



STAFF REPORT
CITY OF BEVERLY HILLS

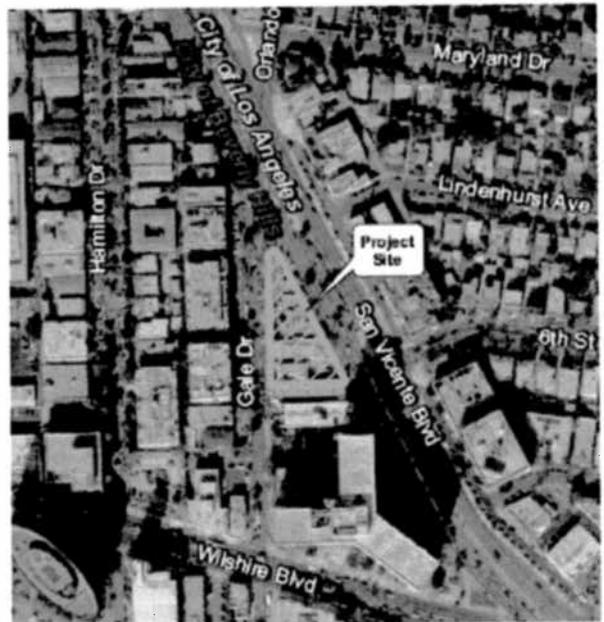
**For the Planning
Commission Meeting of
May 27, 2010**

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, City Planner

SUBJECT: Development Plan Review and a Variance Applications to allow tandem parking for construction of a new three-story, 45-foot tall Medical/General Office building containing approximately 42,256 square feet of floor area over a four-level, subterranean parking garage with 199 parking spaces including tandem parking at **119-123 San Vicente Boulevard**. A Mitigated Negative Declaration has been prepared for the Project



RECOMMENDATION

It is recommended that Planning Commission direct staff to prepare a resolution adopting a Mitigated Negative Declaration (MND) and conditionally approving a Development Plan Review and parking Variance.

EXECUTIVE SUMMARY

On May 13, 2010, the Planning Commission opened the public hearing on this item, received testimony and, at the request of staff, continued the matter to the May 27, 2010 meeting.

The proposed project involves the demolition of three existing buildings on the subject property and would establish a new, three-story, 42,256 square foot commercial building with 199 parking spaces located within a four-level subterranean garage. Approval of the project requires a Development Plan Review for new construction and a variance to allow parking to be provided in a tandem configuration. A Mitigated Negative Declaration (MND) has been prepared consistent with the California Environmental Quality Act (CEQA). The public comment period on the MND ends May 30, 2010.

GENERAL INFORMATION	
Agent	Ken Stockton Architect
Applicant	Same as above
Project Owner	121 San Vicente, LLC
Zoning District	C-3 Commercial
Parcel Size	21,856 square feet
Permit Streamlining Act Deadline	60 days from the date of adoption of the mitigated negative declaration

BACKGROUND

Medical Ordinance. An urgency ordinance prohibiting medical uses in the City was considered, but rejected by the Council in July 2009. The City Council, however, directed staff to prepare an ordinance prohibiting future medical uses. The ordinance was to include a provision to allow the conversion of an existing general office building to medical, if code required parking could be provided on site. The City Council also stated that the future ordinance would not apply to projects filed on or before July 7, 2009. The subject project was filed on April 20, 2009; therefore, analysis of this project and the staff recommendation is based on existing policy and regulations consistent with City Council direction.

Project Previews. On June 25, 2009, the Planning Commission previewed a proposal for a new three-story approximately 40,342 square feet commercial building with two underground parking levels in tandem and compact configuration with access from Gale Drive. The Commission acknowledged the shape of the lot presented design challenges and encouraged the applicant to consider an encroachment under the public right of way to increase the amount of parking. The Planning Commission noted that they look forward to a full analysis of the project, including:

- Potential traffic impacts on the nearby residential neighborhood.

- Potential traffic impacts on San Vicente Boulevard from possible queuing of cars entering the subterranean garage.
- Potential Impacts of the proposed medical use.
- Adequacy of the loading area.
- Scale and mass of the proposed project by proposing more façade modulation and to soften the structure as viewed from the residences across the street.
- A curb cut on San Vicente for deliveries.

In addition, the project was also previewed by the Architectural Commission on June 17, 2009. The Architectural Commission consensus was that the building façade should include additional articulation and exhibit an internally compatible design and appropriate color scheme.

After receiving the Planning Commission and Architectural Commission comments on the project, the applicant has revised the project as follows:

- Added two additional levels of subterranean parking (Total 4)
- Relocated ingress/egress from Gale Drive to San Vicente Boulevard
- Eliminated compact spaces, however, in order to meet the required parking; some required parking is in tandem configuration.
- Revised the ground floor configuration to include a restaurant with less than 1,000 square feet dining and bar area while the entire restaurant is approximately 1,949 square feet
- Eliminated above ground parking
- Provided loading zone area within the ground floor
- Increased the building area from 40,342 square feet to 42,256 square feet and increased the amount of medical office space.

PROJECT DESCRIPTION

The Planning Commission is requested to review an application for a Development Plan Review and a parking variance to allow construction of an approximately 42,256 square-foot, three-story, 45-foot tall commercial building on the southwest corner of San Vicente Boulevard and Gale Drive. The proposed building includes the following uses:

- 36,424 square feet of medical office space;
- 3,883 square feet of general office space; and
- 1,949 square feet restaurant space at the corner of San Vicente Boulevard and Gale Drive.

The project provides the required 199 parking spaces within a four-level subterranean garage with ingress and egress from San Vicente Boulevard. A variance is requested

to allow a tandem configuration parking layout with a full valet operation. Loading activity would be conducted within the building, provided by two truck loading areas within the first level of the building, accessible from San Vicente Boulevard. The ground floor of the project consists primarily of retail space (restaurant), entrance ramps, mechanical rooms, trash and storage areas, lobby, management office space and loading facilities. The upper floors are primarily proposed as medical uses. The table below provides detailed project information:

PROJECT SUMMARY TABLE			
Category	Existing	Proposed	Code Requirement
Use	vacant	Medical office, general office and restaurant/retail	Proposed project is subject to DPR and Variance findings
Lot Size	21,836 sq.ft.	21,836 sq.ft.	N/A
Building Floor Area	119 San Vicente: 8,003 sq.ft. 121-123 San Vicente: 9,300 sq.ft. Total: 17,296 sq.ft.	42,256 sq.ft. Medical Office: 36,424 General Office: 3,883 sq.ft. Restaurant/Retail: 1,949 sq.ft.	43,712 sq.ft. (max)
Density/FAR	.61	1.94	2.0 (max.)
Stories Building Height	119 San Vicente: two-story, 20' high 121 -123 San Vicente: One-story, 15' high	3-story 45'	3-story 45 feet (max.)
Parking Spaces	119 San Vicente: 10 spaces 121-123 San Vicente: 8 spaces	199 ¹ (including 6 disabled access spaces)	<ul style="list-style-type: none"> • 36,424 sq.ft. medical office/200=182.12 • 3,883 general office/350=11.09 • 1,949 sq.ft. retail or restaurant/350=5.56 Total spaces required=198.77 or 199
Loading Spaces	No marked loading zones	2 truck loading zones	Commission discretion.
<p>¹ A variance application is submitted for the proposed parking to be provided in a tandem configuration. As proposed, 93 parking spaces are in tandem configuration.</p>			

The project is also required to comply with the City's Green Building Program. The project design includes features which are proposed to make the building eligible for Silver Level Certification under the City's Green Building Program. Specific compliance would be verified during plan check, if the project is approved.

PROJECT SITE AND AREA CHARACTERISTICS

The 21,836 square foot project site is located on three lots located at 119-123 North San Vicente Boulevard, immediately south of San Vicente Boulevard's intersection with

North Gale Drive and approximately 590-feet north of Wilshire Boulevard. The triangle-shaped property fronts on both Gale Drive and San Vicente Boulevard.

Surrounding buildings generally range from one to five stories in height. An exception is a 10-story office building one block south of the site on the corner of San Vicente and Wilshire Boulevards. Properties to the north and east of the project site, across San Vicente Boulevard, are located within the City of Los Angeles and are commercially zoned and used. Abutting the property to the south is a legal nonconforming multi-family residence located in the C-3 Commercial zone, further south are commercial buildings. Properties to the west are developed with multi-family residential buildings on North Gale Drive.

DISCUSSION

ZONING CODE AND GENERAL PLAN CONFORMANCE

Pursuant to the City of Beverly Hills Land Use Element map, the subject project site has a land use designation of Commercial Low Density General. The project site's zoning classification is C-3 (Commercial). The C-3 zone allows for a variety of commercial and office uses, including medical offices, and allows for a maximum building height of 45 feet and maximum Floor Area Ratio (FAR) of 2.0. The proposed project building height would be a maximum of 45 feet, and the site would have a FAR of 1.94. The project site is within 170 feet of residential zone to the west; therefore, it is in a commercial-residential transition area. As such, the project must comply with the City's commercial-residential transition ordinance, which addresses special issues of interface between the different uses. The project will be required to comply with operational standards to protect the adjacent residential uses during nights and weekends. The project requires 199 parking spaces; while the required number of spaces are provided, some spaces are configured in a tandem design. Further discussion on the parking variance is addressed later in the report.

SCALE AND MASS

The project site has frontages on San Vicente Boulevard and Gale Drive. Multi family structures are located to the west and south of the subject property. The proposed project would be approximately 45 feet tall with modulation throughout the building façades. The ground floor would be an open plaza containing a delivery court, building lobby, back of house spaces, management offices and a restaurant. The ground floor will be screened from residential developments across Gale Drive by planters with a variety of planting materials. The proposed building would also be one complete building, rather than three separate buildings as currently exist on the site. The proposed project would increase the overall height and density of the existing improvements on the site and change the visual character. However, the height and scale would be consistent with the height and massing of the surrounding residential

and commercial buildings with building heights generally ranging from one to five stories in height; one commercial building on the same block of San Vicente Boulevard is 10 stories. In addition, the project would require review and approval by the City's Architectural Commission. The Architectural Commission would review the design, materials, colors and landscaping of new development, which would help to ensure that the project would be compatible with the character of the surrounding neighborhood.

TRAFFIC AND PARKING

Traffic Impacts: The City's Environmental consultants for the project, Rincon Consultant Inc. and Linscott, Law & Greenspan Engineers, have prepared a traffic and parking analysis to assess the traffic and parking impacts of the proposed medical building. The traffic report analyzed the potential impacts of the proposed project. The report has been reviewed and endorsed by the City's Transportation Division as conforming to the City's practice and professional standards.

The proposed project is expected to generate 119 net new vehicle trips (85 inbound trips and 34 outbound trips) during the AM peak hour. The proposed project is expected to generate 195 net new vehicle trips (105 inbound trips and 90 outbound trips) during the midday peak hour. During the PM peak hour the proposed project is expected to generate 143 new vehicle trips (46 inbound trips and 97 outbound trips) during the PM peak hour. Over a 24-hour period, the propose project is expected to generate 1,954 net new trips (977 inbound trips and 977 outbound trips). The traffic study examined seven intersections and two street segments in the vicinity of the project site. The traffic study analyzed the following intersections:

- *La Cienega Boulevard/Wilshire Boulevard (Beverly Hills)*
- *San Vicente Boulevard/Orlando Avenue-Gale Drive (Los Angeles)*
- *Gale Drive/Wilshire Boulevard (Beverly Hills)*
- *San Vicente Boulevard/Wilshire Boulevard (Los Angeles)*
- *San Vicente Boulevard/6th Street (Los Angeles)*
- *Sweetzer Avenue/6th Street (Los Angeles)*
- *La Jolla Avenue/Wilshire Boulevard (Los Angeles)*

Five of the seven study intersections are expected to operate at LOS D or better during the weekday AM, mid-day and PM peak hours. The remaining intersections, La Cienega Boulevard/Wilshire Boulevard and San Vicente Boulevard/Wilshire Boulevard are expected to operate at LOS E or F during the analyzed peak hours.

As indicated in the attached traffic study, the proposed project would not create any significant impacts at the two intersections which are located in Beverly Hills. Similar analysis was conducted of the five study intersections located within the City of Los

Angeles and the project is not expected to create any significant impacts at these intersections, based on the City of Los Angeles traffic guidelines.

In addition, two street segments were studied and analyzed for the project:

- *Hamilton Drive north of Wilshire Boulevard*
- *Gale Drive north of Wilshire Boulevard*

The assignment of net new trips on Gale Drive would be 32 added trips during AM Peak hour, 42 added trips during mid-day peak hour, 21 added trips during PM peak hour and 391 added trips on a daily basis. Based on the City's thresholds criteria, the proposed project is not expected to create significant impacts at either of the two study street segment locations. Because there are no significant impacts, no traffic mitigation measures are required or recommended for the study intersections or street segments.

Proposed Parking: On June 25, 2009, during project preview, the Planning Commission asked the applicant to explore ways of providing additional parking and expressed concern over the proposed compact spaces. The applicant has studied the issue and is now proposing four levels of subterranean parking (instead of two) and eliminated previously proposed lifts and compact spaces, but still seeks a variance to provide required spaces in a tandem configuration.

Beverly Hills Municipal Code Section 10-3-2730 requires one parking space for every 200 square feet of floor area for medical uses and one parking space for 350 square feet of floor area for general office and retail/restaurant uses if bar and dining area is less than 1,000 square feet. Based on the proposed square footage and uses, the project requires 199 parking spaces.

A demand analysis has also been prepared for the project and is included in the traffic study. Based on the Institute of Transportation Engineers (ITE) "Parking Generation Manual, 3rd Edition" 2004, a total project parking demand of the project is estimated to be 194 parking spaces, five space less than the Code required parking.

Parking Demand Requirements Based on IT Study

Land Use	Size	Parking Ratio	Total Spaces Required by Code	Parking Demand
Medical Office	36,424 sf	1 space per 200 sf of floor area	182	157 spaces
General Office	3,883 sf	1 space per 350 sf of floor area	11	13 spaces
Restaurant	1,949 sf	1 space per 350 sf of floor area	6	24 spaces
Total	42,256 sf		199	194

Queuing: Motorists who park in the structure will consist of employees and patrons of the building. Because a significant portion of the parking spaces in the garage consists of tandem spaces, a full time valet operation is proposed to operate the garage. The valet station would be located at the first level of parking garage immediately before the ramp. In order to ensure that no queuing will occur to impact San Vicente Boulevard traffic flow, staff will require a parking operation plan to be prepared by the applicant. Such plan will be reviewed and approved by the Directors of Community Development and Public Works to ensure that circulation impacts do not result from vehicle.

Access: Existing driveway access to the subject site is provided via a driveway on Gale Drive. As proposed, all existing site driveways on Gale Drive will be eliminated. The proposed project would include two driveways on San Vicente Boulevard: one for patrons and employees at the south end of the project site and a second driveway to access the loading zone. Both driveways will be limited to a right-turn only ingress and egress turning movement due to an existing median on the San Vicente Boulevard. The proposal requires the removal of three or four metered parking spaces along San Vicente Boulevard to accommodate access to the parking garage and loading areas. The applicant will compensate the City for the loss of revenues of the metered spaces as determined by the Transportation Division. In addition, it is expected that one metered on-street space be installed on Gale Drive due to closure of the existing site access on Gale Drive.

Loading: The project provides two loading spaces accessed from San Vicente Boulevard. Pursuant to Beverly Hills Municipal Code Section 10-3-2740, for all buildings that contain a mix of uses, the Planning Commission is authorized to establish the number of loading spaces as part of the discretionary review process. Loading information provided by the applicant regarding anticipated service and delivery operations has been reviewed by the City's Traffic Engineer and consultant in terms of maneuverability and adequacy of size based on proposed uses. In reviewing the truck maneuvering movement, a truck turning into the building would need to move slightly into the number two through-travel lane of San Vicente Boulevard in order to execute the inbound maneuver, based on the proposed configuration of the project site driveway.

Although, the loading area is striped for two truck stalls, it can concurrently serve a semi trailer truck while allowing sufficient space for other service and delivery vehicles in the truck turning maneuver areas. Further the project's loading area is accessible for the distribution of goods because it is located next to the building's elevators. The proposed size and layout of the loading area appears to function in adequate manner to accommodate the loading vehicles expected to serve the project site. City's traffic engineer has reviewed the loading plan and believes it is an acceptable design.

The project is located within a City defined "transition zone" which further restricts the operational impacts of the proposed project. A complete list of these restrictions is contained in Attachment 7 and include such limitations as:

- Delivery restrictions
- Refuse deposit and collection
- Hours of operation
- Noise and activity restrictions

ANALYSIS

The project site is located at the border of the cities of Beverly Hills and Los Angeles and is regionally accessible via Interstate 10 and locally accessible via San Vicente Boulevard and Gale Drive. San Vicente Boulevard, which borders the project site to the east, is considered a northwest to southeast roadway that is designated as an arterial by the City and is a heavily traveled roadway. San Vicente Boulevard contains six lanes at this location (three in each direction) and is separated by a center median. Based on information provided by the City's Transportation Division, San Vicente Boulevard carries about 45,000 daily vehicle trips in the vicinity of the project site. In addition, the project site is located about three blocks from Wilshire Boulevard and La Cienega Boulevard, each of which also serves a major arterial for the City and the surrounding areas.

Regional and local public bus transit stops are located adjacent to and in close proximity to the project site, including a stop immediately to the north of the site (See pages 17 and 18 of the Traffic Study, Appendix F to the MND). A future subway station is also proposed at La Cienega Boulevard and Wilshire Boulevard. The existing and proposed public transit would provide convenient access to this development, as well as other regional destinations in the vicinity of the project site, including Cedars Sinai Medical Center and the Beverly Center.

While the proposed project will result in approximately 1,900 net new trips, its location adjacent to three regionally significant arterial roadways, San Vicente, Wilshire and La Cienega Boulevards would provide appropriate accessibility without significant intrusion into residential areas. In addition, commercial and residential parking within the area is almost exclusively provided on private property, off-street. Adjacent to the multi-family residential properties on the west side of Gale Drive, there are approximately 43 on-street spaces, all of which are restricted to residents in the area. Additionally there are six-metered parking spaces abutting the property on Gale Drive and 7- metered spaces along the San Vicente side of the subject property. However, three to four spaces at San Vicente Boulevard would be lost, but one space gained on Gale Drive. The limited availability of on-street parking for both commercial and residential uses in the vicinity of the project lessens patron's potential to drive around

looking for on-street parking. An exception is found across San Vicente Boulevard to the east of the project site, within the City of Los Angeles. This area provides on-street parking adjacent to commercial businesses fronting on the east side of the street. However, if patrons of the proposed project were to park at this location, they would not impact residential uses.

The project site's triangular shape presents difficulties in designing the required parking in a standard manner as required by Code. The shape of the lot reduces the ability of including multiple driveway aisles and providing code compliant parking that would otherwise be able to be provided in a more traditionally shaped, square or rectangular lot. Absent the subject property's unique shape, a four level parking garage on a regularly shaped lot of similar size to the subject parcel could provide 200 code compliant parking spaces (Attachment 6). While most lots in the vicinity are not perfectly rectangular as identified in the attachment, most lots generally exhibit a rectangular shape which would more appropriately allow for compliance with the City's parking guidelines. As such, if this project were to be developed on a regular lot, a variance would not be required. If the subject triangular shaped lot was developed without any tandem spaces, approximately 106 code compliant spaces could be provided in the four-level garage, or roughly half of the amount that could be provided within a rectangular shaped lot of the same size. The complexities of the site coupled with City's parking requirements including width of driveway access, driveway aisles and size of parking spaces limits the design of a parking structure.

The traffic and parking analysis prepared for the project indicates that the approval of the project will not result in any negative impacts to traffic or parking in the surrounding area. The proposed garage will be operated through a valet program and, should the project be approved, the applicant would be required to provide a valet operations plan to ensure the location and size of the valet station does not result in queuing along San Vicente Boulevard. The proposed layout, including the proposed valet station, has been reviewed by the City's Transportation Division and is not anticipated to result in any impact. As designed, the loading area is located at the ground level at an open plaza. Subject to conditions regarding minor revisions to entrance ramps and closure after business hours, the proposed size and location of the loading area appears to be adequate for the proposed use. Although implementation of the driveway entrance will result in the loss of metered spaces, the applicant would be responsible for any lost revenue generated by these meters.

Project Findings

The proposed project is subject to discretionary review before the Planning Commission and subject to appeal to the City Council. The findings contained in this section of the report are staff recommended findings. The Planning Commission or City Council on appeal may arrive at an alternative conclusion on the project and different findings based on the administrative record, applicant and public testimony.

VARIANCE

The Beverly Hills Municipal Code does not allow tandem spaces for commercial uses so the applicant has requested a variance to allow portions of the required parking spaces to be provided in a tandem configuration. Of the total 199 parking spaces proposed, 56 percent will have direct access to the driveway aisles. Pursuant to Municipal Code Section 10-3-3700, the Planning Commission may authorize a variance from the provisions of a zoning regulation provided:

- (a) Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and**

The subject property is located in the City's commercially zoned properties in the immediate area with respect to its topography; however, the shape, surroundings and location of the property distinguish this property from the surrounding properties in the same zoning classification. The subject property is a triangular shaped lot which presents difficulties that do not exist with conventional regularly shaped rectangular lots. The severe tapering towards the northerly point of the triangle limits the amount of space available for standard parking stalls and drive aisle widths. In addition, the subject property is adjacent to an existing nonconforming multi-family building to the south which is located on a commercially zoned property and has frontage on a portion of Gale Drive that is commercial on east side and residential on west. No other property in the vicinity of the project site has the subject property's unusual combinations of shape, location and surroundings.

The proposed building floor area and number of proposed parking spaces meet the zoning requirements; however, due to shape of the lot, the proposed parking cannot be provided in a standard configuration. The proposed project provides four levels of subterranean parking and 199 parking spaces in a tandem configuration. Denial of the requested variance would result in a project with 106 code compliant parking spaces, which would not be enough to support the development of 2:1 floor area ratio project for either medical or general office uses. Further, absent the subject property's unique shape, a four-level parking garage on regularly shaped lot of the same size as proposed project would yield 200 code compliant parking spaces and would satisfy the parking requirements of the proposed project. Therefore, denial of the variance would deprive this property of the ability to develop a project with the floor area and uses permitted by the Code, which is a privilege enjoyed by other properties in the same zone and vicinity.

- (b) 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.**

Approval of the variance would allow required parking to be provided in a tandem configuration. Specifically, 199 parking spaces are proposed to be provided within a four level subterranean parking garage. Since development of a similar size garage on a rectangular lot would result in the code required parking amount, approval of the variance would not result in a special privilege but would allow the use and development of the lot in a manner consistent with development regulations absent its unusual shape. Because no special privileges would be accorded with the approval of the variance, staff does not believe any special conditions of approval are necessary to address this issue.

DEVELOPMENT PLAN REVIEW

The Planning Commission may authorize a project if the following findings are made:

- A. The proposal is consistent with the General Plan and any specific plans adopted for the area.**

The General Plan Land Use designation for the project site as given on the Land Use Designation Map is "Low Density General Commercial" which allows for a broad variety of commercial uses. The Low Density General Commercial designation allows for a maximum Floor Area Ratio (FAR) of 2:0 to 1 and a maximum height of 45-feet. The project as proposed is consistent with the land use, FAR, and height designated. Additionally the project as proposed is consistent with General Plan Goals: LU 2 Community Character and Quality, LU11 Well Designed and Attractive Districts, LU12 Business Districts Adjoining Residential Neighborhoods, and LU 15 Economic Sustainability.

- B. The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.**

The proposed project will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area. The project conforms to the applicable development standards for the C-3 commercial zone, except for the proposed tandem parking configuration for which a variance has been requested in compliance with city codes. The triangular shaped site is located at the southeast corner of the Gale Drive and San Vicente Boulevard interaction along the easterly border of the City limit and

adjacent to north Gale Drive which consists of primarily multi-family residential and offices uses. The commercial properties adjacent to San Vicente Boulevard are not envisioned to be pedestrian oriented commercial uses due to their adjacency to San Vicente Boulevard which is a 130-foot wide thoroughfare. The width of San Vicente and level of traffic would not be consistent with smaller pedestrian oriented streets including South Beverly Drive and portions of Robertson Boulevard and streets in the business triangle.

The existing development includes three separate buildings that are one-and-two story in height. Land uses in the area include a mix of multi-family residential, commercial and medical. The existing multiple family residential buildings to the south (legally nonconforming use) and west (across Gale Drive) of the project site vary in height from 28 feet to 65 feet. The project would result in an increase in overall height and density, but the proposed height and scale would be consistent with the height and massing of the surrounding neighborhood because the project's maximum 45-foot height limit is adjacent to a 5-story/55-foot tall multi-family district along Gale Drive.

Access to the project site is provided along San Vicente Boulevard, a major arterial roadway and is not proposed or conditioned adjacent to the residential properties along Gale Drive. Parking for the existing uses in the area are almost exclusively provided on private property, with some on-street parking available, lessening the potential for intrusion into the residential areas by patrons of the proposed use seeking parking spaces. The establishment of a medical use at this site would be well served by conveniently located public transit as well as a planned future subway stop three blocks away and will not result in any significant impacts from parking or traffic. In addition, the project would require review and approval by the City's Architectural Commission. The Commission would review the design, materials and colors of new development, which would help to ensure that any approved project would 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.**

The triangle shaped project site is currently developed with three separate buildings and is bordered by residential and commercial uses. The new medical building and its location, density, height and manner of operation will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property. The C-3 development standards permit a maximum height of three stories and 45 feet at the subject property. The

proposed project is well within these standards. Further, the project site is located at the easterly border of the City, adjacent to a heavily travelled roadway. As designed, the vehicular access to the project will be located on San Vicente Boulevard which will reduce the project's traffic and parking impacts on the adjacent residential streets. Both project driveways on San Vicente Boulevard will be limited to right-turn only ingress and egress turning movements. The traffic study concluded that thirty five percent (35%) of all entering project trips and five percent (5%) of all exiting project trips are through Gale Drive. This assignment to Gale Drive is considered conservative given that there are other direct route choices available in the area to access the project site. Additionally, the existing parking restrictions on 100 block of Gale Drive adjacent to the project site prohibit parking on Gale Drive at any time except by permit, lessening the chances of project patrons intruding into residential areas to find parking. As conditioned the project will provide a full-time valet operated garage with free parking for employees and patrons of the site to further limit potential impacts to residential neighbors. In addition, code restrictions applicable to the subject property impose operating restrictions to reduce impacts of this use on residential neighbors.

D. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards.

As part of the environmental assessment of the project, traffic and parking study was prepared and analyzed for any potential impacts that might be generated by vehicles associated with the proposed project. The traffic study reviewed the number of hourly and daily vehicle trips expected to be generated by the project, and found that, based on existing traffic volumes and infrastructure capacities, the project would not generate any significant impacts related to traffic. Due to adjacency of the project site to a major thoroughfare, the area which the project site is located is not considered a pedestrian focused area like south Beverly Drive which contains small storefronts; however, the area is within walking distance of the Wilshire corridor which provides such pedestrian activities. Additionally, there are no schools in the immediate vicinity of the project site to create any traffic conflict. The closest school is located at 8701 Charleville Boulevard, approximately 0.4 miles west of the site.

The information contained in the traffic analysis was peer-reviewed and supported by the City's traffic engineer, and as conditioned the project is not expected to generate any significant adverse traffic impacts or traffic safety hazards. Access to the project's subterranean parking garage will be provided via San Vicente Boulevard.

E. The project will not be detrimental to the public health, safety or general welfare.

The project would be constructed in accordance with the City's Building Code standards and is consistent with the zoning for the area with exception of the request for tandem parking which requires approval of a variance. Prior to issuance of building permits, a construction management plan is required for review and approval by the Engineering Division and Building and Safety Division to ensure that all construction related impacts are adequately mitigated. Public safety issues such as construction staging, hauling, off-site parking, and construction hours are addressed. In addition, the restaurant component of project will be required to comply with operational standards that protect the adjacent residential uses during nights and weekends (Section 10-3-1951-60). Therefore, the project would not be detrimental to the public health, safety or general welfare.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on April 30, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet from the exterior boundaries of the property. The hearing notice was published in the *Beverly Hills Courier* on Friday, April 30, 2010 and in *the BH Weekly* on Thursday, May 7, 2010 respectively. Staff has received a letter objecting to the proposed project. During the May 13, 2010, Planning Commission meeting, two oral comments were received from the public about the project from neighboring property owners/tenants.

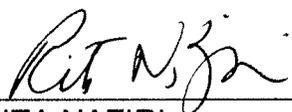
ENVIRONMENTAL DETERMINATION

This 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, and the project has been found to have potentially significant construction related traffic, air quality, cultural resources and noise impacts. However, measures are identified that would mitigate these potential impacts to insignificant levels. Therefore, a mitigated negative declaration has been prepared which incorporates measures that constrain construction vehicles to limit air emissions during construction, a measure that requires roadway improvements to mitigate the project's potential operational traffic impacts. The mitigated negative declaration is subject to review and adoption by the Planning Commission. The list of mitigation measures is included in this report as Attachment 2. The 20-day public comment period extends from May 10, 2010, through May 30, 2010. Comments on the proposed Mitigated Negative Declaration will be accepted in writing or orally before or at the Planning Commission hearings to accommodate the public concerns.

ALERNATIVE ACTIONS

In addition to the recommended action the Planning Commission could also consider the following with respect to the project:

1. Continue this matter for specific reasons;
2. Articulate revised findings and/or conditions to Approve or Deny the subject application.



RITA NAZIRI

Attachments:

1. Mitigation Measures
2. Environmental Checklist / Mitigated Negative Declaration
3. DPR, Variance applications and Supplemental Documentation
4. Public Correspondence
5. Beverly Hills Municipal Code Section 10-3-1956:General Operational Requirements for Commercial-Residential
6. Conceptual Parking Plan

Attachment 1

Mitigation Measures (121 SAN VICENTE BOULEVARD) (Planning Commission Hearing of May 13, 2010)

Air Quality

AQ-1 Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:

- Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications;
- Lengthen construction periods during the smog season so as to minimize the number of vehicles and equipment operating simultaneously; and
- Use new technologies to control ozone precursor emissions as they become available.

AQ-2 Fugitive Dust Control. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site through implementation of the following measures identified in the SCAQMD Rule 403 Handbook:

- During demolition, contractor(s) shall apply water every four (4) hours to the area within 100 feet of a structure being demolished to reduce vehicle trackout.
- Contractor(s) shall apply dust suppressants (e.g. polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition.
- Contractor(s) shall apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
- Demolition activities shall be prohibited when wind speeds exceed 25 mph.
- During clearing, grading, earth moving, excavation, transportation of cut or fill materials, water trucks or sprinkler systems are to be used every three (3) hours to prevent dust from leaving the site and to create a crust after each day's activities cease.

- The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe.
- During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, streets and sidewalks within 150 feet of the site perimeter shall be swept and cleaned a minimum of twice weekly.
- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas (three times daily during mass site grading) in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. Grading shall be suspended if wind gusts exceed 25 mph.
- Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Contractor(s) shall apply water to the storage pile by hand or apply a cover when wind events are declared.
- Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and maintain a freeboard height of 12 inches.

Cultural Resources

CR-1 At the commencement of project construction, a qualified professional archaeologist shall be retained to give all workers associated with earth-disturbing procedures an orientation regarding the probability of exposing cultural resources and directions as to what steps are to be taken if a find is encountered. If cultural resource remains are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately to arrange for a qualified archaeologist to assess the nature, extent, and potential significance of any cultural remains. If such remains are determined to be significant, appropriate actions to mitigate impacts to the remains shall be identified in consultation with a qualified archaeologist.

Depending upon the nature of the find, such mitigation may include, but would not be limited to, avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, if significant archaeological resources cannot be avoided, impacts may be reduced by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Duration of the excavated artifacts or samples would occur as specified by the archaeologist.

- CR-2 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

Noise

- N-1(a) Heavy Truck Restrictions. The contractor shall prohibit heavy trucks from entering or leaving the site from or to, or otherwise driving on, North Gale Drive. Heavy trucks include all cargo vehicles with three or more axles, generally with gross vehicle weight greater than 26,400 lbs.
- N-1(b) Staging Area. To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction equipment, the Contractor shall provide staging areas on the northern portion of the project site, as far as possible from sensitive residences on North Gale Drive.
- N-1(c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
- N-1(d) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- N-1(e) Additional Noise Attenuation Techniques. For all noise-generating construction activity on the project site, additional noise attenuation

techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby residences do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.

- N-1(f) Alternative Pile Types. If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.
- N-1(g) Additional Pile Driving Measures. If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures.
- N-1(h) Noticing. 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.

N-1(i) Construction Management Plan - Noise. Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures:

- Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.
- During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
- Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets.
- All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes.
- The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory

silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.

T-1 Construction Management Plan-Traffic. Prior to issuance of demolition or grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development, the Building Official and the City Traffic Engineer. The applicant shall be required to comply with all requirements of the Construction Management Plan, which shall include, but not be limited to, the following measures:

- Hours of construction shall be limited to occur between the hours of 8:00 AM to 6:00 PM, Monday through Friday, absent issuance of an after-hours construction permit.
- All delivery trucks shall be scheduled to the extent feasible to occur during off-peak hours, when vehicle and pedestrian traffic is minimal.
- Off-site on-street parking for project construction shall be prohibited on all adjacent streets and alleys. Construction-related parking shall be on-site to the extent feasible. The Construction Management Plan shall address construction-related worker parking, schedule of construction, and number of vehicles anticipated on-site.
- All construction-related trucks destined to the site shall follow the City's approved truck route plan. The contractor shall coordinate with the City to determine the most adequate route, identify the anticipated volume of trucks destined to the site, and delivery/hauling logistics.
- A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood.
- The contractor shall provide flagmen at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians.
- All heavy hauling and delivery of large construction supplies will be subject to the issuance of heavy hauling permits issued by the Department of Public Works, Engineering Division. Heavy hauling

and routing shall be approved by the Engineering Division of the City of Beverly Hills. Heavy hauling operation time is limited to 4:00 p.m.

- The project applicant shall be required to keep the site and adjacent areas clean during construction.
- Any curbside or lane closure schedule shall be approved by the City.

Staff Report
121 San Vicente Boulevard
May 27, 2010

1. Mitigation Measures

Attachment 1

Mitigation Measures

(121 SAN VICENTE BOULEVARD)
(Planning Commission Hearing of May 13, 2010)

Air Quality

- AQ-1 Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:
- Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications;
 - Lengthen construction periods during the smog season so as to minimize the number of vehicles and equipment operating simultaneously; and
 - Use new technologies to control ozone precursor emissions as they become available.
- AQ-2 Fugitive Dust Control. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site through implementation of the following measures identified in the SCAQMD Rule 403 Handbook:
- During demolition, contractor(s) shall apply water every four (4) hours to the area within 100 feet of a structure being demolished to reduce vehicle trackout.
 - Contractor(s) shall apply dust suppressants (e.g. polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition.
 - Contractor(s) shall apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
 - Demolition activities shall be prohibited when wind speeds exceed 25 mph.
 - During clearing, grading, earth moving, excavation, transportation of cut or fill materials, water trucks or sprinkler systems are to be used every three (3) hours to prevent dust from leaving the site and to create a crust after each day's activities cease.

- The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe.
- During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, streets and sidewalks within 150 feet of the site perimeter shall be swept and cleaned a minimum of twice weekly.
- During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas (three times daily during mass site grading) in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. Grading shall be suspended if wind gusts exceed 25 mph.
- Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- Contractor(s) shall apply water to the storage pile by hand or apply a cover when wind events are declared.
- Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and maintain a freeboard height of 12 inches.

Cultural Resources

CR-1 At the commencement of project construction, a qualified professional archaeologist shall be retained to give all workers associated with earth-disturbing procedures an orientation regarding the probability of exposing cultural resources and directions as to what steps are to be taken if a find is encountered. If cultural resource remains are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately to arrange for a qualified archaeologist to assess the nature, extent, and potential significance of any cultural remains. If such remains are

determined to be significant, appropriate actions to mitigate impacts to the remains shall be identified in consultation with a qualified archaeologist. Depending upon the nature of the find, such mitigation may include, but would not be limited to, avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, if significant archaeological resources cannot be avoided, impacts may be reduced by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Duration of the excavated artifacts or samples would occur as specified by the archaeologist.

- CR-2 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

Noise

- N-1(a) Heavy Truck Restrictions. The contractor shall prohibit heavy trucks from entering or leaving the site from or to, or otherwise driving on, North Gale Drive. Heavy trucks include all cargo vehicles with three or more axles, generally with gross vehicle weight greater than 26,400 lbs.
- N-1(b) Staging Area. To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction equipment, the Contractor shall provide staging areas on the northern portion of the project site, as far as possible from sensitive residences on North Gale Drive.
- N-1(c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.

- N-1(d) **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- N-1(e) **Additional Noise Attenuation Techniques.** For all noise-generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby residences do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.
- N-1(f) **Alternative Pile Types.** If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.
- N-1(g) **Additional Pile Driving Measures.** If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the

right to require additional noise control measures at the site during pile driving, such as temporary sound berms and dampening enclosures.

N-1(h) Noticing. All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.

N-1(i) Construction Management Plan - Noise. Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures:

- Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.
- During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
- Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential

streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets.

- All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes.
- The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.

T-1 Construction Management Plan-Traffic. Prior to issuance of demolition or grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development, the Building Official and the City Traffic Engineer. The applicant shall be required to comply with all requirements of the Construction Management Plan, which shall include, but not be limited to, the following measures:

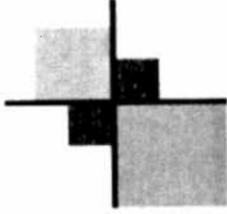
- Hours of construction shall be limited to occur between the hours of 8:00 AM to 6:00 PM, Monday through Friday, absent issuance of an after-hours construction permit.
- All delivery trucks shall be scheduled to the extent feasible to occur during off-peak hours, when vehicle and pedestrian traffic is minimal.
- Off-site on-street parking for project construction shall be prohibited on all adjacent streets and alleys. Construction-related parking shall be on-site to the extent feasible. The Construction Management Plan shall address construction-related worker parking, schedule of construction, and number of vehicles anticipated on-site.

- All construction-related trucks destined to the site shall follow the City's approved truck route plan. The contractor shall coordinate with the City to determine the most adequate route, identify the anticipated volume of trucks destined to the site, and delivery/hauling logistics.
- A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood.
- The contractor shall provide flagmen at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians.
- All heavy hauling and delivery of large construction supplies will be subject to the issuance of heavy hauling permits issued by the Department of Public Works, Engineering Division. Heavy hauling and routing shall be approved by the Engineering Division of the City of Beverly Hills. Heavy hauling operation time is limited to 4:00 p.m.
- The project applicant shall be required to keep the site and adjacent areas clean during construction.
- Any curbside or lane closure schedule shall be approved by the City.

2. Environmental Checklist / Mitigated Negative Declaration

Initial Study/Mitigated Negative Declaration is provided to the Planning Commission at the previous meeting

3.DPR, Variance applications and Supplemental Documentation



KEN STOCKTON ARCHITECTS, INC.
ARCHITECTURAL DESIGN ≈ PLANNING

Received
City of Beverly Hills

APR 29 2010

PLANNING Division
COMMUNITY DEVELOPMENT

April 26, 2010

Ms. Rita Naziri
City of Beverly Hills
Department of City Planning
455 N. Rexford Drive
Beverly Hills, CA 90210

RE: Development Plan Review
Application for Project Located at 121 San Vicente Blvd.

Dear Ms. Naziri:

The current application for the Department Plan Review was prepared based on the previous project design utilizing car elevators, which is now "outdated" and no longer applicable. We are requesting you to make the following changes and corrections to the application:

1) **PROJECT DESCRIPTION:**

This should be revised to indicate the project is a 3-story building with "4 levels" of basement subterranean parking.

2) **F.A.R. AND FLOOR AREA OF PROPOSED BUILDING SHOULD READ:**

42,256 s.f. F.A.R. = 1.94: 1

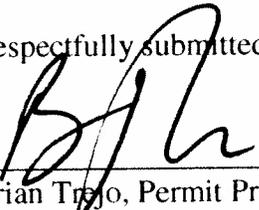
3) **THE TOTAL NUMBER OF PARKING STALLS BEING PROVIDED SHOULD STATE: "199 Stalls"**

"APPLICATION FOR ENVIRONMENTAL ASSESSMENT" should have the following correction:

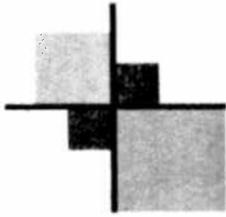
1) **PROJECT DESCRIPTION AND SCOPE:**

Please revise to read 3-story building with 4 levels of basement subterranean parking.

Respectfully submitted,



Brian Trejo, Permit Processor
KEN STOCKTON ARCHITECTS, INC.



KEN STOCKTON ARCHITECTS, INC.
ARCHITECTURAL DESIGN ≈ PLANNING

January 19, 2009

Ms. Rita Naziri
City of Beverly Hills
Department of City Planning
455 N. Rexford Drive
Beverly Hills, CA 90210

RE: Development Plan Review
Application for Project Located at 121 San Vicente Blvd.

Dear Ms. Naziri:

The current application for the Department Plan Review was prepared based on the original project design, which is now “outdated” and no longer applicable. We are requesting you to make the following changes and corrections to the application:

1) **LEGAL OR ASSESSOR’S DESCRIPTION:**

Please add to the description the APN# 4334-022-077. This is the third lot which is part of the project, in addition to the lots currently shown on the application.

2) **PROJECT DESCRIPTION:**

This should be revised to indicate the project is a “3-story” building with “3 levels” of basement subterranean parking. The three floors above grade consist of medical and general office use.

3) **FLOOR AREA OF EXISTING STRUCTURE TO BE DEMOLISHED:**

Should state: 17,296 s.f. existing floor area.

4) **F.A.R. AND FLOOR AREA OF PROPOSED BUILDING SHOULD READ:**

40,787 s.f. F.A.R. = 1.87 : 1

5) **SQUARE FOOTAGE OF ROOF AREA SHOULD READ:**

29,197 s.f.

6) **NUMBER OF STORIES SHOULD READ:**

3

We also are requesting the following changes and corrections to be made on the existing “Application for Zone Variance:”

1) **ASSESSOR’S PARCEL NUMBER**

Please add APN #4334-022-077 to the current lots #4334-022-076 (total 3 parcels).

2) VARIANCE REQUEST SHOULD BE AS FOLLOWS:

- a) “Request a variance to allow a percentage of the code – required parking spaces to be provided through tandem parking. (Valet Parking).”
- b) “Request a variance to allow for automobile elevators to be used to move cars between the first floor basement and the 2 floors below this first level; in lieu of drive ramps. (Valet Parking).”

Lastly, please make the following corrections to the “Application for Environmental Assessment:”

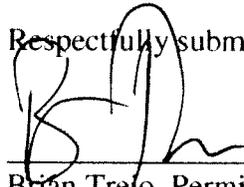
1) PARCEL NUMBER(s):

Please add the third lot to the existing lots shown on the application, APN #4334-022-077.

2) PROJECT DESCRIPTION AND SCOPE:

Please revise to read “3-story building with 3 levels of basement subterranean parking. The three floors above grade are comprised of medical and general office use.”

Respectfully submitted,



Brian Trejo, Permit Processor
KEN STOCKTON ARCHITECTS, INC.

Received
City of Beverly Hills

JAN 07 2010

PLANNING Division
COMMUNITY DEVELOPMENT

Ms. Rita Naziri
Community Development/Planning
455 North Rexford Drive, Room 100
Beverly Hills, CA 90210

Dear Ms. Naziri,

This is to confirm our conversation reference our project located at 123-121-119 N. San Vicente Blvd
Beverly Hills CA 90211.

The lot numbers are 76 and 77.

Lot 76 is 123-121 N. San Vicente.

Lot 77 is 119 N. San Vicente.

The total area for both lots is 21836.52 square feet.

Thank you



Mike Ahmar

STEWART ORDER NUMBER 3204-96806

OUTLINE OF PROPERTY IN QUESTION

- ① 4' WIDE UTILITY EASEMENT
(BK 4806 PG 342 O.R.)
- ② 4' WIDE UTILITY EASEMENT
(SAME AS ITEM 1, BK 17982 PG 4 O.R.)



SCALE 1"=50'

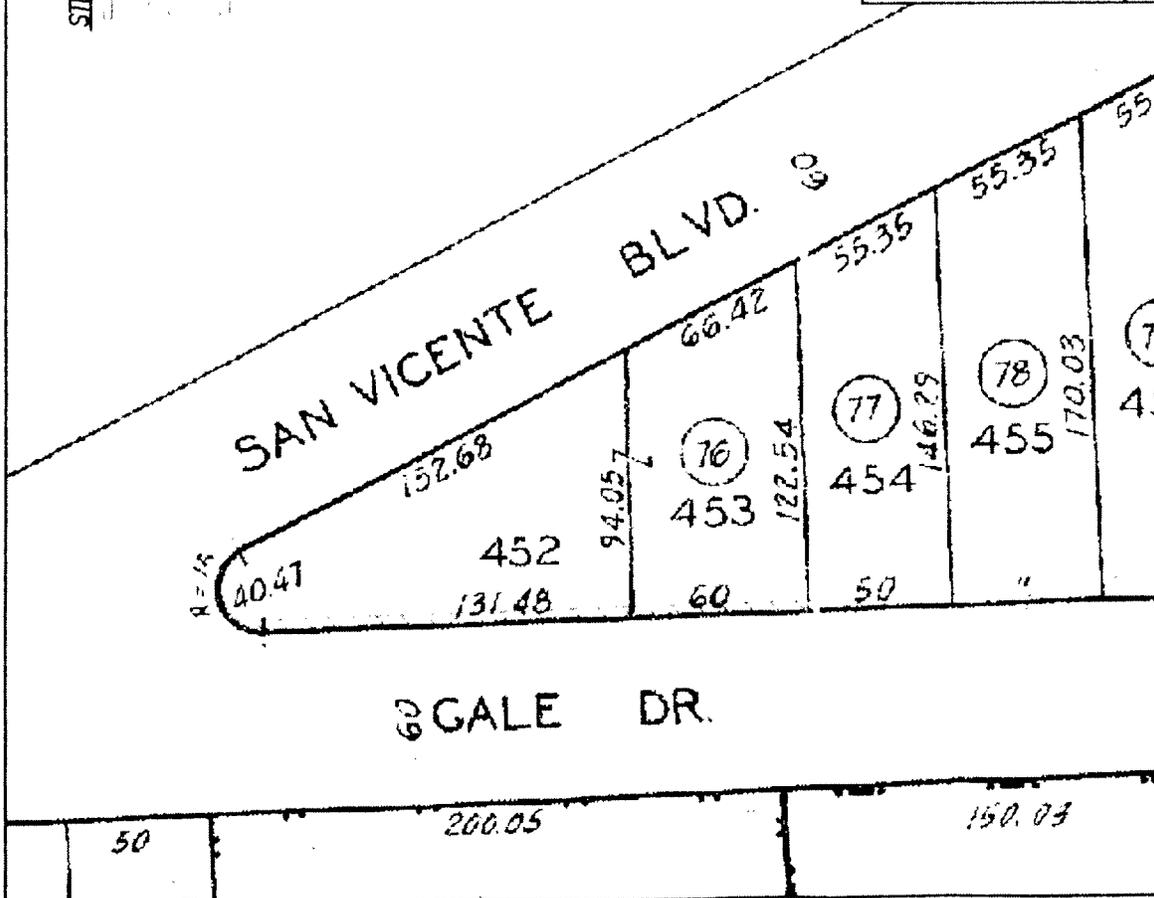


THIS IS NEITHER A PLAT NOR A SURVEY. IT IS FURNISHED AS A CONVENIENCE TO LOCATE THE LAND DESCRIBED IN THE TITLE REPORT INDICATED HEREON WITH REFERENCE TO STREETS AND OTHER LAND. NO LIABILITY IS ASSUMED BY REASON OF RELIANCE HEREON.

STEWART ORDER NO. 3204-96806

APN 4334-022-076
121-123 N SAN VICENTE BLVD
BEVERLY HILLS CA 90211

DRAWN BY: DB CHKD BY: DOK SHEET 1 OF 1



CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT
DEVELOPMENT PLAN REVIEW PERMIT

Project Address: 121 SAN VICENTE Blvd, Beverly Hills

Legal or Assessor's Description: 4334-022-076

Landowner

Name: 121 San Vicente, LLC

Address: P.O. Box 16561

City: Beverly Hills

State & Zip: CA, 90209

Phone: (310) 248-4947

Fax: _____

Applicant or Agent

Name: KEN STOCKTON

Address: 26500 W. Agoura Rd #844

City: Calabasas

State & Zip: CA, 91302

Phone: (818) 888-9443

Fax: (818) 888-9604

Project Description

(4) story building w/ (2) levels of Basement
Subterranean parking. (2) Floors of medical offices
over (1) floor of parking and (1) Floor of retail + parking

Site Size: 21,836.52 sf.

Floor area of existing structure: TO BE DEMOLISHED FAR: N/A

Floor area of proposed addition or new structure: 40,342.16 FAR: 1.85:1

Square footage of basement, non-story and/or parking levels: 64,339.38 sq.ft.

Square footage of total roof area: 18,095 sq.ft.

Square footage of "roof features" (skylights, clerestories): N/A

Distance from front property line: 0'-0"

Distance from side property lines: 0'-0" 0'-0"

Distance from rear property line: 0'-0"

Height of existing structure (as defined by Code): _____

Number of stories: _____ In Feet: _____

Height of proposed addition or of new structure (as defined by Code):

Number of stories: 4 In Feet: 45 ft.

I, Mohamed Altman have read and understand all statements including the supplement to application attached to this application. I am the property owner or authorized agent of the subject property. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.

[Signature] _____ 4/20/09 _____
Signature of (X) Property Owner or () Authorized Agent Date

I, Mohamed Altman, am the property owner of the subject property. I have read and understand all foregoing statements, and hereby authorize the processing of this application.

[Signature] _____ 4/20/09 _____
Signature of Property Owner Date

(for office use only)

Date received: _____

Application fee Paid: _____

Notice fee Paid: _____

CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONE VARIANCE

Project Address: 121 SAN VICENTE BLVD, BEVERLY HILLS
Legal Description: 4988 Tract 452, 453, 454 Block Lot(s)
Assessor's Parcel Number(s): 4334-022-076

IF THE APPLICANT IS NOT THE PROPERTY OWNER, A LETTER OF AUTHORIZATION IS REQUIRED.

Property Owner

Name: 121 SAN VICENTE, LLC
Address: P.O. Box 16561
City: Beverly Hills
State & Zip: CA, 90209
Phone: (310) 248-4947
Fax: _____

Applicant or Agent

Name: KEN STOCKTON
Address: 26500 W. Agoura Rd #844
City: Calabasas
State & Zip: CA, 91302
Phone: 818-888-9443
Fax: 818-888-9604

Person to CONTACT for access to site: MIKE AHMAR (310) 248-4947

Variance Request (include Municipal Code Sections to which the Variance pertains):

- ① Request a Variance to allow a percentage of The Code-required parking spaces to be provided through tandem parking spaces. (VALET PARKING)/ ② Variance to exempt parking garage square footage from total floor area

Basis for Variance request (what are the special circumstances, which may include size, shape, topography, location, or surroundings, that are applicable to your property, [Code Section 10-3.3700(a)]):

THE PROPERTY SIZE AND SHAPE IS EXTREMELY DIFFICULT TO CONFIGURE A BUILDING DESIGN. THE TRIANGULAR SHAPE PROHIBITS CONVENTIONAL PARKING

STALL LAYOUTS & BACK UP AISLES. ADDITIONALLY, THE PROPERTY SHAPE PREVENTS A PORTION OF THE SITE FROM HAVING TO

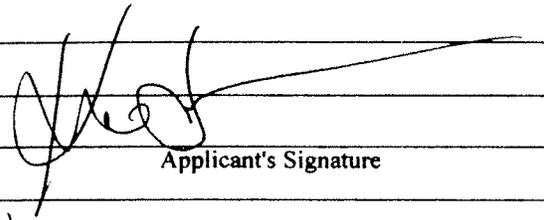
Justification for Variance request (Please describe how other properties in the same zone and area enjoy the privileges that you are seeking; identify the addresses of these properties, and describe how the

OF RETAIL FLOOR SPACE

Application for Zone Variance
Beverly Hills Community Development Department

special circumstances applicable to your property deprive you of the ability to enjoy the privileges enjoyed by other properties in the same zone and area [Code Section 10-3.3700(b)]:

NOTE: Signature of applicant must be acknowledged before a Notary Public.


Applicant's Signature

(INDIVIDUAL)

STATE OF CALIFORNIA: COUNTY OF LOS ANGELES: ss.

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he (she) (they) executed the same.

WITNESS my hand and official seal _____
Notary Public in and for said County and State

(SEAL)

(CORPORATION)

STATE OF CALIFORNIA: COUNTY OF LOS ANGELES: ss.

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

_____ known to me to be the _____ President, and _____

_____ known to me to be the _____ Secretary, of this Corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its bylaws or a resolution of its board directors.

WITNESS my hand and official seal _____
Notary Public in and for said County and State

(SEAL)

(PARTNERSHIP)

STATE OF CALIFORNIA: COUNTY OF LOS ANGELES: ss.

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

known to me to be all of the partners or the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal _____
Notary Public in and for said County and State

(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On April 20, 2009 before me, Jason Allen Earnhardt Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Kenneth Edward Stockton
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

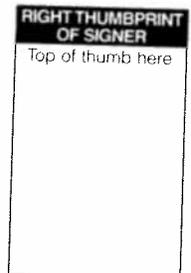
Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



APPLICATION FOR ENVIRONMENTAL ASSESSMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT
CITY OF BEVERLY HILLS

Date submitted _____ Project Identification No. _____

Project name SAN VICENTE MEDICAL CENTER

Project address 121 SAN VICENTE BLVD, BEVERLY HILLS

Between _____ and _____

County Assessor Map Book 40 - E6 Page 633 - A2

Parcel Number(s) 4334-022-076

Applicant's name MIKE AHMAR Phone ⁽³¹⁰⁾ 248-4947

Address P.O. Box 16561 City Beverly Hills Zip 90209

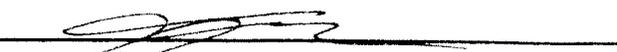
Agent's name Ken Stockton Architects Inc. Phone ⁽⁸¹⁸⁾ 888-9443

Address 26500 V. Agoura Rd #844 City Calabasas Zip 91302

PROJECT DESCRIPTION AND SCOPE (4) story building w/ (2) levels of basement subterranean parking. (2) Floors of medical offices over (1) floor of parking and (1) floor of retail + parking

(Please Print)

I, Mohamed AHMAR, have read and understand all statements including the Supplement to Application attached to this application. I am the property owner or authorized agent of subject property. I hereby declare (affirm) that the foregoing statement, facts, and attached report are true and correct.



4/20/09

Signature of: Property Owner or Authorized Agent Date

For Office Use Only

Date material received _____ Received by _____

Amount of initial fee received _____ Amount of additional fee received _____

Material check by _____ and determined to be (complete)

(incomplete). If incomplete, applicant notified on date _____ by (phone -

mail - other) _____ to supply missing information _____

Date Filed _____

4. Public Correspondence

Received
City of Beverly Hills

Received
Beverly Hills

APR 21 4 2010

APR 21 4 2010

PLANNING Division
COMMUNITY DEVELOPMENT

121 SAN VICENTE LLC
PO BOX 16561
BEVERLY HILLS, CA 90209-2561

Division
COMMUNITY DEVELOPMENT

April 21, 2010

Dear Neighbor,

As the owner and developer of 119, 121 & 123 San Vicente Blvd., we would like to share with you our plans to redevelop the site. We will be constructing a 3 story medical office building in the location presently occupied by the two unoccupied former medical buildings and the unoccupied Slingshot Messenger building. You will soon be receiving notice from the City of Beverly Hills of our request for this development.

We understand your concerns about traffic, parking, height and density, which is why we feel that the best use of this land is to build an architecturally styled and landscaped building compatible with the surrounding residential neighborhood on Gale Drive. We plan to set back and modulate the buildings on the Gale Drive side, beautify with grass and trees and add a small landscaped open space area at the corner. All ingress and egress to the building will be on San Vicente, not on Gale Drive. Parking will be free for all patrons and will be by valet. The number of parking spaces will be in excess of what is required by Beverly Hills Code.

Our construction plans are being developed to keep construction impacts at a minimum. Construction workers will be parking off-site and be shuttled to our property. No workers will be allowed to park in the residential neighborhood. In addition, the City of Beverly Hills will require a construction management plan.

Our goal is to be a good neighbor. We would like to give you the opportunity to see our plans and ask any questions. Please join us on May 10 from 7pm to 8:30pm at Il Cielo Restaurant, 9018 Burton Way, Beverly Hills. Hors d'oeuvres will be served and parking will be validated. Please call 310-295-9581 to RSVP or ask any further questions. We look forward to meeting you.

Sincerely,



Mike Ahmar
121 San Vicente LLC

MAY 3 - 2010
I LIVE AT 117 N. GALE #7TH.
I WILL BE OUT OF TOWN
ON MAY 13 - 2010
I AM AGAINST THE
ABOVE PROJECT
THANK
H. D. [Signature]

5. Beverly Hills Municipal Code Section 10-3-1956: General Operational Requirements for Commercial-Residential

10-3-1956: COMMERCIAL-RESIDENTIAL TRANSITION; GENERAL OPERATIONAL REQUIREMENTS:

- A. Except as provided in subsection B of this section, it shall be unlawful for any person to commence or conduct, either directly or indirectly, any commercial use on a site located in a commercial-residential transition area except in conformance with the following requirements:
1. No deliveries shall be received, and no loading, or unloading shall be permitted during extended hours unless:
 - a. The deliveries, loading, or unloading operation is conducted entirely within an enclosed structure, or
 - b. The deliveries, loading, or unloading operation is conducted exclusively from a public right of way that is not adjacent to a residential zone or RMCP zone.
 2. Refuse shall not be deposited into a commercial refuse bin located outside of an enclosed structure on private property or on a public right of way that is adjacent to a residential zone or RMCP zone during extended hours unless such refuse is in sealed bags.
 3. Commercial refuse bins shall not be moved in a public right of way adjacent to a residential zone or RMCP zone, or within the area between a commercial structure and a residential zone or RMCP zone during extended hours, except by waste haulers operating pursuant to a franchise with the city that permits such activity during extended hours.
 4. All commercial refuse bins shall be equipped with nonmetallic lids which shall remain closed at all times.
 5. For those businesses operating pursuant to an extended hours permit issued pursuant to section 10-3-1958 of this article, the name and telephone number of a person who will be available during the operational hours of the business to address a problem with the subject establishment shall be posted in a conspicuous place on the exterior of the building housing the establishment. The sign shall not exceed four (4) square feet in size and the letters on the sign shall be not less than one-half inch ($\frac{1}{2}$ ") nor more than one inch (1") in height. The contact person shall be the business owner, business manager, or other similar person who has sufficient authority over the business to address problems that may disturb neighbors.
 6. All doors facing a residential zone shall remain closed at all times during extended hours except for the immediate purpose of ingress or egress. All windows to food preparation areas that face a residential zone shall remain closed at all times during extended hours.
 7. Employees, agents, associates, or contractors of a nonresidential use shall not congregate behind the nonresidential structure or in any open area or public right of way separating a nonresidential structure and a residential zone or RMCP zone during

extended hours.

8. All businesses in the commercial-residential transition area shall comply with all provisions of title 5, chapter 1, article 1 of this code, regarding general noise regulations. In order to promote compliance with said provisions, and in addition to said provisions, all businesses in the commercial-residential transition area shall comply with the following requirements:

a. The employees, agents, associates, or contractors of a business shall not engage in conduct or activity which substantially or unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area during extended hours.

b. No activity shall be conducted on the premises in a manner which substantially or unreasonably disturbs the peace and quiet of the surrounding neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area during extended hours.

c. The factors which shall be considered in determining whether activity described in subsections A8a and A8b of this section violates this section shall be the criteria specified under section 5-1-104 of this code, including, but not limited to, the following:

- (1) The volume of the noise;
- (2) Whether the nature of the noise is usual or unusual;
- (3) Whether the origin of the noise is natural or unnatural;
- (4) The volume of the background noise;
- (5) The proximity of the noise to residential sleeping facilities;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise;
- (8) Whether the noise is recurrent, intermittent, or constant.

B. The operational requirements set forth in subsection A of this section shall not apply to:

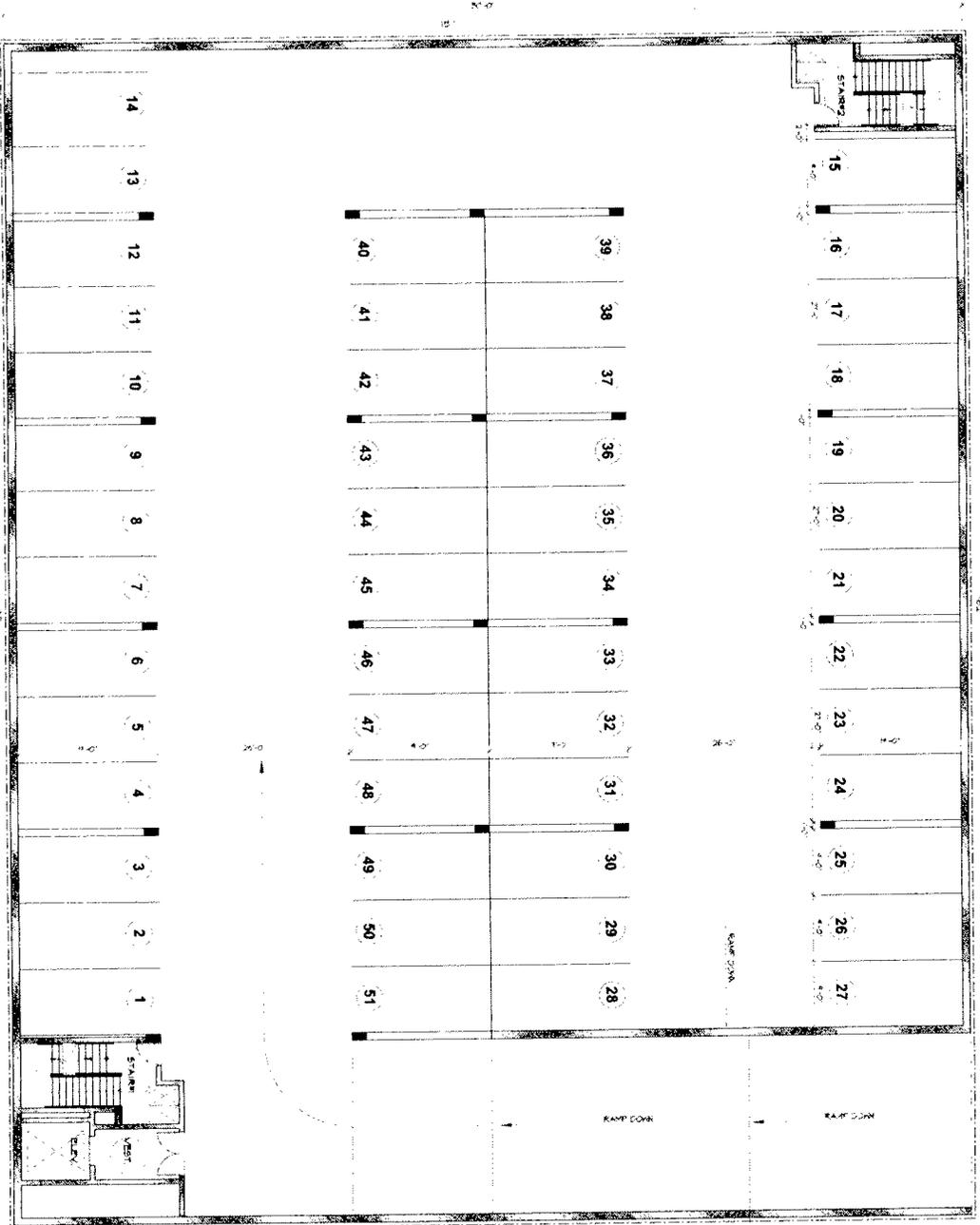
1. The following business classifications:

- a. Professions and semiprofessions (classification C), as defined under subsection 3-1-219C of this code, excluding medical offices and medical laboratories as defined under section 10-3-100 of this chapter;
- b. Residential or commercial property rental and leasing (classifications E and F), as defined under subsections 3-1-219E and F of this code;

- c. Agencies, lenders, brokerages, and other similar services (classification G), as defined under subsection 3-1-219G of this code;
 - d. Depository financial institutions, branch and sales office locations (classification H), as defined under subsection 3-1-219H of this code;
 - e. Corporate offices; or
2. Hotels and hotel appurtenant service uses as defined in article 28.6 of this chapter; or
 3. Projects approved by the planning commission or the city council on an appeal through any of the following procedures when the resolution of approval specifically and explicitly addressed extended hours activities associated with the project:
 - a. Development plan review;
 - b. Conditional use permit;
 - c. Planned development review; or
 4. Vehicle fuel stations.
- C. A minor accommodation may be granted pursuant to the procedures and requirements of article 36 of this chapter, to relieve an applicant of one or more of the operational requirements prescribed by subsections A1 through A7 of this section if the director of planning and community development finds:
1. The applicant cannot comply with the subject requirements, and
 2. The applicant will comply with subsection A8 of this section. (Ord. 96-O-2270, eff. 11-27-1996; amd. Ord. 99-O-2324, eff. 3-19-1999; Ord. 05-O-2489, eff. 12-16-2005)

6. Conceptual Parking Plan

PUBLIC STREET



BASEMENT GARAGE EXHIBIT

SCALE: 1/8" = 1'-0"
DATE: 10/1/00
DRAWN BY: J. J. [unreadable]
CHECKED BY: [unreadable]
PROJECT: [unreadable]

