricity Demand Factor	Annual Electricity Demand
Proposed Development			
Office Consumption	60.72	16,800 / 1,000 sf/year*	1,020,096 kWH/year
Retail Consumption	11.4	11,300 / 1,000 sf/year*	128,820 kWH/year
Food Service (restaurant)	3.0	45,700/ 1000 sf/yr	137,100 kWH/year
Proposed Development Electricity Consumption			1,286,016 kWH/year
Previously Approved Development			
Office Consumption	75.12	16,800 / 1,000 sf/year*	1,262,016 kWH/year
Net Change in Electricity Consumption			24,000 kWH/year

sf = square feet
kWH = kilowatt hour
**Demand factor from Energy Information Administration, 2008. 2003 CBECS Detailed Tables.*

As discussed above, GHG emissions from the generation of electricity can be calculated using emissions factors from the CCAR General Reporting Protocol. CO_2 emission estimates using the URBEMIS model also take into account emissions from operational sources such as natural gas used for space heating. Table 2 shows the total operational emissions of GHGs associated with the proposed project, estimated

at 532 metric tons per year, or 8 metric tons per year more than the previously approved project.

Table 2
Estimated Annual Operational Emissions of Greenhouse Gases

Emission Source	Annual Emissions	
	Emissions	CDE
Proposed Development		
Carbon Dioxide (CO_2)[1]	584.76 (short ton, US)	530.5 metric tons
Methane (CH_4)[2]	0.02 metric tons	0.4 metric tons
Nitrous Oxide (N_2O)[2]	0.005 metric tons	1.5 metric tons
Proposed Development Operational Emissions		532 metric tons
Previously Approved Development		
Carbon Dioxide (CO_2)[1]	576.03 (short ton, US)	522.5 metric tons
Methane (CH_4)[2]	0.02 metric tons	0.4 metric tons
Nitrous Oxide (N_2O)[2]	0.005 metric tons	1.4 metric tons
Previously Approved Development Operational Emissions		524 metric tons
Net Change in Operational Emissions		**+8 metric tons**

Source:
[1] See Appendix for calculations. Includes energy from electrical usage and area source emissions from natural gas and heating.
[2] California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009, page 33-40.
See Appendix for GHG emission factor assumptions and calculations.

Emissions from Mobile Combustion. Mobile source GHG emissions were estimated using the average daily trips estimate for weekday and weekend operations from the traffic study to calibrate trip generation numbers used in the URBEMIS 2007 model (v. 9.2.4), which was used to derive the total annual vehicle miles traveled. Emissions were converted to a daily emissions rate (divided by 364), then multiplied by the appropriate days for each scenario's days per year (260 days for weekday mobile emissions, and 104 days for weekend mobile emissions). The URBEMIS 2007 model estimates that the proposed development would generate an annual total of 8,585,980 VMT, an increase of 4,233,736 VMT over the previously approved development. Table 3 shows the estimated mobile emissions of GHGs based on this VMT.

Table 3
Estimated Annual Mobile Emissions of Greenhouse Gases

	Annual Emissions	
Emission Source	**Emissions**	**CDE**
Proposed Development		
Carbon Dioxide (CO_2)[1]	4,278.8 tons (short, US)	3,882 metric tons
Methane (CH_4)[2]	0.2 metric tons	5 metric tons
Nitrous Oxide (N_2O)[2]	0.1 metric tons	45 metric tons
Proposed Development Mobile Emissions		3,931 metric tons
Previously Approved Development		
Carbon Dioxide (CO_2)[1]	2,164.3 tons (short, US)	1,963 metric tons
Methane (CH_4)[2]	0.1 metric tons	2 metric tons
Nitrous Oxide (N_2O)[2]	0.1 metric tons	23 metric tons
Previously Approved Development Mobile Emissions		1,988 metric tons
Net Change in Mobile Emissions		**+1,943 metric tons**

Source:
[1] Mobile Emissions from (version 9.2.4).
[2] California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1,January 2009, page 41-48.
See Appendix for GHG emission factor assumptions and calculations.

Combined Stationary and Mobile Source Emissions. Table 4 combines the operational and mobile GHG emissions associated with the proposed development, which would total approximately 4,463 metric tons per year in carbon dioxide equivalency units. This total represents less than 0.001% of California's total 2006 emissions of 480 million metric tons. These emission projections indicate that the majority of the project GHG emissions are associated with vehicular travel (88%). It should be noted that mobile emissions are in part a redirection of existing travel to other locations, and so may already be a part of the total California GHG emissions.

Table 4
Combined Annual Emissions of Greenhouse Gases

Emission Source	Annual Emissions
Operational	532 metric tons CDE
Mobile	3,931 metric tons CDE
Project Total	**4,463 metric tons CDE**

The total net increase in emissions from the proposed development as compared to the previously approved development would be 1,951 metric tons per year.

CONCLUSION

As discussed above under *Significance Thresholds*, CAPCOA (January 2008) provided several approaches to consider potential cumulative significance of projects with respect to GHGs. Table 5 shows CAPCOA's suggested quantitative, non-zero thresholds for GHG emissions. A zero threshold approach can be considered on the basis that climate change is a global phenomenon, and not controlling small source emissions would potentially neglect a major portion of the GHG inventory. However, the California Environmental Quality Act (CEQA) Guidelines also recognize that there may be a point where a project's contribution, although above zero, would not be a considerable contribution to the cumulative impact (CEQA Guidelines, Section 15130 (a)). Therefore, a threshold of greater than zero is considered more appropriate for the analysis of GHG emissions under CEQA.

Table 5
CAPCOA Suggested Quantitative Non-Zero Thresholds for Greenhouse Gas Emissions

90% Market Capture	~900 tons CDE/year
CARB Reporting Threshold/Cap and Trade Entry Level	Report: 25,000 tons CDE/year Cap and Trade: 10,000 tons CDE/year
Regulated Inventory Capture	~40,000 - 50,000 tons CDE/year
Unit-Based Threshold Based on Market Capture	Residential development > 50 du* Commercial space > 50,000 sf* Industrial (with emissions > 900 tons CDE)
Statewide, Regional, or Area-wide Significance (CEQA Guidelines 15206(b)).	Residential development > 500 du Office space > 250,000 sf Retail space > 500,000 sf Hotels > 500 units Industrial project > 1,000 employees, 40 ac, or 650,000 sf

**du = dwelling units*
**sf = square feet*
Sources: California Air Pollution Control Officers Association (CAPCOA), CEQA & Climate Change, January 2008.

To provide a conservative estimate of project impact, the total emissions from proposed development, rather than the net increase in emissions above the previously approved development, are used in this report to assess impact significance. The proposed project's contribution of up to 4,463 metric tons CDE/year would exceed the 900-ton 90% Market Capture Threshold shown in Table 5, but would not exceed the other two

emissions-based thresholds. While of limited importance, it is further noted that this annual emission rate does not exceed the SCAQMD's interim threshold of 10,000 metric tons for stationary sources.

The proposed 54,900 sf of medical office space, 4,696 sf of general office, 11,404 sf of retail, 3,000 sf of restaurant, and 1,116 sf of pharmacy would exceed the Unit-Based Threshold Based on Market Capture, but would not exceed the Threshold for Statewide, Regional, or Area-Wide Significance. It should also be noted that because the project consists of redeveloped land, which results in intensification and reuse of already developed lands as opposed to low density development on undeveloped lands, it may actually reduce total VMT within the Los Angeles Basin as existing residences may travel a shorter distance to receive medical services. As the City of Beverly Hills is generally built out, most commercial development within the City is infill or redevelopment and would generally be expected to reduce VMT and reliance on the drive-alone automobile as compared to suburban growth. A reduction in vehicle use and vehicle miles traveled can result in a reduction in fuel consumption and in air pollutant emissions, including GHG emissions. Recent research indicates that infill development reduces VMT and associated air pollutant emissions, as compared to development on sites at the periphery of metropolitan areas, also known as "greenfield" sites. For example, a 1999 simulation study conducted for the U.S. Environmental Protection Agency (EPA), comparing infill development to greenfield development, found that infill development results in substantially fewer VMT per capita (39% to 52%) and generates fewer emissions of most air pollutants and greenhouse gases. Table 6 shows the results of the EPA study.

Table 6
Comparison of VMT and Emissions: Infill versus Greenfield Development

Case Study	Per Capita Daily VMT, Infill as a Percentage of Greenfield	Emissions, Infill as a Percentage of Greenfield	
San Diego, CA	52%	CO	88%
		NO_x	58%
		SO_x	51%
		PM	58%
		CO_2	55%
Montgomery County, MD	42%	CO	52%
		NO_x	69%
		SO_x	110%
		PM	50%
		CO_2	54%
West Palm Beach, FL	39%	CO	75%
		NO_x	72%
		SO_x	94%
		PM	47%
		CO_2	50%

Source: Allen, E., Anderson, G., and Schroeer, W., "The Impacts of Infill vs. Greenfield Development: A Comparative Case Study Analysis," U.S. Environmental Protection Agency, Office of Policy, EPA Publication #231-R-99-005, September 2, 1999.

CAPCOA's suggested quantitative thresholds are generally more applicable to development on greenfield sites, where there would be an increase in VMT and associated GHG emissions than to infill development that would generally reduce regional VMT and associated emissions. For this reason, the most conservative (i.e., lowest) thresholds, suggested by CAPCOA, would not be appropriate for the proposed project given that it is located in a community that is highly urbanized. Consequently, the second lowest threshold of 10,000 metric tons CDE/year has been used herein as a quantitative benchmark for significance and qualitative consideration of the California Environmental Protection Agency's (CalEPA) GHG emissions reduction strategies that were prepared by CalEPA's Climate Action Team (CAT) established by Executive Order S-3-05 for projects below 10,000 tons CDE/year. The CAT strategies are recommended to reduce GHG emissions at a statewide level to meet the goals of the Executive Order S-3-05 (http://www.climatechange.ca.gov). A project's contribution to cumulative impacts to global climate change is considered cumulatively considerable if the project would generate 10,000 tons CDE/year. For projects that would generate fewer than 10,000 tons CDE/year, the impact would be considered cumulatively considerable if the project would be inconsistent with one or more of the CAT's GHG reduction strategies.

As indicated above, CDE emissions, associated with the proposed project, would be less than 10,000 tons/year. Therefore, the project's impact would be cumulatively considerable if the project were inconsistent with CAT strategies. Please note that several of these actions are already required by California regulations. Tables 7 and 8 illustrate that the proposed project would be consistent with the GHG reduction strategies set forth by the 2006 CAT Report and the 2008 Attorney General's Greenhouse Reduction Report. Therefore, the project's contribution to cumulative GHG emissions and climate change would not be cumulatively considerable.

Table 7
Project Consistency with Applicable Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	*Project Consistency*
California Air Resources Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004.	**Consistent:** The vehicles that travel to and from the project site on public roadways would be in compliance with ARB vehicle standards that are in effect at the time of vehicle purchase.
Diesel Anti-Idling The ARB adopted a measure to limit diesel-fueled commercial motor vehicle idling in July 2004.	**Consistent:** Current State law restricts diesel truck idling to five minutes or less. Diesel trucks operating from, and making deliveries to, the project site are subject to this state-wide law. Construction vehicles are also subject to this regulation.

Table 7
Project Consistency with Applicable Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	*Project Consistency*
Hydrofluorocarbon Reduction 1) Ban retail sale of HFC in small cans. 2) Require that only low GWP refrigerants be used in new vehicular systems. 3) Adopt specifications for new commercial refrigeration. 4) Add refrigerant leak-tightness to the pass criteria for vehicular inspection and maintenance programs. 5) Enforce federal ban on releasing HFCs.	**Consistent:** This strategy applies to consumer products. All applicable products would comply with the regulations that are in effect at the time of manufacture.
Alternative Fuels: Biodiesel Blends ARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	**Consistent:** The diesel vehicles that travel to and from the project site on public roadways could utilize this fuel once it is commercially available.
Alternative Fuels: Ethanol Increased use of E-85 fuel.	**Consistent:** Employees of the project site could choose to purchase flex-fuel vehicles and utilize this fuel once it is commercially available in the region and local vicinity.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy duty vehicles and an education program for the heavy duty vehicle sector.	**Consistent:** The heavy-duty vehicles that travel to and from the project site on public roadways would be subject to all applicable ARB efficiency standards that are in effect at the time of vehicle manufacture.
Achieve 50% Statewide Recycling Goal Achieving the State's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48% has been achieved on a statewide basis. Therefore, a 2% additional reduction is needed.	**Consistent:** The City of Beverly Hills Municipal Code Section 9-1-1001 "Diversion Requirements," states "To ensure that the city meets the statutory obligations imposed by the California integrated waste management act (AB 939), the director of building and safety, in issuing permits for construction, renovation, and demolition projects of a specified magnitude, is authorized to impose and to enforce requirements related to the salvaging, recycling, and reuse of construction and demolition debris. Those requirements will be established by resolution of the city council. (Ord. 03-O-2436, eff. 1-15-2004)." The City of Beverly Hills' solid waste diversion rate was 57% in 2002. It is anticipated that the project would similarly divert at least 50 percent of its solid waste after the recyclable content is diverted.
Zero Waste – High Recycling Efforts to exceed the 50 percent goal would allow for additional reductions in climate change emissions.	**Consistent:** The City of Beverly Hills' solid waste diversion rate was 57% in 2002. It is anticipated that the project would similarly divert at least 50 percent of its solid waste after the recyclable content is diverted. The project would also be subject to all applicable State and City requirements for solid waste reduction as they change in the future.

Table 7
Project Consistency with Applicable Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	*Project Consistency*
Department of Forestry	
Urban Forestry A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.	**Consistent:** The project would be landscaped, and street trees planted or maintained, in accordance with the City's landscaping requirements.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	**Consistent:** Section 6-1-2 of the Beverly Hills Municipal Code establishes regulations for the administration of water services in the City. In compliance with Government Code Section 10631, parts (c) and (d), the City has also provided alternative water conservation measures. The City maintains as a long-term goal a Water Conservation Program, Water Conservation Ordinance, and Efficient Landscaping Ordinance to achieve and maintain a high level of efficiency in water uses in the Beverly Hills service area. The project would be required to comply with all such programs and ordinances.
Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	**Consistent:** The project will need to comply with the standards of Title 24 that are in effect at the time of development. The building is proposed to be constructed consistent with the LEED Silver level.
Appliance Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).	**Consistent:** Under State law, appliances that are purchased for the project - both pre- and post-development – would be consistent with energy efficiency standards that are in effect at the time of manufacture.
Fuel-Efficient Replacement Tires & Inflation Programs State legislation established a statewide program to encourage the production and use of more efficient tires.	**Consistent:** Employees and patients/clients of the proposed project could purchase tires for their vehicles that comply with state programs for increased fuel efficiency.
Municipal Utility Energy Efficiency Programs/Demand Response Includes energy efficiency programs, renewable portfolio standard, combined heat and power, and transitioning away from carbon-intensive generation.	*Not applicable*, but the project would not preclude the implementation of this strategy by municipal utility providers.
Municipal Utility Renewable Portfolio Standard California's Renewable Portfolio Standard (RPS), established in 2002, requires that all load serving entities achieve a goal of 20 percent of retail electricity sales from renewable energy sources by 2017, within certain cost constraints.	*Not applicable*, but the project would not preclude the implementation of this strategy by Southern California Edison.

Table 7
Project Consistency with Applicable Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	*Project Consistency*
Municipal Utility Combined Heat and Power Cost effective reduction from fossil fuel consumption in the commercial and industrial sector through the application of on-site power production to meet both heat and electricity loads.	*Not applicable* since this strategy addresses incentives that could be provided by utility providers such as Southern California Edison and The Gas Company. In addition, the commercial facilities at the site are too small for efficient combined heat and power production.
Alternative Fuels: Non-Petroleum Fuels Increasing the use of non-petroleum fuels in California's transportation sector, as recommended as recommended in the CEC's 2003 and 2005 Integrated Energy Policy Reports.	**Consistent:** Employees of the project site could purchase alternative fuel vehicles and utilize these fuels once they are commercially available in the region and local vicinity.
Business, Transportation and Housing	
Measures to Improve Transportation Energy Efficiency Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools and information that advance cleaner transportation and reduce climate change emissions.	**Consistent:** The proposed project is an urban infill development; the proposed land uses would have readily available access to public transportation, which could incrementally reduce the number of regional vehicle trips.
Smart Land Use and Intelligent Transportation Systems (ITS) Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors. ITS is the application of advanced technology systems and management strategies to improve operational efficiency of transportation systems and movement of people, goods and services. The Governor is finalizing a comprehensive 10-year strategic growth plan with the intent of developing ways to promote, through state investments, incentives and technical assistance, land use, and technology strategies that provide for a prosperous economy, social equity and a quality environment. Smart land use, demand management, ITS, and value pricing are critical elements in this plan for improving mobility and transportation efficiency. Specific strategies include: promoting jobs/housing proximity and transit-oriented development; encouraging high density residential/commercial development along transit/rail corridor; valuing and congestion pricing; implementing intelligent transportation systems, traveler information/traffic control, incident management; accelerating the development of broadband infrastructure; and comprehensive, integrated, multimodal/intermodal transportation planning.	**Consistent:** The project is located near to existing residential areas and places of employment within the City of Beverly Hills. The project site is located along Wilshire Boulevard, a major transit corridor.

Table 7
Project Consistency with Applicable Climate Action Team Greenhouse Gas Emission Reduction Strategies

Strategy	*Project Consistency*
Green Buildings Initiative Green Building Executive Order, S-20-04 (CA 2004), sets a goal of reducing energy use in public and private buildings by 20 percent by the year 2015, as compared with 2003 levels. The Executive Order and related action plan spell out specific actions state agencies are to take with state-owned and -leased buildings. The order and plan also discuss various strategies and incentives to encourage private building owners and operators to achieve the 20 percent target.	**Consistent:** As discussed previously, the project is required to be constructed in compliance with the standards of Title 24 that are in effect at the time of development. The 2005 Title 24 standards are approximately 8.5 percent more efficient than those of the 2001 standards. The building is also proposed to be constructed with intent to receive LEED Silver certification.
Public Utilities Commission (PUC)	
Accelerated Renewable Portfolio Standard The Governor has set a goal of achieving 33 percent renewable in the State's resource mix by 2020. The joint PUC/Energy Commission September 2005 Energy Action Plan II (EAP II) adopts the 33 percent goal.	*Not applicable*, but the project would not preclude the implementation of this strategy by energy providers.
California Solar Initiative The solar initiative includes installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses, increased use of solar thermal systems to offset the increasing demand for natural gas, use of advanced metering in solar applications, and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	**Consistent:** Although solar roofs are not proposed as part of the project, the project would not preclude the implementation of this strategy by building operators or energy providers.

Table 8
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	*Project Consistency*
Transportation-Related Emissions	
Diesel Anti-Idling Set specific limits on idling time for commercial vehicles, including delivery vehicles.	**Consistent:** Currently, the California Air Resources Board's (CARB) Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts diesel truck idling to five minutes or less. Diesel trucks operating from and making deliveries to, the project site are subject to this state-wide law. Construction vehicles are also subject to this regulation.
Transportation Emissions Reduction The project applicant shall promote ride sharing program e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading an unloading waiting areas.	**Consistent:** Pursuant to Section 10-7-301 of the Beverly Hills Municipal Code, the applicant would be required to provide a bulletin board, display case, or kiosk displaying transportation information including showing alternative transportation information, including, but not limited to, maps, routes, and schedules for public transit routes, ridesharing and carpool information, bike route and facility information. In addition, at least 10% of

Table 8
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	*Project Consistency*
	onsite parking must be designated carpool/vanpool parking and must be located as close as is practical to the employee entrance(s).
Transportation Emissions Reduction Contribute transportation impact fees per residential and commercial unit to the City, to facilitate and increase public transit service.	**Consistent:** Pursuant to Section 3-1-904 of the Beverly Hills Municipal Code, the applicant would be required to pay a transportation facilities and program development fee in an amount established by resolution of the city council.
Transportation Emissions Reduction Provide shuttle service to public transportation.	**Consistent:** Shuttle service to public transportation would be unnecessary as the proposed project is located on the Metro Bus Lines 28/728, and 220.
Transportation Emissions Reduction Incorporate bike lanes into the project circulation system.	*Not applicable*, The proposed project would use the existing City of Beverly Hills circulation system. However, the project would not preclude the addition of bike lanes to City streets.
Transportation Emissions Reduction Provide onsite bicycle and pedestrian facilities (showers, bicycle parking, etc.) for commercial uses, to encourage employees to bicycle or walk to work.	**Consistent:** Pursuant to Section 10-7-301 of the Beverly Hills Municipal Code, the applicant would be required to provide bicycle racks.
Solid Waste and Energy Emissions	
Solid Waste Reduction Strategy Project construction shall require reuse and recycling of construction and demolition waste.	**Consistent:** Pursuant to Section 9-1-1001 of the Beverly Hills Municipal Code, to ensure that the city meets the statutory obligations imposed by the California integrated waste management act (AB 939), the director of building and safety, in issuing permits for construction, renovation, and demolition projects of a specified magnitude, is authorized to impose and to enforce requirements related to the salvaging, recycling, and reuse of construction and demolition debris. Those requirements will be established by resolution of the city council.
Water Use Efficiency Require measures that reduce the amount of water sent to the sewer system – see examples in CAT standard above. (Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.	**Consistent:** Section 6-1-2 of the Beverly Hills Municipal Code establishes regulations for the administration of water services in the City. In compliance with Government Code Section 10631, parts (c) and (d), the City has also provided alternative water conservation measures. The City maintains as a long-term goal a Water Conservation Program, Water Conservation Ordinance, and Efficient Landscaping Ordinance to achieve and maintain a high level of efficiency in water uses in the Beverly Hills service area. The project would be required to comply with all such programs and ordinances.

Table 8
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	*Project Consistency*
Land Use Measures, Smart Growth Strategies and Carbon Offsets	
Smart Land Use and Intelligent Transportation Systems Encourage mixed-use and high density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods.	**Consistent:** The proposed project is an urban infill development located in a high densely developed area. Additionally, the proposed project is located along a public transit corridor.
Smart Land Use and Intelligent Transportation Systems Require pedestrian-only streets and plazas within the project site and destinations that may be reached conveniently by public transportation, walking or bicycling.	**Consistent:** The proposed project is located on Wilshire Boulevard within an urban environment. The front of the project is accessible by sidewalk.

Thank you for choosing Rincon Consultants for your environmental services needs. If you have any questions with respect to this peer review, please contact the undersigned.

Sincerely,
RINCON CONSULTANTS, INC.

Chris Bersbach
Associate Environmental Planner

Duane Vander Pluym, D.Env.
Principal

Attachment: Greenhouse Gas Modeling Results Appendix

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Appendix

Greenhouse Gas Modeling Results

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Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: L:\ESP\LA Co\Beverly Hills\09-64820 Bev Hills 8767 Wilshire Tech Peer Rvw\Other\8767 Wilshire Medical Proposed Dev WEEKDAY.urb924

Project Name: 8767 Wilshire - Proposed Development - WEEKDAY

Project Location: Los Angeles County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	0.09	0.10	0.08	0.00	0.00	0.00	119.14

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	4.48	6.79	54.58	0.04	8.72	1.70	5,017.50

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	4.57	6.89	54.66	0.04	8.72	1.70	5,136.64

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.01	0.10	0.08	0.00	0.00	0.00	119.14
Hearth							
Landscape							
Consumer Products	0.00						
Architectural Coatings	0.08						
TOTALS (tons/year, unmitigated)	0.09	0.10	0.08	0.00	0.00	0.00	119.14

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Quality resturant	0.40	0.61	4.90	0.00	0.78	0.15	450.27
Strip mall	0.71	1.08	8.65	0.01	1.39	0.27	796.76
General office building	0.21	0.32	2.58	0.00	0.41	0.08	235.47
Pharmacy/drugstore without drive through	0.14	0.22	1.77	0.00	0.28	0.06	163.24
Medical office building	3.02	4.56	36.68	0.03	5.86	1.14	3,371.76
TOTALS (tons/year, unmitigated)	4.48	6.79	54.58	0.04	8.72	1.70	5,017.50

Operational Settings:

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Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2009 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Quality resturant		90.00	1000 sq ft	3.00	270.00	2,481.84
Strip mall		42.97	1000 sq ft	11.40	489.86	4,395.50
General office building		27.04	1000 sq ft	4.70	127.09	1,293.44
Pharmacy/drugstore without drive through		89.61	1000 sq ft	1.12	100.36	900.56
Medical office building		36.98	1000 sq ft	54.90	2,030.20	18,587.51
					3,017.51	27,658.85

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.7	1.3	98.3	0.4
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.8	0.9	99.1	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.4	0.0	85.7	14.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0

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Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	73.9	26.1	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Quality resturant				8.0	4.0	88.0
Strip mall				2.0	1.0	97.0
General office building				35.0	17.5	47.5
Pharmacy/drugstore without drive through				2.0	1.0	97.0
Medical office building				7.0	3.5	89.5

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Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: L:\ESP\LA Co\Beverly Hills\09-64820 Bev Hills 8767 Wilshire Tech Peer Rvw\Other\8767 Wilshire Medical Proposed Dev WEEKEND.urb924

Project Name: 8767 Wilshire - Proposed Development - WEEKEND

Project Location: Los Angeles County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	0.09	0.10	0.08	0.00	0.00	0.00	119.14

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	2.22	3.31	26.44	0.02	4.23	0.83	2,431.89

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	2.31	3.41	26.52	0.02	4.23	0.83	2,551.03

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.01	0.10	0.08	0.00	0.00	0.00	119.14
Hearth							
Landscape							
Consumer Products	0.00						
Architectural Coatings	0.08						
TOTALS (tons/year, unmitigated)	0.09	0.10	0.08	0.00	0.00	0.00	119.14

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Quality resturant	0.42	0.64	5.14	0.00	0.82	0.16	471.93
Strip mall	0.83	1.26	10.06	0.01	1.61	0.31	926.74
General office building	0.02	0.03	0.22	0.00	0.04	0.01	20.38
Pharmacy/drugstore without drive through	0.17	0.27	2.13	0.00	0.34	0.07	195.89
Medical office building	0.78	1.11	8.89	0.01	1.42	0.28	816.95
TOTALS (tons/year, unmitigated)	2.22	3.31	26.44	0.02	4.23	0.83	2,431.89

Operational Settings:

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Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2009 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Quality resturant		94.33	1000 sq ft	3.00	282.99	2,601.24
Strip mall		49.98	1000 sq ft	11.40	569.77	5,112.56
General office building		2.34	1000 sq ft	4.70	11.00	111.93
Pharmacy/drugstore without drive through		107.53	1000 sq ft	1.12	120.43	1,080.65
Medical office building		8.96	1000 sq ft	54.90	491.90	4,503.63
					1,476.09	13,410.01

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.7	1.3	98.3	0.4
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.8	0.9	99.1	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.4	0.0	85.7	14.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0

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Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	73.9	26.1	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Quality resturant				8.0	4.0	88.0
Strip mall				2.0	1.0	97.0
General office building				35.0	17.5	47.5
Pharmacy/drugstore without drive through				2.0	1.0	97.0
Medical office building				7.0	3.5	89.5

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Combined Annual Emissions Reports (Tons/Year)

File Name: L:\ESP\LA Co\Beverly Hills\09-64820 Bev Hills 8767 Wilshire Tech Peer Rvw\Other\8767 Wilshire Medical Existing Dev WEEKDAY.urb924

Project Name: 8767 Wilshire - Approved - WEEKDAY

Project Location: Los Angeles County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	0.11	0.09	0.36	0.00	0.00	0.00	110.19

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.87	2.82	22.78	0.02	4.31	0.84	2,473.19

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.98	2.91	23.14	0.02	4.31	0.84	2,583.38

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.01	0.09	0.08	0.00	0.00	0.00	109.68
Hearth	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Landscape	0.02	0.00	0.28	0.00	0.00	0.00	0.51
Consumer Products	0.00						
Architectural Coatings	0.08						
TOTALS (tons/year, unmitigated)	0.11	0.09	0.36	0.00	0.00	0.00	110.19

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Medical office/retail/restaurant/coffee shop	1.87	2.82	22.78	0.02	4.31	0.84	2,473.19
TOTALS (tons/year, unmitigated)	1.87	2.82	22.78	0.02	4.31	0.84	2,473.19

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2011 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

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Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Medical office/retail/restaurant/coffee shop		20.27	1000 sq ft	75.12	1,522.68	13,663.03
					1,522.68	13,663.03

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.5	0.7	99.1	0.2
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.9	0.4	99.6	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.5	0.0	86.7	13.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	65.2	34.8	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9

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Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Medical office/retail/restaurant/coffee shop				2.0	1.0	97.0

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Urbemis 2007 Version 9.2.4

Combined Annual Emissions Reports (Tons/Year)

File Name: L:\ESP\LA Co\Beverly Hills\09-64820 Bev Hills 8767 Wilshire Tech Peer Rvw\Other\8767 Wilshire Medical Existing Dev WEEKEND.urb924

Project Name: 8767 Wilshire - Approved - WEEKEND

Project Location: Los Angeles County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	0.11	0.09	0.36	0.00	0.00	0.00	110.19

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.09	1.59	12.82	0.01	2.42	0.47	1,392.16

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	1.20	1.68	13.18	0.01	2.42	0.47	1,502.35

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Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
Natural Gas	0.01	0.09	0.08	0.00	0.00	0.00	109.68
Hearth	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Landscape	0.02	0.00	0.28	0.00	0.00	0.00	0.51
Consumer Products	0.00						
Architectural Coatings	0.08						
TOTALS (tons/year, unmitigated)	0.11	0.09	0.36	0.00	0.00	0.00	110.19

Area Source Changes to Defaults

Operational Unmitigated Detail Report:

OPERATIONAL EMISSION ESTIMATES Annual Tons Per Year, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Medical office/retail/restaurant/coffee shop	1.09	1.59	12.82	0.01	2.42	0.47	1,392.16
TOTALS (tons/year, unmitigated)	1.09	1.59	12.82	0.01	2.42	0.47	1,392.16

Operational Settings:

Does not include correction for passby trips

Does not include double counting adjustment for internal trips

Analysis Year: 2011 Season: Annual

Emfac: Version : Emfac2007 V2.3 Nov 1 2006

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Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Medical office/retail/restaurant/coffee shop		11.41	1000 sq ft	75.12	857.12	7,690.93
					857.12	7,690.93

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.5	0.7	99.1	0.2
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.9	0.4	99.6	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.5	0.0	86.7	13.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	65.2	34.8	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9

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Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
Medical office/retail/restaurant/coffee shop				2.0	1.0	97.0

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Greenhouse Gas Emission Worksheet

Mobile Emissions 8767 Wilshire Boulevard Medical Office Project (Proposed Development)

From URBEMIS 2007 Vehicle Fleet Mix Output:

Daily Weekday Vehicle Miles Traveled (VMT):	27,659
Daily Weekend Vehicle Miles Traveled (VMT):	13,410
Annual VMT:	8,585,980

Vehicle Type	Percent Type	CH4 Emission Factor (g/mile)*	CH4 Emission (g/mile)	N2O Emission Factor (g/mile)*	N2O Emission (g/mile)
Light Auto	53.5%	0.0114	0.006099	0.0135	0.007223
Light Truck < 3750 lbs	6.8%	0.0155	0.001054	0.0114	0.000775
Light Truck 3751-5750 lbs	22.9%	0.0155	0.0035495	0.0114	0.002611
Med Truck 5751-8500 lbs	10.0%	0.124	0.0124	0.0533	0.00533
Lite-Heavy Truck 8501-10,000 lbs	1.5%	0.0051	0.0000765	0.0048	0.000072
Lite-Heavy Truck 10,001-14,000 lbs	0.5%	0.0051	0.0000255	0.0048	0.000024
Med-Heavy Truck 14,001-33,000 lbs	0.9%	0.0051	0.0000459	0.0048	4.32E-05
Heavy-Heavy Truck 33,001-60,000 lbs	0.5%	0.0051	0.0000255	0.0048	0.000024
Other Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Urban Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Motorcycle	2.3%	0.09	0.00207	0.01	0.00023
School Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Motor Home	0.8%	0.124	0.000992	0.0533	0.000426
Total			0.0263532		**0.016772**

* from Table C.4: Methane and Nitrous Oxide Emission Factors for Mobile Sources by Vehicle and Fuel Type (g/mile).
Assume Model Year 2003 for gasoline fueled vehivcles (approx. mid-point model year for VMT traveled in Los Angeles County per EMFAC 2007).
Source: California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009.
** Emission factor for motorcylces from CCAR version 2.2, March 2007.

Total Emissions (metric tons) =
Emission Factor by Vehicle Mix (g/mi) x Annual VMT(mi) x 0.000001 metric tons/g

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP)

CH4	21	GWP
N2O	310	GWP
1 ton (short, US) =	0.90718474	metric ton

Annual Mobile Emissions:

	Total Emissions		Total CO2e units	
CO2 Emissions* :	**4278.8**	tons CO2	**3,882**	metric tons CO2e
CH4 Emissions:	0.2	metric tons CH4	5	metric tons CO2e
N20 Emissions:	**0.1**	metric tons N2O	**45**	metric tons CO2e
		Project Total:	***3,931***	***metric tons CO2e***

* From URBEMIS 2007 results for mobile sources

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Greenhouse Gas Emission Worksheet

Operational Emissions 8767 Wilshire Boulevard Medical Office Project (Proposed Development)

Electricity Generation *	(kWH)		Project units	Project Usage
Office Consumption	16,800	per KSF per year	60.72	1,020,096
Retail Consumption	11,300	per KSF per year	11.4	128,820
Food Service	45,700	per KSF per year	3	137,100
			Total	**1,286,016**

Total Project Annual KWh:	**1,286,016**	kWH/year
Project Annual MWh:	**1,286**	MWH/year

Emission Factors: **		
CO2	724.12	lbs/MWh/year
CH4	0.0302	lbs/MWh/year
N2O	0.0081	lbs/MWh/year

Total Annual Operational Emissions (metric tons) =
(Electricity Use (kWh) x EF)/2,204.62 lbs/metric ton

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP) *

CH4	21	GWP
N2O	310	GWP
1 ton (short, US) =	0.90718474	metric ton

Annual Operational Emissions:

	Total Emissions		Total CO2e Units	
CO2 emissions, electricity:	465.6150	tons	**422.4**	metric tons CO2e
CO2 emissions****:	119.1400	tons	**108.1**	metric tons CO2e
CH4 emissions:	0.0176	metric tons	0.4	metric tons CO2e
N2O emissions:	0.0047	metric tons	**1.5**	metric tons CO2e
		Project Total	***532***	***metric tons CO2e***

References

* Generation Factor Source: Energy Information Administration, 2008. 2003 CBECS Detailed Tables

** Table C.2: Carbon Dioxide, Methane and Nitrous Oxide Electricity Emission Factors by eGRID Subregion in California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009.

*** SAR, 1996 conversion factors as reported in Table C.1 of CCAR, January 2009

**** URBEMIS Annual Emissions output for Area Source emissions; includes natural gas combustion for heating.

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Greenhouse Gas Emission Worksheet
Mobile Emissions 8767 Wilshire Boulevard Medical Office Project (Previously Approved Development)

From URBEMIS 2007 Vehicle Fleet Mix Output:

Daily Weekday Vehicle Miles Traveled (VMT):	13,663
Daily Weekend Vehicle Miles Traveled (VMT):	7,691
Annual VMT:	4,352,244

Vehicle Type	Percent Type	CH4 Emission Factor (g/mile)*	CH4 Emission (g/mile)	N2O Emission Factor (g/mile)*	N2O Emission (g/mile)
Light Auto	53.5%	0.0114	0.006099	0.0135	0.007223
Light Truck < 3750 lbs	6.8%	0.0155	0.001054	0.0114	0.000775
Light Truck 3751-5750 lbs	22.9%	0.0155	0.0035495	0.0114	0.002611
Med Truck 5751-8500 lbs	10.0%	0.124	0.0124	0.0533	0.00533
Lite-Heavy Truck 8501-10,000 lbs	1.5%	0.0051	0.0000765	0.0048	0.000072
Lite-Heavy Truck 10,001-14,000 lbs	0.5%	0.0051	0.0000255	0.0048	0.000024
Med-Heavy Truck 14,001-33,000 lbs	0.9%	0.0051	0.0000459	0.0048	4.32E-05
Heavy-Heavy Truck 33,001-60,000 lbs	0.5%	0.0051	0.0000255	0.0048	0.000024
Other Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Urban Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Motorcycle **	2.3%	0.09	0.00207	0.01	0.00023
School Bus	0.1%	0.0051	0.0000051	0.0048	4.8E-06
Motor Home	0.8%	0.124	0.000992	0.0533	0.000426
Total			0.0263532		**0.016772**

* from Table C.4: Methane and Nitrous Oxide Emission Factors for Mobile Sources by Vehicle and Fuel Type (g/mile).
Assume Model Year 2003 for gasoline fueled vehivcles (approx. mid-point model year for VMT traveled in Los Angeles County per EMFAC 2007).
Source: California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009.
** Emission factor for motorcylces from CCAR version 2.2, March 2007.

Total Emissions (metric tons) =
Emission Factor by Vehicle Mix (g/mi) x Annual VMT(mi) x 0.000001 metric tons/g

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP)

CH4	21	GWP
N2O	310	GWP
1 ton (short, US) =	0.90718474	metric ton

Annual Mobile Emissions:

	Total Emissions		Total CO2e units	
CO2 Emissions* :	**2164.3**	tons CO2	**1,963**	metric tons CO2e
CH4 Emissions:	0.1	metric tons CH4	2	metric tons CO2e
N20 Emissions:	**0.1**	metric tons N2O	**23**	metric tons CO2e
		Project Total:	***1,988***	***metric tons CO2e***

* From URBEMIS 2007 results for mobile sources

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Greenhouse Gas Emission Worksheet

Operational Emissions 8767 Wilshire Boulevard Medical Office Project (Previously Approved Development)

Electricity Generation *	(kWH)		Project units	Project Usage
Office Consumption	16,800	per KSF per year	75.12	1,262,016
Retail Consumption	11,300	per KSF per year		0
Food Service	45,700	per KSF per year		0
			Total	**1,262,016**

Total Project Annual KWh:	1,262,016	kWH/year
Project Annual MWh:	**1,262**	MWH/year

Emission Factors: **		
CO2	724.12	lbs/MWh/year
CH4	0.0302	lbs/MWh/year
N2O	0.0081	lbs/MWh/year

Total Annual Operational Emissions (metric tons) =
(Electricity Use (kWh) x EF)/2,204.62 lbs/metric ton

Conversion to Carbon Dioxide Equivalency (CO2e) Units based on Global Warming Potential (GWP) *

CH4	21	GWP
N2O	310	GWP
1 ton (short, US) =	0.90718474	metric ton

Annual Operational Emissions:

	Total Emissions		Total CO2e Units	
CO2 emissions, electricity:	456.9255	tons	**414.5**	metric tons CO2e
CO2 emissions****:	119.1000	tons	**108.0**	metric tons CO2e
CH4 emissions:	0.0173	metric tons	0.4	metric tons CO2e
N2O emissions:	0.0046	metric tons	**1.4**	metric tons CO2e
		Project Total	***524***	***metric tons CO2e***

References

* Generation Factor Source: Energy Information Administration, 2008. 2003 CBECS Detailed Tables

** Table C.2: Carbon Dioxide, Methane and Nitrous Oxide Electricity Emission Factors by eGRID Subregion in California Climate Action Registry General Reporting Protocol, Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1, January 2009.

*** SAR, 1996 conversion factors as reported in Table C.1 of CCAR, January 2009

**** URBEMIS Annual Emissions output for Area Source emissions; includes natural gas combustion for heating.

ATTACHMENT 9

MEMORANDUM

To: Jonathan Lait, Assistant Director of Community Development Dept.

From: Bijan Vaziri, Traffic Engineer

Date: August 3, 2009

Subject: Review of the supplemental Traffic Impact Analysis for 8767 Wilshire project

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Staff has reviewed the supplemental traffic impact analysis prepared by Raju associates, for the proposed partial medical conversion of the Wilshire-Robertson project located at 8767 Wilshire Boulevard. Staff concurs with the methodology and conclusions contained in the report. The following comments are provided:

1- The reason for requesting a supplemental traffic impact report was to ensure that the change from office to medical use would not cause a significant impact particularly, during the mid-day hours when the medical peak activity occurs. Therefore, staff requested that two adjacent intersections be studied in focus for the mid-day peak period. In addition, a review of all seven previously identified intersections and seven street segments be conducted with respect to the proposed medical use for AM and PM peak periods.

2- Based on the analysis provided by the project consultant, the proposed medical office conversion project will cause a significant traffic impact at the intersection of Wilshire Boulevard and Robertson Boulevard during AM peak period. The increase of Volume/Capacity ratio would be 0.03 which is higher than the City's guideline of 0.02 significant impacts.

3- The same physical mitigation measure that was required for the original office project (the addition of a westbound right turn only lane with modifications of traffic signal) will mitigate the significant impact described above. Furthermore, this particular mitigation measure could enhance the safety and operation of the intersection of Wilshire Boulevard and Robertson Boulevard both for vehicular traffic and for public transit during all hours of the day.

4- A review of traffic generated by the proposed medical use on all other six intersections during AM and PM peak hours and on seven street segments during a typical peak period and 24 hour traffic indicated no significant traffic impact.

5- An additional focused study was conducted for two intersections of Wilshire –Robertson and Robertson-Clifton Way during mid-day peak traffic conditions. For this purpose the trip estimates of the peak hour of a typical medical facility which usually occurs during a mid-day was evaluated. The study concludes that the proposed medical office conversion project would not have a significant impact at any of the analyzed locations. The increase of volume/capacity ratio is calculated to be "0.034" for the intersection of Robertson and Clifton Way which is less than the threshold of the significant impact (0.040 ratios). Similarly, the increase of volume/capacity ratio for Robertson/Wilshire intersection is calculated to be "0.018" which is again less than "0.040" ratios.

6- A detailed parking analysis provided by the supplemental traffic report maintains the position that the parking supply would be sufficient to meet the demand of building including the medical use, but incorrectly states the Municipal Code's parking requirements for restaurant uses.

ATTACHMENT 10

CITY OF BEVERLY HILLS

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Jonathan Lait, AICP, City Planner

FROM: Azita Motamen, Sr. Plan Review Architect

DATE: December 1, 2008

SUBJECT: 8767 Wilshire Blvd

The project 8767 Wilshire Blvd Project was approved with 358 parking spaces through resolution #07-R-12273 which required 215 parking spaces for the building plus 51 spaces available to be used by the General public and maximum of 92 spaces maybe used as overflow for dealership. Due to few major factors during the Building Permit process, that resulted in reduced number of the parking counts and they are as follows:

1. The building was designed under CBC 2001 and by the time the applicant submitted the plans to Building and Safety , they had to comply with the new building code CBC 2007. Per code section 1007.6 Area of Refuge requirement resulted reduction of 8 spaces in all four levels.

2. The Edison easement running from the east to the west on the North side of property pushed the parking wall into the south side and reduced parking spaces in all four levels.

3. The development of structural design specially columns interfered with the parking spaces on all four levels.

All these factors together resulted in 22 less parking space than the 358 required by the resolution and the Architect by restriping will provide 336 parking spaces. The Zoning parking requirement and 51 parking spaces to be used by the general public has been accommodated. The reduction in number of parking spaces due to the mentioned factors will result in less square footage available for the future Medical use.

ATTACHMENT 11

06/07/07

20071374806

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210-4817

[Space Above Line For Recorder's Use]

COVENANT AND AGREEMENT

(Acceptance of Conditions of Development Plan Review and Height Variance to Allow Construction of a Commercial Building on Property at 8767 Wilshire Boulevard, Beverly Hills)

This Covenant and Agreement is made and entered into as of the 24th day of April, 2007, by and among the undersigned, 8767 Wilshire Boulevard, L.P., a California Limited Partnership (the "Owner" and "Applicant"), and the City of Beverly Hills, a municipal corporation (the "City"), with respect to the following facts:

RECITALS:

A. The Owner hereby represents and warrants that Owner is the record owner of the following described real property (the "Property") located at 8767 Wilshire Boulevard in the City of Beverly Hills, County of Los Angeles, State of California, identified by Los Angeles County Assessor's Parcel Numbers 4334-008-019, 020, 021 and 022 and more particularly and legally described as follows:

> Lots 15, 16, 17, 18, 19 and 20 of Tract 4988 in the City of Beverly Hills, County of Los Angeles, State of California per Map Book 54, pages 98 and 99 of Maps.

B. The Applicant submitted applications to the City for Development Plan Review and Height Variance to allow construction of commercial building on the Property.

C. The Owner and Applicant are one and the same.

D. On January 30, 2007, Applicant obtained Development Plan Review and Height Variance approval from the City of Beverly Hills pursuant to City Council Resolution No. 07-R-12273 (the "Resolution"). A copy of the Resolution is attached hereto and incorporated by this reference as Exhibit "A." The Applicant wishes to avail itself of the benefits of the Resolution.

E. The Beverly Hills City Council (the "City Council") issued the Development Plan Review and Height Variance subject to various conditions set forth in the Resolution. Condition No. 41, set forth in Section 11 of the Resolution, requires recordation of a covenant, in a form satisfactory to the City Attorney, accepting the conditions of approval of the Resolution.

F. The City has a property interest in the streets adjacent to the Property and owns other property within the City.

NOW, THEREFORE, in consideration of the foregoing, and as a condition of the issuance of the necessary permits and certificates in connection therewith, the Owner and the Applicant covenant, promise and agree, on behalf of the Owner and the Applicant, and on behalf of each of their heirs, representatives, successors, and assigns (including, without limitation, each person having any interest in the Property derived through any owner of the Property) (collectively, the "Successors"), for the benefit of the City, the public, the City's property interest in the streets commonly known as Wilshire Boulevard and Robertson Boulevard, the sidewalks around it, the City's other public property, and the Property, as follows:

1. The Owner and the Applicant shall accept and abide by all of the conditions of approval set forth in City Council Resolution No. 07-R-12273, attached hereto as Exhibit "A."

2. It is the intention hereof that this Covenant and Agreement shall constitute a covenant running with the land owned by the Owner and running with the property interest possessed by the Applicant. This Covenant and Agreement shall be enforceable by and shall inure to the benefit of the City and the City's successors and assigns, and shall be jointly and severally binding upon the Owner, the Applicant, and each of their Successors.

3. This Covenant and Agreement shall remain in effect until released in writing by the order of the City Council upon a determination that this covenant and agreement is no longer required.

4. Should any provision, section, paragraph, sentence, clause, or word of this Covenant and Agreement be rendered or declared invalid or ineffective by any final action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, clauses, and words of this Covenant and Agreement shall remain in full force and effect.

5. This Covenant and Agreement shall be recorded in the office of the County Recorder for the County of Los Angeles.

Executed this 24 day of April, 2007.

CITY OF BEVERLY HILLS:

Approved as to content:

Vincent P. Bertoni, AICP
Acting Director of Community Development

OWNER AND APPLICANT:

8767 WILSHIRE BOULEVARD, L.P.

By: _____*
EKCG Wilshire Blvd., LLC, General Partner;
George and Erika Kobor Family Trust,
Managing Member
By: George Kobor, Trustee

Approved as to form:

Laurence S. Wiener
City Attorney

*/ **Attach ALL PURPOSE ACKNOWLEDGMENT**

NOTE: If the Owner or Applicant is a corporate entity, signatures from two corporate officers are required. One signature must be from any officer in Group A, and one signature must be from any officer in Group B as follows:

Group A: the chairman of the board, the president, or any vice president
Group B: the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer of the corporation.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On this 24 day of April, 2007, before me, the undersigned, Joseph N. Tilem, a Notary Public in and for said State, personally appeared GEORGE KOBOR, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

MGC1 JOSEPH N. TILEM
COMM. #1719639
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES JAN. 23, 2011 MGC1

Notary Public in and for said State