



CITY OF BEVERLY HILLS

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Vincent P. Bertoni, AICP, Director of Community Development

DATE: March 27, 2008

SUBJECT: Construction Measures for the 9900 Wilshire Project

Over the course of the Planning Commission and City Council hearings, issues have been raised by the Beverly Hills Unified School District, the El Rodeo PTA and other concerned parties regarding the potential impacts of the construction of the 9900 Wilshire and Beverly Hilton Revitalization projects on the El Rodeo School. In particular, issues of air quality, noise/vibration, traffic congestion, parking, and security were noted.

In addition to mitigation measures found in the EIR, the Planning Commission recommended the implementation of additional construction mitigation measures and conditions of approval including a School Benefit Fee (undetermined amount).

Staff has evaluated these mitigation measures to insure that they address the concerns raised by the community and staff recommends the addition of several key mitigation measures and conditions of approval including:

- The hiring of a third party consultant to prepare a Construction Management Plan which incorporates all final construction mitigation measures and expands them into an implementation plan for all major phases of construction (demolition, excavation, concrete, superstructure, etc).
- The third party consultant hired to prepare the Construction Management Plan will also provide the services of an Environmental Monitor.
- The third party consultant hired to provide these services will be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District.

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- Placement of a Mitigation Monitor trailer on or adjacent to the El Rodeo School campus for easy access to District staff, parents, and local residents.
- Requiring the primary haul route down Santa Monica Boulevard, with no hauling on Wilshire Blvd.
- Wrapping the building during the demolition phase
- Requiring the acceleration of demolition and grading phase while El Rodeo School is on summer break.
- City staff will immediately stop construction upon verification of any violation of the Construction Management Plan.

It should be noted that over past six years, the Beverly Hills Unified School District has contracted with the City of Beverly Hills Community Development Department to provide State required building inspection services under the Division of State of Architect (DSA) regulations.

This is a close working relationship and Building & Safety staff have performed inspections for the District's most recent modernization projects at the following locations:

- Beverly Hills High School
- Beverly Vista Elementary School
- El Rodeo Elementary School
- Horace Mann Elementary
- Hawthorne Elementary School

Past and Current Practices.

Both the Beverly Hills Unified School District and the City of Beverly Hills have imposed mitigation measures on projects they've approved to minimize impacts during construction.

The following are actual measures each agency has previously instituted and reflect the issues that the two agencies would ordinarily consider on major construction projects.

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Beverly Hills School District.

The following measures are the mitigation measures from the 1998 Beverly Vista School EIR. It should be noted that the construction proceeded while classes were in session at the School. With respect to the project, the Beverly Hills Unified School District had the role of both the regulator and as the property owner. As such it exercised direct control over the project construction

1. Construction activities are restricted to the hours between 8:00 a.m. to 6:00 P.M. Monday through Friday. No noise generating construction activities shall take place on Saturdays, Sundays and holidays unless an after hours permit is obtained from the City.
2. All construction equipment shall be in proper operating condition and fitted with standard factory noise attenuation features. All equipments should be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
3. Standard temporary noise barriers shall be used and relocated, as needed between the construction equipment and noise-sensitive receptors.
4. Whenever possible, noisier construction activities should be scheduled when children are not present at school so that classroom impacts are minimized.
5. Stockpiling and vehicle staging areas shall be located away from occupied dwellings and other sensitive receptors whenever possible.
6. The project sponsors shall notify the communities in advance of construction activities. The construction manager's (or representative's) telephone number shall also be provided with the modification so that community concerns can be expressed and addressed whenever feasible. Forms of notification shall include one or more of the following: signs posted on the site, distribution of leaflets to adjacent residents, publication in the Courier, and/or posting on the District's web site.
7. Any new mechanical equipment shall be acoustically engineered, incorporating mufflers, enclosures, parapets, etc., so that noise generated by these operations shall not exceed the noise standard at receptor locations.
8. The district shall be responsible for conducting noise monitoring during construction activities and insuring that mitigation measures are enforced to the degree feasible.

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In addition to these mitigation measures and conditions, the proposed Development Agreement between the City of Beverly Hills and the developer includes a school benefit fee, portions of which may be used by the Beverly Hills Unified School District to provide upgrades to its facilities at El Rodeo School, such as HVAC improvements, new windows for noise attenuation, etc.

City of Beverly Hills.

The following measures are based on the Montage Hotel/Beverly Hills Gardens project:

1. Construction Management Program. The applicant shall submit a construction management plan to the Director of Community Development after consulting with the City of Los Angeles and the Beverly Hills Unified School District concerning such plan and prior to issuance of any grading or construction permits for development of the Specific Plan Area. At a minimum, the construction management plan shall address the following:
 - construction delivery schedules,
 - truck hauling/construction traffic routing and access,
 - access to and from the site by construction workers,
 - use of the alley, and
 - construction parking (on street construction parking shall be prohibited).

The plan shall demonstrate that alley access to all buildings is maintained at all times, that on-street parking is not used by construction workers or equipment, that truck access has been coordinated so that trucks waiting to enter the site do not interfere with vehicle traffic along Wilshire Boulevard and Santa Monica Boulevard, that haul truck routes avoid areas of sensitive receptors such as schools and residential neighborhoods, and that trucks staged between the hours of 10:00 p.m. and 7:00 a.m. shall not idle their engines for more than two minutes and shall not have a line of sight to schools or residences unless such structures are at least 1,000 feet from the truck. The project applicant shall demonstrate to the satisfaction of the Director of Community Development that during construction, adequate provision for parking for the public and construction workers has been made prior to the removal of the T Lot surface parking lot from service.

2. The construction area and vicinity shall be swept (preferably with water sweepers) and watered at least twice daily. Site-wetting shall occur with sufficient frequency to maintain 10 percent surface soil moisture content throughout all earth-moving activities. At

least 80 percent of all inactive disturbed surface areas shall be watered on a daily basis when there is evidence of wind-driven fugitive dust.

3. All unpaved roads, parking and staging areas shall be watered at least once every two hours during active operations.
4. Site access points shall be swept or washed within thirty minutes of visible dirt deposition.
5. On-site stockpiles of debris or dirt shall be covered or watered at least twice daily.
6. All haul trucks hauling soil, sand and other loose materials shall either be covered or maintain two feet of freeboard.
7. All haul trucks shall have a capacity of no less than twelve and three-quarter (12.75) cubic yards.
8. Operations on any unpaved surfaces shall be suspended when winds exceed 25 miles per hour.
- ~~9. On-site traffic speeds on unpaved areas shall be limited to 15 miles per hour.~~
10. Operations on any unpaved surfaces shall be suspended during first and second stage smog alerts.
11. All construction equipment shall be tuned as often as necessary to ensure its cleanest and most efficient operation.
12. Construction contracts shall specify that all construction equipment shall be equipped with mufflers and other state required noise attenuation devices.
13. The Beverly Hills Unified School District and all residential units located within one-quarter mile of the construction site shall be sent a notice regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the construction site. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.
14. A "noise disturbance coordinator" shall be established. The disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures to resolve the complaint. The developer of the Specific Plan Area shall abide by the conditions imposed by the disturbance coordinator. All notices that are sent to the School District and residential units within one-quarter mile of the construction site

and all signs posted at the construction site shall list the telephone number for the disturbance coordinator.

15. A sound barrier, such as a noise curtain, shall be utilized along the north and east perimeter of the construction during construction excavation and grading phases, to shield the sensitive uses along Wilshire Boulevard and Merv Griffin Way from construction noise. The insulation shall be sufficient to ensure that any increase in nighttime ambient noise at the nearest sensitive receptor is less than 5 dBA over the existing nighttime ambient.
16. The developer, working with the City, shall develop a "Nighttime Construction Noise Mitigation Plan" to address all nighttime construction noise impacts.¹ The plan shall incorporate provisions for noise attenuation barriers, truck routing, location of staging areas, worker parking and other appropriate measures for achieving an overall attenuation of construction noise throughout construction of at least 12 dBA at the nearest sensitive receptor.
17. Archeological/Paleontological Resources. During construction phases, if buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, the following steps must be followed:
 - stop work in that area and within 100 feet of the find;
 - notify the City of Beverly Hills project manager; and
 - retain a qualified archaeologist to assess the significance of the find, and if necessary, to develop appropriate treatment measures in consultation with the State Historic Preservation Officer.
18. Prior to leaving the site, the undercarriages of hauling trucks leaving the site shall be cleaned (e.g. washed down), and all soil loads shall be covered to prevent the spillover of materials from the construction site onto the adjacent streets.
19. The developer of the Specific Plan Area shall maintain the adjacent streets in a clean condition.

9900 WILSHIRE MEASURES AND CONDITIONS.

When the City reviews a major development project, usually an Environmental Impact Report is prepared and the Planning Commission holds a public hearing to review the project, and as a result, a project usually has two sets of additional requirements imposed it:

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1. Mitigation measures to address significant impacts identified by the EIR, and
2. Conditions of approval imposed by the Planning Commission to further address environmental concerns as well as other non-environmental concerns.

The following measures and conditions have already been formally recommended to be imposed on the project by the Planning Commission. All of the measures and conditions are integrated into a Construction Management Plan, developed, approved, and administered by the Director of Community Development. Construction Management Plans are used to coordinate construction activities in a manner that minimizes their impacts to the community. In addition, the mitigation measures are consolidated into a Mitigation Monitoring and Reporting Program. The Program is managed by an Environmental Monitor under the direction of the City. Both the Mitigation Monitoring and Reporting Program and the Construction Management Plan ensure that the air quality, noise, traffic, parking, and other impacts associated with construction are minimized. The Mitigation Monitoring Program also addresses impacts of the operation of the project, after construction is completed.

Environmental Issues and Mitigation Measures.

Environmental Impact Reports (EIR) were prepared for both the 9900 Wilshire and Beverly Hilton projects which identified potential impacts during construction and recommended mitigation measures to address these impacts. Those applicable to the 9900 Wilshire project are listed below. All will be imposed on the project.

Air Quality Impacts.

- AQ-1 The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of five minutes.
- AQ-2 The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.
- AQ-3 The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.
- AQ-4 The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.

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- AQ-5 The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.
- AQ-6 The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.
- AQ-7 Prior to use in construction, the project applicant and contractor will evaluate the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., will be evaluated. These technologies will be required if they are verified by the California Air Resources Board (CARB) and/or the U.S. Environmental Protection Agency (U.S. EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.
- AQ-8 The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 mph or less.
- AQ-9 The Contractor shall ensure that the project site is watered at least three times daily during dry weather.
- AQ-10 The Contractor shall install wind monitoring equipment on site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 mph per Southern California Air Quality Management District (SCAQMD) guidelines.
- AQ-11 The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).
- AQ-12 The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- AQ-13 The Contractor shall replace ground cover in disturbed areas as quickly as possible.

- AQ-14¹ The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:
- The third-party consultant shall be approved by the Director of Community Development. (It is recommended that the consultant be hired by the City with the mutual approval of both the City and the School District; see page 23.)
 - Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
 - Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
 - The monitoring network shall include at least one anemometer to measure wind speeds and directions.
 - Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.

¹ It is proposed to modify this measure to required the consultant to be retained by the City with the mutual agreement of both the City and the School District. See proposed measures on page 21 following the Planning Commission's proposed conditions of approval.

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- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.
- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM10 thresholds are exceeded.
- All corrective measures, as necessary to reduce emissions to acceptable levels, shall be implemented immediately. If immediate implementation of a specific corrective measure will result in the creation of a hazardous situation, as determined by the Environmental Monitor, construction activity shall be allowed to continue for a reasonable period of time, as determined by the Environmental Monitor, until such time that it is safe to im-

plement that corrective measure. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills Community Development Director prior to commencing demolition.

AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construc-

tion activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.

- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Cultural Resource Impacts.

CR-4 If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5 (f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.

CR-5 If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5 (d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur until the county coroner

has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).

If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.

- CR-6 In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

Geology/Geotechnical Impacts.

- GEO-1 The proposed project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.

Hazardous Material Impacts.

- HAZ-1 Any suspect lead based paint shall be sampled prior to any renovations or demolition activities. Any identified lead based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.

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- HAZ-2 In the event that the building is maintained on the site, the property owner shall ensure that the source(s) of moisture intrusion resulting in the growth of mold within the building are repaired.
- HAZ-3 All old unused fluorescent light ballasts potentially containing PCBs shall be properly removed and disposed of prior to demolition activities.

Hydrology Impacts.

- HYDRO-1 Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and Stormwater Pollution and Prevention (SWPPP) shall be prepared by the applicant in accordance with, and in order to partially fulfill, the California State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.
- HYDRO-2 Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

Noise Impacts.

- NOISE-1 Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following:
- Excavation, grading, and other construction activities related to the proposed project shall be restricted to the hours of operation allowed under

Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.

- Stockpiling and vehicle staging areas shall be located as far away from occupied residences as possible, and screened from these uses by a solid noise attenuation barrier. Noise attenuation barriers constructed to the specifications identified in the bullet point below are capable of reducing noise levels by 7.7 dB(A).
- Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along all project boundaries during the construction phases associated with the development of the project. Noise attenuation barriers constructed at the property lines to a height of 8 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dB(A).
- All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the residential and institutional uses to the north of the project site as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
- Haul routes for removing excavated materials from the site shall be designed to avoid residential areas, and areas occupied by noise sensitive receptors (e.g., hospitals, schools, convalescent homes, etc.).
- Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.

NOISE-4 The 9900 Wilshire project applicant shall coordinate with The Beverly Hilton Revitalization Plan project applicant regarding the following:

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- All temporary roadway closures shall be coordinated to limit overlap of roadway closures;
- All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;
- The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and
- Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

Fire Service Impacts.

FIRE-1 The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the Beverly Hills Fire Department (BHFD) to provide a safe response route and to decrease response times to emergencies.

Traffic and Parking Impacts.

TRAF-1 An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.

TRAF-2 The Environmental Monitor shall pro-actively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance from members of the public when impacts raise special concerns by members of the public.

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- TRAF-3 The Construction Relations Officer shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the project site, along Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard to address day-to-day issues.
- TRAF-4 The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director, unless otherwise warranted due to resident complaints
- TRAF-5 The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following:
- Maintain existing access for land uses in the proximity of the project site during project construction.
 - Schedule deliveries and pick-ups of construction materials for non-peak travel periods.
 - Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time.
 - Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard, and prohibit obstruction of these same lanes that accommodate construction during peak hours.
 - Construction equipment traffic from the contractors shall be controlled by flagman.
 - Designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project.
 - Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets.
 - Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pede-

strian diversions to ensure the safety of the pedestrian and access to local businesses.

- Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.
- Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive.
- The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible. (Note: a fifth provision is now recommended—prohibition on queuing of construction-related vehicles on public streets in the City.)

TRAF-6

The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and specify the method of transportation to

and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the following measures:

- All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets north of Wilshire or in public parking structures;
- No parking for construction workers shall be permitted except only within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and
- In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities.

TRAF-9 The applicant for the 9900 Wilshire project shall coordinate with the applicant for The Beverly Hilton Revitalization Plan project during all phases of construction regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures;
- All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;

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- The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and
- Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

Planning Commission Conditions of Approval

Notwithstanding the recommendations of the Environmental Impact Report, the Planning Commission had greater concerns regarding the potential construction impacts of the 9900 Wilshire project. As such, the Planning Commission recommended the following conditions of approval to the City Council (Planning Commission Resolution 1500):

1. Traffic /Crossing Guard. During Project construction, the applicant shall hire a crossing guard to assist children in crossing Wilshire Boulevard, Santa Monica Boulevard and Little Santa Monica at the beginning and end of each school day. In addition, if deemed necessary by the Environmental Compliance Monitor, an additional guard shall be hired during construction on an as-needed basis to ensure the safety of children walking the length of Merv Griffin Way before and after school.
2. Hiring Practices. The applicant shall require the Constructor Manger/Supervisor to verify that no construction workers have prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on-site Construction Manger/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District during the performance of their duties, unless required within the scope of their duties and with the knowledge or approval of the Construction Manager/Supervisor. The applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers. Compliance with this provision shall be verified by the Environmental Compliance Monitor. (Note: This measure is proposed to be modified as follows:

"Hiring Practices. The applicant shall require the Constructor Manger/Supervisor to verify that no construction workers have prior felony record prior to hiring of any such workers, and shall not hire any such workers with such prior felony record to work on this Project. The on-site Construction Manger/Supervisor shall assure that no employees, subcontractors of any tier, material suppliers or consultants have direct contact with students from the Beverly Hills Unified School District

during the performance of their duties, unless required within the scope of their duties and with the knowledge or approval of the Construction Manager/Supervisor. The applicant shall be responsible for verifying that any security personnel and/or crossing guards have no prior felony record prior to hiring of any such workers. Compliance with this provision shall be verified by the Environmental Compliance Monitor."

3. 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 incorporate the Construction Traffic Management Plan and the Construction Workers Parking Plan as described in the attached Mitigation Measures for the project. The Construction Management Plan shall also include, at a minimum, the following requirements:
 - a. Parking and transportation to and from the construction parking area for construction workers shall be paid by the Project applicant.
 - b. A map identifying routes and parking lots to be utilized and shall be provided to the City and include written certification from the owner(s) of the parking lots proposed to be used that such parking will be available to the Applicant throughout the construction period.
 - c. A plan for 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 shall be included in the Construction Management Plan. The construction haul route shall be reviewed and approved by the City Traffic Engineer and the Director of Community Development. The approved haul route is subject to change if the haul route creates unanticipated traffic congestion or noise impacts.
4. Requests for after hours construction permits shall be reviewed by the City's Building Official in accordance with BHMC Section 5-1-206. The Building Official shall confer with the Environmental Compliance Monitor and revise any after hour's permits as necessary to mitigate noise to residential neighbors to the project.
5. The applicant shall maintain a current construction schedule on the project's web page and provide the web page address on construction signage placed on the boundary of the property or in a location visible to the public as determined by the Environmental Compliance Monitor.

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6. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties. The final height of the fence shall be approved by the Director of Community Development in consultation with design professionals knowledgeable in the fields of noise and dust mitigation. The design of the construction fence shall be subject to Architectural Commission review and approval. The applicant shall provide temporary landscape improvements to improve the appearance of the site around the fence during the construction period.
7. 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 Community Liaison Officer as outlined in the attached Mitigation Measures, 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 Community Liaison Officer shall be transmitted to the Director of Community Development, the City's Building Official, and the Beverly Hills Unified School District Superintendent and Principal at El Rodeo School. In addition, the Applicant shall post the name and telephone number of the Community Liaison Officer 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.
8. 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 Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4.
9. 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.

10. The Project shall comply with the applicable standard conditions and shall obtain all necessary permits from the Public Works/Engineering Department. The Standard Conditions List is attached hereto as Exhibit A and incorporated herein by this reference.
11. The Applicant shall comply with the requirements of the Street Tree Mitigation Plan of the Recreation and Parks Department, attached hereto as Exhibit C and incorporated herein by this reference.
12. The City reserves the right to make modifications and/or impose additional conditions which may become necessary to enable implementation of the specific conditions set forth in this Resolution, and the Applicant shall comply with all such modified or additional conditions.
13. The Construction Management Plan shall contain a provision prohibiting construction trucks from queuing on Santa Monica Boulevard or Wilshire Boulevard during all aspects of construction.
14. The Environmental Compliance Monitor identified in Traffic Mitigation Measure #1 shall be responsible for monitoring compliance with both the conditions of approval and all the mitigation measures.

Additional Conditions

To address concerns over the potential impacts of the projects' potential construction impacts on El Rodeo School and the Beverly Hills Unified School District, the following additional conditions are recommended:

1. That developer shall take all reasonable actions to start and complete the demolition, clearing/grading, and excavation phases of construction on the 9900 Wilshire Project site during the summer months when El Rodeo School is not in session (approximately June 22nd through September 2nd);
2. The City shall hire a third-party consultant to develop a Construction Management Plan. The selection of the consultant will upon mutual agreement of both the City and the School District.
3. That the applicant shall provide the District with a full set of final demolition plans and specifications and construction plans and specifications, before the start of demolition and construction respectively;

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4. That the City initiate an effort with the Metropolitan Transit Authority to relocate the public bus stop located adjacent to the EL Rodeo School at the northwest corner of Wilshire and Whittier so that it is no longer adjacent to the school nor directly across the street from the construction site;
5. The district representatives be invited to attend and participate in regular construction progress meetings;
6. That measures such as a sign-in/sign-out requirement, defined separations between public and construction areas, fencing and/or landscape barriers, active surveillance, privacy screening, and other similar measures to prevent unauthorized access between such areas shall be instituted;
7. That no construction take place on designated testing days as identified by the District;
8. That a separate traffic & parking analysis, prepared by a consultant selected by the School District, be funded by the applicants to ascertain the presences of specific traffic impacts and identify appropriate mitigation for construction and operations;
9. That traffic be monitored (funded by the applicants) along Wilshire and Santa Monica Boulevards and that the frequency of construction to/from the projects sites during those periods when most schoolchildren are arriving/departing to/from schools be reduced in the event that the overall traffic exceeds certain thresholds;
10. That hauling be restricted to Santa Monica Boulevard to/from Interstate 405;
11. That construction noise and vibration be monitored at El Rodeo School as part of the Construction Management Plan, and that construction activities and/or measures be modified to correct any excesses in the event acceptable thresholds are exceeded;
12. That hauling of debris and/or soil from the site shall be allowed to take place at night and/or weekends;
13. That buildings be wrapped during demolition;
14. That measures be implemented to protect the artificial turf field and associated drainage system on El Rodeo School's campus from construction dirt and debris;
15. During construction, the developer shall install at least 2 remotely controlled cameras at each site maintained by the developers to be accessed by City Staff for mitigation monitoring purposes. The cameras are to be placed at a height and location so that 100% of each site is visible at all times. Cameras are to be maintained regularly and accessible at all times and shall be equipped with microphones.

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16. The developers shall provide a trailer or space separate and apart from the construction site at or near the school site so that construction monitor can operate independently from the construction operations.

