



STAFF REPORT
CITY OF BEVERLY HILLS

**For the Architectural Commission
Meeting of June 15, 2011**

TO: Architectural Commission

FROM: Shena Rojemann, Associate Planner

SUBJECT: 121 SAN VICENTE BOULEVARD
121 San Vicente Boulevard
Request for approval of a new three story medical and general office use building
(PL 110 6066)

Continued from the May 18, 2011 AC meeting.

PROJECT INFORMATION

Applicant	Ken Stockton
Address	121 San Vicente Boulevard
Project Name	121 San Vicente Boulevard
Project Type	New three story medical and general office use building

PROJECT DESCRIPTION

The project is located on the west side of the San Vicente Boulevard, between North La Cienega Boulevard and Wilshire Boulevard. The Planning Commission conditionally approved the project on March 23, 2011 via Resolution No. 1607 (see Exhibit B attached). The approval by the Planning Commission allowed for the construction of a 32,450 square foot, 3-story, 45-foot high medical and general office building with 157 parking spaces located in a three-level subterranean garage and above ground level. The project is located contains two elevations which front public streets (San Vicente Blvd and North Gale Drive). The project was initially reviewed by the Architectural Commission at its meeting on May 18, 2011. At that meeting the Commission had the following comments:

Continued on the next page.

Architectural Commission Requests from May 18, 2011	Applicant's Response
1. Provide clear context of the neighborhood. Show what the design is responding to. Provide a list of what the neighbors' concerns have been throughout the process.	1. See Exhibit A attached.
2. Provide the outline of the neighboring properties on the site plan.	2. See Exhibit A attached.
3. Show the context of the building in the street scape (panoramic images).	3. See Exhibit A attached.
4. Provide a rendering with the building imposed into the street scape.	4. See Exhibit A attached.
5. Provide photos of the existing site and the surrounding development.	5. See Exhibit A attached.
6. The Gale Drive elevation should be further refined to be less industrial in appearance and more neighborhood friendly. The blank walls appear too passive for a residential neighborhood. Consider a 'softer' design.	6. See Exhibit A attached.
7. The windows along the Gale Drive elevation should be labeled as translucent.	7. See Exhibit A attached.
8. The pitched roofs appear to be a 'phantom' design element.	8. See Exhibit A attached.
9. The design appears to contain a combination of modern and traditional architectural details. The 'marriage' between the two to be refined.	9. See Exhibit A attached.
10. The rotunda should be a primary architectural statement. It appears weak in the height to width ratio.	10. See Exhibit A attached.
11. The sheet of windows on the rotunda appears to be excessive – consider using more negative space.	11. See Exhibit A attached.
12. The columns on the rotunda appear weak.	12. See Exhibit A attached.
13. The rendering displays design elements between the second and third story windows. Clarify the materials of the	13. See Exhibit A attached.

elements.	
14. The entry appears too large in scale in comparison to the building.	14. See Exhibit A attached.
15. Provide a section detail of the entry.	15. See Exhibit A attached.
16. Provide sections details of the building.	16. See Exhibit A attached.
17. The design overall contains too much tension and more vacant space should be considered.	17. See Exhibit A attached.
18. Show the address number location.	18. See Exhibit A attached.
19. Show any lighting on the exterior of the building. Provide cut sheets for the lighting fixtures.	19. See Exhibit A attached.
20. Provide a landscape plan which contains the type of species, the quantity of each type and the size of each type. Also provide photos of the proposed species.	20. See Exhibit A attached.
21. Provide a landscape lighting plan. The plan should include cut sheets of the lighting fixtures.	21. See Exhibit A attached.
22. Provide a section detail of the planter walls (above the subterranean garage entry) facing Gale Drive	22. See Exhibit A attached.

A material board and rendering will be presented at the meeting.

ANALYSIS

The use of high quality materials and modern style shall be cohesive with existing development along San Vicente Boulevard. The proposed design offers a clean finish and is consistent in quality with the other projects in the area.

ARCHITECTURAL CRITERIA

Pursuant to Municipal Code Section 3-3010 the Architectural Commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of the following criteria:

- (a) The plan for the proposed building or structure is in conformity with good taste and good design and in general contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.***

The proposed design creates a dramatic, modern façade. The design appears in keeping with the quality of nearby multi-family residences. The proposed facade design is in good taste and good design and in general contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.

(b) The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable.

The proposed building design elements appear to conform to requirements for internal or external noise, vibrations or other factors. As proposed, the building design would not appear to make the environment less desirable in this regard, and the finding can be met.

(c) The proposed building is not in its exterior design and appearance of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

The materials proposed for the facade design do not appear to be inferior in quality or execution and would therefore not degrade the local environment in appearance or value.

(d) The proposed building or structure is in harmony with the proposed developments on land in the General area, with the General Plan for Beverly Hills, and with any precise plans adopted pursuant to the General Plan.

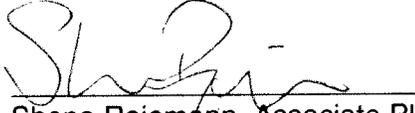
The proposed facade design is in conformity with the prevailing uses in the general area and with other similar projects approved by the Commission. Furthermore, the overall composition and design of the façade would be in harmony with proposed or future uses in the area as would be allowed in compliance with the current General Plan for Beverly Hills, and with any precise plans adopted pursuant to the General Plan.

(e) The proposed building or structure is in conformity with the standards of this Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

The submitted plans have been reviewed in concept by the Building and Safety Department and preliminarily reviewed by Staff for adherence to Title 10 of the Beverly Hills Municipal Code. The proposed façade design is in conformity with the standards of this Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing, as well as Architectural Commission deliberations, staff recommends the Architectural Commission either provide the applicant with further direction and return the item for restudy, or approve the project with any conditions the Commission may wish to add, in addition to the standard conditions of approval (attached).



Shena Rojemann, Associate Planner

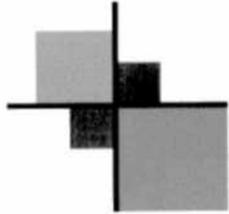
Attachments

- Exhibit A – Applicant’s written response to the AC’s comments
- Exhibit B - Planning Commission Resolution No. 1607
- Exhibit C - Standard Conditions of Approval

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EXHIBIT A

Applicant's written response to the AC's comments



KEN STOCKTON ARCHITECTS, INC.
ARCHITECTURAL DESIGN ≈ PLANNING

RE: Case No. PL 110 6066

121 SAN VICENTE BOULEVARD

121 San Vicente Blvd

Request for approval of a new three story medical and general office building.

At the Architectural Commission (AC) meeting on May 18, 2011, the Commission reviewed your application requesting the approval of a new three story medical and general office building to be located at 121 San Vicente Boulevard (Case Number: PL 110 6066). Based on the information presented at the public hearing, as well as the AC deliberations, the AC has directed that the project be **RETURNED FOR RESTUDY**. The Commission had the follow comments:

1. Provide clear context of the neighborhood. Show what the design is responding to. Provide a list of what the neighbors' concerns have been throughout the process.
2. Provide the outline of the neighboring properties on the site plan.
3. Show the context of the building in the streetscape (panoramic images).
4. Provide a rendering with the building imposed into the streetscape.
5. Provide photos of the existing site and the surrounding development.
6. The Gale Drive elevation should be further refined to be less industrial in appearance and more neighborhood friendly. The blank walls appear too passive for a residential neighborhood. Consider a 'softer' design.
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20. Provide a landscape plan which contains the type of species, the quantity of each type and the size of each type. Also provide photos of the proposed species.
21. Provide a landscape lighting plan. The plan should include cut sheets of the lighting fixtures.
22. Provide a section detail of the planter walls (above the subterranean garage entry) facing Gale Drive.

THE REPSONSES TO THE ARCHITECTURAL COMMITTEE'S QUESTIONS ARE AS FOLLOWS:

1. The Gale side neighbor's concerns were existing traffic and anticipated additional traffic from the project (traffic consultant found no significant impact from the Project), parking on Gale (we closed all entries to the building from Gale) , trash pick up (we located the trash inside the building).

The south side neighbor had several concerns:

- a) 4th level of underground parking. We eliminated the 4th level. We also agreed to work with his soil engineer as a consultant to the Project.
 - b) Distance of the building from their property. We created a 20 foot distance between the property line and the building.
 - c) We moved the south located triangle on top of the building several feet to the north to accommodate view issues.
 - d) We designed a step up wall on the south side per their request.
 - e) We allowed a 6 foot landscaped area on the San Vicente side between the 2 properties.
 - f) The exit driveway wall (masonry fence) at grade level will be set back an additional 18 inches on the south side of the Project near San Vicente tapering back to property line and some planter box landscaping will be installed in this area. At least a 3 inch setback (from the Project's side of the property line) for the driveway wall will be provided at the property line so that some form of landscape vines may be planted in this space to cover the wall
 - g) . The wall or fence between the parking ramp and exit driveway and the neighbor's property shall be no more than 8-feet tall, shall be made of a minimum of 8-inch wide solid grouted and plaster-covered concrete blocks, and will be architecturally designed to be visually pleasing and to include landscaping elements (like vines). At the neighbor's option, the driveway behind the wall will have a roof or cover which will be 2 to 3 feet thick (for structural purposes) plus 1 foot of dirt for landscaping. The combination of these structural elements plus the dirt will significantly reduce noise impacts. If they elect to have the exit ramp and driveway covered, the wall adjacent to the exit ramp (until it reaches grade) and driveway until the point where the driveway needs to accommodate service trucks will be no more than 13 feet in height, and any portion after that point that they elect to have covered will be no more than 17 feet in height. The portion of the wall and cover which provides for 17 feet in height shall have landscaping consisting of artificial turf, not natural plantings.
2. We have provided a copy of a "Google Map" viewed from above, showing the surrounding properties.
 3. We have provided photographs of the subject property and all the surrounding properties.
 4. A rendering will be provided at the next public hearing date.
 5. Photographs have been provided.
 6. The Gale elevation has been enhanced by the addition of windows along the street level exterior walls, material enhancements to the exterior walls, the addition of pitched slate tile roofs on the tower elements, eliminating the glass windows on the stair tower, and the addition of "Green Screen" on the street level walls to provide a landscaped façade.

7. The windows along Gale Drive have been labeled "Opaque". We have provided a glass sample on the material board.
8. The pitched roofs are now located at each "tower" element, where the building walls extend out, identifying this separate massing element. This design element is now consistent on both sides of the building.
9. The exterior design has been refined to clearly depict the "Classical" architectural style. The columns have been modified, precast stone blocks (veneer) has been added to façade, the window casings / sills/ and cornice moldings have been selected based on the architectural style, and the corner rotunda element has been redesigned.
10. The corner rotunda has been redesigned to include a more substantial base, the columns supporting the rotunda have been redesigned to increase the massing of them. The height to width ratio has been adjusted to bring the element into scale.
11. The windows at the rotunda have been modified. Frieze panels constructed from precast cement have been added between the upper and lower windows. Enhanced casings and sills have been added to these elements.
12. The columns have been completely redesigned.
13. The elements between the Third and Second floor windows are precast cement "Freize Panels" in the classical architectural style of this building. We have added some architectural details depicting these panels, and we have a material sample on the material board.
14. The main entry has been scaled down in proportion to the building height and building length.
15. A section through the entry has been provided on sheet A4.3
16. We have provided some details of the exterior elements on sheet AD-1.
17. The design of the building has the massing and architectural elements of the "Classical" style architecture that we have selected for our building. The negative space is consistent with the style of architecture.
18. The address is located on the glass transom panel above the entry doors. This is an "etched" glass panel with the address incorporated into the panel.
19. The lighting has been shown on the exterior elevations and a picture of the fixture has been provided on the material board.
20. A landscape plan has been included in the package, and the plant materials have been denoted.
21. The landscape plans denotes the landscape lighting, and the fixture has been included on the material board.
22. A section of the planter wall along Gale Drive has been included on sheet AD-1.

Respectfully submitted by,

KEN STOCKTON ARCHITECTS, INC.



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EXHIBIT B

Planning Commission Resolution No. 1607

RESOLUTION NO. 1607

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN AMENDMENT FOR A DEVELOPMENT PLAN REVIEW FOR CONSTRUCTION OF A COMMERCIAL BUILDING FOR MEDICAL AND GENERAL OFFICE USES AND THREE LEVELS OF SUBTERRANEAN PARKING; AND CONDITIONALLY GRANTING AN AMENDMENT TO VARIANCE TO ALLOW TANDEM PARKING SPACES AND A VARIANCE TO EXCLUDE THE GROUND FLOOR PARKING AREAS FROM THE FLOOR AREA CALCULATION; AND ADOPTING AN ADDENDUM TO A PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR PROPERTY LOCATED AT 121 SAN VICENTE BOULEVARD.

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

Section 1. Ken Stockton architect, on behalf of Mike Ahmar, owner, (hereinafter referred to as the "Applicant") has submitted a request for an amendment for a Development Plan Review (DPR) and Variances to allow construction of 32,450 square feet, 3-story, 45-foot high medical and general office building with 157 parking spaces in three-level subterranean garage and above ground level at property located at 121 San Vicente Boulevard, hereinafter referred to as the "Project".

On October 14, 2010, the Planning Commission adopted Resolution No. 1587 allowing construction of a 40,050 square-foot, three-story medical /general office building at the Project site, with parking provided in four-level subterranean garage and above ground level. The Resolution also approved variances to allow 18% or 33 tandem parking spaces and to allow the square footage of the first floor of parking area to be excluded from the total floor area calculation of the building. In approving the Resolution, the Planning Commission took into account the fact that the lot was

unusual in its location, size and shape. The project site is triangular shaped lot which presents difficulties in designing the ground floor to provide 40 feet deep office space and required parking in a standard manner as required by Code. Therefore, the Planning Commission adopted Resolution No. 1587 approving the Development Plan Review and variances for the medical/general office building. The Planning Commission adopted the resolution and a Mitigated Negative Declaration (MND) on October 14, 2010.

The project was appealed by Kenneth Blumer on behalf of Dreskin, Gelber and Silverman, LLC (the appellant). In response to the appeal, the applicant has revised the Project. At its meeting of the February 3, 2011 City Council, remanded the matter to the Planning Commission for its consideration of the Revised Project.

The Project site consists of three lots located at 119-123 North San Vicente Boulevard, immediately south of San Vicente Boulevard's intersection with North Gale Drive and approximately 600 feet north of Wilshire Boulevard. The triangle-shaped property fronts on both Gale Drive and San Vicente Boulevard.

The Revised Project includes the construction of a 32,450 square foot Commercial building, with 30,000 square feet of medical office space and 2,450 square feet of general office space on a 21,837 square foot, triangle-shaped lot. The approved project was to have 40,050 square feet of total floor area, comprised of 30,600 square feet of medical office space and 9,450 square feet of general office space. As a result, the Proposed Project has been reduced by a total of 7,600 square feet in area. In addition, the proposed Floor-to-Area Ratio (FAR) would be 1.48, which decreased from the approved FAR of 1.83. Similar to the approved project, the Proposed Project would include construction of a three-story structure with a maximum height of 45 feet.

The Revised Project provides the required 157 parking spaces at the ground floor and within a three-level subterranean garage with ingress and egress from San Vicente Boulevard. The previous project was approved for 180 spaces, with four levels of underground parking. The parking for the Revised Project has been reduced by 23 parking spaces compared to the original project and the fourth level subterranean garage has been eliminated. As with the approved project, parking spaces for the proposed project would be a combination of tandem and standard parking spaces and would rely on a valet operation. The total number of tandem spaces is 33 spaces which remains the same as the approved project while the percentage of tandem to standard spaces would increase from 18% to 21%. The Revised Project would also include two loading spaces.

The Revised Project includes a staggered setback with more landscaping along the south property line, varying from 19.5 to 21 feet, while the previous project was approved with no setback along the south property line. The remaining setbacks around the perimeter of the building would remain the same as those for the previous project.

The lobby elevator tower on the proposed site plan has been shifted slightly north, which would reduce the size of the tower mass and provide a greater setback distance to the south property line as measured from the tower. In addition, the proposed project does not include General Office space at the ground floor level, adjacent to the corner of San Vicente and Gale.

The outdoor area at the Corner of San Vicente Boulevard and Gale Drive has been revised to provide an enhanced pedestrian space with additional landscaping, pedestrian benches, and a water fountain feature.

The Project would similarly include demolition of three existing structures, a 5,324 square foot commercial structure, a 3,969 square foot commercial structure, and an 8,003 square foot commercial structure; however, the excavation and export of material for the subterranean parking garage and length of construction would be reduced by approximately 25% as one full level of underground parking has been removed for the Proposed Project. Vehicular access to the underground garage would continue to be provided from San Vicente Boulevard near the site's southern boundary.

The Project site is located at the eastern boundary of the city in a transition zone between commercial and residential uses. The site is separated from Los Angeles by San Vicente Boulevard, which is a heavily travelled street. A busy Wilshire Boulevard and San Vicente Boulevard intersection is approximately 600 feet south of the Project site. Surrounding buildings generally range from one to five stories in height. An exception is a 10-story office building one block south of the site on the corner of San Vicente and Wilshire Boulevards. Properties to the north and east of the Project site, across San Vicente Boulevard, are located within the City of Los Angeles and are commercially zoned and used. Abutting the property to the south is a 6-unit multi-family residential building located in the C-3 Commercial zone, which is a legal non-conforming use. Further to the south are commercial buildings. Properties to the west are developed with multi-family residential buildings on North Gale Drive.

Pursuant to Beverly Hills Municipal Code ("BHMC") 10-3-3100, Development Plan Review (DPR) is required for all new commercial buildings over 2,500 square feet, and is required of this Project. A DPR requires consideration of the Project's scale, mass, traffic, general welfare and consistency with the City's General Plan. In addition, the City's Architectural Commission will

review the Project to assure that the Project design embodies the City's high standard of visual quality.

The City's Municipal Code does not allow tandem parking spaces or exclusion of the ground floor parking circulation areas from the floor area calculation; however, the Proposed Project would utilize variances for the approved project to allow the proposed tandem parking system to satisfy the code required parking and exemption of the Ground floor parking area from Floor area calculation.

The Project site is located in the Commercial (C-3) zone. BHMC Section 10-3-2726 permits a maximum building height of three stories or 45 feet whichever is less. The Proposed Project is 3-stories and complies with the permitted height limit.

The zoning code permits a floor area ratio (FAR) of 2.0 to one, or 43,672 square feet on a Project site of 21,836 square feet. The Project includes an FAR of 1.48:1.

BHMC Section 10-3-2730 requires one space for every 200 square feet of medical space and one space for every 350 square feet of general office. The Project provides 157 spaces on-site; however, the Applicant proposes 21% of these spaces or 33 parking spaces to be provided in a tandem configuration. Because this is not permitted in the Municipal Code, the Applicant seeks a variance to allow the tandem parking.

Pursuant to the BHMC 10-3-27-1951, the Project must comply with the City's commercial-residential transition ordinance, which addresses special issues of interface between the different uses. The Project will be required to comply with operational standards to protect the adjacent residential uses during nights and weekends.

Section 2. The subject Project has been assessed in accordance with the authority and criteria contained in 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 environmental regulations of the City. The City prepared an initial Study and based on the information contained therein, along with the proposed mitigation measures, determined that there was no substantial evidence that approval of the Project may have significant environmental impacts. Accordingly, the City prepared a mitigated negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074 (b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the mitigated negative declaration prior to deciding whether to approve the Project. Based on the initial study, the mitigated negative declaration, the comments received thereon, the responses to comments, and the record before the Planning Commission, the Planning Commission hereby found that the mitigated negative declaration prepared for the Project represents the independent judgment of the City and that, with the proposed mitigation measures, there is no substantial evidence that the approval of the Project may have any significant environmental impact. Because the project utilizes the same site location and approximately the same footprint and mass of the previously approved project, the previously adopted Negative Declaration has been carried forward, pursuant to Section 15164 of the California Environmental Quality Act, for use on the current Project. In addition to the information contained in the previously adopted Negative Declaration, an addendum to the Negative Declaration has been prepared to analyze the revisions to the Proposed Project. The documents and other material that constitute the record on which this decision is based are located in the Department of Community Development and are in the custody

of the Director of Community Development.

Section 3. On March 11, 2011, in accordance with City procedures, a notice of public hearing and notice of intent to adopt a Mitigated Negative Declaration was mailed to nearby property owners and residents. The Project was also noticed in the local newspaper. On March 24, 2011, the Planning Commission opened the public hearing and held a duly noticed public hearing to consider the revised application, closed the Public Hearing, and adopted a resolution approving the Project, subject to certain conditions of approval and revisions to the Project. Evidence, both written and oral, was presented at said hearings.

Section 4. The Planning Commission considered the following findings with respect to the Development Plan Review:

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

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

4.3 Whether the nature, configuration, location, density, height and manner of operation of the Project will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.

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

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

Section 5. Based upon the evidence presented in the record on this matter, including the staff reports and oral and written testimony, the Planning Commission hereby finds as follows, with respect to the Development Plan Review:

5.1 As conditioned, the Project is consistent with the General Plan and there are no specific plans adopted for the area. The Project design and improvements are consistent with the General Plan of the City. The Project is compatible with objectives, policies, general land uses, and programs specified in the General Plan. The General Plan Land Use designation for the Project site on the Land Use Designation Map is "Low Density General Commercial" which allows for a broad variety of commercial uses. The Low Density General Commercial designation allows for a maximum Floor Area Ratio (FAR) of 2:0 to 1 and a maximum height of 45-feet. The Project consists of 32,450 square feet of general and medical office uses, which are permitted in the zone. The Project is consistent with the land use, height designated and density.

5.2 The Project will not adversely affect existing and anticipated development in the vicinity and will promote the harmonious development of the area. The Project conforms to the applicable development standards for the C-3 commercial zone, except for the proposed tandem parking configuration and ground floor parking area exemption from FAR calculation for which a variance has been requested in compliance with City codes. The Planning Commission granted these variances on October 14, 2011.

The triangular shaped site is located at the southeast corner of the Gale Drive and San Vicente Boulevard intersection along the easterly border of the City limit and adjacent to north Gale Drive, which serves uses consisting of multi-family residences and office uses. The commercial properties adjacent to San Vicente Boulevard are not envisioned to be pedestrian oriented because

San Vicente Boulevard is a 130-foot wide thoroughfare. The width of San Vicente and level of traffic on this major roadway are not conducive to pedestrian-oriented development and activity.

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

The Planning Commission finds that the Project will not adversely impact the non-conforming residential building to the south due to compliance with City construction regulations, conditions and mitigation measures.

Access to the Project site is provided along San Vicente Boulevard, a major arterial roadway, with no access from Gale Drive. Further, based on testimony from the City's traffic consultant, evidence from the traffic study shows that the Project is unlikely to cause any queuing on Gale Drive when waiting to turn right on San Vicente, or on San Vicente if waiting to make a u-turn to access the Project. Parking for the existing uses in the area is almost exclusively provided on private property, with some on-street parking available. Limiting access to San Vicente Boulevard and provision of on-site parking that is free to patrons and employees will lessen the potential for intrusion into the residential areas by patrons of the proposed use seeking parking spaces. The establishment of a medical use at this site would be well served by conveniently located public transit as well as a planned future subway stop nearby at the intersection of Wilshire and La Cienega.

Thus, the Project will not result in any significant impacts from parking or traffic. In addition, the Project requires review and approval by the City's Architectural Commission. The Commission would review the design, materials and colors of new development, which would help to ensure that any approved Project would promote harmonious development of the area.

5.3 The nature, configuration, location, density, height and manner of operation of the Project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.

The triangle-shaped Project site is currently developed with three separate buildings and is bordered by residential and commercial uses. The new building and its location, height, density and manner of operation will not significantly interfere with the use and enjoyment of residential properties in the vicinity of the subject property. The C-3 development standards permit a maximum height of three stories and 45 feet at the subject property, and these same standards apply to the property to the south, if commercial development were to be proposed. The Project is well within these standards. Further, the Project site is located at the easterly border of the City, adjacent to a heavily travelled roadway. As designed, the vehicular access to the Project will be located on San Vicente Boulevard, which will reduce the Project's traffic and parking impacts on the adjacent residential streets. Both Project driveways on San Vicente Boulevard will be limited to right-turn only ingress and egress turning movements. The traffic study concluded that thirty five percent (35%) of all entering Project trips and five percent (5%) of all exiting Project trips would utilize Gale Drive. This assignment of trips to Gale Drive is considered conservative given that there are other direct route choices available in the area to access the Project site. Additionally, the existing parking restrictions on the 100 block of Gale Drive adjacent to the Project site prohibit parking on Gale Drive

at any time except by permit, lessening the chances of Project patrons intruding into residential areas to find parking. As conditioned, the Project will provide a full-time valet assisted garage with free parking for employees and patrons of the site to further limit potential impacts to residential neighbors. In addition, code restrictions applicable to the subject property impose operating restrictions to reduce impacts of this use on residential neighbors.

5.4 The Project will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards.

Traffic and circulation impacts for the project would be similar to, but incrementally smaller than those identified for the approved project, as a result of the reduced size of the Project. The Project is estimated to generate approximately 90 fewer trips than the previously studied project. Therefore, impacts would remain less than significant and no mitigation would be required.

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

The Project is designed so that there is no direct pedestrian access from the Gale Drive side of the Project, to minimize the possibility of patrons parking on Gale to access the building. Further, the access and egress will not significantly impact access and egress for the adjacent property to the south, and the traffic study and testimony from the City's traffic consultant show that there will not be unacceptable queuing at the intersection of Gale Drive, Orlando Drive, and San Vicente Boulevard.

5.5 The Project will not be detrimental to the public health, safety or general welfare. The Project would be constructed in accordance with the City's Building Code standards and is consistent with the zoning for the area, with exception of the requested variances. Prior to issuance of building permits, a construction management plan is required for review and approval by the Engineering Division and Building and Safety Division to ensure that all construction related impacts are adequately addressed. Public safety issues such as construction staging, hauling, off-site parking, and construction hours will be addressed in the plan. Therefore, the Project would not be detrimental to the public health, safety or general welfare.

Section 6. Pursuant to Municipal Code Section 10-3-3700, the Planning Commission may grant a variance if based on special circumstances applicable to the subject property including size, shape, topography, or surroundings, the strict application of the provisions of zoning code is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Moreover, any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 7. Based on the evidence presented at the hearings, including staff report and oral testimony, the Planning Commission finds as follows with respect to the requested variances:

The subject property is located in the City's C-3 commercial zone and the shape, surroundings and location of the Project site distinguish this property from the surrounding properties in the same zoning classification. The subject property is a triangular shaped lot, which presents difficulties that do not exist with typical rectangular or trapezoid shaped lots. The severe tapering towards the northerly point of this triangular lot limits the amount of space available for standard parking stalls and drive aisle widths. No other property in the vicinity of the Project site has the subject property's unusual combinations of shape, location and surroundings.

The complexities of the site dimensions, coupled with the City's floor area definition and parking requirements, including drive aisle widths and parking space dimensions, warrant approval of a variance for this Project, which allows for a building design that is more sensitive to neighboring developments or uses.

The Project provides 157 parking spaces - 141 parking spaces are provided within the three levels of subterranean parking and the remaining sixteen spaces are located at the ground level. Approximately eighteen percent (21%) or 33 parking spaces of the proposed parking spaces are proposed in a tandem configuration. Denial of the requested variances would result in a project with 124 code compliant parking spaces, which would not be enough to support the development of the 1.48: 1 floor area ratio building for the proposed medical and general office uses, even though the Code otherwise would allow a floor area ratio of 2.0 to 1. Therefore, denial of the variance would

deprive this property of the ability to develop a project with the floor area and uses as permitted by the Code, which is a privilege enjoyed by other properties in the same zone and vicinity.

Approval of the variances would allow required parking to be provided in a tandem configuration and would allow for exclusion of the ground floor parking area from floor area calculation. Specifically, 157 parking spaces are proposed to be provided within a three level subterranean parking garage and at the ground level. Approval of the requested variances would not result in a special privilege but would allow the use and development of the lot in a manner consistent with development regulations absent its unusual shape. Because no special privileges would be accorded with the approval of the variances, staff does not believe any special conditions of approval are necessary to address this issue.

Therefore, the Planning Commission finds that the requested variances to allow 21% or 33 tandem parking spaces and exclusion of the ground floor parking area from floor area calculation can be made based on the unique shape and location characteristics of the subject property. The strict application of the Code would deprive the Applicant of the ability to develop its commercial property to the same extent as other properties in the same zone, which is a privilege enjoyed by other properties in the vicinity under an identical zone classification, because of the unusual shape and size of the property.

Section 8. Based on the foregoing, the Planning Commission hereby adopts the mitigated negative declaration, and the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "A."

Section 9. Based on the foregoing, the Planning Commission hereby approves the amendment to the Development Plan Review and variances for the Project, subject to the following conditions of approval:

Project Specific Conditions

1. **The parking management plan.** Prior to the issuance of a building permit, the Applicant shall submit a parking management plan for review and approval by the Directors of Community Development and Public Works. The parking management plan shall include at a minimum, the following:
 - a. Provision of free parking for employee and patrons of tenants in the building. The employee/tenant parking shall be located in the lower levels of parking garage with provision of a parking attendant at each level to assist with the tandem spaces.
 - b. The Applicant shall provide signage at the driveway entrance to the parking area informing patrons of the free valet parking required by these conditions. Such sign shall be installed prior to issuance of a certificate of occupancy. Whenever the accessible parking spaces at the ground level are full, signage shall be placed to inform patrons seeking to use accessible parking stalls of unavailability to prevent queuing of vehicles to San Vicente Boulevard
 - c. The Project plans shall show the location of parking equipment necessary to allow employees and tenants of the building access during and after hours of operation, in order to make sure the proposed location(s) does not interrupt the garage operation.
 - d. An automated flashing red light shall be installed in the drive ramps to alert motorists of vehicle movement at the tandem parking spaces located at the top of the ramp.
 - e. The applicant shall designate a parking attendant to assist the drivers leaving the tandem

spaces next to the driveway ramp.

2. **Loading Management Plan.** Prior to the issuance of a certificate of occupancy, a loading management plan shall be provided to include:
 - a. The delivery hours and a requirement to schedule large deliveries for after hours.
 - b. A delivery monitor with responsibility for controlling the circulation of loading vehicles.
The person would be responsible to coordinate with the valet manager for directing the incoming/outgoing cars while delivery trucks are present.
3. **Translucent Window.** The Applicant shall install translucent windows on the Gale Drive and southerly elevations.
4. **Prohibition of Lease of Parking Spaces.** Parking spaces in the proposed project shall not be leased or rented to persons who are not tenants of the building.
5. **Operation Monitoring.** The Project shall be subject to annual monitoring for the first three years after completion of the building to observe the garage operation and to ensure vehicle queues at the entrance do not back-up into San Vicente Boulevard. The Planning Commission reserves jurisdiction to impose additional conditions to address any further traffic or parking issues identified during the annual reviews.
6. **Metered Parking.** The proposal requires the removal of metered parking spaces along San Vicente Boulevard. Prior to removal of the metered parking spaces, the Applicant shall compensate the City for the anticipated lost revenues of the removed spaces in accordance with City policies.

7. **Right-Of-Way Improvements.** Sidewalks, curb ramps, curbs and gutters surrounding the site on San Vicente Boulevard and Gale Drive shall be removed and replaced (according to City standards), with costs paid by the Applicant.
 - a. The Applicant shall repair any and all damage to the City's streets, including but not limited to Gale Drive and San Vicente Boulevard, that result from construction of the Project.
 - b. The intersection of Gale Drive and San Vicente Boulevard shall be reconstructed to increase the safety of right turns from Gale Drive, as approved by the City's Department of Public Works and Transportation.
8. **Flashing Warning Light.** Prior to the issuance of a Certificate of Occupancy, a silent warning device shall be installed, to the satisfaction of the Director of Public Works and Transportation, at the garage exit that would light up whenever a vehicle or truck is leaving the garage to warn pedestrian traffic of oncoming vehicles.
9. **Medical Waste.** Medical offices shall be subject to the recommendations and procedures of the Department of Health and Human Services for the disposal of medical waste, including the placement of waste materials in special puncture-resistant containers.
10. **Lot Tie.** Prior to the issuance of any building permits, the three parcels associated with development of the Project shall be legally tied to form one parcel. Such lot-tie shall be recorded with the Los Angeles County Assessor's Office.
11. **Variance.** The time of exercise of rights for the variance shall be consistent with the time limits for the Development Plan Review.
12. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director of Community Development (the "Director") determines that operations at this site are

having unanticipated traffic and parking impacts, the Director shall require the Applicant to prepare a parking demand and/or traffic analysis. After reviewing the parking demand and/or traffic analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing before the Planning Commission in accordance with the provisions of Article 19.5 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and/or traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and/or parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

Environmental Conditions/Mitigation Measures

13. The Applicant shall comply with and implement all mitigation measures as set forth in Exhibit "A," attached here to, and incorporated herein by reference.

Standard Conditions

14. **Substantial compliance.** The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of September 16, 2010, with revisions to tandem parking layout and planter area near loading zone, as agreed to by the Applicant at the meeting.

15. **Approval Runs With Land.** These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

16. **Zoning Compliance.** The Project is required to comply with all applicable zoning regulations for the commercial projects including the City's Green Building Program, transitional zone operational standards and architectural review.

17. Permit Expiration:

a. **Development Plan Review Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of this resolution, unless otherwise extended in accordance with the provisions of the Beverly Hills Municipal Code.

b. **Variance Expiration:** The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of this resolution, unless otherwise extended in accordance with the provisions of the Beverly Hills Municipal Code.

18. Effective Date of Variance: The variance decision shall become effective on the thirtieth day after the decision, unless appealed to the council or an order for review is issued by the council.

19. Recorded Covenant. The resolution approving the Development Plan Review and variances shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the

request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Fees

20. **Park and Recreation.** The Project is subject to Parks and Recreation fees for permitting.
21. **Fine Arts.** After completion of architectural review of a new or modified commercial structure, and prior to issuance of occupancy, the Applicant is required to comply with the Public Art ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece, however, as an alternative, the Applicant may choose to pay an in lieu art fee.

Public Works Department

22. Pedestrian access on San Vicente Boulevard and Gale Drive shall be maintained during construction. A pedestrian canopy shall be constructed and maintained along both streets throughout construction.
23. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree or existing tree roots within the parkway area. The Applicant shall remove and replace all defective alley and driveway approaches surrounding the existing and proposed building.
24. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All

ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

25. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
26. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
27. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
28. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
29. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.
30. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

31. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
32. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
33. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
34. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
35. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. The Applicant/Owner shall maintain records of cleaning activities for verification by a City inspector.
36. Staging of construction related vehicles on the City's street is prohibited.
37. A NPDES permit shall be required from the State Regional Water Quality Control Board for any permanent dewatering. The Applicant shall comply with the City's Dewatering requirements.
38. An off-site improvement plan prepared by a registered civil engineer must be submitted to the Engineering and Transportation Department for review and approval. This plan must show all improvements in the public-right-of-way adjacent to the proposed improvement site. All facilities to be constructed or relocated within the public right-of-way must be clearly shown.

39. The Applicant shall file a formal written request for approval of any type of temporary construction encroachment within the public right-of-way. Shoring plans and elevations prepared by a registered civil engineer must be submitted for review by the Public Works & Transportation Department. An indemnity bond must be submitted and approved by the City Attorney prior to start of excavation. A copy of a document titled "Summary of Requirements for the Installation/Removal of Tie-backs and Supporting Structures" summarizes these requirements.
40. The developer shall construct infrastructure to facilitate the underground service connections for power, communications, cable, etc. and comply with City Council Resolution No. 10-R-12737. Undergrounding will start in the year of 2010 and will be accomplished by December 31, 2012.
41. A Sewer Area Study shall be provided to analyze the existing sewer lines within the City of Beverly Hills that will convey the flow from the subject Project. The Applicant shall pay for the sewer system upgrades (if needed) due to the additional sewage that will be generated by this Project.
42. All survey monuments, street lights, underground utilities, and any off-site improvements affected by the demolition shall be re-established according to the City standards and shall be paid for by the Applicant.
43. Future driveway approach shall be required to be constructed to current ADA and City standards. Street light conduits impacted by the proposed driveway approach on San Vicente Boulevard shall be relocated and paid for by the Applicant.

44. Applicant is required to submit a SWPPP (Storm Water Pollution Prevention Plan), and a SUSMP (Standard Urban Storm Water Mitigation Plan) to the Utilities Division for review and approval prior to issuance of a demolition permit.

Recreation & Parks Division

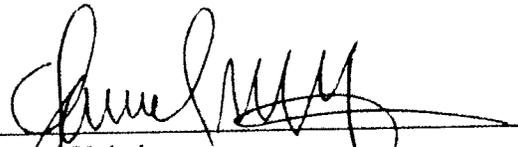
45. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation and Parks Department.

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

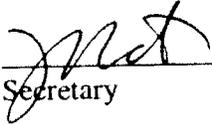
47. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall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

Section 10. The Secretary of the Planning Commission shall certify to the passage, approval and adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

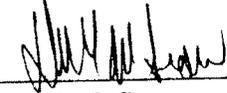
Adopted: March 24, 2011


Daniel Yukelson
Chair of the Planning Commission of the
City of Beverly Hills

ATTEST


Secretary

APPROVED AS TO FORM:


David M. Snow
Assistant City Attorney

APPROVED AS TO CONTENT

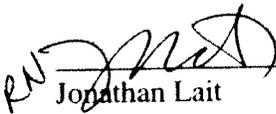

Jonathan Lait
City Planner

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program

for the

121 San Vicente Boulevard Medical Offices Project

Prepared by:

City of Beverly Hills
Department of Community Development
455 N. Rexford Drive, Room 100
Beverly Hills, CA 90210
Contact: Ms. Rita Naziri
(310) 285-1136

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003
(805) 644-4455

March 2011



MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment. The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Mitigated Negative Declaration that applies to the applicant's proposal, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible city department is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program.

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Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
AIR QUALITY						
<p>AQ-1 Ozone Precursor Control. The following shall be implemented during construction to minimize emissions from construction equipment:</p> <ul style="list-style-type: none"> • Equipment engines should be maintained in good condition and in proper tune as per manufacturer's specifications; • Lengthen construction periods during the smog season so as to minimize the number of vehicles and equipment operating simultaneously; and • Use new technologies to control ozone precursor emissions as they become available. 	<p>Verify implementation of the listed actions during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development Department/ Building & Safety Division</p>		
<p>AQ-2 Fugitive Dust Control. Dust generated by development activities shall be kept to a minimum with a goal of retaining dust on the site through implementation of the following measures identified in the SCAQMD Rule 403 Handbook:</p> <ul style="list-style-type: none"> • During demolition, contractor(s) shall apply water every four (4) hours to the area within 100 feet of a structure being demolished to reduce vehicle trackout. • Contractor(s) shall apply dust suppressants (e.g. polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition. • Contractor(s) shall apply water to disturbed soils after demolition is completed or at the end of each day of cleanup. • Demolition activities shall be prohibited when wind speeds exceed 25 mph. • During clearing, grading, earth moving, 	<p>Verify implementation of the listed actions during grading.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development Department/ Building & Safety Division</p>		

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<ul style="list-style-type: none"> excavation, transportation of cut or fill materials, water trucks or sprinkler systems are to be used every three (3) hours to prevent dust from leaving the site and to create a crust after each day's activities cease. The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified by lab sample or moisture probe. During cleaning, grading, earth moving, excavation, or transportation of cut or fill materials, streets and sidewalks within 150 feet of the site perimeter shall be swept and cleaned a minimum of twice weekly. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas (three times daily during mass site grading) in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour. Grading shall be suspended if wind gusts exceed 25 mph. Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Contractor(s) shall apply water to the storage pile by hand or apply a cover 						

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<ul style="list-style-type: none"> When wind events are declared, Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and maintain a freeboard height of 12 inches. 						
CULTURAL RESOURCES						
<p>CR-1 At the commencement of project construction, a qualified professional archaeologist shall be retained to give all workers associated with earth-disturbing procedures an orientation regarding the probability of exposing cultural resources and directions as to what steps are to be taken if a find is encountered. If cultural resource remains are encountered during construction or land modification, the construction manager shall ensure that all ground disturbance activities are stopped, and shall notify the Community Development Department immediately to arrange for a qualified archaeologist to assess the nature, extent, and potential significance of any cultural remains. If such remains are determined to be significant, appropriate actions to mitigate impacts to the remains shall be identified in consultation with a qualified archaeologist. Depending upon the nature of the find, such mitigation may include, but would not be limited to, avoidance, documentation, or other appropriate actions to be determined by a qualified archaeologist. For example, if significant archaeological resources cannot be avoided, impacts may be reduced by filling on top of the sites rather than cutting into the cultural deposits. Alternatively and/or in addition, a data collection program may be warranted including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist.</p>	<p>Verify implementation of the listed actions during grading.</p>	<p>During grading.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development Department/ Building & Safety Division</p>		
<p>CR-2 If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made</p>	<p>Verify compliance with state law if human remains are found.</p>	<p>During grading.</p>	<p>Once if remains are discovered.</p>	<p>Community Development Department/</p>		

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Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
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<p>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 Descendant (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.</p>				Building & Safety Division County Coroner		
NOISE						
<p>N-1(a) Heavy Truck Restrictions. The contractor shall prohibit heavy trucks from entering or leaving the site from or to, or otherwise driving on, North Gale Drive. Heavy trucks include all cargo vehicles with three or more axles, generally with gross vehicle weight greater than 26,400 lbs.</p>	<p>Verify implementation of the truck circulation restrictions during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development/ Building & Safety Division</p>		
<p>N-1(b) Staging Area. To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction equipment, the Contractor shall provide staging areas on the northern portion of the project site, as far as possible from sensitive residences on North Gale Drive.</p>	<p>Verify staging on northern portion of site during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development/ Building & Safety Division</p>		
<p>N-1(c) Diesel Equipment Mufflers. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.</p>	<p>Verify adherence to this measure during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development/ Building & Safety Division</p>		
<p>N-1(d) Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.</p>	<p>Verify adherence to this measure during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development/ Building & Safety Division</p>		
<p>N 1(e) Additional Noise Attenuation Techniques. For all noise generating construction activity on the project site, additional noise attenuation techniques shall be employed to reduce noise levels. Such techniques shall include, but are not limited to, the use of sound blankets on noise generating equipment and</p>	<p>Verify adherence to this measure during grading and construction.</p>	<p>During grading and construction.</p>	<p>Periodically during grading and construction.</p>	<p>Community Development/ Building & Safety Division</p>		

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<p>the construction of temporary sound barriers between construction sites and nearby sensitive receptors in order to ensure noise levels at nearby residences do not exceed 65 dBA to the maximum extent feasible. The contractor shall perform at least one noise measurement at each of the nearest sensitive uses during excavation and foundation/conditioning work to confirm that the noise attenuation techniques are reducing the noise levels sufficiently. If sufficient attenuation is not being achieved, the contractor shall cease work and consult the City on additional noise attenuation techniques such as reducing the number of machines operating at one time, larger temporary barriers, or thicker sound blankets.</p>						
<p>N-1(f) Alternative Pile Types. If pile driving activities are required for construction, alternative pile types that are quieter to install, such as pin piles/micro piles/mini piles, Tubex Grout Injection Piles, or GeoJet foundation units, shall be utilized where feasible in place of traditional driven piles to reduce noise and vibration generation. The City of Beverly Hills Deputy City Engineer and City Building Official shall determine the feasibility of these alternatives pile types for the required applications.</p>	<p>Verify that construction plans include appropriate alternative (quieter) pile types per the measure if pile driving is required, and that such alternative pile types are used.</p>	<p>Prior to issuance of a grading permit and during pile driving, if required.</p>	<p>Once prior to issuance of a grading permit and once during pile driving, if required.</p>	<p>Community Development/ Building & Safety Division/ City Engineer</p>		
<p>N-1(g) Additional Pile Driving Measures. If pile driving activities are required for construction, a field test program shall be conducted on the site prior to approval of building plans. The test shall include driving piles at several locations on the project site in the general locations where piles would be required for project construction. The test shall also include testing of various noise control measures including, but not limited to, sound blanket enclosures around pile hammers. Quantitative noise and vibration measurements, together with a subjective assessment of the resulting conditions, shall be recorded. The results of the test program shall be presented to the City of Beverly Hills Community Development Director. Based on the results of the tests, the Director shall have the right to require additional noise control measures at</p>	<p>Verify that field test is performed per the measure if pile driving is required, and that additional noise/vibration measures are implemented if needed.</p>	<p>Prior to approval of building plans and during pile driving, if required.</p>	<p>Once prior to approval of building plans and once during pile driving, if required.</p>	<p>Community Development/ Building & Safety Division/ City Engineer</p>		

121 San Vicente Boulevard Medical Offices Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>the site during pile driving, such as temporary sound berms and dampening enclosures.</p> <p>N-1(h) Noticing. All residential units located within 500 feet of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provided a telephone number where residents can inquire about the construction process and register complaints.</p> <p>N-1(i) Construction Management Plan - Noise. Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures:</p> <ul style="list-style-type: none"> Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director. During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development. 	<p>Verify noticing prior to commencement of demolition/grading per the measure.</p> <p>Review and approve Construction Management Plan and verify its implementation.</p>	<p>Prior to commencement of demolition/grading.</p> <p>Prior to issuance of grading permits, and during construction.</p>	<p>Once prior to demolition/grading.</p> <p>Once prior to issuance of grading permits, and periodically during construction.</p>	<p>Community Development Department</p> <p>Community Development/ Building & Safety Division</p>		

121 San Vicente Boulevard Medical Offices Project
Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification		
					Initial	Date	Comments
<ul style="list-style-type: none"> Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets. All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes. The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers. 							

EXHIBIT "B"
TREES AND CONSTRUCTION DOCUMENT

CONTACT/RESOURCE INFORMATION

City of Beverly Hills contact information

- Recreation and Parks Department-
Urban Forest Division Office (310) 550-4638
recreationandparks@beverlyhills.org
- Civil Engineering Department-
Administration Office (310) 285-2506
civilengineering@beverlyhills.org
- Building and Safety Department-
Permit Desk: (310) 285-1141
buildingandsafety@beverlyhills.org

Determining the value of trees

- Council of Tree and Landscape Appraisers
(CTLA), 2000. *Guide for Plant Appraisal*, 9th
Ed. Savoy, IL: ISA, 143 pp.
Order this reference guide online at
<http://www.wcusa.net/pubitem.asp?PubID=30>

A library use only copy of this publication is available in the reference section of:
The Beverly Hills Public Library
444 North Rexford Drive
Beverly Hills, CA 90210
(310) 288-2244

Find an International Society of Arboriculture (ISA) Certified Arborist

- Western Chapter ISA: (530) 892-1006
- ISA, find an Arborist by phone: (217) 355-9411
- ISA, find an Arborist online <http://www.isa-arbor.com/arborists/arbsearch.htm>



PROTECTING CITY PARKWAY STREET TREES DURING PRIVATE PROPERTY CONSTRUCTION

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

code to affix a sign, residence number plaque, mirror, light fixture, etc. to a City tree.

The maintenance and protection of street trees is a shared responsibility between property owners and the City of Beverly Hills. If you feel that a street tree is unhealthy, damaged or in need of pruning, please contact the Department of

Recreation and Parks
Urban Forestry Division at
310.550.4638.

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

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

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

PROJECT PLANNING

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



Do not design projects at the expense of trees.

PROJECT APPROVAL

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



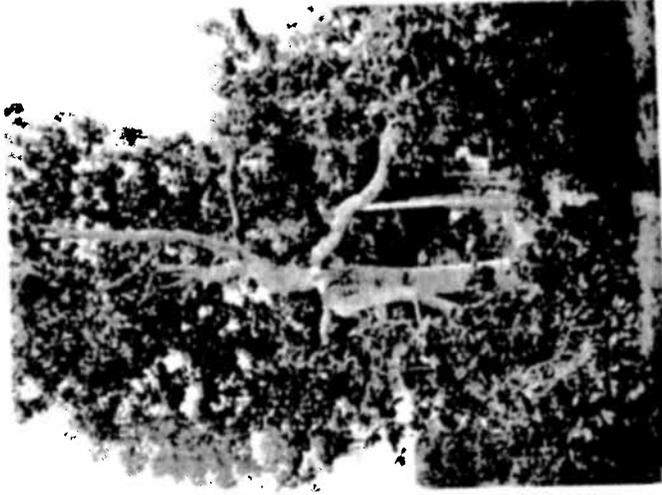
Maintain the tree protection zone fencing and parkway condition at all times.

SPECIFICATIONS

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

DURING THE PROJECT

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

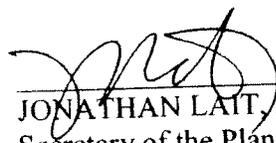


Do not allow cranes or other equipment to damage City trees.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1607 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on March 23, 2011, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Rosenstein, Cole, Vice Chair Corman, Chair Yukelson.
NOES: None.
ABSTAIN: None.
ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

EXHIBIT C
Standard Conditions of Approval

1. Final plans shall substantially conform to the plans submitted to and reviewed by the Architectural Commission on June 15, 2011.
2. This approval by the Architectural Commission is for design only; the project is subject to all applicable City regulations for the construction of the project (including zoning, building codes and Public Works requirements.)
3. Any future modifications to this approval shall be presented to staff for a determination as to whether the change may be approved by staff (minor) or requires review by the Commission. Changes made without City approval shall be required to be restored to match the City approved plans.
4. Any projections within the public-right-of way shall be reviewed and approved by the Public Works and Transportation Department.
5. A copy of the City's approval letter shall be scanned onto the final plans.