

**EXHIBIT C**

**Mitigation Monitoring and Reporting Program**

## **Monitoring and Reporting Program**

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Lexus Dealership Project, proposed in the City of Beverly Hills, California. Public Resources Code Section 21081.6(a) requires that a Lead Agency adopt an MMRP prior to approving a project in order to mitigate or avoid significant impacts that have been identified in an Environmental Impact Report. The purpose of the MMRP is to ensure that the required mitigation measures identified in the Environmental Impact Report are implemented as part of the overall project implementation. In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the Environmental Impact Report for the Lexus Dealership Project. The table identifies each mitigation measure; the action required for the measure to be implemented; the time at which the monitoring is to occur; the monitoring frequency; and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns will be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

This MMRP will be used by City staff or the City's consultant to determine compliance with permit conditions. Violations of these conditions may cause the City to revoke the operating permit.



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				Initial	Date	Comments
<b>CULTURAL RESOURCES</b>						
CR-2(a)	Archeological/Paleontological Monitoring. In the event that a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archeologist and/or paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.	Community Development Department	Field verification to confirm that work ceases and appropriate measures are taken if archeological/paleontological resources are discovered.	Periodically during construction.		
CR-2(b)	Coroner Notification. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5087.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	Community Development Department	Field verification to confirm that the Project complies with State Health and Safety Code Section 7050.5 if human remains are unearthed.	Periodically during construction.		
<b>GEOLOGY</b>						
GEO-2	<p><b>Geotechnical Report.</b> The project applicant shall implement all design considerations recommended in the geotechnical report, including the following:</p> <ul style="list-style-type: none"> <li>All demolition debris shall be removed and hauled from proposed grading areas prior to the start of grading operations. Any existing vegetation shall not be mixed or diced into the soils. Any removed soils may be reutilized as compacted fill once any deleterious material or oversized materials (in excess of eight inches) is removed. Grading operations shall be performed in accordance with the "Specifications for Compacted Fill Operations" on page 15 of the</li> </ul>	Community Development Department/ Building & Safety Division	Plan check and field verification to confirm that geotechnical recommendations are implemented.	Once prior to issuance of Building Permit and periodically during construction.		



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<p>Norcal Engineering April 2, 2010 geotechnical report.</p> <ul style="list-style-type: none"> <li>All fill and/or disturbed top soils shall be removed to native material, the exposed surface scarified to a depth of 12 inches, brought to within 2% of optimum moisture content and compacted to a minimum of 90% of the laboratory standard prior to placement of any additional compacted fill soils, foundations, slabs-on-grade and pavement.</li> <li>A diligent search shall be conducted during grading operations in an effort to uncover any underground structures, irrigation or utility lines. If encountered, these structures and lines shall be either removed or properly abandoned prior to construction.</li> <li>Any imported fill material shall be similar to the upper soils encountered at the Project site. Imported soils utilized for the backfill of retaining walls shall consist of select sand material or approved gravel material. All soils shall be approved prior to importing at the site and shall be subject to additional laboratory testing.</li> <li>Adequate drainage away from structures, pavement and slopes shall be provided at all times.</li> <li>Temporary shoring design for the proposed subterranean garage shall utilize a trapezoidal pressure distribution. The final shoring structural calculations and drawings shall be reviewed prior to installation.</li> <li>Temporary uncharged excavations above the vertical may be trimmed at a 1 to 1 gradient for an additional four feet.</li> <li>All excavations shall be made in accordance with the requirements of CAL-OSHA and other public agencies with jurisdiction over the Project site.</li> <li>All foundations shall be designed utilizing the allowable safe bearing capacities on page 9 of the geotechnical report dated April 2, 2010 for an embedded depth of 48 inches into competent native soils.</li> <li>All continuous foundations shall be reinforced with a minimum of two No. 4 bars, top and bottom; isolated pad foundations shall be reinforced at the discretion of the Project structural engineer.</li> <li>All concrete slabs-on-grade shall be at least four inches in office and sidewalk areas reinforced with a minimum of No. 3 bars, eighteen inches in each direction positioned mid-height in the slab and placed on approved subgrade soils.</li> <li>A vapor retarder shall be utilized in areas which would be sensitive to the infiltration of moisture.</li> <li>All pavement areas shall have positive drainage toward an approved outlet from the site. Drain lines behind curbs and/or adjacent to</li> </ul>						



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<p>landscape areas shall be considered by the applicant and the appropriate design engineers to prevent water from infiltrating beneath the pavement.</p> <ul style="list-style-type: none"> <li>Any approved base material shall consist of a Class II aggregate or equivalent and shall be compacted to a minimum of 95% relative compaction.</li> <li>All pavement materials shall conform to the requirements set forth by the City of Beverly Hills.</li> <li>The base material and asphaltic concrete shall be tested prior to delivery to the site and during placement to determine conformance with project specifications.</li> <li>A pavement engineer shall designate the specific asphalt mix design to meet the required Project specifications.</li> <li>Trenches from installation of utility lines and other excavations may be backfilled with on-site soils or approved imported soils compacted to a minimum of 90% relative compaction.</li> <li>All utility lines shall be properly bedded with clean sand having a sand equivalency rating of 30 or more. This bedding material shall be thoroughly water jettled around the pipe structure prior to placement of compacted backfill soils.</li> <li>A Type II cement according to the latest specifications shall be utilized for building foundations.</li> <li>"Expansive Soil Guidelines" contained on page 17 of the geotechnical report shall be complied with during the design of the project and future property maintenance. The "Expansive Soil Guidelines" include the following requirements:               <ul style="list-style-type: none"> <li>Maintain moisture contents at relatively constant levels, allowing neither excessive wetting or drying of soils.</li> <li>Drainage away from structures and pavement</li> <li>Strictly control irrigation around building foundations, slabs and pavement</li> <li>Analyze planting schemes for landscaping around structures and pavement</li> <li>Use thickened edges on exterior slabs to keep excessive moisture from entering directly beneath the concretes. Underlying interior and exterior slabs with 8-12 inches or more of non-expansive soils and presturation of underlying clayey soils will improve the overall performance of on-grade slabs.</li> <li>Increase the amount of steel reinforcing in concrete slabs, foundations and other structures to resist the forces of expansive</li> </ul> </li> </ul>						



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soils.							
<b>HAZARDS AND HAZARDOUS MATERIALS</b>							
HAZ-2(a)	<p><b>Soil Sampling.</b> At the time of vacancy and prior to demolition, soil sampling shall be conducted adjacent to the drains, drain lines, clarifier. Soil samples shall also be collected at various locations throughout the site and within any unpaved planter areas onsite. The soil samples shall be analyzed for the following: TPH, VOCs, SVOCs, metals and asbestos. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.</p>	Community Development Department/ Building and Safety Division.	Review and approval of clearance documentation regarding soil sampling and remediation.	Prior to issuance of a grading or building permit			
	<p><b>HAZ-2(b) Geophysical Survey.</b> At the time of vacancy and prior to demolition, a geophysical survey of the Project site shall be conducted to determine whether there is potential for any as-yet undiscovered underground storage tanks. If any large metal anomalies are discovered at the time of site clearance, but prior to issuance of a grading permit, a backhoe shall be used to uncover the anomaly.</p> <p>If the anomaly is a tank, it shall be removed and properly disposed at a licensed disposal facility. The removal of a UST in Los Angeles County shall be conducted in accordance with County of Los Angeles Department of Public Works (LACDPW) UST Program. Removal of a UST shall include soil sampling beneath the UST. The soil samples shall be analyzed pursuant to the tank removal permit requirements. If contaminated soil is identified and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, a remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by the LACDPW UST Program. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading</p>	Community Development Department/ Building and Safety Division.	Review and approval of clearance documentation regarding geophysical survey.	Prior to issuance of a grading or building permit			



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<p>or building permits.</p> <p>If hydraulic pistons are found, they shall be removed and properly disposed at a licensed facility. The removal of hydraulic pistons shall be conducted in accordance with applicable regulations under the guidance of a Professional Civil Engineer or Professional Geologist. Removal of hydraulic pistons could include soil sampling around the hydraulic pistons. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.</p>						
<p>HAZ-2(c) Excavation and Demolition Contingency Plans. The developer shall prepare a contingency plan for all excavation and demolition projects conducted within the Project area to be implemented in the event that contaminants or structural features not previously identified are suspected or discovered. The contingency plan shall identify appropriate measures to be followed if contaminants are found or suspected. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials, and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination.</p>	Community Development Department/ Building and Safety Division.	Review and approval of excavation and demolition contingency plans.	Prior to issuance of a grading permit			
<p>HAZ-2(d) Groundwater Sampling. If, during the soil sampling required above under Measure HAZ-2(a), groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, then the results of the groundwater sampling shall be forwarded to</p>	Community Development Department/ Building and Safety Division.	Approval of clearance documentation regarding groundwater sampling.	Prior to issuance of a grading or building permit			



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the appropriate regulatory agency (County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The developer shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.						
<b>PUBLIC SERVICES AND UTILITIES</b>						
PSU-4 Wastewater Conveyance Upgrade. If the City Engineer determines that infrastructure upgrades are necessary, the Applicant shall pay a "fair share" of the cost of the upgrade as determined by the City of Beverly Hills in association with the City of Los Angeles. Payment for this upgrade shall be made prior to the issuance of a building permit.	City Engineer	Confirmation that the applicant pays a fair share of the cost of necessary infrastructure upgrades.	Once prior to issuance of a building permit.			
<b>TRAFFIC AND CIRCULATION</b>						
T-6(a) Relocation of water line. Relocation of the water line that would be required due to the proposed alley relocation shall be approved by the City of Beverly Hills Water Utilities Division. The sewer line in the proposed alley relocation shall be Closed Circuit TV'd (CCTV) to verify existing connections prior to relocating the line. This work shall be performed according to City standards and shall be paid for by the applicant.	City Water Utilities Division	Plan check to confirm that relocation is acceptable pursuant to City standards.	Once prior to issuance of a building permit.			
T-6(b) Contacting Utility Companies. The applicant shall contact utility companies to arrange for the relocation of their utilities prior to commencing the relocation process.	Community Development Department	Confirm that the applicant contacts utility companies to arrange for	Once prior to issuance of a building permit.			

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		relocation of utilities.				
T-6(c)	Alley Relocation. The alley shall be designed to permit vehicular and pedestrian traffic and to contain the relocated utilities with the City retaining ownership. To ensure adequate alley operations, additional right of way (up to 2.5 feet) shall be obtained on the west side of the alley to ensure passage of trucks pursuant to the recommendations of the alley closure study, subject to review and approval by the City Department of Public Works Transportation Division. OR signs shall be posted at the entrances to the east-west and north-south alleys indicating "No Truck Access". The ultimate design is subject to review and approval by the City Department of Public Works Transportation Division.	Public Works Department Transportation Division	Plan check to confirm that alley is designed appropriately or that "no truck access" signs are planned to be installed.	Once prior to issuance of a building permit.		
<b>CONSTRUCTION EFFECTS</b>						
CON-2 (a)	Heavy Truck Restrictions. The construction contractor shall prohibit off-site heavy truck activities in local residential areas.	Community Development Department/ Building and Safety Division	Field verification to confirm that contractor prohibits off-site trucks in residential areas.	Periodically during construction.		
CON-2 (b)	Staging Area. The construction contractor shall provide staging areas onsite to the extent feasible to minimize off-site transportation of heavy construction equipment. The distance between staging areas and sensitive receptors shall be maximized to reduce noise levels associated with idling construction equipment.	Community Development Department/ Building and Safety Division	Field verification to confirm that staging areas are onsite to the extent feasible and that staging areas are located at a distance from sensitive receptors.	Periodically during construction.		
CON-2 (c)	Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.	Community Development Department/ Building and Safety Division	Field verification to confirm that diesel equipment is	Periodically during construction.		

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			operated with closed engine doors and equipped with factory recommended mufflers.				
CON-2 (d)	<b>Electrically-Powered Tools and Facilities.</b> Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.	Community Development Department/ Building and Safety Division	Field verification to confirm that electrical power is used to run power tools and power any temporary structures.	Periodically during construction.			
CON-2 (e)	<b>Additional Noise Attenuation Techniques.</b> For all noise generating construction activity on the Project site, additional noise attenuation techniques shall be employed as necessary to reduce noise levels to 78.8 dBA. Such techniques shall include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure that noise levels at nearby sensitive receptors do not exceed 78.8 dBA. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.	Community Development Department/ Building and Safety Division	Field verification to confirm that noise attenuation techniques are implemented.	Periodically during construction.			
CON-4(a)	<b>Fugitive Dust Control.</b> The following shall be implemented during construction to minimize fugitive dust emissions:  Water trucks shall be used during construction to keep all areas of vehicle movements damp enough to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.	Community Development Department/ Building and Safety Division	Field verification to confirm that fugitive dust control measures are implemented.	Periodically during construction.			

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<p>-Soil with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.</p> <p>-All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.</p> <p>All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.</p> <p>All material transported off-site shall be securely covered to prevent excessive amounts of dust.</p> <p>All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.</p> <p>Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.</p> <p>These control techniques shall be indicated in project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.</p>						
<p><b>CON-4(b)</b> <b>Ozone Precursor Control.</b> The following shall be implemented during construction to minimize emissions from construction equipment:</p> <p>Equipment engines shall be maintained in good condition and in proper tune per manufacturer's specifications;</p> <p>New technologies shall be utilized to control ozone precursor emissions as they become available.</p> <p>Diesel oxidation catalysts and particulate filters shall be installed on all on- and off- road construction vehicles.</p>	Community Development Department/ Building and Safety Division	Field verification to confirm that ozone control measures are implemented during construction.	Periodically during construction.			



**ATTACHMENT D**

**CITY COUNCIL RESOLUTION No. 12-R-12855**

RESOLUTION NO. 12-R-12855

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING JIM FALK LEXUS DEALERSHIP AND CONSTRUCTION OF A NEW DEALERSHIP ON THE PROPERTY LOCATED AT 9230 WILSHIRE BOULEVARD.

The City Council of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Jim Falk Lexus, through its agent Mitch Dawson, has submitted an application to allow the demolition of the existing dealership, including existing improvements on three parcels, with subsequent construction of a new dealership (the "Project"). The proposed new automobile dealership will contain a combined total of approximately 29,165 square feet of showroom and office space within the first and second levels, approximately 82,286 square feet of vehicle parking and circulation areas within levels one through four, and approximately 56,768 square feet of subterranean vehicle service areas (70 service bays in total). The proposed new building height would be approximately 45 feet to the roof level, 48 feet 6 inches to the top of the parapet and 59 feet to the top of the stair tower. The Project proposes 350 parking spaces, some of which are in a stacked/tandem configuration. While 117 of the parking spaces would be utilized to satisfy the City's zoning code requirement for sales and office areas, the remainder of the parking spaces would be utilized for automobile storage. In addition, 100 additional parking spaces would be secured at an off-site location within 1/2 of a mile of the Project site for use by employees.

Section 2. The Project site is located at the southwest corner of the intersection of Wilshire Boulevard and South Maple Drive. The Wilshire Boulevard portion of the site houses the primary existing Lexus dealership operations and is currently zoned for general commercial (C-3) uses. The parcel on South Maple Drive, south of the existing building across the alley is currently utilized by the dealership for vehicle storage/surface parking and is zoned for multiple-family residential (R-4) uses, which also permits parking related to commercial uses fronting on Wilshire Boulevard. The parcels are currently bisected by an approximately 1,822 square foot portion of the east/west alley that connects South Rexford Drive to South Maple Drive. The portion of the alley that bisects the Project site is proposed to be relocated as a part of the Project. The entire Project site, including the proposed alley area is approximately 32,643 square feet.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s environmental guidelines. The City prepared an Initial Study and, based on the information contained in the Initial Study, concluded that there was substantial evidence that the Project may have a significant environmental impact on several specifically identified resources. Pursuant to Guidelines Sections 15064 and 15081, and based upon the information contained in the Initial Study, the City ordered the preparation of an environmental impact report for the Project to analyze the Project’s potential impacts on the environment. A Draft Environmental Impact Report (DEIR) was prepared and circulated for public review and comment, and a Final Environmental Impact Report (FEIR) was reviewed by the Planning Commission and certified by Planning Commission Resolution No. 1622. The City Council has

made environmental findings in connection with the Project and adopted a Statement of Overriding Considerations in City Council Resolution No. 12-R-12854.

Section 4. Notices of the Project and the various public hearings held concerning the Project were posted in two newspapers of local circulation and were mailed on September 3, 2010, December 3, 2010, and September 15, 2011 to all property owners and residential tenants within a 300-foot radius of the property. Written and oral comments were received during the public hearings, both in support and opposition of the Project, and were made a part of the record. Responses to comments on the DEIR are also provided in the FEIR.

Section 5. The Planning Commission conducted public hearings for the Project on September 16, 2010, December 16, 2010, September 26, 2011, and a continued public hearing on October 27, 2011. On October 27, 2011 the Planning Commission adopted Resolution No. 1623 approving a Conditional Use Permit for the Project.

Section 6. A timely appeal of the Planning Commission decision approving the Conditional Use Permit was filed by 131 South Maple Associates, LP and 9250 Wilshire, LLC (hereinafter referred to collectively as the “Appellants”).

Section 7. The City Council conducted a public hearing on the appeal on December 19, 2011.

Section 8. In considering the request for a Conditional Use Permit, the City Council may approve the Conditional Use Permit if the Council finds as follows:

1. The proposed location of the proposed use will not be detrimental to adjacent property or to the public welfare.

Section 9. Based on the foregoing, the City Council hereby finds and determines that the proposed location of the proposed use will not be detrimental to adjacent property or to the public welfare for the following reasons:

The existing dealership predates the City's current code requirement that a conditional use permit ("CUP") be obtained in order to operate an automobile dealership, and is therefore able to operate as a legally nonconforming use. Because the dealership is legally nonconforming, there are no specific conditions of approval that regulate the dealership's current operations, including but not limited to activities such as loading, servicing of vehicles, employee parking, test drives, and turning movements for vehicles entering and exiting the dealership. Consequently, there are instances when the operations of the existing dealership adversely impact the surrounding residential uses. Approval of the CUP allows project-specific conditions to be imposed on the dealership, which serve to appropriately control dealership operations and reduce or prevent current adverse impacts on adjacent property and the public welfare. The Project includes several circulation-related improvements such as installation of a traffic signal at the Wilshire Boulevard/Maple Drive intersection that will improve turning movements for vehicles associated with dealership operations, and also includes turn restrictions for vehicles entering and exiting the dealership. These Project improvements discourage dealership-related vehicles from using the residential portions of South Maple Drive for direct dealership ingress/egress and reduce the existing dealership-related circulation impacts on the nearby residential properties. Additionally, the Project provides all service bays within

subterranean levels of the structure to prevent noise intrusion into the surrounding neighborhood. Furthermore, by relocating the alley and enclosing all dealership operations within a building, the proposed Project improves the buffer between residential properties and the commercial use. Therefore, as conditioned, the Project is not anticipated to be detrimental to adjacent property or the public welfare, and is instead anticipated to benefit the public welfare by improving the interface between the dealership and the residential neighborhood to the south, and by maintaining/improving an important tax revenue generator for the City.

Section 10. Based on the foregoing, the City Council hereby grants the requested CUP, subject to the following conditions:

GENERAL AND DESIGN-RELATED CONDITIONS:

1. The approval of the CUP shall not become effective unless and until the following approvals considered by the City Council at the December 19, 2011 public hearing on the Project have been adopted and taken effect: (1) the proposed Zone Text Amendment regarding Floor Area and parking standards for automobile dealerships and (2) the proposed alley vacation and relocation.
2. In the event of any court action or other proceeding challenging the approval of this resolution or otherwise challenging any approval by the City of the Project or any aspect of the Project, including the environmental review conducted in conjunction with this Project, the Applicant shall reimburse the City for the City's cost of defending any such court action or proceeding with counsel chosen by the City. The Applicant shall also pay any award of costs, expenses and fees that the court having jurisdiction over such challenge makes in favor of any challenger and against the City. The Applicant shall cooperate with the City in any such defense as the City may reasonably request. In the event the Applicant fails or refuses

to reimburse the City for its cost to defend any challenge to the approval of this CUP, any challenge to any other approval associated with the Project, or any challenge to the environmental review conducted in conjunction with this Project, the City shall have the right, among other remedies, to revoke this CUP approval.

In order to ensure compliance with this condition, within twenty (20) days after notification by the City of the filing of any claim, action or proceeding to attack, set aside, void or annul the approval of this CUP, any other approval associated with the Project, or the environmental review conducted in conjunction with this Project, the Applicant shall deposit with the City cash or other security in the amount of seventy five thousand dollars (\$75,000), satisfactory in form to the City Attorney, guaranteeing indemnification or reimbursement to the City of all costs related to any action triggering the obligations of this condition. If the City is required to draw on that cash or security to indemnify or reimburse itself for such costs, the Applicant shall restore the deposit to its original amount within thirty (30) days after notice from the City. Additionally, if at any time the City Attorney determines that an additional deposit or additional security up to an additional fifty thousand dollars (\$50,000.00) is necessary to secure the obligations of this section, the Applicant shall provide such additional security within thirty (30) days of notice from the City Attorney. The City shall promptly notify the Applicant of any claim, action or proceeding within the scope of this condition.

3. The Project shall be constructed and operated in substantial conformance with the plans submitted to the City Council, any written project proposal information provided to the City Council and any verbal agreements or representations made to the Planning Commission and

the City Council as part of their consideration of the Project. The Project shall also substantially comply with each mitigation measure recommended by the Final EIR as set forth in this resolution and each condition of approval set forth in this resolution. Minor amendments to the Project may be approved by the Director of Community Development or the Director's designee provided that the Project, as amended, meets the requirements of this condition, including substantial conformity with the plans submitted to the City Council.

4. The Applicant shall submit an affidavit to the Director of Community Development on an annual basis attesting to the fact that the dealership is operating in compliance with all conditions set forth in this resolution. For the purposes of this condition, annual shall mean each year on the anniversary of the issuance of the certificate of occupancy for the Project.
5. The City Council expressly reserves jurisdiction to the Planning Commission to impose additional conditions on the Project by adding additional conditions to the CUP as necessary to mitigate any traffic and parking impacts to the adjacent residential neighborhood and to mitigate any unanticipated impacts, including unanticipated traffic and parking impacts, caused by the Project. Such additional conditions may be imposed after providing notice to the Applicant and an opportunity to be heard regarding the proposed additional conditions. Notice shall also be provided to all property owners and residential occupants of property located on the 100, 200, 300 and 400 blocks of South Elm, South Rexford, South Maple, South Palm and South Oakhurst Drives, and to the 100 block of North Rexford, North Elm, North Maple, and North Palm Drives. In the event that a hearing is scheduled to consider the imposition of additional conditions, the full cost of the notice, the hearing and implementation of any additional conditions or mitigation measures shall be paid for by the Applicant.

6. The conditions of approval set forth in this resolution are specifically tailored to address the operation of Jim Falk Lexus as presented to and approved by the City Council. To ensure that any subsequent automobile dealerships operated at the subject site do not cause adverse impacts to the surrounding neighborhoods, any transfer of ownership, management, or control of the dealership shall be reviewed by the Director of Community Development to determine whether the proposed change substantially conforms to the Project approved by the Planning Commission. If the Director determines that the proposed change does not substantially conform to the approved Project, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of Section 10-3-3803 of the Beverly Hills Municipal Code. The City Council expressly reserves jurisdiction to the Planning Commission to revoke the CUP if the Planning Commission determines that proposed change does not substantially conform to the approved Project or to impose additional conditions as necessary to ensure that the operation of a subsequent dealership at the subject site conforms to the approved Project. The full cost of the notice, the hearing, and the implementation of any additional conditions shall be paid for by the Applicant.
7. Prior to the issuance of a certificate of occupancy and subject to the satisfaction of the Director of Community Development, all drive aisles and parking ramps within the Project shall be constructed of concrete with a rotary finish to prevent possible tire noise associated with vehicle movements within the parking areas.
8. All portions of the Project located within an R-4 zone shall be used solely for the purpose of customer or employee parking and vehicle circulation. Pursuant to BHMC §10-3-3719 F. the portions of the Project located within an R-4 zone shall not be used for the sale or servicing

of automobiles, the sale or storage of goods, wares, or merchandise, or for the storage of new or used automobiles being offered for sale or lease.

9. The Project shall be built in compliance with BHMC §10-3-3719 H. regarding screening of vehicles within parking structures constructed on properties within an R-4 zone.
10. The south side of the structure (adjacent to residential uses) shall be greened with landscaping satisfactory to the Architectural Commission.
11. All rooftop lighting shall be set on a timer to automatically turn on at sunset and turn off at the close of business each day, shall be shielded from residential uses, and the location and intensity of the lighting shall be designed to meet, but not exceed, minimum building code requirements. To the extent permitted by the building code, rooftop lighting shall be located below the height of the rooftop parapet. In the event that all building code required lighting cannot be located below the height of the parapet, light standards shall be limited to a maximum height of 10 feet. All other exterior lighting not located on a rooftop shall be shielded from residential areas.
12. With the exception of specific employees designated by the dealership (not to exceed 15 employees), all dealership employees shall be required to park at an off-site location. The availability of a minimum of 100 off-site employee parking spaces shall be demonstrated through a lease agreement that the Applicant shall submit to the Director of Community Development prior to the issuance of a certificate of occupancy and annually thereafter. For the purposes of this condition, annual shall mean each year on the anniversary of the issuance of the certificate of occupancy for the Project. If at any time the Applicant is notified that rights to any off-site parking required by this condition are no longer available or will

become unavailable due to termination or non-renewal of a lease, the Applicant shall provide written notice to the Director of Community Development of the loss of parking and submit evidence of replacement parking within five working days of the loss of the parking. If the Applicant is unable to immediately secure replacement parking, the Applicant shall pay a prorated monthly fine to the City for each off-site parking space lost that is equal to the highest monthly rate for a parking space charged by the City or the City of Beverly Hills Parking Authority for monthly parking in a parking structure owned by the City or the Authority. The fine shall be paid until such time that replacement parking is obtained. Fines shall be paid no later than the first business day of each month following a month during which the Applicant is unable to provide required off-site parking. If after three months the Applicant has not submitted evidence of a replacement lease or leases satisfying the off-site parking required by this condition, the Director of Community Development shall schedule a hearing before the Planning Commission to consider the revocation of the Conditional Use Permit or the imposition of additional conditions to mitigate the impact from the loss of offsite employee parking. The full cost of the notice of the hearing, the hearing, and the implementation of any additional conditions shall be paid for by the Applicant. All employee parking spaces shall be made available to employees at no charge, and shall be located within one-half (1/2) of a mile of the Project site.

13. Acoustic paneling, satisfactory to the Director of Community Development, for the purpose of reducing noise from the service areas, shall be applied to the walls and ceiling of the vehicle ramp and drive aisle leading from the first floor of the Project to the first basement level housing service operations.

OPERATIONAL CONDITIONS:

14. The hours of operation for the dealership's service department shall be limited to 7:00 AM to 8:00 PM Monday through Friday, and 9:00 AM to 6:00 PM on Saturday. No service shall be performed on Sundays. The hours of operation for the dealership's sales department shall be limited to 9:00 AM to 9:00 PM Monday through Friday, 9:00 AM to 8:00 PM on Saturday, and 10:00 AM to 7:00 PM on Sunday. The hours of operation of the dealership's parking areas on the 3<sup>rd</sup>, 4<sup>th</sup>, and rooftop levels of the Project shall not exceed the maximum limits of the operating hours permitted in this condition. This condition shall not prevent the dealership from assisting customers beyond the operating hours outlined above, provided that said customer entered the dealership prior to the close of business.
15. No public address systems shall be utilized by the automobile dealership unless such system is inaudible beyond the property boundaries.
16. To the extent permitted by law, the Applicant shall take all reasonable measures to ensure that the Project site shall be the Applicant's principal place of business and shall be the point-of-sale for the purpose of collecting any sales tax on vehicles or goods that are sold, delivered, leased or rented by the Applicant.
17. All vehicles awaiting service or having already been serviced shall be stored on-site.
18. A minimum of 7 parking spaces, immediately adjacent to a drive aisle, shall remain open and available for use when jockeying vehicles in tandem parking spaces. The 7 parking spaces shall be distributed between the top 3 levels of the parking garage, providing 2 parking spaces within each of levels 3 and 4, and 3 parking spaces on the rooftop. The designated parking spaces shall not be used for any other purpose.

19. Alley access doors shall be designed and maintained to operate at a noise level that does not exceed 65 decibels or the City's noise ordinance, whichever is more restrictive.
20. Alley access to and from the Project shall be limited to use by mechanics test driving vehicles that are being serviced, customers test driving vehicles for purchase or lease, and the individual delivery of a disabled or dealer-traded vehicle being dropped off by tow truck or flatbed truck. Vehicle test drives that occur after sunset shall not use the alley points of egress, and shall instead use the dealership's primary driveway on South Maple Drive. Additionally, subject to review and approval by the Director of Public Works, a stop sign, mirrors, and warning lights shall be installed within the Project at each alley egress point. Mirrors shall be installed at all internal turns/ramps within the Project.
21. The west-facing building opening that provides access to the alley from the subterranean service areas shall be permitted to remain open during the approved vehicle servicing hours outlined in this resolution, but not after sunset, and shall remain closed at all other times. The south-facing building opening that provides access to the alley from the above-ground vehicle storage areas shall remain closed at all times when not facilitating individual vehicle test drives as permitted in Condition 20 above. Neither opening, and no part of the alley, shall be used to directly move any vehicle from one part of the dealership to another; all such vehicle movements shall occur entirely inside the Project site.
22. Except as otherwise provided in this resolution, all non-vehicle deliveries shall occur within the designated loading area on Wilshire Boulevard. No other streets or rights-of-way shall be used for such purposes.

23. Loading or unloading operations associated with the dealership shall be prohibited outside the hours of 7:00 AM to 10:00 PM daily. Additionally, no loading or unloading of new or used vehicles on vehicle transport trucks shall be permitted anywhere on or adjacent to the Project site. This condition shall not preclude the delivery of an individual disabled or dealer-traded vehicle by tow truck or flatbed truck.
24. Prior to the issuance of a certificate of occupancy the Applicant shall prepare, and receive approval of, a test drive route to be used by customers and/or dealership employees. The test drive route shall be subject to review and approval by the Director of Community Development and the Director of Public Works, and no test drives shall be permitted on any local or residential streets or street segments. All test drives shall use the approved test drive route. All vehicles being test driven shall prominently display a placard, satisfactory in form and content to the Director of Community Development, identifying the vehicle as a vehicle that is being test driven. The placard shall be displayed so that it is clearly visible to pedestrians and other drivers.
25. The perimeter of the rooftop parking areas facing Wilshire Boulevard and South Maple Drive shall be used exclusively for the storage of vehicles that are 60 inches or less in height. Vehicles exceeding 60 inches in height shall be stored elsewhere on the Project site. The Director of Community Development shall have the authority to modify this condition if it can be demonstrated that taller vehicles will not be visible from the public rights-of-way or adjacent properties.
26. Except as expressly required by law, dealership employees shall be prohibited from parking on City streets. The Applicant shall, to the satisfaction of the Director of Community

Development, actively discourage vendors and other vehicles associated with or doing business with the dealership or its employees from parking on City Streets.

27. All vehicle servicing shall be conducted in the two subterranean levels of the Project. Vehicle servicing shall not occur within any of the above-ground levels.
28. During the first six (6) months of dealership operation (from the date of issuance of a certificate of occupancy), an employee of the dealership shall be positioned at the driveway entrance/exit during the hours of operation of the service department and shall direct vehicles as to the proper turn movements as conditioned herein. Additionally, the dealership's website shall provide information on how to properly access the site by avoiding travel on residential streets, and employees shall also provide proper guidance when setting appointments for customers over the telephone or by in writing (including electronic written communication).
29. The exit from the Project site to South Maple Drive shall be configured to allow exiting only from the southernmost vehicle lane in the building.
30. All customers of the dealership shall be provided with free valet parking.
31. All trash storage and recycling areas shall be incorporated into the interior design of the Project. Trash and recycling materials shall only be removed from the structure for the purpose of collection.
32. At all times the dealership shall operate in compliance with the City's noise ordinance and the parameters set forth in the noise study presented to the Planning Commission during the public hearing process.

33. At the close of business each day, at least one employee of the dealership shall walk the perimeter of the Project site and collect and dispose of any trash or debris that may be present on adjacent sidewalks or the alley, regardless of whether said trash or debris was generated by the dealership.
34. Employees shall be prohibited from congregating outside the dealership, and shall be prohibited from eating, drinking, or smoking in the alley and other public rights-of-way.
35. Dealership employees shall be prohibited from patronizing any lunch truck or catering truck that is parked on a residential street, in an alley or in the loading zone on Wilshire Boulevard.
36. Prior to the issuance of a certificate of occupancy, the Applicant shall deposit with the City \$50,000 to ensure compliance with the requirements of the Beverly Hills Municipal Code and all conditions of this resolution. If the City determines that the Applicant is responsible for two or more violations of the requirements of the Beverly Hills Municipal Code or the conditions of this resolution during any twelve (12) month period, then the City may: (a) draw down from the deposit \$5,000 to cover the City's costs of enforcement of the conditions of this resolution, (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice, and may (c) suspend this CUP approval until such time that an additional deposit of funds is made in an amount sufficient to restore the deposit to \$50,000.

If the Applicant timely requests a hearing, the deposit shall not be drawn upon, and additional funds shall not be required to be deposited, until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City Manager, or the City Manager's designee, regarding whether the City should draw on the deposit and the City

determines that substantial evidence supports drawing upon the deposit. If the City determines that the Applicant is responsible for additional violations within the twelve month period, then the City may draw an additional \$5,000 from the deposit to reimburse the City for the cost of enforcement of the conditions of this resolution, require the Applicant to restore the deposit to \$50,000 and may suspend the certificate of occupancy until such time as the deposit is restored, all through the procedure set forth above.

The deposit may be reduced to \$25,000 after the Project has been occupied for five years if the Applicant has been responsible for no more than two violations of the conditions of this resolution and the provisions of the Beverly Hills Municipal Code in any twelve month period. The deposit may be returned in full to the Applicant after the Project has been occupied for ten years if the Applicant has not been responsible for more than two violations of the conditions of this resolution or the Beverly Hills Municipal Code within any twelve month period. However, at any time, the Director of Community Development may require the deposit to be reestablished at the level of \$50,000 if the Director determines that there have been continuing violations of the conditions of this resolution or the Beverly Hills Municipal Code or if the Director determines that there has been a change in the ownership of the Project site or the dealership occupying the Project. The Applicant shall reestablish the deposit at the amount determined by the Director within thirty (30) days after receipt of a written notice from the Director notifying the Applicant of the requirement to reestablish the deposit. The Applicant may appeal to the City Council the decision of the Director to reestablish the deposit. Such appeal must be filed within ten days after the Applicant has received notice of the requirement to reestablish the deposit.

PUBLIC WORKS/RIGHT-OF-WAY CONDITIONS:

37. Prior to the issuance of a demolition permit for the existing dealership, a new, 20-foot wide alley shall be constructed, dedicated to the City, and open for vehicular circulation in accordance with the plans reviewed by the City Council at its meeting of December 19, 2011 and all applicable City standards. The full cost of alley design, construction, and dedication shall be paid for by the Applicant.
38. No portion of any existing alley shall be vacated or closed to vehicular circulation unless and until a new alley has been constructed and is operational in accordance with the requirements of condition no. 37.
39. Vehicles traveling northbound on South Maple Drive shall be prohibited from turning left into the Project site. Such left turns shall be restricted through the installation of signage and a physical barrier, which design shall be reviewed and approved by the Director of Public Works prior to the issuance of building permits. Installation of the signage and barrier shall be completed prior to the issuance of a certificate of occupancy, and all costs associated with the design and installation of the signs and barrier shall be paid for by the Applicant. Furthermore, all costs associated with the repair and maintenance of the signs and barrier shall be paid for by the Applicant for the first 5 years (from the date of issuance of a certificate of occupancy) of dealership operation. After such time period has passed, repair and maintenance of said signs and barrier shall be the responsibility of the City. The Applicant shall deposit a sufficient amount of funds with the City, as calculated by the Director of Public Works, to pay the abovementioned costs. The required deposit shall be made prior to the issuance of a building permit.

If the Director of Community Development determines that the requirements of this condition have not deterred drivers from approaching the Project site entrance through the adjacent residential area, then the Director may require the Applicant to install cameras for the purpose of recording the movement of vehicles in the public right of way as the vehicles approach the Project entrance. Such recordings shall be made available to the City for the purpose of monitoring compliance with this CUP. The cameras shall of a type, and shall be installed in locations, satisfactory to the Director. All costs associated with the installation, operation and maintenance of the cameras shall be borne by the Applicant.

40. Vehicles exiting the dealership shall be prohibited from turning right onto South Maple Drive. Signage, subject to review and approval by the Director of Public Works, shall be installed prior to the issuance of a certificate of occupancy at the driveway exit to inform vehicles that right turns are prohibited. An angled curb, satisfactory to the Director of Public Works, shall be installed to further discourage right turns onto South Maple Drive. All costs associated with the design, installation, repair and maintenance of the signs and curb shall be paid for by the Applicant.

If the Director of Community Development determines that the requirements of this condition have not deterred drivers from exiting the Project site driveway and proceeding south through the adjacent residential area, then the Director may require the Applicant to install cameras for the purpose of recording the movement of vehicles in the public right of way as the vehicles exit the Project. Such recordings shall be made available to the City for the purpose of monitoring compliance with this CUP. The cameras shall be of a type, and shall be installed in locations, satisfactory to the Director. All costs associated with the installation, operation and maintenance of the cameras shall be borne by the Applicant.

41. Prior to the issuance of a certificate of occupancy, the routes used to transport vehicles to or from the Project site shall be reviewed and approved by the Director of Public Works. All vehicles transported to the site shall conform to the route approved by the Director of Public Works.
42. Prior to the issuance of a certificate of occupancy a loading zone shall be constructed by the City along Wilshire Boulevard. The loading zone shall be a minimum of 11 feet clear in width measured from the alignment of the existing curb face, and a minimum of 95 feet in total length. The near transition shall be a minimum of 15 feet in length, the far transition a minimum of 25 feet in length, and a minimum of 55 feet in length for the full-width loading area. The Director of Community Development, in consultation with the Director of Public Works, shall have the authority to increase or decrease the length of the loading zone by up to 10%. All costs associated with the design and construction of the loading zone shall be paid for by the Applicant.
43. Prior to the issuance of a certificate of occupancy the sidewalk along Wilshire Boulevard and adjacent to the Project shall be constructed and maintained at a minimum width of 5 feet clear, measured from the face of the curb, and a minimum vertical dimension of 8 feet clear, measured from the finished elevation of the sidewalk. No projections or obstacles are permitted within the abovementioned sidewalk area. This includes but is not limited to building columns, architectural elements, veneers, and doors. All costs associated with the design and construction of the sidewalk shall be paid for by the Applicant.

44. Prior to the issuance of a certificate of occupancy a surface easement shall be granted to the City for any areas of sidewalk provided on private property. Said surface easement shall be recorded in a form satisfactory to the Director of Public Works.
45. Prior to the issuance of a certificate of occupancy and subject to review and approval by the Director of Public Works, the sidewalk and curb adjacent to the loading area on Wilshire Boulevard shall be engineered and constructed to withstand frequent loading and unloading activities commonly associated with an automobile dealership. Specifically, the sidewalk and curb shall be capable of supporting heavier loads than a typical sidewalk may experience, to the satisfaction of the Director of Public Works.
46. Prior to the issuance of a certificate of occupancy, the Applicant shall execute a covenant to maintain landscaping in an area three (3) feet in width located at the southern portion of the R-4 parcel satisfactory in form and content to the City Attorney and the Director of Public Works. The landscaping shall be for the purpose of providing a landscape buffer between the residential and commercial uses. The landscaping shall be subject to review and approval by the Architectural Commission and shall include species that are sufficiently substantial to create a visual and physical separation between residential uses and commercial uses. The Applicant shall maintain the landscaping to the satisfaction of the City Arborist for the life of the Project. All costs associated with the installation and maintenance of the landscaping shall be paid for by the Applicant, and the City shall not be responsible for any maintenance of the landscaping.
47. Prior to the issuance of a certificate of occupancy, a new traffic signal shall be installed at the intersection of Wilshire Boulevard and Maple Drive. The signal shall be designed and

installed in accordance with City Standards, and the full cost of such design and installation shall be paid for by the Applicant. However, in the event that the City elects not to install bollards or a similar device on South Maple Drive to deter Project traffic from utilizing South Maple Drive, then the City Council may, after notice to the Applicant as well as residents and property owners of South Maple Drive, suspend this condition without amendment of the CUP.

48. Prior to the issuance of a certificate of occupancy, the Applicant shall provide the City with a Sewer Area Study that will analyze whether the existing sewer lines within the City of Beverly Hills require upgrading in order to handle the wastewater flow from the Project or from the cumulative impacts of the Project and other potential development. The Applicant shall pay its fair share for the sewer system upgrades (if needed) due to the additional proposed sewage generated by the Project.
49. Sewer lines impacted by the alley vacation shall be examined using closed circuit television cameras (CCTV) to verify existing connections before abandoning the line. All work shall be done according to City standards and shall be paid for by the Applicant.
50. The Applicant shall contact all utility companies (Southern California Edison, the Gas Company, Time Warner and AT&T) to arrange for the relocation of their respective utilities before commencing the vacation process.
51. Each utility within the alley shall be relocated without interruption of service, unless an easement is reserved for that utility. The Applicant shall be responsible for ensuring that each and every relocated utility provides an equivalent level of service from the relocated infrastructure. All utilities proposed for relocation shall be relocated to the satisfaction of

each utility owner before any work for the Project will be allowed in the alley proposed for vacation.

52. The Applicant, at no expense to the City, shall work with franchise utilities to relocate those utilities in light of the City's decision to relocate its alley. The City agrees to assist the Applicant with such relocation, to the extent that the City bears no expense in this effort.
53. The Applicant shall clearly identify the process, phasing, and future location of utilities to be relocated in conjunction with the alley vacation.
54. The fire hydrant on the west side of Maple Drive where the future driveway is proposed shall be relocated and the cost of relocation shall be paid for by the Applicant.
55. Removal or replacement of existing street trees as a result of the Project shall be coordinated with, and authorized by, the City's Arborist. Prior to the removal of any street tree, security to ensure successful removal and replacement of street trees shall be provided by the Applicant in form and content satisfactory to the City Attorney and the City's arborist.
56. Prior to issuance of a certificate of occupancy, sidewalks, curb ramps and curbs and gutters adjacent to the Project site on Wilshire Boulevard and Maple Drive shall be removed and replaced according to City standards, and be paid for by the Applicant.
57. The pavement and center drainage gutter on the alley west of Maple Drive between the east-west alley south of Wilshire Boulevard and the new southern property line of the Project, and on the east-west alley (between Rexford Drive and the alley west of Maple Drive) shall be removed and replaced according to City standards, and shall be paid for by the applicant.

58. All survey monuments, street lights, underground utilities, and any off-site improvements adversely affected by the Project shall be re-established according to City standards, and shall be paid for by the Applicant. No structures or improvements are permitted within the public right-of-way without an encroachment permit.
59. Any street lights/fixtures removed as a result of the Project shall be properly stored and reinstalled according to City standards and requirements at the expense of the Applicant. Prior to the removal of any street light/fixture, security to ensure successful removal and replacement of the street light/fixture shall be provided by the Applicant in form and content satisfactory to the City Attorney and the Director of Public Works.
60. The same lighting intensity shall be maintained on Wilshire Boulevard and Maple Drive if street lights adjacent to Project are removed due to construction. Also, a continuous power supply shall be maintained to the rest of the street lights on both streets if street light conduits are removed due to project construction.
61. Future driveway and alley approaches shall be constructed to current ADA and City standards. Relocation of existing street light conduits on the west side of Maple Drive and the south side of Wilshire Boulevard impacted by the Project driveway approach on Maple Drive, and loading zone on Wilshire Boulevard, shall be paid for by the Applicant.
62. The Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP), and a Standard Urban Storm Water Mitigation Plan (SUSMP) to the Utilities Division (Attention: Josette Descalzo) for review and approval. The SUSMP shall adhere to the numerical design criteria written in the MS4 permit.

63. In accordance with the requirements set forth in City Council Resolution 71-R-4269, the Applicant shall file a formal written request with the Civil Engineering Division for approval of any type of temporary construction encroachment (steel tieback rods, etc.) within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer shall be submitted for review by the Civil Engineering Division. Shoring elements shall not project into the alleys. An indemnity bond shall be submitted and approved by the City Attorney prior to excavation.
64. The Applicant shall provide a soils report prepared by a California registered geotechnical engineer that identifies the shoring recommendations and design parameters. Shoring design shall account for heavy traffic loads on Wilshire Boulevard, and must limit the deflection to ¼ inch on top of the piles/caissons to avoid any deflection and damage to adjacent streets.
65. A site improvement plan designed by a licensed Civil Engineer in the State of California shall be prepared and submitted to the Civil Engineering Division for plan check and approval. All work in the public right of way shall be constructed in accordance with the approved plans and required permits issued for this specific work.
66. Pedestrian access shall be maintained on Wilshire Boulevard and Maple Drive if sidewalks are removed due to excavation. No pedestrian barricades are allowed on the roadway section of Wilshire Boulevard or Maple Drive.
67. The Applicant shall provide a construction management plan that clearly shows usage of cranes and other heavy equipment. There shall be no lane closures on Wilshire Boulevard unless approved by the City Council.

68. Landscape plans shall be reviewed and approved by the City's Arborist. Landscaping shall be maintained in accordance with the approved plans.
69. A Photometric study for Wilshire Boulevard that shows the foot-candle distribution within the property limits and 100 feet beyond the property lines shall be provided for the existing conditions and the proposed conditions.
70. The Applicant shall remove the street curb along Maple Drive in front of the Project site and re-construct a new curb and gutter by setting the curb back by 2.5 feet between the beginning of the curb return at Wilshire Boulevard and the Project driveway by narrowing the existing 7.5 foot parkway (grass) to a 5 foot wide parkway. The dimension of the newly constructed sidewalk shall stay the same as the existing sidewalk. This segment of Maple Drive shall also be widened from the existing 30 feet to 32.5 feet; however, the new street center line shall remain along the same line as the existing center line (i.e., currently 15 feet from the face of the curb on the east side of the street).
71. South Maple Drive shall be reconstructed (curb to curb) to City standards between the new east-west alley and transitioning onto Wilshire Boulevard pavement and shall be paid for by the Applicant.
72. In the event that any parking meters are removed as a result of the Project, the full cost of removal, replacement, and loss of revenues shall be calculated by the Director of Public Works and paid by the Applicant.
73. The corner of the Project site (south-west corner of the intersection of Maple and Wilshire) shall be sufficiently set back to accommodate ADA requirements for the design of a

handicapped ramp and adequate sidewalk behind the ramp per the most recent ADA standards in concert with the new curb and gutter along Maple Drive and Wilshire Boulevard.

74. The vertical slope of the intersection shall be maintained with the new ramp.
75. Pull boxes, sign posts and other street culture that were adjacent to the previous curb shall be relocated and placed properly adjacent to the new curb.
76. All City owned and operated utilities shall be relocated at the Applicant's expense. The Applicant shall work with franchise utilities to relocate those utilities at no expense to the City. The City agrees to assist the applicant with such relocation, to the extent that the City bears no expense in this effort.
77. The Applicant shall reimburse the City for the City's cost to study the installation of bollards or similar devices on Maple Drive, including the cost of any required environmental review. The primary purpose of the bollards is to deter Project related vehicle traffic from utilizing South Maple Drive to approach or depart the Project site. If the City determines to install bollards for this purpose, then the Applicant shall pay for the cost of such bollards. The Applicant shall reimburse the City for its costs associated with the study and installation of bollards within sixty days after the City has made demand upon the Applicant for reimbursement and presented evidence of the amounts expended by the City.

If bollards are installed on South Maple Drive, then without amending this CUP, the Director of Community Development may suspend the Applicant's obligation to comply with other conditions identified by the Director as designed to deter traffic from using South

Maple Drive. Prior to suspending a condition, the Director must determine that the suspended condition is no longer necessary to protect the adjacent residential neighborhood from impacts due to the placement of bollards on South Maple Drive. The Director may reinstitute any suspended condition upon thirty days notice to the Applicant if the Director determines that the suspension of the condition has had an adverse impact on the adjacent residential neighborhood or the public welfare.

STANDARD CONDITIONS:

78. Prior to the issuance of building permits, the Project's exterior design, including openings and doors facing Maple Drive, and its associated signage shall be reviewed and approved by the Architectural Commission. Furthermore, the parking garage openings facing South Maple Drive shall be fitted with roll-down doors that are to be closed at sunset or the close of business each day, whichever is earlier. The doors shall be of metal construction and shall be painted to match the exterior color of the building.
79. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete review for compliance with the Municipal Code when building plans are submitted for plan check. Compliance with the Municipal Code is required prior to the issuance of a building permit.
80. At all times the Project shall comply with the City's Municipal Code and all applicable State and Federal regulations.
81. This resolution approving the Conditional Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall

include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development prior to the issuance of a building permit. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder.

82. A violation of these conditions of approval may result in the revocation of the entitlements granted herein. Any such revocation shall be conducted in accordance with the revocation proceedings set forth in §10-3-3803 of the Beverly Hills Municipal Code, or its successor.
83. Prior to the issuance of a Building Permit, all applicable fees and taxes shall be paid to the City.
84. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
85. Shortly after the one year anniversary of the issuance of the certificate of occupancy for the Project, the Planning Commission shall hold a public hearing to review compliance with the CUP and evaluate whether the Project has created unanticipated impacts on adjacent properties or the public welfare. Pursuant to condition no. 5, additional conditions may be imposed on the CUP at this hearing in order to mitigate traffic impacts on the adjacent residential neighborhood or to mitigate any unanticipated impacts on adjacent properties or the public welfare, including traffic impacts. Notice shall be provided to the Applicant and the Applicant shall be provided with an opportunity to be heard regarding the Applicant's compliance with the CUP, whether the Project has generated any unanticipated impacts, and any proposed additional conditions. Notice shall also be provided to all property owners and

residential occupants of property located on the 100, 200, 300, and 400 blocks of South Elm, South Rexford, South Maple, South Palm, and South Oakhurst Drives, and to the 100 block of North Rexford, North Elm, North Maple, and North Palm Drives. The full cost of the notice, the hearing and implementation of any additional conditions shall be paid for by the Applicant.

86. Prior to demolition of the Project site, the Applicant shall provide a notice to all property owners and residential units within one quarter mile radius of the Project site setting forth the construction schedule for the Project and a telephone number where residents and others can inquire about the construction process and register complaints. A sign, legible at a distance of fifty (50) feet, shall also be posted at the Project site with this information.

#### MITIGATION MEASURES:

87. **CR-2(a) Archeological/Paleontological Monitoring.** In the event that a previously unknown artifact or fossil is uncovered during Project construction, all work shall cease until a certified archaeologist and/or paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.
88. **CR-2(b) Coroner Notification.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will

then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

**89. GEO-2 Geotechnical Report.** The Applicant shall implement all design recommendations in the geotechnical report, including the following:

- All demolition debris shall be removed and hauled from proposed grading areas prior to the start of grading operations. Any existing vegetation shall not be mixed or diced into the soils. Any removed soils may be reutilized as compacted fill once any deleterious material or oversized materials (in excess of eight inches) is removed. Grading operations shall be performed in accordance with the “Specifications for Compacted Fill Operations” on page 15 of the Norcal Engineering April 2, 2010 geotechnical report.
- All fill and/or disturbed top soils shall be removed to native material, the exposed surface scarified to a depth of 12 inches, brought to within 2% of optimum moisture content and compacted to a minimum of 90% of the laboratory standard prior to placement of any additional compacted fill soils, foundations, slabs-on-grade and pavement.
- A diligent search shall be conducted during grading operations in an effort to uncover any underground structures, irrigation or utility lines. If encountered, these structures and lines shall be either removed or properly abandoned prior to construction.

- Any imported fill material shall be similar to the upper soils encountered at the Project site. Imported soils utilized for the backfill of retaining walls shall consist of select sand material or approved gravel material. All soils shall be approved prior to importing at the site and shall be subject to additional laboratory testing.
- Adequate drainage away from structures, pavement and slopes shall be provided at all times.
- Temporary shoring design for the proposed subterranean garage shall utilize a trapezoidal pressure distribution. The final shoring structural calculations and drawings shall be reviewed prior to installation.
- Temporary unsurcharged excavations above the vertical may be trimmed at a 1 to 1 gradient for an additional four feet.
- All excavations shall be made in accordance with the requirements of CAL-OSHA and other public agencies with jurisdiction over the Project site.
- All foundations shall be designed utilizing the allowable safe bearing capacities on page 9 of the geotechnical report dated April 2, 2010 for an embedded depth of 48 inches into competent native soils.
- All continuous foundations shall be reinforced with a minimum of two No. 4 bars, top and bottom; isolated pad foundations shall be reinforced at the discretion of the Project structural engineer.
- All concrete slabs-on-grade shall be at least four inches in office and sidewalk areas reinforced with a minimum of No. 3 bars, eighteen inches in each direction positioned mid-height in the slab and placed on approved subgrade soils.

- A vapor retarder shall be utilized in areas which would be sensitive to the infiltration of moisture.
- All pavement areas shall have positive drainage toward an approved outlet from the site. Drain lines behind curbs and/or adjacent to landscape areas shall be considered by the applicant and the appropriate design engineers to prevent water from infiltrating beneath the pavement.
- Any approved base material shall consist of a Class II aggregate or equivalent and shall be compacted to a minimum of 95% relative compaction.
- All pavement materials shall conform to the requirements set forth by the City of Beverly Hills.
- The base material and asphaltic concrete shall be tested prior to delivery to the site and during placement to determine conformance with project specifications.
- A pavement engineer shall designate the specific asphalt mix design to meet the required Project specifications.
- Trenches from installation of utility lines and other excavations may be backfilled with on-site soils or approved imported soils compacted to a minimum of 90% relative compaction.
- All utility lines shall be properly bedded with clean sand having a sand equivalency rating of 30 or more. This bedding material shall be thoroughly water jetted around the pipe structure prior to placement of compacted backfill soils.
- A Type II cement according to the latest specifications shall be utilized for building foundations.

- “Expansive Soil Guidelines” contained on page 17 of the geotechnical report shall be complied with during the design of the project and future property maintenance. The “Expansive Soil Guidelines” include the following requirements:
- Maintain moisture contents at relatively constant levels, allowing neither excessive wetting or drying of soils.
- Drainage away from structures and pavement
- Strictly control irrigation around building foundations, slabs and pavement
- Analyze planting schemes for landscaping around structures and pavement
- Use thickened edges on exterior slabs to keep excessive moisture from entering directly beneath the concretes. Underlying interior and exterior slabs with 6-12 inches or more of non-expansive soils and presaturation of underlying clayey soils will improve the overall performance of on-grade slabs.
- Increase the amount of steel reinforcing in concrete slabs, foundations and other structures to resist the forces of expansive soils.

90. **HAZ-2(a) Soil Sampling.** At the time of vacancy and prior to demolition, soil sampling shall be conducted adjacent to the drains, drain lines, and clarifier. Soil samples shall also be collected at various locations throughout the site and within any unpaved planter areas onsite. The soil samples shall be analyzed for the following: TPH, VOCs, SVOCs, metals and asbestos. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory

oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The Applicant shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.

91. **HAZ-2(b) Geophysical Survey.** At the time of vacancy and prior to demolition, a geophysical survey of the Project site shall be conducted to determine whether there is potential for any as-yet undiscovered underground storage tanks. If any large metal anomalies are discovered at the time of site clearance, but prior to issuance of a grading permit, a backhoe shall be used to uncover the anomaly. If the anomaly is a tank, it shall be removed and properly disposed at a licensed disposal facility. The removal of a UST in Los Angeles County shall be conducted in accordance with the County of Los Angeles Department of Public Works (LACDPW) UST Program. Removal of a UST shall include soil sampling beneath the UST. The soil samples shall be analyzed pursuant to the tank removal permit requirements. If contaminated soil is identified and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, a remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by the LACDPW UST Program. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits. If hydraulic pistons are found, they shall be removed and properly disposed at a licensed facility. The removal of hydraulic pistons shall be conducted in accordance with

applicable regulations under the guidance of a Professional Civil Engineer or Professional Geologist. Removal of hydraulic pistons shall include soil sampling around the hydraulic pistons. If contaminated soil is identified, and contaminants in concentrations exceeding regulatory thresholds or action levels are detected, any required remediation program shall be implemented to reduce contaminants to within acceptable levels as determined by a regulatory oversight agency such as the County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control. Remediation options may include, but are not limited to: excavation and removal with offsite disposal at a licensed facility, or in-situ soil treatment. The developer shall submit all clearance documentation to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.

92. **HAZ-2(c) Excavation and Demolition Contingency Plans.** The Applicant shall prepare a contingency plan for all excavation and demolition projects conducted within the Project site to be implemented in the event that contaminants or structural features not previously identified are suspected or discovered. The contingency plan shall identify appropriate measures to be followed if contaminants are found or suspected. The appropriate measures shall identify personnel to be notified, emergency contacts, and a sampling protocol. The excavation and demolition contractors shall be made aware of the possibility of encountering unknown hazardous materials, and shall be provided with appropriate contact and notification information. The contingency plan shall include a provision stating at what point it is safe to continue with the excavation or demolition, and identify the person authorized to make that determination.

93. **HAZ-2(d) Groundwater Sampling.** If, during the soil sampling required above under Measure HAZ-2(a), groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, the developer shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (County of Los Angeles Fire Department CUPA, Los Angeles Regional Water Quality Control Board, or the State of California Environmental Protection Agency Department of Toxic Substances Control). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. The Applicant shall submit all correspondence to the Beverly Hills Department of Community Development prior to issuance of grading or building permits.
94. **PSU-4 Wastewater Conveyance Upgrade.** If the City Engineer determines that infrastructure upgrades are necessary, the Applicant shall pay a “fair share” of the cost of the upgrade as determined by the City of Beverly Hills in association with the City of Los Angeles. Payment for this upgrade shall be made prior to the issuance of a building permit.
95. **T-6(a) Relocation of water line.** Relocation of the water line that would be required due to the proposed alley relocation shall be approved by the City of Beverly Hills Water Utilities Division. The sewer line in the proposed alley relocation shall be examined with a Closed Circuit television camera (CCTV) to verify existing connections prior to relocating the line. This work shall be performed according to City standards and shall be paid for by the applicant.

96. **T-6(b) Contacting Utility Companies.** The applicant shall contact utility companies to arrange for the relocation of their utilities prior to commencing the alley relocation process.

97. **T-6(c) Alley Relocation.** The alley shall be designed to permit vehicular and pedestrian traffic and to contain the relocated utilities with the City retaining ownership. To ensure adequate alley operations, EITHER additional right of way (not less than 2.5 feet) shall be obtained from the adjacent property owner (Nessah Property) adjacent to both the north/south and east/west alleys, to ensure passage of trucks pursuant to the recommendations of the alley closure study, subject to satisfaction of the City Department of Public Works Transportation Division, OR signs shall be posted at the entrances to the east-west and north-south alleys indicating "No Truck Access". The ultimate design is subject to review and approval by the City Department of Public Works Transportation Division.

98. **CON-1 (a) Construction Traffic Management Plan.** The applicant shall submit a Construction Traffic Management Plan to the City for review and approval prior to issuance of demolition, grading or building permits. At a minimum, the plan shall meet the following standards to the satisfaction of the City:

- Maintain existing access for land uses in proximity to the Project site during project construction.
- Schedule deliveries and pick-ups of construction materials to non-peak travel periods, to the maximum extent feasible.
- Coordinate deliveries and pick-ups to reduce the potential of trucks waiting to load or unload for protracted periods of time.
- Minimize obstruction of through-traffic lanes on adjacent streets.

- Control construction equipment traffic from the contractors through flagman and traffic control devices.
- Identify designated transport routes for heavy trucks (in addition to haul trucks) to be used over the duration of the proposed construction project.
- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.
- Establish requirements for: loading/unloading and storage of materials on the Project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the Project site and neighboring businesses.

**99. CON-1 (b) Construction Worker Parking Management Plan.** The Applicant shall submit a Construction Worker Parking Management Plan to the City for review and approval prior to the issuance of demolition, grading or building permits. To the maximum extent feasible, all construction worker parking shall be accommodated on the Project site. During any demolition and construction activities when construction worker parking cannot be accommodated on the Project site, the Plan shall identify alternate parking locations for construction workers and method of transportation to and from the Project site for approval by the City 30 days prior to commencement of construction. The Construction Worker Parking Management Plan shall include appropriate methods to ensure that the parking location requirements for construction workers are strictly enforced. These include but are not limited to the following:

- Provide all construction contractors with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on any residential street or in public parking structures.
- Prohibit construction worker parking within 500 feet of the nearest point of the Project site except within designated areas. The construction contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary, for hiring a security guard to enforce these parking provisions. The applicant shall be responsible for all costs associated with enforcement of this mitigation measure.
- Identify sites where construction workers could park off-site, if necessary.

In lieu of the above, the applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the Project site throughout the entire duration of demolition and construction activities.

100. **CON-2 (a) Heavy Truck Restrictions.** The construction contractor shall prohibit off-site heavy truck activities in local residential areas.

101. **CON-2 (b) Staging Area.** The construction contractor shall provide staging areas onsite to the extent feasible to minimize off-site transportation of heavy construction equipment. The distance between staging areas and sensitive receptors shall be maximized to reduce noise levels associated with idling construction equipment.

102. **CON-2 (c) Diesel Equipment Mufflers.** All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers.
103. **CON-2 (d) Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
104. **CON-2 (e) Additional Noise Attenuation Techniques.** For all noise generating construction activity on the Project site, additional noise attenuation techniques shall be employed as necessary to reduce noise levels to 78.8 dBA. Such techniques shall include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure that noise levels at nearby sensitive receptors do not exceed 78.8 dBA. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.
105. **CON-4(a) Fugitive Dust Control.** The following shall be implemented during construction to minimize fugitive dust emissions:
- Water trucks shall be used during construction to keep all areas of vehicle movements sufficiently damp to prevent dust from leaving the site. At a minimum, this will require three daily applications (once in morning, once at

midday and once at the end of the workday). Increased watering is required whenever wind speed exceeds 15 mph. Grading shall be suspended if wind gusts exceed 25 mph.

- Soil with 5% or greater silt content that is stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting material shall be tarped from the point of origin or shall maintain at least two feet of freeboard.
- All material excavated or graded shall be treated with soil binders or shall be sufficiently watered at least twice daily with complete coverage, preferably in the late morning and after work is done for the day.
- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust.
- All material transported off-site shall be securely covered to prevent excessive amounts of dust.
- All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed Project. A sign, legible at a distance of 50 feet shall also be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number (capable of receiving calls 24-hours a day, 7 days a week) where residents can inquire about the construction process and register complaints.

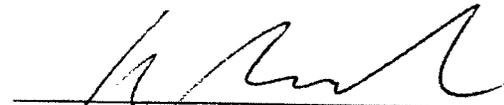
- Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.
- These control techniques shall be indicated in Project specifications. Compliance with the measure shall be subject to periodic site inspections by the City.

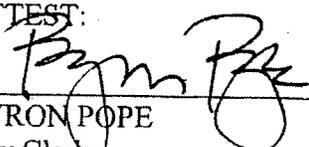
106. **CON-4(b) Ozone Precursor Control.** The following shall be implemented during construction to minimize emissions from construction equipment:

- Equipment engines shall be maintained in good condition and in proper tune per manufacturer's specifications;
- New technologies shall be utilized to control ozone precursor emissions as they become available.
- To the maximum extent feasible, diesel oxidation catalysts and particulate filters shall be installed on all on- and off- road construction vehicles.

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

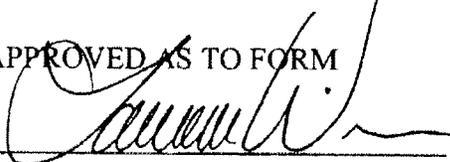
Adopted: January 10, 2012

  
 BARRY BRUCKER  
 Mayor of the City of Beverly Hills

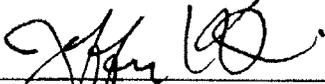
ATTEST:  
  
 BYRON POPE (SEAL)  
 City Clerk

[Signatures continue]

APPROVED AS TO FORM

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT

  
\_\_\_\_\_  
JEFFREY ROLIN  
City Manager

  
\_\_\_\_\_  
SUSAN HEALY KEENE, AICP  
Director of Community Development

**ATTACHMENT E**  
**PRELIMINARY NOISE ASSESSMENT**



Vinson Associates  
Environmental & Acoustical Consultants

March 5, 2013

**Jim Falk Lexus**  
9230 Wilshire Blvd.  
Beverly Hills, CA 90212

Attention: Mr. Jim Falk

**Subject: Noise Emission Study from New Service Facility  
Jim Falk Lexus  
Acoustical Analysis Report  
V. A. Project No. 4623-002**

Dear Mr. Falk:

In our report dated March 10, 2010 we presented the results of noise impact analysis for the proposed new Lexus service facility. The schematic design of the facility has been modified since then. In the modified schematic plan the second floor area of the structure is intended to be used as service area. This area is accessible through a ramp from Maple Avenue. The plans also call for providing a single window for the second floor service area.

At present the access to the service areas is from the alleyway to the south through a 10'x12' roll up door. There are also a number of windows on the south wall of the structure that is generally in open position for providing natural ventilation to the service area.

Based on the results of our review, noise measurements and analysis we concluded that the proposed structure would have eliminated the noise emission from the service area to the outdoor areas. The existing impacts on the Maple Towers; due to noise emission from the present service area, would also have been mitigated.

The details of mechanical ventilation have not prepared yet, however ventilation grilles may be necessary for this area. The details of these items have not been developed at this point and will be part of the HVAC development phase. This equipment need to be selected to afford adequate noise reduction capabilities.

We recommend providing ½" thick acoustical glazing for the proposed window for the second floor service area facing Maple Towers. This window must be of fixed type. The



plan also calls for providing two additional windows for this second floor service area facing Maple Avenue. These two windows must also be of fixed type with ½" thick acoustical glazing.

All parking areas on the second, third and fourth floors have openings on the south and east elevations. These openings are intended for natural ventilation purposes and are set back at the required distance from the zoning line.

Also as noted above, any other ventilation grilles for the second floor service area should be provided with adequate noise reductions capability. The details of this equipment will be reviewed in the detailed design phase of the project.

The proposed modifications include providing sound absorbing panels in the down ramp serving the basement of the structure. We recommend providing the same in the up ramp as well.

In summary and based on our review of the proposed design change we have concluded that there will be no additional noise impacts to the surrounding areas. The proposed change calls for using the second floor space as service area.

If you have any questions regarding this report please do not hesitate to call me.

Sincerely,

**Veneklasen Associates, Inc.**

Hooshang Khosrovani, Ph.D., P.E.  
Associate Principal

# **ATTACHMENT F**

## **PUBLIC NOTICE**



## **NOTICE OF PUBLIC HEARING**

**DATE:** April 9, 2013  
**TIME:** 7:00 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Tuesday, April 9, 2013, will hold a public hearing beginning at **7:00 PM**, or as soon thereafter as the matter may be heard to consider:

A request for project amendments associated with a previously approved Conditional Use Permit allowing the construction of a new Lexus car dealership on the property located at **9230 Wilshire Boulevard**. The Conditional Use Permit was previously approved by the City Council on January 10, 2012. The proposed project amendments consist of a reduction in service bays from 70 to 49, which will be accomplished through the elimination of 1 level of subterranean construction and the relocation of 16 service bays to a portion of the building's second floor. The overall height and footprint of the project remain unchanged.

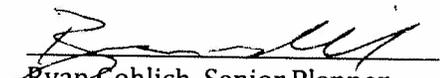
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council previously certified an Environmental Impact Report (EIR) for the project on January 10, 2012, and the City has prepared an Addendum to the EIR that addresses the proposed project amendments.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org). Copies of the applications, plans, and EIR Addendum are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely,

  
Ryan Gohlich, Senior Planner

Mailed March 28, 2013

**ATTACHMENT G**  
**ARCHITECTURAL PLANS**  
**(PROVIDED AS A SEPARATE ATTACHMENT)**