



AGENDA REPORT

Meeting Date: June 17, 2008

Item Number: D-3

To: Honorable Mayor & City Council

From: Anne Browning McIntosh, AICP, Interim Director of Community Development
Rita Naziri, Senior Planner

Subject: AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY THE REQUEST FOR A CHARACTER CONTRIBUTING DETERMINATION FOR THE CONVERSION OF AN EXISTING APARTMENT BUILDING INTO A COMMON INTEREST DEVELOPMENT FOR THE PROPERTY LOCATED AT 404 NORTH MAPLE DRIVE (BETWEEN ALDEN DRIVE AND BEVERLY BOULEVARD)

Attachments:

1. Appeal Statement
2. Planning Commission Staff Report
3. Application and Supplemental Document
4. Applicable Municipal Code Sections
5. Architectural Plans(Separate Cover)

RECOMMENDATION

Staff recommends the City Council deny the subject appeal, upholding the Planning Commission's determination to deny the request for a character contributing application. It should be noted that the Council continued this item from the May 6, 2008 City Council meeting to the June 17, 2008 City Council meeting as requested by the appellant.

INTRODUCTION

An appeal was filed of the Planning Commission's January 24, 2008 decision denying a request for a character contributing determination for the streamlined conversion of an

existing apartment building into common interest development for the property at 404 North Maple Drive (between Alden Drive and Beverly Boulevard).

The appeal was filed by John K. Rachlin on behalf of Standard Management Company, the property owner and applicant (hereafter referred to as the "applicant" or "appellant").

The Planning Commission denied the request on the basis that the building did not have character contributing design features due its proportions, scale and its relationship to the surrounding developments in the same block.

BACKGROUND

Basis for Appeal. The appeal filed by the applicant states that the Planning Commission's decision was not consistent with the Municipal Code findings for condominium conversion. The appellant asserts the following:

1. The Planning Commission erred in its evaluation by not considering the larger commercial buildings across the street.
2. The lack of public opposition of the project should be factored into the decision making process.
3. The appellant also makes reference to the General Plan and interest in the property being zoned for mixed use. However, it is unclear the significance of this statement relative to this appeal, given that the General Plan update is several months from being completed. This appeal statement is not evaluated in this report.

Project Description

The property is located on the east side of North Maple Drive between Alden Drive and Beverly Boulevard. The property was originally developed in 1976 as an apartment building. The project site consists of 23,090 square feet of land and contains twenty-five apartment units with a subterranean garage with 52 parking spaces accessed from the alley.

The table below shows each unit bedroom counts:

Unit Type	Number of Units
Two bedrooms and den	6
One bedroom	12
One bedroom and den	6
Single	1
Total of number of units	25

The building is three stories and 36 feet in height. The applicant describes the building's architecture as early 20th Century European Modernist Bauhaus design.

The applicant has submitted plans and color photos of the property in order to outline the design features of the building. Planning Commission and staff have also conducted site visits.

Area Characteristics

The site is located on the east side of North Maple Drive. There are multiple family residential buildings to the north and east (across the alley) of the project site. To the south of the site, there are three two-story single family residences located at the corner of Maple Drive and Alden Drives, one of which is facing Maple Drive, the other two residences are facing Alden Drive. Commercial offices are located to the west of the subject property across Maple Drive, which includes the Fox Interactive Media building at 407 N. Maple Drive. An alley separates the subject property from the properties to the east.

Architectural Style

The applicant indicates that this building is a representative example of California Bauhaus architecture from the 1970s. In California, the Bauhaus style is used interchangeably with Modern and International architectural styles. The International/Modern style was based on the principles of the Bauhaus architecture that began in Germany.

Bauhaus refers to a German school of art, design, and architecture that was originated by Walter Gropius in Weimar, Germany, in 1919. The stylistic features of Bauhaus architecture include large, flat-roofed buildings, horizontal stripes of standardized windows, bold horizontal projections and balanced design with different types of materials like concrete. Structures built in this style are functional with minimal ornamentation.

The current building features are as follows:

- Three stories
- Flat roof
- Horizontal orientation of volumes arranged asymmetrically, including balconies throughout the front façade.
- Stucco facade with textured finish, painted in pastel colors

The subject property is located on the east side of the street with R-4 Multi-Family zoning designation. The following chart provides the City's applicable zoning standards and the building's compliance. The building does not currently provide the required number of parking spaces or meet front yard building modulation or minimum side setback requirements.

PROJECT DATA SUMMARY

Category	Existing	Code Requirement (R-4 Standards)
Use	Multiple-family dwelling	Multiple-family dwelling
Number of Lots	1	N/A
Lot Frontage	153.93'	50' Min.
Lot Size	23,090 sq.ft.	N/A
Density/Number of Units	25 units	25 units 1 unit / 900 sq.ft. of site area
Stories/Building Height	3-story, 36 feet high	4-story / 45 feet
Building Modulation	None	Three percent (3%) of the aggregate principal building area or one thousand five hundred (1,500) square feet whichever is less
Parking Spaces	52 spaces ²	66 spaces
Outdoor Living Space	5,560 sq.ft.	5,000 sq.ft.
Front Setback	25 feet	25 feet
Side Setback	9 feet 1 inch on each side 18 feet 2 inches combined	North: 8 feet South: 11 feet 19 feet combined
Rear Setback	15 feet	15 feet

PLANNING COMMISSION ACTION

At its meeting of January 24, 2008, the Planning Commission conducted a public meeting, reviewed the request and determined that the findings for a character contributing determination could not be made for the subject building due to the building mass and lot coverage in comparison to the other developments in the same block. Specifically, the Planning Commission found that the subject building has significantly greater street frontage, mass and building height compared to other residential properties on the same block.

The Planning Commission noted that a goal of the ordinance is to preserve the architecturally unique structures that contribute to the aesthetic value and unique character of the City's existing residential neighborhood. Another goal is to extend the life of certain legal nonconforming buildings that are unique in character and to preserve the original integrity of the buildings and human scale buildings compatible in mass and scale with the surrounding streetscape.

ANALYSIS

Because a large percentage of the City's rental housing stock comprised of architecturally unique structures that date from the 1920s and 1930s contributed to the character and quality of life in the City, the City has developed regulations and procedures to regulate the conversion of existing residential buildings to common interest developments. In mid 2005, the Planning Commission held hearings and later on recommended an ordinance to the City Council for its consideration establishing criteria for the conversion of existing apartment buildings into common interest developments. The goal of the process established by the ordinance is to extend the life of certain legally nonconforming buildings that contribute to the aesthetic value and unique character of the City's residential neighborhoods by preservation of the original, human-scaled, and aesthetically pleasing properties. The ordinance was adopted on March 7, 2006. Since the adoption of the ordinance, six properties received the character contributing designation.

The criteria, as mandated in Section 10-2-707 of the Beverly Hills Municipal Code (attached) requires that any conversion of an existing building to comply with the Building Codes and Zoning regulations and all other requirements of the code in effect at the time of application. However, there is an exception that would permit the conversion of an existing building if the Planning Commission makes a determination that the building has "character contributing design features" that are worth preserving and full compliance with the current development standard, cannot be feasibly be attained.

The Code defines "character contributing building" as follows:

A character contributing building shall mean any multi-family residential building that the Planning Commission determines, due to its proportions and scale, design elements, and relationship to the surrounding development, is of continued value and contributes to defining the character of the community as a whole. In making this determination, the Planning Commission or City Council on appeal, need to make the following findings:

1. The building to be converted is not substantially greater in massing and scale than the surrounding streetscape. In making this determination, the Planning Commission may compare the relative lot coverage, height and setbacks of the building being converted to the lot coverage, height and setbacks of developments on parcels in the same block.

2. either:

a. The building to be converted and/or the project site design contribute(s) to community character through the use of: 1) architecturally pure styles that foster congruous designs and details that are similar or complementary in scale and mass to other nearby structures; 2) features visible from the public street, including, but not limited to, courtyards, balconies, open space, building modulation, or any other similar characteristics that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review;

Or

- b. The interior spaces of the building to be converted contribute to community character through the use of architectural features and high quality construction finishes and features such as crown molding, hardwood floors, fireplaces, stairways, and built in cabinets in individual units; private courtyards, balconies, and/or interior open spaces; interior fountains; or any other similar characteristics or features that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review. [BHMC Sec. 10-2-707]***

The Beverly Hills Municipal Code defines a character contributing building as any multi-family residential building that the Planning Commission determines, due to its proportions and scale, design elements, and relationship to the surrounding development, is of continued value and contributes to defining the character of the community as a whole.

In assessing the subject application, the Planning Commission found that the existing structure did not meet this criterion. While the Commission has the authority to evaluate overall streetscape and improvements on both sides of the street, the Commission appropriately chose to compare the subject building to other residential buildings within the same block and not the commercial buildings across the street.

The appellant asserts that the Planning Commission erred in this analysis and that it should have evaluated the larger, more massive commercial buildings on Maple Drive. In doing so, the appellant suggests, the Commission may have found that the subject building was compatible with the overall streetscape. This perspective, however, ignores the fact that one side of the street is dominated by residential land uses while the other side contains commercial buildings land uses. And, while the subject parcel may be comparable in scale to the commercial buildings across the street, it is substantially greater in mass and scale to residential buildings located adjacent to it and within the same block. The pedestrian experience and rhythm of lower profile, smaller scaled development is disrupted by the subject building and inconsistent with other residential properties in the area. More specifically, the subject building has a street frontage of approximately 135 feet compared to the more modest frontage of 45 feet of other residential buildings. The parcel coverage on the subject property, which occupies several lots, is far greater than the parcel coverage of other residential buildings on the same block. Additionally, the height of the subject building is three stories where other residential buildings are one and two stories.

Using the commercial buildings on Maple as the standard for analysis as opposed to, or even in concert with the residential buildings, is inappropriate given that commercial buildings have different development standards and are functionally designed for different purposes. The commercial developments on this street do not contribute to the overall pedestrian experience and should not be used as a model to assess whether the subject property is character contributing. A more appropriate standard is the approach taken by the Planning Commission, which was to evaluate the building to other residential properties on the same block.

Regarding the appellant's other point that a lack of public opposition should factor into the determination is misguided and fails to recognize Commission's role in the entitlement process. While the City recognizes the importance and value of public input in all discretionary projects, the input or lack of input generated on any application does not

determine the outcome of the project, rather this information is used by decision-makers to help inform their understanding of the issues. The Planning Commission and City Council do not abdicate responsibility to evaluate a project based on required findings even if no one is present to protest the action. Therefore, asserting that there was no opposition to the project is not a reasonable justification for overturning the Planning Commissions determination, which was based on sound findings associated with the project.

For these reasons, staff supports the Planning Commission's determination and recommends that the City Council deny the subject appeal.

NOTIFICATION

The public hearing for this case was continued from May 6, 2008 to June 17, 2008 by the City Council, therefore, no additional public hearing notices are required. A notice of public hearing was mailed on April 25, 2008 to all property owners and residential tenants within a 300-foot radius of the property. The hearing notice was also published in the Beverly Hills Courier on Friday, April 25, 2008 and the Beverly Hills Weekly on Thursday, May 1, 2008.

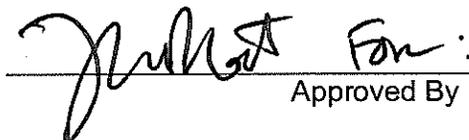
ENVIRONMENTAL DETERMINATION

This project involves a review of the building's architectural style, design and building features and does not involve any physical or operational changes to the existing multifamily building. As such, the project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 b (3) of the State CEQA Guidelines, and the environmental regulations of the City.

FISCAL IMPACT

Denial of this request does not have any significant fiscal impacts to the City.

Anne Browning McIntosh, AICP, Interim Director of
Community Development



Approved By

Attachment 1
Appeal Statement

APPEAL PETITIONS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN
14 CALENDAR DAYS AFTER THE DATE OF THE DECISION

APPEAL TO _____ COMMISSION OR CITY COUNCIL

PLEASE TYPE OR PRINT CLEARLY IN BLACK INK

02/05/08

Date

In accordance with the appeals procedure as authorized by the provisions of the Beverly Hills Municipal Code, the undersigned hereby appeals from the decision of The Planning Commission (Official, Board or Commission involved) rendered on January 24, 2008; which decision consisted of: The grounds submitted for this appeal are as follows: *(WARNING: State all grounds for appeal. Describe how decision is inconsistent with law. Use extra paper if necessary.)*

See attached "Exhibit A".

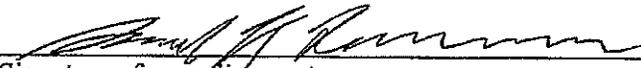
RECEIVED
CITY OF BEVERLY HILLS
FEB 05 2008
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

The undersigned discussed the decision being appealed with:

Rita Naziri on January 24, 2008
(Department Head(s) Involved) Date

It is requested that written notice of the time and place for the hearing on this appeal before the City Council be sent to:

Standard Management Company, Attention: John K. Rachlin
Name Address


Signature of appealing party
6151 West Century Blvd, Suite 300
Los Angeles, CA 90045
Address
Tel: (310) 410-2300 ext 321
Fax: (310) 410-2919
Telephone Number & Fax Number

Fee Paid _____ (For City Clerk's use) DATE RECEIVED

LOG NO. _____ Written Notice mailed to appellant:

Copies to: City Council, City Manager, City Attorney, _____
Involved Department

EXHIBIT A

1. The Planning Commissions misinterpreted the Beverly Hills Municipal Code which states that the Commission "may" compare the relative lot coverage, height and setbacks of the subject building to those of developments on parcels on the same block, by interpreting it to mean that it was mandatory for the Commission to make said comparisons individually per item. Under the rules of statutory interpretation, if the intent had been mandatory, the ordinance would have said "shall" and the purpose of the ordinance is to look at the project in totality, not focus on any one item.

2. In comparing the subject building in mass and scaling to other buildings on the "same" block, the Commission interpreted "same" to mean only those buildings on same side of the street as the subject property. Across the street there is development of significant mass and scaling. Since the direction in the ordinance is discretionary, "may" rather than "shall", the purposes of the ordinance is to preserve the surrounding streetscape and residential character is best served by considering both sides.

3. In determining character contributing, the Ordinance states that the building to be converted is not to be substantially greater in massing and scale than the surrounding streetscape. Since the surrounding streetscape includes the visual appearance of physical features, such as buildings, on both sides of the street, the Commission's failure to consider buildings on the both sides of the street, was clearly in error.

4. No renter and no neighbor of the subject property spoke in opposition to the application. Previous land use changes in the area had drawn considerable neighborhood opposition; however there was not even one opposition speaker.

5. Apparently, the commission gave some informal consideration to possible zoning changes that might be contained in the proposed general plan. There was a suggestion that the subject property could be an appropriate site for mixed use. References to changes in the general plan have been discouraged in past land use deliberations.

Attachment 2

Planning Commission Staff Report



STAFF REPORT
CITY OF BEVERLY HILLS

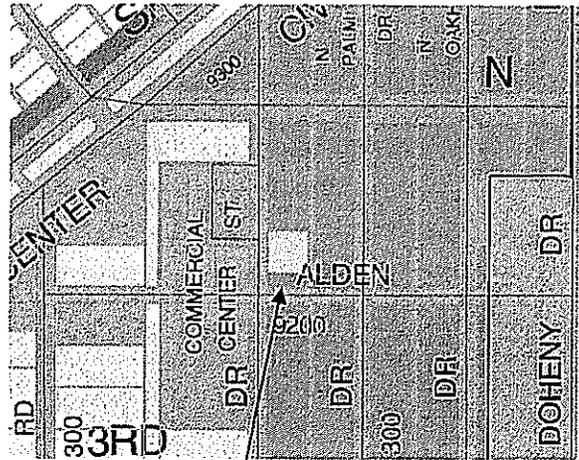
FOR THE PLANNING COMMISSION
MEETING OF JANUARY 24, 2008

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Vince Bertoni, AICP, Community Development Director
Jonathan Lait, AICP
City Planner

SUBJECT: Request for a character contributing determination for the conversion of an existing apartment building into common interest development for the property located at **404 N. Maple Drive** between Alden Drive and Beverly Boulevard.



PROJECT SITE

EXECUTIVE SUMMARY

An application has been filed by Samuel K. Freshman on behalf of Sanderson Plaza, LLC, requesting for the Planning Commission to consider if the property located at 404 N. Maple Drive is a character contributing building to qualify for the conversion of the existing apartment building to common interest development units.

Pending testimony received at the public hearing, based on the information submitted, staff does not feel that the building contains qualities that would merit a determination that the building is "Character Contributing".

GENERAL INFORMATION	
Applicant	Samuel K. Freshman
Project Owner	Sanderson Plaza, LLC
Zoning District	R-4 – Multi-residential
Parcel Size	23,090

PROJECT DESCRIPTION

The property is located on the east side of north Maple Drive between Alden Drive and Beverly Boulevard. The property was originally developed in 1976¹ as an apartment building. The project site consists of 23,090 square feet of land and contains twenty five apartment units with a subterranean garage that house 52 parking spaces accessed from the alley.

The table below shows each unit bedroom counts:

Unit Type	Number of Units
Two bedrooms and den	6
One bedroom	12
One bedroom and den	6
Single	1
Total of number of units	25

The building is three stories and 36 feet in height. The applicant describes the building's architecture as early 20th century European Modernist Bauhaus design.

The applicant has submitted plans and color photos of the property in order to outline the design features of the building. Staff has also conducted a site visit and pictures of the building including lobby and roof area were taken. During the site visit, the applicant did not permit staff to take pictures of the units' interior for privacy reasons.

AREA CHARACTERISTICS

The site is located on the east side of North Maple Drive. There are multiple family residential buildings to the north and east (across the alley) of the project. To the south of the site, there are three two-story single family residences located at the corner of Maple Drive and Alden Drives, one of which is facing Maple Drive, the other two residences are facing Alden Drive². Commercial offices are located to the west of the subject property across Maple Drive which includes the AOL building at 407 N. Maple Drive. An alley separates the subject property from the properties to the east.

ARCHITECTURAL STYLE

The applicant indicates that this building is prime example of California Bauhaus architecture from the 1970s. In California, the Bauhaus style is used interchangeably

¹ Based on the records on file in the Building and Safety Division

² These three single family residences are located within a legal lot.

with Modern and International architectural styles. The International /Modern style was based on the principles of the Bauhaus architecture that began in 1919 in Germany.

Bauhaus refers to a German school of art, design, and architecture that was originated by Walter Gropius in Weimar, Germany, in 1919. The stylistic features of Bauhaus architecture include large, flat-roofed buildings, horizontal stripes of standardized windows, bold horizontal projections and balanced design with different types of materials like concrete. Structures built in this style are functional with minimal ornamentation.

The current building features are as follows:

- Three stories
- Flat roof
- Horizontal orientation of volumes arranged asymmetrically, including balconies throughout the front façade.
- Numerous modulations in the form of balconies and patios
- Stucco facade with textured finish, painted in pastel colors

COMPLIANCE WITH CODE REQUIREMENTS

A large percentage of the City's rental housing stock comprised of architecturally unique structures that date from the 1920s and 1930s. These buildings contribute to the character and quality of life in the City. The City conducted a lengthy process to develop regulations and procedures to regulate the conversion of existing residential buildings to common interest developments. In mid 2005, the Planning Commission conducted a number of meetings and later on recommended an ordinance to the City Council for its consideration establishing criteria for the conversion of existing apartment buildings into common interest developments. The goal of the process established by the ordinance is to extend the life of certain legally nonconforming buildings that contribute to the aesthetic value and unique character of the City's residential neighborhoods by preservation of the original, human-scaled, and aesthetically pleasing properties. The ordinance was adopted on March 7, 2006. Since the adoption of the ordinance, five properties received the character contributing designation including: 355 S. Rexford Drive (1937), 200 Lasky Drive (1937), 145 Camden Drive (1938), 356 S. Doheny Drive (1937) and 350 S. Rodeo Drive (1947).

The criteria, as noted in Section 10-2-707 of the Beverly Hills Municipal Code (copy attached) requires that any conversion of an existing building to comply with the Building Codes and Zoning regulations and all other requirements of the code in effect at the time of application. However, there is an exception that would permit the

conversion of an existing building if the Planning Commission makes a determination that the building has "character contributing design features" that are worth preserving and full compliance with the current provisions of code cannot be feasibly complied with.

The Code defines "character contributing building" as follows:

A character contributing building shall mean any multi-family residential building that the Planning Commission determines, due to its proportions and scale, design elements, and relationship to the surrounding development, is of continued value and contributes to defining the character of the community as a whole. In making this determination, the Planning Commission shall make the following findings:

1. The building to be converted is not substantially greater in massing and scale than the surrounding streetscape. In making this determination, the Planning Commission may compare the relative lot coverage, height and setbacks of the building being converted to the lot coverage, height and setbacks of developments on parcels in the same block.
2. And either:
 - a. The building to be converted and/or the project site design contribute(s) to community character through the use of: 1) architecturally pure styles that foster congruous designs and details that are similar or complementary in scale and mass to other nearby structures; 2) features visible from the public street, including, but not limited to, courtyards, balconies, open space, building modulation, or any other similar characteristics that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review; or
 - b. The interior spaces of the building to be converted contribute to community character through the use of architectural features and high quality construction finishes and features such as crown molding, hardwood floors, fireplaces, stairways, and built in cabinets in individual units; private courtyards, balconies, and/or interior open spaces; interior fountains; or any other similar characteristics or features that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review.
- C. Architectural Review Required: Nothing in this article shall relieve a project to convert an existing building to a common interest development from the architectural review requirements.

Should the Planning Commission make the required findings and make the determination that the building would contribute to defining the character of the community as a whole then the applicant would be cleared to continue on with the

process of conversion. The applicant would be required to comply with all of the criteria contained under Section 10-2-709 (attached) and the application would be forwarded to the Commission for its review and approval.

In the following chart the City's applicable zoning code requirements and the buildings existing build-out are presented for comparison. The building does not currently provide the required number of parking spaces, front modulation or side setbacks.

PROJECT DATA SUMMARY

Category	Existing	Code Requirement (R-4 Standards)
Use	Multiple-family dwelling	Multiple-family dwelling
Number of Lots	1	N/A
Lot Frontage	153.93' ¹	50' Min.
Lot Size	23,090 Sq.ft.	N/A
Density/Number of Units	25 units	25 units 1 unit / 900 sq.ft. of site area
Stories/Building Height	3-story, 36 feet high	4-story / 45 feet
Building Modulation	None	Three percent (3%) of the aggregate principal building area or one thousand five hundred (1,500) square feet whichever is less
Parking Spaces	52 spaces ²	Varies (based on number of bedrooms per unit)
Outdoor Living Space	5,560 Sq.Ft.	5,000 Sq.ft.
Front Setback	25 feet	25 feet
Side Setback	9 feet 1 inch on each side 18 feet 2 inches " combined	North: 8 feet South: 11 feet 19 feet combined
Rear Setback	15 feet	15 feet

¹ Three lots were tied when the building was built in 1976.

² Based on the current Code, the existing 25-unit apartment building is required to provide 59 parking spaces including 7 parking for guests.

ANALYSIS

The subject property is located on 400 block of North Maple Drive and is fairly visible due to its height and mass along the street comparing to other existing multi-family structures on the east side of the street. The building was built based on the City's regulation for multi-family developments in 1970's which are similar to the current Code requirements with some exceptions regarding parking, side setbacks and modulations.

In making a character contributing determination, the building shall be evaluated based on the following findings:

1. The building to be converted is not substantially greater in massing and scale than the surrounding streetscape. In making this determination, the planning commission may compare the relative lot coverage, height and setbacks of the building being converted to the lot coverage, height and setbacks of developments on parcels in the same block.

The 400 block of North Maple Drive has two different zoning designations. The west side of the street is designated as C-5 Commercial zone and contains various commercial/office buildings with a maximum height of 3 stories and 45 feet. The subject property is located on the east side of the street with R-4 Multi-Family zoning designation. The 404 N. Maple Drive building contains approximately 135 feet frontage where the nearby buildings typically have no more than 45 feet building frontage. In this segment of the Maple Drive, all the buildings are two stories in height while the subject building includes three stories. The subject property also is a newer building compared to the other buildings in the same block. Most of the buildings were built in twenties through forties. The subject building meets the front and rear setback requirements based on the current Code. The building has cumulative side setback of eighteen feet two inches while current code requires a cumulative side setback of 19 feet. In assessing the streetscape of this block, the subject building presents more mass compared to other buildings along the east of street in terms of height, scale and bulk and lot coverage.

2. And either:

a. The building to be converted and/or the project site design contribute(s) to community character through the use of: 1) architecturally pure styles that foster congruous designs and details that are similar or complementary in scale and mass to other nearby structures; 2) features visible from the public street, including, but not limited to, courtyards, balconies, open space, building modulation, or any other similar characteristics that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review;

The applicant notes that the building has design elements that are identified with the "Bauhaus architecture" style and it appears that the building has been maintained relatively in its original condition and appearance. The project open space is located on the roof area. The building does not include any courtyard or open space within the floors. The only existing modulation is the symmetrical balconies facing Maple Drive. As noted previously, in comparison to other existing buildings in this block, the subject property presents greater mass and bulk and it is not compatible or similar in terms of architectural style including scale and mass to the adjacent buildings within this street segment. Examples of apartment buildings with similar architectural style are present in the adjacent streets.

Or

- b. The interior spaces of the building to be converted contribute to community character through the use of architectural features and high quality construction finishes and features such as crown molding, hardwood floors, fireplaces, stairways, and built in cabinets in individual units; private courtyards, balconies, and/or interior open spaces; interior fountains; or any other similar characteristics or features that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review.***

Based on staff site visit, the building interior is covered with tiles and carpeting throughout the building. The applicant notes that all units contain crown moldings and fireplaces. The front façade contains row of balconies and patios (ground floor) along front façade. Although the building lay out is appropriate and spacious, the building interior does not include architectural features or high quality construction finishes that qualify the building for the requested designation.

Overall, the building is maintained and includes an appropriate landscaping; however, the architecture of the existing building does not present architectural details similar or complementary in scale and mass to other structures within this street segment. In general, staff does not support the character contributing designation for this building and would not recommend that the building be given a determination that it has character contributing features based on the assessment of the building exterior or interior, streetscape compatibility and the ordinance goal which is to preserve the architecturally unique structures that contribute to the aesthetic value and unique character of the City's existing residential neighborhood.

Additionally designating buildings that do not meet current code standards as "Character Contributing" may result in a prolongation of impacts to residential neighborhoods. Although the subject property provides 52 parking spaces within one-level subterranean garage, however, it does not meet the current code standards in regards to the required parking. Any additional parking required for this

Staff Report
404 N. Maple Drive
For the Planning Commission Meeting of January 24, 2008

building would be dependent on street parking along adjacent streets and therefore may tend to impact the on-street parking supply.

Staff does not believe that findings can be made to consider this building as a character contributing building based on its qualifications noted above.

PUBLIC NOTICE AND COMMENTS

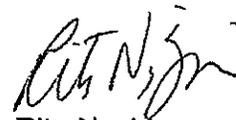
Notice of the proposed project and public hearing was mailed on January 14, 2007 to all property owners and residential tenants within a 300-foot radius of the property. As of the date of the preparation of this report, no correspondence or calls were received.

ENVIRONMENTAL DETERMINATION

This project involves a review of the building's architectural style, design and building features and does not involve any physical or operational changes to the existing multifamily building. As such, the project is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061 b(3) of the State CEQA Guidelines, and the environmental regulations of the City.

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, and pending discussion of the issues raised, Staff recommends that the Planning Commission do not consider the request for designation of the existing apartment building as "Character Contributing".



Rita Naziri

Attachments:
Sections of Beverly Hills Municipal Code
Application and supporting documents

Attachment 3

Application and Supplemental Document



**CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT
COMMON INTEREST DEVELOPMENT
DETERMINATION OF CHARACTER FORM**

The purpose of this form is to provide Common Interest Development projects special additional regulations because of special problems resulted from the divided ownership of individual units. These regulations will help avoid the needless destruction and impairment of those buildings that contribute to the aesthetic value and unique character of the City's existing residential neighborhoods.

Preparing the Application:

- A. A complete and signed Common Interest Development Determination of Character Form
- B. A set of Pictures showing the following: structure(s), surrounding structure(s), landscape, etc. that display the character of the neighborhood as well as the structure in question.
- C. A floor plan - on CD
- D. An elevation plan - on CD

DETERMINATION OF CHARACTER FORM

Project Address: 404 North Maple Drive, Beverly Hills CA

Legal or Assessor's Description: Lots 2, 3 and 4 in block 10 of Tract 5647, in the City of Beverly Hills, as per map recorded in Book 60 page 88 of map in the office of the County recorder of said County.

Landowner SANDERSON PLAZA, LLC

Applicant or Agent

Name: ~~SANDERSON PLAZA, LLC~~ JKP

Name: SAMUEL K. FRESHMAN JKP

Address: 6151 West Century Blvd. #300

Address: 6151 West Century Blvd. #300 JKP

City: Los Angeles,

City: Los Angeles,

State & Zip: California 90045

State & Zip: California 90045

Phone: 310-410-2300

Phone: 310-410-2300

Fax: 310-410-2919

Fax: 310-410-2919

Proposed Tract No. #5647

Engineer or Surveyor

Name: Mollenhauer Group

Address: 601 S. Figueroa Street, 4th Floor

City: Los Angeles

State & Zip: California 90017

Phone: 213-624-2661

Fax: 213-614-1863

Legal description of all parcels of property under consideration:

Lots 2, 3 and 4 in block 10 of Tract 5647 in the City of Beverly Hills, as per map recorded in Book 60 page 88 of maps, in the office of the County recorder of said County.

Project Description:

Designer's Name: _____

Architect's Name: Hamid Gabbay

Year Built: 1978

Site Size: Appx 0.53 acres (23,090 sf)

Floor area of existing structure: 43,551* FAR: _____

Floor area of proposed addition or new structure: _____ FAR: _____

Square footage of basement, ^{and garage} non-story and/or parking levels: 17,850

Square footage of total roof area: 14,584 sq ft

Square footage of "roof features" (^{sundeck and spa} skylights, clerestories): 4,200 sq ft.

Distance from front property line: 34 feet

Distance from side property lines: 9 ft 1 inch

Distance from rear property line: 15 ft

- *1st Fl - 14,551
- 2nd Fl - 14,416
- 3rd Fl - 14,584

Height of existing structure (as defined by Code): Appx 40 ft*

Number of stories: 3 In Feet: Appx 40 ft

Height of proposed addition or of new structure (as defined by Code):

Number of stories: 3 In Feet: Appx 40 ft

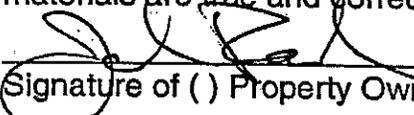
Characteristics/Features that contribute to surrounding area: From its sloping lines and angular profile, to its dramatic and unique lobby area,

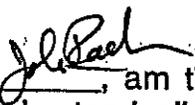
404 N. Maple Drive is a prime example of California Bauhaus architecture from the 1970s. Situated in the architecturally electric "Industrial Area" of Beverly Hills, this building illustrates many of the design

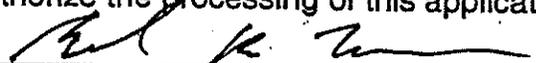
characteristics found in early 20th Century European Modernist Bauhaus

design. With commercial development spanning the entire block directly across the street from 404 N. Maple Drive, preserving this type of 1960s and 1970s contemporary design not only helps maintain the residential characteristic of the neighborhood, but the "Electric" design elements (below)**

I, John Rachin, have read and understand all statements including the supplement to application attached to this application. I am the property owner or authorized agent of the subject property. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.

 08/24/07
Signature of () Property Owner or () Authorized Agent Date

I, SAM FRESHMAN, ~~_____~~ , am the property owner of the subject property. I have read and understand all foregoing statements, and hereby authorize the processing of this application.

 08/24/07
Signature of Property Owner Date

(for office use only)

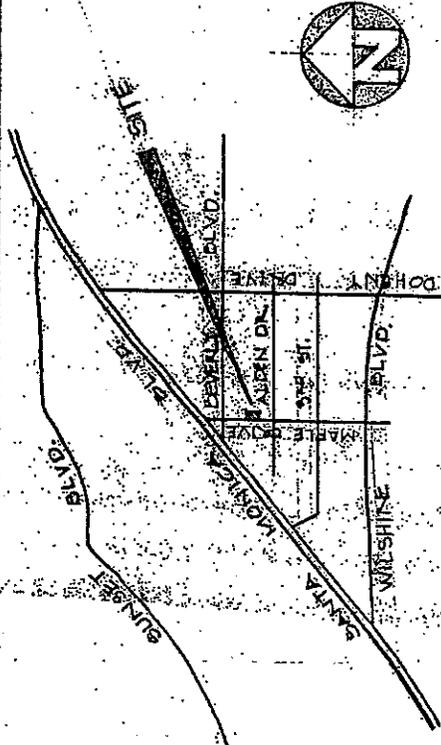
Date received: _____
Application fee Paid: _____
Notice fee Paid: _____

*1st Floor to top parapet plus 14 ft 2.5 inches roof top equipment room.
**and unique charm, that if not preserved, will be lost.

commencement of such work.

13. Ventilation. All interior bathrooms, laundry rooms, and other habitable rooms requiring

VICINITY MAP



JOB ADDRESS:
 404 NORTH MAPLE DRIVE
 BEVELY HILLS, CALIFORNIA 90210

BUILDING ANALYSIS

BUILDING ZONE: K-4 HT. DIST: _____
 CONSTRUCTION TYPE: _____
 BUILDING TYPE: TYPE V-THS
 GARAGE TYPE: _____
 OCCUPANCY: _____
 BUILDING: H H
 GARAGE: F1
 FIRE ZONE: 3
 BUILDING CODE: UBC, 1970 EDITION
 NUMBER OF STORIES: _____
 BUILDING: 3
 GARAGE: 1
 AREA SUMMARY
 BUILDING: 43551.50 FT.
 GARAGE: 17550.50 FT.

D.A. Double Acting

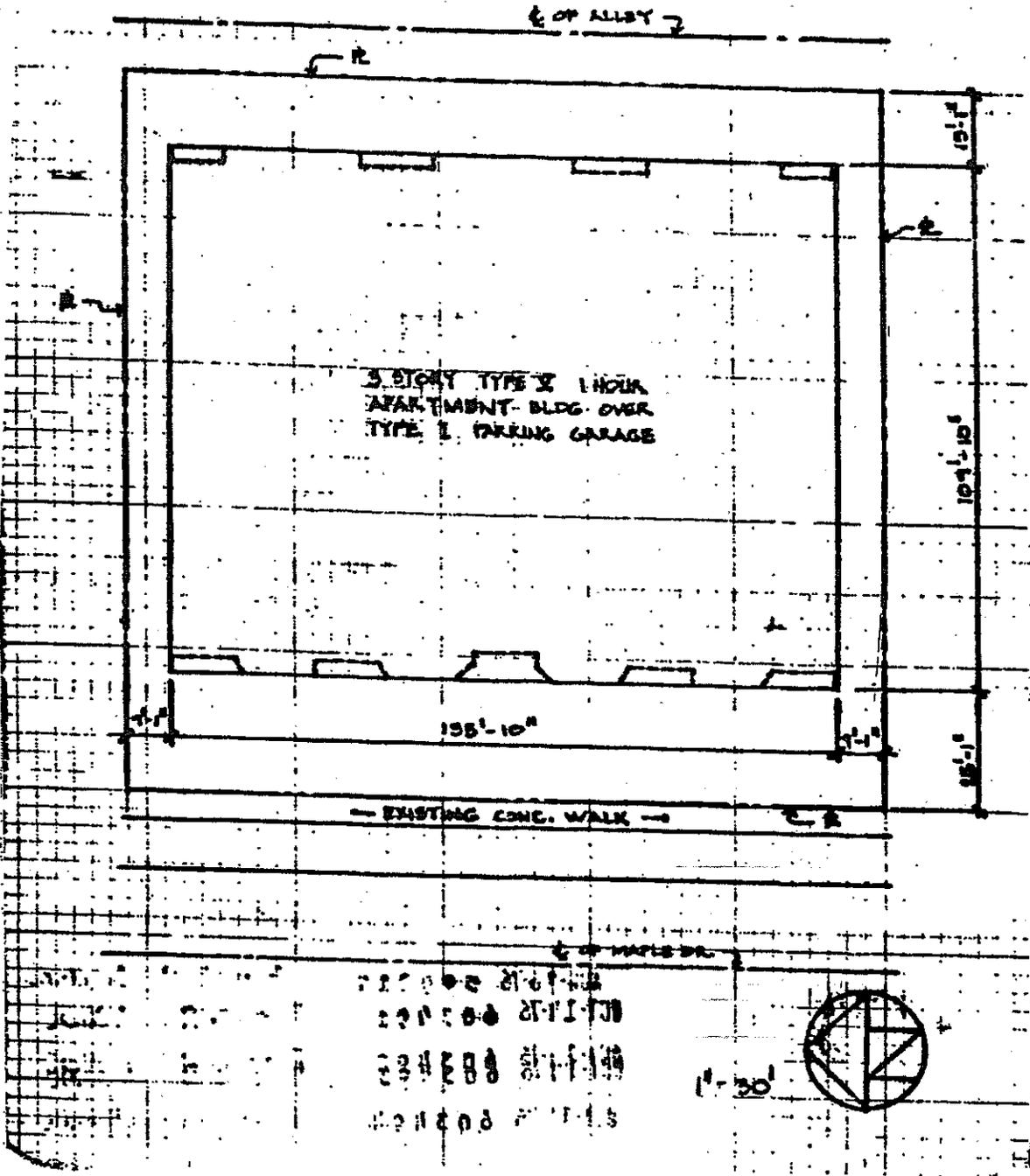
CABVT Cabines

Anchor Bolt

TYPED BY: T. NED

DATE: 10/1/67

TOP OF SHEET: 2/3



PERMIT 761093 — 404 N MAPLE DRIVE

Department of Community Development
Planning Division
City of Beverly Hills
City Hall
Beverly Hills, CA 90210

Re: 404 North Maple Drive
Beverly Hills, CA 90210

To understand why the preservation of the subject property has historical significance and meets the "character" designation, aside from its design elements, a brief history of the area needs to be considered:

One of the areas of Beverly Hills that has gone through the most dramatic use changes, is the section called the "Industrial Area." Quite wisely, the City purchased considerable property there in the late 1940s and early 1950s in anticipation of growing demands for municipal services.

In the past ten years, City owned properties in this area have been developed for a major public works building, the abandonment of a waste management station and the leasing of property to entertainment industry entities (including Dream Works, Fox and an international internet provider). The City's presently owed inventory includes land now under consideration for a possible Community/Sports Center, combined with a development lease plan being formulated by International Creative Management (ICM).

From the 1940s to the mid-1970a, much of the area was single family residential. With the adoption of a new general plan in the 1960s, for the next 30 or 40 years some important changes took place. A proposal to build a major condominium project, that would have included "swapping" city owned land so that the developer would have contiguous land for development, although approved by the city council, was defeated in a referendum. This defeat led to rezoning of single family to multi-family and commercial and saw the advent of a major new post office, a large private tennis club and some of the largest office buildings in the city. Few, if any, single family homes remained. Incidentally, industrial zones still remain and houses various utilities. There are also offices and some retailing next to what was the T (Transportation) zone adjacent to Santa Monica Boulevard.

However, since preservation of residential inventory is a major planning goal for the city, this can only be supported if the apartment buildings created in the 1970s and 1980s are preserved, including some to common interest development. This is a critical historic need because the land in question could be rezoned, as much of the area has been, for commercial use. This "industrial area" is the only major area of the city that has changed from residential to commercial and/or has failed to approve zoning from commercial to residential.

A side issue has been the resistance of many residents north of Santa Monica Boulevard, in the "flats", who oppose any non-residential uses, in part, because they oppose "opening" of streets that would permit "through" traffic across Santa Monica Boulevard from the Industrial Area.

Although there are significant design elements of the subject property that lend themselves to "character" preservation including a large, very atypical reception area, the history of the surrounding area, the land use intent of preserving residential inventory, all argue in favor of common interest development as a tool of preservation.

Sincerely yours

Rudy Cole

Former Chair, Recreation and Parks Commission

Former Vice Chair, Industrial Area Study Committee

August 22, 2007



RECEIVED
CITY OF BEVERLY HILLS

JAN 10 2008

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT

455 N. Rexford Drive
Beverly Hills, CA 90210-4817
(310) 285-1123
FAX: (310) 858-5966

www.beverlyhills.org

CITY OF BEVERLY HILLS

Categorical Exemption

NAME OF PROJECT 404 N. Maple Drive

LOCATION 404 North Maple Drive, Beverly Hills, CA 90210

TYPE OF BUSINESS (IF COMMERCIAL) Multi-unit Residential Building

PROJECT DESCRIPTION Common Interest Development:

Conversion of multi-unit residential building to condominium.

APPLICANT'S NAME Sanderson Plaza, LLC PHONE 310-410-2300

APPLICANT'S ADDRESS 6151 West Century Blvd. #300, Los Angeles, CA 90045

CITY Los Angeles, California ZIP 90045

IF DIFFERENT, PROVIDE:

AGENT'S NAME Samuel K. Freshman PHONE 310-410-2300

AGENT'S ADDRESS 6151 West Cenutry Blvd. Suite 300

CITY Los Angeles, CA ZIP 90045

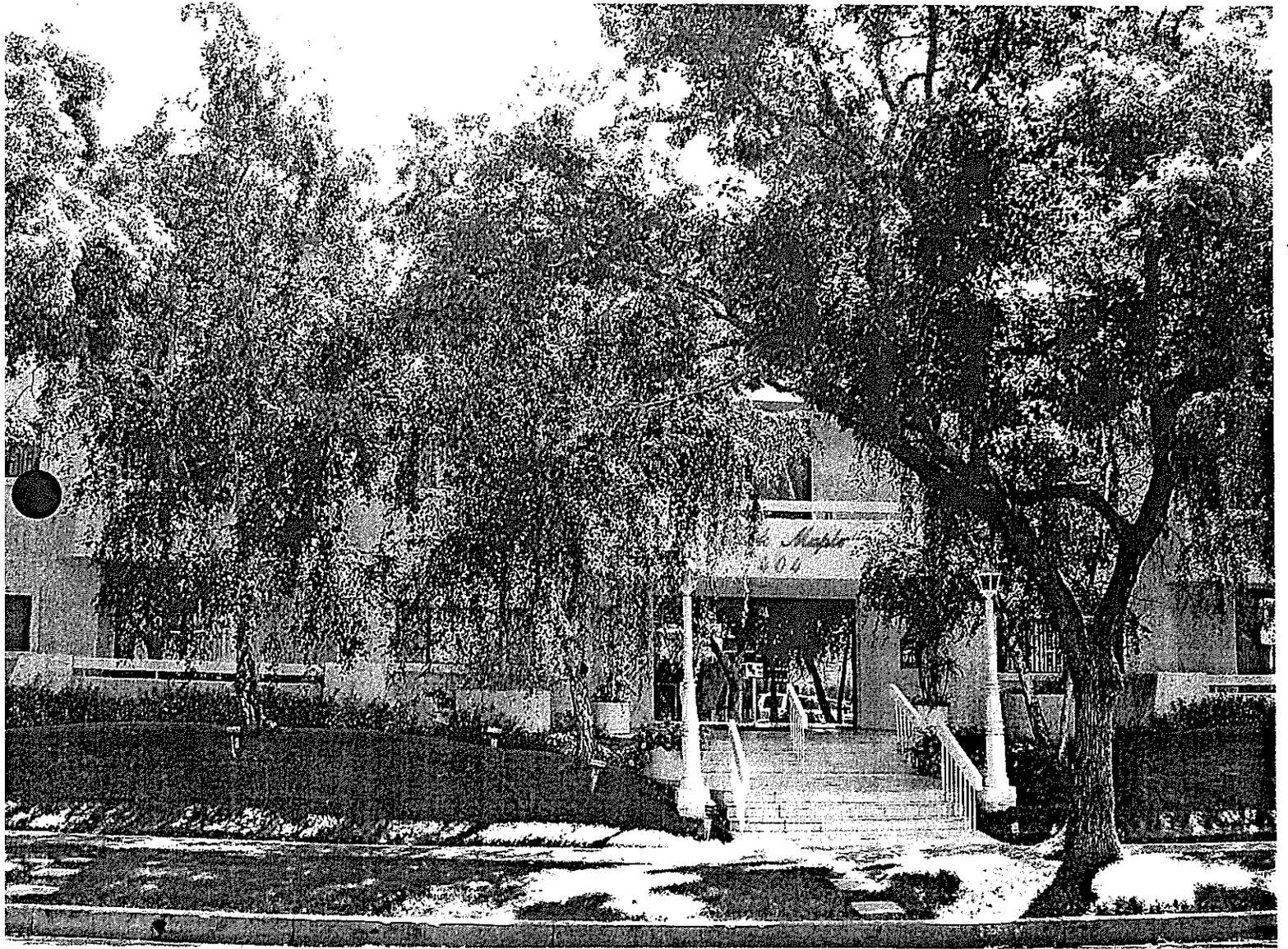
The undersigned, having received this project for processing, has reviewed it for environmental impact and concluded that the project qualifies for a categorical exemption under the procedures adopted by the City of Beverly Hills and no further environmental assessment is necessary.

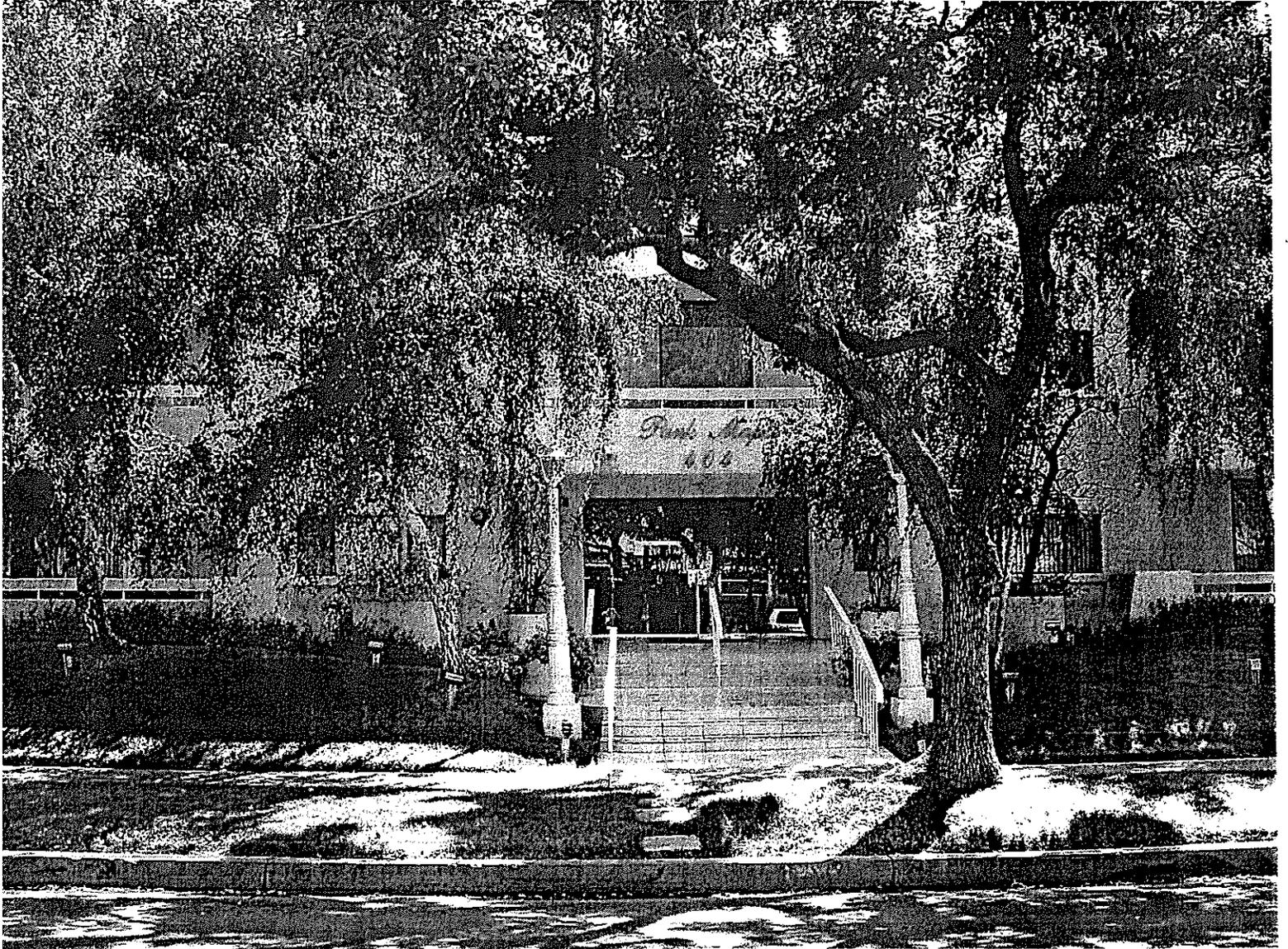
Applicable Exemption Class 150616(3)

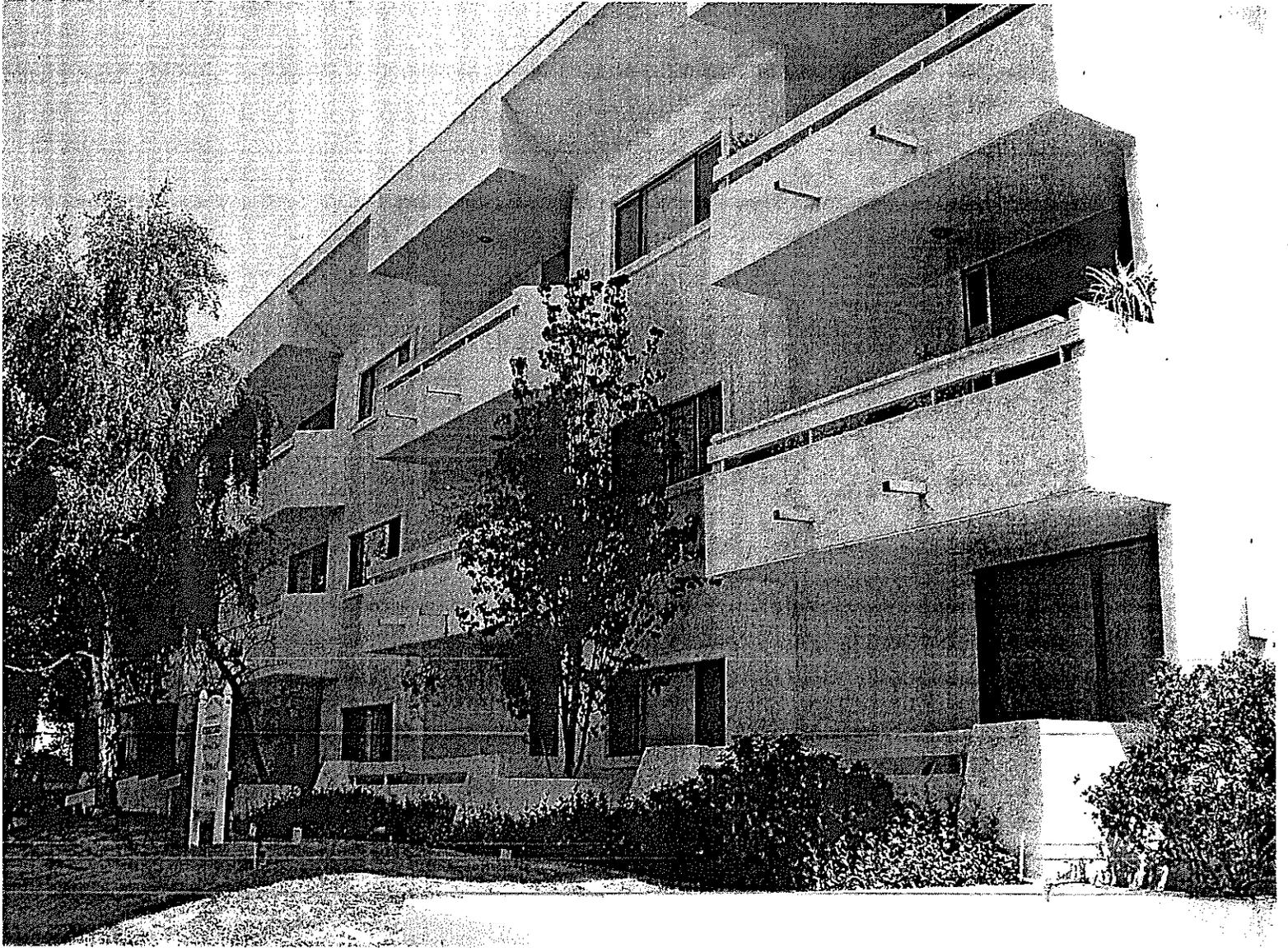
COMMENTS _____

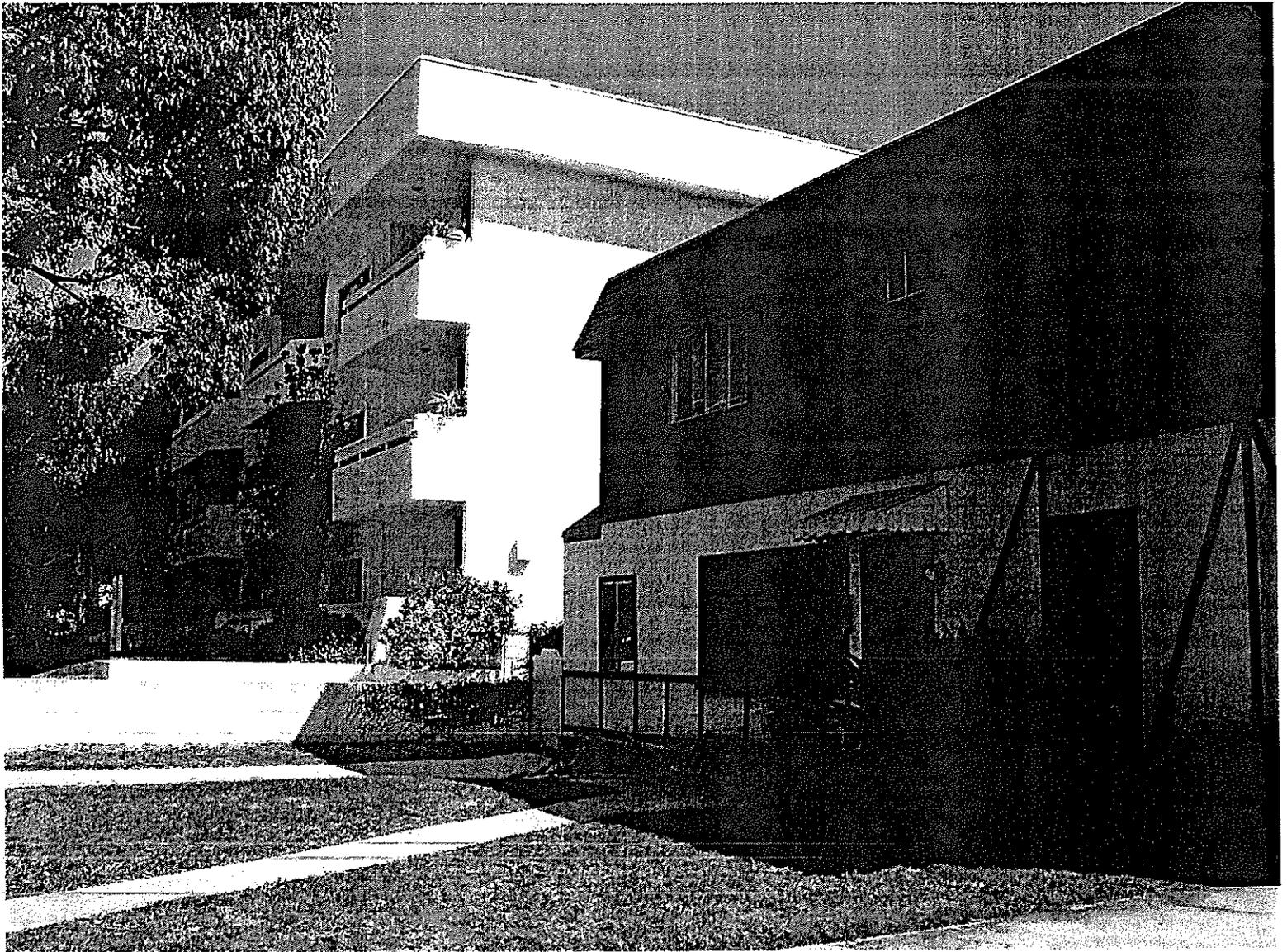
REVIEWED BY Pete Nijp Date January 14, 08

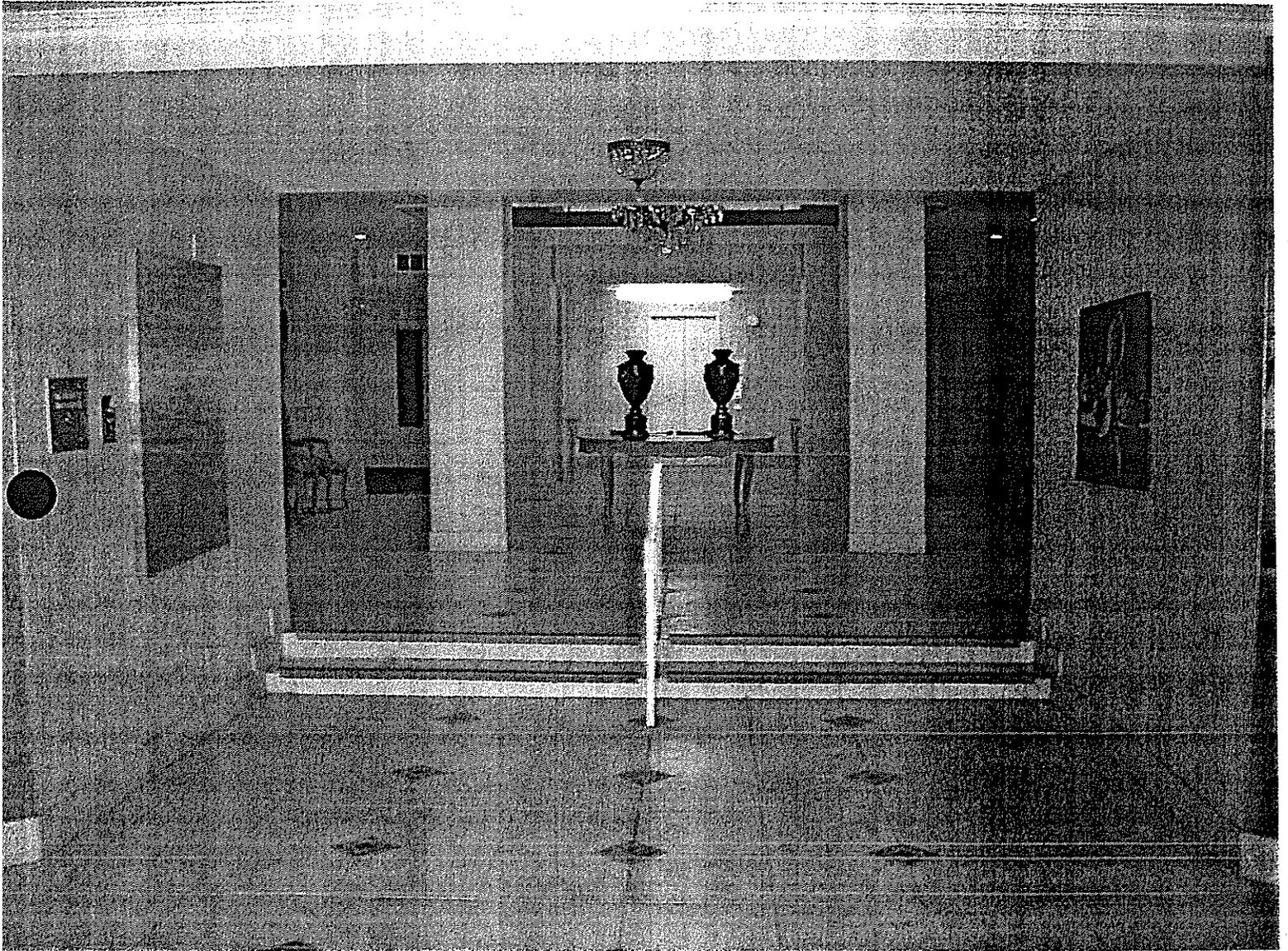
FEE \$ _____ (See current Planning Department Fee Schedule)





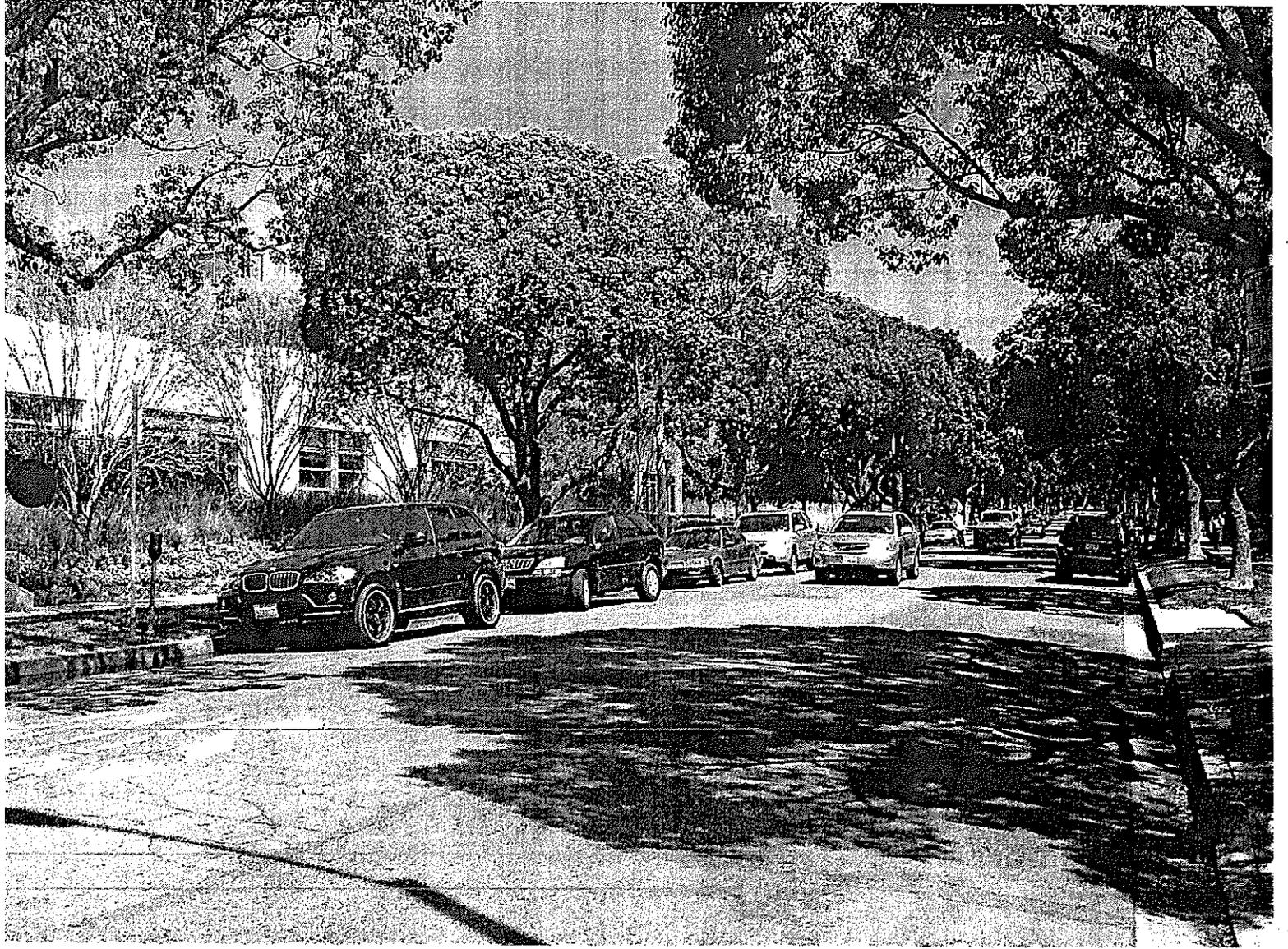


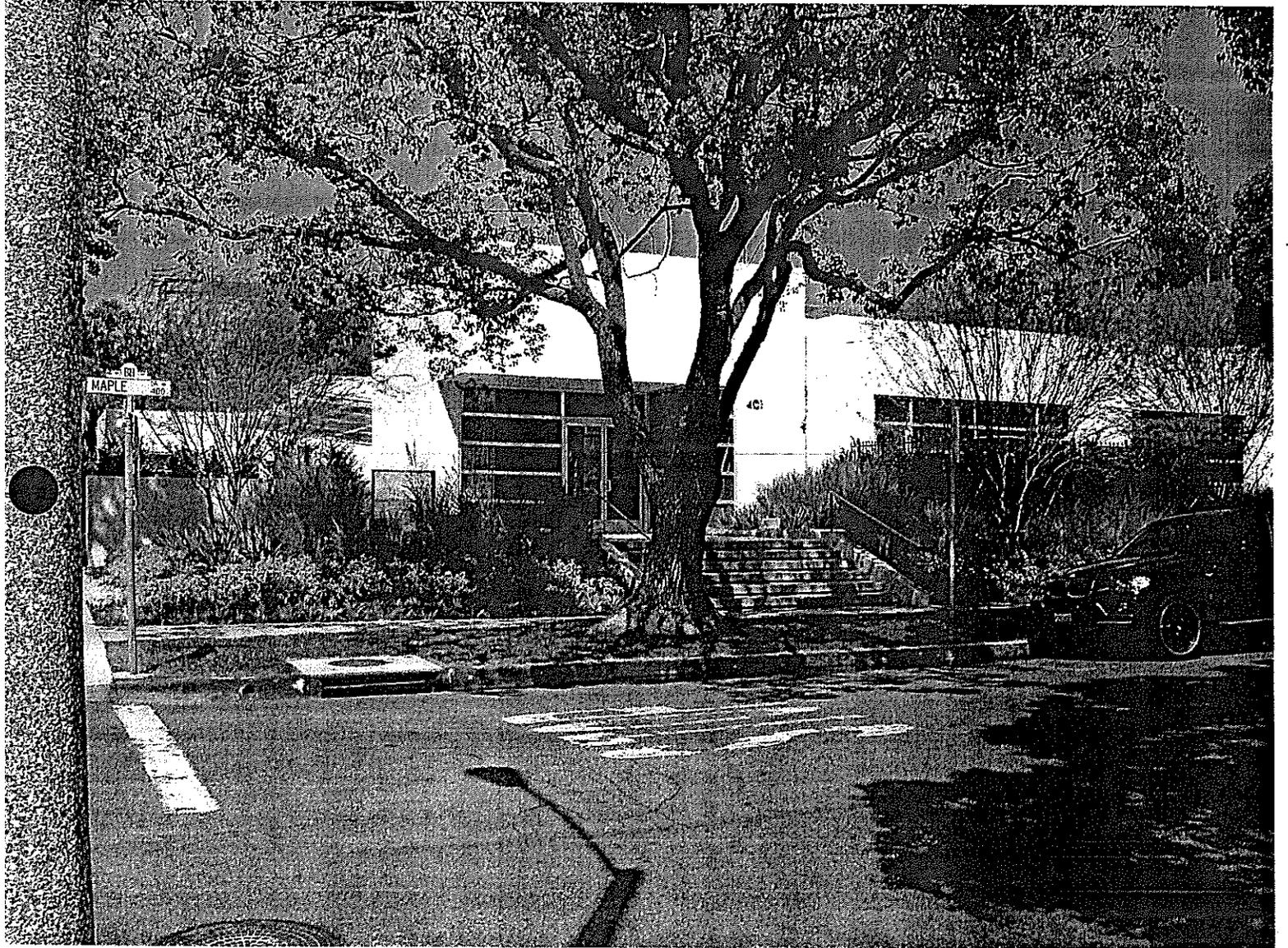


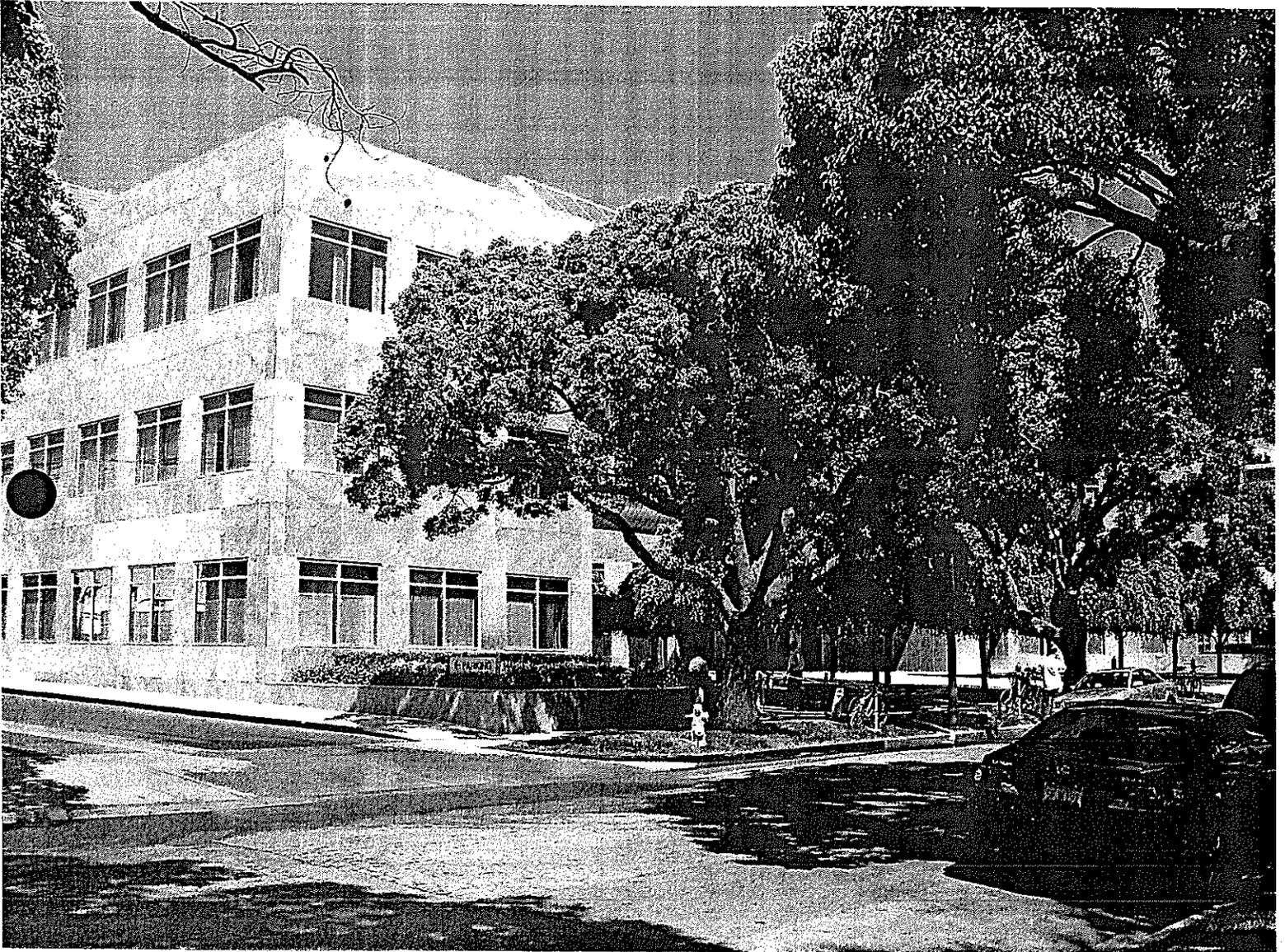












Attachment 4
Applicable Municipal Code
Sections

10-2-707: COMPLIANCE WITH CODE PROVISIONS:

- A. Code Compliance Required: Except as otherwise provided by this article, neither a tentative map nor a precise plan of design for a new common interest development project or for the conversion of an existing building to a common interest development or the conversion of an existing common interest development created prior to January 1, 2006, to another form of common interest development shall be approved unless the project will comply with the building codes and zoning regulations and all the other requirements of this code in effect at the time of application.
- B. Exception For Conversion Of Character Contributing Buildings: Notwithstanding the provisions of subsection A of this section, it is recognized that certain multi-family residential buildings that cannot feasibly comply with current building codes and zoning regulations may be of continued value if otherwise allowed to be converted to common interest developments, and upgraded and rehabilitated to generally conform to the provisions of this article and other code requirements.

For the purposes of this article, and all related sections of this code, a character contributing building shall mean any multi-family residential building that the planning commission determines, due to its proportions and scale, design elements, and relationship to the surrounding development, is of continued value and contributes to defining the character of the community as a whole. In making this determination, the planning commission shall make the following findings:

1. The building to be converted is not substantially greater in massing and scale than the surrounding streetscape. In making this determination, the planning commission may compare the relative lot coverage, height and setbacks of the building being converted to the lot coverage, height and setbacks of developments on parcels in the same block.

2. And either:

a. The building to be converted and/or the project site design contribute(s) to community character through the use of: 1) architecturally pure styles that foster congruous designs and details that are similar or complementary in scale and mass to other nearby structures; 2) features visible from the public street, including, but not limited to, courtyards, balconies, open space, building modulation, or any other similar characteristics that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review set forth in section 10-3-3010 of this title; or

b. The interior spaces of the building to be converted contribute to community character through the use of architectural features and high quality construction finishes and features such as crown molding, hardwood floors, fireplaces, stairways, and built in cabinets in individual units; private courtyards, balconies, and/or interior open spaces; interior fountains; or any other similar characteristics or features that, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review set forth in section 10-3-3010 of this title.

- C. Architectural Review Required: Nothing in this article shall relieve a project to convert an existing building to a common interest development from the architectural review

requirements of chapter 3, article 30 of this title. (Ord. 06-O-2497, eff. 4-6-2006)

Attachment 5
Architectural Project
Plans
(Under Separate
Cover)