

**ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT
AS CERTIFIED BY THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS
FOR THE 9200 WILSHIRE BOULEVARD MIXED USE PROJECT
(State Clearinghouse No. 2005041133)**

**Prepared by the City of Beverly Hills
in its capacity as a Lead Agency**

SITE: 9200 Wilshire Boulevard, Beverly Hills, CA 90210
PROJECT TITLE: 9200 Wilshire Boulevard Mixed-Use Project
PROJECT APPLICANT: New Pacific Realty LLC
ATTACHMENTS: A. City Council Resolution No. 07-R-12323 (April 26, 2007)
B. City Council Resolution No. 07-R-12430 (September 17, 2007)
C. Planning Commission Resolution No. 1823 (October 12, 2017)
D. Project Comparison Table

PROJECT DESCRIPTION: The current proposal consists of modifications to an approved mixed-use development project located at 9200 Wilshire Boulevard. The approved project was previously assessed in accordance with the authority and criteria of the California Environmental Quality Act in an Environmental Impact Report (EIR) and a subsequent addendum both adopted by the City of Beverly Hills. The project was originally approved in 2007. The “2007 Approved Project” consisted of 54 residential condominium units and approximately 14,000 square feet of commercial uses. In 2016, a modified version of the project was submitted to the City and reviewed by the Planning Commission (“2016 Proposed Project”), which consisted of 90 condominium units and 5,696 square feet of commercial uses. The 2016 Proposed Project was analyzed in an addendum prepared for the adopted EIR. After Planning Commission review, a modified project was ultimately approved by the Planning Commission that consisted of 54 condominium units and a minimum of 6,000 square feet of commercial uses (“2017 Approved Project”).

In the current proposal (“2018 Proposed Project”), the applicant proposes modifications to the project description, which require review for substantial conformance with the approved plans for the 2017 Approved Project. The table in Attachment D summarizes the key components of each iteration of the project. The proposed modifications under consideration for the 2018 Proposed Project include the following:

- An increase in the allowable height of the elevator enclosures. The adopted overlay zone for the project site contains regulations that limit the height of rooftop structures,

including “elevator penthouses”, to 10 feet in height. The project includes a request to remove the words “elevator penthouses” from the list of rooftop structures that are limited to 10 feet in height. This change would make the M-PD-4 zone consistent with the height regulations for elevator enclosures that apply to other nonresidential and multiple family residential zones of the city, which rely on an exemption to building height contained in the Beverly Hills Municipal Code (BHMC) definition of “height of building”. This exemption to building height allows elevator enclosures to exceed the maximum allowable building height by up to 15 feet above the adjacent roof deck. The proposal would result in an additional 5 feet in height being added to the tallest rooftop structure located on the building.

- Construction of additional subterranean parking. The 2007 Approved Project included four levels of subterranean parking, while the addendum prepared for the 2016 Proposed Project analyzed three levels of subterranean parking and the 2017 Approved Project further reduced the amount of subterranean parking to two full levels and a third partial level. The 2018 Proposed Project includes three full levels of subterranean parking. Total on-site parking has been increased from 220 parking spaces in the 2017 Approved Project to 248 parking spaces in the current proposal.
- Modifications to the size and location of the project’s building modulation, specifically a decrease in the north (Wilshire Boulevard) side modulation and a corresponding increase in the south (alley) side modulation. The north side modulation is being reduced by 1,167 square feet, to a total of 25,984 square feet. The south side modulation is being increased by 877 square feet, to a total of 6,335 square feet. These changes are related to the size and location of balconies and other private and common open space. These modifications to balconies and the size of the courtyard result in an increase in common open space of 865 square feet and a decrease in private open space of 480 square feet.
- Other minor modifications to the design of the building are proposed in order to meet Southern California Edison and building code requirements.

PURPOSE: This Addendum to the Environmental Impact Report (EIR) is being prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines which allows for a lead agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred. Pursuant to CEQA Guidelines Section 15162, no subsequent EIR shall be prepared for the project unless, on the basis of substantial evidence in the light of the whole record, one or more of the following is determined:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous EIR due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance identifies one or more significant effects not discussed in the previous EIR, significant effects previously examined will be substantially more severe than shown in the previous EIR, mitigation measures or alternatives previously found not to be feasible or not analyzed in the EIR would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

FINDINGS CONCERNING ENVIRONMENTAL IMPACTS OF REVISIONS TO THE PROJECT:

1. In 2007, a project was approved consisting of the construction of a mixed-use development project with a total floor area of 160,218 square feet. The 2007 Approved Project was environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*). The City of Beverly Hills prepared an Environmental Impact Report known by State Clearinghouse Number 2005041133, and hereafter referred to as the “EIR”) and, based on the information contained in the EIR, determined that the Project would result in less than significant impacts (with and without mitigation) with regard to the following areas of environmental impact:
 - Aesthetics
 - Air Quality
 - Cultural Resources
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Land Use and Planning
 - Noise
 - Public Services and Utilities
 - Traffic, Circulation, and Parking

2. On April 26, 2007, the City of Beverly Hills City Council adopted a resolution (Resolution No. 07-R-12323), certifying the EIR, making environmental findings pursuant to the California Environmental Quality Act (CEQA), and adopting a mitigation monitoring program to allow construction of the 2007 Approved Project. In addition, the Final Environmental Impact Report identified certain mitigation measures (set forth in the Mitigation Monitoring and Reporting Plan and provided as Attachment A to Resolution No. 07-R-12323) that were necessary to mitigate potential impacts of the 2007 Approved Project to less than significant levels. The mitigation measures were adopted by the City Council and made binding on the Project. The findings of fact made in certifying the EIR and adopting the Mitigation Monitoring and Reporting Plan, are provided for reference as Attachment A.
3. Thereafter, an application for the Project was submitted to the City of Beverly Hills on June 6, 2016 to allow changes to the approved project, including an increase in the number of residential units to 90 and a decrease in ground-floor commercial floor area. These changes are further described in the Project Comparison table provided as Attachment D. This 2016 Proposed Project was analyzed in an addendum to the EIR. After revisions to the project design, the Planning Commission approved a version of the project in 2017. The 2017 Approved Project included 54 residential units (the same number as proposed in the 2007 Approved Project) and commercial space modified to be no less than 6,000 square feet.
4. After receiving Planning Commission approval in October 2017, the applicant modified the plans as part of the process of developing the plans to meet building code requirements and adding a partial level of parking in order to provide three full levels of subterranean parking and other changes, as described above and in the Project Comparison table provided as Attachment D.

Staff analyzed the current proposal (the “2018 Proposed Project”) to determine if any new impacts, or substantial increase in the severity of impacts, would result from the proposed modifications. Pursuant to CEQA Guidelines Section 15162, neither a subsequent nor supplemental EIR is required for the modifications contemplated by the Project because:

- (1) The 2017 Approved Project consists of the development of 54 residential units and approximately 7,333 square feet of commercial uses, contained within an approximately 157,550 square foot building. The modifications contemplated under the 2018 Proposed Project do not result in an increase to the total number of residential units, the total square footage dedicated to commercial uses, or the total

floor area of the 2007 Approved Project. Additional analysis of the Project modifications and impact study areas are set forth as follows:

Aesthetics. The modifications contemplated under the Project result in changes to the location and distribution of residential amenities and square footage. These changes represent a decrease in total floor area as compared to the 2007 Approved Project or the 2017 Approved Project. These modifications are negligible in scale and distribution, and do not change the totality of the 2017 Approved Project. The modifications will result in subtle changes to the visual appearance of the building, and would not create substantial adverse impacts to the visual character of the site or the vicinity.

In addition to the additional subterranean parking and modifications described above, the 2018 Proposed Project would involve adding five feet (5') in height to the elevator penthouse, thereby increasing the maximum overall height of the building, but only for the elevator penthouses. In both the 2007 Approved Project and the 2017 Approved Project, the elevator penthouses reached a maximum height of 70'-0". The two elevator penthouses are generally centered on the building, approximately 60 feet from the rear (south) property line at the closest point, 70 feet from the front property line (on Wilshire), and approximately 57 feet from the nearest side property line (to the east, adjacent to Palm Drive). This increase in height would be nearly imperceptible from the street and would not result in shade or shadow impacts to nearby shade sensitive uses due to the position of the elevator penthouses at the center of the building.

Air Quality. Air quality impacts are assessed based on construction and operation of the Project. The 2018 Proposed Project results in a comparable amount of excavation and export of earth material as compared to the 2007 Approved Project, and the 2016 Proposed Project. The 2018 Proposed Project results in 5,650 fewer cubic yards of earth material being excavated as compared with the 2007 Approved Project, and approximately the same amount of earth material being moved as compared to the 2016 Proposed Project. The 2018 Proposed Project would result in no net change in vehicle trip generation (as discussed in the Traffic analysis below) and, in fact, would generate fewer trips than the 2016 Proposed Project analyzed in the 2017 EIR Addendum because the Project would contain 36 fewer units than the 2016 Proposed Project. Further, the Project would not generate new population

growth that would be in conflict with the regional Air Quality Management Plan (AQMP), nor would the Project exceed Southern California Air Quality Management District thresholds for temporary construction emissions. For these reasons, the Project will not result in new, significant environmental effects or a substantial increase in the severity of previously identified significant effects with regard to air quality.

Cultural Resources. The project site is currently used as a surface parking lot and there is no evidence of cultural resources or human remains on the project site. Based on the previously-disturbed nature of the project site, the proposed Project would not result in new, significant environmental impacts in the area of cultural resources.

Geology and Soils. The modifications contemplated under the 2018 Proposed Project include construction of an additional partial level of subterranean parking, creating a full third level of subterranean parking. The Draft EIR analyzed four levels of subterranean parking, while the Addendum analyzed three levels. Although the Project involves an increase in subterranean parking as compared with the 2017 Approved Project, which had two full levels and a partial third level of subterranean parking, the Project is consistent with or less than both iterations that have been analyzed for environmental impacts. Additionally, the Project will be subject to Mitigation Measures 3F.1 through 3F.12, which would be necessary to reduce potential hazards related to instability due to excavation. With implementation of these mitigation measures, the Project would not result in new, significant environmental impacts with regard to geology and soils.

Greenhouse Gas Emissions. The 2007 EIR did not include an analysis of greenhouse gas emissions, as it was not required at the time. The 2017 Addendum included an analysis of greenhouse gas impacts of the 2016 Proposed Project. The Project under consideration contains fewer units, a reduced amount of floor area, and would result in fewer trips, and a comparable amount of excavation, as compared to the project analyzed in the 2017 Addendum. The 2017 Addendum found that the 2016 Proposed Project would not exceed greenhouse gas emissions thresholds and would not result in significant impacts. Due to the reduced scale of the 2018 Proposed Project as compared to that analyzed in the 2017 Addendum, it is not anticipated that

the proposal would result in new significant impacts in the area of greenhouse gas emissions.

Hazards and Hazardous Materials. Impacts associated with hazards and hazardous materials were identified as less than significant with implementation of Mitigation Measures 3H.1 through 3H.3. The Project would be required to comply with these Mitigation Measures. Consequently, the Project will not result in new, significant environmental effects or a substantial increase in the severity of previously identified significant effects with regard to hazards and hazardous materials.

Hydrology and Water Quality. Hydrology and water quality impacts are assessed based on construction of the project site. The Project results in excavation and export of approximately 47,350 cubic yards of earth material, comparable to the amount analyzed in the 2016 Proposed Project, and approximately 5,650 cubic yards fewer than the 2007 Approved Project. The Project would also remain bound by mitigation measures 3G.1 and 3G.2. For these reasons, the 2018 Proposed Project will not result in new, significant environmental impacts or a substantial increase in the severity of previously identified significant effects with regard to hydrology and water quality.

Land Use and Planning. The 2018 Proposed Project does not result in any changes to the proposed uses or densities proposed within the project site. The 2018 Proposed Project involves an amendment to the zoning code, removing “elevator penthouses” from the list of rooftop structures that are limited to 10 feet in height in the M-PD-4 zone. However, elevator penthouses are considered to be exempt from height in nonresidential and multiple family zones, up to 15 feet in height. This change would result in the 15-foot limit for exemption from height being applied to the elevator penthouses on the project site, rather than the 10-foot limitation. No significant impacts to land use and planning were previously identified in the EIR for the 2007 Approved Project or the 2017 Addendum, and the limited changes proposed under the 2018 Proposed Project would not result in a new, significant environmental impact or a substantial increase in the severity of previously identified significant effects with regard to aesthetics.

Noise. Noise impacts are assessed based on construction and operation of the Project. The Project results in excavation and export of approximately 5,650 fewer cubic yards of earth material when compared to the 2007 Approved

Project, which results in reduced construction activities and noise when compared to the 2007 Approved Project. The excavation and construction would, however, be comparable to that analyzed in the 2017 Addendum for the 2016 Proposed Project, which included three full levels of subterranean parking. Additionally, the 2018 Proposed Project results in fewer vehicle trips than the 2016 Proposed Project (as discussed in the Traffic analysis below), which is a component of operational noise. For these reasons, the 2018 Proposed Project will not result in new, significant environmental impacts or a substantial increase in the severity of previously identified significant effects with regard to noise.

Population and Housing. The 2018 Proposed Project continues to provide the same number of residential units (54) approved under the 2007 Approved Project, and will therefore not result in any new, significant environmental effects or a substantial increase in the severity of previously identified significant effects with regard to population and housing.

Transportation/Traffic/Parking and Circulation. The modifications contemplated under the 2018 Proposed Project do not result in changes to the number of residential units, compared with the 2007 Approved Project and the 2017 Approved Project. Since the 2007 Approved Project was approved, the unit mix has been modified in order to include four more 2-bedroom units and four fewer 3-bedroom units. Additionally, the 2018 Proposed Project involves a reduction in the size of the commercial floor area, creation of 28 parking spaces more than the 2017 Approved Project and 27 fewer parking spaces than was analyzed in the 2007 EIR and 2017 Addendum (275 parking spaces were proposed in each). The 2016 Proposed Project, which was analyzed with 90 units, did not result in significant traffic impacts; the 2018 Proposed Project has substantially fewer units. The 2018 Proposed Project would not result in a greater number of trips generated, particularly as compared with the 2016 Proposed Project, as analyzed in the 2017 Addendum.

Trip generation rates for residential condominium units, as studied in the 2007 EIR, were determined by conducting counts at 13 intersections in the vicinity of the project site, and trip generation rates were derived from the Institute of Transportation Engineers (ITE) for the residential and commercial uses in the project. Additionally, the 2018 Proposed Project's drive aisles and

circulation patterns are equivalent to, or improve upon, those contained in the 2007 Approved Project. The traffic analysis for the 2007 Approved Project indicates that that project would have less than significant impacts with mitigation. The 2018 Proposed Project does not result in any changes to off-site circulation improvements as approved under the Original Project and studied in the EIR, and the 2018 Proposed Project remains bound by Mitigation Measures 3C.1 through 3C.3. For these reasons, the 2018 Proposed Project will not result in new, significant environmental impacts or a substantial increase in the severity of significant effects previously identified in the EIR in connection with transportation/traffic/parking and circulation.

Public Services and Utilities. The 2018 Proposed Project would provide the same number of residential units (54) approved under the 2007 Approved Project, and results in the same level and intensity of development studied in the EIR. Additionally, the 2018 Proposed Project would result in fewer units than were studied in the 2017 Addendum, which was prepared for 90 units in the 2016 Proposed Project. Further, the 2018 Proposed Project remains bound by mitigation measures 3i.1 and 3i.2. Therefore, the 2018 Proposed Project will not result in new, significant environmental impacts or a substantial increase in the severity of previously identified significant effects with regard to utilities and service systems.

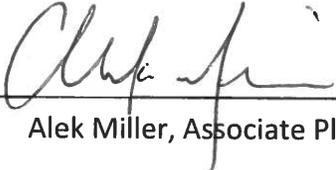
- (2) There are no changes with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR and Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified impact. There are several development projects located in the City of Beverly Hills and within the vicinity of the Project; however, these projects were included in the Related Projects list prepared for the 2017 Addendum, and were taken into consideration during review and certification of the 2017 Addendum. Consequently, the circumstances under which the 2018 Proposed Project would be undertaken have not changed when compared to the circumstances in place during approval of the 2017 Approved Project.
- (3) Staff has identified no new information of substantial importance identifying: (a) a new or substantially more severe significant effect, or (b) new or previously infeasible mitigation measures or alternatives that would substantially reduce one or more significant impacts of the project. All mitigation measures adopted in conjunction

with the 2007 Approved Project continue to be imposed on the 2018 Proposed Project and are provided for reference in Attachment A to this Addendum.

Therefore, pursuant to CEQA Guidelines Section 15164, the City has prepared this Addendum to the EIR, which analyzes changes to the Project Description, as described below, concluding that the changes would not result in new, significant environmental effects or a substantial increase in the severity of previously identified significant effects:

- The residential portion of the Project will consist of 48 two-bedroom units and 6 three-bedroom units (54 units in total).
- The Project will contain a total of 248 parking spaces, provided in three subterranean parking levels and one partial level at-grade.
- The elevator enclosure will be constructed to a maximum height of 15 feet from the adjacent roof deck. The M-PD-4 zone will be amended to remove the words “elevator penthouses” from the description of rooftop structures that are limited to 10 feet in height.
- Limited exterior changes will be incorporated into the Project, such as the relocation of balconies in order to refine floor plans and accommodate the vertical support columns within the building. Modulation has been modified on both the north and south sides of the building.
- The commercial portion of the Project at the ground level will consist of approximately 6,650 square feet of floor area distributed between two tenant spaces.

For any questions regarding this matter, please contact Alek Miller, Associate Planner in the Beverly Hills Community Development Department at (310)285-1196.

By: 
Alek Miller, Associate Planner

DATE: July 19, 2018

EXHIBIT A

CITY COUNCIL RESOLUTION

No. 07-R-12323 (APRIL 26, 2007)

RESOLUTION NO. 07-R-12323

RESOLUTION OF THE CITY COUNCIL OF BEVERLY HILLS
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR A PROPOSED MIXED USE PROJECT
GENERALLY LOCATED AT 9200 WILSHIRE BOULEVARD;
MAKING ENVIRONMENTAL FINDINGS PURSUANT TO
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND
ADOPTING A MITIGATION MONITORING PROGRAM

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY FINDS
AND RESOLVES AS FOLLOWS:

Section 1. Legacy Partners SSR 9200 Wilshire, LLC (the “Applicant”), has applied for a General Plan Amendment, a Zoning Code Amendment to create an Overlay Zone, a Zoning Map Amendment to apply an overlay zone to the subject property, a Vesting Tentative Tract Map, a Planned Development Permit and a proposed Development Agreement to allow construction of a mixed-use project (the “Project”) at property known as 9200 Wilshire Boulevard (the “Project site”). Parking will be provided in a multi-level subterranean garage with access provided from Maple and Palm Drives. A Draft Environmental Impact Report dated January 2006 (the “Draft EIR”) was prepared for the Project. In accordance with the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §21000 *et seq.*) and the State Guidelines (the “Guidelines”) (14 Cal. Code Regs. §15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project’s potential impacts on the environment.

Section 2. The City has contracted with independent consultants for the preparation of the environmental impact report and, on April 22, 2005, prepared and sent a Notice of Preparation of the Draft EIR to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a). The City held a public scoping meeting on May 5, 2005 to invite comments on the environmental issues to be included in the Draft EIR.

Section 3. The City circulated the Draft EIR to the public and other interested persons between January 6, 2006 and February 21, 2006 for a 45-day comment period as required by Guidelines Sections 15087(c) and 15105. The Planning Commission held duly noticed public hearings on January 25, 2006 (to discuss the Draft EIR), March 30, 2006, and June 8, 2006 (to discuss the Project), and April 6, 2006 (to discuss the Development Agreement) (collectively, the “PC Hearings”), at which times it received oral and documentary evidence from the public regarding the Project and the Draft EIR. In addition, on September 5, 2006, the City Council held a hearing on the appeal of the Planning Commission’s July 27, 2006 action denying the Project based on denial of the requested General Plan Amendment and Zone Change necessary to permit the Project, at which time the Council overturned the Planning Commission’s decision. Subsequently, the City Council held public hearings on October 9, 2006, and April 26, 2007, to consider the Draft EIR, the Project, and the Development Agreement (collectively the “CC Hearings”).

Section 4. The City prepared written responses to all comments received on the Draft EIR and made revisions to the Draft EIR, as appropriate, in response to those comments. The City completed the written responses to comments on the Draft EIR in April 2007. The written responses to comments were made available for public review in the Department of Community Development. After reviewing the responses to comments and the revisions to the Draft EIR, the City Council concludes that the information and issues raised by the comments and the responses thereto did not constitute new information requiring additional recirculation of the Draft EIR.

Section 5. During the Planning Commission deliberations at the PC Hearings and the City Council deliberations at the CC Hearings, the Applicant made certain revisions to the Project, and the City Council indicated that it supported certain additional revisions to the Project including: relocating the loading area from the Maple Drive frontage to the Palm Drive frontage; shifting the building location three feet (3’) closer to Maple Drive to allow widening of

Palm Drive adjacent to the Project site; and increasing the setbacks for the upper stories of the Project, including a substantial increase of the sixth floor setback along Wilshire Boulevard to give the appearance that the building is consistent with the maximum 45-foot height limit allowed by the underlying C-3 zoning standards. As demonstrated in the EIR and the record, the environmental impacts of the Project revised in accord with the City Council's direction results in impacts that are generally less than the environmental impacts of the Project as originally proposed and mitigated. Therefore, each of the findings set forth herein for the "Project," as well as the discussion in the EIR, would apply to both the Project as originally proposed and the Project as modified by the City Council.

Section 6. The Final Environmental Impact Report (the "EIR") is comprised of: the Draft EIR, including Appendices, dated January 2006; and the Comments and Responses to Comments on the Draft EIR dated April 2007.

Section 7. The findings made in this Resolution are based upon the information and evidence set forth in the EIR and upon other substantial evidence which has been presented at the PC Hearings, the CC Hearings, and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file and available for public examination during normal business hours in the Department of Community Development and with the Director of Community Development, who serves as the custodian of these records, at the Beverly Hills City Hall, 455 North Rexford Drive, Beverly Hills, California, 90210.

Section 8. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR.

Section 9. The City Council has independently reviewed and considered the contents of the EIR prior to deciding whether to approve the Project. The City Council believes

that the EIR reflects the independent judgment of the City and the City Council. The City Council further believes that the additional information provided in the staff reports, in the responses to comments received after circulation of the Draft EIR, and in the evidence presented in written and oral testimony presented at the PC Hearings and the CC Hearings, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the City Council, nor any revisions to the Project made, after circulation of the Draft EIR has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 10. The City Council finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the Planning Commission received public testimony regarding the adequacy of the EIR; and that the City Council reviewed and considered all documents and testimony related to the EIR prior to acting on the Project. Pursuant to Guidelines Section 15090, the City Council hereby certifies that the EIR has been completed in compliance with CEQA.

Section 11. Based upon the EIR and the record before the City Council, the City Council finds that the Project will not cause any significant environmental impacts after mitigation. Explanations for why the impacts were found to be less than significant are contained in the Environmental Findings set forth in Exhibit A to this Resolution and more fully described in the EIR and the Initial Study (included as Appendix A to the Draft EIR).

Section 12. Based upon the EIR and the record before the City Council, the City Council finds that the Project will create no significant unavoidable impacts as further explained in the “Findings and Facts In Support of Findings” set forth in Exhibit A, which is attached hereto and is incorporated herein by reference, and in the EIR.

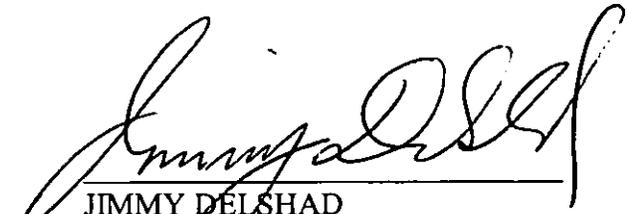
Section 13. Based upon the EIR and the record before the City Council, the City Council finds that cumulative impacts of the Project are not significant. Further explanation for this determination may be found in the EIR and Exhibit A, attached hereto.

Section 14. The EIR describes, and the City Council has fully considered, a reasonable range of alternatives to the Project. The City Council expressly finds that each of the alternatives identified in the EIR either would not sufficiently achieve the basic objectives of the Project, would do so only with unacceptable adverse environmental impacts greater than those associated with the Project, or are not feasible. Accordingly, and for any one of the reasons set forth in Exhibit A, attached hereto and incorporated herein by this reference, or set forth in the record, the City Council finds that specific economic, social, or other considerations make infeasible each of the Project alternatives, including the “No Project” alternative, identified in the EIR, and each is hereby rejected. The City Council further finds that a good faith effort was made to incorporate alternatives into the preparation of the EIR, and that a reasonable range of alternatives were considered in the review process of the EIR and the ultimate decision on the Project.

Section 15. The City Council hereby adopts the mitigation measures set forth in the “Mitigation Monitoring and Reporting Program,” attached hereto as Exhibit B and incorporated herein by this reference, and directs that each mitigation measure be included as a condition of any planned development approval. The City Council further adopts the “Mitigation Monitoring and Reporting Program,” which is presented as Exhibit B. City staff shall implement and monitor the mitigation measures as described in Exhibit B.

Section 16. The City Clerk shall certify to the adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted: April 26, 2007



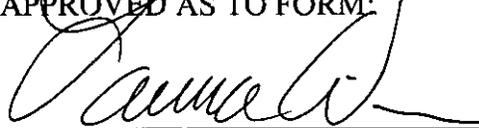
JIMMY DELSHAD
Mayor of the City of Beverly Hills,

California
ATTEST:



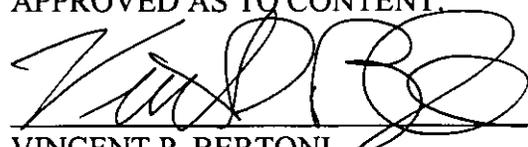
BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



VINCENT P. BERTONI
Acting Director of Community
Development

EXHIBIT A
Findings and Facts In Support Of Findings

Article I. Introduction.

The California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines (the “Guidelines”) provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

- a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.
- b. Such changes or alterations are within the responsibility or jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

Pursuant the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed Project. The Project has been modified from that analyzed in the EIR and alternatives to further reduce any potential impacts from the Project as approved by the City Council. These findings are based upon evidence presented in the record of these proceedings, both written and oral, including, without limitation, the EIR and all of its contents, the Comments and Responses to Comments on the Draft EIR, and staff and consultants’ reports prepared and presented to the Planning Commission and City Council.

Article II. Project Objectives.

As set forth in Chapter 2 of the EIR, the objectives which the Project applicant seeks to achieve with this Project (the “Project Objectives”) are as follows:

- To develop high quality housing in a premier location with ready access to high end commercial areas;
- To maintain the general scale and character of the City, particularly along Wilshire Boulevard, through new development which provides environments consistent with the character and quality of life generally associated with the City’s single- and multiple-family residential areas;
- To expand the variety of housing product beyond single-family detached, rental apartment and condominium units through development of mixed commercial and residential uses;

- To construct a building that is compatible in design and use with other development in the area, will not interfere with the enjoyment of residential properties in the vicinity, and is consistent with the public interest and general welfare;
- Develop a project which would include a significant amount of housing to promote livable community principles by allowing residents to walk to on-site, as well as off-site, restaurant, retail establishments, and workplaces;
- Provide neighborhood-serving retail and/or restaurant uses within distance of existing nearby residences to reduce automobile uses and to promote a pedestrian orientation in the immediate project area;
- Provide ground floor neighborhood-serving retail and/or restaurant uses to activate the Wilshire Street frontage and enhance the pedestrian experience;
- Create temporary and permanent jobs with the City, while mitigating, to the extent feasible, any significant environmental impacts;
- Develop a project that is financially viable and at the same time provide fiscal benefits to the City through property, transfer, business and sales tax revenues;
- Develop a project with on-site recreational amenities for residents to reduce potential demand on City recreational facilities and to reduce traffic associated with residents driving to such facilities; and
- Develop underutilized and vacant land consistent with sound planning principles.

Article III. Impacts Determined to be Insignificant.

The Initial Study analyzed the potential impacts of the Project and concluded that there would be no significant environmental impact in the following impact areas: Agricultural Resources, Biological Resources, Cultural Resources, Mineral Resources, Population and Housing, and Recreation. Because the Project will not have significant impacts of the foregoing types, no mitigation measures are necessary to address these issues.

Article IV. Potentially Significant Environmental Impacts Determined to be Mitigated to a Level of Insignificance.

The EIR discussed the potential for the Project to cause significant environmental impacts in the areas of Land Use and Planning; Aesthetics; Transportation, Circulation and Parking; Air Quality; Noise; Geology and Soils; Hydrology and Water Quality; Hazards and Hazardous Materials; Public Services and Utilities. Each of these topics was analyzed in the Draft EIR, which concluded that the Project either would not have a significant impact, or would not have a significant impact with the implementation of identified mitigation measures.

Except as specifically provided below, the City Council finds that the mitigation measures for the Project identified in the EIR are feasible and would reduce the Project's impacts to a less than significant level.

4.1 Land Use and Planning

A. Potential Impacts

Section 3A of the EIR analyzes the Project's consistency with the General Plan and other local and regional land use policies.

B. Findings

No mitigation is required since the Project will not have a significant impact on land use plans or policies. The requested amendments to the zoning code and the land use map of the General Plan are consistent with the goals of the City's General Plan which encourages the development of mixed-use projects. Further, while the proposed Zoning Ordinance and accompanying General Plan Amendment will increase the permissible height and floor area for development on the Project site, implementation of the Project actually results in a less intense overall development than permitted under existing zoning standards. Therefore, the Project's land use impacts will be less than significant.

C. Facts in Support of Findings

1. General Plan Consistency. The General Plan Land Use Map designates the Project site for low-density commercial development. Therefore, in order to allow the increased height and density proposed, that map must be amended. The requested amendment to the General Plan Land Use Map will assist in implementing the City's Housing Element, which includes Program 4.3, which calls for development of "standards for mixed residential-commercial structures, with and without low income housing components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas such as ...[the] South side of Wilshire Blvd., east of Beverly Dr." (which includes the area between Maple Drive and Palm Drive). The proposed Project would carry out this Housing Element objective. The Land Use Element further provides:

"The feasibility of allowing mixed commercial/residential uses should be analyzed in order to expand the variety of housing types available and, in certain areas, to improve commercial/residential transitions." (Beverly Hills General Plan, Land Use Element, p. 7.)

The Project furthers this policy.

Thus, the Project, including the related General Plan and Zoning Code Amendments, is consistent with the General Plan and will not have a significant effect on land use policies.

2. Zoning Ordinance. The City's zoning map designates the Project site as within the Commercial (C-3) zone. Therefore, in order to allow the proposed mix of land uses which involves residences in a commercial designation, the zoning of the Project site must

be amended. An overlay zone has been requested, which would include the requirement for a Planned Development process and set of objectives to ensure compatibility of development with nearby uses. Although the proposed Overlay Zone permits development with greater height and floor area than existing zoning, the land uses height and density permitted by the proposed overlay zone are consistent with the General Plan housing goals and the land use policies of the City. Thus, the proposed zoning code amendment will not have a significant effect on land use policies.

3. Cumulative Impacts. The Project, in conjunction with other projects, would not have a cumulative impact on land use. Although a large number of mixed use projects could have a financial impact on the City, this Project will pay its fair share of mitigating any such impact through a \$3.5 million public benefit contribution and its impacts will not be cumulatively considerable.

4.2 Aesthetics

A. Potential Impacts

Section 3B of the EIR analyzes the potential for significant impacts to aesthetics, and in particular, the visual character of the Project site and the general vicinity and shade and shadows. Development of the Project will permanently alter the existing view from neighboring properties and will change the visual character of the site. Additionally, the Project will add new sources of light and glare to the environment and will create a new source of shade and shadow. These potential impacts were fully analyzed the EIR.

B. Findings

Through the incorporation of project design features, the compliance with applicable City codes, adherence to the mitigation measures, or combination thereof, the Project will avoid or substantially lessen any significant effects, such that no significant aesthetic impact will result. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen aesthetic impacts.

C. Facts in Support of Findings

1. Visual Character. The impacts to visual character, which are more fully described in the EIR, primarily involve the contrast between the existing site conditions, which include vacant property, and the built condition after Project completion. Construction and development of a six-story, 60-foot tall mixed-use structure on the Project site will forever alter the visual character of the site. The impacts will be both short term and long term in nature. Short term impacts are expected to occur during the construction phase due to site grading and construction activities which will include, among other things, exposed soil, dirt storage, and staging areas for various construction activities on the site. This short-term condition would create a temporary visual distraction typically associated with construction activities. The City imposes standard conditions on all projects requiring the installation of barriers to screen construction activities from view. Given the short-term nature of these construction-related impacts and the City's standard screening requirement, the short-term impacts to visual character will not be significant.

The Project also includes construction of a 60-foot tall, six-story structure. The proposed building will comply with the City's development codes, as amended by the proposed Overlay Zone, and will be visually compatible in mass, scale and form to structures to the north, east and west of the Project site. Additional architectural features, including modulation, architectural ornamentation and stepped facades, have been incorporated into the Project design to further soften the mass and make the Project more harmonious with existing development surrounding the Project site. In addition, the City Council has modified the Project to require an additional setback on the sixth story further reducing the perceived mass and scale of the building and making it more harmonious not only with existing development in the vicinity but future development in accordance with the maximum 45-foot height limit allowed by the underlying C-3 zoning standards. As modified, the Project will have no significant adverse impact to visual character in the surrounding area.

2. New Sources of Light. The Project site is currently vacant, and surrounding land uses are not affected by light or glare from the site. Lighting associated with the proposed Project will be typical for residential development and will not significantly affect adjacent uses provided that exterior lighting is focused on landscape areas and shielded. As mitigated and designed, the lighting fixtures facing residential areas would not result in spillover or lighting glare effects on adjacent residences. Therefore the Project will not result in significant light or glare effects.

4.3 Transportation, Circulation and Parking

A. Potential Impacts

The traffic studies prepared in connection with the EIR identify the potential for significant traffic impacts due to construction period traffic and traffic and parking needs related to operation of the Project after construction. Potential impacts considered in the EIR include those associated traffic congestion at local intersections, increased traffic volumes on adjacent residential streets, the effect of the Project on Congestion Management Program ("CMP") compliance, and increased parking demand on local streets. These potential impacts are fully analyzed in the EIR.

B. Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen traffic impacts resulting from construction activities and operation, including the relocation of the Project loading facilities from the Palm Drive frontage to the Maple Drive frontage. With the redesign of the loading facilities, the Project will not have an adverse traffic impact in the operational phase, and no operational period mitigation beyond one measure directed at the loading facilities is necessary.

C. Facts in Support of Findings

1. Construction Traffic. During construction of the Project, short-term adverse traffic impact could potentially occur in the vicinity of the Project site. Further, parking demand during construction could spill over to residential areas if appropriate accommodations, including on-site parking, are not provided by the Project developer. Although

there is the possibility that lane closures would occur during construction, there will be no need to completely close any of the streets adjacent to the Project site. Further, construction related traffic impacts will be short term; and mitigation measures, including development and implementation of a construction staging and traffic management plan, have been identified that reduce the potential impacts to less than significant levels.

2. Operational Traffic. The EIR fully analyzes the existing traffic conditions, taking into account ambient traffic growth in the area surrounding the Project, and as well as traffic from other projects that are proposed in the vicinity of the Project site. The EIR then adds in traffic generated from the proposed project, as determined pursuant to the ITE Trip Generation publication. The Project is expected to generate approximately 950 trips for a typical weekday and 992 trips for a typical Saturday. The Project would generate 33, 82 and 101 trips during weekday morning peak hour, weekday evening peak hour, and Saturday peak hour (which is midday), respectively. Accordingly, the Project impacts do not exceed the Thresholds of Significance, which are set forth in Section 3C of the EIR, for any of the thirteen study intersections analyzed. Thus, the Project will not result in any significant traffic impacts to study intersections during the operational phase; and no mitigation is required for operation of the Project. The EIR also demonstrates that, as designed, the Project will not result in any significant adverse traffic impacts to adjacent residential streets because traffic volumes will not significantly increase on residential streets. Notwithstanding this conclusion, the City Council has required modifications to the Project to permit the widening of Palm Drive in order to further lessen any potential traffic impacts from the Project. Coupled with the revisions to the loading facility design, the Project will not result in any adverse traffic impacts on adjacent residential streets.

3. Congestion Management Program Conformance. The Congestion Management Plan (CMP) for Los Angeles County requires that the traffic impact on individual development projects of potentially regional significance be analyzed. The CMP system is comprised of a specific system of arterial roadways and all freeways. The CMP requires preparation of a Traffic Impact Analysis (TIA) if a project adds 50 or more trips to a CMP monitoring intersection or adds 150 or more trips at a CMP mainline freeway monitoring location. The nearest CMP monitoring station to the Project site is at the intersection of Wilshire Boulevard and Santa Monica Boulevard. Based on the Project Trip Generation estimates and trip distribution, the proposed Project will not result in 50 or more trips per hour at the CMP intersection, nor will it add 150 or more trips to a freeway monitoring location. Thus, the Project will not be regionally significant and no further analysis is required.

4. Parking and Loading. The Project analyzed in the EIR provided 321 parking spaces, whereas the demand for parking calculated pursuant to the ITE Parking Generation, 3rd Edition concluded that the Project demand would be 241 parking spaces. Further, under the City's parking codes, 253 parking spaces would be required. Therefore, the Project, with 321 parking stalls would exceed the Project's parking demand. Subsequent redesigns and modifications to the Project have reduced the on-site parking to 279 parking stalls, which still provides a sufficient number of parking stalls to accommodate the demand generated. Thus, no significant parking impacts will result from the Project. Loading has been revised to move the loading docks to Palm Drive to reduce potential conflicts with competing traffic on Maple Drive and to allow loading trucks to more easily access the Project. As a result of the

redesign and relocation of the loading facility, trucks up to fifty feet in length are now able to access the loading facility without multiple turn movements and without crossing lanes. Thus, there is no longer a need for the mitigation measure set forth in the Draft EIR restricting delivery truck length. The City Council hereby declines to adopt that measure because a more effective substitute measure, the redesign and relocation of the loading dock, has been incorporated into the Project. The City Council now finds the truck length restriction socially infeasible because it will require longer delivery trucks to use scarce street parking when adequate loading is otherwise available. A loading dock management plan, however, and will still be imposed as a condition of Project approval. With this mitigation, parking and loading impacts will be less than significant.

5. Cumulative Impacts. Cumulative impacts are not significant as the incremental effects of the Project are not significant, when viewed in connection with other projects on the cumulative project list. As shown in the tables set forth in the EIR, the Project's incremental impacts will not impact the operation of intersections that may be cumulatively impacted. Additionally, the Project's impacts are not cumulatively considerable as the Project is contributing \$3.5 million to the City that may be used, in part, to mitigate cumulative traffic impacts.

4.4 Air Quality

A. Potential Impacts

The Air Quality Impact Analysis examines the Project's potential to result in significant adverse changes to air quality. The analysis discusses both short-term impacts resulting from air pollutants generated during construction activities and long-term impacts resulting from operational emissions. Construction activities that could generate emissions include grading and excavation, construction workers traveling to and from the Project site, delivery and hauling of construction supplies and debris to and from the Project site, fuel combustion by on-site construction equipment, the application of architectural coatings and other building materials that release volatile organic compounds (VOCs), and asphalt paving. Operational activities that could generate emissions include residents and customers traveling to and from the Project site, deliveries to the Project site, energy consumption, and on-site stationary source emissions. These potential impacts are fully analyzed in the EIR, including specifically Section 3D.

B. Findings

The Project will not result in significant air quality impacts.

C. Facts in Support of Findings

1. Construction Impacts. Construction activities will result in the generation of air pollutants. Analysis of the construction emissions indicates that all emission levels will remain below established thresholds of significance for such emissions. (EIR, Table 3D.4 and Impact Discussion 3D.2) Based on the analysis set forth in the EIR, these emissions will be reduced to less than significant levels by compliance with existing regulations. Further, any impacts will be insignificant and will cease at the completion of construction activities.

2. Operational Impacts. Total operational emissions for the Project will remain significantly below established thresholds and, therefore, will not create a significant impact on air quality. (EIR, Table 3D.5.) Localized impacts from carbon monoxide (CO) concentrations were estimated using the CALINE4 traffic pollutant dispersion model. The results of this modeling indicate that the 1-hour CO concentrations and the 8-hour CO concentrations for the Project are well below the established State standard. (EIR, Tables 3D.6 and 3D.7.) Accordingly, the Project will not result in any significant impacts to localized air quality. The results of the air quality analysis, EIR Section 3D, demonstrate that the Project's daily emissions from stationary sources are well below South Coast Air Quality Management District (SCAQMD) thresholds and that residents won't be significantly exposed to toxic air contaminants. The City Council has determined that the State health standards are an appropriate measure of any localized impact from air emissions and that the SCAQMD CEQA significance standards are an appropriate measure of the significance of the City's contribution to cumulative, regional, air impacts as that agency has responsibility for ensuring long term compliance with regional air quality goals. The City Council has not been presented with a fair argument based on substantial evidence that it is appropriate to use any other threshold of significance for air quality impacts.

Further, the City Council hereby finds that the Project is consistent with the SCAQMD Air Quality Management Plan (AQMP) because the Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or interfere with emissions reductions specified in the AQMP. The City Council also finds that the proposed Project will not exceed the growth assumptions in the most recent AQMP.

Accordingly, the City Council finds that the Project will not have a significant impact on long-term air quality; and no mitigation is necessary.

3. Cumulative Impacts. The Project will not contribute to significant cumulative air quality impacts. The Project is consistent with Air Quality Management Plan assumptions and will therefore not interfere with attaining regional air quality goals, even if development approved elsewhere in the air basin contributes to diminution of regional air quality.

4.5 Noise

A. Potential Impacts

The Noise Impact Analysis examines the potential for significant noise impacts during construction from construction hauling and equipment (earth-moving equipment such as backhoes, bulldozers, pile drivers, skip loaders, fork lifts, concrete mixers, concrete pumps, tower cranes, and other equipment) and long-term impacts from the Project operations. These potential impacts are fully analyzed in the EIR.

B. Finding

The Project will not result in significant noise impacts.

C. Facts in Support of Finding

1. Construction Impacts. Project construction activities require the use of several different types of noise generating equipment on an intermittent basis. The increase in noise could result in temporary annoyance to nearby residents. Noise levels will fluctuate depending on the construction phase, the equipment used, and the duration of the activity. Distance between the noise source and the receptor will also impact noise levels. Construction related noise will be short-term in nature. Construction related noise will be mitigated by compliance with the City's standard construction noise regulations.

2. Operational Noise Impacts. The Project, when in operation, has the potential to generate material noise from Project-related traffic, delivery truck and trash pick up, and rooftop equipment operation. Based on the traffic increases expected to result from operation of the Project, the EIR concludes, and the City Council finds, that the Project will not result in a significant adverse impact due to traffic noise because such noise will not exceed thresholds of significance. With respect to noise impacts of rooftop mechanical equipment, the noise generated will be minimized through the distance between the equipment and neighboring properties, and with the construction techniques and building design that will shield mechanical equipment from view from adjacent residences. Through compliance with the City's standard codes, the Project's operational noise impacts will be less than significant.

3. Cumulative Impacts. The Project's construction and stationary noise impacts would not be cumulative with other projects due to their distance from the site. Cumulative vehicle noise will not exceed thresholds of significance.

4.6 Geology and Soils

A. Potential Impacts

Section 3F of the EIR identifies the potential for significant impacts resulting from geologic materials and soils, seismicity, flooding and inundation, and groundwater. These potential impacts are fully analyzed in the EIR.

B. Finding

Through compliance with applicable regulatory processes, uniform codes, and City requirements, and the mitigation measures identified in the EIR, the Project will not result in any significant adverse impacts. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen potential impacts.

C. Facts in Support of Finding

1. Surface Rupture, Liquefaction and Seismically-induced Settlement. The Project site is not located within or adjacent to an Alquist-Priolo Earthquake Fault Zone, but is within 1.3 miles of an active fault system that has the potential for fault rupture, as discussed more fully in Section 3F.4.3 of the EIR. Although there is a potential for such impacts on the Project, the potential for surface ruptures at the site is considered low. Furthermore, compliance with the City's building codes mitigate any potential impact to a less

than significant level. The Project site does not lie within an area identified as having a potential for liquefaction or seismic settlement.

2. Slope Stability. The relatively flat topography at the Project site precludes stability problems except with regard to excavation. During excavation, sandy alluvium deposits could be prone to caving. However, compliance with the City's standard building codes and other standard construction practices as set forth in the mitigation measures recommended in the EIR will ensure that any risk of exposure to slope stability hazard during excavation will be less than significant.

3. Soils and Soil Erosion. The site is relatively flat. There is no evidence of subsidence, and the soils are sufficiently dense to adequately support the Project. However, construction activities could result in exposed areas of soil that are susceptible to uncontrolled sheet flow. Compliance with an approved Water Quality Management Plan, as required by the mitigation measures recommended by the EIR, would mitigate this impact to a level of insignificance.

4.7 Hydrology and Water Quality

A. Potential Impacts

The Hydrology and Water Quality Analysis examines the potential for significant impacts to water resources in the form of impacts to water quality and storm drain capacity during construction (due to increased erosion and sedimentation caused by construction activity) and long-term impacts from the Project operations including increased surface runoff volumes (due to the elimination of permeable surfaces on the site) and permanent dewatering. These potential impacts are fully analyzed in the EIR.

B. Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant hydrology and water quality impacts. Implementation of the identified mitigation measures and design changes will reduce both construction and operational hydrology and water quality impacts to a less than significant levels.

C. Facts in Support of Finding

1. Construction Impacts. Section 3G.4.3 notes that during construction, bare soil would be exposed to erosive forces that could result in erosion and sedimentation to surface waters. In addition, the EIR identifies the use of fuels, solvents and paints as a potential risk to surface water quality due to an increased potential for non-visible pollutants entering the storm drain system. If precautions are not taken to contain contaminants, the Project could result in contaminated storm water runoff. However, compliance with the City's standard conditions and uniform codes, incorporation of Project design features, and implementation of the mitigation identified in the EIR (which, among other things, requires the preparation and implementation of a drainage plan and a water quality management plan prior to

the commencement of construction activities), the Project's construction activities will result in no significant impacts to hydrology or water resources.

2. Project Runoff. The Project will convert a vacant lot with no impermeable surfaces to an urban city block with no permeable surfaces. Storm water generated on the Project site will be channeled directly to the storm drain within Wilshire Boulevard. To ensure that Project runoff does not cause a significant impact, the Project will be required to prepare and implement a drainage plan. Compliance with standard conditions and uniform codes and the implementation of Project design features and changes will further lessen any potential impacts from Project runoff.

3. Groundwater. The historic high groundwater level beneath the site is at a depth of between 47 and 54 feet below the surface. Thus, it is not anticipated that dewatering will be necessary. In the event that temporary dewatering is necessary during construction, any discharges (temporary or permanent) will be handled through the NPDES permitting process, as is done with all development involving water discharges. The NPDES permitting process is a mandatory federal regulatory process designed to safeguard against water quality problems. Compliance with NPDES requirements and City ordinances will ensure that any water discharges will not have a significant impact on the environment. If groundwater is encountered during excavation, temporary dewatering would not likely affect the nearest City well due to its distance.

4. Cumulative Impacts. The Project will not contribute to cumulative impacts because the drainage system is designed to accommodate build out of the projects on the cumulative projects list and, as mitigated, the Project won't contribute to water quality degradation.

4.8 Hazards and Hazardous Materials

A. Potential Impacts

Section 3H of the EIR analyzes the potential for the Project to result in significant impacts to the environment as the result of the presence of hazards and hazardous materials on the site from prior use of the site. These issues are fully analyzed in the EIR.

B. Finding

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant impacts. Implementation of the identified mitigation measures and design changes will reduce any potential impacts associated with hazards and hazardous materials to less than significant levels.

C. Facts in Support of Finding

1. The Project site previously supported automotive-related uses. An underground storage tank installation and removal resulted in contamination on the site which was remediated in 1988. The County of Los Angeles Department of Public Works granted final approval for the closure and removal of the underground storage tank in 1987. As a result of this

remediation, no release of hazardous materials is anticipated to occur during Project construction. To further ensure that the Project does not expose people to significant impacts related to the release of hazardous materials, the EIR identifies mitigation requiring the Project applicant to perform a Phase II soil investigation prior to the removal of soil from the site, and to comply with federal and state mandated regulations in the event contaminated soil is encountered, including (i) notifying the Building and Safety Department if, during construction, soil and/or groundwater contamination is detected on the Project Site; (ii) immediately ceasing construction activity in the affected area; (iii) retaining a qualified environmental consultant to investigate the extent of the contamination and recommend remediation alternatives; and (iv) comply with all remediation requirements imposed by any federal, state, or local regulatory agency with responsibilities for site clean-up and remediation. Additionally, the Project use will not use large quantities of hazardous materials or generate hazardous wastes. Therefore, the impacts due to hazardous materials will be less than significant.

4.9 Public Services and Utilities

A. Potential Impacts

Section 3I of the EIR examines the Project's potential to cause significant impacts in the areas of public services, including fire protection and emergency services, police protection, schools, and recreation and parks and the Project's potential to cause significant impacts in the areas of water supply, sewer and wastewater, storm water and drains, and solid waste disposal. These potential impacts are fully analyzed in the EIR.

B. Finding

The proposed Project will not result in a significant adverse environmental impact in areas of fire protection and emergency services, police protection, schools, recreation and parks or storm water, and no mitigation measures are required. Compliance with standard conditions and uniform codes, when applicable, will avoid or substantially lessen the potentially significant effects on the environment and reduce these potential impacts to a less than significant levels.

Further, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the potentially significant impacts to water supply, wastewater and solid waste.

C. Facts in Support of Finding

1. Fire Protection and Emergency Services. The Project site is served by adequate fire flow for fighting fires and must comply with the City's adopted Fire Code standards. Further, the Project will meet current Fire Codes regarding building materials, circulation and access, fire flow requirements, and other aspects that would reduce the incidence of fires and improve the effectiveness of the Beverly Hills Fire Department's services, which represents an adequate and acceptable level of fire protection and emergency service. The small amount of growth from the Project will neither create the need for additional facilities nor increase response times to the extent that they would compromise public health or safety.

Accordingly, the Project will result in less than significant impacts on fire protection and emergency services.

2. Police Protection. The project will generate approximately 124 new residents, which will result in an incremental increase in demand for police services. However, this incremental increase in population will not generate the need for additional patrols or emergency response. The Beverly Hills Police Department concluded that any increase in calls for police services that result from this Project would not significantly reduce the Department's ability to provide police services. No significant impact to police services is expected.

3. Schools. The Project would add approximately 54 new multi-family residential units and is expected to generate 20 new students that would be matriculated into the City's schools - 11 in grades K through 8 and nine in grades 9 through 12. The existing capacity in area schools is more than sufficient to accommodate the Project-related increase in students. The Project will not result in the need to construct additional facilities. Moreover, the Project will be required to pay school impact fees in accordance with the most current rate schedule adopted by the school district. The school impact fees will be used to assist the school district in meeting the incremental costs associated with expanded enrollment. The Project's impacts on area schools are, therefore, expected to be less than significant.

4. Recreation and Parks. The proposed Project is expected to add approximately 54 dwelling units to the City. The proposed Project will place additional demands on the City's parks as a result of 124 additional persons residing at the Project. However, the City has adopted a park and recreation tax on development to ensure that additional development will pay the cost of meeting additional demand upon the City's existing park facilities and programs. The developer will be required to pay that tax. Additionally, the Project provides outdoor living area to serve the recreational needs of its residents. The Project meets the Code requirements for outdoor living area. By providing on-site open-space usable to the Project residents and by paying the applicable park fees, the Project will have a less than significant impact on the City's parks.

5. Water Supply. The City's water is supplied through a combination of groundwater extraction and purchasing of water from the Metropolitan Water District of Southern California. According to the Beverly Hills 2005 Water Quality Consumer Confidence Report, approximately ten percent of the City's water supply comes from its local groundwater resources. The proposed Project would result in development of new residential and commercial uses on property that is primarily undeveloped. The infrastructure to convey water to the Project site is in place, and no expansion or rehabilitation is anticipated to be necessary in order to supply water to the Project. The proposed Project would result in an increase in water demand of approximately 5.33 million gallons per year. The City's water supply sources are adequate to meet the projected ultimate demands for the City's service area, and the additional water demand resulting from the proposed Project will not result in the need for new water supplies. Nonetheless, mitigation is proposed to ensure that water delivery systems are sufficient. With mitigation, the Project will not have a significant impact on water supply or the City's ability to provide water to the community.

6. Wastewater. The Project will generate approximately 4.63 million gallons of wastewater per year. The infrastructure needed to transport and treat sewage is in place and is not anticipated to require expansion or rehabilitation because of the Project. Nevertheless, the Applicant shall conduct a flow study and pay its fair share of any cost to upgrade capacity to meet Project demand. Therefore, the Project's impact on wastewater will be less than significant.

7. Solid Waste Disposal. The Project will increase the amount of solid waste generated by the site. The Project is anticipated to generate approximately 265 pounds of solid waste per day (101 tons per year). However, compared to the thousands of tons of remaining capacity in the landfills serving the City, there is sufficient capacity to serve the proposed Project's solid waste generation. The increased solid waste generation attributable to the Project will not significantly affect the estimated life of the landfills. Therefore, the Project's impact on solid waste services will be less than significant.

8. Electricity and Natural Gas. The Project's projected demand would not exceed the capacity of either the electrical or natural gas utility to serve the Project.

4.10 Growth Inducing Impacts. The Project would bring growth to the area through provision of new housing and commercial opportunities. However, given the small size of the commercial area and limited number of residential units in the context of the urbanized area in which the Project is located, the Project does not have the potential to induce further significant growth.

4.11 Irreversible Adverse Environmental Impacts. Construction and operation of the Project would rely on the use of nonrenewable resources. Nonetheless, the amount of resources consumed would not be of an extraordinary nature, particularly in the context of the region in which the Project is located.

Article V. Project Alternatives

The EIR analyzed the following alternatives to the Project:

Alternative 1: No Project, No Development

Alternative 2: No Project, Code-Conforming

Alternative 3: Alternate Land Use

Alternative 4: Alternate Access

Alternate 5: Reduced Project

The alternatives evaluated constitute a reasonable range of alternatives that have the potential to avoid or substantially lessen one or more of the significant effects of the proposed Project.

As discussed below, the alternatives identified in the EIR either would not sufficiently achieve the basic objectives of the Project or would do so only with unacceptable adverse environmental

impacts. For the reasons discussed below, the City Council finds that specific economic, social, or other considerations make infeasible each of the Project alternatives identified in the EIR and each is hereby rejected. The City Council further finds that a good faith effort was made to incorporate alternatives into the preparation of the EIR, and that a reasonable range of alternatives were considered in the review process of the EIR and the ultimate decision on the Project.

The EIR analyzed a total of five (5) alternatives to the proposed Project.

A. Alternative 1: No Project, No Development

Under the No Project Alternative the Project would not be constructed and the site would remain vacant and unutilized. The No Project Alternative would avoid all impacts associated with the Project but would not meet any of the objectives of the Project for development of the site. This alternative is rejected for failing to meet the Project objectives and because it is socially infeasible due to the fact that it conflicts with the City's housing goals which call for development of "standards for mixed residential-commercial structures, with and without low income housing components, including additional height, in areas currently zoned for commercial use and consider appropriateness of various areas such as ...[the] South side of Wilshire Blvd., east of Beverly Dr." and the study of the "feasibility of allowing mixed commercial/residential uses to expand the variety of housing types available and, in certain areas, to improve commercial/residential transitions." This alternative is also legally infeasible as it would require the City to prohibit any development on this property, which would result in a taking of the property.

B. Alternative 2: No Project, Code-Conforming

Under Alternative 2, the Project site would be developed with a project that conforms to the existing Zoning Code. The alternative would consist of a 45-foot tall, three-story building with 82,000 square feet of commercial office space and 249 parking spaces. This alternative would have reduced height and floor area. However, based on the analysis in the EIR, this alternative would have comparable land use, aesthetic, air quality, noise, geology, seismicity, and hydrology impacts. Traffic impacts, however, would be greater during the peak hours likely leading to significant and unavoidable traffic impacts on residential streets adjacent to the project.

Although this alternative would reduce height and floor area, it would not be environmentally superior to the Project because it would have greater traffic impacts on residential streets. Increasing traffic through residential neighborhoods is also an unacceptable social impact and makes this Alternative socially infeasible. Finally, this Alternative would not fulfill the project objectives and General Plan goals of encouraging mixed use housing and expanding the variety of housing types available in the City. For this reason also, the alternative is socially infeasible.

C. Alternative 3: Alternate Land Use

Alternative 3 is similar to the Project except that it provides all restaurant uses in the 14,000 square foot commercial component, rather than a mixture of restaurant and retail as proposed by the Project. Based on the analysis in the EIR, this alternative would have comparable land use, aesthetic, air quality, noise, geology, seismicity, and hydrology impacts. Traffic impacts,

however, would be greater throughout the day, on Sundays and during the peak hours, leading to significant and unavoidable traffic impacts on residential streets adjacent to the project. Alternative 3 would result in significant unavoidable impacts to two residential street segments for which there is no feasible mitigation.

Although this alternative would achieve the Project's primary objectives, it would result in more traffic in the adjacent residential neighborhood than the Proposed Project and would result in significant unavoidable impacts to adjacent residential streets. Alternative 3 is not environmentally superior to the Project. Additionally, the creation of significant traffic impacts on residential streets is a socially unacceptable impact and therefore this Alternative is infeasible for social reasons.

D. Alternative 4: Alternate Access

Alternative 4 would be equivalent to Alternative 3 except that all access would be provided from Palm Drive in order to avoid traffic conflicts with the Lexus dealership and service entrance across Maple Drive from the Project. Based on the analysis in the EIR, this alternative would have comparable land use, aesthetic, air quality, noise, geology, seismicity, and hydrology impacts. Traffic impacts, however, would be greater throughout the day, on Sundays and during the peak hours, leading to significant and unavoidable traffic impacts on residential streets adjacent to the project. Alternative 4 would result in significant unavoidable impacts to residential street segments for which there is no feasible mitigation.

Although this alternative would achieve the Project's primary objectives, it would result in more traffic in the adjacent residential neighborhood than the Proposed Project and would result in significant unavoidable impacts to adjacent residential streets. Alternative 4 is not environmentally superior to the Project. Additionally, the creation of significant traffic impacts on residential streets is a socially unacceptable impact and therefore this Alternative is infeasible for social reasons. Furthermore, even if Alternative 4 contained the same uses as the proposed Project, didn't generate additional traffic, but merely distributed a greater share of traffic to Palm Drive, the City Council finds that Alternative 4 would be socially infeasible because it would disproportionately affect residents on Palm Drive rather than spread traffic more evenly on the residential streets surrounding the Project.

E. Alternative 5: Reduced Project

The Reduced Project Alternative is identical to the Project but reduces the commercial component to approximately 11,000 square feet and reduces the number of condominiums from 54 to 43. The reduced scale of Alternative 5 would result in incrementally less impacts than the Project in the areas of traffic, noise and air quality. Although this alternative would reduce impacts in several areas, those impacts were already less than significant. Therefore, the environmental benefits of this alternative are very minor. In contrast, the social consequences of this alternative are more substantial. The alternative will be less effective in implementing the General Plan goal to produce mixed use housing. In addition, this alternative will be less effective in helping the City meet its Regional Housing Needs Assessments goals. The City Council finds that the provision of housing and the expansion of different types of housing are important general plan goals and that it would be socially unacceptable to reduce the Project's

effectiveness in achieving these goals in order to realize small environmental benefits in impact areas where no significant environmental impact will occur. For this reason, this alternative is socially unacceptable.

The City Council has carefully considered the attributes and environmental impacts of all of the alternatives analyzed in the EIR and has compared them with those of the proposed Project. The City Council finds that each of the alternatives is infeasible for any one of the various environmental, social and other reasons set forth above for each alternative.

EXHIBIT B
“Mitigation Monitoring Plan”

Completed	9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
	Aesthetics			
<input type="checkbox"/>	Measure 3B.1: During construction, a security fence, the height of which shall be determined by the City of Beverly Hills, shall be maintained around the perimeter of the site. The construction site shall be kept clear of trash, weeds, etc.	Department of Community Development	The Construction Management Plan cited in Measure 3C.1 shall include and address Measure 3B.1.	This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.
<input type="checkbox"/>	Measure 3B.2: All exterior lighting shall be limited to ground level and the third floor private courtyard to accent project landscaping areas. Minimal security lighting shall be located on the south façade and in the courtyard of the building limited to project entrances, landscaping and loading areas. All lighting shall be shielded to prevent "spillover."	Department of Community Development	Measure 3B.2 shall be addressed in the plans submitted for plan check in the Department of Community Development. No building permits shall be issued in violation of this measure.	This measure shall remain in effect throughout the life of the project.
	Traffic, Circulation, and Parking			
<input type="checkbox"/>	Measure 3C.1: The project applicant shall develop and submit for approval by the City a Construction Staging and Traffic Management Plan that shall include the following: Haul Truck Routes, Queue Areas, and Deliveries. The designated truck route for the site shall be Wilshire Boulevard for trucks coming from the east or the west. The primary entry point to the site shall be off of Palm Drive at the southeast corner of the site. Trucks will access this entry point on Palm Drive from the north to and from Wilshire Boulevard. No construction traffic shall be permitted to utilize Palm Drive or Maple Drive. Flag men shall be provided to control trucks access to the site to minimize traffic delays and enhance safety.	Department of Community Development Public Works Department, Engineering Division	A Construction Management Plan shall be filed with the Department of Community Development. Such Construction Management Plan shall address for construction staging and construction traffic and be reviewed by the Department of Community Development and City's Engineering Division prior to issuance of grading permits. All mitigation measures will be enforced by the City's Plan Check Engineers, Inspectors, and Code Enforcement Officers.	This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.

Completed	9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
	Construction Transportation/Circulation. General site access and egress shall be located on Palm and Maple Drive. There shall be no site access/egress points on Wilshire Boulevard. Flag men will be provided as necessary to minimize delays.			
	Traffic, Circulation, and Parking (continued)			
	Pedestrian Safety. The contractor shall install a construction fence around the site perimeter, complying with City requirements, before excavation begins. The contractor shall be required to maintain a minimum sidewalk width of five feet on Wilshire Boulevard during the construction period. The contractor shall also erect protective sidewalk canopies on Palm Drive, Maple Drive and Wilshire Boulevard to enhance pedestrian safety along the construction site. A flag man shall be provided whenever trucks entering or leaving the project site may impede the flow of pedestrian or automotive traffic.	See previous page.	See previous page.	
	Parking. Worker parking shall be provided in an off-site parking lot, nearby, and workers will be shuttled to and from the site. The shuttle shall load and un-load near the main gate, which would be on Palm Drive near the southeast corner of the site. The shuttle shall run during the morning starting time and afternoon quitting time. Occasionally, additional trips may be operated between the construction site and parking lot. These trips are expected to have negligible effect to the surrounding street systems within the study area.			
<input type="checkbox"/>	Measure 3C.3: A loading dock management plan shall be developed to ensure that loading dock deliveries to the project site are not made from the curb.	Department of Community Development	The Loading Management Plan shall be filed with the Department of Community Development for review and approval. The approved Plan shall be maintained on file in the Department. Any violations will be addressed by the City's Community Preservation Program.	The Loading Management plan is effective immediately upon issuance of certificate of occupancy for the project. The plan shall remain effective throughout the life of the project

Completed	9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
	Geology and Soils			
<input type="checkbox"/>	Measure 3F.1: Design and construction of proposed structures should be in conformance with current building codes and engineering practices.	See following page.	See following page.	See following page.
	Geology and Soils (continued)			
<input type="checkbox"/>	Measure 3F.2: Where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompactd in accordance with the requirements of the appropriate governmental agencies.	Department of Community Development	The construction plans filed with the Building & Safety division shall comply with all mitigation measures. City Plan Check Engineers will review such plans to ensure compliance with all mitigation measures. City inspectors will ensure that all temporary and permanent structures are in compliance with all measures. The Construction Management Plan cited with Measure 3C.1 will address Measures 3F.1 through 3F.13.	All measures shall be in effect until the issuance of the Certificate of Occupancy. Measure 3F.1, which addresses the design of the permanent structures, shall remain in effect throughout the life of the project.
<input type="checkbox"/>	Measure 3F.3: A temporary shoring system with lagging shall be required during project excavation.			
<input type="checkbox"/>	Measure 3F.4: Temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.			
<input type="checkbox"/>	Measure 3F.5: A registered geotechnical engineer or his representative shall be present on-site to observe grading operations and foundation excavations.			
<input type="checkbox"/>	Measure 3F.6: On-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas will not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.			

9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program				
Completed	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<input type="checkbox"/>	Measure 3F.7: Where there is sufficient space for sloped excavations, temporary cut slopes may be made at 1.5:1 or 1:1 (horizontal to vertical) gradient with the 1.5:1 slope made adjacent to existing structures. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Excavation sup to four feet in height may be cut vertically.			
	Geology and Soils (continued)			
<input type="checkbox"/>	Measure 3F.8: If temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.	See previous page.	See previous page.	See previous page.
<input type="checkbox"/>	Measure 3F.9: Water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.			
<input type="checkbox"/>	Measure 3F.10: Where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.			
<input type="checkbox"/>	Measure 3F.11: Final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.			
<input type="checkbox"/>	Measure 3F.12: A drainage system shall be placed at the bases of building walls below grade.			
<input type="checkbox"/>	Measure 3F.13: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.			
	Hydrology and Water Quality			

Completed	9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<input type="checkbox"/>	Measure 3G.1: Prior to submission of project plans for approval, the applicant shall prepare a drainage plan for submittal to the City. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall provide the necessary detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood.	Department of Public Works, Engineering Division Department of Community Development	Pursuant to Section 9-4-506 of the Beverly Hills Municipal Code, the project is required to have an Urban Runoff Mitigation Plan filed with the Department of Public Works. Such Plan shall include and address Measures 3G.1 and 3G.2.	No grading or construction permits shall be issued prior to the approval of the Urban Runoff Mitigation Plan by the Department of Public Works.
	Hydrology and Water Quality (continued)			
<input type="checkbox"/>	Measure 3G.2: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan. The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.	See previous page.	See previous page.	See previous page.
	Hazards and Hazardous Materials			
<input type="checkbox"/>	Measure 3H.1: A Phase II soil investigation shall be conducted by a qualified geologist in soil areas near the former UST and automotive repair facilities to determine whether contaminants remain in the soils. If contaminants are identified at hazardous levels, affected soils will be removed and disposed of in accordance with applicable hazardous materials handling, transportation, and disposal regulations.	Department of Community Development Fire Department	A Phase II soil investigation shall be submitted to the Department of Community Development. If the investigation reveals contamination and the need for remediation, all remediation shall be conducted accordance with the recommendations of the investigation, the requirements of the County of Los Angeles (as administered by the Fire Department), the requirements of the Los Angeles Regional Water Quality Control	No grading permits shall be issued prior to the submittal of the Phase II soil investigation other than those that might be necessary to conduct the investigation. In the event that soil remediation is deemed necessary, no grading permits
<input type="checkbox"/>	Measure 3H.2: If contained soils are detected during in site excavation, the RWQCB and DTSC will be notified and a quality geologist will be retained to assess contamination and determine a course of action in coordination with RWQCB and DTSC.			

Completed	9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
	Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
<input type="checkbox"/>	Measure 3H.3: While no UST was detected by magnetic investigation, there is a remote possibility that a tank may have been missed and may still exist. Prior to the start of construction, the applicant shall undertake another search for an underground tank. If a tank is found it shall be removed in accordance with local regulations.		Board, and the California Department of Toxic Substances Control.	shall be issued other than those necessary for the removal of USTs and soil remediation until the remediation has been completed. Measures 3H.1, 3H.2, and 3H.3 remain in effect until all grading is completed.
	Public Services & Utilities.			
<input type="checkbox"/>	Measure 3I.1: The applicant shall undertake a flow monitoring study to assess the capacity of the local pipes to accommodate water demand. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.	Department of Public Works Department of Community Development	All flow studies shall be conducted as directed by the Department of Public Works.	Permits to commence construction shall not be issued unless approval is received from the Department of Public Works.
<input type="checkbox"/>	Measure 3I.2: The applicant shall undertake a flow monitoring study to assess the capacity of the local sewers to accommodate project flow. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.			

EXHIBIT B

CITY COUNCIL RESOLUTION

No. 07-R-12430 (SEPTEMBER 17, 2007)

RESOLUTION NO. 07-R-12430

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 63078 AND A PLANNED DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF A MIXED-USE PROJECT FOR PROPERTY LOCATED AT 9200 WILSHIRE BOULEVARD

The City Council of the City of Beverly Hills does resolve as follows:

Section 1. Introduction. 9200 Wilshire LLC, a California limited liability company formerly known as Legacy Partners SSR 9200 Wilshire, LLC, the owner and applicant (hereinafter the "Applicant"), submitted an appeal of the Planning Commission decision denying applications for a General Plan Amendment, a Zoning Code Amendment to create an overlay zone, Vesting Tentative Tract Map No. 63078, a Planned Development Permit, and a proposed Development Agreement to allow construction of a mixed-use project with approximately 14,000 square feet of retail/commercial space and 54 residential condominium units for property located at 9200 Wilshire Boulevard (collectively the "Project"). The appeal of the Planning Commission decision to the City Council was timely filed on July 28, 2006.

Although the Planning Commission's role on General Plan Amendments, Zoning Code Amendments, and Development Agreements is solely advisory to the City Council, the Commission typically has the role of approving or conditionally approving Planned Development Permits and applications for tentative tract maps. In this case, the Planning Commission denied the Project on July 27, 2006, which decision was appealed to the City Council. After granting the appeal as to the concept of mixed-use, the City Council retained jurisdiction over the Project.

Section 2. Project Background. The City Council, at its meeting on September 5, 2006, considered the Applicant's appeal of the Planning Commission resolution denying the applications for the Project. After presentation of the Project and extensive public comment, the City Council found that mixed residential/commercial use could be appropriate at the proposed location, reversed the Planning Commission's decision, and set the Project for consideration at a special meeting on October 9, 2006.

On October 9, 2006, the City Council approved in concept a mixed-use development on the site but directed the Applicant to revise certain elements of the Project design. In response to deliberations at the Planning Commission and City Council hearings, the Applicant made certain revisions to the Project, and the City Council indicated that it supported certain additional revisions to the Project including: relocating the loading area from the Maple Drive frontage to the Palm Drive frontage; shifting the building location three feet closer to Maple Drive to allow widening of Palm Drive adjacent to the Project site; and, increasing the setbacks for the upper stories of the Project, including a substantial increase of the Wilshire Boulevard setback for the sixth floor to give the appearance the building is more consistent with the maximum 45-foot height limit allowed by the C-3 zoning standards, which would underlie the proposed mixed-use overlay zone. The City Council considered the potential impacts of the Project, directed the Applicant to revise the Project to address the impacts as outlined above and recommended mitigation measures and conditions of approval to further address the potential impacts.

On April 26, 2007, the City Council

- Considered and certified the Final Environmental Impact Report prepared for the Project and adopted a Mitigation Monitoring and Reporting Program;

- Conducted first reading of an ordinance amending the Zoning Code to create an overlay zone allowing mixed-use development with greater height and density;
- Reviewed a proposed General Plan Amendment;
- Reviewed a proposed Development Agreement between the City and the Applicant; and,
- Reviewed draft plans showing the revisions previously requested by the City Council and requested an additional revision with regard to the alley setback/garage design to be reviewed at a future meeting.

On July 24, 2007, the City Council:

- Adopted a resolution approving a General Plan Amendment that applies to the 9200 Wilshire site, thus allowing mixed-use and additional height and density;
- Conducted first reading of an ordinance approving the Development Agreement between the Applicant and the City; and,
- Directed staff to prepare a resolution approving the Project with an alley setback of 5'-8" and additional landscaping in the rear.

On September 4, 2007, the City Council:

- Due to technical revisions to the Development Agreement, the City Council reintroduced and conducted first reading of an ordinance approving the Development Agreement between the Applicant and the City;
- As a result of the revisions to the Development Agreement, the ordinance amending the Zoning Code to create an overlay zone allowing mixed-use development was reintroduced and first reading was conducted.

Section 3. Project Description. The Project consists of 54 residential condominium units; approximately 14,000 square feet of ground-floor commercial space and rooftop uses including a pool, fitness center and clubhouse for residents. Building height would be 60 feet to the roof deck, and 70 feet to the top of the fitness center and clubhouse. Up to 283 parking spaces would be located in a four-level subterranean garage. Access to Project parking will be split between Maple Drive (resident parking) and Palm Drive (visitor and commercial parking). The Project's loading facilities will be located on Palm Drive and will include one space for a 35-foot truck and one space for a 55-foot truck. The approval of the Project is dependent upon approval of an overlay zone for this location because the current C-3 zoning does not allow residential uses and the Project will exceed the existing three-story/45-foot height limit and 2:1 FAR (Floor Area Ratio) allowed in the C-3 Zone.

Section 4. Planning Commission Environmental Review. The Planning Commission held duly noticed public hearings to consider the Project and the Draft Environmental Impact Report ("Draft EIR") on January 25, 2006, March 30, 2006, and June 8, 2006, and a separate public hearing for the Development Agreement on April 6, 2006. Evidence, both written and oral, was presented at said hearings. Based upon the evidence presented to it, the Planning Commission denied the Project. The Planning Commission reviewed and considered the Draft EIR prior to taking action on the Project. However, pursuant to Guidelines Section 15061(b)(4), a Project that is denied or rejected is exempt from the requirements of CEQA. Accordingly, although the Planning Commission did consider the Draft EIR, it did not adopt or certify the Draft EIR in connection with this Project because of its denial determination.

Section 5. City Council Environmental Review. On September 5, 2006, the City Council held a hearing on the appeal of the Planning Commission's July 27, 2006 action denying the Project and the City Council overturned the Planning Commission's decision. Subsequently, the City Council held public hearings on October 9, 2006, and April 26, 2007, to consider the Draft EIR, the Project, and the Development Agreement. On April 26, 2007, the City Council held a public hearing and adopted a resolution certifying the Final Environmental Impact Report ("Final EIR") making environmental findings pursuant to CEQA and adopting a mitigation monitoring and reporting program. The certification, environmental findings and mitigation monitoring and reporting program are set forth in Resolution No. 07-R-12323, dated April 26, 2007, which is incorporated herein by this reference. The mitigation measures are expressly made applicable to the Project and are incorporated into the conditions of approval for the Project.

Section 6. Vesting Tentative Tract Map Criteria. Pursuant to the California Subdivision Map Act and the City's subdivision requirements, the City Council considered the following issues in reviewing the application for Vesting Tentative Tract Map No. 63078:

6.1 Whether the proposed tentative map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City and any applicable Specific Plan of the City;

6.2 Whether the site is physically suitable for the type of development and the proposed density;

6.3 Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

6.4 Whether the design of the subdivision or type of improvements are likely to cause serious public health problems and whether the design of the subdivision or the type of improvements will conflict with any public easements; and

6.5 Whether the discharge of wastewater from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements established by the Regional Water Quality Control Board.

Section 7. Vesting Tentative Tract Map Findings. Based upon the evidence presented in the record on this matter, including the staff reports and oral and written testimony, the City Council hereby finds as follows with respect to Vesting Tentative Tract Map No. 63078:

7.1 As conditioned, the proposed Project and its design and improvements are consistent with both the General Plan of the City as amended by the City Council on July 24, 2007, and the proposed Overlay Zone. The proposed subdivision and improvements implement the development and improvements described in the Development Agreement and the Final EIR, which in turn are consistent with the General Plan and the Overlay Zone, all of which are hereby incorporated by reference. Further, the Project advances general plan policies and objectives related to providing a mix of residential types and improving residential-commercial transitions, as discussed further in Section 8 of this Resolution.

7.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site currently is vacant. The infrastructure serving the site is

generally adequate to support the development proposed on the site. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

7.3 As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Final EIR prepared for the Project found no significant impacts to fish, wildlife or habitat, and concluded that all Project impacts can be mitigated to less than significant levels.

7.4 The design of the subdivision and the type of improvements will not cause serious public health problems and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The proposed map has been preliminarily reviewed by the Public Works and Engineering Department, which has recommended conditions of approval requiring the Applicant to obtain encroachment permits for all temporary and permanent encroachments into the public rights-of-way. Further, in order to ensure sufficient alley width adjacent to the Project site to adequately serve the Project, the Public Works and Engineering Department recommends that the Applicant dedicate an additional 2.5-foot easement along the alley to accommodate widening. The public at large has not acquired any other easement for access through or use of the property.

7.5 The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board. The subdivision will be served by the Hyperion Water Treatment Plant. The plant has sufficient capacity to handle the wastewater from the Project. Therefore, the discharge of wastewater from the proposed subdivision into the existing sewer systems will

not result in a violation of existing requirements presented by the Regional Water Quality Control Board.

Section 8. General Plan Consistency. Based upon the evidence presented, including staff reports and oral testimony, the City Council hereby finds that the Project will advance the objectives of the General Plan and proposed Mixed-Use Planned Development Overlay Zone (M-PD-4) for the following reasons:

8.1 The Land Use Element Map of the General Plan was amended by the City Council on July 24, 2007 and identifies the maximum FAR for the site to be 4:0:1, with a maximum building height of 60 feet. The Project is consistent with the amended General Plan Land Use Element Map. The Project is also consistent with specific land use policies and objectives in the Land Use and Housing Elements including provision of development standards for projects involving a mix of commercial and residential uses in order to expand the variety of available housing types, possibly including low-income housing components and/or additional height in areas currently zoned for commercial use (see Objective 4.3, page 16 of the Housing Element); and, maintaining and enhancing qualities that contribute to the long-term stability and desirability of residential and non-residential areas of the City.

8.2 The Project will further the goals and objectives of the General Plan by creating a Mixed-Use Planned Development Overlay Zone (M-PD-4) and providing a mixed commercial/residential development that would not otherwise be provided in the City. The Land Use Element of the General Plan recommends that in commercial areas, “[t]he feasibility of allowing mixed commercial/residential uses should be analyzed in order to expand the variety of

housing types available and in certain areas, to improve commercial/residential transitions.”
(Land Use Element, Section 2.2)

The Project will further goals and objectives of the General Plan by replacing a vacant lot with a mixed-use project, including 54 residential condominium units. Implementation of the Project expands the housing opportunities available in the City and helps the City fulfill its obligations under the Housing Element and state housing law by helping the City meet its share of the regional housing needs. The Project is consistent with goals and policies set forth in the General Plan including Program 4.3 of the Housing Element that states as an objective, “[d]evelop standards for mixed commercial and residential uses ... with and without low-income housing components, including additional height, in areas currently zoned for commercial use ... such as: South side of Wilshire Blvd., east of Beverly Drive.” The General Plan clearly encourages the development of standards for mixed-use development on the South side of Wilshire Boulevard, east of Beverly Drive, which is the location of the Project.

8.3 The Project will further goal/objective (2) of the Land Use Element by replacing a vacant lot with a mixed-use project, including 14,000 square feet of commercial space with subterranean parking and 54 housing units that are compatible with the existing neighborhood in scale and preserve the character and “rhythm” of the surrounding streets. The Project’s parking, modern features and design will be consistent with the character and quality of life generally associated with the City and the surrounding neighborhood.

Section 9. Overlay Zone Objectives. Pursuant to Beverly Hills Municipal Code Article 1, Chapter 4 and Section 10-3-1844, the City Council may approve a planned development permit if the City Council finds that the proposal will meet the requirements of the

Municipal Code and will advance objectives of the zone in which it is located. The City Council may impose such conditions and restrictions on the approval as are necessary to ensure a planned development will advance objectives of the zone. Any approval of the Project would be contingent upon the City Council's enactment of the ordinance establishing a Mixed-Use Planned Development Overlay Zone for the site. The proposed Zone Text Amendment to create the Mixed-Use Planned Development Overlay Zone (M-PD-4) and zone change to apply the overlay to the subject property is warranted because it furthers the public interest, health, safety, morals, peace, comfort, convenience or general welfare. The proposed Overlay Zone would create appropriate standards and criteria to ensure that the Overlay Zone is compatible with uses allowed within the underlying zone and on adjacent properties while maintaining and protecting the public interest, health, safety, morals, peace, comfort, convenience or general welfare.

Should the proposed Mixed-Use Overlay Zone be adopted, a mixed-use development such as the Project would be reviewed in accordance with the following ordinance objectives Pursuant to the proposed Section 10-3-1990 of the Beverly Hills Municipal Code:

9.1 To ensure that mixed-use development in the M-PD-4 Zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

9.2 To provide for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood, through appropriate height, modulation, upper-story setbacks, other similar measures, or any combination thereof;

9.3 To provide pedestrian-friendly amenities along the street level, and setbacks that are generally consistent with other development along Wilshire Boulevard and

along Palm Drive between Wilshire Boulevard and Charleville Boulevard, and along Maple Drive between Wilshire Boulevard and Charleville Boulevard;

9.4 To ensure that mixed-use development in the M-PD-4 Zone will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety;

9.5 To foster uniform planning and development of all parcels in the M-PD-4 Zone to ensure unified development in the overlay zone; and,

9.6 To protect the public health, safety and welfare.

Section 10. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the City Council hereby finds as follows with respect to the objectives of the overlay zone:

10.1 As conditioned, the proposed Project is compatible with and will not adversely affect existing and anticipated development in the vicinity and promotes harmonious development of the area. The Project as conditioned incorporates many design elements, including architectural modulation, setbacks and landscaping, designed to integrate the Project with both the commercial areas along Wilshire Boulevard and the multi-family residential areas along Maple Drive and Palm Drive. Additionally, the arrangement of uses on the site is respectful of and reflects the Project's context to surrounding streets, with commercial uses concentrated along the Wilshire façade and residential uses behind the commercial uses at the ground floor and located above the commercial uses. The Applicant will be required to prepare and submit a construction management plan and to conform all construction activities to said plans to minimize construction impacts on adjacent land uses. Thus, the Project will not

adversely affect existing or anticipated development in the vicinity and will promote harmonious development of the area.

10.2 As conditioned, the Project provides for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood. This is achieved through the Project's maximum 60-foot height limit adjacent to a 55' height district (with existing structures that exceed 55'); modulation of the upper floors, particularly the sixth floor along Wilshire Boulevard (which begins approximately 49 feet above grade and is set back 9'-6" to 27'-6" from the front property line) to make the building appear more consistent in height with the existing Code-maximum height of 45'; and a rear setback of 5'-8" to allow for substantial landscaping along the rear alley adjacent to existing residences. The Project has a large courtyard area at the third floor along the alley, resulting in additional open space in the rear from the third through sixth floors providing some relief to the neighbors to the south. The Project has a three-foot setback at Maple Drive and a nine-foot setback at Palm Drive. This allows widening North Palm Drive by five feet along the Project site to provide additional room for truck maneuvers and to provide additional space for landscaping around the loading docks to improve their appearance.

10.3 As conditioned, the Project will provide pedestrian-friendly amenities along the street level, including retail/commercial uses and setbacks that are generally consistent with other development along Wilshire Boulevard as well as setbacks along Palm Drive and Maple Drive that are more generous than typically provided for a commercial development, and thus allowing for better truck loading access along Palm Drive and more landscaping along Palm Drive and Maple Drive in keeping with the largely residential uses of the building. The Project provides an opportunity to construct a quality mixed-use development that would not otherwise

be encouraged by the underlying zone. The Project provides sufficient floor area to allow the Applicant to construct a commercial building that includes high quality amenities and high quality architectural design. The Project design will contribute to the urban design amenities that will serve as a visual and pedestrian link between commercial areas along Wilshire Boulevard.

10.4 As conditioned, the proposed Project will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety. The Project EIR fully analyzes the existing traffic conditions, taking into account ambient traffic growth in the area surrounding the Project, as well as traffic from other projects that are proposed in the vicinity of the Project site. The EIR then adds in traffic generated from the Project, as determined pursuant to the ITE Trip Generation publication. The Project is expected to generate approximately 950 trips for a typical weekday and 992 trips for a typical Saturday. The Project would generate 33, 82 and 101 trips, during weekday morning peak hour, weekday evening peak hour, and Saturday peak hour (which is midday), respectively. Accordingly, the Project impacts do not exceed the Thresholds of Significance, which are set forth in Section 3C of the EIR, for any of the thirteen study intersections analyzed. Thus, the Project will not result in any significant traffic impacts and no mitigation is required for operation of the Project. The EIR also demonstrates that, as designed, the Project will not result in any significant adverse traffic impacts to adjacent residential streets because traffic volumes will not significantly increase on residential streets. Notwithstanding this conclusion, the City Council has required modifications to the Project to permit the widening of Palm Drive in order to further lessen any potential traffic impacts from the Project. Coupled with the revisions to the loading facility design, the Project will not result in any adverse traffic impacts on adjacent residential streets. Under the City's parking Codes,

253 parking spaces would be required and pursuant to the ITE Parking Generation, 3rd Edition, Project parking demand would be 241 parking spaces. Actual parking provided is proposed to be 275 spaces (6% compact, 11% tandem). This should be more than adequate to accommodate Project parking.

10.5 As conditioned, the Project will foster uniform planning and development of all parcels in the M-PD-4 Zone because all parcels are included in the Project which is an integrated development. Further, the Project's building façade, architectural details and landscaping are subject to review and approval by the Architectural Commission.

Based on the foregoing, the City Council finds that the Project as proposed is consistent with the objectives of the M-PD-4 Zone.

Additionally, the City Council may modify the parking requirements for a mixed use development, as part of a planned development, if it finds that such modifications would advance the objectives of the M-PD-4 Zone as set forth in Section 10-3-1990.02 of the Beverly Hills Municipal Code. The Council has determined that allowing certain standard parking spaces, as shown on the plans submitted to the City Council for its meeting of September 4, 2007, to be eighteen feet (18') in length would further the goal of ensuring that mixed-use development in the MPD-4 Zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area because the shorter spaces will allow for increased setbacks to be provided between the mixed use development and adjacent multi family residential buildings. Therefore, the City Council hereby modifies the parking requirements of the Municipal Code to allow for certain spaces to be eighteen feet (18') in length as shown on the above referenced plans.

Section 11. As conditioned, the proposed Project has sufficiently mitigated potentially adverse construction traffic impacts and parking impacts as a result of patron, employee and resident parking demand. Conditions will be imposed on the Project to reduce parking impacts, including the following: (1) on-site parking will be provided to all commercial and residential tenants of the development; (2) all employees will be provided free, on-site parking and all commercial patrons will be provided with free, on-site validated parking; and (3) a Loading Management Plan and a Parking Management Plan satisfactory to the Director of Community Development and the Director of Public Works and Transportation will be prepared. The Final EIR concluded that the Project's supply of parking is adequate to meet the parking demand generated by the Project. Two loading bays on Palm Drive will be provided. The Final EIR concludes that the proposed loading spaces will be adequate to handle the delivery demands of the Project.

Section 12. As proposed and conditioned, the Project meets the objectives of the proposed Overlay Zone as set forth in Section 11 of this Resolution. For the reasons set forth above, the City Council determines that the findings necessary to approve the Vesting Tentative Tract Map as set forth in Section 6 of this Resolution and the findings necessary to approve the Planned Development Permit can be made, provided that certain conditions of approval, including the mitigation measures and conditions set forth in Resolution No. 07-R-12323, dated April 26, 2007, are imposed and provided that such approvals shall only become valid upon the later effective date of the ordinance adopting the Zone Text Amendment and Zone Change and the ordinance adopting a development agreement.

Section 13. Conditions. Based upon the foregoing findings, the City Council hereby approves, subject to the following conditions, Vesting Tentative Tract Map No. 63078, a Planned Development Permit to allow construction of the Project at the property located at 9200 Wilshire Boulevard, and the occupancy of multi family residential uses and commercial uses at the Project site, provided that commercial uses that front on Wilshire Boulevard shall be pedestrian friendly, as determined by the Director of Community Development:

1. The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project.

Covenant Recordation

2. This Resolution approving the Vesting Tentative Tract Map and Planned Development to allow construction of a mixed-use development at the property located at 9200 Wilshire Boulevard (collectively the “Approvals”), 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 a conformed copy of the executed covenant to the Community Development Department **within 60 days** of the City Council decision. If the Applicant fails to deliver the executed covenant within the required 60 days, this Resolution approving a Development Plan Review 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 will affect the City’s ability to approve the discretionary approvals.

3. Approval of this Project is subject to all other discretionary approvals required by the City for the Project.

Planning Project Conditions

4. The Project shall be built in substantial compliance with the plans submitted for the September 4, 2007 City Council meeting, on file with the City Clerk's office and the Department of Community Development/Planning, except as modified by these conditions of approval, including Exhibit A, "Standard Conditions List," and Exhibit B, "Mitigation Monitoring Program," which are incorporated herein by reference, and subject to additional conditions as may be imposed by the Architectural Commission. In no case shall the Project include more than 54 multi-family residential units or less than 14,000 square feet of commercial space. In addition, the ground floor space fronting on Wilshire Boulevard shall be occupied by commercial uses, which, in the opinion of the Director of Community Development, are pedestrian-friendly uses. Any modifications to the plans shall be approved by the Department of Community Development/Planning prior to any work being done on the Project pursuant to those modifications. Review of modifications or corrections of may trigger the need to pay additional processing fees.

5. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such. Parking spaces for residential units shall be used solely for the parking of the personal vehicles of residents and their guests. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required. Those parking spaces required to comply with the City's Municipal Code shall not be dedicated to or used to provide parking for any off-site use. Any

parking spaces not required to comply with the City's Municipal Code may be made available to serve off-site uses upon approval by the Department of Community Development/Planning of such use of the parking space. Each parking stall designated to meet the numeric requirements of the Americans with Disabilities Act ("ADA") shall meet all ADA requirements for an accessible parking space.

6. Prior to issuance of a building permit, the applicant shall submit a signage plan for review and approval by the Department of Community Development/Planning, which plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. All signage shall conform to the signage plan.

7. There shall be a sign visible to vehicles exiting the garage at North Palm Drive prohibiting right turns into the residential neighborhood. Similarly there shall be a sign visible to vehicles exiting the garage at North Maple Drive prohibiting left turns into the residential neighborhood.

8. Prior to issuance of occupancy permits and subject to the review and approval of the Directors of Community Development and Public Works and Transportation, the Applicant shall provide a Loading Management Plan to minimize loading-related impacts from the Project on adjacent land uses. The Loading Management Plan shall identify permissible hours for loading and shall designate a delivery monitor to monitor the loading area and deliveries in order to control the circulation activities and to prevent overcrowding in the loading area. The City hereby retains the authority to impose additional conditions on the Project to address loading, delivery and parking issues, including without limitation the authority to require valet parking for patrons of the commercial uses. The Applicant shall comply with the approved Loading Management Plan and any additional conditions imposed after adoption of this Resolution and

after adoption of the Loading Management Plan, in order to address parking, loading and delivery issues.

9. The traffic generated by the Project shall be periodically monitored, at the expense of the Applicant or the successor to the Applicant who owns the commercial portions of the Property, to ensure that the actual levels of traffic do not significantly exceed the levels of traffic anticipated by the Environmental Impact Report prepared for the Project (“EIR”). In the event that such monitoring indicates that traffic generated by the Project significantly exceeds the traffic generation anticipated in the EIR, the Planning Commission or the City Council, after a public hearing, may impose additional conditions on the Project, or specifically on the owner of the commercial portion of the Project, to mitigate the impacts of the increased traffic or to reduce traffic generation to the levels anticipated in the EIR. The Applicant and any successor to the Applicant shall abide by such conditions. The first monitoring activity shall be undertaken approximately one year after the Project construction is complete and the building is fully operational.

10. All common areas and facilities shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit.

11. The Applicant shall cause the outdoor areas on the Project rooftop to be posted to clearly prohibit any rooftop structures, including without limitation, walls, fences and hedges, to exceed the 60’ maximum building height for the Project, except those rooftop structures expressly permitted in the M-PD-4 overlay zone to exceed the 60’ height limitation.

12. The Applicant shall cause the outdoor areas on the roof to be clearly posted to prohibit rooftop activities except between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 10:00 p.m., Saturday and Sunday.

13. All electrical transformers and other such mechanical equipment shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit. Screening and/or relocation may be required if the proposed locations have the potential to adversely affect the appearance of the building from the public right-of-way.

14. The Project shall conform to all requirements of the overlay zone that governs the Project site and authorizes construction of the Project.

15. No banquets or similar private receptions or events shall be held in the Project's Community Room or Conference Room or on the roof. Project common rooms and areas should be used for their intended purpose as resident recreational areas and community meeting rooms.

16. Rooftop areas shall be used by Project residents and their guests only. No commercial occupant of the Property shall use the rooftop facilities.

17. The Codes, Covenants and Restrictions (CC&Rs) for this project shall reflect the fact that, as this Project is located on Wilshire Boulevard, the maintenance of public improvements (street payment, sidewalk, curb, gutter, water and sewer lines) is usually performed at night.

18. The Applicant shall reconstruct the curb return at the southwestern corner of Wilshire/Palm and southeastern corner of Wilshire/Maple to a radius of 25 feet. The Applicant shall note the following when the curb radius is enlarged at these intersections: (i) the corner of the property shall be set back enough to accommodate the ADA requirements for the design of

handicapped ramps and adequate sidewalk behind the ramp per the latest ADA standards; (ii) the vertical slope of the intersection shall be maintained with the enlarged radius. This means that the section of the intersection would need to be rebuilt to ensure the natural slope and the standard curb height is provided; and (iii) pull boxes, light poles, and other objects that were adjacent to the previous curb shall be relocated and placed properly adjacent to the new curb.

19. 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 Department 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 must be submitted for review by the Civil Engineering Department. An indemnity bond must be submitted and approved by the City Attorney prior to excavation. A copy of a document titled *SUMMARY OF REQUIREMENTS FOR THE INSTALLATION/REMOVAL OF TIE-BACKS AND SUPPORTING STRUCTURES* which summarizes these requirements is attached and should be forwarded to the applicant.

20. The Applicant shall dedicate a 2.5-foot strip of land along the alley as depicted in the plan. The applicant shall remove and reconstruct the roadway pavement including a concrete gutter at the center of the alley in the above-mentioned area in accordance with the specifications of the City Engineer. This condition includes the relocation of any existing improvements and culture such as meter boxes, pull boxes, etc.

21. The subterranean parking is extended into the new alley dedication. An eight-foot vertical separation is required from the top of the parking structure to the finishing elevation of the alley pavement. Also an Encroachment Permit is required for the subterranean parking.

Architectural Commission Review

22. Prior to the issuance of building permits, the design, materials and finishes of the building and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the northern property line, in order to soften the view of the building from the neighboring property, to the Department of Community Development/Planning for review and approval before the issuance of any building permit. Mature plantings shall include a mix of 36 inch box trees and 15 gallon shrubs, and the landscape plan shall be consistent with the preliminary plans approved by this resolution and shall be prepared by a licensed landscape architect.

23. Final building plans shall be consistent with the preliminary plans approved by this Resolution and shall be prepared by a licensed professional.

Landscaping and Irrigation

24. Prior to final building inspection, the Applicant shall install all proposed irrigation and landscaping, including irrigation controllers, staking, and mulching, to the satisfaction of the Director of Community Development.

25. Prior to occupancy, the Applicant shall submit a letter from the Project landscape architect certifying that all landscape material and irrigation have been installed and are functioning according to the approved landscape plans.

26. The building owner and successors in interest shall be responsible for the maintenance of the site drainage system, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way.

Other Departments' Requirements

27. The Applicant shall comply with all applicable conditions and permits required from the Public Works and Transportation Department and Community Services-Recreation and Parks Department attached as Exhibit A. The Applicant shall secure all necessary permits from the Engineering Division of Public Works prior to commencement of any demolition or Project related work.

28. An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show all existing street furniture within the public right-of-way (ROW) fronting the proposed improvement site. All new construction and relocation of any existing street furniture must be clearly shown.

29. The Project shall comply with all applicable conditions from the Fire Department as may be identified through the plan check process.

Construction Management

30. The Applicant shall comply with a Construction Management Plan that has been submitted to and approved by the Department of Community Development prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:

a. Written information about the construction parking arrangements and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Building and Safety Division of Community Development. On-street parking shall be prohibited at all times during construction. The plan shall provide for construction parking at a nearby site where workers can be transported to and from the Project site.

b. Information regarding the anticipated number of workers, the location of parking with respect to schedule during the construction period, the arrangement of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertinent information regarding construction related traffic.

c. The proposed demolition/construction staging for the 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.

31. A cash deposit of \$10,000.00 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to the Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$10,000.00 is deposited with the City to cover the cost associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely request a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an addition \$10,000.00, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited, if any.

Requirements of this condition are in addition to any other remedy that the City may have at law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

32. Construction vehicular movement in and out of the construction site shall be controlled by flagmen located on North Palm Drive, North Maple Drive and/or Wilshire Boulevard to the extent necessary to ensure traffic safety as determined by the Engineering Division of the City's Public Works Department.

33. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties.

34. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person on the site in a location readily visible to the general public as approved by the Director of Community Development. Said signs shall also include the name and number of a City contact from the Community Development Department. The Applicant representative's telephone number provided shall be manned during construction hours.

35. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$50.00 for a

documentary handling fee in connection with the filing of the Notice of Determination, along with the appropriate Department of Fish and Game filing fee.

Property Maintenance

36. The property owners association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes and restrictions shall specifically reflect this obligation.

Street Widening

36. Palm Drive shall be widened by three feet adjacent to the Project at the expense of the applicant to accommodate the Project loading docks on North Palm Drive.

Street Paving

37. The applicant shall pave the southerly half of Wilshire Boulevard, the full width of N. Palm Drive adjacent to then Project site, the full width of N. Maple Drive adjacent to the Project site, and the alley contiguous the Project site.

Exterior Lighting

38. Exterior lighting should be as limited as feasible to minimize negative light and glare impacts on the neighboring residential properties. All lighting shall be shielded to prevent “spillover” and shall be directed away from surrounding properties.

Loading/Deliveries/Parking

39. Deliveries shall not be made from the adjacent rear alley and delivery trucks shall not idle and/or park in the alley or on any residential street.

40. On-site parking shall be provided to all commercial and residential tenants of the development and all employees shall be provided free, on-site parking. All commercial patrons shall be provided with free, on-site validated parking.

41. Prior to the issuance of a building permit, a Parking Management Plan satisfactory to the Director of Community Development and the Director of Public Works and Transportation will be prepared. The parking shall be operated in conformance with such plan.

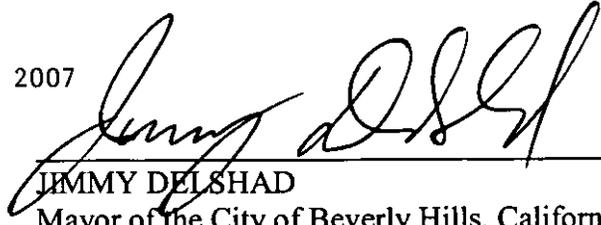
42. The life of the Vesting Tentative Tract Map shall be extended to a date that is five years from the effective date of the Development Agreement for the Project.

Green Building Design

43. The Project shall be constructed to meet the “Certified” rating pursuant to the City’s green building rating system, which means achieving 26 points out of a possible 69 points as set forth in the City’s Green Building/Sustainability Checklist (“Checklist”) attached hereto and incorporated herein as Exhibit C. A green building plan shall be submitted as part of the application for a building permit. The green building plan shall indicate which points in the Checklist that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The applicant shall be required to implement all points shown in the final green building plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official may conduct other inspections as needed to ensure compliance with this condition. The Applicant may request amendment of the green building plan and such amendment may be approved by the Building Official as long as the cumulative points total 26. If the City Council adopts a green building ordinance prior to the submittal of an application for a building permit, the Applicant shall then comply with the procedures set forth in that ordinance.

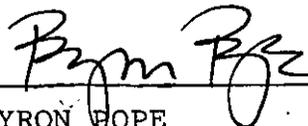
Section 14. The City Clerk shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the City Council.

Adopted: September 17, 2007



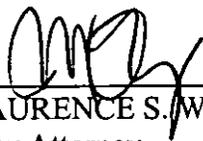
JIMMY DELSHAD
Mayor of the City of Beverly Hills, California

ATTEST:



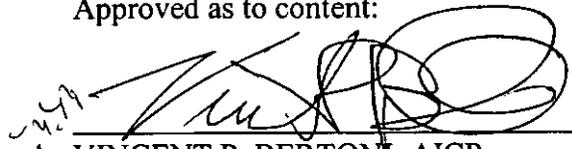
BYRON POPE
City Clerk

Approved as to form:



LAURENCE S. WIENER
City Attorney

Approved as to content:



VINCENT P. BERTONI, AICP
Director of Community Development



DAVID D. GUSTAVSON
Director of Public Works & Transportation

EXHIBIT A

CITY OF BEVERLY HILLS STANDARD CONDITIONS LIST FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalks surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
3. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the project owner or any successor in interest. The landscape material shall not exceed six to eight inches in height and shall not be planted against the street trees. Care shall be taken to not damage or remove existing tree roots within the parkway area. Further the applicant shall remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings, to the satisfaction of the Engineering Division of the City's Public Works Department.
4. 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 conceptual landscape or site plans, shall be removed or relocated unless written approval from the Recreation and Parks Department and the City Engineer first is obtained. (See attached Trees and Construction document.)

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.
5. 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 shall be permitted.
6. 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.

7. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
14. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
15. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples include but are not limited to grocery stores, mini markets and food services.
16. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
17. 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. If parking area cleaning is implemented, records of cleaning activities shall be retained for verification by a City inspector.

EXHIBIT B

ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM

Completed

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<p align="center">9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program</p>			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Aesthetics			
<p>Measure 3B.1: During construction, a security fence, the height of which shall be determined by the City of Beverly Hills, shall be maintained around the perimeter of the site. The construction site shall be kept clear of trash, weeds, etc.</p>	Department of Community Development	The Construction Management Plan cited in Measure 3C.1 shall include and address Measure 3B.1.	This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.
<p>Measure 3B.2: All exterior lighting shall be limited to ground level and the third floor private courtyard to accent project landscaping areas. Minimal security lighting shall be located on the south façade and in the courtyard of the building limited to project entrances, landscaping and loading areas. All lighting shall be shielded to prevent "spillover."</p>	Department of Community Development	Measure 3B.2 shall be addressed in the plans submitted for plan check in the Department of Community Development. No building permits shall be issued in violation of this measure.	This measure shall remain in effect throughout the life of the project.
Traffic, Circulation, and Parking			
<p>Measure 3C.1: The project applicant shall develop and submit for approval by the City a Construction Staging and Traffic Management Plan that shall include the following:</p> <p>Haul Truck Routes, Queue Areas, and Deliveries. The designated truck route for the site shall be Wilshire Boulevard for trucks coming from the east or the west. The primary entry point to the site shall be off of Palm Drive at the southeast corner of the site. Trucks will access this entry point on Palm Drive from the north to and from Wilshire Boulevard. No construction traffic shall be permitted to utilize Palm Drive or Maple Drive. Flag men shall be provided to control trucks access to the site to minimize traffic delays and enhance safety.</p> <p>Construction Transportation/Circulation. General site access and egress shall be located on Palm and Maple Drive. There shall be no site access/egress points on Wilshire Boulevard. Flag men will be provided as necessary to minimize delays.</p>	<p>Department of Community Development</p> <p>Public Works Department, Engineering Division</p>	A Construction Management Plan shall be filed with the Department of Community Development. Such Construction Management Plan shall address for construction staging and construction traffic and be reviewed by the Department of Community Development and City's Engineering Division prior to issuance of grading permits. All mitigation measures will be enforced by the City's Plan Check Engineers, Inspectors, and Code Enforcement Officers.	This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Traffic, Circulation, and Parking (continued)			
<p>Pedestrian Safety. The contractor shall install a construction fence around the site perimeter, complying with City requirements, before excavation begins. The contractor shall be required to maintain a minimum sidewalk width of five feet on Wilshire Boulevard during the construction period. The contractor shall also erect protective sidewalk canopies on Palm Drive, Maple Drive and Wilshire Boulevard to enhance pedestrian safety along the construction site. A flag man shall be provided whenever trucks entering or leaving the project site may impede the flow of pedestrian or automotive traffic.</p> <p>Parking. Worker parking shall be provided in an off-site parking lot, nearby, and workers will be shuttled to and from the site. The shuttle shall load and un-load near the main gate, which would be on Palm Drive near the southeast corner of the site. The shuttle shall run during the morning starting time and afternoon quitting time. Occasionally, additional trips may be operated between the construction site and parking lot. These trips are expected to have negligible effect to the surrounding street systems within the study area.</p>	See previous page.	See previous page.	
<input type="checkbox"/> Measure 3C.2: Trucks longer than 30 feet shall be prohibited from servicing the project site for deliveries.	Department of Community Development	The Loading Management Plan shall be filed with the Department of Community Development for review and approval. The approved Plan shall be maintained on file in the Department. Any violations will be addressed by the City's Community Preservation Program.	The Loading Management plan is effective immediately upon issuance of certificate of occupancy for the project. The plan shall remain effective throughout the life of the project
<input type="checkbox"/> Measure 3C.3: A loading dock management plan shall be developed to ensure that loading dock deliveries to the project site are not made from the curb.			
Geology and Soils			
<input type="checkbox"/> Measure 3F.1: Design and construction of proposed structures should be in conformance with current building codes and engineering practices.	See following page.	See following page.	See following page.

Completed

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Geology and Soils (continued)			
<input type="checkbox"/> Measure 3F.2: Where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompactd in accordance with the requirements of the appropriate governmental agencies.	Department of Community Development	The construction plans filed with the Building & Safety division shall comply with all mitigation measures. City Plan Check Engineers will review such plans to ensure compliance with all mitigation measures. City inspectors will ensure that all temporary and permanent structures are in compliance with all measures. The Construction Management Plan cited with Measure 3C.1 will address Measures 3F.1 through 3F.13.	All measures shall be in effect until the issuance of the Certificate of Occupancy. Measure 3F.1, which addresses the design of the permanent structures, shall remain in effect throughout the life of the project.
<input type="checkbox"/> Measure 3F.3: A temporary shoring system with lagging shall be required during project excavation.			
<input type="checkbox"/> Measure 3F.4: Temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.			
<input type="checkbox"/> Measure 3F.5: A registered geotechnical engineer or his representative shall be present on-site to observe grading operations and foundation excavations.			
<input type="checkbox"/> Measure 3F.6: On-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas will not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.			
<input type="checkbox"/> Measure 3F.7: Where there is sufficient space for sloped excavations, temporary cut slopes may be made at 1.5:1 or 1:1 (horizontal to vertical) gradient with the 1.5:1 slope made adjacent to existing structures. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Excavation sup to four feet in height may be cut vertically.			

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Completed

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Geology and Soils (continued)			
<input type="checkbox"/> Measure 3F.8: If temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.	See previous page.	See previous page.	See previous page.
<input type="checkbox"/> Measure 3F.9: Water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.			
<input type="checkbox"/> Measure 3F.10: Where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.			
<input type="checkbox"/> Measure 3F.11: Final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.			
<input type="checkbox"/> Measure 3F.12: A drainage system shall be placed at the bases of building walls below grade.			
<input type="checkbox"/> Measure 3F-13: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.			
Hydrology and Water Quality			
<input type="checkbox"/> Measure 3G.1: Prior to submission of project plans for approval, the applicant shall prepare a drainage plan for submittal to the City. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall provide the necessary detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood.	Department of Public Works, Engineering Division Department of Community Development	Pursuant to Section 9-4-506 of the Beverly Hills Municipal Code, the project is required to have an Urban Runoff Mitigation Plan filed with the Department of Public Works. Such Plan shall include and address Measures 3G.1 and 3G.2.	No grading or construction permits shall be issued prior to the approval of the Urban Runoff Mitigation Plan by the Department of Public Works.

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Completed

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<p align="center">9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program</p>			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Hydrology and Water Quality (continued)			
<p>Measure 3G.2: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan. The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.</p>	See previous page.	See previous page.	See previous page.
Hazards and Hazardous Materials			
<p>Measure 3H.1: A Phase II soil investigation shall be conducted by a qualified geologist in soil areas near the former UST and automotive repair facilities to determine whether contaminants remain in the soils. If contaminants are identified at hazardous levels, affected soils will be removed and disposed of in accordance with applicable hazardous materials handling, transportation, and disposal regulations.</p>	<p>Department of Community Development Fire Department</p>	<p>A Phase II soil investigation shall be submitted to the Department of Community Development. If the investigation reveals contamination and the need for remediation, all remediation shall be conducted accordance with the recommendations of the investigation, the requirements of the County of Los Angeles (as administered by the Fire Department), the requirements of the Los Angeles Regional Water Quality Control Board, and the California Department of Toxic Substances Control.</p>	<p>No grading permits shall be issued prior to the submittal of the Phase II soil investigation other than those that might be necessary to conduct the investigation. In the event that soil remediation is deemed necessary, no grading permits shall be issued other than those necessary for the removal of USTs and soil remediation until the remediation has been completed. Measures 3H.1, 3H.2, and 3H.3 remain in effect until all grading is completed.</p>
<p>Measure 3H.2: If contained soils are detected during in site excavation, the RWQCB and DTSC will be notified and a quality geologist will be retained to assess contamination and determine a course of action in coordination with RWQCB and DTSC.</p>			
<p>Measure 3H.3: While no UST was detected by magnetic investigation, there is a remote possibility that a tank may have been missed and may still exist. Prior to the start of construction, the applicant shall undertake another search for an underground tank. If a tank is found it shall be removed in accordance with local regulations.</p>			

Completed

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Public Services & Utilities.			
<input type="checkbox"/> Measure 31.1: The applicant shall undertake a flow monitoring study to assess the capacity of the local pipes to accommodate water demand. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.	Department of Public Works Department of Community Development	All flow studies shall be conducted as directed by the Department of Public Works.	Permits to commence construction shall not be issued unless approval is received from the Department of Public Works.
<input type="checkbox"/> Measure 31.2: The applicant shall undertake a flow monitoring study to assess the capacity of the local sewers to accommodate project flow. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.			

EXHIBIT C

**CITY OF BEVERLY HILLS
GREEN BUILDING/SUSTAINABILITY CHECKLIST**

City of Beverly Hills			
Green Building/Sustainability Checklist			
New Commercial and Multi-Family Development - Final			
Project Name:			
Project Address:			
Project Pt.	Minimum Certified Points Required (26 Points)*		
Sustainable Sites		14 Points	
C.E.	Construction Activity Pollution Prevention	Required	SS P1**
C.E.	Stormwater Design Requirement	Required	
OWNER	Development Density & Community Connectivity	1	SS 2**
OWNER	Brownfield Redevelopment	1	SS 3**
ARCH.	Alternative Transportation, Public Transportation Access	1	SS 4.1**
ARCH.	Alternative Transportation, Bicycle Storage & Changing Rooms	1	SS 4.2**
ARCH.	Alternative Transportation, Low-Emitting & Fuel-Efficient Vehicles	1	SS 4.3**
C.E.	Alternative Transportation, Parking Capacity	1	SS 4.4**
C.E.	Site Development, Protect or Restore Habitat	1	SS 5.1**
C.E.	Site Development, Maximize Open Space	1	SS 5.2**
C.E.	Stormwater Design, Quantity Control	1	SS 6.1**
C.E.	Stormwater Design, Quality Control	1	SS 6.2**
C.E./ARCH.	Heat Island Effect, Non-Roof	1	SS 7.1**
C.E./ARCH.	Heat Island Effect, Roof	1	SS 7.2**
E.E.	Light Pollution Reduction	1	SS 8**
Water Efficiency		5 Points	
LANDSCAPE	Water Efficient Landscaping, Reduce by 50%	1	WE 1.1**
LANDSCAPE	Water Efficient Landscaping, No Potable Use or No Irrigation	1	WE 1.2**
M.E.	Innovative Wastewater Technologies	1	WE 2**
M.E.	Water Use Reduction, 20% Reduction	1	WE 3.1**
M.E.	Water Use Reduction, 30% Reduction	1	WE 3.2**
Energy & Atmosphere		17 Points	

COMM.	Fundamental Commissioning of the Building Energy Systems	Required	EA P1**
M.E.	Minimum Energy Performance	Required	EA P2**
M.E.	Fundamental Refrigerant Management	Required	EA P3**
M.E.	Optimize Energy Performance (Report from M.E. based on ASHRAE is required)	1 to 10	EA 1**
M.E.	On-Site Renewable Energy (Report from M.E. based on ASHRAE is required)	1 to 3	EA 2**
COMM.	Enhanced Commissioning	1	EA 3**
M.E.	Enhanced Refrigerant Management	1	EA 4**
M.E.	Measurement & Verification	1	EA 5**
OWNER	Green Power	1	EA 6**
Materials & Resources		13 Points	
ARCH.	Storage & Collection of Recyclables	Required	MR P1**
ARCH.	Building Reuse, Maintain 75% of Existing Walls, Floors & Roof	1	MR 1.1**
ARCH.	Building Reuse, Maintain 100% of Existing Walls, Floors & Roof	1	MR 1.2**
ARCH.	Building Reuse, Maintain 50% of Interior Non-Structural Elements	1	MR 1.3**
CONT.	Construction Waste Management, Divert 50% from Disposal	1	MR 2.1**
CONT.	Construction Waste Management, Divert 75% from Disposal	1	MR 2.2**
ARCH.	Materials Reuse, 5%	1	MR 3.1**
ARCH.	Materials Reuse, 10%	1	MR 3.2**
ARCH.	Recycled Content, 10% (post-consumer + ½ pre-consumer)	1	MR 4.1**
ARCH.	Recycled Content, 20% (post-consumer + ½ pre-consumer)	1	MR 4.2**
ARCH.	Regional Materials, 10% Extracted, Processed & Manufactured Regionally	1	MR 5.1**
ARCH.	Regional Materials, 20% Extracted, Processed & Manufactured Regionally	1	MR 5.2**
ARCH.	Rapidly Renewable Materials	1	MR 6**
ARCH.	Certified Wood	1	MR 7**
Indoor Environmental Quality		15 Points	
M.E.	Minimum IAQ Performance	Required	EQ P1**
LEED AP	Environmental Tobacco Smoke (ETS) Control	Required	EQ P2**
M.E.	Outdoor Air Delivery Monitoring	1	EQ 1**
M.E.	Increased Ventilation	1	EQ 2**
CONT.	Construction IAQ Management Plan, During Construction	1	EQ 3.1**

CONT.	Construction IAQ Management Plan, Before Occupancy	1	EQ 3.2**
ARCH.	Low-Emitting Materials, Adhesives & Sealants	1	EQ 4.1**
ARCH.	Low-Emitting Materials, Paints & Coatings	1	EQ 4.2**
ARCH.	Low-Emitting Materials, Carpet Systems	1	EQ 4.3**
ARCH.	Low-Emitting Materials, Composite Wood & Agrifiber Products	1	EQ 4.4**
LEED AP	Indoor Chemical & Pollutant Source Control	1	EQ 5**
M.E.	Controllability of Systems, Lighting	1	EQ 6.1**
M.E.	Controllability of Systems, Thermal Comfort	1	EQ 6.2**
M.E.	Thermal Comfort, Design	1	EQ 7.1**
M.E.	Thermal Comfort, Verification	1	EQ 7.2**
ARCH.	Daylight & Views, Daylight 75% of Spaces	1	EQ 8.1**
ARCH.	Daylight & Views, Views for 90% of Spaces	1	EQ 8.2**
Innovation & Design Process		5 Points	
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.1**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.2**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.3**
ALL PROFS.	Innovation in Design: Provide Specific Title	1	ID 1.4**
	LEED® Accredited Professional	1	ID 2**
Project Totals (Pre-certification estimates) =			
* Certified 26- 32 points; Silver 33 - 38 points; Gold 39 - 51 points; Platinum 52 - 69 points			
** Refers to LEED Source Book for New Construction for Intent and Requirement of each category			

EXHIBIT C

PLANNING COMMISSION RESOLUTION

No. 1823 (OCTOBER 12, 2017)

RESOLUTION NO. 1823

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING MODIFICATIONS TO VESTING TENTATIVE TRACT MAP NO. 63078 AND MODIFICATIONS TO A PLANNED DEVELOPMENT TO ALLOW CONSTRUCTION OF A MIXED-USE PROJECT FOR PROPERTY LOCATED AT 9200 WILSHIRE BOULEVARD

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

Section 1. New Pacific 9200 Wilshire, LLC (the “Applicant”), has submitted an application to make modifications to a previously approved Vesting Tentative Tract Map and Planned Development Permit for the property located at 9200 Wilshire Boulevard (the “Modified Project”). The Modified Project does not meet all by-right development standards, and therefore requires modifications to previously approved entitlements that can be granted by the Planning Commission pursuant to a Vesting Tentative Tract Map and Planned Development.

Section 2. The Modified Project consists of modifications to a previously approved mixed-use building for which the City Council approved a General Plan Amendment, Planned Development, Vesting Tentative Tract Map, and Final Environmental Impact Report pursuant to City Council Resolution Nos. 07-R-12399, 07-R-12430, and 07-R-12323, respectively, as well as a Development Agreement pursuant to City Council Ordinance No. 07-O-2529 (Previously Approved Project). The following is a general description of the Previously Approved Project:

- 54 residential condominium units

- Approximately 14,000 square feet of ground floor commercial space
- Rooftop uses including pool, fitness center, and clubhouse for residents
- Building height of 60'-0" to the roof deck, and 70'-0" to the top of the fitness center and clubhouse
- Up to 283 parking spaces would be located in a four level subterranean garage
- Access to parking split between South Maple Drive (resident parking) and South Palm Drive (visitor and commercial parking)
- Loading facilities located on South Palm Drive, including one space for a 35-foot truck and one space for a 55-foot truck

The following is a description of the Modified Project:

- 54 residential condominium units
- Approximately 7,300 square feet of ground-floor commercial space
- Rooftop uses including pool, fitness center and pool lounge for residents
- Building height of 60'-0" to the roof deck, and 70'-0" to the top of the fitness center and pool lounge
- A minimum of 220 parking spaces located in a subterranean garage consisting of two full levels and a partial third level
- Access to Project parking provided from both South Maple Drive and South Palm Drive, with neither driveway restricted to building use
- Loading facilities located on South Palm Drive, including one space for a 35-foot truck and one space for a 55-foot truck

- Parking spaces on the ground floor that are located behind buildings that are less than 40'-0" deep as measured from the building façades facing South Palm Drive and South Maple Drive.

The Modified Project site is the same as the Previously Approved Project site, which is located in a previously approved Mixed Use Planned Development Overlay Zone (M-PD-4) for this location, as the underlying C-3 zoning does not allow residential uses and the Modified Project will exceed the existing three-story/45-foot height limit and 2:1 Floor Area Ratio (FAR) allowed in the C-3 Zone.

Section 3. The Modified 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. A Final Environmental Impact Report (FEIR) was certified by the City Council for the Previously Approved Project, which was originally approved by the City in 2007 (hereafter referred to as the "2007 FEIR"). The City prepared an Addendum to the 2007 FEIR to evaluate a more impactful prior iteration of the Modified Project, which was first reviewed by the Planning Commission on July 13, 2017 and considered at subsequent meetings (2017 Addendum). Based on the most recent revisions to the project, the Planning Commission has considered the environmental analysis contained in the previously certified 2007 FEIR in conjunction with the 2017 Addendum, given that the Modified Project is consistent with the number of residential units, height, and uses studied in the 2007 FEIR and the environmental analysis has been supplemented for the Modified Project by the 2017 Addendum. The primary changes between the Modified Project and the Previously Approved Project include a 6,697 square-foot decrease in retail floor area and a reduction in the number of

subterranean parking levels. Other changes include modifications to site circulation and ground floor access/entry configurations, building modulation, and reconfiguration of rooftop amenities, which would not result in any new significant environmental impacts beyond what was studied in the 2007 FEIR. This conclusion is reinforced by the 2017 Addendum, which concluded that a more intense version of the Modified Project, consisting of 90 residential units, 5,696 square feet of ground floor retail, and 275 parking spaces located in three full levels of subterranean parking would not result in impacts beyond those identified in the 2007 FEIR, thus demonstrating that the Modified Project, with even lower impact levels in such areas as grading, traffic, and air quality will not have any new substantial greater environmental impacts. The Planning Commission hereby finds that the Modified Project is within the project scope that was evaluated in the 2007 FEIR, and in addition to the analysis in the 2007 FEIR, the supplemental analysis provided in the 2017 Addendum shows that none of the conditions identified in CEQA guidelines §15162 that require preparation of a supplement to the 2007 FEIR have occurred.

Section 4. Notice of the Modified Project and public hearing was mailed on May 26, 2017 to all property owners and residential occupants within a 500-foot radius of the property plus block face, and posted on the property. The hearing notice was also published in the *Beverly Hills Courier* on Friday, May 26, 2017 and the *Beverly Hills Weekly* on Thursday, June 1, 2017. On June 8, 2017, the Planning Commission held a duly noticed public hearing, however, pursuant to the Applicant's request, the hearing was continued to a date uncertain.

Notice of the Modified Project and public hearing was mailed on June 30, 2017 to all property owners and residential occupants within a 500-foot radius of the property plus block face, and posted on the property. The hearing notice was also published in the *Beverly Hills*

Courier on Friday, June 30, 2017 and the *Beverly Hills Weekly* on Thursday, July 6, 2017. On July 13, 2017, the Planning Commission held a duly noticed public hearing. At the conclusion of that hearing, the Planning Commission appointed an Ad Hoc Committee to work with the Applicant on project revision and continued the hearing to a date uncertain.

Notice of the Modified Project and public hearing was mailed on September 1, 2017 to all property owners and residential occupants within a 500-foot radius of the property plus block face, and posted on the property. The hearing notice was also published in the *Beverly Hills Courier* on Friday, September 1, 2017 and the *Beverly Hills Weekly* on Thursday, September 7, 2017. On September 14, 2017, the Planning Commission held a duly noticed public hearing, and voted to continue the hearing to a date certain to take place at a Special Meeting on October 2, 2017 at 7:00 PM.

On October 2, 2017, the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting. At the conclusion of that hearing, the Planning Commission directed the Applicant to make further revisions to the Modified Project, and directed staff to return at a date certain on October 12, 2017 with a draft resolution approving the revised version of the Modified Project.

On October 12, 2017, the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. Vesting Tentative Tract Map Findings. Pursuant to the California Subdivision Map Act and the City's subdivision requirements, the Planning Commission considered the following issues in reviewing the application for modifications to Vesting Tentative Tract Map No. 63078:

1. Whether the proposed map and design or improvement of the proposed subdivision is consistent with applicable general and specific plans;

2. Whether the site is physically suitable for the type of development and the proposed density;

3. Whether the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat;

4. Whether the design of the subdivision or type of improvements are likely to cause serious public health problems and whether the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

5. Whether the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Vesting Tentative Tract Map:

1. As conditioned, the proposed Project and its design and improvements are consistent with both the General Plan of the City as well as the Mixed Use Planned Development Overlay Zone (M-PD-4). The proposed subdivision and improvements implement the uses described in the Overlay Zone

and comply with all applicable development standards of the Overlay Zone, including but not limited to height, density, use, and parking standards.

2. As conditioned, the site is physically suitable for the type of development and the proposed density. The site is currently vacant. The infrastructure serving the site is generally adequate to support the development proposed on the site and the Applicant shall be required to upgrade sewer capacity, if necessary, prior to finalizing the tentative map. The site has no unusual seismic or other hazards. The proposed density is generally consistent with development in the vicinity of the site. Therefore, the site is physically suitable for the type of development and the proposed density.

3. As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The 2007 Final EIR prepared for the Approved Project, and the 2017 Addendum for the Modified Project, found no significant impacts to fish, wildlife or habitat, and concluded that all Modified Project impacts can be mitigated to less than significant levels.

4. The design of the subdivision and the type of improvements will not cause serious public health problems and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Vesting Tentative Tract Map associated with the Approved Project has been preliminarily reviewed by the Public Works and Engineering Department. In addition, encroachment permits will be obtained for all temporary and permanent encroachments into the public right-of-way. The public at large has

not acquired any other easement for access through or use of the property. The Applicant is also required to provide a 2'-6" dedication to widen the alley in compliance with the Streets Master Plan.

5. The design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision in that the subdivision design considers local climate, contours, parcel configuration, and other design and improvement requirements. The lot layout of the subdivision has taken into consideration the north/south orientation, as well as the site's flat topography in maximizing passive or natural heating and cooling opportunities. Further, the subdivider will consider various building construction techniques, green building standards, overhanging eaves, window locations, insulation, and landscaping for building shade prior to final design and obtaining building permits for the Project. As such, the Modified Project will provide, to the extent feasible, future passive or natural heating or cooling opportunities.

Section 7. Planned Development Findings. Pursuant to Section 10-3-1843 of the Beverly Hills Municipal Code, in reviewing the application for modifications to the Planned Development, the Planning Commission considered whether the proposal will meet the requirements of the Zoning Code and will advance the following objectives of the zone in which it is located:

1. To ensure that mixed use development in the M-PD-4 zone will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

2. To provide for mixed use development that is compatible with the scale and massing of the surrounding neighborhood, through appropriate height, modulation, upper story setbacks, other similar measures, or any combination thereof;

3. To provide pedestrian friendly amenities along the street level, and setbacks that are generally consistent with other development along Wilshire Boulevard and along Palm Drive between Wilshire Boulevard and Charleville Boulevard, and along Maple Drive between Wilshire Boulevard and Charleville Boulevard;

4. To ensure that mixed use development in the M-PD-4 zone will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety;

5. To foster uniform planning and development of all parcels in the M-PD-4 zone to ensure unified development in the overlay zone; and

6. To protect the public health, safety, and welfare.

Section 8a¹. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Planned Development:

1. As conditioned, the Modified Project is compatible with and will not adversely affect existing and anticipated development in the vicinity and promotes harmonious development of the area. The Modified Project as conditioned

¹ Clarification Added

incorporates many design elements, including architectural modulation, setbacks and landscaping, designed to integrate the Modified Project with both the commercial areas along Wilshire Boulevard and the multi-family residential areas along Maple Drive and Palm Drive, both south and north of Wilshire Boulevard. Additionally, the arrangement of uses on the site is respectful of and reflects the Modified Project's context to surrounding streets, with commercial uses concentrated along the Wilshire façade and residential uses located above the commercial uses. The Applicant will be required to prepare and submit a construction management plan and to conform all construction activities to said plans to minimize construction impacts on adjacent land uses. Thus, the Modified Project will not adversely affect existing or anticipated development in the vicinity and will promote harmonious development of the area.

2. As conditioned, the Modified Project provides for mixed-use development that is compatible with the scale and massing of the surrounding neighborhood. This is achieved through the Modified Project's maximum 60'-0" height limit adjacent to a 55'-0" height district (with existing structures that exceed 55'-0"); modulation of the front façade with the public courtyard as well as on the upper floors, particularly the sixth floor along Wilshire Boulevard make the building appear more consistent in scale height with the existing Code-maximum height of 45'-0"; and a rear setback of 5'-8" to allow for substantial landscaping along the rear alley adjacent to existing residences. The Modified Project has modulation along the alley, resulting in additional open space in the rear from the second through sixth floors providing some relief to the neighbors to the south.

The Modified Project has a 3'-0" setback at South Maple Drive and a 9'-0" setback at South Palm Drive. This allows widening South Palm Drive by 5'-0" along the Modified Project site to provide additional room for truck maneuvers and to provide additional space for landscaping around the loading docks to improve their appearance.

3. As conditioned, the Modified Project will provide pedestrian-friendly amenities along the street level, including retail/commercial uses and a publicly accessible central courtyard along Wilshire Boulevard as well as setbacks along South Palm Drive and South Maple Drive that are more generous than typically provided for a commercial development, and thus allowing for better truck loading access along South Palm Drive and more landscaping along South Palm Drive and South Maple Drive in keeping with the largely residential uses of the building. The Modified Project provides an opportunity to construct a quality mixed-use development that would not otherwise be encouraged by the underlying zone. The Modified Project provides sufficient floor area to allow the Applicant to construct a commercial building that includes high quality amenities and high quality architectural design. The Modified Project design will contribute to the urban design amenities that will serve as a visual and pedestrian link between commercial areas along Wilshire Boulevard.

4. As conditioned, the Modified Project will not create any significant, adverse traffic safety hazards, pedestrian-vehicle conflicts or pedestrian safety hazards and will minimize impediments to vehicular circulation and pedestrian safety. The 2017 Addendum fully analyzes the existing traffic conditions, taking

into account ambient traffic growth in the area surrounding the Modified Project, as well as traffic from other projects that are proposed in the vicinity of the Modified Project site. The 2017 Addendum then adds in traffic generated from a more intense iteration of the Modified Project, including 90 residential units and 5,696 square feet of commercial space, as determined pursuant to the ITE Trip Generation publication. Based on the analysis prepared by the City's traffic consultant, the more intense version of the Modified Project's traffic impacts do not exceed the Thresholds of Significance, which are set forth in the 2017 Addendum, for any of the study intersections analyzed. Thus, since the more intense version of the Modified Project will not result in any significant traffic impacts, it is concluded that the final version of the Modified Project described herein will also not result in any significant traffic impacts and no mitigation is required for operation of the Modified Project. The 2017 Addendum also demonstrates that the more intense version of the Modified Project will not result in any significant adverse traffic impacts to adjacent residential streets because traffic volumes will not significantly increase on residential streets, and thus the final, less intense version of the Modified Project, will also not result in any significant adverse traffic impacts to adjacent residential streets. Notwithstanding this conclusion, these approvals continue to require widening of South Palm Drive in order to further lessen any potential traffic impacts from the Modified Project. Coupled with the revisions to the loading facility design, the Modified Project will not result in any adverse traffic impacts on adjacent residential streets. Under the City's parking Codes, 173 parking spaces would be required. Actual parking

provided is proposed to be a minimum of 220 spaces (8% compact, 5% tandem). This should be more than adequate to accommodate the Modified Project's parking demand.

5. As conditioned, the Modified Project will foster uniform planning and development of all parcels in the M-PD-4 Zone because all parcels are included in the Modified Project, which is an integrated development. Further, the Modified Project's building façade, architectural details and landscaping are subject to review and approval by the Architectural Commission.

6. As conditioned and designed, and consistent with the findings stated above, the Modified Project will protect the public health, safety, and welfare.

Section 8b². Based on the foregoing, the Planning Commission hereby approves the requested modifications to Vesting Tentative Tract Map No. 63078 and modifications to a Planned Development to allow construction of a mixed-use project at the property located at 9200 Wilshire Boulevard subject to the following conditions:

1. The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project.

Covenant Recordation

2. This Resolution approving the Vesting Tentative Tract Map and Planned Development to allow construction of a mixed-use development at the property located at 9200 Wilshire Boulevard (collectively the "Approvals"), shall not become effective until the owner of the Modified Project site records a

² Clarification Added

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 a conformed copy of the executed covenant to the Community Development Department within 60 days of the Planning Commission's decision. If the Applicant fails to deliver the executed covenant within the required 60 days, this Resolution approving a Planned Development and Vesting Tentative Tract Map 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 will affect the City's ability to approve the discretionary approvals.

3. Approval of this Modified Project is subject to all other discretionary approvals required by the City for the Modified Project.

Planning Project Conditions

4. The Modified Project shall be built in substantial compliance with the plans submitted for the October 12, 2017 Planning Commission meeting, on file with the City Clerk's office and the Department of Community Development/Planning, except as modified by these conditions of approval, including Exhibit A, "Standard Conditions List," and Exhibit B, "Mitigation Monitoring Program," which are incorporated herein by reference, and subject to additional conditions as may be imposed by the Architectural Commission. In no

case shall the Modified Project include more than 54 multi-family residential units or less than 7,300 square feet of commercial space. In addition, the ground floor space fronting on Wilshire Boulevard shall be occupied by commercial uses, which, in the opinion of the Director of Community Development, are pedestrian-friendly uses. Any modifications to the plans shall be approved by the Department of Community Development/Planning prior to any work being done on the Modified Project pursuant to those modifications. Review of modifications or corrections of the plans may trigger the need to pay additional processing fees.

5. Parking spaces for the residential units shall be permanently assigned to each unit and shall be labeled as such. Parking spaces for residential units shall be used solely for the parking of the personal vehicles of residents and their guests. Parking spaces for residential units may not be leased, subleased, sold, transferred, or otherwise separated from the unit for which the parking spaces are required. Those parking spaces required to comply with the City's Municipal Code shall not be dedicated to or used to provide parking for any off-site use. Any parking spaces not required to comply with the City's Municipal Code and not regularly used by residents, residents' guests, and commercial tenants or visitors, may be made available to serve off-site uses upon approval by the Planning Commission of such use of the excess parking spaces. Each parking stall designated to meet the numeric requirements of the Americans with Disabilities Act ("ADA") shall meet all ADA requirements for an accessible parking space.

6. Prior to issuance of a building permit, the applicant shall submit a signage plan for review and approval by the Department of Community

Development/Planning, which plan shall include, but not be limited to, provision of appropriate signage and precautionary devices inside the parking garage. All signage shall conform to the signage plan.

7. There shall be a sign visible to vehicles exiting the garage at South Palm Drive prohibiting right turns into the residential neighborhood. Similarly there shall be a sign visible to vehicles exiting the garage at South Maple Drive prohibiting left turns into the residential neighborhood. In addition, raised curbs (also referred to as 'pork chops') shall be installed at both driveways and shall be designed to encourage vehicles exiting the driveways to be oriented away from the prohibited turns into the residential areas. Final design of these 'pork chops' shall be subject to review and approval by the City's Traffic Engineer.

8. Prior to issuance of occupancy permits and subject to the review and approval of the Director of Community Development, the Applicant shall provide a Loading Management Plan to minimize loading-related impacts from the Modified Project on adjacent land uses. The Loading Management Plan shall identify permissible hours for loading and shall designate a delivery monitor to monitor the loading area and deliveries in order to control the circulation activities and to prevent overcrowding in the loading area. The City hereby retains the authority to impose additional conditions on the Modified Project to address loading, delivery and parking issues, including without limitation the authority to require valet parking for patrons of the commercial uses. The Applicant shall comply with the approved Loading Management Plan and any additional conditions imposed after adoption of this Resolution and after adoption of the

Loading Management Plan, in order to address parking, loading and delivery issues.

9. The traffic generated by the Modified Project shall be periodically monitored, at the expense of the Applicant or the successor to the Applicant who owns the commercial portions of the Property, to ensure that the actual levels of traffic do not significantly exceed the levels of traffic anticipated by the Environmental Impact Report prepared for the Previously Approved Project (“EIR”) and EIR Addendum prepared for the Modified Project. In the event that such monitoring indicates that traffic generated by the Modified Project significantly exceeds the traffic generation anticipated in the EIR and EIR Addendum, the Planning Commission or the City Council, after a public hearing, may impose additional conditions on the Modified Project, or specifically on the owner of the commercial portion of the Modified Project, to mitigate the impacts of the increased traffic or to reduce traffic generation to the levels anticipated in the EIR and EIR Addendum. The Applicant and any successor to the Applicant shall abide by such conditions. The first monitoring activity shall be undertaken approximately one year after the Modified Project construction is complete and the building is fully operational.

10. All common areas and facilities shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit.

11. The Applicant shall cause the outdoor areas on the Modified Project rooftop to be posted to clearly prohibit any rooftop structures, including without

limitation, walls, fences and hedges, that exceed the 60'-0" maximum building height for the Modified Project, except those rooftop structures expressly permitted in the M-PD-4 overlay zone to exceed the 60'-0" height limitation.

12. The Applicant shall cause the outdoor areas on the roof to be clearly posted to prohibit rooftop activities except between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 10:00 p.m., Saturday and Sunday.

13. All electrical transformers and other such mechanical equipment shall be clearly depicted, described, or both, in the final plans reviewed by the Department of Community Development/Planning, prior to issuance of a building permit. Screening and/or relocation may be required if the proposed locations have the potential to adversely affect the appearance of the building from the public right-of-way.

14. The Modified Project shall conform to all requirements of the M-PD-4 overlay zone that governs the Modified Project site and authorizes construction of the Modified Project.

15. No banquets or similar private receptions or events shall be held by non-residents in the Modified Project's Community Clubhouse or other areas on the roof. Modified Project common rooms and areas should be used for their intended purpose as resident recreational areas and community meeting rooms, provided that residents shall be allowed to have private receptions or events for themselves and their guests.

16. Rooftop areas shall be used by Modified Project residents and their guests only. No commercial occupant of the Property shall use the rooftop facilities.

17. The Codes, Covenants and Restrictions (CC&Rs) for this Modified Project shall reflect the fact that, as this Modified Project is located on Wilshire Boulevard, and the maintenance of public improvements (street payment, sidewalk, curb, gutter, water and sewer lines) is usually performed at night.

18. The Applicant shall reconstruct the curb return at the southwestern corner of Wilshire/Palm and southeastern corner of Wilshire/Maple to a radius of 25'-0". The Applicant shall note the following when the curb radius is enlarged at these intersections: (i) the corner of the property shall be set back enough to accommodate the ADA requirements for the design of handicapped ramps and adequate sidewalk behind the ramp per the latest ADA standards; (ii) the vertical slope of the intersection shall be maintained with the enlarged radius. This means that the section of the intersection would need to be rebuilt to ensure the natural slope and the standard curb height is provided; and (iii) pull boxes, light poles, and other objects that were adjacent to the previous curb shall be relocated and placed properly adjacent to the new curb.

19. 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 Department 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 must be submitted for

review by the Civil Engineering Department. An indemnity bond must be submitted and approved by the City Attorney prior to excavation. A copy of a document titled SUMMARY OF REQUIREMENTS FOR THE INSTALLATION/REMOVAL OF TIE-BACKS AND SUPPORTING STRUCTURES which summarizes these requirements is attached and should be forwarded to the applicant.

20. The Applicant shall dedicate a 2'-6" wide strip of land along the alley as depicted in the plan. The Applicant shall remove and reconstruct the roadway pavement including a concrete gutter at the center of the alley in the above-mentioned area in accordance with the specifications of the City Engineer. This condition includes the relocation of any existing improvements and culture such as meter boxes, pull boxes, etc.

21. In the case that the subterranean parking is extended into the new alley dedication or any other public right of way, an 8'-0" vertical separation is required from the top of the parking structure to the finishing elevation of the alley pavement. An Encroachment Permit is also required for the subterranean parking, should it extend into the new alley dedication or any other public right of way.

Architectural Commission Review

22. Prior to the issuance of building permits, the design, materials and finishes of the building and proposed landscaping shall be subject to the review and approval of the Architectural Commission. The Applicant shall submit final landscape, lighting and irrigation plans that include mature-sized plantings along the southern property line, in order to soften the view of the building from the

neighboring property, to the Department of Community Development/Planning for review and approval before the issuance of any building permit. Mature plantings shall include a mix of 36-inch box trees and 15 gallon shrubs, and the landscape plan shall be consistent with the preliminary plans approved by this resolution and shall be prepared by a licensed landscape architect.

23. Final building plans shall be consistent with the preliminary plans approved by this Resolution and shall be prepared by a licensed professional.

Landscaping and Irrigation

24. Prior to final building inspection, the Applicant shall install all proposed irrigation and landscaping, including irrigation controllers, staking, and mulching, to the satisfaction of the Director of Community Development.

25. Prior to occupancy, the Applicant shall submit a letter from the Modified Project landscape architect certifying that all landscape material and irrigation have been installed and are functioning according to the approved landscape plans.

26. The building owner and successors in interest shall be responsible for the maintenance of the site drainage system, sidewalks, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way.

Other Departments' Requirements

27. The Applicant shall comply with all applicable conditions and permits required from the Public Works and Transportation Department and Community Services-Recreation and Parks Department attached as Exhibit A.

The Applicant shall secure all necessary permits from the Engineering Division of Public Works prior to commencement of any demolition or Modified Project related work.

28. An offsite improvement plan prepared by a registered civil engineer must be submitted to the Civil Engineering Division. This plan must show all existing street furniture within the public right-of-way (ROW) fronting the proposed improvement site. All new construction and relocation of any existing street furniture must be clearly shown.

29. The Modified Project shall comply with all applicable conditions from the Fire Department as may be identified through the plan check process.

Construction Management

30. The Applicant shall comply with a Construction Management Plan that has been submitted to and approved by the Department of Community Development prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:

a. Written information about the construction parking arrangements and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Building and Safety Division of Community Development. On-street parking shall be prohibited at all times during construction. The plan shall provide for construction parking at a nearby site where workers can be transported to and from the Modified Project site.

b. Information regarding the anticipated number of workers, the location of parking with respect to schedule during the construction period, the arrangement of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertinent information regarding construction related traffic.

c. The proposed demolition/construction staging for the Modified 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.

31. A cash deposit of \$10,000.00 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to the Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions of the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$25,000.00 is deposited with the City to cover the cost associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely request a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the

additional deposit, the issuance of a stop work notice, and the deposit of an additional \$25,000.00, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited, if any. Requirements of this condition are in addition to any other remedy that the City may have at law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

32. Construction vehicular movement in and out of the construction site shall be controlled by flagmen located on South Palm Drive, South Maple Drive and/or Wilshire Boulevard to the extent necessary to ensure traffic safety as determined by the Engineering Division of the City's Public Works Department.

33. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties.

34. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development

and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person on the site in a location readily visible to the general public as approved by the Director of Community Development. Said signs shall also include the name and number of a City contact from the Community Development Department. The Applicant representative's telephone number provided shall be manned during construction hours.

35. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$3,128.25 for a documentary handling fee in connection with the filing of the Notice of Determination, along with the appropriate Department of Fish and Game filing fee. If it is determined that the fee is less than this amount, the remainder shall be refunded to the Applicant. If it is determined that the fee is more than this amount, the Applicant shall be responsible for submitting payment for the full amount of the required fees for filing the Notice of Determination.

Property Maintenance

36. The property owners association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions. The covenants, codes and restrictions shall specifically reflect this obligation.

Street Widening

37. South Palm Drive shall be widened by 3'-0" adjacent to the Modified Project at the expense of the applicant to accommodate the Modified Project loading docks on South Palm Drive.

Street Paving

38. The Applicant shall pave the southerly half of Wilshire Boulevard, the full width of South Palm Drive adjacent to the Modified Project site, the full width of South Maple Drive adjacent to the Modified Project site, and the alley contiguous the Modified Project site.

Exterior Lighting

39. Exterior lighting shall be as limited as feasible to minimize negative light and glare impacts on the neighboring residential properties. All lighting shall be shielded to prevent "spillover" and shall be directed away from surrounding properties.

Loading/Deliveries/Parking

40. Deliveries shall not be made from the adjacent rear alley and delivery trucks shall not idle and/or park in the alley or on any residential street.

41. On-site parking shall be provided to all commercial and residential tenants of the development and all employees shall be provided free, on-site parking. All commercial patrons shall be provided with free, on-site validated parking.

42. Prior to the issuance of a building permit, a Parking Management Plan satisfactory to the Director of Community Development and the Director of

Public Works and Transportation shall be prepared by the Applicant. The parking shall be operated in conformance with such plan.

43. The Vesting Tentative Tract Map would have expired as of October 18, 2016. However, pursuant to the Development Agreement that was approved for the project, including Amendment 1 to the Development Agreement as well as applicable Municipal Code provisions, the Vesting Tentative Tract Map shall remain active until such time as the term of the Development Agreement expires.

Green Building Design

44. The Modified Project shall be constructed to meet the requirements of all adopted local and state sustainable building regulations and codes.

45. Prior to the issuance of Building Permits for the Modified Project, the plans shall be updated to include dedicated bicycle parking facilities on the site.

46. The central courtyard facing Wilshire Boulevard shall be accessible to the general public during the normal business hours kept by the ground floor commercial uses, and shall not be restricted to use only by residents of the Modified Project, except that the courtyard may be closed up to twelve (12) times per year for private events held by the residential or commercial tenants. Notice of such events shall be submitted to the Director of Community Development at least 48 hours in advance.

47. Amplified sound, including amplified music, shall be prohibited in the ground floor courtyard and the rooftop areas at all times.

48. The Modified Project shall include a minimum of 7,300 square feet of ground floor commercial floor area unless the Architectural Commission finds that a lesser amount of ground floor commercial floor area is more aesthetically pleasing. Notwithstanding the foregoing, in no case shall the Modified Project include less than 6,100 square feet of ground floor commercial floor area.

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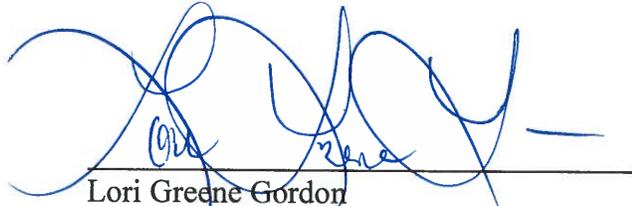
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Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission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

Adopted: October 12, 2017



Lori Greene Gordon
Chair of the Planning Commission of the
City of Beverly Hills

Attest:



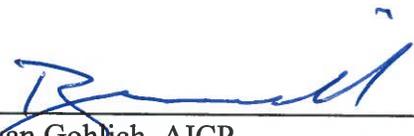
Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department

Exhibits:

A – Standard Conditions List

B – Mitigation Monitoring Program

EXHIBIT A

**CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST FOR THE PLANNING COMMISSION**

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalks surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings to the satisfaction of the Engineering Division of the City's Public Works Department.
3. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the project owner or any successor in interest. The landscape material shall not exceed six to eight inches in height and shall not be planted against the street trees. Care shall be taken to not damage or remove existing tree roots within the parkway area. Further the applicant shall remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings, to the satisfaction of the Engineering Division of the City's Public Works Department.
4. 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 conceptual landscape or site plans, shall be removed or relocated unless written approval from the Recreation and Parks Department and the City Engineer first is obtained. (See attached Trees and Construction document.)

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.

5. 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 shall be permitted.
6. 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.
7. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
14. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
15. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples include but are not limited to grocery stores, mini markets and food services.
16. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
17. 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. If parking area cleaning is implemented, records of cleaning activities shall be retained for verification by a City inspector.

EXHIBIT B

ADOPTED MITIGATION MONITORING AND REPORTING PROGRAM

Completed

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**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Aesthetics			
<p>Measure 3B.1: During construction, a security fence, the height of which shall be determined by the City of Beverly Hills, shall be maintained around the perimeter of the site. The construction site shall be kept clear of trash, weeds, etc.</p>	<p>Department of Community Development</p>	<p>The Construction Management Plan cited in Measure 3C.1 shall include and address Measure 3B.1.</p>	<p>This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.</p>
<p>Measure 3B.2: All exterior lighting shall be limited to ground level and the third floor private courtyard to accent project landscaping areas. Minimal security lighting shall be located on the south façade and in the courtyard of the building limited to project entrances, landscaping and loading areas. All lighting shall be shielded to prevent "spillover."</p>	<p>Department of Community Development</p>	<p>Measure 3B.2 shall be addressed in the plans submitted for plan check in the Department of Community Development. No building permits shall be issued in violation of this measure.</p>	<p>This measure shall remain in effect throughout the life of the project.</p>
Traffic, Circulation, and Parking			
<p>Measure 3C.1: The project applicant shall develop and submit for approval by the City a Construction Staging and Traffic Management Plan that shall include the following:</p> <p>Haul Truck Routes, Queue Areas, and Deliveries. The designated truck route for the site shall be Wilshire Boulevard for trucks coming from the east or the west. The primary entry point to the site shall be off of Palm Drive at the southeast corner of the site. Trucks will access this entry point on Palm Drive from the north to and from Wilshire Boulevard. No construction traffic shall be permitted to utilize Palm Drive or Maple Drive. Flag men shall be provided to control trucks access to the site to minimize traffic delays and enhance safety.</p> <p>Construction Transportation/Circulation. General site access and egress shall be located on Palm and Maple Drive. There shall be no site access/egress points on Wilshire Boulevard. Flag men will be provided as necessary to minimize delays.</p>	<p>Department of Community Development</p> <p>Public Works Department, Engineering Division</p>	<p>A Construction Management Plan shall be filed with the Department of Community Development. Such Construction Management Plan shall address for construction staging and construction traffic and be reviewed by the Department of Community Development and City's Engineering Division prior to issuance of grading permits. All mitigation measures will be enforced by the City's Plan Check Engineers, Inspectors, and Code Enforcement Officers.</p>	<p>This measure shall be met prior to the issuance of any grading or construction permits. This measure shall be in effect until the issuance of the certificate of occupancy.</p>

Completed

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Traffic, Circulation, and Parking (continued)			
<p>Pedestrian Safety. The contractor shall install a construction fence around the site perimeter, complying with City requirements, before excavation begins. The contractor shall be required to maintain a minimum sidewalk width of five feet on Wilshire Boulevard during the construction period. The contractor shall also erect protective sidewalk canopies on Palm Drive, Maple Drive and Wilshire Boulevard to enhance pedestrian safety along the construction site. A flag man shall be provided whenever trucks entering or leaving the project site may impede the flow of pedestrian or automotive traffic.</p> <p>Parking. Worker parking shall be provided in an off-site parking lot, nearby, and workers will be shuttled to and from the site. The shuttle shall load and un-load near the main gate, which would be on Palm Drive near the southeast corner of the site. The shuttle shall run during the morning starting time and afternoon quitting time. Occasionally, additional trips may be operated between the construction site and parking lot. These trips are expected to have negligible effect to the surrounding street systems within the study area.</p>	See previous page.	See previous page.	
<input type="checkbox"/> Measure 3C.2: Trucks longer than 30 feet shall be prohibited from servicing the project site for deliveries.	Department of Community Development	The Loading Management Plan shall be filed with the Department of Community Development for review and approval. The approved Plan shall be maintained on file in the Department. Any violations will be addressed by the City's Community Preservation Program.	The Loading Management plan is effective immediately upon issuance of certificate of occupancy for the project. The plan shall remain effective throughout the life of the project
<input type="checkbox"/> Measure 3C.3: A loading dock management plan shall be developed to ensure that loading dock deliveries to the project site are not made from the curb.			
Geology and Soils			
<input type="checkbox"/> Measure 3F.1: Design and construction of proposed structures should be in conformance with current building codes and engineering practices.	See following page.	See following page.	See following page.

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**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Geology and Soils (continued)			
<input type="checkbox"/> Measure 3F.2: Where the planned depth of excavation does not extend below the existing fill soils, the existing fill soils shall be removed and recompactd in accordance with the requirements of the appropriate governmental agencies.	Department of Community Development	The construction plans filed with the Building & Safety division shall comply with all mitigation measures. City Plan Check Engineers will review such plans to ensure compliance with all mitigation measures. City inspectors will ensure that all temporary and permanent structures are in compliance with all measures. The Construction Management Plan cited with Measure 3C.1 will address Measures 3F.1 through 3F.13.	All measures shall be in effect until the issuance of the Certificate of Occupancy. Measure 3F.1, which addresses the design of the permanent structures, shall remain in effect throughout the life of the project.
<input type="checkbox"/> Measure 3F.3: A temporary shoring system with lagging shall be required during project excavation.			
<input type="checkbox"/> Measure 3F.4: Temporary and permanent retaining walls shall be designed for the recommended lateral earth pressures and shall be provided with a good drainage system.			
<input type="checkbox"/> Measure 3F.5: A registered geotechnical engineer or his representative shall be present on-site to observe grading operations and foundation excavations.			
<input type="checkbox"/> Measure 3F.6: On-site grading shall be performed in such a manner that alteration of stormwater runoff or erosion of graded areas will not occur. All areas of construction shall be fine-graded to direct water away from foundation and basement areas and direct water to the nearest available storm drain or to the street. Runoff at the project site shall not be allowed to flow in an uncontrolled manner, especially over any permanent or temporary slopes.			
<input type="checkbox"/> Measure 3F.7: Where there is sufficient space for sloped excavations, temporary cut slopes may be made at 1.5:1 or 1:1 (horizontal to vertical) gradient with the 1.5:1 slope made adjacent to existing structures. However, the stability of the graded slopes shall be addressed when grading plans are completed for the proposed development. Excavation sup to four feet in height may be cut vertically.			

Completed

**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Geology and Soils (continued)			
<input type="checkbox"/> Measure 3F.8: If temporary excavation slopes are to be maintained during the rainy season, all drainage shall be directed away from the top of the slope. No water shall be allowed to flow uncontrolled over the face of any temporary or permanent slope.	See previous page.	See previous page.	See previous page.
<input type="checkbox"/> Measure 3F.9: Water shall not be allowed to pond at the top of the excavation or allowed to flow into the excavation.			
<input type="checkbox"/> Measure 3F.10: Where sufficient space for sloped excavations is not available, shoring shall be used. The shoring system may consist of soldier piles and lagging.			
<input type="checkbox"/> Measure 3F.11: Final shoring plans, specifications, and designs for walls below grade shall be reviewed and approved by a geotechnical engineer.			
<input type="checkbox"/> Measure 3F.12: A drainage system shall be placed at the bases of building walls below grade.			
<input type="checkbox"/> Measure 3F.13: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan (WQMP). The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.			
Hydrology and Water Quality			
<input type="checkbox"/> Measure 3G.1: Prior to submission of project plans for approval, the applicant shall prepare a drainage plan for submittal to the City. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall provide the necessary detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood.	Department of Public Works, Engineering Division Department of Community Development	Pursuant to Section 9-4-506 of the Beverly Hills Municipal Code, the project is required to have an Urban Runoff Mitigation Plan filed with the Department of Public Works. Such Plan shall include and address Measures 3G.1 and 3G.2.	No grading or construction permits shall be issued prior to the approval of the Urban Runoff Mitigation Plan by the Department of Public Works.

Completed

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**9200 Wilshire Boulevard Mixed Use Project
Mitigation Monitoring Program**

Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Hydrology and Water Quality (continued)			
<p>Measure 3G.2: Prior to the issuance of a grading permit by the City, the applicant shall have an approved Water Quality Management Plan. The WQMP shall identify the site design, source control and treatment control BMPs that will be implemented on the site to control predictable pollutant runoff.</p>	See previous page.	See previous page.	See previous page.
Hazards and Hazardous Materials			
<p>Measure 3H.1: A Phase II soil investigation shall be conducted by a qualified geologist in soil areas near the former UST and automotive repair facilities to determine whether contaminants remain in the soils. If contaminants are identified at hazardous levels, affected soils will be removed and disposed of in accordance with applicable hazardous materials handling, transportation, and disposal regulations.</p>	<p>Department of Community Development Fire Department</p>	<p>A Phase II soil investigation shall be submitted to the Department of Community Development. If the investigation reveals contamination and the need for remediation, all remediation shall be conducted accordance with the recommendations of the investigation, the requirements of the County of Los Angeles (as administered by the Fire Department), the requirements of the Los Angeles Regional Water Quality Control Board, and the California Department of Toxic Substances Control.</p>	<p>No grading permits shall be issued prior to the submittal of the Phase II soil investigation other than those that might be necessary to conduct the investigation. In the event that soil remediation is deemed necessary, no grading permits shall be issued other than those necessary for the removal of USTs and soil remediation until the remediation has been completed. Measures 3H.1, 3H.2, and 3H.3 remain in effect until all grading is completed.</p>
<p>Measure 3H.2: If contained soils are detected during in site excavation, the RWQCB and DTSC will be notified and a quality geologist will be retained to assess contamination and determine a course of action in coordination with RWQCB and DTSC.</p>			
<p>Measure 3H.3: While no UST was detected by magnetic investigation, there is a remote possibility that a tank may have been missed and may still exist. Prior to the start of construction, the applicant shall undertake another search for an underground tank. If a tank is found it shall be removed in accordance with local regulations.</p>			

Completed

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9200 Wilshire Boulevard Mixed Use Project Mitigation Monitoring Program			
Mitigation Measures	Responsible Agency	Monitoring Procedure and Reporting Mechanism	Implementation Schedule
Public Services & Utilities.			
<input type="checkbox"/> Measure 31.1: The applicant shall undertake a flow monitoring study to assess the capacity of the local pipes to accommodate water demand. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.	Department of Public Works Department of Community Development	All flow studies shall be conducted as directed by the Department of Public Works.	Permits to commence construction shall not be issued unless approval is received from the Department of Public Works.
<input type="checkbox"/> Measure 31.2: The applicant shall undertake a flow monitoring study to assess the capacity of the local sewers to accommodate project flow. If insufficient capacity is available, the applicant shall pay their fair share as reasonably determined by the city to correct this deficiency.			

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

I, KAREN MYRON, Recording Secretary of the Planning Commission of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1823 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on October 12, 2017, 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: Commissioner Block, Vice Chair Licht, Chair Gordon

NOES: Commissioners Corman, Shooshani

ABSTAIN: None

ABSENT: None



KAREN MYRON
Recording Secretary of the
Planning Commission
City of Beverly Hills, California

EXHIBIT D

PROJECT COMPARISON TABLE

Project Comparison Table

	2007 Approved Project	Proposed Modified Project (Analyzed in 2017 Addendum)	Approved Modified Project (2017)	Proposed Project (2018)
# of Parcels	5 Parcels	5 Parcels	5 Parcels	5 Parcels
Project Site Size	40,732 sf	40,733 sf	40,733 sf	40,733 sf
Building Floor Area	160,218 sf	160,218 sf	157,550 sf	157,320 sf
Commercial / Retail Floor Area	14,000 sf	5,696 sf	7,303 sf	6,650 sf
Private Open Space	Approved per plan	Per plan	9,649 sf	9,169 sf
Common Open Space	Approved per plan	Per plan	9,694 sf	10,559 sf
Max. FAR	3.93	3.93	3.86	3.86
Units: Total	54	90	54	54
) 1 bedroom	0	14	0	0
) 2 bedroom	44	72	48	48
) 3 bedroom	10	4	6	6
Parking Total	275	275	220	248
Levels of subterranean parking	4 levels	3 levels	2 levels + 1 partial level	3 levels
Excavation	53,000 CY	47,350 CY	No number identified in reports	47,350 CY
Height	70' / 6 stories	70' / 6 stories	70' / 6 stories	70' / 6 stories 79'3" to top of elevator enclosure 64'3 to top of 6 th floor
North Side Modulation	Approved per plan	28,902 sf total	27,151 sf	25,984 sf
South Side Modulation	Approved per plan	Per plan	5,458 sf	6,335 sf
*PC Reso. No. 1823 notes that the project was approved to have 7,303 sf of retail as proposed, but that the amount of retail could be reduced to no less than 6,100, if approved by the Architectural Commission.				