

CLAIREMONT MESA HEIGHT LIMIT OVERLAY ZONE

The purpose of the Clairemont Mesa Height Limit Overlay Zone is to provide supplemental height regulations for western Clairemont Mesa. The intent of these regulations is to ensure that the existing low profile development in Clairemont Mesa will be maintained and that public views from western Clairemont Mesa to Mission Bay and the Pacific Ocean are protected.

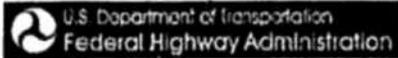
COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE

The purpose of the Community Plan Implementation Overlay Zone is to provide supplemental development regulations that are tailored to specific sites within community plan areas of the City. The intent of these regulations is to ensure that development proposals are reviewed for consistency with the use and development criteria that have been adopted for specific sites as part of the community plan update process.

ACKNOWLEDGMENTS

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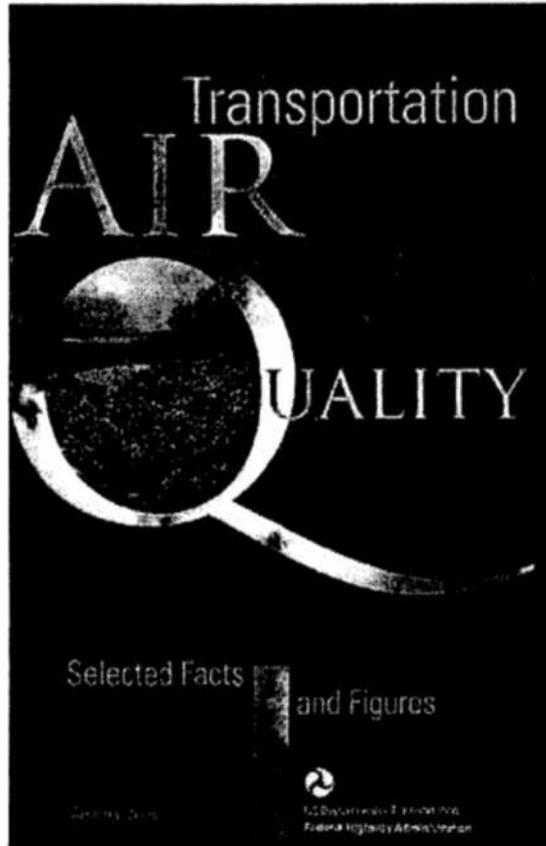
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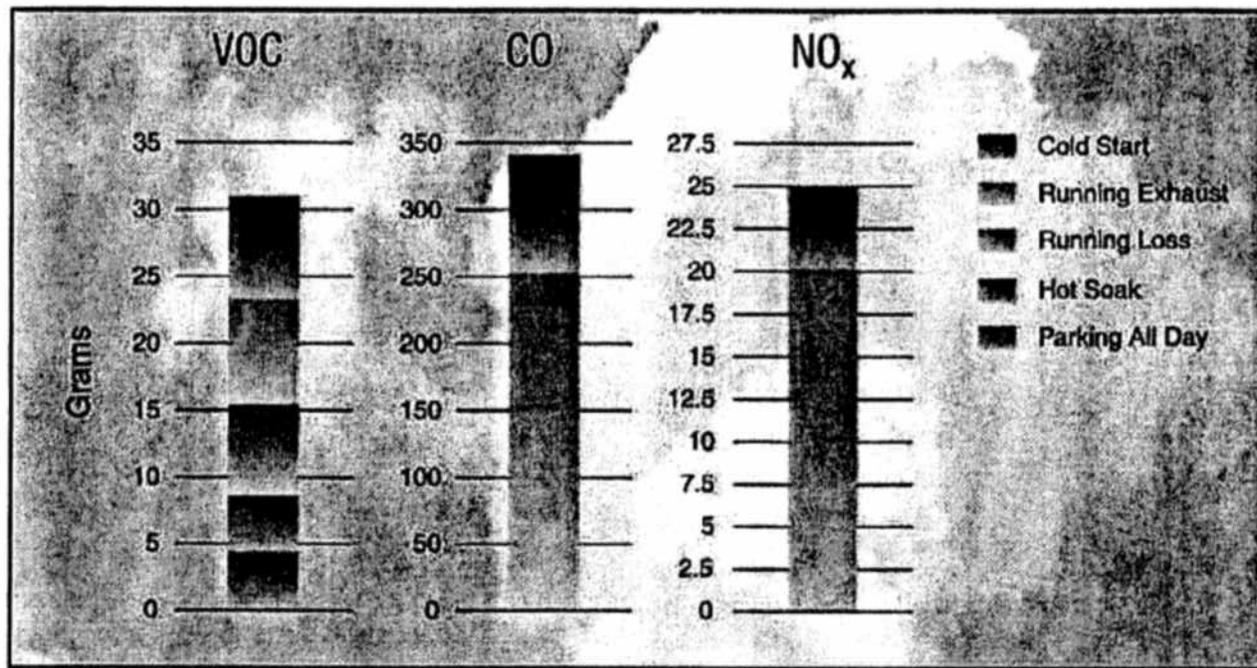
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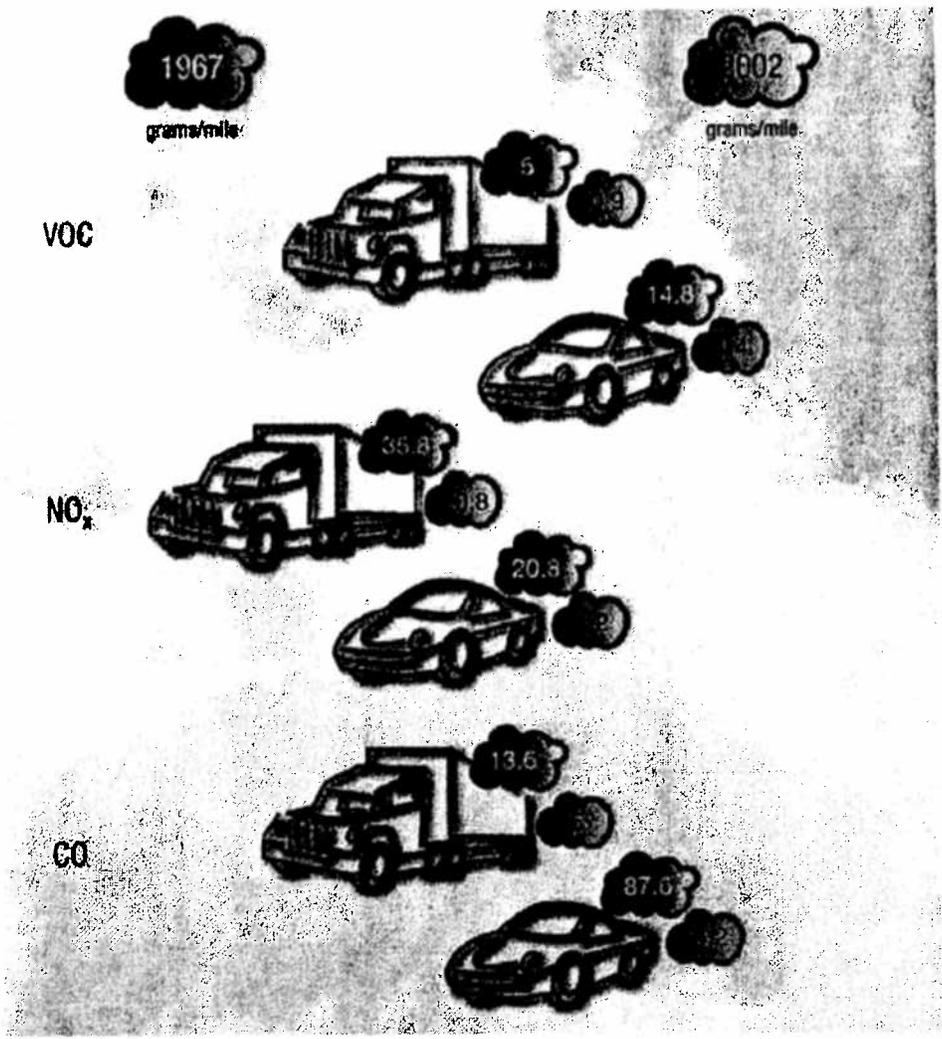
Starting a car cold increases trip emissions compared to starting an engine that is already warm. A typical automobile on the road in 2002 had an average trip length of 4.0 miles, and, with slightly more than 7 trips per day, an average of about 29 vehicle miles traveled per day. On a given weekday, cold starts of a typical vehicle produces 7.7 grams of VOC (25 percent of the typical daily emissions), 88 grams of CO (26 percent of the typical daily emissions), and 5 grams of NO_x (19 percent of the typical daily emissions). Running exhaust accounts for another 7.8 grams of VOC, 251 grams of CO, and 20.2 grams of NO_x.

VOC are also emitted through fuel evaporation. For example, parking the car all day produces 4.3 grams of VOC.

Source: U.S. Environmental Protection Agency. MOBILE6.2 Model run assumed IDLE Test, National Low Emission Vehicle Standards, summer temperature 64-92 degrees, and United States average vehicle operations. 20 April 2004.

Emissions Rates at Different Operating Speeds

Emissions rates vary based on the speed a vehicle is traveling. EPA's model for highway vehicle emissions - MOBILE 6.2 - shows how speed affects emissions rates. VOC and CO emissions rates typically drop as speed increases. NO_x emissions rates turn up at higher speeds. Emissions rates at all speeds have been falling over time as newer, more controlled vehicles enter the fleet.



Source: U.S. Environmental Protection Agency. MOBILE6.2 Model run, 2 March 2005.

Gross Emitters

Exhibit B
Elliot Letter Dated November 10, 2010

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TRUMAN & ELLIOTT LLP

November 10, 2010

VIA ELECTRONIC MAIL AND HAND DELIVERY

Mr. Ryan Gohlich
Associate Planner
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: Proposed Equinox Exercise Club: 9465 Wilshire Boulevard, Beverly Hills, California 90212

Dear Mr. Gohlich:

As a follow up to our letter of October 13, 2010, we are writing regarding some of the issues that arose at the hearing on October 14, 2010 before the Beverly Hills Planning Commission ("Commission") regarding the above referenced project. As you are aware our clients are extremely concerned about the obligations of the City of Beverly Hills to undertake a proper environmental analysis for the proposed project.

Based upon evidence presented and deliberated upon at the October 14, 2010 hearing, we continue to believe that the Beverly Hills Planning Commission cannot make the findings of fact necessary to approve the proposed project.

Towards the end of the deliberations by the Commission and after two and one-half hours of testimony, staff requested specific direction from the Commission in relation to the proposed application.

Our office took copious notes during the hearing, and also reviewed the on-line broadcast at the City's website post hearing and created a partial transcript of the statements of the participants and Commissioners during the hearing (a copy of the partial transcript is attached).

Based upon the statements made by the applicant and Commissioners (as contained in the attached partial transcript) and which are a part of the administrative record for this project, we offer the following information both to assist staff in its request for direction from the Commission and because these statements/information wholly support the position of our comment letter of October 13, 2010 regarding this project. For ease of reference, we have styled

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this letter to include excerpts of relevant Commissioner comments and applicant testimony and then provided our comments following the transcript sections. We have highlighted certain sections of the transcript to provide emphasis on requests/comments specifically made by the Commissioner or applicant. Should you wish to verify the accuracy of the comments, we have also provided the exact video time count for each Commissioner/applicant statement.

I. COMMENTS FROM CHAIR BOSSE (2:47:24)

Chair Bosse: Today, we are supposed to address a CUP and having the findings and I don't know what my other commissioners can do today, but I can tell you that absolutely today could not make the findings. There is a lot of information that is BLATANTLY missing for me....in order for me to find for this project and again if my fellow commissioners can find for it, then they can go ahead. What I would suggest though is to at least listen to my concerns and perhaps come back at another date with some answers. What really was glaring at me was the analysis of how you arrived at the trip counts. So much of this was based on Bank trips and, you know, the 150 per 1,000 square feet that was in the manual that was in 1998. That was prior to internet banking. And I think it's rare these days that people go into a bank. Most people do most of their banking online. **So I think it's not really a fair indication of, I don't believe that we are comparing apples to apples to as to the bank that is there now.** I don't believe that it has that much driving traffic as it once had. **So I would like to see a real count of how that usage is portrayed at that location for the bank so we could really compare...** you know, so much of the report, was banking has so much traffic in terms of trips, and health clubs have so much traffic and office has so much traffic and in that hierarchy, in terms of banking, health clubs and office and I think based on the numbers of what we have for banking, **I think it's so skewed that it's not really a fair indication. I think it's absolutely important to me that the tenants of the building are notified.** I would like for them if there is any comments, one way or the other, for them to come, if they so chose to speak on behalf of how they feel this would affect them....I did speak to somebody that is a

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major tenant in the building and their concern to me is that they said right now they don't find there is enough parking currently for their usage and I recognize that the glass building is going to be built and there is that element but I really want to understand how this project is going to work and I feel that whenever we've made findings we've had something really substantial to work with and **I want to see a substantial accurate parking management plan that shows the circulation.** (Emphasis added.)

Summary of Comments:

Chair Bosse's comments were "spot on" and supported our October 13, 2010 letter regarding the applicant's traffic study which fails to appropriately analyze real world traffic conditions at a key intersection in Beverly Hills. As she noted, utilizing projected trip counts from SANDAG's traffic model written in 1998 before the advent of internet banking skews the analysis and belies actual traffic patterns in Beverly Hills. In actuality, very few individuals now drive to and use banks in the same way they did twelve years ago. Accordingly, while the applicant has gone to great lengths to study other Equinox locations to evidence the amount of trips per day they might generate for parking purposes, no study has been undertaken to consider the actual number of trips being generated by Bank of America users at 9465 Wilshire Boulevard on a daily basis (nor at any other bank in Beverly Hills). Accordingly, as Chair Bossee accurately points out—"an apples to apples" comparison has not been undertaken.

We further note that Chair Bosse specifically requested:

1. A real count of how usage is portrayed at the Bank of America location;
2. Notification to tenants in the existing Bank of America Building; and
3. A substantial accurate parking management plan that shows the circulation.

II. COMMENTS REGARDING PEAK HOURS

At the hearing, there was significant discussion regarding the peak hour of usage at the proposed project based on comparative studies undertaken at other Equinox locations. Below, we have provided Commissioner comments and applicant testimony regarding the peak hour of usage. Note that the excerpts below are not continuous, and were made at different points at the hearing regarding the same subject.

Comm. Furie: [2:54:57] Ok. I want to thank Mr. Elliott for his letter and I would ask that staff respond to each of the issues that have been raised in that letter and I would ask

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that we get a response back from staff at least a week before the next hearing so that we have an opportunity to review it and come to our own judgment on this. I had the opportunity to serve on the Commission when we approved this project, the Glass Building, and serve on a subcommittee. At one of the meeting, I was reviewing my notes after getting Mr. Elliott's letter... I went and looked at it... and at the time I had asked about the number of employees, hours of operation, because we put the applicant through quite a bit to upgrade the parking there because we had great concerns about that. And I had some information that was provided to me through that process and I'm going to tell you what it says, based upon back then, and I'm hoping that you might be able to reverify this with the intended tenant for the glass building or other people in a similar business because there was a question about hours that people worked. So, from my notes, I guess that was back in 2008, there were two categories of employees: assistants to agents and agents. **And, I was told at the time that the assistants come in between 8 and 9 o'clock and they work to 7 to 7:30. And the agents come in between 9 and 10 and they leave at 6. They don't work past that. And the HR and accounting people leave about 5:30.** (Emphasis added.)

///

Nakamura: [3:10:06] I think there's a misunderstanding and I could understand because the graphics are in black and white about peaks, uh, it's been stated correctly that when you see the 10 a.m. peak, whether its for Santa Monica or Westwood... that's really on a Saturday. I think perhaps it might be better to go look at Attachment G in my technical letter and that's a table and its shows the percentage of parking utilization for Equinox Beverly Hills which is based on Equinox Westwood and has been correctly stated by our side the peak morning time that this Equinox and the other Equinoxes are busiest is from 6 o'clock until 7 o'clock maybe 8 o'clock. If you look at Attachment G you will see 6

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o'clock.... Ahh excuse me.... At 7 o'clock at 58% and then it goes from 48 to 55 and after 9 o'clock as we've been saying the usage of the gym based on the parking diminishes and so while the other office usage maybe heavy, peaking where parking demand is close to 2 o'clock or 99% at 1 o'clock, our demand is actually at a low ebb then of course, we start ratcheting it up towards 6 o'clock. So yes our peak activity in the morning is not at 10 o'clock, it's more like 7 o'clock to 8 o'clock **and yes in the afternoon from 5 to 7 it's the heaviest.** (Emphasis added.)

Comm. Cole: Ok. But now clarify for me again going to Attachment D, the, and I understand why you don't want a whole bunch of data filling into those averages but looking at the data you've given us...for Santa Monica, please clarify for me, when is the morning peak? Because on my data it looks like it's 9 o'clock. Either 9 or 10 o'clock depending on...I'm assuming 10 is the weekend. So what is the weekday peak there? Because nothing falls lower than 9 o'clock. [Pause. Nakamura and Fischer looking at papers.] Attachment D – Equinox Santa Monica.

Fischer: He's got it. He's just trying to figure it out.

Cole: Ok. If you look at the 9 o'clock time there's nothing lower for the AM. I mean, there's nothing higher unless you go to possibly the weekend.

Nakamura: You are correct... For Santa Monica it's at 9 o'clock.

Cole: It's between 9 and 10.

Nakamura: Right. But...

Cole: So. That's the peak morning use? For Santa Monica.

Nakamura: For Santa Monica. Right.

Cole: One of the three clubs on which you gave us data?

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Nakamura: Correct.

Cole: Ok.

[3:28:13 - End of hearing]

Summary of Comments:

Commissioner Furie confirmed that talent agent assistants arrive between 8 and 9 a.m. and agents arrive between 9 and 10 a.m. Assistants leave at approximately 7:00 p.m., while agents generally leave by 6 pm. Commissioner Cole confirmed that 9:00 a.m. is the peak a.m. hour for the Equinox Santa Monica location, one of the two locations studied. We note that the information provided by the applicant evidences the following peak hour usages:

Westwood:	Santa Monica:
A.M. M&F 9 A.M. T-TH 7 A.M.	M-F 9A.M.
P.M. M-W 6 P.M. TH-F 5 P.M.	M-W 6 P.M. TH-F 5 P.M.

The data provided by the applicant clearly evidences that in the days studied 9 a.m. is the peak hour of usage for the Equinox facility, except Tuesdays through Thursdays in Westwood. On average, their facility is busiest between 7 and 9 a.m. which conflicts with the hours that employees of the “William Morris Building” (A property located in an Entertainment Office Overlay Zone and intended for entertainment office use) and the existing agency and other office users in the Bank of America Building are likely to arrive. A majority of the Equinox clientele arrive in the evening at 6:00 p.m., except on Thursdays and Fridays when the peak usage hour is 5:00 p.m. Therefore, this usage time conflicts with the hours that entertainment office employees would be departing (5:30 to 6:00 p.m. as confirmed by Commissioner Furie).

Accordingly, pursuant to Beverly Hills Municipal Code Section 10-3-1618 B, two crucial findings cannot be met: 1) The proposed Exercise Club is not primarily an early morning and nighttime use; and 2) the proposed Exercise Club does not have different peak hours of operation than uses in the off-site [William Morris or Blue Glass Building] parking facility.

III. DENSITY, ACCESS TO PARKING AND WALKABILITY

Lastly, with regards to the nature of the surrounding area at the intersection of Beverly Drive and Wilshire Boulevard in terms of the applicable traffic counts, the applicant in his testimony explains:

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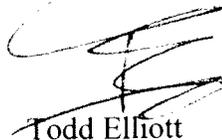
Klein: No, because our belief, and staff's belief, is that these markets, uh, when I say these markets, Santa Monica, Westwood, and the Triangle in Beverly Hills, function very similarly in that you're in a core CBD [Central Business District] with dense office space, like Santa Monica and Westwood, and you're surrounded by residential... so the member flow, whether vehicular or pedestrian, should be very very similar to Beverly Hills.

Summary of Comments:

The applicant by admission confirms that Santa Monica, Westwood and Beverly Hills are all similar areas with dense office space. It should also be noted that each is served by major transit lines and each has numerous public parking lots and are "hubs" for pedestrian traffic. The applicant's statements support the notion that SANDAG's Centre City trip generation numbers for bank (26/1,000 square feet) are more appropriately applied in this context, however, only empirical traffic studies would provide sufficient substantial evidence to inform the public of the potential impacts to the environment from the proposed use.

It also should be noted that the SANDAG Traffic Generator's Report used from 1998, actually relies on data collected in 1986 and that the facilities studied each had between two and six drive-through banking lanes (copy of Traffic Generator's Report attached).

Respectfully submitted,



Todd Elliott
of TRUMAN & ELLIOTT LLP

cc: David Reyes, Principal Planner

Attachments:

- (1) Partial Transcript October 14, 2010 Hearing Beverly Hills Planning Commission
- (2) San Diego Traffic Generator's Report (partial)

ATTACHMENT 1

1 **Item 4. 9465 WILSHIRE BOULEVARD**
2 **EQUINOX EXERCISE CLUB**
3 **CONDITIONAL USE PERMIT**

4 [1:23:55 - Hearing begins]

5 [2:35:56 – Commissioner Questions for Applicant]

6 Bosse: Does anybody else have any questions?

7 Cole: I have just a couple. Let me ask, because there was some reference to an
8 error in citing the peak hour during weekdays and unfortunately our copies,
9 the color don't come through so it's hard to tell what is a weekend or a
10 weekday. So what are the peak hours that you are claiming for the
11 weekdays?

12 Klein: [John Klein is the Executive Vice President of Real Estate for Equinox]
13 The opposition says, a general statement that – [inaudible] – the health
14 club's peak hours during the weekday AM peak are 10am.

15 Cole: um hm.

16 Klein: That's on a Saturday...when we expect and all of our empirical studies
17 show and all of our nine clubs in southern California show that if they are
18 in an office building that garages are wide open...they're unoccupied.

19 Cole: At...

20 Klein: In an office building on a Saturday.

21 Cole: Ok. I was looking at the chart here and that's why I went back to the
22 book...and it says weekday. So what is your...what are you identifying as
23 your peak morning for weekdays?

24 Klein: 7 to 8 am.

25 Cole: 7 to 8. Because it is confusing from the attachments.

26 Klein: But you don't have...yes, because it's not colored.

27 Cole: Right. Exactly.

28 Klein: But if you look at...there are...there is a chart that's more numerical...

1 Cole: um. hm.

2 Klein: uh...within the study you can actually see it in the numerical chart.

3 Cole: Right. And I was looking also...the same occurs both in the Westwood
4 and, I believe, the Santa Monica...same confusion occurs in terms of,
5 because as I understand why that speaker mentioned 10 a.m. because
6 frankly no matter what the color it shows that as the peak for 2-day
7 weekday average. For instance, for the Westwood data. And we don't have
8 any data for your Century City facility

9 Klein: We didn't study that...

10 Cole: How is that different?

11 Klein: It's a much lower membership. A much higher membership fee per
12 member. It's predominantly a spa which is open to the public. A 20 room
13 spa...here we are proposing a 2 room spa. It's connected to the hotel and
14 there is a lot of interplay between the hotel guests... at the suggestion of....

15 Fischer: it was not comparable from the standpoint of uses and operation and that's
16 why I suggested that we use the two that we did...

17 Klein: You would see much lower parking counts and it wouldn't be an honest fair
18 study relative to what we're proposing in Beverly Hills.

19 Cole: And in terms of user demand would it change during midday hours?

20 Klein: Change relative to....?

21 Cole: To the data we've been provided for Westwood and Santa Monica.

22 Klein: No, because our belief, and staff's belief, is that these markets, uh, when I
23 say these markets, Santa Monica, Westwood, and the Triangle in Beverly
24 Hills, function very similarly in that you're in a core CBD with dense office
25 space, like Santa Monica and Westwood, and you're surrounded by
26 residential... so the member flow, whether vehicular or pedestrian, should
27 be very very similar to Beverly Hills.

28 Cole: What....

1 Fischer: May I just respond...

2 Cole: Sure.

3 Fischer: If you were to look at the study that was done for the SportsClub...

4 Cole: um hm.

5 Fischer: It shows the same thing...that their peak hours are 8, and, below, 8am
6 ...7... and their peak hour at nighttime is 6pm hour so that comparsion, and
7 again, they asked us to make sure that we included that comparison so that
8 we could see if there was any difference from Beverly Hills history and
9 there isn't.

10 Reyes: And, Commissioner Cole...for your benefit...we actually asked the
11 applicant not to give us the Century City. We felt that it was going to be a
12 much lower rate and it wasn't going to be a fair assessment and we could
13 certainly give you that information....

14 Cole: No...I was simply curious because it was raised previously by a speaker
15 and because I looked at the charts. It just caused me to question...because
16 the peaks do appear to be at 9 and 10 a.m. and the point was ...and again,
17 I'm not looking at the colors but I'm looking at the peaks and, at least for
18 Santa Monica 2-day weekday average, it is showing between 9 and 10 a.m.

19 Fischer: We have our traffic engineer that could tell you...

20 Cole: I was talking about the usage here...the parking utilization profile. So that's
21 perhaps...my point is, perhaps, I was misreading it and since we do have
22 the so-called glass building, which I call the blue building, I remember a
23 very significant point being that entertainment-related office buildings or
24 office tenants have different hours hence, we couldn't have the parking
25 before, public parking, before 6pm... 6 or 7, I forget. But, so that's what
26 I'm trying to ascertain here is, I'm just trying to make sure I am reading
27 these charts correctly.

28 Fischer: We... I would hope that you are reading them...I think you are very

1 smart...that you have the capability of reading them that way. That
2 analysis was done, we looked at what the entertainment was, we wanted to
3 make sure that at no time there was an overlap to the point. If you would
4 look at the...in looking at the studies you will note that there is surpluses at
5 the coinciding times, and that we feel very comfortable that those surpluses
6 will always be maintained.

7 Cole: No... yes, I did note that there was something like 67 parking space
8 surplus...

9 Fischer: Yes, ma'am.

10 Cole: But given the other comments, I wanted to make sure that we had the peak
11 hours here given in the charts.

12 [2:41:30 - End of Cole's questions regarding traffic peak hours]

13 [2:47:14 - Start of Chair Bosse's Deliberations]

14 Bosse: I don't believe any of my fellow Commissioners have any other
15 questions...right? [looks around room for confirmation.] Yeah. So I'm
16 going to go first in terms of deliberation. [pause] Today, we are supposed
17 to address a CUP and having the findings and I don't know what my other
18 commissioners can do today, but I can tell you that absolutely today could
19 not make the findings. There is a lot of information that is BLATANTLY
20 missing for me...in order for me to find for this project and again if my
21 fellow commissioners can find for it, then they can go ahead. What I would
22 suggest though is to at least listen to my concerns and perhaps come back at
23 another date with some answers. What really was glaring at me was the
24 analysis of how you arrived at the trip counts. So much of this was based
25 on Bank trips and, you know, the 150 per 1,000 square feet that was in the
26 manual that was in 1998. That was prior to internet banking. And I think
27 it's rare these days that people go into a bank. Most people do most of their
28 banking online. So I think it's not really a fair indication of, I don't believe

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that we are comparing apples to apples to as to the bank that is there now. I don't believe that it has that much driving traffic as it once had so I would like to see a real count of how that usage is portrayed at that location for the bank so we could really compare... you know, so much of the report, was banking has so much traffic in terms of trips, and health clubs have so much traffic and office has so much traffic and in that hierarchy, in terms of banking, health clubs and office and I think based on the numbers of what we have for banking, I think it's so skewed that it's not really a fair indication. I think it's absolutely important to me that the tenants of the building are notified. I would like for them if there is any comments, one way or the other, for them to come, if they so chose to speak on behalf of how they feel this would affect them....I did speak to somebody that is a major tenant in the building and their concern to me is that they said right now they don't find there is enough parking currently for their usage and I recognize that the glass building is going to be built and there is that element but I really want to understand how this project is going to work and I feel that whenever we've made findings we've had something really substantial to work with and I want to see a substantial accurate parking management plan that shows the circulation. You know, you pointed out to the three entrances or exits – Dayton Way, Beverly Drive or the alley. ...that to me is like you know, anything is possible. I want to really understand who is coming in where, who is going out where, and really have idea of how all this going to work, as opposed to we have these entrances, we have these exits, its going to work. For me I won't be able to make findings based on just trust. I also would love and I don't know if this is something that the owner of the building would speak to but the possibility of another high user per take some space in the building and how that would work... in terms of parking and circulation, so I want to

1 since we're planning I want to plan ahead I don't want to, you know, be
2 reactive I want to think of worst case scenario what can happen and I want
3 to make sure that we are ready now for the worst case scenario of another
4 high usage coming into the building and how will it all work together.
5 Then in terms of the alley usage there's a lot of the time there's loading in
6 that alley there's trucks that park on the side and load and there are
7 currently circulation issues which is part of what were dealing with in terms
8 of the two way traffic so again I want to understand how that is going to
9 work... in terms of aesthetically on Wilshire Boulevard where you were
10 having the bikes on first floor, I don't think cars going east, you know, part
11 of what was dealt with at the Sports Club LA was that we don't want part
12 of our image of Beverly Hills is for people to see...

13 Fischer: The first level of parking, not the first floor...

14 Bosse: No. On the first floor of the health club. On Wilshire Boulevard, you could
15 see the bicycles... I am correct?

16 Fischer: No.

17 Bosse: So what is on the first floor going into Wilshire?

18 Fischer: Exactly...what we tried to say...right now, it's totally... it's the same finish
19 as basically like the building, but we said, if you'd rather have a retail look
20 we will put a ...

21 Furie: [inaudible.]

22 Fischer: No. It's opaque.

23 Furie: [inaudible.]

24 Bosse: that's what I'm talking about. I mean...so there is bicycles in there. Ok, so
25 absolutely, you will not see bicycles?

26 Fischer: You will not see it at all.

27 Bosse: Ok. Then forgive me... I wanted to make sure that...

28 Fischer: But if you prefer, we will put a retail element in...that's what I am saying.

1 We have the flexibility.

2 Bosse: Ok. I just didn't want people as they were driving...I know that for the
3 third floor...I know that you were saying that you won't be able to see it. I
4 want to make sure that we can't...because people will drive...I don't want
5 them to be able to see exercise equipment.

6 Fischer: We are very cognizant of that.

7 Bosse: Ok. And then in terms of, you know, I think you were talking about the
8 opponent, or whatever, how they were giving unfair information in terms of
9 peak hours, et certera....our very own Bijan in the report, you know, it says
10 that the ITE lacks information regarding both the daily and AM peak hour
11 trip generation for banks, which is what I was addressing, and that the
12 applicant used the SANDAG and the focus on the peak, from SANDAG, is
13 from 6 a.m. to 9:30 a.m. for bank usage and then from 3 p.m. to 6:30 p.m.,
14 so much similar to what [pointing to Comm. Cole] Commissioner Cole was
15 saying, I think the peak times really need to be much more accurate into the
16 real world. What we've found, even with EIRs, is, our consultants and,
17 different ITEs, or whatever, can talk about peak times, but Beverly Hills we
18 are our own community and we have certain hours that we do things, and
19 something that is really more true to our lifestyle, as residents, I think really
20 needs to be addressed here because, at least for myself, in order to make
21 findings, it has to work. And for me, I have to be able to justify how it
22 works and not just in theory. So those are my comments for today. Thank
23 you.

24 Furie: [2:54:57] Ok. I want to thank Mr. Elliott for his letter and I would ask that
25 staff respond to each of the issues that have been raised in that letter and I
26 would ask that we get a response back from staff at least a week before the
27 next hearing so tht we have an opportunity to review it and come to our
28 own judgment on this. I had the opportunity to serve on the Commission

1 when we approved this project, the Glass Building, and serve on a
2 subcommittee. At one of the meeting, I was reviewing my notes after
3 getting Mr. Elliott's letter... I went and looked at it...and at the time I had
4 asked about the number of employees, hours of operation, because we put
5 the applicant through quite a bit to upgrade the parking there because we
6 had great concerns about that. And I had some information that was
7 provided to me through that process and I'm going to tell you what it says,
8 based upon back then, and I'm hoping that you might be able to reverify
9 this with the intended tenant for the glass building or other people in a
10 similar business because there was a question about hours that people
11 worked. So, from my notes, I guess that was back in 2008, there were two
12 categories of employees: assistants to agents and agents. And, I was told at
13 the time that the assistants come in between 8 and 9 o'clock and they work
14 to 7 to 7:30. And the agents come in between 9 and 10 and they leave at 6.
15 They don't work past that. And the HR and accounting people leave about
16 5:30. [rest of transcript not transcribed.]

17 Bosse: Commissioner Cole?

18 Cole: One concern I didn't have the chance to ask...I thought you were going to
19 be having your parking person up...part of it has to do with the access into
20 the Bank of America...

21 Fischer: We would like the opportunity to have our two other people speak...it may
22 have shed some additional light...we never...

23 Bosse: They can speak, but Nanette...

24 Cole: We are still not going to come to a decision.

25 Fischer: Oh, I understand that...

26 Bosse: I didn't have any questions...do you have any questions [looking at Comm.
27 Cole]?

28 Cole: My concern, going to some of the questions that have been raised...going

1 back to when we were considering parking at the blue building that
2 interfaces with and has been relied upon for this application, is that,
3 well...it was challenging at best and the existing layout at Bank of
4 America, what I call Bank of America, the subject property, is challenging
5 and in going through the plans, based on my use of that, without having to
6 go through the valet, is, I mean, it's challenging in there...if you don't have
7 a compact car...if you have a standard car. So that was part of my...I'm
8 sure that's been studied and so forth, but we've never seen the blue
9 building's parking as built, much less in operation...we've only seen it on
10 paper. And I think we certainly recognize the challenges at the time. It was
11 a very challenged parking layout. And clearly the BofA is a very parking
12 challenged layout..that's why it required covenanted parking....so that
13 logistic, particularly...if you have these people coming in, at the very time
14 that others are arriving, with the cross-over time, that's of some concern to
15 me. Similarly, I'd like some clarification of peak hours, only because, it
16 could be something as simple as making sure we have this in color. So that
17 we know what lines so to weekdays and what lines go to Saturdays. And,
18 going back, again, a simple matter to clarify was the anticipated parking
19 usage at the blue building because, I recall, we had a later start date for
20 public parking, because of the anticipated range of hours for that type of
21 use. And it was made very clear to us that public parking, as I recall, could
22 not start as early as six o'clock.

23 Reyes: [inaudible]

24 Cole: Yes. Good [head nodding] that was my recollection. Yes, we had to defer
25 public parking until 7 o'clock because there was simply too much
26 occupancy in the building and the parking would not be available for public
27 use. I too, shared the concern about the tenants of the current building
28 having some idea. We know that has been an issue...it has raised an issue

1 with people having to share parking...who might run into each other. Let's
2 make sure this isn't an issue. I realize it's a gym, it's not a related business.
3 I'm just trying to identify things. Yes. Staff's response. And I would like
4 to... the one big sticky I put on here as I read through is... a tour the sight.
5 I would like see how, the a parking [works]...whether its driving there on
6 our own time between now and the future hearing...seeing how that related
7 parking., the connected parking has actually come to look in fruition and I
8 realize that won't give us any operational assistance. And that's...other
9 than the concerns... I had some questions regarding the plans...if you
10 would clarify that as to the retail display...the applicant's project
11 description had 1100 square feet...the plan showed very little retail display,
12 but you've addressed that in your presentation. I will assume that to be the
13 case. So those are the areas I am most concerned about, particularly the
14 ability to function given the difficulties within that parking.

15 Bosse: Commissioner Cole, do you have somebody of their staff that you that want
16 to answer a question of yours?

17 Cole: You know, if...you have someone who has been able to....who can
18 address the concerns about access....

19 Fischer: We do. We have those people here. They're prepared to answer all
20 questions.

21 Cole: Ok. Because, obviously, there's triple tandem...and there's microspaces
22 that are counted as real spaces, and a series of 90 degree turns...that people
23 are needing to make.

24 Fischer: I would be more than happy to bring up Al Pineda.

25 Cole: Great. While we have the time...

26 [3:03:03 - Rest of discussion re: parking not transcribed]

27 [3:09:55 – Start of discussion regarding traffic]

28 Fischer: I would like to have Roy Nakamura speak on the traffic issues.

1 Nakamura: Good Afternoon. My name is Roy Nakamura, I'm a senior transportation
2 engineer with Crain and Associates.

3 Bosse: Welcome.

4 Nakamura: I think there's a misunderstanding and I could understand because the
5 graphics are in black and white about peaks, uh, it's been stated correctly
6 that when you see the 10 a.m. peak, whether its for Santa Monica or
7 Westwood... that's really on a Saturday. I think perhaps it might be better
8 to go look at Attachment G in my technical letter and that's a table and its
9 shows the percentage of parking utilization for Equinox Beverly Hills
10 which is based on Equinox Westwood and has been correctly stated by our
11 side the peak morning time that this Equinox and the other Equinoxes are
12 busiest is from 6 o'clock until 7 o'clock maybe 8 o'clock. If you look at
13 Attachment G you will see 6 o'clock.... Ahh excuse me.... At 7 o'clock at
14 58% and then it goes from 48 to 55 and after 9 o'clock as we've been
15 saying the usage of the gym based on the parking diminishes and so while
16 the other office usage maybe heavy, peaking where parking demand is
17 close to 2 o'clock or 99% at 1 o'clock, our demand is actually at a low ebb
18 then of course, we start ratcheting it up towards 6 o'clock. So yes our peak
19 activity in the morning is not at 10 o'clock, it's more like 7 o'clock to 8
20 o'clock **and yes in the afternoon from 5 to 7 it's the heaviest.** [emphasis
21 added.]

22 Fischer: Can you also address the fact of the worst case scenario with respect traffic
23 counts?

24 Nakamura: Well...its been my experience with trip generation analysis in the City of
25 Beverly Hills that uh you follow the ITE Manual and to the extent that you
26 can you use those rates and equations. Sometimes for whatever reason
27 we're not sure, ITE does not have all the information for all peak hours or
28 for the daily rate and so usually the traffic engineer of the city, we will

1 consult with him and find out what's the next best alternative and typically
2 in southern California, it's been to go to SANDAG, but the preference is to
3 stay with ITE. When we looked at the bank use, the existing and proposed,
4 ah, we use the current addition of the ITE but they did not have an AM rate
5 or a daily rate and so we went to SANDAG. If you look at Mr. Bejeri's
6 memo, while he disagreed with the peaking characteristics of the bank or
7 with the other uses in the existing and proposed situations, he did concur
8 that the daily generation was the negative value of 138. And now based on
9 that, he said, in his experience, as a rule of thumb, you take 10% of that and
10 he came up with approximately -11 trips in the morning and -11 trips in the
11 afternoon. While they are different than our numbers, they are not that
12 much different and he agreed with our negative daily numbers, and so we
13 don't feel whether it's a +1 trip or -11 or +15 that, those are substantially
14 enough trips in the peak hours, which are the critical time constraint, at
15 which you are going to have impacts of any significance.

16 Cole: Well, the issue for me, which is what I am looking to get for the next
17 meeting is...there is the trips and then there is also the parking. Even if
18 there is not a lot of trips, will this facility be able to manage having the
19 Equinox and the office building and the blue building. Will there be, with
20 the whole element of the shared parking, is...I want to see that it can really
21 work.

22 Nakamura: I understand that concern. I am not familiar with the parking demand
23 analysis for the William Morris Building. I do know that the B of A uses,
24 the bank, the office and the Equinox -have control over 474 spaces - either
25 physically underneath or through covenant - they control that. Our exercise
26 was to see whether or not, using very conservative assumptions, if Equinox
27 went in there, the bank, whatever size it is remain, and the office, whatever
28 size it is remain, at the worst time with parking, would it exceed 474. No

1 they would not. Not on a weekday. Not on a weekend. In fact, they would
2 have a surplus of about 65 spaces. So that was kinda of our mandate.

3 Bosse: I understand. And I think you do that. I'm just saying for future, what I
4 would like to see, is you take that a step further and really see where are
5 people going to park...those spots and how are they going to get there in
6 terms circulation. What we generally see is... we see a parking plan, a
7 circulation plan...that is what we did with the glass building. We
8 understood how it's going to work. Just because I know there are spots
9 there. I don't know that those spots are going to be used where they need to
10 be used. How do we know that the other building is not going to use them?
11 So I would just like to make sure that we're not crowding too much in a
12 space unless we can really prove it can work.

13 [3:15:25 -- rest of speech from Furie re: SANDAG not transcribed]

14 [Discussion regarding traffic...Pick up at 3:16:36]

15 Cole: Quick question. I had seen your attachment G and since I don't have the
16 other attachments in color, let me just confirm. Going back to attachment
17 C, which references the Equinox Westwood and because I can't see the
18 differential in colors, I presume that is where you are referencing the peak 7
19 a.m. for weekdays. It's called attachment C. I am right?

20 Nakamura: Yeah.

21 Cole: Then going on to attachment D, that's for Santa Monica.

22 Nakamura: Correct.

23 Cole: And what do you show as the peak hour for the 2-day weekday?

24 Nakamura: It's at 147.

25 Cole: Pardon

26 Nakamura: It's at 147 at 6 o'clock

27 Cole: Ok. But for the AM?

28 Nakamura: For the AM, let's see...[pause] It would be...um....

1 Cole: It looks like it is between 9 and 10 am to me.
2 Nakamura: No. Can I come up and point with my finger?
3 Cole: Sure. Again. I've got three lines here with no way to tell which is your
4 Saturday, Sunday or two-day weekday.
5 [Nakamura goes up to dais and points to paper]
6 Reyes: For the record...is that the top, the middle or the bottom line?
7 [Answer from Nakamura] It's the middle one. Thank you.
8 Cole: But it seems to go up from there.
9 Reyes: I ask that at the next meeting that we get color versions of this.
10 Cole: Yes. Because the peak to me looks like it falls at 9 o'clock...following that
11 line you just identified for me.
12 Nakamura: We'll send staff a CD with color graphics.
13 Cole: Ok. So final question on this. Again, trying to understand how you came to
14 your conclusions on this. Attachment G...you chose to use the Equinox
15 Westwood 2-day average?
16 Nakamura: Correct.
17 Cole: And why is that? Rather than the Santa Monica?
18 Nakamura: Well...as we explained, we had three clubs. Two of them were Equinox
19 and one was Sports Club LA. And because parking was critical and because
20 we were trying to do a very conservative shared parking analysis. We
21 didn't want to have the City approve something were there is going to be a
22 parking shortfall based on a dilution ... of taking many data points and
23 coming up with an average that maybe 85% of the time meets the average
24 and 15% of the time it isn't enough parking so when looking at the peak
25 parking demand ratios, it was highest for Equinox Westwood, then Equinox
26 Santa Monica and then there was drop down to SportsClub LA. And if
27 we'd average them out, we get a parking ratio which if we would have gone
28 through our charts, it would show a surplus of more than 65 spaces. Instead

1 for this, because we decided that parking is such a critical issue, let's be
2 conservative and just use the highest peak average which was Equinox
3 Westwood.
4 Cole: And Westwood has the AM peak at 7am, you mentioned?
5 Nakamura: Right.
6 Cole: Ok. But now clarify for me again going to Attachment D, the, and I
7 understand why you don't want a whole bunch of data filling into those
8 averages but looking at the data you've given us...for Santa Monica, please
9 clarify for me, when is the morning peak? Because on my data it looks like
10 it's 9 o'clock. Either 9 or 10 o'clock depending on...I'm assuming 10 is
11 the weekend. So what is the weekday peak there? Because nothing falls
12 lower than 9 o'clock. [Pause. Nakamura and Fischer looking at papers.]
13 Attachment D – Equinox Santa Monica.
14 Fischer: He's got it. He's just trying to figure it out.
15 Cole: Ok. If you look at the 9 o'clock time there's nothing lower for the AM. I
16 mean, there's nothing higher unless you go to possibly the weekend.
17 Nakamura: You are correct... For Santa Monica it's at 9 o'clock.
18 Cole: It's between 9 and 10.
19 Nakamura: Right. But...
20 Cole: So. That's the peak morning use? For Santa Monica.
21 Nakamura: For Santa Monica. Right.
22 Cole: One of the three clubs on which you gave us data?
23 Nakamura: Correct.
24 Cole: Ok.
25 Reyes: [3:21:08 – End of Questions by Cole; Comments by Reyes not transcribed]
26 [3:28:13 - End of hearing]
27
28

ATTACHMENT 2

BANKS

SAN DIEGO TRAFFIC GENERATORS
JULY 1986

AUTHOR: SAN DIEGO ASSOCIATION OF GOVERNMENTS

BANKS COMPARISON

SITE	CALIFORNIA FIRST (Chula Vista)	SOUTH-WEST BANK (Rancho Bernardo/ San Diego)	MITSUBISHI BANK (Rancho Bernardo/ San Diego)	SECURITY PACIFIC (Mira Mesa/ San Diego)	AVERAGE	RANGE
Study Number	B-1 (now Mitsubishi)	B-2	B-3	B-4		
Study Date	12/80	10/85	10/85	11/85		
<u>BACKGROUND DATA</u>						
Employees	57	11	14	22		
Square Feet of Gross Floor Area	13,400	3,128	6,032	14,250		
Acres	1.65	1.04	0.95	0.91		
Parking Spaces	50	39	29	45		
Drive-through Lanes	4	4	2	0		
<u>TRAFFIC DATA</u>						
Average Weekday Traffic (AWDT)	3,211	904	910	1,918		
AM Peak Hour % of AWDT	4.2%	5.1%	6.1%	3.9%	4.8%	3.9%-6.1%
PM Peak Hour % of AWDT	9.4%	10.0%	10.3%	8.4%	9.6%	8.4%-10.3%
Vehicle Occupancy	1.33	1.29	1.18	1.24	1.26	1.18-1.33
<u>TRIP RATIOS</u>						
Weekday Trips Per . . .						
Employee	56	82	65	87	72	56-87
1,000 sq. ft. of G.F.A.	240	289	151	135	204	135-289
Acre	1,946	869	958	2,108	1,470	869-2,108
Parking Space	64	23	31	43	40	23-64

DRIVE-THROUGH BANKING COMPARISON

SITE	CALIFORNIA FIRST (Chula Vista)	FIRST INTERSTATE (Mission Valley/ San Diego)	SECURITY PACIFIC (Mission Valley/ San Diego)	SOUTHWEST BANK (San Marcos)	AVERAGE	RANGE
Study Number	B-5 (now Mitsubishi)	B-6	B-7	B-8		
Study Date	12/80	4/86	2/81	4/86		
<u>BACKGROUND DATA</u>						
Drive-through Lanes	4	2	2	5		
<u>TRAFFIC DATA</u>						
Average Weekday Traffic (AWDT)	1,440	772	320	726		
AM Peak Hour % of AWDT	4.9%	1.1%	1.9%	3.6%	2.9%	1.1%-4.9%
PM Peak Hour % of AWDT	11.5%	8.8%	13.8%	16.8%	12.7%	8.8%-16.8%
<u>TRIP RATIOS</u>						
Weekday Trips per . . .						
Drive-through Lane	360	386	160	145	263	145-386

Vehicle Occupancy = 1.33 Persons per auto (Weekday)
Date: March 17, 1986
Time: 8-9 AM, 4-5 PM (Inbound & Outbound)

Study B-1



**CALIFORNIA FIRST BANK
(now Mitsubishi Bank)**

This commercially successful bank, located near the City of Chula Vista downtown area, has changed ownership since the original traffic counts were taken. The bank is situated on a corner at which public on-street parking has been eliminated. The bank has drive-through facilities (4 lanes), as well as a 24-hour automatic teller machine. The banking hours of operation are:

	<u>Walk-in</u>	<u>Drive Through</u>
Monday-Thursday:	9 a.m.-5 p.m.	8 a.m.-5:30 p.m.
Friday:	9 a.m.-6 p.m.	8 a.m.-6 p.m.
Saturday:	Closed	9 a.m.-12(Noon)

TRIP GENERATION STUDY SUMMARY

Name of Study Site California First (now Mitsubishi Bank) Study B - 1
 Location Chula Vista
 Type of Facility Bank
 Date November 28 - December 3, 1980

BACKGROUND DATA

57	Employees
13,400	Sq. Ft. of Gross Floor Area
1.65	Acres (gross)
50	Parking Spaces
4	Drive-through Lanes
1	Automatic Teller (on-site)

TRAFFIC DATA

			Traffic Volumes	% of AWDT
Average Weekday Vehicle Trip Ends (AWDT)			3,211	
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	78	
		Exit	58	
		Total	136	4.2%
	P.M. Between 4 and 6	Enter	140	
		Exit	163	
		Total	303	9.4%
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter	193	
		Exit	189	
		Total	382	11.9%
	P.M. 12:00 (noon) - 1:00	Enter	212	
		Exit	188	
		Total	400	12.4%

		Traffic Volumes
Saturday Vehicle Trip Ends		1,574
Peak Hour of Generator 11:00 A.M. - 12:00 (noon)	Enter	
	Exit	
	Total	390
Sunday Vehicle Trip Ends		279
Peak Hour of Generator 5:00 - 6:00 P.M.	Enter	
	Exit	
	Total	34

TRIP RATIOS

	Weekday*	Saturday	Sunday
Trips/Employee	56	28	5
" /1,000 Sq. Ft. of G.F.A.	240	117	21
" /Acre	1,946	954	169
" /Parking Space	64	31	6

*Weekday Traffic Distribution: $\frac{M}{24\%} + \frac{Tu}{16\%} + \frac{W}{16\%} + \frac{Th}{20\%} + \frac{F}{24\%} = 100\%$ (est.)

Vehicle Occupancy = 1.29 Persons per auto (Weekday)
Date: March 6 & 7, 1986
Time: 8-9 AM, 4-5 PM (Inbound & Outbound)

Study B-2



SOUTHWEST BANK

This full service bank is located in the City of San Diego's community of Rancho Bernardo, and is the smallest building of the four bank sites that were counted. No on-street parking is available, and the bank is closed Saturday - except for the 24-hour automatic teller.

Bank hours are:

	<u>Walk-in</u>	<u>Drive-through</u>
Monday-Thursday:	10 a.m.-4 p.m.	8:30 a.m.-5 p.m.
Friday:	10 a.m.-6 p.m.	8:30: a.m.-6 p.m.
Saturday:	Closed	Closed

TRIP GENERATION STUDY SUMMARY

Name of Study Site Southwest Bank Study B - 2
 Location Rancho Bernardo, City of San Diego
 Type of Facility Bank
 Date October 8 - 15, 1985

BACKGROUND DATA

11	Employees
3,128	Sq. Ft. of Gross Floor Area
1.04	Acres (gross)
39	Parking Spaces
4	Drive-through Lanes
1	Automatic Tellers (on - site)

TRAFFIC DATA

			Traffic Volumes	% of AWDT
Average Weekday Vehicle Trip Ends (AWDT)			904	
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	28	
		Exit	18	
		Total	46	5.1%
	P.M. Between 4 and 6	Enter	38	
		Exit	52	
		Total	90	10.0%
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter		
		Exit		
	Total	106	11.7%	
	P.M. 12:30 - 1:30	Enter		
		Exit		
		Total	122	13.5%

		Traffic Volumes
Saturday Vehicle Trip Ends		280
Peak Hour of Generator	Enter	
	Exit	
	Total	40
Sunday Vehicle Trip Ends		130
Peak Hour of Generator	Enter	
	Exit	
	Total	30

TRIP RATIOS

	Weekday*	Saturday	Sunday
Trips/Employee	82	25	12
" /1,000 Sq. Ft. of G.F.A.	289	90	42
" /Acre	869	269	125
" /Parking Space	23	7	3

*Weekday Traffic Distribution : $\frac{M}{26\%} + \frac{Tu}{16\%} + \frac{W}{15\%} + \frac{Th}{18\%} + \frac{F}{25\%} = 100\%$

Vehicle Occupancy = 1.18 Persons per auto (Weekday)
Date: March 7 & 31, 1986
Time: 8-9 AM, 4-5 PM (Inbound & Outbound)

Study B-3



MITSUBISHI BANK

The above bank is nestled in an office park in Rancho Bernardo, a City of San Diego community. Access to the bank is via a cul-de-sac; and, even though on-street parking is available, the bank has provided plenty of off-street parking.

The bank's operating hours are:

	<u>Walk-in</u>	<u>Drive-through</u>
Monday-Thursday:	9 a.m.-3 p.m.	8 a.m.-5:30 p.m.
Friday:	9 a.m.-6 p.m.	8 a.m.-6 p.m.
Saturday:	Closed	Closed

TRIP GENERATION STUDY SUMMARY

Name of Study Site Mitsubishi Bank Study B - 3
 Location Rancho Bernardo, City of San Diego
 Type of Facility Bank
 Date October 8 - 14, 1985

BACKGROUND DATA

14	Employees
6,032	Sq. Ft. of Gross Floor Area
0.95	Acres (gross)
29	Parking Spaces
2	Drive-through Lanes :
1	Automatic Tellers (on - site)

TRAFFIC DATA

			Traffic Volumes	% of AWDT
Average Weekday Vehicle Trip Ends (AWDT)			910	
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	36	
		Exit	20	
		Total	56	6.1%
	P.M. Between 4 and 6	Enter	43	
		Exit	51	
		Total	94	10.3%
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter		
		Exit		
		Total	136	14.9%
	P.M. 12:00 (noon) - 1:00	Enter		
		Exit		
		Total	122	13.4%

		Traffic Volumes
Saturday Vehicle Trip Ends		200
Peak Hour of Generator	Enter	
	Exit	
	Total	40
Sunday Vehicle Trip Ends		80
Peak Hour of Generator	Enter	
	Exit	
	Total	20

TRIP RATIOS

	Weekday *	Saturday	Sunday
Trips/Employee	65	14	6
" /1,000 Sq. Ft. of G.F.A.	151	33	13
" /Acre	958	210	84
" /Parking Space	31	7	3

*Weekday Traffic Distribution : $\frac{M}{25\%} + \frac{Tu}{18\%} + \frac{W}{14\%} + \frac{Th}{16\%} + \frac{F}{27\%} = 100\%$

Vehicle Occupancy = 1.24 Persons per auto (Weekday)
Date: March 6 & April 11, 1986
Time: 8-9 AM, 4-5 PM (Inbound & Outbound)

Study B-4



SECURITY PACIFIC BANK

The above two-story bank, located just north of Miramar Naval Air Station, contains the bank's regional offices (which includes Trust, Real Estate and Audit offices, and a bank). No on-street parking is permitted on the corner of this site. Also, the bank had once offered drive-through services.

At the time of the traffic counts, the bank's hours were:

	<u>Walk-in</u>	<u>Drive-through</u>
Monday-Thursday:	10 a.m. - 3 p.m.	(Drive-through service
Friday:	10 a.m. - 6 p.m.	ended on June 3, 1985)
Saturday:	Closed	

TRIP GENERATION STUDY SUMMARY

Name of Study Site Security Pacific Bank Study B-4
 Location Mira Mesa, City of San Diego
 Type of Facility Bank
 Date November 15 - 21, 1985

BACKGROUND DATA

22	Employees
14,250	Sq. Ft. of Gross Floor Area
0.91	Acres (gross)
45	Parking Spaces
4	Drive-through Lanes (closed starting June 3, 1985)
1	Automatic Tellers (on-site)

TRAFFIC DATA

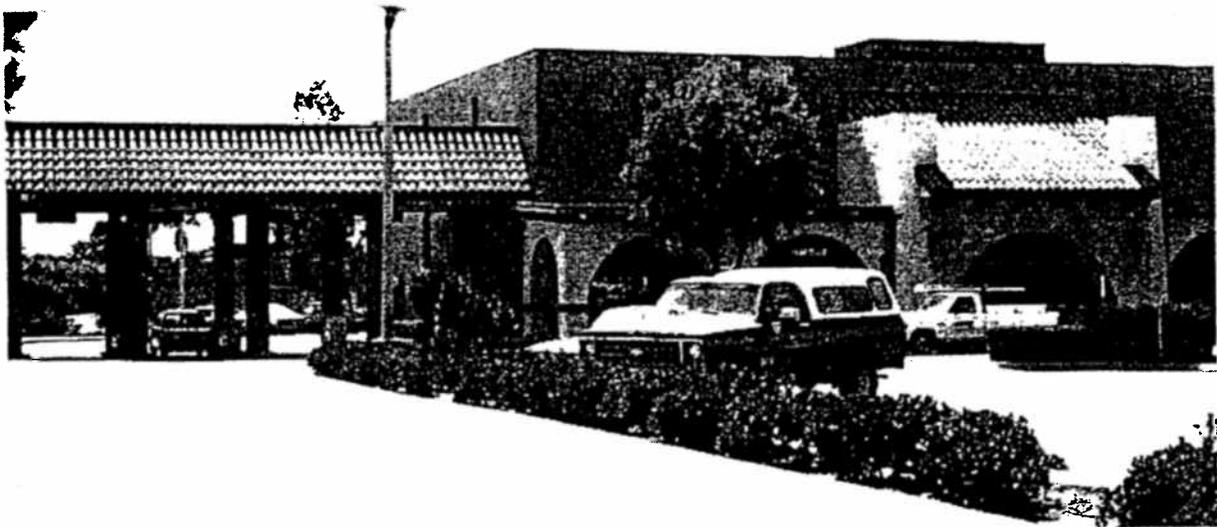
			Traffic Volumes	% of AWDT
Average Weekday Vehicle Trip Ends (AWDT)			1,918	
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	47	
		Exit	27	
		Total	74	3.9%
	P.M. Between 4 and 6	Enter	71	
		Exit	91	
		Total	162	8.4%
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter		
		Exit		
		Total	254	13.2%
	P.M. 12:00 (noon) - 1:00	Enter		
		Exit		
		Total	282	14.7%

			Traffic Volumes
Saturday Vehicle Trip Ends			690
Peak Hour of Generator 11:00 - 12:00 (noon)	Enter		
	Exit		
	Total		90
Sunday Vehicle Trip Ends			430
Peak Hour of Generator 12:30 - 1:30 P.M.	Enter		
	Exit		
	Total		70

TRIP RATIOS

	Weekday *	Saturday	Sunday
Trips/Employee	87	31	19
" /1,000 Sq. Ft. of G.F.A.	135	48	30
" /Acre	2,108	758	472
" /Parking Space	43	15	9

*Weekday Traffic Distribution: M 18% + Tu 17% + W 16% + Th 19% + F 30% = 100%



**CALIFORNIA FIRST BANK DRIVE-THROUGH
(now Mitsubishi Bank)**

This is the same bank as in Study B-1, in the City of Chula Vista. There are four drive-through lanes with plenty of off-street storage.
The drive-through hours of operation are:

Monday-Thursday: 8 a.m.-5:30 p.m.
Friday: 8 a.m.-6 p.m.
Saturday: 9 a.m.-12 (Noon)

TRIP GENERATION STUDY SUMMARY

Name of Study Site California First (now Mitsubishi Bank) Study B - 5
 Location Chula Vista
 Type of Facility Bank Drive-through Lanes
 Date November 28 - December 3, 1980

BACKGROUND DATA

4 Drive-through Lanes

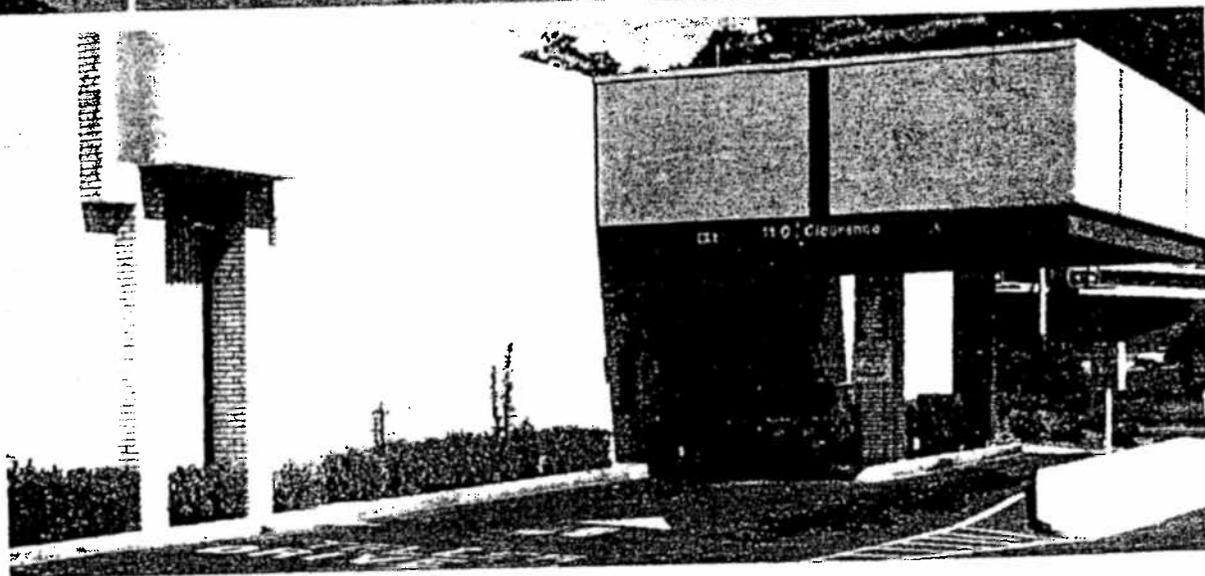
TRAFFIC DATA

			Traffic Volumes	% of AWDT						
Average Weekday Vehicle Trip Ends (AWDT)			1440	← 720 one-way trips						
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	35		Traffic Volumes					
		Exit	35							
		Total	70	4.9%						
	P.M. Between 4 and 6	Enter	83							
		Exit	83							
		Total	166	11.5%						
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter	80		Saturday Vehicle Trip Ends					
		Exit	80							
		Total	160	11.1%						
	P.M. 12:00 (noon) - 1:00	Enter	92					Peak Hour of Generator 11:00 - 12:00 (noon)		
		Exit	92							
		Total	184	12.8%						
						Total				
						100				
						N.A.				
						Enter				
						Exit				
						Total				

TRIP RATIOS

	Weekday*	Saturday	Sunday
Trips/Drive-through Lane	360	155	N.A.

*Weekday Traffic Distribution: $\frac{M}{26\%} + \frac{Tu}{15\%} + \frac{W}{17\%} + \frac{Th}{20\%} + \frac{F}{22\%} = 100\%$



FIRST INTERSTATE BANK DRIVE - THROUGH

Located adjacent to the Mission Valley regional shopping center in the City of San Diego, the bank shares its parking lot and aisles with local commercial businesses. There are only two drive-through lanes, and their open hours are:

- Monday-Thursday: 10 a.m.-4 p.m.
- Friday: 10 a.m.-6 p.m.
- Saturday: Closed

TRIP GENERATION STUDY SUMMARY

Name of Study Site First Interstate Bank Study B - 6
 Location Mission Valley, City of San Diego
 Type of Facility Bank Drive-through Lanes
 Date April 17 - 23, 1986

BACKGROUND DATA

2 Drive-through Lanes

TRAFFIC DATA

			Traffic Volumes	% of AWDT																							
Average Weekday Vehicle Trip Ends (AWDT)			772	←	← 386 one-way trips																						
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	4		Traffic Volumes																						
		Exit	4																								
		Total	8	1.1%																							
	P.M. Between 4 and 6	Enter	34																								
		Exit	34																								
		Total	68	8.8%																							
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter	58		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Saturday Vehicle Trip Ends</td> <td style="text-align: center;">40</td> </tr> <tr> <td rowspan="3" style="text-align: center; vertical-align: middle;">Peak Hour of Generator</td> <td style="text-align: center;">Enter</td> <td></td> </tr> <tr> <td style="text-align: center;">Exit</td> <td></td> </tr> <tr> <td style="text-align: center;">Total</td> <td></td> </tr> <tr> <td colspan="2">Sunday Vehicle Trip Ends</td> <td style="text-align: center;">20</td> </tr> <tr> <td rowspan="3" style="text-align: center; vertical-align: middle;">Peak Hour of Generator</td> <td style="text-align: center;">Enter</td> <td></td> </tr> <tr> <td style="text-align: center;">Exit</td> <td></td> </tr> <tr> <td style="text-align: center;">Total</td> <td></td> </tr> </table>			Saturday Vehicle Trip Ends		40	Peak Hour of Generator	Enter		Exit		Total		Sunday Vehicle Trip Ends		20	Peak Hour of Generator	Enter		Exit		Total	
		Saturday Vehicle Trip Ends		40																							
		Peak Hour of Generator	Enter																								
	Exit																										
	Total																										
	Sunday Vehicle Trip Ends		20																								
Peak Hour of Generator	Enter																										
	Exit																										
	Total																										
Exit	58																										
Total	116	15.0%																									
P.M. 12:15 - 1:15	Enter	66																									
	Exit	66																									
	Total	132	17.1%																								

TRIP RATIOS

Trips/Drive-through Lane	Weekday*	Saturday	Sunday
	386	N.S.	N.S.

*Weekday Traffic Distribution: M 20% + Tu 18% + W 16% + Th 19% + F 27% = 100%



SECURITY PACIFIC DRIVE-THROUGH

This motor banking is uniquely situated on the ground floor of a three-story parking structure in the city of San Diego (Mission Valley). The two drive-through lanes are parallel to the adjacent street.

Operating hours are:

Monday-Thursday: 9 a.m. - 4:30 p.m.
Friday: 9 a.m. - 6 p.m.
Saturday: Closed

TRIP GENERATION STUDY SUMMARY

Name of Study Site Security Pacific Bank Study B - 7
 Location Mission Valley, City of San Diego
 Type of Facility Bank Drive-through Lanes
 Date _____

BACKGROUND DATA

2 Drive-through Lanes

TRAFFIC DATA

			Traffic Volumes	% of AWDT			
Average Weekday Vehicle Trip Ends (AWDT)			320	←	160 one-way trips		
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	3		Traffic Volumes		
		Exit	3				
		Total	6	1.9%			
	P.M. Between 4 and 6	Enter	22				
		Exit	22				
		Total	44	13.8%			
Peak Hour of Generator	A.M. 11:00 - 12:00 (noon)	Enter	18				
		Exit	18				
		Total	36	11.2%			
	P.M. 12:00 (noon) - 1:00	Enter	32				
		Exit	32				
		Total	64	20.0%			

Saturday Vehicle Trip Ends			N.A.
Peak Hour of Generator	Enter		
	Exit		
	Total		
Sunday Vehicle Trip Ends			N.A.
Peak Hour of Generator	Enter		
	Exit		
	Total		

TRIP RATIOS

	Weekday *	Saturday	Sunday
Trips/Drive-through Lane	160	N.A.	N.A.

*Weekday Traffic Distribution: $\frac{M}{20\%} + \frac{Tu}{17\%} + \frac{W}{18\%} + \frac{Th}{16\%} + \frac{F}{29\%} = 100\%$



SOUTHWEST BANK DRIVE-THROUGH

This bank is located in the east side of the City of San Marcos. The bank has six drive-through lanes, five of which were open during the time of the survey.

The drive-through operating hours are:

Monday-Thursday: 8:30 a.m.-5 p.m.
Friday: 8:30 a.m.-6 p.m.
Saturday: Closed

TRIP GENERATION STUDY SUMMARY

Name of Study Site Southwest Bank Study B - 8
 Location 1210 E. Mission Rd., San Marcos
 Type of Facility Bank Drive-through Lanes
 Date April 12 - 18, 1986

BACKGROUND DATA

5 Drive-through Lanes (6 are available, but one was closed)

TRAFFIC DATA

			Traffic Volumes	% of AWDT			
Average Weekday Vehicle Trip Ends (AWDT)			726	← 363 one-way trips			
Highest Hour of Generator During Commuter Peaks	A.M. Between 7 and 9	Enter	13		Traffic Volumes		
		Exit	13				
		Total	26	3.6%			
	P.M. Between 4 and 6	Enter	61				
		Exit	61				
		Total	122	16.5%			
Peak Hour of Generator	A.M. 11:00 - 12:00 noon	Enter	34				
		Exit	34				
		Total	68	9.4%			
	P.M. 12:00 noon - 1:00	Enter	45				
		Exit	45				
		Total	90	12.4%			
Saturday Vehicle Trip Ends					70		
Peak Hour of Generator			Enter				
			Exit				
			Total				
Sunday Vehicle Trip Ends					34		
Peak Hour of Generator			Enter				
			Exit				
			Total				

TRIP RATIOS

	Weekday *	Saturday	Sunday
Trips/Drive-through Lane	145	N.S.	N.S.

*Weekday Traffic Distribution: $\frac{M}{23\%} + \frac{Tu}{15\%} + \frac{W}{14\%} + \frac{Th}{18\%} + \frac{F}{30\%} = 100\%$

Exhibit C
System Metrics Group Letter Dated November 11, 2010

System Metrics Group, Inc.

3470 Wilshire Blvd, Suite 840
Los Angeles, California 90010

Phone: (213) 382-6875 Fax: (213) 382-6894

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CITY OF BEVERLY HILLS

2010 NOV 12 A 9 21

CITY CLERK'S OFFICE

November 11, 2010

Members of the Beverly Hills Planning Commission
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: PROPOSED EQUINOX FITNESS CLUB
9465 WILSHIRE BOULEVARD
BEVERLY HILLS, CALIFORNIA

Dear Members of the Beverly Hills Planning Commission:

System Metrics Group, Inc. (SMG) is a transportation consulting firm founded by professionals with backgrounds in economics, civil engineering, and electrical engineering as well as advanced degrees in business, transportation engineering, and transportation planning. I am a Principal of SMG with more than 20 years of experience as a transportation engineer. I have also served as an Office Chief and Supervising Transportation Engineer for Caltrans District 7 in Los Angeles and a Principal with Kaku Associates.

We have completed our review of the City of Beverly Hills (City) Planning Commission Report (Staff Report) for the October 14, 2010 hearing on the proposed Equinox Fitness Club, specifically with regards to its Attachment D – Traffic and Parking Study. Below is a summary of our understanding and findings on the Staff Report. In summary, we question the application of trip rates used by the applicant and recommend additional analyses be performed to ensure that the all potential impacts from the proposed project are fully considered and addressed.

The proposed project at 9465 Wilshire Boulevard in Beverly Hills (proposed project) would replace existing 39,254 gross square feet of office space and 9,208 gross square feet of bank space with a 48,462 gross square feet health fitness club. The parking study for the proposed project, dated July 8, 2010, conducted by Crain & Associates applied trip generation rates from two different sources for the existing and proposed uses at the property. Crain & Associates applied trip generation rates from the ITE Trip Generation Manual, 8th Edition, for fitness club and office space use. However, because the ITE Trip Generation Manual, 8th Edition does not contain certain trip generation rates for financial institutions, Crain & Associates applied trip generation rates from the San Diego Association of Government (SANDAG) San Diego Traffic Generators, July 1998, for bank (walk-in) use. The SANDAG trip generation rates were used for Daily and AM peak-hour trip rates for only the bank (walk-in) use.

For the Daily trip rates for bank (walk-in) uses, Crain & Associates applied a daily rate of 150 trips per 1,000 gross square feet. As indicated in the study, no reductions for internal

capture, transit/walk-in, or pass-by trips were applied to be conservative in the estimates. Based on the daily trip rate applied by Crain & Associates for the bank (walk-in) use, the traffic study concluded there would be a net reduction of 138 daily trips from the proposed project. The City's Public Works and Transportation Department staff reviewed the memorandum of the parking and traffic study and agreed that the daily trip rates for a bank, as applied by Crain & Associates, was appropriate. The staff is in support of the assessment methodology and findings.

While it is common for traffic consultants to use different sources when trip rates cannot be obtained from a single source, our review of the traffic report indicates that Crain & Associates may have misapplied the trip rates for a bank (walk-in) use, from a 1998 report, to the proposed project. Based on our review of the trip generation rates, the SANDAG source now provides two different applications or rate types for bank (walk-in) use: one for the greater downtown (Centre City) area application and one for areas outside of downtown application. The applicant's study applied the rate for trips outside of downtown area application, which uses a higher rate (150 per 1,000 gross square feet as opposed to 26 trips per 1,000 gross square feet for the downtown application). No empirical data collection was conducted by the applicant to determine the actual existing daily trip rates for the existing uses at the property. The reduced rate for the greater downtown area is due to the higher share of mass transit in mode split, high density of land use, high proportion of 'walk' trips, parking availability, and parking costs. (San Diego Municipal Code Land Development Code, Trip Generation Manual, Revised May 2003, p. 2.) If this reduced downtown rate is applied to the proposed project location, the result is quite different, resulting in a net increase in total daily trips of 1,004 trips.

We believe that the proposed project location is more similar to the greater downtown area than the areas outside of downtown as defined in the SANDAG Manual. Centre City is defined by SANDAG as the area bounded by Laurel Street to the north, Interstate 5 to the east, Commercial Street to the south and the San Diego Bay to the west. Centre City is a large area, encompassing eight different neighborhoods, including both the dense downtown core as well as areas outside of the core including Little Italy, Columbia, the Marina, the Gaslamp and the East Village. The Centre City area is much more similar to the area around the proposed project, which features lively, dense, and pedestrian-friendly streets, than the mostly residential outlying areas outside of the Centre City.

The Wilshire Boulevard corridor, which includes the proposed project, is a dense commercial area served by mass transit (the Metro Rapid bus line) as well as local circulation lines. Both the Rapid Metro 720 and 920 lines, which travel from Downtown to Santa Monica, through Beverly Hills, stop at the intersection of Beverly Drive and Wilshire Boulevard. Additionally, the area is served by the 14 Line (a local line which serves the Beverly Hills area to Downtown with multiple stops along Beverly Drive) as well as the 20 Line which runs from Downtown to Santa Monica via Wilshire Boulevard with a stop at the intersection of Beverly Drive and Wilshire Boulevard. The intersection of Beverly Drive and Wilshire Boulevard is also served by the Antelope Valley Transit Authority Line 786 for commuters to/from the Antelope Valley.

The location of the proposed project also has high land use density. The proposed project is located within the Beverly Hills Golden Triangle, the epicenter of Beverly Hills' commercial

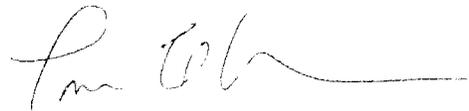
and retail activities. There are a number of tall buildings and increased mixed use buildings in the immediate central business district. Buildings along Wilshire Boulevard consist of high-rise office buildings, including the seven story 115-foot tall Sterling Building and the 12-story 160 foot tall office tower at 9401 Wilshire Boulevard. The Montage Beverly Hills Hotel, approximately 80 feet in height at its maximum point, is across the street which includes commercial residential and hotel uses. The historic Beverly Wilshire Hotel is located 1 block from the proposed project and a new condominium project is to be located at Peck and Wilshire at the Saks 5th Avenue Building, which along with the adjacent Barney's, is approximately 85 feet in height. In our opinion, the Golden Triangle area of Beverly Hills is more similar to the Centre City area of San Diego in terms of land uses and density than the mostly residential outlying areas outside of San Diego's Centre City.

In addition, the proposed project is located within a designated pedestrian-oriented area. This area has a much higher proportion of "walk" trips than all other areas within the city, as indicated in the Equinox project description of Attachment B of the Commission Report. The proposed project is located on Beverly Drive, one of the busiest streets in the City, containing multiple retail, restaurant and service uses and is one block from Rodeo Drive, a significant walking and shopping pedestrian area within the City, including both retail, restaurant and office uses. When considering pedestrian use, the area of the proposed project would be more similar to Centre City San Diego than the outlying mostly residential areas.

Accordingly, the Centre City daily trip rate of 26 trips per 1,000 square feet of bank (walk-in) use should be taken into consideration as part of the proposed project due diligence, as it would increase total net trips, and especially considering the poor existing traffic operating conditions of the affected intersections. It would be imprudent to apply a daily rate of 150 trips per 1,000 square feet without further empirical study of the existing conditions. A recent traffic study conducted by Crain & Associates for the intersection of Wilshire Boulevard and Beverly Drive from the Saks 5th Avenue Residential Project, indicated level of service (LOS) D during mid-day and LOS E during the PM peak hours (Residences at Saks 5th Avenue, Traffic Study). Adding just a few additional trips during these hours could result in significant degradation of traffic condition at this location, resulting potentially significant and unavoidable adverse impacts on the environment due to traffic and circulation.

We recommend that analysis of affected nearby intersections with the reduced bank rate, associated with urban downtown application, and increased total net trips be considered to determine if there are any adverse impact to those locations with the proposed changes in land use.

Sincerely,



System Metrics Group, Inc.
Tom Choe
Principal

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2010 NOV 12 A 9:21

CITY CLERK'S OFFICE

TOM CHOE

Vice President
System Metrics Group, Inc.

EDUCATION: Masters in Business Administration
California State University, Sacramento

B.S. in Civil Engineering
University of California, Davis

Civil Engineering License C48189

EXPERIENCE: Mr. Choe is a Principal of System Metrics Group with over twenty two years experience as a transportation professional. Prior to joining System Metrics Group, he has served as an Office Chief and Supervising Traffic Engineer for Caltrans District 7 in Los Angeles and a Principal with Kaku Associates. While with Caltrans, he has worked in Districts 3, 4, and 7 and in Headquarters Division of Traffic Operations. Mr. Choe oversees and manages the SMG Los Angeles office.

AREAS OF EXPERTISE:

Transportation Engineering

As a Principal of SMG, Mr. Choe is leading the Corridor System Management Plan (CSMP) studies for 11 freeway corridors throughout California including, San Francisco Bay Area, Los Angeles, Orange County, San Bernardino, Riverside County, and San Diego. The study require extensive traffic performance assessment analyses that covers mobility, reliability, safety, and productivity and computer micro-simulation modeling for future conditions and improvement project alternative evaluations. The study also includes outreach, stakeholder involvement, and presentations to agency executives.

Mr. Choe is also the project manager of the Caltrans District 8 On-Call for traffic study services. This project includes traffic analyses and studies for various projects in the district. Projects include conducting and preparing traffic study reports, reviewing traffic impact and parking studies and project reports, reviewing designs and alternatives, facilitating value analysis, conducting parking studies, and providing expert consultation. To date, over 37 task orders have been completed in the two year period.

While at Caltrans, Mr. Choe oversaw freeway traffic safety and operational studies in an on-going California effort to reduce congestion and accident rates. He also prepared several PSRs and Project Reports (PR) for freeway projects. As a Caltrans project engineer, he designed a major freeway interchange project ahead of schedule and under budget. Mr. Choe's efforts led to this project being nominated for a Statewide award for project excellence. He also developed traffic operational plan for Sacramento's first HOV lane on State Route 99. Mr. Choe assisted in the development and use of early versions of micro-simulation models for freeway operations using FREQ and CORSIM. As part of his professional service, Mr. Choe has taught transportation classes for the American Society of Civil Engineers' (ASCE's) professional license review course and has served as one of the instructors at the Caltrans Freeway Operations Academies.

Traffic Operations

As a Principal with Kaku Associates, Mr. Choe conducted a congested corridor study for the Los Angeles County Metropolitan Transportation Authority (LACMTA) Short-Range Plan. He also led the arterial HOV feasibility study for Los Angeles Downtown area and the I-405 freeway corridor and arterial corridor study for the South Bay Cities Council of Governments (SBCCOG), conducting level of services (LOS) analyses using EMME/2 data and Synchro/Traffix/HCS for arterial evaluation. He has also conducted I-405 freeway corridor study for Caltrans District 7 and the SR-90 freeway corridor study for the Los Angeles County using EMME/2 forecasted demand data and using CORSIM and FREQ for evaluation. As part of the Exposition Light Rail Transit (LRT) project, he also managed traffic and parking studies.

While in Caltrans District 7, Mr. Choe managed the freeway operations program, which includes a 185-mile High Occupancy Vehicle (HOV) lane system, over 830 ramp metering systems, an advanced Transportation Management Center (TMC), and a 150 tow-truck Freeway Service Patrol (FSP) program. He also oversaw a traffic operations strategies program, the intergovernmental and local development review unit, freeway management, and the group in charge of writing Project Study Reports (PSRs). During his career at Caltrans, Mr. Choe partnered with the Los Angeles County Metropolitan Transportation Authority to conduct the most comprehensive HOV lane system evaluation study to date. He also developed District 7's emergency operations plan to address natural disaster and terrorism response, worked with U.C. Berkeley to develop and implement the advanced Performance Measurement System (PeMS), and managed a freeway/highway safety program for the west Los Angeles County area. While at Caltrans District 4, Mr. Choe has worked in the Highway Operations branch assisting in the development of traffic management plans (TMP) and lane closure hours/charts for various projects and review of stage construction plans for traffic handling and operations. While at Caltrans District 3, Mr. Choe has worked in the Design branch as Project Engineer and completed a complex freeway interchange project that included preparing stage construction plans and detour layouts for construction traffic handling. He has also worked in the Traffic Operations branch evaluating traffic conditions using FREQ and HCS.

Planning and Parking

As a Principal for Kaku Associates, Mr. Choe developed comprehensive traffic impact and parking studies for public and private clients, including the City of West Hollywood, California State University, San Bernardino, and private developers for developments in various cities including Beverly Hills. As a former Caltrans Office Chief, Mr. Choe has reviewed local development reviews at all stages, from preliminary concept to environmental documents to design and construction plans. While at Caltrans, he negotiated mitigation requirements with developers, cities, counties, and other entities on behalf of the State of California. He also worked with several cities and communities in the development of their local urban planning and growth studies. Mr. Choe also helped prepare the Los Angeles Regional Transportation Management Center traffic impact study and parking needs assessment analysis report.

Intelligent Transportation System (ITS) and High Occupancy Vehicle (HOV) Lane System

With SMG, he is currently serving as the project manager of the Port of Long Beach and Port of Los Angeles Intelligent Transportation System (ITS) program development and its Advanced Transportation Management and Information System (ATMIS) development. He is overseeing five construction contracts, two design contracts, traffic control system development contract, and wireless and fiber construction contract. As part of the project, he provides technical consultation and advice to Ports management and executive staff. This project has been on-going since 2005. He is also providing technical support and consultation to San Diego Association of Governments in the management and operations of the I-15 Managed Lanes. As part of this project, he is providing technical oversight and

support of the I-15 ML Violation Enforcement Study (VES), a demonstration project to test and validate automated vehicle passenger occupancy detection system.

While at Kaku Associates in recent years, Mr. Choe has focused on ITS planning and implementation. He managed the implementation of the Advanced Traffic Control System (ATCS) as part of the Metro Gold Line project in the City of Pasadena. He also prepared the ITS Master Plan for City of Arcadia and helped manage the City's ITS implementation. Mr. Choe also developed and prepared the North Los Angeles County ITS Development Plan. He has also led and completed the Arterial HOV lane through the Los Angeles Central City alternatives evaluation study.

While working at Caltrans Headquarters Division of Operations in Sacramento, Mr. Choe played a key role in helping to prepare the Caltrans Statewide Transportation Management Center (TMC) Master Plan. While serving as Caltrans District 7 Freeway Operations manager, Mr. Choe has been involved in their ITS and TMC development, including Advanced Traffic Management System (ATMS) and new regional TMC building. He has led the effort to develop their dynamic Systemwide Adaptive Ramp Metering System (SWARM) for automated ramp metering operations. He has also managed their HOV Lane System operations, including preparing annual comprehensive HOV reports. He has led the development of their first part-time buffer-separated HOV operations on SR-14. He has also worked with the Los Angeles County Metropolitan Transportation Authority to develop one of the most comprehensive HOV system evaluation study in the country. He has also co-led a national HOV summit conference event in Orange County.

Exhibit D
Elliot Letter Dated December 7, 2010

626 Wilshire Boulevard, Suite 550
Los Angeles, California 90017
Tel: (213) 629-5300
Fax: (213) 629-1212
www.trumanelliott.com

TRUMAN & ELLIOTT LLP

Received
City of Beverly Hills

DEC 8 2010

PLANNING DIVISION
COMMUNITY DEVELOPMENT

December 7, 2010

VIA OVERNIGHT MAIL

Mr. Ryan Gohlich
Associate Planner
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: Proposed Equinox Exercise Club: 9465 Wilshire Boulevard, Beverly Hills, California 90212 ("Proposed Project"); Permit Streamlining Act, Government Code section 65950, et seq.

Dear Mr. Gohlich:

As you know, we represent Ron and Sharon Gart and Neighbors Organized to Protect the Environment in Beverly Hills ("N.O.P.E. Beverly Hills") with regards to the proposed project located at 9465 Wilshire Boulevard, Beverly Hills, California 90212 ("Proposed Project"). At the hearing on the Proposed Project on November 23, 2010, we testified regarding the mandate of California Government Code section 65950, *et seq.*, also known as the Permit Streamlining Act, with respect to the Proposed Project. Pursuant to the Permit Streamlining Act, the City may only grant one extension, not to exceed 90 days from the date of the extension, of the time limits for approval or disapproval of a Proposed Project. Such extension was made on October 14, 2010 at the initial Planning Commission hearing on the Proposed Project. Accordingly, the Planning Commission need make a final decision on the Proposed Project at its next scheduled hearing on January 13, 2011. Failure of the Planning Commission to act at the next hearing would result in the Proposed Project being deemed complete pursuant to section 65956(b). The City nor the applicant may request any further continuances or extensions for the Proposed Project. For your convenience, we have included the relevant text for Government Code section 65957:

The time limits established by Sections 65950, 65950.1, 65951, and 65952 may be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. No other extension, continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted, except as provided in this section and Section 65950.1. Failure

TRUMAN & ELLIOTT LLP

Mr. Ryan Gohlich
City of Beverly Hills
December 7, 2010
Page 2 of 2

DEC 8 2010

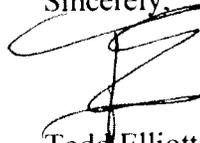
PLANNING DIVISION
COMMUNITY DEVELOPMENT

of the lead agency to act within these time limits may result in the project being deemed approved pursuant to the provisions of subdivision (b) of Section 65956. (Emphasis Added.)

We note that there is no common law right to waive the time limits of the Permit Streamling Act. In 1998, the California legislature made this clear when it expressly cited *Bickel v. City of Piedmont* (1997) 16 Cal.4th 1040 in its findings for approval of amendments to section 65957; to clarify that the Permit Streamling Act does not provide for a common law right of waiver.

We request Staff inform the Planning Commission of the strict Permit Streamlining Act deadlines prior the next scheduled hearing on January 13, 2010 and we continue to request a denial of the Proposed Project for the reasons outlined in our previous correspondence with the City.

Sincerely,



Todd Elliott
of TRUMAN & ELLIOTT LLP

Exhibit E
Elliot Letter Dated December 20, 2010

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2010 DEC 22 A 9:38

CITY CLERK'S OFFICE

626 Wilshire Boulevard, Suite 550
Los Angeles, California 90017
Tel: (213) 629-5300
Fax: (213) 629-1212
www.trumanelliott.com

TRUMAN & ELLIOTT LLP

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City of Beverly Hills

DEC 22 2010

PLANNING DIVISION
COMMUNITY DEVELOPMENT

December 20, 2010

VIA HAND DELIVERY

Mr. Ryan Gohlich
Associate Planner
City of Beverly Hills
455 N. Rexford Drive, First Floor
Beverly Hills, California 90210

Re: Proposed Equinox Exercise Club: 9465 Wilshire Boulevard, Beverly Hills, California 90212

Dear Mr. Gohlich:

As you know, we represent Ron and Sharon Gart and Neighbors Organized to Protect the Environment in Beverly Hills ("N.O.P.E. Beverly Hills") with regards to the proposed project located at 9465 Wilshire Boulevard, Beverly Hills, California 90212 ("Proposed Project"). On December 1, 2010, we obtained the results of a public records request from the Beverly Hills Police Department indicating the total number of traffic-related accidents at the intersection of Wilshire Boulevard and Beverly Drive over an approximately three year period commencing January 1, 2008 and ending November 19, 2010. Based on the results of the request, almost 100 separate accidents occurred at that intersection over the 3-year period. (See attachment 1.) This data both confirms that the applicant needs to conduct further study into the impact of adding almost 1,000 daily trips to this intersection as well as provides sufficient evidence that the Proposed Project will have a significant impact on the environment due to unusual circumstances.

The accident data we obtained from the Beverly Hills Police Department indicates there were 97 accidents at the intersection of Wilshire Boulevard and Beverly Drive from January 1, 2008 to November 19, 2010. There were 30 accidents in 2008, 39 accidents in 2009, and 28 accidents in 2010 to date. This data represents a significant number of traffic-related accidents at a very busy intersection. Compared to data released in a recent study undertaken by the City of Los Angeles Controller's Office, the intersection of Beverly Drive and Wilshire Boulevard exceeds most of the dangerous intersections in the City of Los Angeles. According to the News Report released by the City of Los Angeles Controller's Office on September 29, 2010, the

Mr. Ryan Gohlich
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intersections of La Brea Avenue & 6th Street and Hayvenhurst Street & Nordhoff Avenue, two exceedingly busy intersections, collectively resulted in only 24 traffic-related accidents over a two-year period, equating to one accident every 60 days. (See attachment 2.) By contrast, the intersection at Wilshire Boulevard and Beverly Drive has 2.7 accidents every month or more than 5 times the rate of accidents at some of Los Angeles' busiest intersections.

It is clear this intersection is very dangerous. It is certain that with increased traffic or trips, the public can expect a higher number of collisions to occur. It is also certain that with worsening of the level of service, one can also expect a higher number of collisions to occur (i.e. more rear-end collisions from stops). Further, it is also likely that with worsening of the level of service, the Wilshire Boulevard/Beverly Drive intersection is likely to impact other adjacent intersections and to diminish emergency response time for Beverly Hills residents, businesses and employees by fire and paramedic units, given that Wilshire and Beverly Boulevard is a central intersection in the City.

Accordingly, considering the history of accidents at this location and its current operating level of service (LOS E) during peak hours, the City needs to be sure that changes in land use will not impact operations and safety. The California Environmental Quality Act does not allow a lead agency to use a categorical exemption for a project which is likely to have a significant adverse effect on the environment. Only empirical traffic studies would provide sufficient substantial evidence to inform the public of the potential adverse impacts to the environment from the proposed use.

The applicant must not make any assumptions nor leave any stone unturned when analyzing potential environmental impacts caused by the Proposed Project. Because the Proposed Project will result in an increase in daily trips caused by the land use change, the applicant should undertake rigorous traffic analysis to ensure traffic safety in the intersections surrounding the Proposed Project.

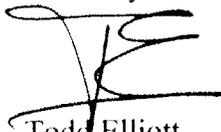
Further, a categorical exemption may not be used where "there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165; CEQA Guidelines, § 15300.2.) The potentially significant traffic impact of the Proposed Project, located at one of the busiest and most dangerous intersections in Los Angeles County, is an "unusual circumstance" thus negating the use of the categorical exemption. The intersection at Wilshire Boulevard and Beverly Drive has resulted in between 30 and 40 accidents per year. Accordingly, a categorical exemption cannot be used for a project which will increase the traffic at a dangerous intersection, resulting in a potentially significant adverse impact.

We request Staff require the applicant to undertake extensive studies of the intersection at Wilshire Boulevard and Beverly Drive and undertake the necessary analysis to determine whether the Proposed Project will result in an adverse impact on the environment and to public

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safety. Further, we request Staff inform the Planning Commission regarding the contents of this letter and the number of traffic accidents occurring at intersection of Wilshire Boulevard and Beverly Drive prior to the next scheduled hearing on January 13, 2011. We continue to request a denial of the Proposed Project for the reasons outlined in our previous correspondence with the City.

Sincerely,

A handwritten signature in black ink, appearing to be 'TE' with a stylized flourish.

Todd Elliott
of TRUMAN & ELLIOTT LLP

cc: Mr. David Reyes, Principal Planner

Attachments:

- (1) Beverly Hills Police Department Calls For Service re: Traffic Accidents List
- (2) City News Report from City of Los Angeles City Controller's Office re: Audit of City's Photo Red Light Camera Program

BEVERLY HILLS POLICE DEPARTMENT

CALLS FOR SERVICE RE: TRAFFIC ACCIDENTS FOR THE PERIOD 01/01/2008 TO 11/19/2010

STREET #1: WILSHIRE AND STREET #2: BEVERLY

<u>Incident_No</u>	<u>Received_Date</u>	<u>Received_Time</u>	<u>Call_Type</u>	<u>Location</u>
080130047	01/13/2008	10 21 34	TANON	S BEVERLY DR/ WILSHIRE BL
080130094	01/13/2008	17 08 10	TAHRM	S BEVERLY DR/ WILSHIRE BL
080200094	01/20/2008	17 02 47	TAHRM	S BEVERLY DR/ WILSHIRE BL
080440040	02/13/2008	08 27 07	TAHRM	S BEVERLY DR/ WILSHIRE BL
080750108	03/15/2008	15 35 28	TANON	S BEVERLY DR/ WILSHIRE BL
080760042	03/16/2008	02 10 43	TANON	N BEVERLY DR/ WILSHIRE BL
081090047	04/18/2008	08 19 14	TANON	S BEVERLY DR/ WILSHIRE BL
081180092	04/27/2008	18 17 52	TANON	S BEVERLY DR/ WILSHIRE BL
081190095	04/28/2008	13 24 02	TANON	S BEVERLY DR/ WILSHIRE BL
081190106	04/28/2008	14 10 03	TANON	S BEVERLY DR/ WILSHIRE BL
081210186	04/30/2008	16 30 13	TANON	S BEVERLY DR/ WILSHIRE BL
081440179	05/23/2008	21 48 51	TANON	S BEVERLY DR/ WILSHIRE BL
081480149	05/27/2008	14 53 55	TANON	S BEVERLY DR/ WILSHIRE BL
081520135	05/31/2008	18 56 07	TAHRM	S BEVERLY DR/ WILSHIRE BL
081830025	07/01/2008	05 36 53	TANON	N BEVERLY DR/ WILSHIRE BL
081900226	07/08/2008	21 53 10	TANON	S BEVERLY DR/ WILSHIRE BL
081900227	07/08/2008	21 56 55	TAINJ	S BEVERLY DR/ WILSHIRE BL
082190221	08/06/2008	20 32 41	TAUNK	S BEVERLY DR/ WILSHIRE BL
082330153	08/20/2008	15 16 16	TAINJ	S BEVERLY DR/ WILSHIRE BL
082350130	08/22/2008	16 44 26	TAINJ	S BEVERLY DR/ WILSHIRE BL
082650012	09/21/2008	02 09 52	TANON	S BEVERLY DR/ WILSHIRE BL
082690158	09/25/2008	14 43 36	TAHRM	N BEVERLY DR/ WILSHIRE BL
082720082	09/28/2008	15 16 39	TANON	S BEVERLY DR/ WILSHIRE BL
082770099	10/03/2008	12 41 30	TANON	S BEVERLY DR/ WILSHIRE BL
082880054	10/14/2008	09 31 52	TAINJ	S BEVERLY DR/ WILSHIRE BL
083370023	12/02/2008	07 22 02	TAINJ	S BEVERLY DR/ WILSHIRE BL
083390221	12/04/2008	21 10 18	TANON	N BEVERLY DR/ WILSHIRE BL
083420100	12/07/2008	16 09 57	TANON	S BEVERLY DR/ WILSHIRE BL
083450217	12/10/2008	21 31 54	TAHRM	S BEVERLY DR/ WILSHIRE BL
083570081	12/22/2008	13 44 40	TAINJ	S BEVERLY DR/ WILSHIRE BL
090080227	01/08/2009	18 43 27	TANON	S BEVERLY DR/ WILSHIRE BL
090230151	01/23/2009	20 23 40	TACPD	S BEVERLY DR/ WILSHIRE BL
090310097	01/31/2009	14 07 18	TANON	S BEVERLY DR/ WILSHIRE BL
090420191	02/11/2009	19 01 02	TANON	S BEVERLY DR/ WILSHIRE BL
090530142	02/22/2009	23 03 52	TAINJ	S BEVERLY DR/ WILSHIRE BL
090550099	02/24/2009	11 43 24	TANON	N BEVERLY DR/ WILSHIRE BL
090560017	02/25/2009	07 11 58	TAHRMR	S BEVERLY DR/ WILSHIRE BL
090630029	03/04/2009	08 25 07	TAHRM	S BEVERLY DR/ WILSHIRE BL
090630135	03/04/2009	17 51 36	TANON	N BEVERLY DR/ WILSHIRE BL
090660094	03/07/2009	16 27 32	TANON	S BEVERLY DR/ WILSHIRE BL
090710085	03/12/2009	09 24 18	TANON	N BEVERLY DR/ WILSHIRE BL
090770162	03/18/2009	18 04 49	TANON	S BEVERLY DR/ WILSHIRE BL
091210019	05/01/2009	03 34 35	TANON	S BEVERLY DR/ WILSHIRE BL
091390027	05/19/2009	07 56 39	TANON	S BEVERLY DR/ WILSHIRE BL
091520141	06/01/2009	15 33 56	TAINJ	S BEVERLY DR/ WILSHIRE BL
091550175	06/04/2009	16 43 03	TANON	S BEVERLY DR/ WILSHIRE BL
091720081	06/21/2009	13 16 23	TAHRM	S BEVERLY DR/ WILSHIRE BL

BEVERLY HILLS POLICE DEPARTMENT

CALLS FOR SERVICE RE: TRAFFIC ACCIDENTS FOR THE PERIOD 01/01/2008 TO 11/19/2010

STREET #1: WILSHIRE AND STREET #2: BEVERLY

<u>Incident_No</u>	<u>Received_Date</u>	<u>Received_Time</u>	<u>Call_Type</u>	<u>Location</u>
091740028	06/23/2009	08:31:12	TANON	S BEVERLY DR/ WILSHIRE BL
091770061	06/26/2009	09:39:49	TAUNK	S BEVERLY DR/ WILSHIRE BL
091900082	07/09/2009	11:09:03	TANON	N BEVERLY DR/ WILSHIRE BL
091940066	07/13/2009	09:59:35	TAHRM	S BEVERLY DR/ WILSHIRE BL
091980159	07/17/2009	15:37:46	TANON	S BEVERLY DR/ WILSHIRE BL
092040062	07/23/2009	08:55:31	TANON	S BEVERLY DR/ WILSHIRE BL
092110099	07/30/2009	11:06:22	TANON	S BEVERLY DR/ WILSHIRE BL
092210074	08/09/2009	17:18:46	TANON	S BEVERLY DR/ WILSHIRE BL
092210110	08/09/2009	22:14:17	TAHRM	S BEVERLY DR/ WILSHIRE BL
092300036	08/18/2009	09:00:01	TAUNK	S BEVERLY DR/ WILSHIRE BL
092400239	08/28/2009	16:04:08	TAHRM	N BEVERLY DR/ WILSHIRE BL
092460155	09/03/2009	16:17:24	TAINJR	S BEVERLY DR/ WILSHIRE BL
092500146	09/07/2009	20:31:59	TANON	S BEVERLY DR/ WILSHIRE BL
092520140	09/09/2009	13:41:24	TANON	S BEVERLY DR/ WILSHIRE BL
092520146	09/09/2009	14:01:40	TANON	S BEVERLY DR/ WILSHIRE BL
092710105	09/28/2009	13:45:22	TAHRM	S BEVERLY DR/ WILSHIRE BL
092730222	09/30/2009	19:03:42	TANON	S BEVERLY DR/ WILSHIRE BL
092830039	10/10/2009	09:31:30	TANON	N BEVERLY DR/ WILSHIRE BL
092890089	10/16/2009	10:09:00	TAHRMR	S BEVERLY DR/ WILSHIRE BL
092990206	10/26/2009	23:32:47	TANON	S BEVERLY DR/ WILSHIRE BL
093070094	11/03/2009	13:42:47	TAHRFR	S BEVERLY DR/ WILSHIRE BL
093140205	11/10/2009	23:28:04	TANON	S BEVERLY DR/ WILSHIRE BL
100190056	01/19/2010	11:58:54	TANON	S BEVERLY DR/ WILSHIRE BL
100260066	01/26/2010	10:51:26	TANON	S BEVERLY DR/ WILSHIRE BL
100470092	02/16/2010	13:00:50	TANON	S BEVERLY DR/ WILSHIRE BL
100480178	02/17/2010	16:06:05	TAHRM	N BEVERLY DR/ WILSHIRE BL
100480181	02/17/2010	16:14:36	TAHRM	S BEVERLY DR/ WILSHIRE BL
100620197	03/03/2010	20:22:43	TANON	S BEVERLY DR/ WILSHIRE BL
100860099	03/27/2010	17:29:55	TANON	S BEVERLY DR/ WILSHIRE BL
100900138	03/31/2010	17:35:00	TANON	S BEVERLY DR/ WILSHIRE BL
101100097	04/20/2010	14:41:59	TANON	S BEVERLY DR/ WILSHIRE BL
101130151	04/23/2010	16:13:39	TANON	N BEVERLY DR/ WILSHIRE BL
101180029	04/28/2010	08:26:17	TANON	S BEVERLY DR/ WILSHIRE BL
101230149	05/03/2010	16:49:53	TAUNK	S BEVERLY DR/ WILSHIRE BL
101610091	06/10/2010	14:40:38	TANON	S BEVERLY DR/ WILSHIRE BL
101810171	06/30/2010	17:14:41	TANON	S BEVERLY DR/ WILSHIRE BL
101960136	07/15/2010	13:57:34	TANON	S BEVERLY DR/ WILSHIRE BL
102030094	07/22/2010	11:17:24	TANON	N BEVERLY DR/ WILSHIRE BL
102180063	08/06/2010	11:10:55	TAHRMR	S BEVERLY DR/ WILSHIRE BL
102200072	08/08/2010	16:56:56	TANON	S BEVERLY DR/ WILSHIRE BL
102250079	08/13/2010	09:28:36	TANON	N BEVERLY DR/ WILSHIRE BL
102340097	08/22/2010	19:37:34	TAINJ	S BEVERLY DR/ WILSHIRE BL
102530183	09/10/2010	16:01:22	TANON	S BEVERLY DR/ WILSHIRE BL
102740152	10/01/2010	14:11:35	TANON	S BEVERLY DR/ WILSHIRE BL
102810106	10/08/2010	12:03:31	TANON	S BEVERLY DR/ WILSHIRE BL
102820084	10/09/2010	14:54:28	TANON	S BEVERLY DR/ WILSHIRE BL
102820137	10/09/2010	21:23:26	TANON	S BEVERLY DR/ WILSHIRE BL

BEVERLY HILLS POLICE DEPARTMENT

CALLS FOR SERVICE RE: TRAFFIC ACCIDENTS FOR THE PERIOD 01/01/2008 TO 11/19/2010

STREET #1: WILSHIRE AND STREET #2: BEVERLY

<u>Incident_No</u>	<u>Received_Date</u>	<u>Received_Time</u>	<u>Call_Type</u>	<u>Location</u>
102850151	10/12/2010	15 14 23	TAHRM	S BEVERLY DR/ WILSHIRE BL
102880065	10/15/2010	09 14 59	TAUNK	S BEVERLY DR/ WILSHIRE BL
103200035	11/16/2010	09:21:20	TANON	S BEVERLY DR/ WILSHIRE BL

TOTAL NUMBER OF INCIDENTS: 97



Los Angeles City Hall East
200 North Main Street, Room 300
Los Angeles, CA 90012

Telephone (213) 978-7200
Facsimile (213) 978-7211

FOR IMMEDIATE RELEASE
September 29th, 2010

Contact: Ben Giolombek
(213) 595-2650

CITY CONTROLLER RELEASES AUDIT OF CITY'S PHOTO RED LIGHT CAMERA PROGRAM

*Cameras Meant to Reduce Accidents Have Not Been Placed at Most Dangerous
Intersections*

(LOS ANGELES) – Continuing her efforts to increase public safety throughout Los Angeles, City Controller Wendy Greuel was joined by City Councilmember Dennis Zine and LAPD Chief Charlie Beck to release an audit of the effectiveness of the City's Photo Red Light Program (PRLP) today. The City currently has 32 cameras installed at intersections throughout Los Angeles, which are intended to reduce traffic accidents by catching drivers who break the law running red lights.

However, the audit found that the red light cameras have not been installed at the City's most dangerous 32 intersections. There were numerous reasons for this, including placing at least one red light camera in each of the Council Districts, weak infrastructure at some locations and not wanting to conduct the additional analyses required for State controlled-intersections.

"If public safety is the number one priority of the Photo Red Light Program, then the most dangerous intersections should be selected, period," said City Controller Greuel. "Regardless of the reasons, the cameras are only effective if they're placed at the most dangerous intersections. If we don't use them effectively we're putting Angelenos lives in danger."

For example, two intersections which were not selected for cameras– La Brea Avenue & 6th Street, and Hayvenhurst St. & Nordhoff Ave. – had a combined 24 accidents and 2 fatalities from 2003-2005. However, Whittier Blvd. and Lorena Street was selected, where there were only 2 accidents and no fatalities over the same period of time.

While there have been no fatalities at monitored intersections since the current contract was implemented in 2006, the audit found that the PRLP cannot document conclusively an increase in public safety and that a more comprehensive approach to evaluating the PRLP is needed. There was only a reduction in traffic accidents at 50% of the intersections with red light cameras for the six months after a camera was installed when compared with the six months before it was installed.

"I believe any program that can prevent accidents and prevent even one fatality from occurring is worthwhile," said City Controller Greuel. "However, we must be transparent about the cost to the City during these dire economic times."

In addition, over the past two years, the City has expended \$2.6 million to operate the red light camera program over the past two years. However, having these cameras allows police officers to help fight crime in other parts of the City. If the cameras weren't installed, it would require over 100 motor officers, with salaries of more than \$10 million dollars to monitor the 32 PRLP intersections.

###

Los Angeles Police Department

Photo Red Light Collision Data

(+/-) 6 months from Activation Date

Intersection	Activation Date			Diff
		Prior	After	
La Brea / Rodeo	2006 Apr 04	6	4	-2
Victory / Lauren Canyon	2006 Jun 08	9	8	-1
DeSoto / Roscoe	2006 Aug 07	4	2	-2
Sepulveda / National	2006 Aug 15	0	2	2
Van Nuys / Nordhoff	2006 Sep 28	5	6	1
Main / Griffin	2006 Nov 20	1	1	0
Vernon / Broadway	2007 Feb 07	9	4	-5
Balboa / Vanowen	2007 Mar 08	5	5	0
Western / Washington	2007 Mar 29	3	7	4
Pico / Bundy	2007 May 02	4	3	-1
Sepulveda / Victory	2007 May 10	4	4	0
Sherman Way / Louise	2007 May 14	5	6	1
Whittier / Lorena	2007 May 23	0	2	2
Coldwater Cyn / Oxnard	2007 Jun 25	4	6	2
Manchester / Airport	2007 Aug 09	2	4	2
Sunset / Cahuenga	2007 Aug 09	4	3	-1
Van Nuys / Arleta	2007 Aug 17	2	1	-1
Normandie / Gage	2007 Sep 26	1	6	5
Manchester / Figueroa	2007 Dec 05	5	4	-1
Wilshire / Westwood	2007 Dec 12	2	0	-2
Western / Beverly	2006 Oct 10	4	6	2
Grand / Venice	2007 Jun 07	1	2	1
Alvarado / Temple	2007 Nov 29	5	3	-2
Soto / Olympic	2006 Sep 01	8	4	-4
Imperial / Figueroa	2006 Oct 19	6	5	-1
Florence / Figueroa	2006 Nov 20	2	4	2
Olympic / Highland	2007 Jun 18	5	1	-4
M.L. King / Western Ave	2007 Jul 05	10	8	-2
Olympic / Alvarado	2007 Jul 19	1	1	0
Century / Figueroa	2007 Oct 16	11	5	-6
Alameda / Cesar Chavez	2007 Nov 02	4	1	-3
Anaheim / Wilmington	2007 Nov 19	1	3	2
TOTAL:		133	121	-12

Exhibit F
Full Text of CEQA Guidelines Section 15301

Full Text of Class 1 Exemption for Existing Facilities
(CEQA Guidelines Section 15301)

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

(2) 10,000 square feet if:

(A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and

(B) The area in which the project is located is not environmentally sensitive.

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;

(g) New copy on existing on and off-premise signs;

(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Fish stocking by the California Department of Fish and Game;

(k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;

(l) Demolition and removal of individual small structures listed in this subdivision;

(2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.

(3) A store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.

(4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

(n) Conversion of a single family residence to office use.

(o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.

(p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

ATTACHMENT I

Architectural Plans (Under Separate Cover)