



Planning Commission Report

Meeting Date: September 16, 2010

Subject: **119-123 San Vicente Boulevard** Request for a Development Plan Review and Variances to allow to allow tandem parking and the ground floor parking area to be exempted from floor area calculation to permit the construction of a new three-story, 45-foot in height commercial building containing approximately 40,050 square feet of floor area over a four-level, subterranean parking garage with 183 parking spaces. Adopting of a resolution adopting a Mitigated Negative Declaration prepared for the Project
PROJECT APPLICANT: Ken Stockton

Recommendation: That the Planning Commission direct staff to:

1. Prepare a resolution adopting a Mitigated Negative Declaration (MND) and,
2. Prepare a resolution conditionally approving a Development Plan Review and Variances.

REPORT SUMMARY

The public hearing on this matter was continued from the meeting of July 8, 2010 to allow the applicant an opportunity to respond to issues raised at that meeting.

In response to the concerns raised by the Planning Commission, the applicant has revised the project. Revisions include the following:

- Redesigned parking and loading layout by adding eight parking spaces including six accessible spaces on the ground floor, two van loading spaces and eliminating twelve tandem spaces in the parking garage below grade (levels 1st, 2nd and 3rd). As a result, the project would include 36 tandem parking spaces instead of 48 as previously proposed.
- Slight reduction in square footage of general office space.

The proposed revisions reduce the amount of tandem spaces and improve the parking layout in response to the Commission concerns. Staff recommends adoption of the Mitigated Negative Declaration, mitigation measures and approval of the project subject to the attached conditions of approval.

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. [Revised Parking Management Plan](#)
- E. [Revised Responses to Comments](#)
- F. [Architectural Plans](#)

Report Author and Contact Information:

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BACKGROUND

File Date	April 20, 2009
Application Complete	April 30, 2010
Subdivision Deadline	N/A
Permit Streamlining	60 days from the adoption of Mitigated Negative declaration
Applicant(s)	Ken Stockton, Architect
Owner(s)	121 San Vicente , LLC
Representative(s)	Allan Alexander and Lee Silver
Prior Project Previews	<ul style="list-style-type: none">• Planning Commission preview: June 16, 2009• Architectural Commission preview: June 17, 2009
Prior PC Action	<p>The project was previously reviewed by the Planning Commission (public hearing) on May 13, May 27 and July 8, 2010 respectively.</p> <p>Summary of prior Planning Commission comments:</p> <ul style="list-style-type: none">• Eliminate triple-tandem spaces and reduce number of tandem spaces;• Eliminate potential conflicts between valet pick-up/drop-off and vehicles entering and exiting the garage and queuing along San Vicente Boulevard;• Expand the parking area by exploring the relocation of the loading area, off-site, along San Vicente Boulevard;• Expand the parking area under the sidewalks to create additional spaces.• Consider smaller project• Eliminate pedestrian access from Gale Drive• Consider installation of translucent windows on Gale Drive• Provide additional parking on ground floor• Provide van spaces instead of truck loading spaces
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	119-123 San Vicente Boulevard
Legal Description	TRACT#4988 LOTS 452,453 and 454
Zoning District	C-3 Commercial Zone (Subject to transition zone standards)
General Plan	Commercial Low Density General
Existing Land Use(s)	Office buildings (vacant), <ul style="list-style-type: none">• 119 San Vicente Boulevard: two-story, 8,003 sq.ft.• 121-123 San Vicente Boulevard (two buildings): One-story, 9,293 sq.ft.
Lot Dimensions & Area	The lot is a triangular shaped lot with the following dimensions: 274.45' X 241.48' X 122.45' and 21,836 sq.ft.
Year Built	119 San Vicente Blvd.: 1950, 121 & 123 San Vicente Blvd.: 1940 -1946
Historic Resource	Property is not listed on any local, state or federal inventory. A historical

survey is prepared for the project site as part of Initial Study/Mitigated Negative Declaration. The study found that the existing buildings at the project site are not eligible for the local, state or federal listing and does not qualify as a historic resource for the purposes of CEQA.

Protected Trees/Grove None

Adjacent Zoning and Land Uses

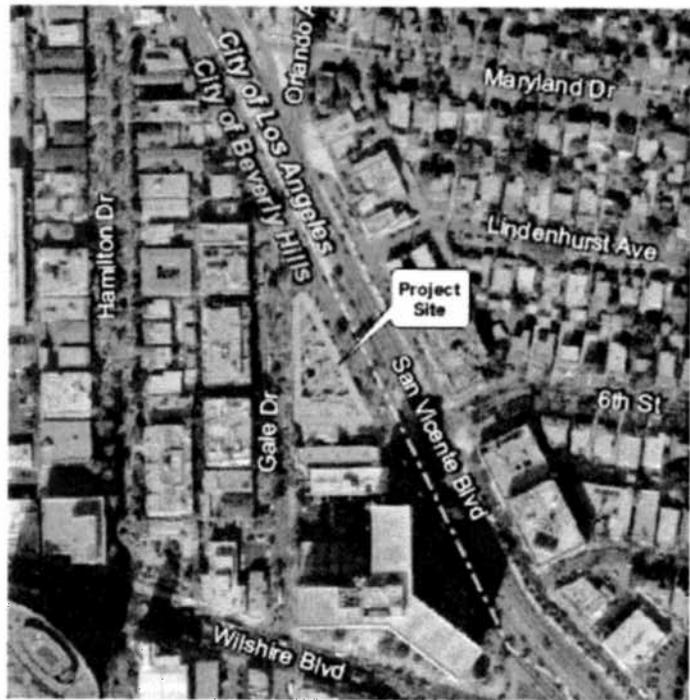
North	Commercial properties in City of Los Angeles
South	C-3 commercial zone, a multi-family structure (non-conforming use)
East(Across San Vicente)	Commercial properties in City of Los Angeles
West	R-4 Zone, multi-family residential structures

Circulation and Parking

Adjacent Street(s)	Gale Drive and San Vicente Boulevard
Adjacent Alleys	None
Parkways & Sidewalks	<ul style="list-style-type: none">• Gale Drive: 60 feet wide, 12 feet sidewalk on each side,• San Vicente Boulevard(Beverly Hills Side only): 60 feet, 12 feet sidewalk and 46 feet street width
Parking Restrictions	Gale Drive: Both sides of 100 block of North Gale Drive are restricted No Parking, any time, Daily, except for the metered spaces adjacent to the project site. San Vicente Boulevard: Metered parking spaces with two hours limit 8 a.m. -6 p.m.
Nearest Intersection Circulation Element	San Vicente Boulevard and Gale Drive San Vicente Boulevard is designated as street carrying regional traffic. Gale Drive is a local street
Estimated Daily Trips	Existing Daily Trips without the project: <ul style="list-style-type: none">• Gale Drive ADT 6,583,• San Vicente Boulevard ADT: 21,950 (approx.) Existing Daily Trips with project: <ul style="list-style-type: none">• Gale Drive ADT: 6,974,• San Vicente Blvd. ADT: 22,525

Neighborhood Character

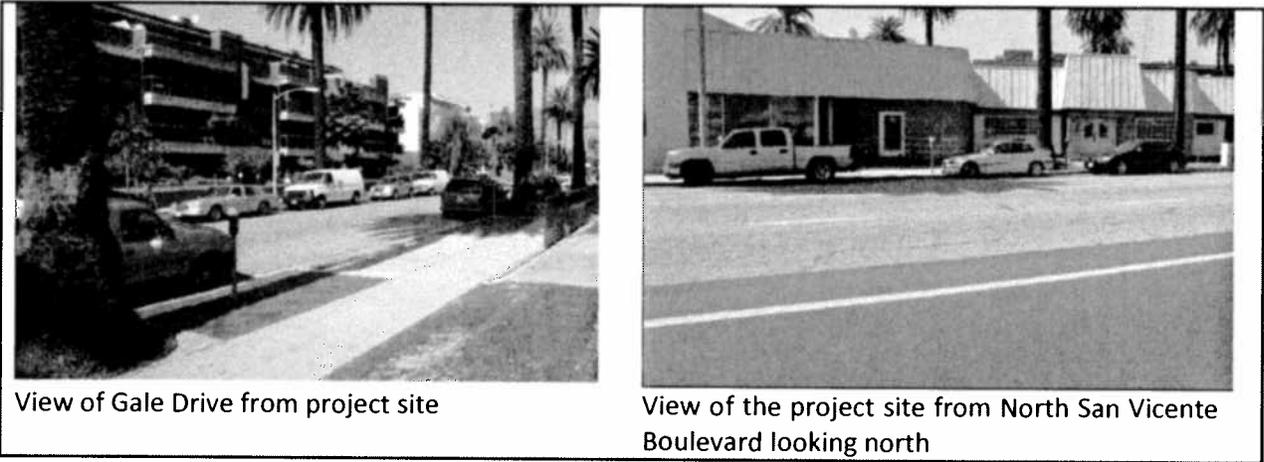
The project site is located at the eastern boundary of the city in a transition zone between commercial and residential uses. The site is separated from Los Angeles by San Vicente Boulevard, which is a heavily travelled street. A busy Wilshire Boulevard and San Vicente Boulevard intersection is approximately 600 feet south of the project site. 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.



View of the project site from San Vicente Boulevard looking south



View of the project site from San Vicente Boulevard looking south



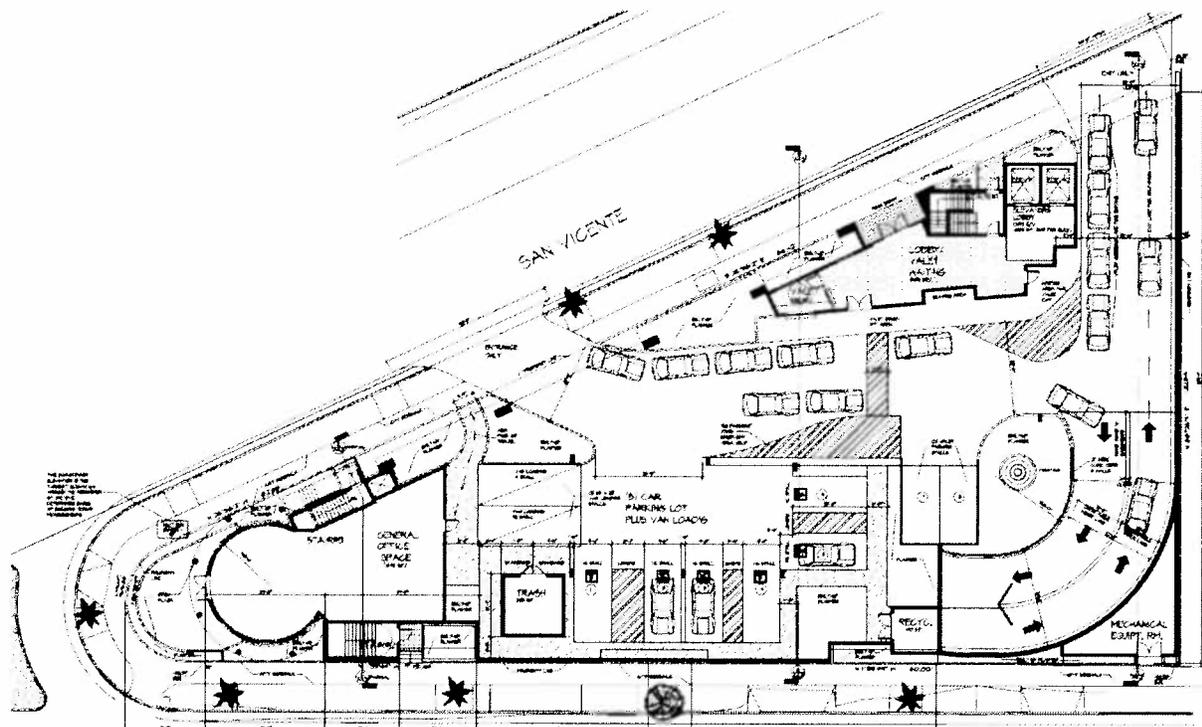
PROJECT DESCRIPTION

The proposed project includes the construction of a commercial building on a 21,837 square foot, triangle-shaped lot. The building would be three stories, 45 feet in height with 40,050 square feet of total floor area with floor area ratio of 1.84. Proposed land uses include:

- 32,000 square feet of medical office space
- 8,050 square feet of general office space; and

The building has a traditional European style design. it provides the required 183 parking spaces at the ground floor and within a four-level subterranean garage with ingress and egress from San Vicente Boulevard, which is located near the site’s southern boundary. A valet assisted operation is proposed. The ground floor consists of general office space (1,515 sq.ft), valet drop-off/pick-up, parking, loading facilities, driveway ramps, building lobby, mechanical and trash rooms. The upper floors are proposed for medical and general office uses. Pedestrian access is provided on San Vicente Boulevard through main entrance of the building lobby.

The project would require the demolition of three existing structures, a 5,324 square foot commercial structure, a 3,969 square foot commercial structure and an 8,003 square foot commercial structure and an excavation and export of approximately 40,000 cubic yards of materials for the subterranean parking garage.



Site Plan/First Floor Plan

Requested Permits¹

Pursuant to BHMC 10-3-3100, Development Plan Review (DPR) is required for all new commercial buildings over 2,500 square feet. The proposed project exceeds this standard. A DPR requires considerations of the project's scale, mass, traffic, general welfare and consistency with the City's General Plan. Variance approvals are requested to allow:

- Tandem parking
- Exclusion of the ground floor parking circulation areas from the floor area calculation

The variances are requested pursuant to BH MC Section 10-3-3700, which permits variance application to be filed, subject to certain findings (See analysis and Attachment B).

ZONING CODE² COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. However, three areas are highlighted below which are further discussed in the analysis section of this report.

¹ A Mitigated Negative Declaration (MND) has been prepared consistent with the California Environmental Quality Act (CEQA). The project also requires adoption of Mitigated Negative Declaration by the Commission.

² Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

Floor Area

The zoning code permits a floor area Ratio of 2.0³, or 43,672 square feet on a project site of 21,836 square feet. The project includes an FAR of 1.84 :1. A variance is being requested to allow the ground floor parking area be excluded from the floor area calculation. Approval of the variance would not result in any change to the project. Denial of the variance would result in the project having a size of 45,466 square feet or 2.08:1. Because this would exceed the permitted floor area, the project would need to be modified to reduce the floor area.

Parking

The project provides 183 spaces which are provided on-site, however, the applicant requests 20% of these spaces to be provided in a tandem configuration. Because this is not permitted in the Municipal Code, the applicant seeks a variance to allow tandem. Approval of the variance would not result any change to the project. Denial of the project would result in reduction of square footage or change of use from medical to general office.

Loading

The project provides two van loading spaces accessed from San Vicente Boulevard. The Planning Commission is authorized to establish the number of loading spaces as part of the discretionary review process⁴. The project previously included two full-size loading spaces. The project currently reflects the Planning Recommendation for two van sized loading.

Agency Review⁵

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION. Transportation Division reviewed the revised parking and loading lay-out on August 27, 2010. The Transportation Division raised concerns about adjacency of loading spaces to accessible parking at ground floor.
- CIVIL ENGINEERING. Civil Engineering Division reviewed the project and provided conditions of approval, if the project is approved. These conditions are provided under Attachment B, Project Specific Conditions and Public Works Conditions.

GENERAL PLAN⁶ POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy 2.10 Development Transitions and Compatibility. Require that sites and buildings be planned, located and designated to assure functional and visual transitions between areas of differing uses and densities by addressing property and height, setbacks, window and entry placement, lighting, landscape buffers, and service access.

³ BHMC Section 10-3-2475, the maximum floor area ratio on any commercial site area shall not exceed 2.0.

⁴ Section 10-3-2745(D) authorizes the Planning Commission to modify the size of loading space or imposing additional loading space requirements as a condition of approval of any discretionary permit.

⁵ Recommended conditions of approval by other departments are provided in the Analysis section of this report.

⁶ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- Policy 12.1 Functional and Operational Compatibility. Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage and pick-up and other similar business activities.

Considerations of the project's consistency with these policies are provided in Attachment B.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines⁷, and the environmental regulations of the City. The project has been found to have potentially significant construction related traffic, air quality, cultural resources and noise impacts. However, measures have been identified that would mitigate these potential impacts to a level of insignificance. Therefore, a mitigated negative declaration has been prepared which incorporates measures that constrain construction vehicles to limit air emissions and noise during construction, cultural resource measure for unknown archaeological or paleontological resources and or human remains and roadway improvements to mitigate the project's potential operational traffic impacts.

Public Review Period

Pursuant to Government Code Section 15105, a 20-day public review is required for the Mitigated Negative declaration. The required 20-day public review period for the proposed project began on May 10, 2010 and ended May 30, 2010.

Mitigated Negative Declaration

The City hired Rincon Consultant, Inc. to prepare an initial study for the project and based on the information contained in the initial study, with the proposed mitigation measures, determined that there was no substantial evidence that the project would have significant environmental impacts. Accordingly, the City prepared a mitigated negative declaration in accordance with Section 15070 of the State Guidelines. During the Planning Commission hearing, comments were received that related to construction impacts including noise, dust, soundproofing during construction period and driveway access conflict. Response to these issues is provided in the "Responses to Comments" document prepared by the City's environmental consultant for the Planning Commission's consideration (Attachment E).

Mitigation Measures & Monitoring Reporting Program

The document also includes responses that were received after public review period. Several mitigation measures are proposed to mitigate the potential environmental impacts of the project. The list of mitigation measures are listed as part of Attachment B. A Mitigation Monitoring Program will be prepared as part of the project resolution, if the project is approved.

⁷ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	10 days	9/3/10	9/3/10	14 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days	9/3/10	9/3/10	14 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	9/3/10	14 days

Applicant Outreach Efforts

On May 10, 2010, the developer of the project reports holding a neighborhood meeting to introduce the proposed project.

Public Comment

During the project review period and hearing process, the Planning Division received several letters, emails and phone call, concerning the proposed project. Copies of the letters and e-mails were previously provided to the applicant and Commission.

ANALYSIS⁸

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

Summary

The size and scale of the proposed development is generally consistent with the pattern of development in the vicinity. The general office and medical land uses, which are not subject to discretionary review, are allowed in the zoning code and its close proximity to a regional-serving hospital is appropriate⁹.

The project site is located adjacent to one and close to two other regional-serving roadways. While there are wide sidewalks and residential properties nearby, the area is largely oriented toward the automobile. Vehicle access to the site is appropriately placed on San Vicente Boulevard, away from the residential properties to the west. Moreover, the project has been modified to discourage patrons from parking at metered spaces on Gale Street with the elimination of a pedestrian walkway entrance.

The environmental impacts associated with the project are consistent with the type of construction proposed and are short-term in nature. Mitigation measures have been identified that would reduce any impact to a level of insignificance.

⁸ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

⁹ As previously reported, the Planning Commission continues to evaluate the appropriateness of medical land uses in the City. This statement is based on existing regulations, City policy, and evaluation of surrounding land uses.

The variance requests are appropriate given the subject property's unique shape and roadways on three sides of the project site. Other properties in the area enjoy more traditionally, square-shaped parcels. The subject site is triangularly-shaped, which makes it difficult to provide code required parking in a manner that does not incorporate tandem parking. The revised project, as directed by the Planning Commission, includes eight parking spaces at the ground floor. The Beverly Hills Municipal code allows parking at the ground floor to be excluded from the FAR calculation provided that no less than 40 feet of the ground floor be devoted to office or retail uses and at least one full level of parking below grade is provided. The project provides office space at the ground floor, but is not continuously provided at a minimum of 40' due to the triangular shape of the lot, having street frontages on two streets and being located at the corner of the two streets.

The proposed loading zone configuration, size and number of spaces have been reviewed and deemed acceptable by the City's Traffic Engineer. However, the City's Traffic Engineer expressed concerns regarding the location of loading spaces next to the accessible parking spaces. The revised parking management plan prepared by the applicant indicates that this van loading area is designed to allow large vehicles to maneuver in and out of the two spaces by making three points turns. Due to the medical office and offices uses proposed for this building, frequent heavy delivery are not anticipated, except for routine trash pick-up. However, due to adjacency of the loading area to accessible parking, it is recommended that a loading management plan be provided if the project is approved.

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

Variance: The project site's triangular shape presents difficulties in designing the ground floor to provide 40' deep office space and required parking in a standard manner as required by Code. The shape of the lot reduces the ability of including the required 40' deep office space and providing code compliant parking that would otherwise be able to be provided in a more traditionally shaped, square or rectangular lot. If the subject triangular shaped lot was developed without any tandem spaces, approximately 147 code compliant spaces could be provided on the ground floor and in the four-level garage. The complexities of the site coupled with City's floor area definition and parking requirements including width of driveway access, driveway aisles and size of parking spaces limits the design of a parking structure.

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 22,500 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 revised proposed project will result in approximately 1,150 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.

Traffic: 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 and assisted parking program. The applicant has prepared a revised parking management plan (Attachment D), proposing a combination of valet parking system and self parking program for the garage. 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. The loading area is also redesigned, providing two van loading spaces. Due to the medical office and office uses of the building, frequent heavy loadings are not anticipated except for routine trash pick-up. Transportation Division has concerns about the location of the loading area next to the accessible parking. Subject to conditions regarding delivery schedule and loading monitoring by a loading manger, 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.

Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended:

- **Parking Management Plan.** A parking management plan is required to ensure the safe ingress, egress and internal circulation of patrons of the building, including loading activities and free validated parking. (See Attachment B, Condition 1).
- **Translucent Windows.** A translucent window system is required along the Gale Drive elevation to ensure the privacy of the adjacent residents along Gale Drive. (See Attachment B, Condition 3).
- **Lost Meter Revenue.** The applicant is required to compensate the City for the loss of revenue resulting from the removal of metered parking spaces. (See Attachment B, Condition 32).

- **Improved Turning Radius.** The intersection of Gale Drive and San Vicente Boulevard shall be reconstructed to increase the safety of right turns from Gale Drive. (See Attachment B, Condition 35).
- **Pavement, Sidewalks and Curbs.** The applicant is required to remove and replace the sidewalks and pavement in the vicinity of the project. (See Attachment B, Condition 6)
- **Lot Tie.** The project site consists of three parcels and will need to be tied together. A legal document will need to be filed with the County Assessor's Office (See Attachment B, Condition 7).
- **Operation Monitoring.** The project shall be subject to an annual monitoring operation for first three years after completion of the building to observe the garage operation and to ensure vehicle queues at the entrance do not back-up to San Vicente Boulevard (See Attachment B, Condition No. 4)
- **Variance.** The time to exercise the rights conferred by the variances shall be similar the Development Plan Review Permit. Without explicitly including this condition, the Code (BHMC Section 10-3-3712) limits the time limit to exercise rights to 180 days. (See Attachment B, Condition No. 10).

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (see [Attachment B](#)):

NEXT STEPS

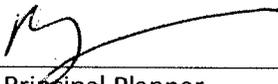
It is recommended that the Planning Commission direct staff to:

1. Prepare a resolution adopting a Mitigated Negative Declaration (MND) and,
2. Prepare a resolution conditionally approving a Development Plan Review and Variances.

Alternatively, the Planning Commission may consider the following actions:

1. Direct staff to prepare resolution with modified findings or conditions of approval.
2. Direct staff to prepare a resolution denying the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



David Reyes, Principal Planner

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Primary Building			
Height	45' [BHMC 10-3-2726]	45'	
Lot Coverage / Floor Area	2.0 FAR [BHMC 10-3-2745]	1.84 FAR 40,050 Sq.ft.	A variance is requested to exempt the first floor parking area from floor area calculation. If the variance is not granted, the proposal would be above the allowable 2.0 FAR.
Parking & Circulation			
Parking Spaces	Medical office:1/200 General Office:1/350 [BHMC 10-3-2730]	183 36 tandem stalls (20% of total parking spaces)	<ul style="list-style-type: none"> • 32,000sq.ft. medical office/200=160 • 8,050 general office/350=23 • Total spaces required=183 No tandem spaces are allowed. A variance requested for the proposed tandem spaces.
Loading Zones	3 truck loading spaces [BHMC 10-3-2741]	2 van size loading spaces	Planning Commission discretion
Aisle Width	26'	31'	
Vertical Clearance	8'	9'7"	
Vehicle Access	12' Min. 14' Max.	14'	
Green Building	[BHMC 10-3-4600]	The project will comply, verified at plan check process	All new building are subject to this program
Transition Zone	[BHMC 10-3-1951-1956)	The project will comply, after issuance of certificate of occupancy	All commercial structures within 170 feet of residential are subject to City's commercial-residential transition standards.

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Development Plan Review

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

The proposed project 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 and policies.

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 and ground floor parking area exemption from FAR calculation 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 55 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, height density (except for ground floor parking area exemption) 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 requested variances. 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.

Variance

- (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 project provides 183 parking spaces. 175 parking spaces are provided within the four levels of subterranean parking and the remaining eight spaces are located at the ground level. 20% of the proposed parking spaces are proposed in a tandem configuration. Denial of the requested variances would result in a project with 146 code compliant parking spaces, which would not be enough to support the development of 1.84 floor area ratio project for the proposed medical and 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 and would exempt the ground floor parking area from floor area calculation. Specifically, 183 parking spaces are proposed to be provided within a four level subterranean parking garage and at the ground level. 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.

DRAFT CONDITIONS

Project Specific Conditions

1. **The parking management plan.** Prior to the issuance of a building permit, the applicant shall submit a parking management plan for review and approval by the Directors of Community Development and Public Works. The parking management plan shall include at a minimum, the following:
 - a. The applicant shall provide free employee and tenant parking. The employee/tenant parking shall be located in the lower levels of parking garage with available parking attendant at the subject level to assist with the tandem spaces.
 - b. Free validated on-site parking shall be provided for the patrons (patients & visitors) of the building.
 - c. The applicant shall provide signage at driveway entrance to the parking area informing patrons of the validated parking requirements. Such sign shall be installed prior to issuance of a certificate of occupancy.
 - d. The project plans shall show the location of parking equipment to gain access for employees and tenant of the building during and after hours of operation in order to make sure the proposed location does not interrupt the garage operation.
2. **Loading Management Plan.** Prior to the issuance of a certificate of occupancy, a loading management plan shall be provided to include:
 - a. The delivery hours and a schedule for large deliveries for after hours
 - b. A delivery monitor with responsibility for controlling the circulation of loading vehicles. The person would be responsible to coordinate with the valet manager for directing the incoming/outgoing cars while delivery trucks are present.
3. **Translucent Window.** The applicant shall install translucent window system on the Gale Drive elevation.
4. **Operation Monitoring.** The project shall be subject to an annual monitoring operation for first three years after completion of the building to observe the garage operation and to ensure vehicle queues at the entrance do not back-up to San Vicente Boulevard.
5. **Metered Parking.** The proposal requires the removal of metered parking spaces along San Vicente Boulevard. Prior to removal of the metered parking spaces, the applicant shall compensate the City, with the lost revenues of the removed spaces.
6. **Right-Of-Way Improvements.** Sidewalks, curb ramps and curb and gutter surrounding the site on San Vicente Boulevard and Gale Drive will need to be removed and replaced (according to City standards), and shall be paid for by the applicant.

- a. The pavement for the full width of Gale Drive (between San Vicente Boulevard and the southern property line) will have to be removed and replaced according to City standards, and shall be paid for by the applicant.
 - b. The intersection of Gale Drive and San Vicente Boulevard shall be reconstructed to increase the safety of right turns from Gale Drive.
 - c. The pavement on the City's portion of San Vicente Boulevard between San Gale Drive and the southern property line will have to be removed and replaced according to City standards, and shall be paid for by the applicant.
7. **Flashing Warning Light.** Prior to the issuance of a Certificate of Occupancy, a silent warning device shall be installed to the satisfaction of the Director of Transportation at garage exit that would light up whenever a vehicle or truck is leaving the garage, warning the on-coming vehicular and pedestrian traffic.
 8. **Medical Waste.** Medical office shall be subject to the recommendations and procedures of the Department of Health and Human Services, including the placement of waste materials in special puncture-resistant containers.
 9. **Lot Tie.** Prior to the issuance of any building permits, the three parcels associated with development of the Project shall be legally tied to form one parcel. Such lot-tie shall be recorded with the Los Angeles County Assessor's Office.
 10. **Variance.** The time of exercise of rights for the variance shall be consistent with the time limits for the Development Plan Review.

Environmental Conditions/Mitigation Measures

Air Quality

11. **Ozone Precursor Control.** The following shall be implemented during construction to minimize emissions from construction equipment (AQ-1):
 - a. Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications;
 - b. Lengthen construction periods during the smog season so as to minimize the number of vehicles and equipment operating simultaneously; and
 - c. Use new technologies to control ozone precursor emissions as they become available.
12. **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 (AQ-2):
 - a. 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.

- b. 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.
- c. Contractor(s) shall apply water to disturbed soils after demolition is completed or at the end of each day of cleanup.
- d. Demolition activities shall be prohibited when wind speeds exceed 25 mph.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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).
- j. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- k. Contractor(s) shall apply water to the storage pile by hand or apply a cover when wind events are declared.
- l. 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

13. **Archaeologist.** 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-1).

14. **Human Remains.** 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 (CR-2).

Noise

15. **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(a)).
16. **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(b)).
17. **Diesel Equipment Mufflers.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers(N-1(c)).
18. **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(d)).
19. **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(e)).
20. **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(f)).

21. **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(g)).
22. **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(h)).
23. **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(N-1(i)):
 - a. 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.
 - b. 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.
 - c. 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.
 - d. All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes.

- e. 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.
26. **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 (T-1):
- a. 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.
 - b. All delivery trucks shall be scheduled to the extent feasible to occur during off-peak hours, when vehicle and pedestrian traffic is minimal.
 - c. 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.
 - d. 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.
 - e. A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood.
 - f. The contractor shall provide flagmen at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians.
 - g. 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.
 - h. The project applicant shall be required to keep the site and adjacent areas clean during construction.
 - i. Any curbside or lane closure schedule shall be approved by the City.

Standard Conditions

27. **Substantial compliance.** The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of September 16, 2010.

28. **Approval Runs With Land.** These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
29. **Zoning Compliance.** The project is required to comply with all applicable zoning regulations for the commercial projects including the City's Green Building Program, transitional zone operational standards and architectural review.
30. **Permit Expiration:**
 - a. **Development Plan Review Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
 - b. **Variance Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution
31. **Appeals.** The following are appeal procedures from the planning commission determination:
 - a. **Development Plan Review:** Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.
 - b. **Variance:** Any variance decision by the board of zoning adjustments shall become effective on the thirtieth day after the decision, unless appealed to the council or an order for review is issued by the council.
32. **Recorded Covenant.** The resolution approving the Development Plan Review and variances shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Fees

33. **Park and Recreation.** The project is subject to Parks and Recreation fees for permitting.
34. **Fine Arts.** After completion of architectural review of a new or modified commercial structure, and prior to issuance of occupancy, the applicant is required to comply with the Public Art ordinance. An application is required to be submitted to the fine Art Commission for review and of any proposed art piece, an alternative , the applicant may choose to pay an in lieu art fee.
35. **Fish & Game Fee.** Within three working days after approval of this Resolution, the Applicant shall remit to the City two cashier's checks, payable to the County Clerk, in the amount of \$50.00

dollars for a documentary handling fee and \$2,010.25 for a Fish and Game review fee as required pursuant to Fish and Game Code Section 711.4

Public Works Department

36. Pedestrian access on San Vicente Boulevard and Gale Drive shall be maintained during construction. A pedestrian canopy shall be constructed along both streets.
37. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
38. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
39. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
40. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
41. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
42. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
43. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the project.
44. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
45. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
46. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

47. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
48. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
49. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
50. Staging of construction related vehicles on the City's street is prohibited.
51. A NPDES permit shall be required from the State Regional Water Quality Control Board for the permanent dewatering. The applicant shall comply with the City's Dewatering requirements.
52. An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval. This plan must show all improvements in the public-right-of-way adjacent to the proposed improvement site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.
53. The applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Public Works & Transportation Department. An indemnity bond must be submitted and approved by the City Attorney prior to start of excavation. A copy of a document titled "Summary of Requirement for the Installation /Removal of Tie-backs and Supporting Structures" summarizes these requirements.
54. The developer shall construct infrastructure to facilitate the underground service connections for power, communications, cable, etc. and comply with City Council Resolution No. 10-R-12737. Undergrouding will start in the year of 2010 and will be accomplished by December 31, 2012.
55. A Sewer Area Study shall be provided to analyze the existing sewer lines within the City of Beverly Hills that will convey the flow from the subject project. The applicant shall pay for the sewer system upgrades (if needed) due to the additional proposed of sewage generated from this project.
56. All survey monuments, street lights, underground utilities, and any off-site improvements affected by the demolition shall be re-established according to the City standards and shall be paid for by the applicant.
57. Future driveway approach shall be required to be constructed to current ADA and City standards. Street light conduits impacted by the proposed driveway approach on San Vicente Boulevard shall be relocated and paid for by the applicant.
58. Applicant is required to submit a SWPPP (Storm Water Pollution Prevention Plan), and a SUSMP (Standard Urban Storm Water Mitigation Plan) to the Utilities Division for review and approval.

Recreation & Parks Division

59. The applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation and Parks Department.
60. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)
61. Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

ATTACHMENT C

Public Notice



NOTICE OF CONTINUED PUBLIC HEARING

DATE: September 16, 2010

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

LOCATION: Council Chambers, Room 280 A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

At its meeting of July 8, 2010, the Planning Commission continued the public hearing on this matter to allow the applicant to further revise the project. This continued hearing will be held on **Thursday, September 16, 2010 at 1:30 p.m.**, to consider the following:

A request for a Development Plan Review and a Variance application to allow construction of an approximate 40,050 square foot, 3-story, 45-foot tall new medical and general office building to be located at 121 -123 San Vicente Boulevard. Approval of a Development Plan Review is required for construction of new buildings. The project as proposed would provide 183 parking spaces at the ground floor and within a four-level subterranean garage and with a separate ingress and egress located at San Vicente Boulevard. The proposed parking spaces would be a combination of tandem and standard parking spaces, and would rely on a valet operation. The City's municipal code does not allow tandem parking spaces, and the applicant has requested approval of a variance to allow the proposed tandem parking system to satisfy the code required parking. In addition, a second variance is also requested to allow the ground floor parking and circulation areas to be excluded from the total floor area calculation. The Beverly Hills Municipal Code allows parking at the ground floor to be excluded from the definition of floor area provided that not less than forty feet (40') of the ground floor be devoted to retail or offices uses and at least one full level of parking below grade is provided. The project proposes a partial office use at the ground floor which does not provide a minimum depth of forty feet (40') as required by code.

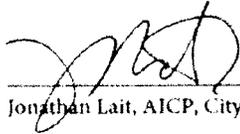
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and no significant unmitigated environmental impacts are anticipated; therefore, a mitigated negative declaration has been prepared, subject to review by the Planning Commission.

City of Beverly Hills 455 N. Rexford Drive Beverly Hills, California 90210 p (310) 285-1141 f (310) 858-5966 BeverlyHills.org

Notice of Public hearing
Planning Commission Meeting of September 16, 2010
121 San Vicente Boulevard

If you challenge the Commission's final action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Rita Naziri, Senior Planner in the Community Development Department, Planning Division at 310.285.1136 or by email at rnaziri@beverlyhills.org. Copies of the applications, plans, Mitigated Negative Declaration, and all documents referenced in the Mitigated Negative Declaration are on file in the Planning Department, and can be reviewed by any interested person at 455 N. Rexford Drive, Suite 100, Beverly Hills, CA. 90210.



Jonathan Lait, AICP, City Planner

Mailed and published: September 3, 2010

ATTACHMENT D
Revised Parking Management Plan

**121 SAN VICENTE MEDICAL AND GENERAL OFFICES
Parking Management Plan**

Prepared by:

Austin-Foust Associates, Inc.
2223 Wellington Avenue, Suite 300
Santa Ana, California 92701-3161
(714) 667-0496



August 26, 2010

121 SAN VICENTE MEDICAL AND GENERAL OFFICES

Parking Management Plan

INTRODUCTION

The proposed medical and general office building complex located at 121 San Vicente Boulevard in Beverly Hills is comprised of 40,000 square feet with a total 183 spaces, with handicap parking on the ground level and four levels of subterranean garage parking situated below the building.

Table 1	
PARKING STRUCTURE CAPACITY	
Level	Spaces
Ground Floor	8
P-1	41
P-2	41
P-3	41
P-4	52
Total	183

The Parking Management Plan (PMP) proposes a combination of valet parking and self parking. Parking levels P-1 and P-2 will be visitor valet parking only, level P-3 will have both valet and tenant parking, with level P-4 as tenant-employee level only parking. The right-turn in only entrance and separate right-turn only exit are both situated on San Vicente Boulevard. This PMP has been prepared to ensure that adequate access to/from the parking garage is provided and maintained such that no disruption of traffic occurs at the entrance on San Vicente Boulevard due to vehicle queuing.

FACILITY OPERATION, SPACE ALLOCATION, AND PARKING DEMAND

The garage facility will be open from 7:00 AM to 7:00 PM Monday through Friday. The valet station will be fully staffed during hours of operation. The parking area entrance is located on San Vicente Boulevard, and will be a one-way circulation, right turn in only driveway into the valet parking staging area (see Appendix for site plan and floor details). Both visitor and tenant-employee parkers will use this entrance. The ground level will also incorporate handicap parking with six stalls and two standard valet parking stalls. All vehicles will be valet parked, unless a parking pass/placard given to tenant-employees is shown to the valet parking personnel. Exiting the site will be through an exit only driveway to San Vicente Boulevard, which will be right-turn only.

Visitor Parking/Valet

All visitors will be directed to valet parking area located on the first floor, street level, entrance from San Vicente. All visitors will be valet parked, there will be no visitor self parking. Visitors will enter on San Vicente Boulevard and be directed via signage to the valet staging area next to the elevator lobby. Upon entering the garage, the valet station is located on the left inside.

Upon arriving at the valet area:

- All visitors will drop-off their vehicle with a valet in the staging area.
- Visitors with handicap parking placards will have their vehicle parked on the ground level handicap parking area
- Valets will take the vehicles to the nearest floor with available valet parking, which then the staffed parking attendant on that floor will take over the car to park.
- When visitors are ready to leave, they can return to the lobby, pay the valet cashier by validation, or otherwise, who will process their ticket and their vehicle will be called for retrieval.
- Once called for retrieval, a valet will be sent to that floor for the requested vehicle, and the parking attendant on that floor will back out the vehicle from its space to have ready for a valet upon arrival to return to the first floor.
- The processed ticket must be given to the valet attendant that retrieved their vehicle in order for valet to release the vehicle to the visitor. This is to ensure that the correct vehicles are returned to the correct visitors.

This entire process is highly efficient. Since the visitor will have already paid at the valet station cashier, there will be no need to stop and pay at the exit. As such, there will be no need for cashier exit booths, which can slow down the egress of traffic.

Tenant-Employee Parkers

The only self parkers in the facility will be tenants or employees of the building, and its medical and office space. These parkers will enter the same driveway as visitors, except they will have a parking pass/placard, to show valet parking personnel, which will allow them to self park their own vehicles. During peak times, the valets on all levels will help to direct ingress and egress self-parker traffic.

- To expedite ingress and egress, tenant-employee parkers will be issued a building parking placard or pass.
- Tenant-employee parkers will be allowed to gain access to levels P-3 and P-4.
- There will be no assigned tenant-employee parking, parkers may drive down and park in any space on the tenant-employee parking levels
- Each level of parking will have some tandem stalls that require attendant assist. At each level, there will be an attendant to assist with tandem parking during business hours. These attendants will also be available to supplement the regular valets at the main P-1 level valet station during peak rush periods.

Procedure For Tandem Parking

For tandem parking purposes, the two parking spaces will be designated as “B” and “F.” All the back parking spaces will be designated “B” and all parking spaces in the front will be designated “F.”

Parking on Space “F”

- Tenant employees will be directed to self-park in all the “F” spaces on a first come first serve basis.
- A tenant employee parking in a “F” space will park and lock the vehicle and keep the key.
- If an employee needs to leave, an attendant will move any blocking vehicle.

Parking on Space “B”

- Once all the “F” spaces are full, arriving cars will be directed to proceed to an attendant at a podium station where the attendant will proceed to park and lock the car and keep the key.

Aisle Parking

Aisle parking will not be utilized. The 121 San Vicente Medical Offices parking supply meets the City code requirement, thus negating the need for aisle parking vehicles.

Security

Emergency assistance call buttons will be available on each level. The call boxes are connected directly to the Security Station. Closed circuit cameras are available throughout the structure, including entrances and exits, valet station, and various points throughout each level. Monitors will be stationed at the Security Station. Access cards that utilize the same systems as the parking controls will be integrated for building access.

After Hours

Access to the parking garage will be secured after hours by roll gates on both the exit and entrance driveways on San Vicente Boulevard. The rolls gates will close after 7:00 PM and re-open at 7:00 AM. However, should a tenant-employee wish to exit or enter, a proximity card/device will open and close the rolls gates.

Staffing

Building management will be in charge of the parking operation, which will be run by the Manager and a Valet Supervisor in charge of the operation. The management will provide the guidance and flexibility to properly react to any changes in traffic flow and traffic mitigation. The first floor will be staffed with a valet cashier and two to four valets depending on the time of day. On Levels P-1 to P-4, there will be an attendant on each level during business hours to assist with tandem spaces or to assist valets on Level P-1 if need be. Radios will be provided for the Manager, Valet Supervisor, and a level attendant on each level to communicate and facilitate traffic, flow, staffing requests, and traffic mitigation.

Special attention will be directed to the queuing at the main visitor station on the first floor. In the unlikely event that there is a surge in vehicle arrivals, valet parking staff will follow a protocol to direct all attention to clearing the staging area of entering valet-visitor vehicles before attending to any retrieval of vehicles. If a queue of vehicles is observed extending out onto San Vicente Boulevard, staff stationed on levels P-1 to P-4 will be re-directed to assist the first floor valets to dissipate the queue.

Traffic Flow and Calculation

Tenants will enter the facility on San Vicente Boulevard. Both the entrance and exit driveways are 22 feet wide to allow 2 lanes of one-way flow entering and exiting the site. Directional signage will direct tenants to park on levels P-3 through P-4.

In the staging area, the entrance opens up to 31 feet in width. All visitors will be directed immediately to the valet station to the left on the first floor. Valets will direct vehicles to the front of the aisle and assist them (130 feet of storage is available). In the event of a back up of stored cars in the left valet lane, a second valet area can be used to store visitors on the right side of the staging area, with a total of 40 feet. Tenant-employee parkers will enter from San Vicente Boulevard and proceed straight in the staging area, where they will show valet staff their parking permits and then will be allowed to self park their own vehicles in parking areas P-3 or P-4. Valet vehicles will be parked on levels P-1 thru P-3 allowing for quick drop off and retrieval. Valet vehicles will be retrieved and brought to the dedicated valet exit lane (on the left) at the exit driveway. Tenant-employee parkers will retrieve their own vehicles and can exit using the free thru lane passing the valet pick up. Directional signage at the exit will direct all patrons to turn right only.

Parking Equipment

Tenant-employee parkers will have in and out privileges and access will be available 24 hours a day, 7 days a week, 365 days a year. Tenants of 121 San Vicente will have proximity card devices that will be programmed to gain access to the office building after hours, which will also work for the garage roll gates located on San Vicente Boulevard.

Parking Facility and Design Graphics

Graphics will be designed to clearly direct patrons for visitor valet and tenant-employee self parking. The interior graphics will also direct patrons to and from the elevators and between levels, and will be designed to make the elevator vestibule visible from every location in the parking facility. Signage will be color coded per level and in the palette of the building colors.

Validated Parking

All tenants must purchase validations through the parking office to validate their visitor/patients parking. However, visitors without their parking validated will pay the posted rate.

Employee Parking

Off-site parking for employees is not permitted. Per the leases, every tenant will be required to park all of their employees on-site. This will minimize impact to the surrounding parking structures and neighborhood.

Deliveries and Loading

Two loading docks are available and located on the first floor next to the valet staging area (see floor details). This loading area is designed to allow large vehicles to maneuver in and out of the two spaces by making three-point turns. Due to the medical office and office uses for this building, frequent heavy-vehicle traffic is not anticipated except for routine trash pick-up. In the event of deliveries and trash pick-up, deliveries will be scheduled during off hours to not interfere with traffic flow within or outside of the garage.

Monitoring Operation

Since it is clear that one of the primary conditions regarding the function and operation of the parking facility is to ensure vehicle queues at the entrance do not back-up onto San Vicente Boulevard, an annual monitoring program will be conducted. For three years after completion of the building, an annual monitoring report of the extent vehicle queuing will be prepared. This report will be prepared by an independent professional traffic engineer acceptable to the City of Beverly Hills. This Annual Monitoring Report (AMR) will observe actual vehicle queuing of the entrance on a quarterly basis and report its findings. If a queue extending back into San Vicente Boulevard is noted the parking management operators will be notified to take appropriate action to eliminate the queue. The results of any such action will be re-surveyed by the traffic engineer to ensure the offending queue is eliminated. The results of these quarterly observations will be summarized annually with a formal written report submitted to the City. If after three years of satisfactory results, the quarterly monitoring may be reduced to annual monitoring for the remainder of 10 years.

Queuing Analysis

A queuing analysis of the peak arrival vehicles entering the parking garage was conducted to ensure the entry was adequately designed to prevent a back-up from spilling out onto San Vicente Boulevard. This section discusses that analysis (a queue analysis for vehicles leaving was not conducted as visitors can only leave as fast as a valet can retrieve their vehicle, so the theoretical queue would occur with visitors waiting for their car in the first floor lobby, not with the vehicles itself).

The building is comprised of 32,000 square feet of medical office with 7,259 square feet of office use. Motorists who park in the structure will consist of two types, visitors-valet and tenant-employee self parkers. As mentioned before, the tenant-employee parkers of the building will have passes to show valet staff, which will let them through to self park. The staff of the medical offices must arrive, park and open the offices prior to scheduled appointments, which separates the arrivals of the tenant-employee parkers of the offices from the visitors. Based on these uses, the office use does not generate a great number of visitor trips or parking, as the majority of the building visitors will be the patients of the medical offices. The majority of visitors for the medical offices are patients, who are scheduled by appointments throughout the day, which helps regulate the arrival times of guests. So the primary factor that determines whether cars back out onto San Vicente Boulevard is the queue from the valet in the staging area.

Located in the Appendix are valet parking timing tables that look at three valet parking scenarios, which are to valet park a vehicle only, retrieve a parked vehicle only, and to valet park a vehicle and retrieve another vehicle. All timings are the start to finish time it takes for the valet to leave the staging area and return after completing the respective valet parking task. The worst case scenario that was analyzed assumed that the valet has to park one vehicle or retrieve another vehicle from the level P-3, the furthest parking level with visitor valet parking, which took three minutes and 55 seconds, or equates to over 15 vehicles parked and 15 vehicles retrieved in one hour by a valet. But there are three visitor-valet parking level floors, which the average time is three minutes and 15 seconds to valet park a vehicle and retrieve another vehicle, or over 18 vph parked and 18 vph retrieved per attendant.

The staging area entrance contains 130 feet of vehicle storage available before a back out onto the street would occur. The entry throat provides a vehicle storage capacity for 6 vehicles (130 feet÷20 feet/vehicle), plus an additional two vehicles in the drop off area. To determine the peak valet arrival for visitors of the 32,000 square feet of medical offices, the trip generation calculated from San Vicente

Medical Offices Project Traffic Study was used. The forecasted peak vehicle arrivals for the medical offices are as follows:

Table 2 MEDICAL OFFICE PEAK HOUR TRAFFIC VOLUMES		
Peak Hour	Entering Vehicles	Exiting Vehicles
AM	58	16
Mid-Day	68	60
PM	30	80

A review of this table indicates the maximum volume entering the parking structure is 68 vph in the mid-day peak hour. If we assume that all of the entering trips in the mid-day peak hour are visitors needing valet service, the valet service would need to at a maximum be able to handle 68 vph entering the valet staging area. With four valet attendants at the first floor staging area during the heavy mid-day peak, the minimum rate of vehicles valet parked would need to be 17 vph per attendant for there to theoretically never be a queue in the staging area. This rate of parking vehicles is more than achieved based on the average valet time of three minutes and 15 seconds to valet park a vehicle and retrieve another vehicle, or over 18 vph parked and 18 vph retrieved per attendant.

Typically vehicles do not arrive uniformly over the period, but as mentioned before, almost all of the visitors will be patients of the medical offices who will have scheduled appointments that will likely stagger and space visitor arrivals throughout the day so the valet staff should be more than sufficient to handle it. In the unlikely event that there is a surge in vehicle arrivals, the valet parking staff will follow a protocol to direct all attention to clearing the staging area of entering valet-visitor vehicles before attending to any retrieval of vehicles to return to the visitors. As mentioned before, visitors can only leave as fast as a valet can retrieve their vehicle, so the queue would occur with visitors waiting for their car in the first floor lobby, and not with the exiting vehicles. It is highly unlikely that with the amount of valet personnel and protocol for visitor vehicles to back out onto San Vicente Boulevard, but the building and valet management is fully committed to hire additional valets to handle these issues if necessary.

Finally, an annual monitoring program conducted by a reputable and independent traffic/parking engineer will be conducted with a report filed with the City to ensure that adequate gate and valet capacity is provided and continually maintained.

APPENDIX

Table A-1

VALET PARKING TIMES

Action	Time					
	Level P-1		Level P-2		Level P-3	
Valet Park Vehicle						
Visitor pulls into staging area for valet parking	0 seconds	--	0 seconds	--	0 seconds	--
Valet/visitor interaction at drop off - staging time	45 seconds	00:00:45 s	45 seconds	00:00:45 s	45 seconds	00:00:45 s
Valet drives down to level from entry staging area	25 seconds	00:01:10 s	40 seconds	00:01:25 s	60 seconds	00:01:45 s
Valet leaves vehicle for level parking attendant	10 seconds	00:01:20 s	10 seconds	00:01:35 s	10 seconds	00:01:55 s
Valet walks up flights of stairs returning to staging area*	10 seconds	00:01:30 s	20 seconds	00:01:55 s	30 seconds	00:02:25 s
Valet return to staging area for next vehicle	5 seconds	00:01:35 s	5 seconds	00:02:00 s	5 seconds	00:02:30 s
	Total	00:01:35 s	Total	00:02:00 s	Total	00:02:30 s
Valet Retrieve Vehicle						
Retrieve vehicle call made to level attendant from cashier	0 seconds	00:00:00 s	0 seconds	00:00:00 s	0 seconds	00:00:00 s
Valet sent to parking level	2 seconds	00:00:02 s	2 seconds	00:00:02 s	2 seconds	00:00:02 s
Valet walks down stairs to level *	9 seconds*	00:00:09 s	19 seconds*	00:00:21 s	28 seconds*	00:00:30 s
Attendant retrieves vehicle from tandem parked "F" space * (after retrieve call received from valet cashier)	65 seconds*	00:01:05 s	65 seconds*	00:01:05 s	65 seconds*	00:01:05 s
Valet drives up to first floor vehicle pick up area	25 seconds	00:01:30 s	40seconds	00:01:45 s	60 seconds	00:02:05 s
Valet/visitor exchange exit pass -drop off staging time	45 seconds	00:02:15 s	45 seconds	00:02:30 s	45 seconds	00:02:50 s
Valet return to staging area for next vehicle	5 seconds	00:02:20 s	5 seconds	00:02:35 s	5 seconds	00:02:55 s
	Total	00:02:20 s	Total	00:02:35 s	Total	00:02:55 s
Valet Park & Retrieve Vehicle						
Visitor pulls into staging area for valet parking	0 seconds	--	0 seconds	--	0 seconds	--
Valet/visitor drop off staging time	45 seconds	00:00:45 s	45 seconds	00:00:45 s	45 seconds	00:00:45 s
Valet drives to level from entry staging area	25 seconds	00:01:10 s	40 seconds	00:01:25 s	60 seconds	00:01:45 s
Valet leaves vehicle for level P-3 parking attendant	10 seconds	00:01:20 s	10 seconds	00:01:35 s	10 seconds	00:01:55 s
Attendant has vehicle from tandem parked "F" space ready (after retrieve call received from valet cashier)	10 seconds	00:01:30 s	10 seconds	00:01:45 s	10 seconds	00:02:05 s
Valet drives up to first floor vehicle pick up area	25 seconds	00:01:55 s	40seconds	00:02:25 s	60 seconds	00:02:05 s
Valet/visitor exchange exit pass -drop off staging time	45 seconds	00:02:40 s	45 seconds	00:03:10 s	45 seconds	00:03:50 s
Valet ready for next vehicle in staging area	5 seconds	00:02:45 s	5 seconds	00:03:15 s	5 seconds	00:03:55 s
	Total	00:02:45 s	Total	00:03:15 s	Total	00:03:55 s

* Times recorded are based on empirical data from trials

Table A-2

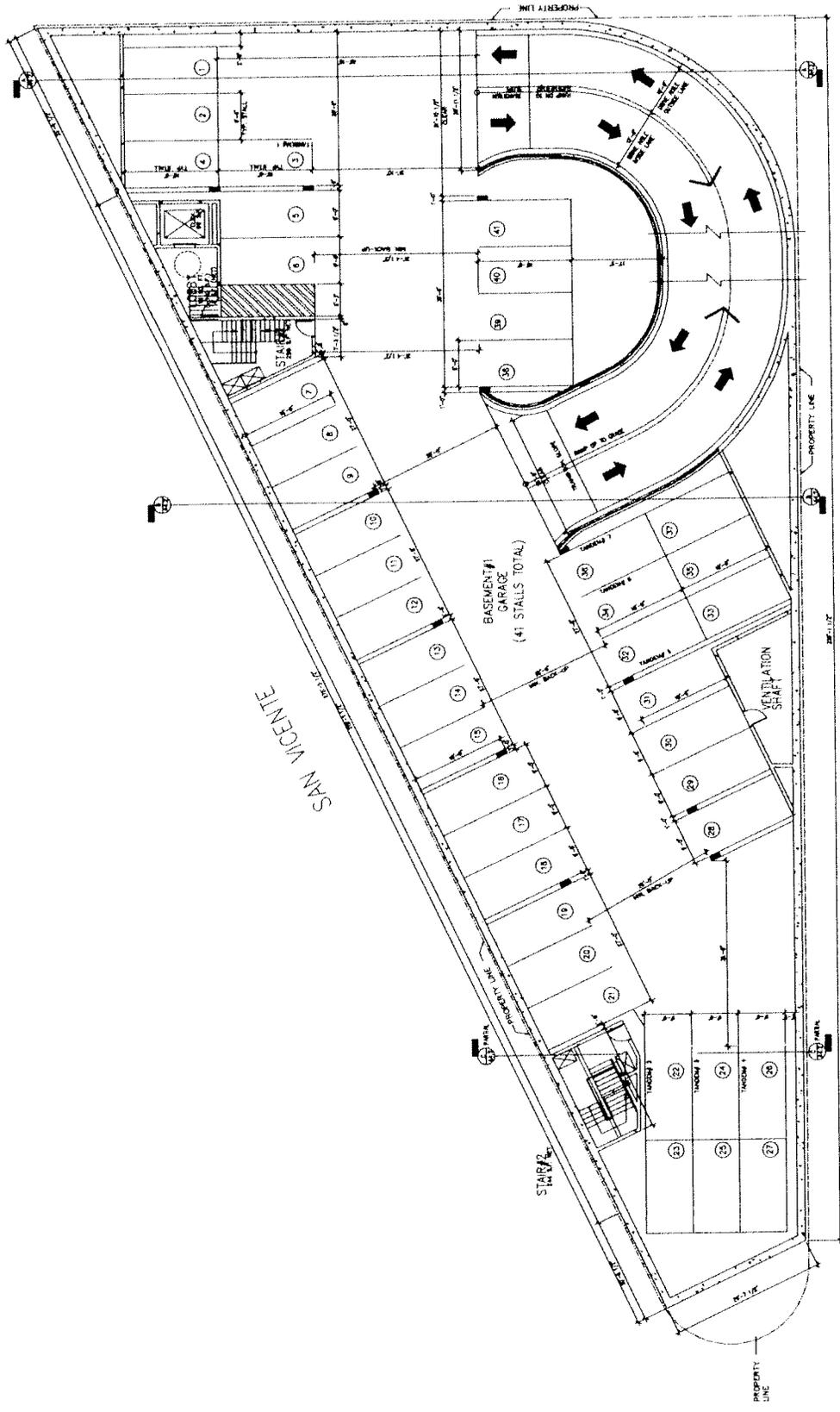
VALET PARKING TIMES (NON TANDEM SPACES)

Action	Time					
	Level P-1		Level P-2		Level P-3	
Valet Park Vehicle						
Visitor pulls into staging area for valet parking	0 seconds	--	0 seconds	--	0 seconds	--
Valet/visitor interaction at drop off - staging time	45 seconds	00:00:45 s	45 seconds	00:00:45 s	45 seconds	00:00:45 s
Valet drives down to level from entry staging area	25 seconds	00:01:10 s	40 seconds	00:01:25 s	60 seconds	00:01:45 s
Valet leaves vehicle for level parking attendant	10 seconds	00:01:20 s	10 seconds	00:01:35 s	10 seconds	00:01:55 s
Valet walks up flights of stairs returning to staging area*	10 seconds	00:01:30 s	20 seconds	00:01:55 s	30 seconds	00:02:25 s
Valet return to staging area for next vehicle	5 seconds	00:01:35 s	5 seconds	00:02:00 s	5 seconds	00:02:30 s
Total	5 seconds	00:01:35 s	5 seconds	00:02:00 s	5 seconds	00:02:30 s
Valet Retrieve Vehicle						
Retrieve vehicle call made to level attendant from cashier	0 seconds	00:00:00 s	0 seconds	00:00:00 s	0 seconds	00:00:00 s
Valet sent to parking level	2 seconds	00:00:02 s	2 seconds	00:00:02 s	2 seconds	00:00:02 s
Valet walks down stairs to level *	9 seconds*	00:00:09 s	19 seconds*	00:00:21 s	28 seconds*	00:00:30 s
Attendant retrieves vehicle from non tandem parked "F" space * (after retrieve call received from valet cashier)	25 seconds*	00:00:25 s	25 seconds*	00:00:25 s	25 seconds*	00:00:30 s
Valet drives up to first floor vehicle pick up area	25 seconds	00:00:50 s	40 seconds	00:01:05 s	60 seconds	00:01:30 s
Valet/visitor exchange exit pass -drop off staging time	45 seconds	00:01:35 s	45 seconds	00:01:50 s	45 seconds	00:02:15 s
Valet return to staging area for next vehicle	5 seconds	00:01:40 s	5 seconds	00:01:55 s	5 seconds	00:02:20 s
Total	5 seconds	00:01:40 s	5 seconds	00:01:55 s	5 seconds	00:02:20 s
Valet Park & Retrieve Vehicle						
Visitor pulls into staging area for valet parking	0 seconds	--	0 seconds	--	0 seconds	--
Valet/visitor drop off staging time	45 seconds	00:00:45 s	45 seconds	00:00:45 s	45 seconds	00:00:45 s
Valet drives to level from entry staging area	25 seconds	00:01:10 s	40 seconds	00:01:25 s	60 seconds	00:01:45 s
Valet leaves vehicle for level P-3 parking attendant	10 seconds	00:01:20 s	10 seconds	00:01:35 s	10 seconds	00:01:55 s
Attendant has vehicle from non tandem parked "F" space ready (after retrieve call received from valet cashier)	10 seconds	00:01:30 s	10 seconds	00:01:45 s	10 seconds	00:02:05 s
Valet drives up to first floor vehicle pick up area	25 seconds	00:01:55 s	40 seconds	00:02:25 s	60 seconds	00:03:05 s
Valet/visitor exchange exit pass -drop off staging time	45 seconds	00:02:40 s	45 seconds	00:03:10 s	45 seconds	00:03:50 s
Valet ready for next vehicle in staging area	5 seconds	00:02:45 s	5 seconds	00:03:15 s	5 seconds	00:03:55 s
Total	5 seconds	00:02:45 s	5 seconds	00:03:15 s	5 seconds	00:03:55 s

* Times recorded are based on empirical data from trials



PRELIMINARY DRAWING



BASEMENT #1 FLOOR PLAN

SCALE: 1/8" = 1'-0"

FLOOR AREA TABULATION:
 STAIRS: 1,000 S.F.
 ELEVATOR: 1,000 S.F.
 CIRCULATION: 1,000 S.F.
 TOTAL: 3,000 S.F.

PARKING TABULATION:
 STALLS: 41
 TOTAL: 41 STALLS
 (SEE PLAN FOR STALL LOCATIONS)

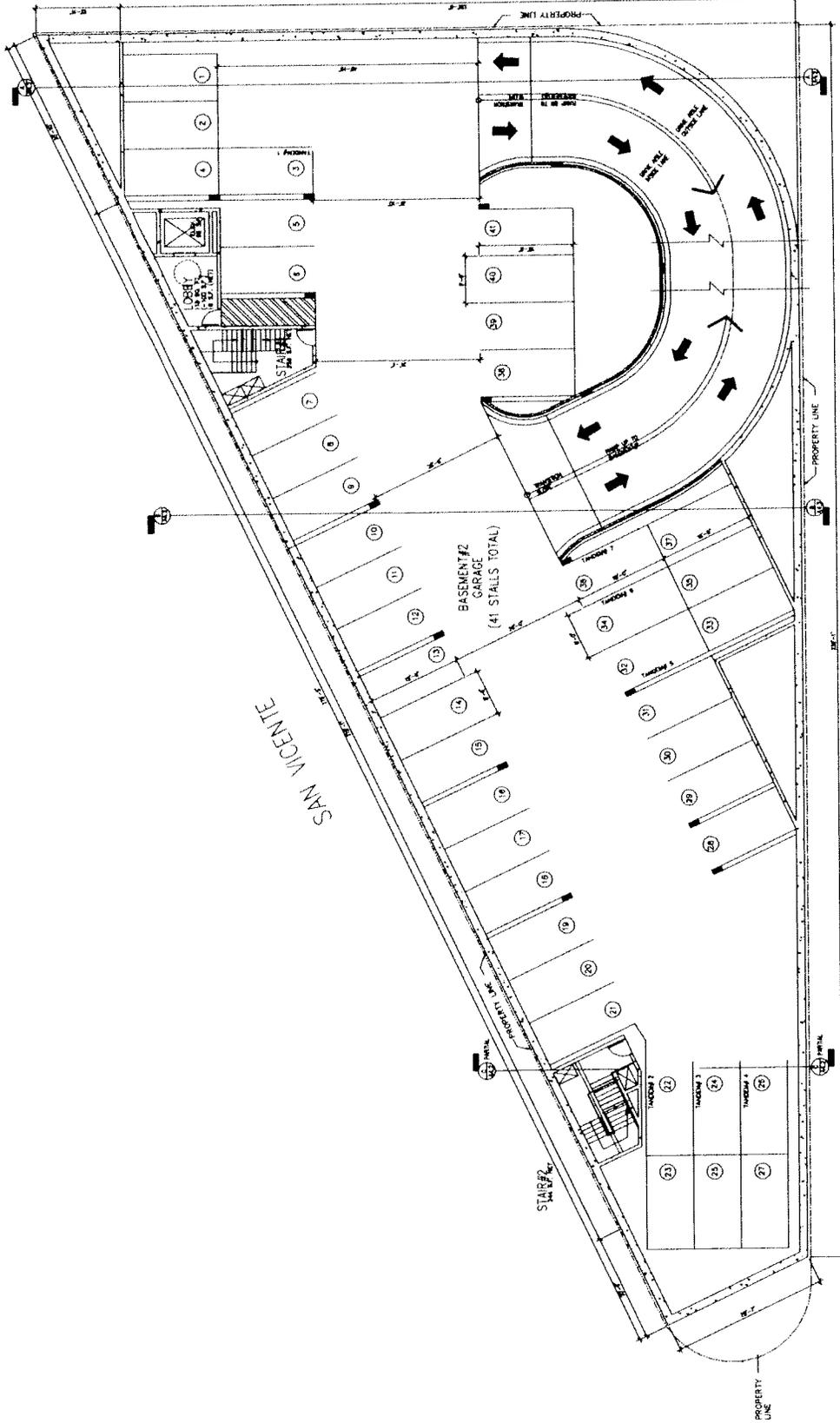
GALE

KEN STOCKTON ARCHITECT
 3500 N. GARDEN ROAD, SUITE 100, GARDEN CITY, MO 64240
 PHONE: 660-884-7700 FAX: 660-884-8000

PROJECT: BASEMENT #2 - PARKING GARAGE
 DRAWN: K.T.S.
 DATE: 10/26/09
 11/20/09
 01/25/10

PROJECT NAME: SAN VICENTE MEDICAL OFFICES
 1701 SAN VICENTE BLVD.
 GARDEN CITY, MO 64240

CLIENT: MR. MIKE AHMAR
 214 N. 10TH ST.
 GARDEN CITY, MO 64240
 PHONE: 660-240-4477



GALE



BASEMENT #2 FLOOR PLAN
 SCALE: 1/8" = 1'-0"

FLOOR AREA TABULATION:
 FLOOR AREA: 11,811 S.F.
 STAIR AREA: 1,000 S.F.
 TOTAL FLOOR AREA: 12,811 S.F.

PARKING TABULATION:
 TOTAL STALLS: 41
 TOTAL FLOOR AREA: 11,811 S.F.
 TOTAL STAIR AREA: 1,000 S.F.
 TOTAL FLOOR AREA: 12,811 S.F.

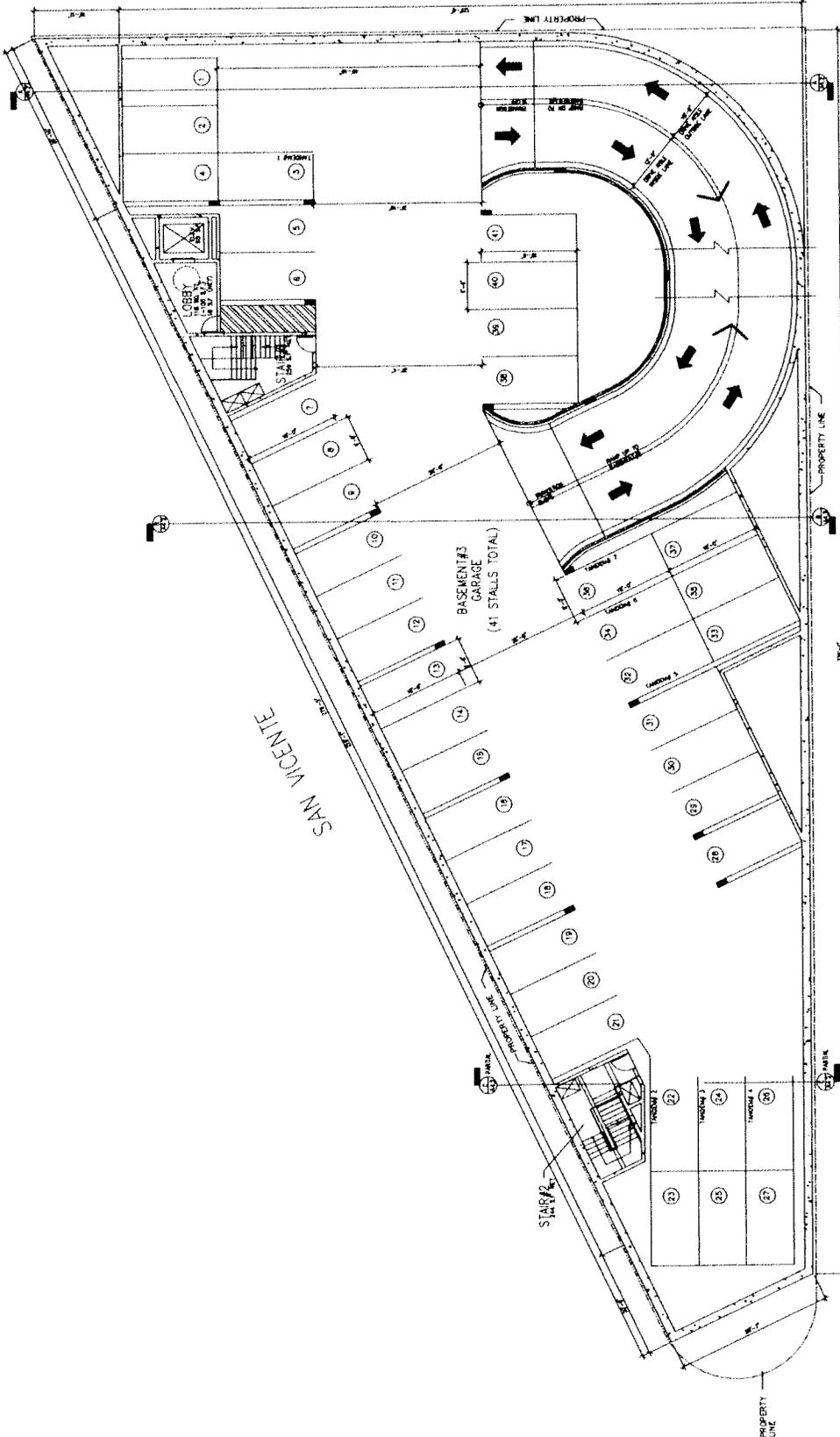


KEN STOCKTON
ARCHITECT
2000 N. GARDEN ROAD, SUITE 200, CA 92660
(714) 261-1111 FAX (714) 261-1104

PROJECT NAME: BASEMENT #3 - PARKING GARAGE
OWNER: SAN VICENTE MEDICAL OFFICES
DATE: 11/05/08
REVISIONS:
11/05/08
08/09/08
08/09/08

PROJECT NO.:
PROJECT NAME: SAN VICENTE
MEDICAL OFFICES
171 SAN VICENTE BLVD
SANTA ANA, CA 92701

DESIGNER:
MR. MIKE AHMAR
P.O. BOX 1008
SANTA ANA, CA 92701
(714) 261-1111



GALE



BASEMENT #3 FLOOR PLAN

SCALE: 1/8" = 1'-0"

PARKING TABULATION:
 STAIRS: 2 STALLS
 STAIRS: 2 STALLS
 OVER THE GARAGE: 41 STALLS

FLOOR AREA TABULATION:
 GARAGE AREA: 18,371 SQ. FT.
 STAIRS: 1,170 SQ. FT.
 LOBBY: 1,170 SQ. FT.
 TOTAL: 20,711 SQ. FT.

BASEMENT #3 FLOOR AREA TABULATION:
 STAIRS: 1,170 SQ. FT.
 LOBBY: 1,170 SQ. FT.
 TOTAL: 2,340 SQ. FT.

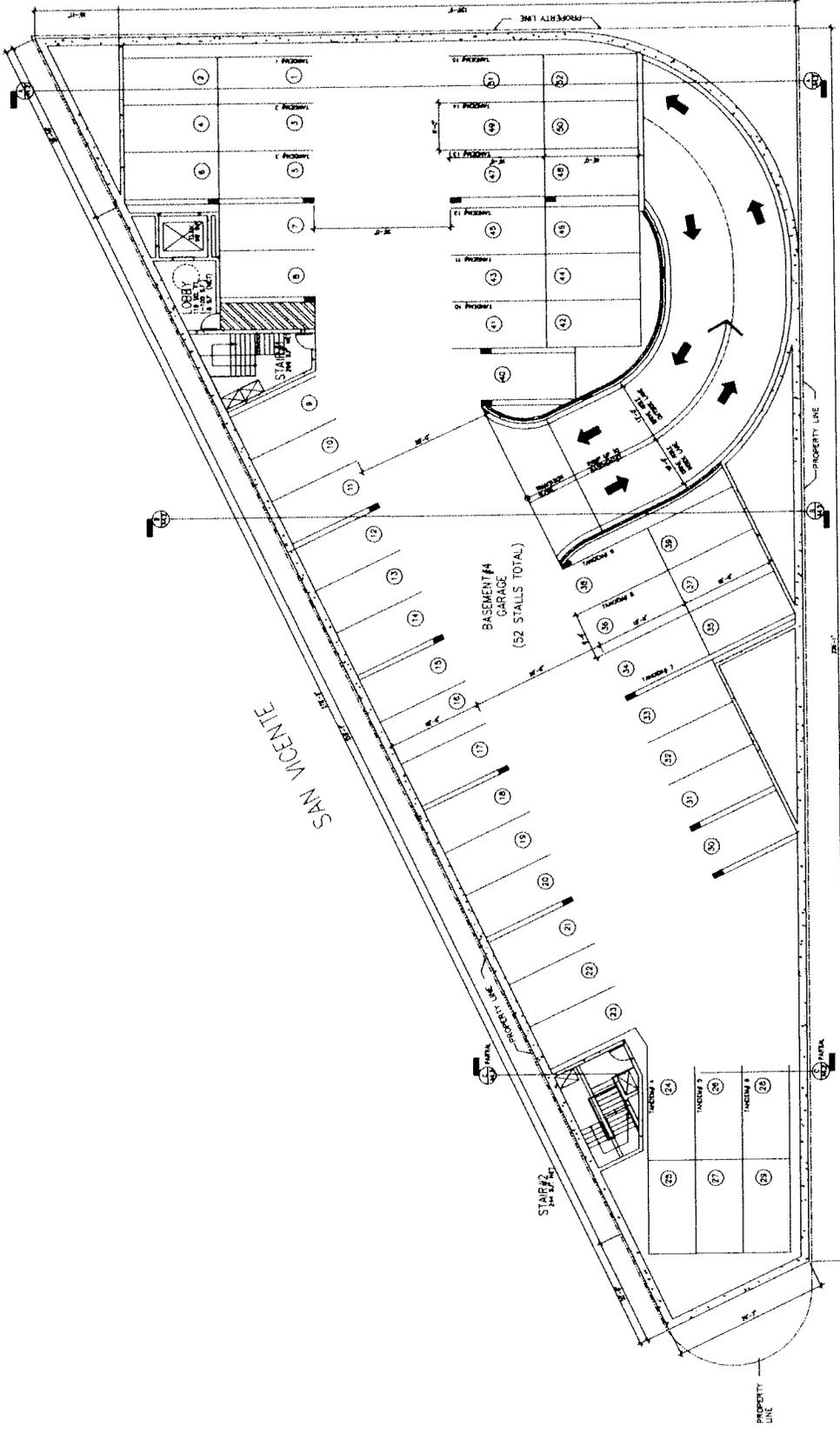


KEN STOCKTON
ARCHITECT
2000 S. KATE ST., SUITE 100, CARLSBAD, CA 92008
TEL: (760) 439-1000
FAX: (760) 439-1001

PROJECT NAME: BASEMENT #4 - PARKING GARAGE
DATE: 11/19/08
DRAWN: K.E.S.
CHECKED: [Signature]
SCALE: AS SHOWN

SAN VICENTE
MEDICAL OFFICES
171 SAN VICENTE BLVD.
CARLSBAD, CA 92008

MR. MIKE AHMAR
DEVELOPER
1000 S. KATE ST., SUITE 100
CARLSBAD, CA 92008
TEL: (760) 439-1000
FAX: (760) 439-1001



GALE



BASEMENT #4 FLOOR PLAN

SCALE: 1/8" = 1'-0"

FLOOR AREA TABULATION:
 ELEVATOR CORE: 18 S.F.
 STAIRS: 10 S.F.
 TRUCKING: 100 S.F.
 TOTAL: 128 S.F.

PARKING TABULATION:
 STALLS: 52
 TRUCKING: 100
 TOTAL: 152

STAIR #1:
 AREA: 10 S.F.
 ELEVATOR CORE: 18 S.F.

STAIR #2:
 AREA: 10 S.F.
 ELEVATOR CORE: 18 S.F.

ATTACHMENT E
Revised Responses to Comments

COMMENTS and RESPONSES

This appendix contains the written comments received in response to the Draft Mitigated negative declaration (MND). The Draft MND was circulated for a period of 21 days, concluding on May 20, 2010. Each comment letter received by the City of Beverly Hills (City) has been included within this section. Responses to the comments have been prepared to address the environmental concerns raised by the commenters and to indicate where and how the MND addresses these environmental issues. Each letter is presented first, with the responses following.

The City received one (1) written comment letter on the Draft MND during the comment period and six (6) additional letters after the close of the comment period. These letters are listed below.

<u>Commenter</u>	<u>Page #</u>
1. Sharon and David Novin	2
2. Joshua Tomaszewski	4
3. Stuart Weiss	6
4. [Name illegible]	8
5. Stephen M. Gelber	10
6. Howard Goldstein	27
7. Fariba Songhorian (Includes petition and signatures)	30

The comment letters and the City's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a letter.

In addition to written comments, verbal comments were received at the Planning Commission hearing of May 27, 2010. Responses to verbal comments from the hearing follow the responses to the written comments received, on Page 42.



Letter 1

**Sharon and David Novin
112 N Hamilton Drive #109
Beverly Hills, CA 90211**

May 26, 2010

CITY OF BEVERLY HILLS
PLANNING DEPARTMENT

SUBMITTED AT PLANNING
COMMISSION MEETING OF:
May 27, 2010

To The Beverly Hills Planning Commission;

I am writing to voice my support of the 121 San Vicente Boulevard project. I live at 112 N Hamilton Drive, and whatever is built at that site is of great interest to me.

It is clear from the project as presented that it is a carefully thought-out plan. The ingress and egress on San Vicente only, the architectural style and the landscaping respects the neighborhood and neighbors.

I also believe that the quality of this development will increase the value of the residential property in the neighborhood.

Thank you.

Sincerely,



Sharon and David Novin

Letter 1

COMMENTER: Sharon and David Novin

DATE: May 26, 2010

RESPONSE:

The commenters state support for the project, listing the proposed access on San Vicente Boulevard and the proposed architecture and landscaping as positive features. As the comment does not relate directly to the adequacy of the Draft MND, no response is necessary.



Letter 2

Beverly Hills, CA 90211

CITY OF BEVERLY HILLS
PLANNING DEPARTMENT

SUBMITTED AT PLANNING
COMMISSION MEETING OF:

PC Mtg 5-27-10
5/21/10

To the Beverly Hills Planning Commission:

I own the property at 113 N GALE Dr., which is very close to the new development at 121 San Vicente Blvd. I attended a meeting by the developer where he and the architect explained the medical building project that they are planning. As neighbors we are all concerned about traffic and parking. Upon hearing the plans, I urge the Planning Commission to approve this project. This is a well-planned development that will enhance this area of currently old, vacant, and rundown buildings.

The 121 San Vicente project is the right design and plan for this site and our neighborhood. We urge you to approve it.

Sincerely,



Joshua Tomaszewski
Owner 113 N Gale Dr

Letter 2

COMMENTER: Joshua Tomaszewski

DATE: May 27, 2010

RESPONSE:

The commenter states support for the project, expressing an opinion that the project would enhance the site and neighborhood. As the comment does not relate directly to the adequacy of the Draft MND, no response is necessary.



Rita Naziri

From: Stuart Weiss [nustu2@gmail.com]
Sent: Tuesday, June 01, 2010 1:30 PM
To: Rita Naziri
Subject: Fwd: 121 S. San Vincente Blvd. Developers request for Variance

Letter 3

Dear Commissioners.

At the meeting held last Thursday, May 27 subject project, a commissioner believed to be Mr. Furie, responding to a point made by this resident, opined that added metered parking might well be installed at the East-side of Gale Dr. due the elimination of parking entrances from the street (where presently six (6) meters are in operation). Further there exists now (6) meters adjacent to the proposed building-line along the West side of San Vincente.

Submit the strong probability that those and any subsequent metered space will be filled by autos displaying active handicapped permits. Practice has proven patients arriving for treatment will select

a relatively flat, adjacent street location rather than endure the tender mercies of "complimentary valet services" regardless their intended effectiveness. As with most patients, the award of handicapped passes by physicians, a self-fulfilling prophecy. Further the "resident" parking pass space on the West side of Gale Dr. would then be competing with "handicapped"-badged vehicles the majority of week.

That reality might well dampen the desire for local residents to shell-out hard dollars to acquire passes at un-metered curbing affording at best, restricted use of competitive space.

My thanks to the board for considering my voiced concerns this project. Believe the response to this "improvement" by my fellow residents has been sparse as the majority of home-owners (at least in my building) speak English as a second or third language.

Sincerely,

Stuart

Stuart Weiss
nustu2@gmail.com
125. N. Gale Dr. #403
Beverly Hills, CA 90211
310.991.9350

Preserve Liberty

Letter 3

COMMENTER: Stuart Weiss

DATE: June 1, 2010

RESPONSE:

The commenter states that, at the Planning Commission hearing of May 27, 2010, one of the commissioners opined that project implementation may result in installation of metered parking on Gale Drive, and that such parking would attract vehicles with "handicapped" parking badges, reducing street parking available for residents. As the project would offer onsite parking to meet City Code requirements, and free valet parking for all visitors, it is speculative to assume that visitors, particularly those with disabilities, would park on the street rather than directly at the site. Although this comment is noted, no changes to the MND are warranted.



Letter 4

COMMENTER: [Name illegible]

DATE: May 3, 2010

RESPONSE:

The commenter states opposition to the project. The comment is noted; however, as the commenter does not provide specific reasons for opposition or identify any environmental issues related to the project, no further response is necessary.



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July 7, 2010

Letter 5

VIA E-MAIL AND CERTIFIED MAIL -RETURN RECEIPT REQUESTED

jlait@beverlyhills.org

rnaziri@beverlyhills.org

Jonathan Lait, AICP, City Planner
Rita Naziri, Senior Planner
City of Beverly Hills
Community Development/Planning
455 North Rexford Drive, Room 100
Beverly Hills, California 90210

Re: 121 San Vicente Boulevard Medical Offices Project

119 - 123 San Vincente Boulevard

Development Plan Review and a Variance Application to allow tandem parking for construction of a new three-story, 45-foot tall Medical/General Office building containing approximately 40,750 square feet of floor area over a four-level, subterranean parking garage with 185 parking spaces at 119-123 San Vincente Boulevard

Dear Mr. Lait and Ms. Naziri :

On behalf of the owners of the property at 118 - 122½ N. Gale Drive, in Beverly Hills, I am writing to follow up on my telephone conversation with Ms. Naziri last Friday, July 2, 2010, and to formally state certain concerns that we have regarding the above-referenced project. For the reasons specified in this letter, we object both to the approval of this project as currently conceived and to granting of the variance requested in connection with the project. We do not believe that the Mitigated Negative Declaration, as modified as set forth in the draft Staff Report for the Planning Commission Meeting on July 8, 2010, takes into account or addresses the specific and disproportionate impact and risks that the project poses for the property at 118 - 122½ Gale Drive, certain important adverse effects on the North Gale Drive neighborhood, especially concerning traffic, or other relevant and material considerations.

5.1

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Accordingly, we request that you treat and file this letter as our formal objection to both approval of the project and the granting of the requested variance.

I would appreciate the opportunity to appear before the Planning Commission and to address any questions that the members of the Commission may have regarding our concerns and objections, but I am unable to travel from Honolulu, Hawaii, on July 8th, for the Commission Meeting on that date. Insofar as appropriate, we would therefore also request that the hearing on this matter be continued to a later date in order to permit either myself or someone else to appear on behalf of the owners of the property at 118 - 122½ N. Gale Drive and to state our objections for the record.

By this letter, I would like to provide you with some background information and outline some of the objections and concerns that we have regarding the subject project.

Statement of Interest

The property at 118 - 122½ N. Gale Drive is immediately south of, adjacent to, and abuts the project site. 118 - 122½ N. Gale Drive is designated as County Assessor's No. 4334-022-078 and is more particularly described as Lot 455 of Tract 4988 as per map recorded in Book 54, at Pages 98 and 99 of the Office of the County Recorder. The property consists approximately 7,910 square feet of land and is improved with a small two-story, six-unit apartment building.^{1/}

The 118 - 122½ N. Gale Drive property was originally acquired by my grandfather in 1943, and the property has been owned by my family for the last 67 years. For estate planning and other reasons, the property was transferred into, and is now held by, a California limited liability company named "Dreskin, Gelber & Silverman, LLC" – which are, respectively, the married names of my grandfather's three daughters. The principal members of Dreskin, Gelber & Silverman, LLC, are my mother, Betty Gelber, who is 95 years of age, and

^{1/} The Draft Initial Study/Mitigated Negative Declaration incorrectly recites (at page 2) that the project site is "bordered to the south by a single-family residence."

5.1 cont'd

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her sister and my aunt, Gladys Dreskin, who is 94 years old. Betty Gelber and Gladys Dreskin both live at The BridgePoint at Beverly Hills Assisted Living Residence at 220 N. Clark Drive, in Beverly Hills. Their sister and my grandfather's youngest daughter, Frances Silverman, who was the third principal partner/member of Dreskin, Gelber & Silverman, died in 1996. I and my brother, Don Jeffrey Gelber, are both members and the current Managers of Dreskin, Gelber & Silverman, LLC. The other partner/members are all family members.

The proposed project site is variously designated as 121 San Vincente and 119 - 23 San Vincente. The project is to be located on an oddly-shaped severely-tapered triangular site consisting of three parcels (Lots 452, 453, and 454) which have been combined into and are designated by two County Assessor's numbers: 4334-022- 076 and 4334-022-077. All of the parcels together comprise under 22,000 square feet of land (actually 21,837± square feet). As currently conceived, the project would involve demolition of all existing structures on the project site, the excavation and removal of 40,000 cubic yards of material for construction of a four-level subterranean garage,^{2/} and development of a 40,750 square foot, three-story medical/office complex rising 45 feet above grade and immediately adjacent to my family's property at 118 - 122½ N. Gale Drive.

The Project Should Not Be Allowed Proceed Without Modifications to Address the Specific and Disproportionate Risks Posed to the Adjacent Property at 118 - 122½ N. Gale Drive

Except for municipal streets (N. Gale Drive and San Vincente), the only property that is adjacent to or abuts the project site is our property 118 - 122½ N. Gale Drive . I am attaching to this letter various maps and diagrams from the Draft Initial Study/Mitigated Negative Declaration showing the immediate proximity of the project site to our property (which I gave designated as "118 - 122½ N. Gale Drive" on the subject maps and diagrams). As noted, the project as currently conceived involves excavation and removal of 40,000 cubic yards of below-grade material for purposes of constructing a four-level subterranean garage extending approximately 40 feet below grade. (See Appendix D to Draft Initial

^{2/} Draft Initial Study/Mitigated Negative Declarations, at 2.

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Study/Mitigated Negative Declaration (Applied Earth Sciences, letter, dated March 15, 2010, at 1).) According to the applicant's own geotechnical report, groundwater is encountered at depths 23 to 28 feet. (See Appendix D to Draft Initial Study/Mitigated Negative Declaration (Applied Earth Sciences, letter, dated November 18, 2008, at 4).) Originally, the applicant proposed a two-level subterranean garage extending about 20 feet below grade. (*Ibid.*) Because of the presence of significant groundwater at depths of around 23 to 28 feet and other factors, the applicant's geotechnical expert recommended, even in connection with the proposed two-level subterranean garage, that temporary shoring in a form of soldier piles with interior bracing or tieback anchors be used, that the applicant monitor construction to ensure that "[t]he lateral support of the existing off-site buildings . . . be maintained by the planned temporary shoring for the subject project," and that some form of subdrain system be installed for "permanent dewatering" of the site. (*Ibid.*, at 9, 11.)

As far as we can tell, despite the obvious risks that construction of a four-level subterranean parking garage pose under these circumstances, neither the applicant's submissions nor the initial or revised Staff Reports address the potential subsidence and other geotechnical risks posed to adjacent properties by either the original two-level subterranean parking garage or, more significantly, the currently proposed four-level subterranean garage that extends 12 to 18 feet below the historic groundwater levels.

5.2 cont'd

We note, however, that, in order to protect the interests of the City with reference to its adjacent public rights-of-way, the revised Staff Report recommends both that the applicant's shoring plans must be approved by the Public Works & Transportation department and that the applicant post an indemnity bond approved by the City Attorney. Since the property at 118 - 122½ N. Gale Drive is the only other property adjacent to the proposed project site and is exposed to an even higher level of risk related to the proposed project, we believe that the developer should similarly be required to post a surety bond to indemnify and hold the owners of the property at 118 - 122½ N. Gale Drive harmless from any damage to our property related to this development.

Additionally, if the City decides to permit this project to proceed in these circumstances, we would assume that the City would likewise be prepared to indemnify the

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owners of the property at 118 - 122½ N. Gale Drive against any loss or damage resulting from the development of the proposed project, specifically including damage occurring as a result of the excavation for any subterranean garage approved by the City. 5.2 cont'd

The Commission Should Reconsider and Take into Account the Significant Adverse Effects on the Neighboring Residential Community

The proposed project, even with the project revisions discussed in the Staff Report for the July 8th Commission Meeting, would involve significant changes to the N. Gale Drive neighborhood that need to be analyzed more thoroughly:

Traffic Impact

As originally proposed, the project would have consisted of a 42,256 square foot building, with 36,424 square feet devoted to medical office use, and 199 parking spaces. According to the applicant, a project of this magnitude would have added 1,954 additional trips per day – of which, according to the original Staff Report, 391 total trips would be along N. Gale Drive. (See Staff Report for the Planning Commission Meeting of May 27, 2010, at 7.) As reconfigured, the project has been reduced less than 2,000 square feet (to 40,750 square feet), consisting of 32,000 square feet of medical office use and 8,750 square feet of general office space. The contention is that the small reduction in overall square footage, coupled with the elimination of certain restaurant/retail space and the re-allocation of about 4,424 square feet from medical to general office use, will reduce total daily trips from 1,954 to 1,150. No revised traffic study is attached to the Staff Report for the July 8th meeting that verifies this contention. 5.3

The revised Staff Report (for the July 8th meeting) states, but does not contain any data supporting the claim, that the reconfiguration of the project "is expected to result in approximately 60% fewer total daily trips than the original project." In fact, the claimed reduction in total trips is not near 60%. The actual reduction of about 800 trips is more like a 41% reduction of the original estimated number of 1,954. (41% x 1,954 = 801). But, whether the total number of trips is correct or not, the assumption that only a minor portion (391) of the total trips, whether 1,954 or 1,150) will be through N. Gale Drive, which is entirely residential 5.4

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on the West side of block, would seem to require additional scrutiny. As the original Staff Report acknowledges, San Vicente is a divided boulevard with an existing median. The proposed project is, therefore, not accessible by traffic traveling north on San Vicente. As a result, persons traveling to the project site from areas either east, south, or immediately west of the project site will logically use N. Gale Drive, rather than taking more circuitous and possibly more heavily trafficked routes, such a first traveling north on La Cienega and then turning south on San Vicente.

5.4 cont'd

Before permitting the project to move forward, the Commission should consider whether the project should be further scaled back in order to reduce the potentially adverse impact on the neighboring residential uses.

5.5

Parking Variance for Medical Office Use

The project seeks a variance to provide approximately 26% of the required number of parking spaces (48 of a total of 185 spaces) using tandem stalls. Because of the nature of the proposed medical office use for the project, even as scaled back, the project requires 160 parking spaces (one for every 200 square feet of medical office space), plus 25 additional spaces for other uses, in order to comply with the applicable Code requirements for parking.^{3/}

As we understand it, the Beverly Hills City Council has expressed concern over the proliferation of medical office uses in the City and has instructed the staff of the Planning Commission to draft a proposed ordinance prohibiting development of new medical office buildings for any projects proposed ("filed") after July 7, 2009. The application for approval of the project under review is apparently being considered because it was filed on April 20, 2009, just before the cut-off date for new medical office projects.

5.6

The restriction on the development of new medical office buildings was apparently prompted by various considerations: the predominance of existing medical office

^{3/} References to the "Code" are to the City Code of Beverly Hills, California (Sterling Codifiers, Inc.).

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uses (by some estimates 21% of the City's office space is devoted to medical uses), the added traffic and parking burdens posed by medical office use, the potentially adverse impact of increased medical office use on the City's economy and tax base (medical users are apparently subject to lower business taxes than general office or retail users), and a potential conflict with the ability of the City to attract other types of large tenant-users. The historical image of the City has also been mentioned.

It is a matter within the ultimate judgment and discretion of the City Council and the Planning Commission whether to permit development of additional medical office buildings in the City. But, in light of the considerations which have prompted the current moratorium, we think that the Commission should carefully consider whether, in such circumstances, it is appropriate to make a concession and grant a significant parking variance in the case of the project under consideration. If the applicant wants to develop the project site for medical office use, it would seem more consistent with the concerns expressed by the City Council (and others) to require the applicant to scale back the project to comply with the City's existing parking regulations that are applicable in the case of other developers and developments.

5.6 cont'd

We also question the rationale for granting the variance. According to the original Staff Report (for the Commission Meeting of May 27, 2010), "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." (Staff Report for Planning Commission Meeting on May 27, 2010, at 10.) The Staff Report further notes that "The severe tapering towards the northerly point of the triangle limits the amount of space available for standard parking stalls and drive aisle widths." (*Ibid.*, at 11.) Despite the considerations that have prompted the current moratorium on the development of new medical office buildings and despite the configuration and limitations of the project site (which were clearly known to the applicant when it acquired these properties), the staff recommendation is to grant the requested variance so that the developer can build out the project site to the maximum 2:1 floor area ratio permitted by the Code. We defer to the Commission whether it is a good precedent and proper use of the variance power to relieve a developer of what were clearly known and understood site limitations, in order to permit the construction of a project that otherwise would not comply with the Code. If the project is to

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move forward for medical office use, it would be more consistent with public policy to require the applicant to scale back the project to comply with the applicable Code requirements for parking – especially when the development of additional medical office buildings within the City is something that the City is not otherwise encouraging.^{4/}

↑ 5.6 cont'd

*Additional Conditions and Mitigation Should Be Required
In light of Adjacent Residential Uses*

The Code has various provisions that attempt to ameliorate the impact of commercial developments adjacent to residential uses. Code, Article 19.5. There are various restrictions that require minimum setbacks for commercial projects located adjacent to residential zones, landscaping to buffer or soften the impact of the commercial uses that are proximate to residential zones, and other requirements. Certain of these requirements may not be applicable as a purely technical matter in the case of the project under consideration, at least as it relates to our property at 118 - 122½ N. Gale Drive, because the property at 118 - 122 ½ N. Gale Drive, while developed for residential use, is now in the Commercial C-3 zone and not a residential zone. Nonetheless, the approval of the project under review as well as any applicable conditions (not to mention any variances) are matters within the reasonable judgment and discretion of the Commission. In these circumstances, we believe that the Commission should exercise its authority to require the applicant (in addition to scaling back the project to be compatible with the adjacent and proximate residential uses) to set back the project from our property at 118 - 122½ N. Gale Drive by at least 20 feet (using the standard that would otherwise apply under Section 10-3-1952.B.2 for commercial buildings of more than two stories that abut residential sites) and to landscape the setback area to soften the impact of the development on our property and the neighboring residential sites.

5.7

^{4/} According to the original Staff Report, the project could still be developed for medical office use without any variance by scaling back the project and eliminating the tandem parking spaces, which are not otherwise permitted under the Code in the absence of a variance. Because the applicant has reconfigured the project to reduce the amount of medical office space to 32,000 square feet, scaling back the medical office use by an additional 9,600 feet would eliminate the need for a variance for tandem parking, without changing any other aspect of the project. A scaled-back project would also be more compatible with the existing neighboring residential uses.

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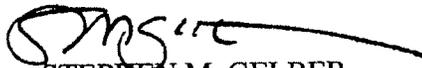
* * *

As noted above, we would appreciate it if our concerns, objections, and suggestions are made part of the formal record in this matter and brought to the attention of the Planning Commission. If, pursuant to our request, the hearing on this matter is continued, please advise me of the date and time of the continued hearing.

Of course, if you have any questions concerning any matters discussed in this letter, please do not hesitate to contact me. If appropriate, and if it would facilitate your consideration of our concerns, we are prepared to consider retaining local legal counsel to represent us in this matter and address our concerns with you and the Commission.

Thank you for your consideration.

Sincerely yours,

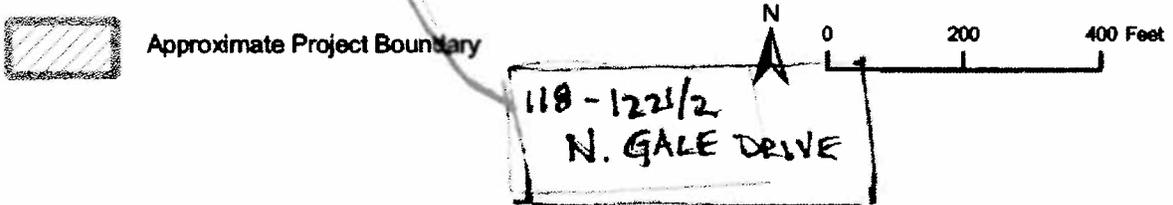

STEPHEN M. GELBER

SMG(0203221.wpd):cyib

Enclosures



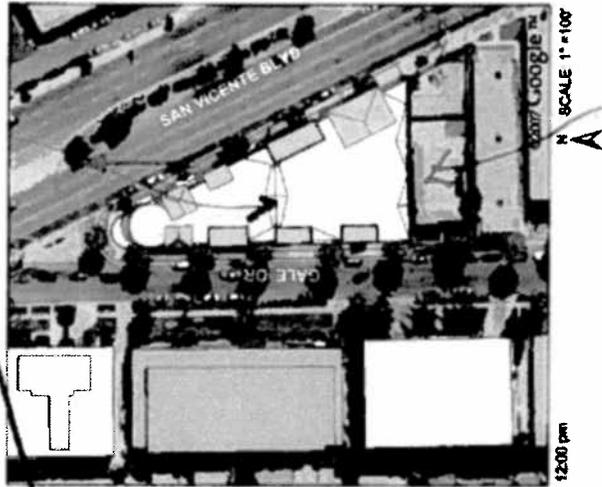
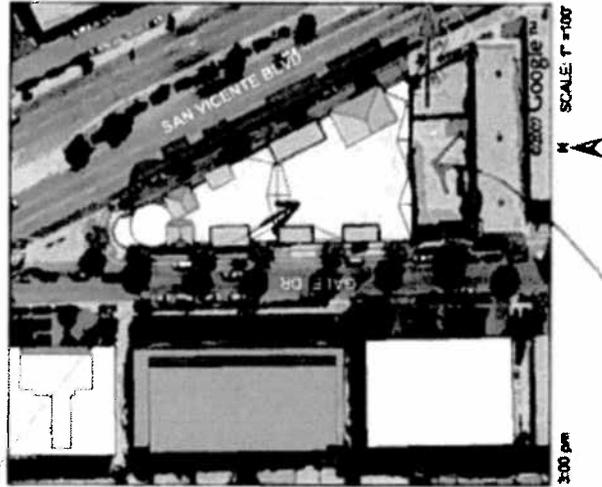
Basemap Source: USGS TOPOI, 2004.



Site Specific Location

Figure 2
City of Beverly Hills

PROJECT
SITE



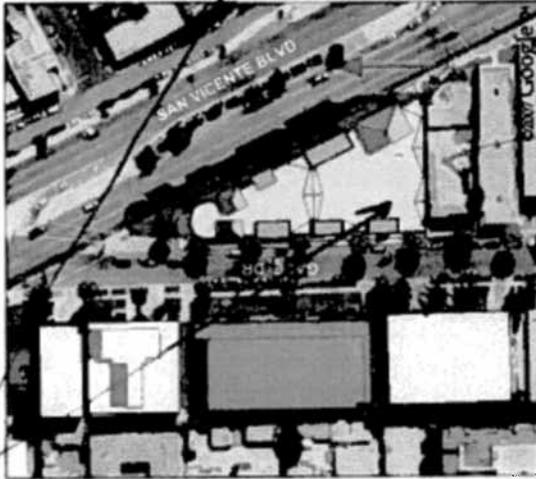
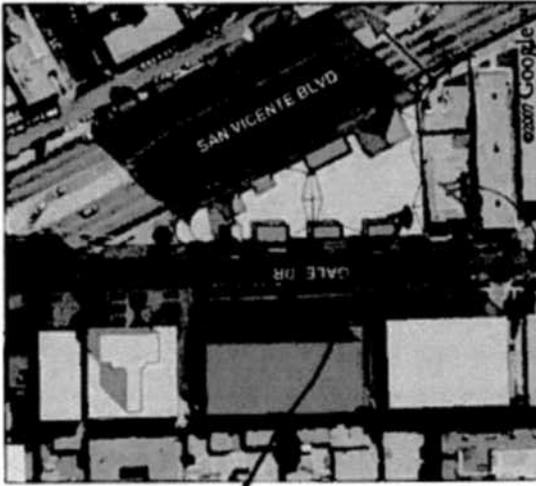
118 - 122 1/2 N. GALE
DRIVE



Summer Solstice Shadow - June 21st

Figure 7A
City of Beverly Hills

PROJECT SITE



N SCALE: 1"=120'
3:00 pm

N SCALE: 1"=120'
1:00 pm

N SCALE: 1"=120'
9:00 am

118 - 122 1/2 N GALE DRIVE

Shadow direction

PROJECT SITE



9:00 am - Aerial view looking slightly southwest. SCALE: 1"=100'

Winter Solstice Shadow - December 21st

118 - 122 1/2 N. GALE DRIVE
(Obscured)

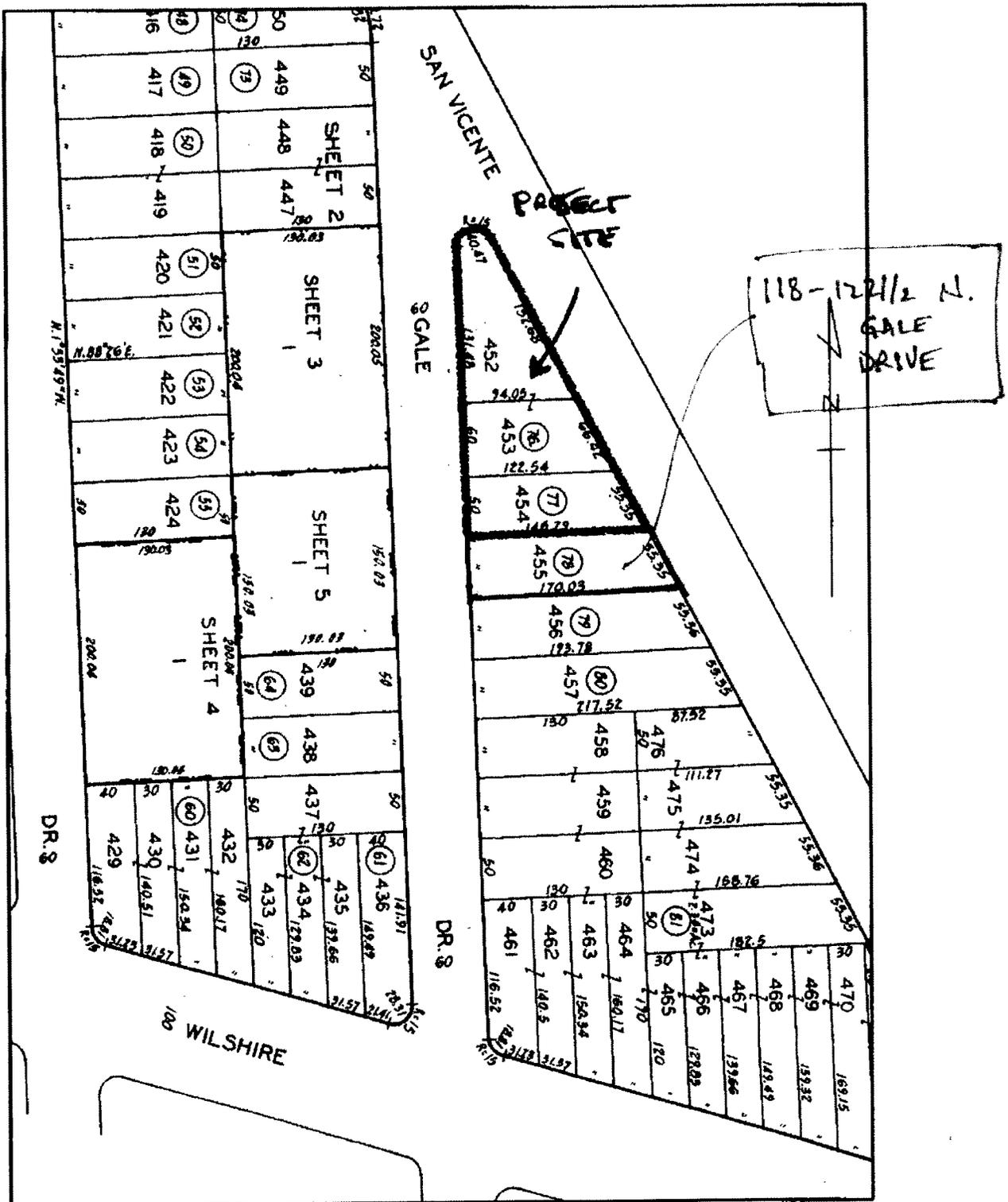


Figure 1. Project Location [Source: Los Angeles County Assessor, Map Book 1334, Page 2]

Letter 5

COMMENTER: Stephen M. Gelber

DATE: July 7, 2010

RESPONSE:

Response 5.1

The commenter states that he is not able to attend the July 8, 2010 hearing, and requests a continuance. (It should be noted that the Planning Commission did continue the hearing to a later date, although for other reasons.) The commenter goes on to provide various information about the project neighbors whom he represents – specifically, the property directly adjacent to the south of the project site – and about the proposed project. These comments are noted, but do not challenge the analysis or conclusions of the draft IS-MND and require no further response.

Response 5.2

The commenter states an opinion that the project should not be approved unless it is first modified to reduce potential impacts to the adjacent property that could result from proposed project excavation. The commenter summarizes information from the geotechnical report (Appendix D to the IS-MND) and the Geology and Soils section of the IS-MND. The commenter suggests that the currently proposed four-level garage depth was not studied for geologic risks; please see Appendix D to the IS-MND, particularly the first document in that appendix “Supplement No. 1,” which specifically addresses the four-level depth and concludes that, as long as the specified recommendations are followed, no significant risks would result. Because the commenter does not provide specific information to question the findings or analysis in the geotechnical reports or the draft IS-MND, no further response is required and no changes to the document are warranted. Nevertheless, the concerns expressed are noted and will be forwarded to the City’s decision makers. Finally, the commenter raises points regarding indemnification of the adjacent property; these comments are also noted and will be forwarded to the decision-makers for their required review and consideration prior to any action being taken on the project, however, they are outside of the scope of the environmental document.

Response 5.3

The commenter questions the calculations contained in project traffic study and in the staff report for the May 27, 2010 Planning Commission hearing. With respect to the trip generation associated with a revised project description the commenter states, “No revised traffic study is attached to the Staff Report for the July 8 meeting that verifies this contention.” This is not correct. Based on a review of the City’s staff report contained online on the City’s website, the trip generation calculations as well as the updated level-of-service calculations for intersections and street segment analysis are attached to the staff report as Attachment 5. As summarized in Attachment 5 to the City’s July 8, 2010 staff report, this vehicle trip generation forecast shows a reduction in the average daily traffic volumes for the proposed project from 1,954 vehicles as analyzed in the traffic impact study to 1,150 vehicle trips for the revised project (i.e., reduced



development program). The AM peak hour trip generation is expected to decrease from 119 to 74 vehicle trips, the mid-day peak hour trip generation would decrease from 195 to 128 vehicle trips and the PM peak hour is expected to decrease from 143 to 110 vehicle trips. As the overall daily and weekday AM, mid-day and PM peak hour project trip generation forecasts are lower than that analyzed as part of the IS-MND traffic impact study, no further analyses are required as no significant impacts were forecast with the more intense trip generation forecast associated with the original project description. As shown in Table 8-2 attached to the City's July 8, 2010 staff report (as part of Attachment 5), the forecast increase in average daily traffic volume (i.e., on Gale Drive, north of Wilshire Boulevard) due to the revised project was reported at an increase of 3.4%. Based on the anticipated changes in traffic volume along Gale Drive and the application of the City's adopted significance thresholds, an increase of more than 12.5% in average daily traffic volume due to the proposed project would have constituted a significant impact. In addition, the commenter is correct in that the staff report contains an inadvertent error in identifying the percentage reduction in daily vehicle trip generation. The reduction is 41%, not the 60% inadvertently published in the City's staff report.

Response 5.4

The commenter questions the calculations contained in traffic study and in the staff report for the May 27, 2010 Planning Commission hearing specifically as they relate to the amount of traffic assigned to/from the project site via Gale Drive. As stated in the project traffic study, trip distribution identifies origins and destinations of inbound and outbound project traffic volumes. Typically, distribution is based on demographics and existing and anticipated travel patterns in the area as well as the following:

- *Ingress and egress availability at the project site (i.e., where the driveways will be located, what are the allowed turning movements, etc.);*
- *The site's proximity to major travel corridors;*
- *The presence of traffic signals and allowed traffic movements; and*
- *Local roadway factors that would act as an impedance to use by project-related vehicles (e.g., characteristics of the roadway including whether parking is allowed, number of driveways along the roadway segment, whether loading activities occur with any associated commercial parcels, etc.)*

The traffic distribution and corresponding assignment of project vehicle trips was reviewed by the City and determined to be appropriate for analysis purposes. While the commenter is correct that an existing median is provided along San Vicente Boulevard in the immediate project vicinity, the commenter's statement that "The proposed project is, therefore, not accessible by traffic traveling north on San Vicente Boulevard" is not correct in that it does not recognize that just north of the project site, at the intersection of San Vicente Boulevard/Gale Drive-Orlando Avenue, an exclusive northbound left-turn lane is provided along with corresponding exclusive left-turn phasing. This maneuver is expected to be utilized to access the project site, based on field observations during peak hours and travel time runs conducted by LLG Engineers staff.

Gale Drive north of Wilshire Boulevard was assigned a total of 35% of the project's inbound trips and 5% of the project's outbound trips. As shown in Figure 5-1 of the traffic impact study, these percentages were derived based on the following:



- For traffic originating from the west (15%), 100% of it was assigned to Gale Drive
- For traffic originating from the south (15% of the 25%), 60% of it was assigned to Gale Drive
- For traffic originating from the east (5% of the 25%), 20% was assigned to Gale Drive
- For traffic originating from the north and northwest (35%), none was assigned to Gale Drive

The project's Transportation Demand Management Program is expected to contain a provision that doctor's office personnel and office tenants will direct patients and visitors to use major roadways and San Vicente Boulevard to access the driveway and not Gale Drive. Thus, given all of the above considerations, the characteristics of Gale Drive and the fact that no project vehicular access is provided directly to or from Gale Drive, the assignment of project traffic and the corresponding impact analysis remains valid and no further revisions are warranted.

Response 5.5

The commenter states an opinion that the Planning Commission should consider whether the project should be further scaled back in order to reduce the potentially adverse impact on the neighboring residential uses. While the project description and corresponding trip generation forecast as analyzed in the traffic impact study did not result in any significant traffic impacts according to the City's adopted significance thresholds, the findings and conclusions can be considered conservative as they were based on a project description that included a restaurant (i.e., high generator of vehicle trips). The traffic impact study prepared for the proposed project was based on the following description: 36,424 square feet of medical office space, 3,883 square feet of general office space and 1,949 square feet of restaurant space. As discussed at the May 27, 2010 Planning Commission hearing, the applicant's representative noted that the restaurant component would not be pursued and therefore the project's vehicle trip generation forecast was overstated. Comments from the Commission regarding the project description, parking configuration/layout, as well as the percentage of parking spaces in tandem were taken under advisement by the applicant and the hearing was continued.

At the July 8, 2010 Planning Commission hearing, a revised (i.e., scaled back) project description was presented reflecting 32,000 square feet of medical office space and 8,750 square feet of office space. The revised traffic analysis for this development program was contained as Attachment 5 to the City's July 8, 2010 staff report. The revised project would be expected to result in an overall lower vehicle trip generation than what was analyzed as part of the IS-MND traffic impact study and a reduced level of traffic impacts, none of which are significant. However, this opinion is noted and will be forwarded to the City's decision makers for their required review and consideration prior to any action being taken on the proposed project. In addition, as the commenter does not provide specifics regarding which impacts merit a reduced project and for which reasons, or what level of reduction should be considered, a more detailed response is not possible. The IS-MND includes analyses of a variety of issue areas that relate to potential impacts on the surrounding neighborhood, including aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, traffic/circulation/parking, and utilities and service systems. With implementation of the identified mitigation measures, impacts in these areas were found to be less than significant.



Response 5.6

The commenter summarizes recent deliberations among City decision makers regarding additional medical office development in Beverly Hills. The commenter goes on to suggest that, based on the concerns that underlie those discussions, the Planning Commission should consider requiring the applicant to scale back the project to comply with the City's existing parking regulations that are applicable in the case of other developers and developments, and deny the applicant's request for a variance from parking standards related to tandem parking spaces. This opinion is noted and will be forwarded to the decision makers for their required review and consideration prior to any action being taken on the project. As discussed in the traffic section of the draft IS-MND, given the planned parking operations, which include valet assisted parking, vehicle drive aisle queuing areas, and dedicated staging spaces within the subterranean parking levels, as well as appropriate valet staffing levels, the proposed parking supply would be expected to meet the estimated project parking demand, and therefore impacts related to parking would be less than significant. (This determination is supported by data and recommendations from the Institute of Transportation Engineers' *Parking Generation Manual*, 3rd Edition, 2004.) Finally, the commenter questions whether the triangular shape of the project site and associated limitations for parking lot shape and operations merits consideration for a variance. This comment is noted, but relates to the merits of the project and the City's required variance findings, which are beyond the scope of the CEQA documentation. No changes to the document are warranted.

Response 5.7

The commenter states an opinion that the Planning Commission should require setbacks from the adjacent commercially-zoned property similar to those that would be required by code for commercial projects adjacent to residentially-zoned properties, because the adjacent lot is currently developed with residential uses. The commenter states that such setbacks would "soften the impact of the development on our property and the neighboring residential sites." This comment is noted and will be forwarded to the decision makers for their required review and consideration prior to any action being taken on the project. Because the commenter does not provide specifics as to which impacts would be reduced, a more detailed response is not possible, and no changes to the IS-MND are warranted. As noted above, the IS-MND includes analyses of a variety of issue areas that relate to potential impacts on the surrounding neighborhood; with implementation of the identified mitigation measures, impacts in these areas were found to be less than significant.



Tab 4

Rita Naziri

From: Home Goldstein [lohag@att.net]
Sent: Thursday, July 08, 2010 6:45 AM
To: Rita Naziri
Subject: Proposed Medical Office Building on N Gale Drive and San Vicente

Letter 6

Ms. Naziri

The South Gale Drive Homeowners Association is opposed to the planned development. As we understand the realities of the current economic crises, this development will raise revenue, but will severely impact the quality of life for those residents on Gale Drive.

6.1

Clearly the massive increase of tenant and office occupants will increase traffic on a street that is already used as a cut through by thousands of vehicles per day. There will surely be an increase in traffic, noise pollution, trash on the street, and exhaust.

Given that it appears this project has already been green lighted to go forward we ask that you seriously consider placing traffic restrictions at the corner of Gale Drive and Gregory Way. For example limit vehicles ability to turn onto Gale and Gregory Way from the hours of 8 am to 10 am and from 4 pm to 8 pm. In addition, ground Stop signs at the three way stop would slow traffic and or ground botts dots that spell stop. By doing so the traffic increase due to this project will be tempered.

6.2

Finally, the South Gale Drive residents were not notified of this proposed project and are just now finding out about it from those residents on North Gale Drive.

6.3

Thank you for your consideration

Howard Goldstein
South Gale Drive Home Owners Association
310-927-6111

Sent from my iPad

Letter 6

COMMENTER: Howard Goldstein

DATE: July 8, 2010

RESPONSE:

Response 6.1

The commenter states that the South Gale Drive Homeowners Association is opposed to the proposed project, and opines that the project would severely impact the quality of life for those residents on Gale Drive. The commenter further opines that the “massive” increase of tenant and office occupants would increase traffic on a street that is already used as a cut through by thousands of vehicles per day, and that the project would result in increased traffic, noise pollution, trash on the street, and exhaust. As discussed in the draft IS-MND, traffic, noise and air pollutant emissions would all increase with implementation of the proposed project. These increases are discussed and quantified in detail in their respective sections of the document, and were found to be below thresholds of significance. The commenter does not provide any specific evidence that these or other impacts such as litter on surrounding streets would be significant, and does not otherwise challenge the analysis or conclusions of the IS-MND. No changes to the document are warranted. Please refer to Response 5.3 for further discussion of traffic analysis prepared for the revised project (i.e., reduced development program) and the forecast traffic increases along Gale Drive due to the proposed project. Refer to Response 5.4 for a general discussion regarding the project traffic distribution employed in the traffic analysis and for a specific discussion of the Gale Drive project traffic distribution.

Response 6.2

The commenter opines that the proposed project “has already been green lighted to go forward.” On the contrary, the project must be approved by the City’s Planning Commission before the applicant can obtain grading or building permits to construct the project. The commenter goes on to request that the City place traffic restrictions at the corner of Gale Drive and Gregory Way, for example, to limit turns onto Gale Drive and Gregory Way between 8:00 and 10:00 a.m. and 4:00 and 8:00 p.m. The commenter also requests that the City install Stop signs, or street paint or markers to spell “stop,” at the three-way stop to slow traffic. These suggestions are noted and will be forwarded to the City’s decision makers for their required review and consideration prior to any action being taken on the project. As discussed in the draft IS-MND, traffic impacts would be less than significant and would not require mitigation to reduce any impacts below the city’s adopted thresholds of significance.

Refer to Response 5.4 for additional discussion of the project traffic distribution employed in the traffic analysis. Further, it is important to note that Gale Drive terminates at Gregory Way due to the location of La Cienega Park. As such, Gale Drive (i.e., the portion of the roadway south of Wilshire Boulevard and north of Gregory Way) was conservatively assigned a total of 5% of the project’s inbound trips, which would not exceed the City’s significance thresholds.

Response 6.3



The applicant states that South Gale Drive residents were not notified of the proposed project. South Gale Drive is over 600 feet from the project site, which is beyond the radius within which the City typically provides direct mail notices of proposed projects.



To: Beverly Hills City Council

Beverly Hills Traffic commission

Beverly Hills Planning commission

Received
City of Beverly Hills

JUL 7 2010

PLANNING DIVISION
COMMUNITY DEVELOPMENT

Re: Proposed 121 San Vicente Building

Letter 7

Dear Council members,

As residents on North Gale Drive, we are very concerned about the proposed medical building under consideration on San Vicente Blvd. While the builders of the building say there will be free validated parking in order to minimize traffic, this would not do anything to ease the traffic on Gale Drive. All vehicles approaching the 121 building from Wilshire Blvd (East and West bound) would have to use Gale drive in order to get to the building. In addition, all cars heading North upon leaving the building would also need to use Gale Drive. A building with 40 doctors, each seeing 40 patients a day would generate 1600 cars per day. This is not counting the doctors and employees.

7.1
7.2

A quote from the Beverly Hills Courier, June 25, 2010 states that "the Beverly Hills City Council is worried that medical offices will overwhelm the city." It goes on to say "in July 2009 the council asked the Planning Commission to study medical land use and recommended an ordinance to limit future medical uses." While these concerns were mostly for the Triangle area, the same things apply to the one block area on Gale Drive.

7.3

It is already difficult to exit our driveways and enter the street. The residences on the west side of the street have very limited vision to cars driving south when cars are parked on the street (a speed bump would help!). If the North bound traffic gets log jammed, we will have real problems getting in or out of our homes.

7.4

We understand that there is a glut of office space in Beverly Hills at this time, so building a medical complex is more profitable to the developers. However, we are surrounded by branches of Cedars Medical, and our one block does not need the additional traffic.

7.5

Thank you for giving this matter serious consideration.

● GALE DRIVE HOME OWNERS
 117. N. GALE DRIVE 90211
 Beverly Hills, Ca.

- unit No
- 201 Ron Cooper Ron Cooper
- 202 Nancy & Michael Choo *Michael Choo*
- 203 Anahita Koshesh *Anahita Koshesh*
- ~~204 Julie~~
- 205 Eun Choi *Eun Choi*
- 206 Audrey Vingranovskyy
- 301 Loto, Al Berkoff *Al Berkoff*
- 302 Sara, Brian Albert *Brian Albert*
- 303 Mona Malik *Mona Malik*
- 304 Julie Tsang *Julie Tsang*
- 305 Fariba, Farhad Songhorian *Fariba Songhorian*
- 306 Edgardo Casimiro - *Edgardo Casimiro*
- 401 Ginger, Robert Lynden *Ginger Lynden*
- 402 Helen Wanderman *Helen Wanderman*
- 403 Terry Ham *Terry Ham*
- *404 Uri Halfon Vladimir Wexler *Uri Halfon*
- 405 Nancy, Jason, Kalina *Nancy, Jason, Kalina*
- PH 1 *shahid*
- PH 2 Nora, Enrique Ostrzega *Nora, Enrique Ostrzega*
- PH 3 Sonja Doumanian
- PH 4 Burt Hersh *Burt Hersh*
- PH 5 Juliarchii

Martin KASS 125 N. Gale # 205

~~M. KASS~~

EBRAHIM & HOSGAN MORAVATI

~~eh. mart~~ 206

Ardeshtir Davir Babakani

~~402~~ #402 951-314-819

SALEIMAN GAD 201

~~Saleiman GAD~~

CHON A Y2 202

~~CHON A Y2~~

EDWARD DAVIDSON 302

~~E. Davidson~~

Margene Lewis

125 N. Gale Dr. 403

~~Margene Lewis~~

125 N. Gale Dr. 403

~~Margene Lewis~~

125 N. Gale Dr. 206

1

202	Chin A YZ	<i>Chin A YZ</i>
102	Hwa S. Lee	<i>Hwa S. Lee</i>
106	Eun H S	<i>PARK Eun H S</i>

For more information I added the map aces to the letter and petition and that shows and indicates the amount of traffic per day going up gate drive. The map aces is done from East & west and they both get same direction to make a turn to gate drive.

7.6

FARIBA. SONGHORIAN
Fariba Songhorian

Received
City of Beverly Hills

JUL 7 2010

PLANNING DIVISION
COMMUNITY DEVELOPMENT



MAPQUEST.

Notes

Trip to 121 N San Vicente Blvd

Beverly Hills, CA 90211-2303

0.84 miles - about 2 minutes



Beverly Hills, CA 90211



1. Start out going **NORTH** on **S ARNAZ DR** toward **WILSHIRE BLVD.**

go 0.0 mi



2. Turn **RIGHT** onto **WILSHIRE BLVD.**

go 0.5 mi



3. Turn **LEFT** onto **N GALE DR.**

go 0.2 mi



4. Turn **SHARP RIGHT** onto **N SAN VICENTE BLVD.**

go 0.1 mi



5. **121 N SAN VICENTE BLVD** is on the **RIGHT.**

go 0.0 mi



121 N San Vicente Blvd, Beverly Hills, CA 90211-2303

Total Travel Estimate : 0.84 miles - about 2 minutes

Route Map [Hide](#)



MAPQUEST

Notes

Trip to 121 N San Vicente Blvd

Beverly Hills, CA 90211-2303
1.21 miles - about 2 minutes



LACMA - Los Angeles County Museum of Art - (323) 857-6000
5905 Wilshire Blvd, Los Angeles, CA 90036



1. Start out going **WEST** on **WILSHIRE BLVD** toward **S OGDEN DR.**

go 0.9 mi



2. Turn **RIGHT** onto **N GALE DR.**

go 0.2 mi



3. Turn **SHARP RIGHT** onto **N SAN VICENTE BLVD.**

go 0.1 mi



4. **121 N SAN VICENTE BLVD** is on the **RIGHT.**

go 0.0 mi



121 N San Vicente Blvd, Beverly Hills, CA 90211-2303
Total Travel Estimate : 1.21 miles - about 2 minutes

Route Map [Hide](#)

Letter 7

COMMENTER: Fariba Songhorian

DATE: July 7, 2010

RESPONSE:

This comment letter is in the form of a petition signed by a number of neighborhood residents. The responses address the text of the petition.

Response 7.1

The commenter states an opinion that all drivers approaching the proposed project from Wilshire Boulevard (east or west bound) would have to use Gale Drive to access the building. The commenter further opines that all cars heading north upon leaving the building would also need to use Gale Drive. Refer to Responses 5.3 through 5.5 for a full discussion regarding the project trip generation forecast, forecast project traffic distribution along Gale Drive and the corresponding traffic impact analysis. As concluded in Response 5.4, given all of the above considerations, the characteristics of Gale Drive and the fact that no project vehicular access is provided directly to/from Gale Drive, the assignment of project traffic and the corresponding impact analysis remains valid and no further revisions are warranted.

Response 7.2

The commenter states an opinion that a building with 40 doctors, each seeing 40 patients a day would generate 1,600 cars per day, not including the doctors and employees. The commenter's opinion of the number of doctors and visitors, and associated trip generation is noted, but it is not clear how these numbers were estimated. Traffic volumes expected to be generated by the proposed San Vicente Medical Offices project during the AM, mid-day and PM peak hours, as well as on a daily basis, were estimated using rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation* manual¹, a widely used and accepted publication in the transportation and traffic engineering industry. Traffic volumes generated by the proposed project were based upon rates per 1,000 square feet of building area. These rates are based on actual surveys (e.g., driveway traffic counts) of many medical office buildings. These surveyed medical office buildings are also free-standing, suburban in nature, and with little or no transit opportunities. Therefore, application of the ITE rates can be considered a conservative methodology for purposes of developing the trip generation forecast. Based on consultation with City of Beverly Hills staff, the following ITE land use trip rates were utilized in the project traffic generation forecasts:

- *Medical Office Land Use Component.* ITE Land Use Code 720 (Medical-Dental Office Building) trip generation average rates were utilized for the AM and PM peak hours as well as the daily traffic forecasts. For the mid-day peak hour, the trip rate was derived by averaging the AM and PM peak hour of generator rates for ITE Land Use Code 720.

¹ Institute of Transportation Engineers *Trip Generation* manual, 8th Edition, 2008.



Similarly, the distributional split for the mid-day peak hour was derived by averaging the AM and PM peak hour of generator distributional splits.

- *General Office Land Use Component.* ITE Land Use Code 710 (General Office Building) trip generation average rates were utilized for the AM and PM peak hours as well as the daily traffic forecasts. For the mid-day peak hour, the trip rate was based on the PM peak hour average trip rates for ITE Land Use Code 710.

Table 5-1 (contained in the traffic analysis associated with the published IS-MND document) shows a total of 1,316 daily vehicle trips associated with the development of 36,424 gross square feet of medical office space. Table 5-1, attached to the City July 8, 2010 staff report for the reduced project, shows a total of 1,156 daily vehicle trips associated with the development of 32,000 gross square feet of medical office space. As shown in these tables, a daily trip generation rate of 36.13 trips per 1,000 square feet for medical office space was employed in the traffic analysis, as reviewed and approved by the City of Beverly Hills staff. No further analysis is required.

Response 7.3

The commenter quotes a local newspaper story in which the author writes that “the Beverly Hills City Council is worried that medical offices will overwhelm the city” and that “in July 2009 the council asked the Planning Commission to study medical land use and recommended an ordinance to limit future medical uses.” The commenter opines that the same concerns apply to the block of Gale Drive on which the project site is located. In fact, 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 the proposed project is based on existing policy and regulations consistent with City Council direction. The comment and concern are noted and will be forwarded to the decision makers for their required review and consideration prior to any action being taken on the project, but do not warrant a change in the environmental analysis of conclusions.

Response 7.4

The commenter states a perception that it is difficult for neighboring residents to exit their driveways onto Gale Drive under current conditions, and that the residences on the west side of the street have limited line of sight to cars driving south when cars are parked on the street. The commenter goes on to state an opinion that, if the northbound Gale Drive traffic becomes more congested, they will have more severe difficulties entering and exiting their driveways. The commenter also suggests a speed bump for Gale Drive. Refer to Responses 5.3 through 5.5 for a full discussion regarding the project trip generation forecast, forecast project traffic distribution along Gale Drive and the corresponding traffic impact analysis. As concluded in Response 5.4, given all of the above considerations, the characteristics of Gale Drive and the fact that no project vehicular access is provided directly to/from Gale Drive, the assignment of project traffic and the corresponding impact analysis remains valid. While no significant traffic impacts are forecast along Gale Drive based on the City’s adopted significance thresholds, the



comments are noted and will be forwarded to the decision makers for their required review and consideration prior to any action being taken on the proposed project.

Response 7.5

The commenter states an opinion that there is a surplus of office space in Beverly Hills, and that as a result a medical complex is more profitable to the developers. The commenter continues by stating that the neighborhood is surrounded by branches of Cedars Medical, and opining that the subject block of North Gale Drive does not need the additional traffic. These comments are noted, but do not require further response because they do not directly pertain to the analysis or conclusions of the draft IS-MND. Please refer to Responses 7.1, 7.2 and 7.4 above regarding the additional project-generated traffic and its potential impacts on Gale Drive, north of Wilshire Boulevard.

Response 7.6

The commenter provides printed pages from the MapQuest website showing that it suggests North Gale Drive as an access road to the project site. While the MapQuest website directions suggest Gale Drive be utilized for traffic arriving from the west (which is consistent with the traffic analysis distribution), this can be conservative as it does not reflect the provision (i.e., to be contained as part of the project's Transportation Demand Management program) that doctor's office personnel and office tenants will direct patients and visitors to use major roadways and San Vicente Boulevard to access the project driveway on San Vicente Boulevard and not Gale Drive. It is important to note that other map/directional websites and systems (e.g., Bing website and in-vehicle navigation systems) direct motorists from the east to make a right-turn onto San Vicente Boulevard and utilize the exclusive left-turn (U-turn permitted) lane at the Orlando/Gale Drive traffic signal to access the project driveway on San Vicente Boulevard. The Bing website also directs motorists from the west to make a left-turn onto La Cienega Boulevard, then a right-turn on Clifton Way and a right-turn onto southbound San Vicente Boulevard to access the site via the project driveway. Therefore, it can be concluded that various internet websites as well as in-vehicle navigation systems will direct motorists differently, regardless of roadway characteristics and other considerations. Refer to Responses 5.4 and 7.1 for a full discussion regarding the formulation of the project traffic distribution as employed in the traffic analysis. Based on the above, it can be concluded that no further analysis is warranted.



PLANNING COMMISSION PUBLIC HEARING

May 27, 2010

The City of Beverly Hills Planning Commission held a public hearing on May 27, 2010, at which comments on the Draft IS-MND were received. In addition to the planning commissioners, several members of the public offered verbal comments on the Draft IS-MND or the project. The public comments from the hearing are summarized below, followed by the City's responses. Only comments related to the project's potential environmental effects are included.

- *The statement that surrounding buildings range from one to five stories is incorrect; buildings on the west side of Gale are a maximum of four stories.*

Response: The commenter is correct that surrounding buildings do not exceed four stories, although at least one is nearly equivalent to five stories as it is built above a partial first story parking garage. This correction is noted and reflected in the Final MND.

Response: As discussed under Item I, *Aesthetics*, of the Draft IS-MND, the project would be generally compatible with the height and scale of existing surrounding buildings. As the proposed project would be three stories in height, and surrounding buildings range from one to four stories in height, the analysis and conclusion remain valid with the correction.

- *The project design would not be architecturally compatible with surrounding development.*

Response: The surrounding buildings represent a mix of architectural styles, and exhibit a range of colors, materials and landscaping styles. The commenter's opinion is noted as to architectural compatibility. Nevertheless, as the scale and mass of the building are compatible with surrounding development, and the architecture would not substantially degrade the visual character of the site or its surroundings, impacts would remain less than significant.

- *MND did not consider environmental impacts of excavation for underground parking.*

Response: The impacts of the proposed excavation are analyzed throughout the Draft IS-MND. In particular, the impacts of project construction, including excavation, are discussed under Item III *Air Quality*, Item V *Cultural Resources*, Item VI *Geology and Soils*, Item VII *Greenhouse Gas Emissions*, Item VIII *Hazards and Hazardous Materials*, Item IX *Hydrology and Water Quality*, Item XII *Noise*, and Item XVI *Traffic/Circulation/Parking*. These analyses examine the impacts associated with the excavation of the site and hauling of excavated material as well as potential impacts to undiscovered buried cultural and paleontological resources. Impacts were found to be less than significant in all of these issue areas with implementation of identified mitigation measures. As the commenter does not provide specific information or challenge specific aspects of the analysis, a more detailed response is not possible.



- *Project construction will affect tenants in neighboring structure to the south, particularly construction noise and dust. Mitigation should include noise reduction measures during construction and dust suppression.*

Response: Impacts associated with the generation of dust during construction are discussed in Item III *Air Quality* of the Draft IS-MND. Mitigation Measure AQ-2, Fugitive Dust Control, requires a range of measures that would reduce dust generation to less than significant levels, including watering of exposed soils, use of dust suppressants if warranted, covering loads of hauled soil and keeping the surrounding sidewalks and streets swept. Impacts associated with the generation of noise during construction are discussed under Item XII *Noise*. Mitigation Measure N-1 (a through i), require a range of measures that would reduce construction noise at adjacent properties to the extent feasible. These include the following:

- Heavy truck restrictions, prohibiting heavy trucks from entering or leaving the site from or to, or otherwise driving on, North Gale Drive.
- Identification of construction equipment staging areas on the northern portion of the project site, as far as possible from residences on North Gale Drive.
- Requirements for diesel equipment mufflers and operation of diesel equipment with closed engine doors.
- Use of electrical rather than gas generator power to run air compressors and similar power tools and to power any temporary structures.
- Additional noise attenuation techniques such as 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.
- Use of alternative (quieter to install) pile types as feasible.
- Noticing of all residential units located within 500 feet of the construction site regarding the construction schedule, indicating the dates and duration of construction activities, as well as provided a telephone number where residents can inquire about the construction process and register complaints.
- Submittal of a Construction Noise Management Plan incorporating the requirements outlined above and others to reduce construction noise.

Impacts would be less than significant with the mitigation summarized above.

- *Cars turning south from the project site onto San Vicente Boulevard will delay immediate neighbors' and tenants' ability to pull out of their driveway, potentially requiring them to pull into the middle lane of traffic to avoid conflicts.*

Response: This concern is noted, and the City acknowledges that such conflicts could occur at times if the project is approved and constructed. However, these conflicts would not cause or represent a significant traffic impact. Although it might be an occasional inconvenience, the number of cars exiting from the neighboring property is not frequent or continuous enough to substantially affect the flow of traffic exiting the proposed project, or vice versa. Observance of normal traffic safety laws and driver courtesy would reduce the potential for significant traffic safety concerns.

