



STAFF REPORT
CITY OF BEVERLY HILLS

**FOR THE PLANNING COMMISSION
MEETING OF FEBRUARY 26, 2009**

TO: Planning Commission
FROM: David Reyes, Principal Planner
THROUGH: Jonathan Lait, AICP, City Planner
SUBJECT: Resolution approving a Development Plan Review and Vesting Tentative Tract Map for the conversion of an existing 11-unit apartment building to a common interest development (condominium) located at 200 South Lasky Drive.



RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution conditionally approving a Development Plan Review and Vesting Tentative Tract Map to allow the conversion of an existing eleven-unit apartment building to a condominium building.

At the meeting held on November 13, 2008, the Planning Commission held a public hearing to consider this matter and requested that staff prepare a resolution conditionally approving this project. At that meeting, there was discussion between the Commission, staff and applicant regarding specific conditions of approval. Hardware and software deficiencies related to the recording of the November 13 meeting are corrupted and therefore specific points raised amongst the interested parties cannot be verified; therefore, staff is placing this resolution back on the agenda for formal adoption.

Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Project consists of the conversion of an existing eleven-unit apartment building to an eleven-unit condominium building. Pursuant to State CEQA Guidelines Section 15301(k), Existing Facilities, the division of existing multiple family residences into common interest ownership are exempt from the provisions of CEQA and no significant environmental impacts are anticipated.

Section 3. On October 31, 2008, a notice of public hearing was mailed to all property owners and residents within 300 feet of the Project site. On November 13, 2008, the Planning Commission toured the site and held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. Pursuant to Section 66474 of the California Government Code, in reviewing the application for Vesting Tentative Tract Map No. 69579, the Planning Commission considered the following issues:

- 1) Whether the proposed tentative parcel map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City;
- 2) Whether the site is physically suitable for the type of development and the proposed density;
- 3) Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and
- 4) Whether the design of the subdivision or type of improvement is likely to cause serious public health problems and whether the design of the subdivision or the type of improvement will conflict with any public easements.

5.3 As conditioned, the Project will not cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat because there are no significant fish or wildlife resources or public health issues on the Project site, and utilities exist that will adequately serve the demands of the Project. The Project site is located in an urbanized neighborhood and involves the conversion of an existing apartment building to a common interest development and the building's existing footprint will not be expanded.

5.4 The design of the subdivision and the type of improvements will not cause serious public health problems, and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Project involves the conversion of an existing apartment building to a common interest development and no changes to the site's access or circulation are proposed. The Project design has been preliminarily reviewed by the Public Works Department and the Building and Safety Division for code compliance. In addition, the Project will not encroach into any public easement areas. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

Section 6. Pursuant to Beverly Hills Municipal Code Section 10-3-3104, in reviewing the application for Development Plan Review, the Planning Commission considered the following issues:

- 1) Whether the proposed plan is consistent with the General Plan and any specific plans for the area;
- 2) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
- 3) Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and

the vicinity are similarly multi-family in nature. The subject building was constructed in 1936 and has been determined to be “character contributing” and worth preserving by the Planning Commission on January 25, 2007. The Project contemplates the conversion of the apartment building to a common interest development. The multi-family residential use of the property will not be altered by the Project and the restoration of the building will promote the harmonious development of the area.

Prior to approval of the Final Map, the project shall be subject to review and approval by the Architectural Commission. Therefore, as conditioned, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

7.3 As conditioned, the proposed Project will not create any significant adverse traffic impacts or vehicular or pedestrian safety or circulation problems. The project involves the conversion of an existing apartment building to a condominium building and is not anticipated to generate any significant adverse or vehicular or pedestrian safety or circulation problems because no change to the existing residential use is proposed and no change in the number of units are contemplated by the Project compared to the existing development. Vehicular ingress and egress is currently provided via Charleville Boulevard to a subterranean parking level. Pedestrian access is provided along South Lasky Drive and Charleville Boulevard, which is fully improved with sidewalk, curb and gutter. The existing access has been preliminarily reviewed and approved by the Public Works Department and the Building and Safety Division. No changes to the existing access are contemplated by the Project and no impacts are anticipated. Therefore, it is not anticipated that the Project will generate adverse traffic impacts, traffic hazards, pedestrian/vehicle conflicts, or pedestrian safety hazards.

7.4 As conditioned, the Project will not be detrimental to the public health, safety, or general welfare. The Project, as conditioned, will be constructed in accordance with the City’s Building Code standards and adequate open space living area has been provided per Code requirements. In addition, prior to the approval of the Final Map, the Project shall demonstrate compliance with all mandatory minimum physical

determined that the building to be converted contributes to community character through the use of architecturally pure styles that foster congruous designs and details that are complementary in scale and mass to other nearby structures and that features visible from the public street, 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 BHMC Section 10-3-3010.

9.2.1 The Project has been reviewed for compliance with the City's current zoning regulations. It has been determined that the Project complies with current zoning regulations with the exception of parking, density and setback requirements. With respect to setback regulations, current regulations require a 19-foot cumulative setback from the side property lines and a minimum setback of 8 feet. The building exhibits a cumulative side yard setback of 7' 6" and a minimum setback of 3' 6". The existing minimum front yard setback requirement is 15 feet while the building exhibits an 11' 1" setback. Current parking standards require a total of 26 parking spaces, including all required guest parking. The project will include a total of 12 parking spaces. Each parking space will be substandard with respect to required dimensions.

9.2.2 Pursuant to BHMC Section 10-2-712, for "character contributing" buildings as defined in BHMC Section 10-2-707, a maximum of 1.5% of the total of the existing multi-family residential rental stock as of January 1 of each calendar year may be approved converted to any form of common interest development. Inasmuch as this Project represents the first conversion approved this calendar year, the Project complies with the annual limitation of residential conversions.

9.2.3 Pursuant to BHMC Section 10-2-710, all property owners of proposed residential conversions must provide existing tenants with a notification of intention to convert at least 60 days prior to the filing of a tentative map. In addition, each tenant of the proposed condominium project must be given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion, such notice

spaces. Currently, the parking spaces aren't striped to code requirements. Pursuant to BHMC Section 10-2-709 H, the Planning Commission may modify the parking requirements for Character Contributing Buildings but no conversion shall be approved unless at least one parking space is provided for each unit. In addition, the Commission may require the expansion of a free-standing parking structure located in the rear yard, but parking may not be expanded into existing open space area. The subject property has been developed with a subterranean parking level. There is no room on the subject property to construct a free standing parking structure and expansion of the existing subterranean level is infeasible, if not impossible without demolition of at least portions of the building and, similar to compliance with setback requirements, would result in damage to the building's character defining façade. In addition to the above cited zoning regulations, the Planning Commission hereby waives building/fire code requirements with respect to fire sprinklers, stairway construction, exiting, disabled access requirements, and energy conservation requirements. *Fire Sprinklers*- the installation of fire sprinklers throughout the building would require interior alterations including cutting ceilings, floors and walls. The cornice mouldings, existing plaster and base boards in much of the building would be cut through and possibly ruined beyond repair or equivalent replacement. *Stairway Construction* - the building code requires a headroom of 6'8", the existing condition is 6'3". Correcting this exterior element would require extensive demolition/reconfiguration of this area of the stairs and likely alter the exterior of this portion of the building. As an interior stairway serves as the main means of entry and exit to the third floor, the existing situation is acceptable and would not require the alterations technically mandated by the Code. *Exiting* - The interior stairs and landing width is less than required by current building code. Compliance with existing widths and heights would require extensive renovation and demolition in and adjacent to the area of the stairs. *Disabled Access* - Due to the existing configuration and elevations, compliance with current disabled access requirements would require

3.2. The Applicant shall deliver the executed covenant to the Department of Planning and Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Vesting Tentative Tract Map subdividing the Tract shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning and Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that will affect the City's ability to approve a Vesting Tentative Tract Map and Development Plan Review.

4. If, in the opinion of the Building Official, the proposed renovations warrant such a document, the Applicant shall submit a Construction Management Plan to the Department of Community Development for review and approval prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:

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

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

8.3. A minimum of one parking space shall be permanently maintained for each unit. Parking spaces may not be leased, subleased, sold separately from the condominium unit, or otherwise given to others not a resident(s) of the condominium unit within the development. These statements shall also be noted on the final map. All common areas and facilities shall be clearly depicted and/or described.

8.4. The Homeowners Association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions.

9. 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, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person on the site in a location readily visible to the general public and 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.

10. The Applicant shall secure and comply with all necessary permits and conditions from the Public Works/Engineering Department/ Recreation and Parks Department prior to commencement of any demolition or Project related work, and includes the protection and maintenance of all street trees during construction. A copy of the Public Works standard conditions of approval is attached hereto as Exhibit A.

15. Prior to occupancy as a condominium, the Applicant shall submit a letter from the project landscape architect certifying that all proposed and approved landscape material and irrigation, if any has been installed and is functioning according to the approved landscape plans.

16. The Final Map shall be prepared in accordance with the approved Tentative Map and shall be filed within twenty-four (24) months from the date of approval by the City, unless, prior to expiration of the twenty-four (24) months period, the Planning Division has received a request from the subdivider for an extension of time in writing and subsequently receives approval by the City.

17. The subdivider and successors shall be responsible for the maintenance of the site drainage system, sidewalk, parkways, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions (CC&Rs)". A recorded copy of said document shall be provided to the City's Planning Division Office.

COMPLIANCE WITH APPLICABLE CODES

18. With the exception to the modification of the current parking, density and setback regulations as detailed in Section 9 of this resolution, the project shall comply with all current zoning regulations in effect as of October 14, 2008.

19. Prior to consideration of the final map, the Project shall demonstrate compliance with all current applicable building and fire codes and regulations in effect as of October 14, 2008, with the specific exceptions identified in Section 9 of this resolution regarding fire sprinklers, stairway construction, exiting, disabled access requirements, and energy conservation requirements. Provided that, with respect to energy conservation, subject to the satisfaction of the building official, standards that do not involve alterations to the building's exterior or loss of interior architectural integrity, compliance shall be achieved.

f. Emergency backup power shall be provided for egress lighting in all public areas, including corridors, stairways, lobbies, attached parking garages and elevator cabs and shall provide a minimum illumination of one foot-candle at the floor level as required by section 9-1-302 of this code and California Building Code section 1003.2.9.1 or any successor statute or regulation.

g. A means of two-way communication shall be provided between all elevator cabs and the outside of the elevator in accordance with the provisions of California Building Code section 3003.4.10 or any successor statute or regulation.

h. Portable fire extinguishers shall be provided in accordance with section 1002 of the California Fire Code or any successor statute or regulation.

i. The building address number shall be conspicuously displayed at the front entry and the number and street name shall be displayed at the rear alley in accordance with the provisions of section 9-1-202 of the BHMC.

k. All fire protection systems installed in multi-residential occupancies shall be inspected, serviced and maintained in accordance with the requirements of title 19 of the California Code of Regulations or any successor statute or regulation.

l. All fire alarm systems shall be inspected, serviced and maintained annually by an appropriately licensed contractor in accordance with the requirements of regulation 72 of the National Fire Protection Association.

20.2. Electrical Requirements:

a. Ground fault circuit interrupter (GFCI) protection shall be provided for all electrical receptacles in bathrooms, serving kitchen counters, in garages or outdoors in accordance with the provisions of

e. Potable water shall have backflow protection where necessary to prevent potential cross connection (contaminating potable water with nonpotable water or other pollutants) in accordance with the requirements of California Plumbing Code sections 602 and 603 or any successor statutes or regulations.

f. Dishwashers shall be connected to the drainage system through an approved air gap fitting in accordance with the requirements of California Plumbing Code section 807.4 or any successor statute or regulation.

20.4. Mechanical Requirements:

a. Habitable areas shall be provided with permanent heating facilities capable of maintaining a temperature of seventy degrees Fahrenheit (70°F) at a height of three feet (3') above the floor in accordance with the requirements of uniform code for building conservation section 701.4 and California Building Code section 310.11 or any successor statutes or regulations.

b. Gas heating equipment shall be properly vented to the outside in accordance with California Mechanical Code section 801 or any successor statute or regulation.

c. Gas heating equipment shall be provided with sufficient combustion air in accordance with the requirements of California Mechanical Code section 701 or any successor statute or regulation.

d. Permanently installed HVAC equipment shall be fastened in place to resist seismic loads in accordance with the requirements of California Mechanical Code section 304.4 or any successor statute or regulation.

20.5. Structural Requirements:

- a. Openings into individual dwelling units shall comply with the security provisions of the uniform building security code or any successor statutes or regulations.
- b. Doors with a deadlock that requires a key to open from the inside shall be replaced with an approved lock in accordance with the requirements of California Building Code section 1003.3.1.8 or any successor statute or regulation.
- c. Required egress windows in sleeping rooms shall not be blocked by a security grill or grate that does not have an approved release device in accordance with the requirements of California Building Code section 310.4 or any successor statute or regulation.

20.9. Miscellaneous Requirements:

- a. Any construction work requiring a permit that was done without the appropriate permit shall be properly permitted and inspected in accordance with the requirements of section 9-1-104 of the BHMC.
- b. The property shall be maintained in accordance with sections 5-7-3, 5-7-4 and 5-7-5 of the BHMC.
- c. The roof of any structure on the property shall be covered to a class A fire retardant roof no later than July 1, 2013, in accordance with the provisions of section 9-1-202 of the BHMC.

21. **Pest Control:** Prior to consideration of the final map, the subdivider shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest control report required by section 10-2-704.1 of this article to the satisfaction of the city building official.

22. **Laundry Facilities:** If the proposed conversion will not provide a common laundry area, a laundry area shall be provided in each individual unit. If common laundry areas are provided to serve the entire project, each project shall provide, at a minimum, a laundry area(s) with not less than one automatic washer

adjacent sidewalk with the driveway access. Prior to consideration of the final map, the architectural commission shall review the comprehensive plan and, through its review, shall expressly identify those elements, if any, which the planning commission found contributed to the determination of the project as a "character contributing building" in accordance with section 10-2-707 of the BHMC and incorporate measures to ensure that the refurbishment and restoration of those elements preserves said character defining features.

26. Long Term Reserves: Prior to approval of the final map, the developer shall prepare and submit a reserve study as required by California Civil Code section 1365 to the director of community development and shall provide purchasers with a disclosure, in the form prescribed by California Civil Code section 1365.2.5 or any successor statute.

27. Submittal Of Budget: Prior to approval of the final map, the subdivider shall submit to the director of community development or his or her designee a copy of the proposed budget for maintenance and operation of common facilities submitted to the California department of real estate, including needed reserves, along with any changes in the budget required by the department of real estate.

TENANT NOTIFICATION

28. Prior to consideration of the final map, the subdivider shall demonstrate compliance with the 180-day tenant noticing requirement for set forth in BHMC Section 10-2-710 D.

29. The subdivider shall demonstrate compliance with the 10-day tenant noticing requirement regarding application for a public report with the Department of Real Estate as set forth in BHMC Section 10-2-710 B.

30. The subdivider shall provide each tenant written notification within ten (10) days of approval of a final map for the proposed conversion.

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

Kathy Reims
Chair of the Planning Commission
of the City of Beverly Hills

ATTEST:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

Exhibit A
City of Beverly Hills

9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.