AGENDA REPORT

Meeting Date: February 16, 2010

Item Number: F-3

To: Honorable Mayor & City Council

From: Ara Maloyan, Deputy City Engineer
Samer Elayyan, Civil Engineer

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR TRACT MAP NO. 63079 (447-451 NORTH DOHENY DRIVE)

Attachment:
1) City Council Resolution
2) Location Map
3) Planning Commission Resolution No. 1425
4) Planning Memorandum of Conformance

RECOMMENDATION

It is recommended that the City Council find that the final map conforms to all applicable requirements of the State Subdivision Map Act and the City's Subdivision Ordinances, and adopt the resolution approving the final map for Tract Map No. 63079.

INTRODUCTION

This report is a request for City Council adoption of the findings that Tract Map No. 63079 located at 447-451 North Doheny Drive is consistent with the previously approved tentative tract map and that the tentative map conditions have been met. It also provides for City Council adoption of a resolution approving the final map for Tract Map No. 63079.

DISCUSSION

The applicant, Doheny Group, LLC, has prepared the final map to construct a new 23-unit condominium building over a two-level, 75-space subterranean parking garage on a three-lot site, located at 447-451 North Doheny Drive.

At its meeting of June 22, 2006, the Planning Commission approved Vesting Tentative Tract Map No. 63079 and adopted Resolution No. 1425, a copy of which is attached.

The applicant submitted a final tract map for approval by the City Council that is substantially the same as the approved tentative tract map. The final map meets all the conditions imposed by Planning Resolution No. 1425 (see attached memo from Planning Department staff) and was approved by the County of Los Angeles (acting City Engineer for City of Beverly Hills), on January 07, 2010. On January 21 2010, Doheny Group, LLC, submitted the final map for approval by City Council. Staff has now reviewed the Final Map and is recommending its approval by the Council.

Pursuant to State Subdivision Map Act, Government Code Section 66458(a), the City must "approve the final map if it conforms with all requirements of [the Map Act], and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map".

FISCAL IMPACT

There are no known financial impacts associated with this action.

DG David Gustavson
Approved By

Attachment 1

RESOLUTION NO. 10-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR TRACT MAP NO. 63079 (447–451 NORTH DOHENY DRIVE)

The Council of the City of Beverly Hills hereby finds, orders, and resolves as follows:

Section 1. Tentative Tract Map No. 63079 was submitted for approval of a subdivision consisting of twenty-three (23) condominium units at 447-451 North Doheny Drive.

Section 2. The Planning Commission conditionally approved said Tentative Tract Map, and the final map has been filed in a timely manner.

Section 3. The Council of the City of Beverly Hills finds as follows:

(a) The final map filed herein is in substantial compliance with the tentative tract map and complies with all of the requirements of the California Subdivision Map Act and the City's subdivision ordinance.

(b) The applicant has performed all conditions required by the tentative map.

(c) For the reasons set forth in the resolution approving the tentative map, the design of the subdivision and proposed improvements will not cause substantial environmental damage or any health problems and will not conflict with any public easements.

(d) For the reasons set forth in the resolution approving the tentative map, the discharge of waste from the proposed subdivision into the existing sewer system will

not result in a violation of existing requirements prescribed by the California Regional Water Quality Board.

Section 4. The Council of the City of Beverly Hills does hereby resolve as follows:

(a) The final map for Tract Map No. 63079 is approved.

Section 5. The City Engineer is directed to record the Final Map.

Section 6. The approval of the Final Tract Map shall be construed as approval of only those matters expressly shown or stated in the map, and shall not be construed as an approval of any other matters submitted to or considered by the Planning Commission or the Council and not expressly shown or stated on the Final Map or in this resolution.

Section 7. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

_____
NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

[Signatures continue]

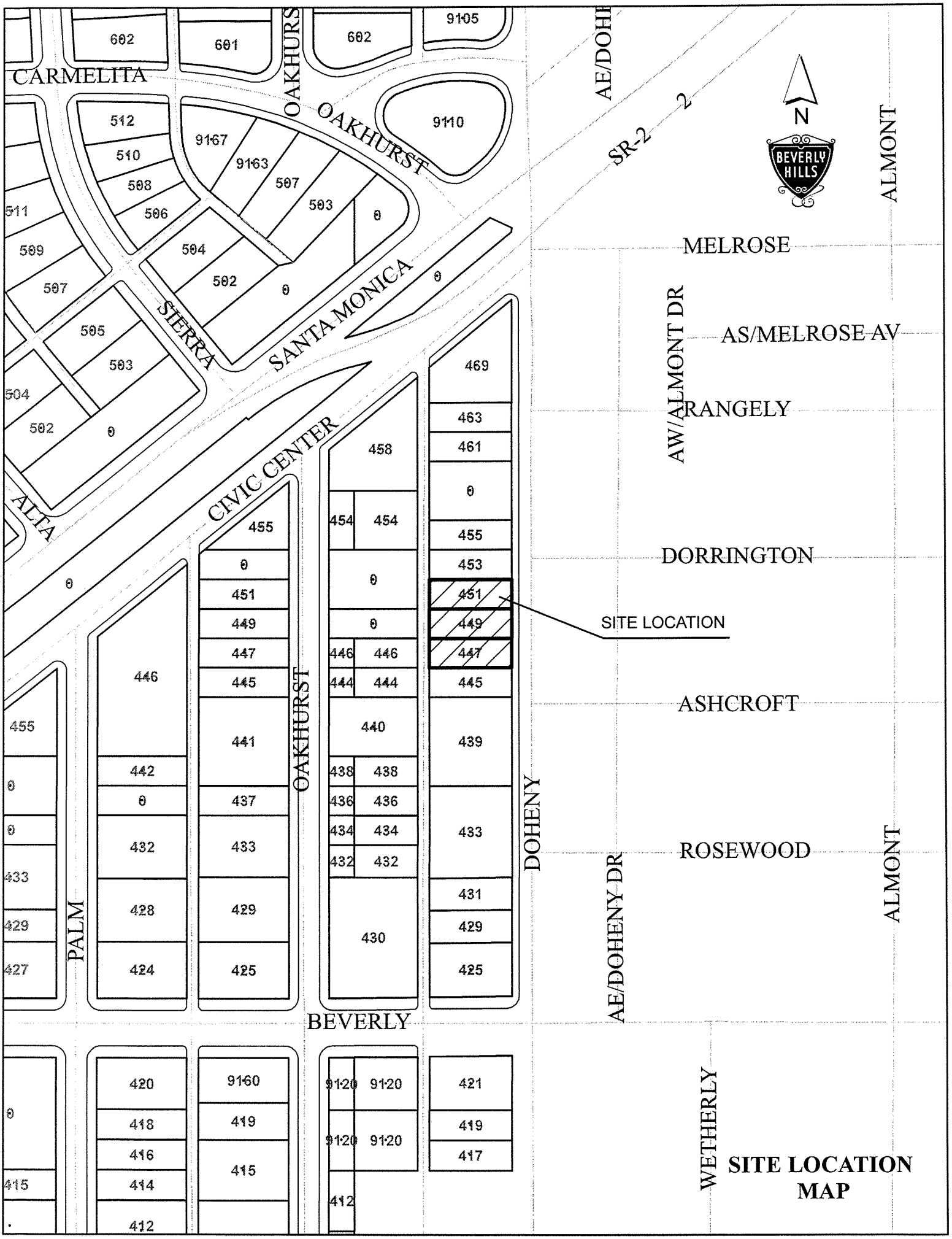
APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

DAVID D. GUSTAVSON
Director of Public Works & Transportation

Attachment 2



SITE LOCATION MAP

Attachment 3

RESOLUTION NO. 1425

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 063079, A DEVELOPMENT PLAN REVIEW AND R-4 PERMITS TO ALLOW CONSTRUCTION OF A TWENTY-THREE UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON THREE LOTS AT PROPERTY LOCATED AT 447-451 NORTH DOHENY DRIVE

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

Section 1. Gold Coast Developments, LLC, property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Vesting Tentative Tract Map No. 063079, a Development Plan Review and R-4 Permits to allow construction of a 23-unit condominium structure, for property located at 447-451 North Doheny Drive (the "Project"). The Project includes applications for a Development Plan Review, Vesting Tentative Map and R-4 Permits to allow the construction of a new 23-unit condominium development in a single building over a two-level, 75-space subterranean parking garage on a three-lot site. The Applicant is requesting two R-4 Permits: (1) For a reduction in the required rear yard setback to offset modulation for a large scale project; and (2) To allow more than one five-foot wide walkway in the required front yard setback.

The proposed structure will be five stories and a total of 55 feet tall and will contain a floor area of 53,365 square feet. The Project conforms to the applicable height district

limits for the City's R-4 Zone. The 23 units proposed will range in size from 1,470 to 2,248 square feet, 17-units with 2 bedrooms and 6-units with 3 bedrooms.

The two-level, subterranean garage will be accessed from two, 15 foot driveways (southern driveway for ingress and northern driveway for egress) accessed from the alley at the rear. The garage will contain 75 spaces, with a total garage area of 41,882 square feet. The upper garage will contain 35 spaces, including two of the handicapped parking spaces, and will include a trash area. The lower garage will contain 75 parking spaces including two handicapped spaces. The Project proposes 11,287 square feet of outdoor living space, 9,870 square feet of private and 1,417 square feet of common (4,600 square feet is required). The locations include the side and rear yards on the ground floor, on the ground floor behind the front setback, on the 2nd, 3rd, 4th and 5th floors (balconies) and on the roof deck.

Three walkways are proposed to provide access from the public sidewalk to the building. Two of the walkways provide access to individual townhouse units while one walkway is for the building lobby. An R-4 Permit is required to allow additional walkways over one five foot walkway and to allow the increased width of ten feet for the paved walkway.

In 2003, the City Council modified the modulation requirements for large scale multiple-residential developments requiring additional modulation to ensure that such developments maintain a compatible scale for the neighborhoods. A large scale multiple-residential development is a multiple-residential building with a width of one hundred feet or more. The proposed site has an average width of 150 feet. The building will be 127 feet in width. The proposed Project is required to provide 4,675 square feet modulation, and the Applicant is proposing to provide a total of 7,978 square feet modulation, which exceeds the

Code requirement. The Project design will use the allowed reduction in the required rear yard setback from fifteen feet to five feet to offset the loss of usable floor area mandated by the additional modulation requirements for large scale multiple residential developments (buildings with a width of one hundred feet or more). The Project as proposed is large enough that it will be subject to the above modulation requirements and can take advantage of the five-foot rear setback.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impact. Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are

located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On May 11, 2006, the Planning Commission held duly noticed public hearings to consider the Project. Evidence, both written and oral, was presented at said hearings.

Section 4. The Project site is located on the west side of the 400 block of North Doheny Drive in a high-density multi-family residential (R-4) zone, between Beverly Boulevard to the south and Civic Center Drive to the north. Along this portion of Doheny Drive, there is a variation of density, height, building age and architectural styles.

The site is currently a three-lot development with three, two-story apartment buildings built in 1939 and 1940 with a total of 16 units, and includes on-grade parking along the rear yard for a total of 17 spaces. The existing structures on the site will be demolished to accommodate the new condominium building.

The adjacent buildings to the north and south of the subject site are older two-story buildings. Other multi-family buildings within this block range from two-story single-lot buildings built in the 1920's through 1970's, to buildings of three to five stories on multiple lots. Across the alley, to the west of the site fronting on Oakhurst Drive, are multi-lot buildings ranging in height from four to five stories.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Vesting Tentative Tract Map No. 063079, the Planning Commission considered the following issues:

1) Whether the proposed tentative tract 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;

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

5) Whether the discharge of waste water from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements prescribed by the California Water Quality Control Board.

Section 6. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to Vesting Tentative Tract Map No. 063079:

6.1 As conditioned, the proposed Project and its design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the

objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "multi-family residential." The proposed Project will consist of a 23-unit residential condominium structure, and condominium developments are expressly permitted under the General Plan land-use designation for the Project site.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is zoned R-4 and is currently occupied with three, two-story apartment buildings, with a total of 16 units. Under the current zoning designation, the Project site can be developed with a maximum density of 23 units; therefore it is within the Code-permitted density for the subject property. Because of the existing development on the site and the surrounding area, adequate public facilities exist to serve a 23-unit residential condominium structure. The Project site contains sufficient area to meet all applicable development requirements, including but not limited to outdoor living area, parking, and setbacks, and as modified by this resolution, any impacts to existing and anticipated development in the area have been mitigated. Therefore, the Project site is suitable for the type of development and density proposed.

6.3 As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Initial Study indicates that there will be no significant environmental impacts. Due to the urban location of the Project and the developed state of the Project site and vicinity, there are no fish or wildlife, or their respective habitats, in the vicinity of the Project site that could be potentially impacted by the proposed development.

6.4 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 site will meet City health code standards. The Project will not encroach into any public easement areas. Further, the Project has been modified to reduce any adverse impacts to adjacent development from mass and scale, shade and shadow impacts, and traffic and parking impacts. Therefore, the design of the subdivision and the type of improvements will not adversely impact the public health.

6.5 The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board. The Project will be required to comply with all applicable requirements of the City's Storm Water and Urban Runoff Pollution Control Ordinance and the City's current National Pollutant Discharge Elimination System ("NPDES") permit and, therefore, implementation of the Project will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board. Implementation of the Project will not significantly increase the amount of impermeable land or result in changes in absorption rates that would increase the amount of stormwater runoff from the Project site. Accordingly, approval of the Project will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board.

Section 7. In accordance with the provisions of Beverly Hills Municipal Code Section 10-3-3104, in reviewing the application for a 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 adopted 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 nature, configuration, location, density, height and manner of operation of the Project will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.

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

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

Section 8. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the Development Plan Review:

8.1 As conditioned, the proposed Project and its design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "multi-family residential." The proposed Project meets

Code requirements, particularly regarding use, height, density and parking and is consistent with the adopted General Plan of the City which designates this as a high-density, multiple-family residential area.

8.2 As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The site currently is developed with three, two story apartment buildings with a combined total of 16 units. Under the current zoning designation, the Project site can be developed with a maximum density of 23 units and 5 stories in height. As proposed, the building provides excess modulation facing North Doheny Drive. There is a variety of buildings in this block of North Doheny Drive which were built under different zoning standards and restrictions. The proposed Project is consistent with the current Code and will promote harmonious development in the area.

8.3 As conditioned, the proposed Project the proposal is consistent with the current Code requirements regarding density, height and parking. The proposed scale and massing is consistent with the scale and massing of the development in this area. The proposed Project will cast shadows to the north and east; however the impacts are not expected to be significant because they do not occur year round.

8.4 As conditioned, the proposed Project will not create any significant adverse traffic impacts nor vehicular or pedestrian safety or circulation problems. A traffic report prepared for the Project demonstrates that the Project will have a negligible traffic impact on nearby intersections and residential streets. The two-level subterranean garage will provide a total of 75 spaces, including six guest spaces. In order to reduce impacts to local traffic and

parking during construction, the Applicant will be required to prepare and implement a construction management plan that includes a construction parking and hauling plan. Said plan will be reviewed and approved by the Director of Community Development or his designee to determine the amount, appropriate routes, and time of day of heavy hauling truck traffic necessary for demolition and deliveries to the subject site. Therefore, the Project will have no adverse traffic or parking related impacts on the neighborhood.

8.4 As conditioned, the proposed Project will not be detrimental to the public health, safety, or general welfare. The Project will be constructed in accordance with the City's Building Code standards, and adequate open space living area has been provided as part of the Project. As conditioned and modified by this resolution and for the reasons discussed in the foregoing paragraphs, the proposed Project will not be detrimental to the public health, safety, or general welfare.

Section 9. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission finds as follows with respect to the application for R-4 Permits:

9.1. Beverly Hills Municipal Code Section 10-3-2813(c) states that the Planning Commission may grant the equivalent of one, five foot walkway in the front yard per fifty feet of frontage along the front property if the findings can be made that:

1. The walkway is compatible with the nearby streetscape; and
2. The scale of the surrounding development.

The subject lot is 150 feet wide. The proposal includes three walkways, one to the common lobby of the building and two to individual units. As proposed, the walkways are in excess of the five feet. However, the driveway entrances to the building are from the alley. The walkways will be the only paving in the front yard and will be compatible with the nearby streetscape and the scale of the surrounding properties. A proposed landscape plan in the front yard of the Project will provide a variety of planting materials and greenery to offset the paved area. Thus the proposed front yard area design, including the three walkways, is compatible with the streetscape and is compatible with the scale of the surrounding development.

9.2. Beverly Hills Municipal Code Section 10-3.2808(E)(1), states that the Planning Commission may permit, through an R-4 Permit, a reduction in the required rear yard setback for large scale multiple-family residential projects to a minimum of five feet provided certain findings can be made, which findings, as explained below, can be made for this project.

a. The rear property line of the site seeking the reduction does not abut property zoned R-1 or is separated from such R-1 zoned property by an alley. In this case, the property is not abutted by R-1 zoned property.

b. Such reduction is granted to offset the loss of usable floor area to the modulation requirements of subsection 10-3-2806E of the Municipal Code, and such reduction does not result in a floor area that exceeds the maximum allowable floor area for the subject site; and

c. The Planning Commission Finds that.

(1) The proposed reduction in the rear setback does not create any significantly adverse impacts on the scale and massing of the streetscape. The reduction in the

rear yard setback will allow additional modulation at the front street elevation. The Project, as proposed, has a significant setback on the fifth story of a minimum of 21 feet from the front of the building. The additional modulation occurs at the front and top floors of the building. The proposal reduces the rear yard setback from 15 feet to 5 feet as a result. The proposal does reduce the scale and massing of the building as viewed from the street while increasing the scale and massing along the rear alley.

(2) The proposed reduction in the rear setback does not create any significantly adverse impacts on the neighboring properties by blocking access to light and air. The alley to the rear of the proposed building is a 20 foot wide alley. As proposed, the building will be located 25 feet from the adjacent property line to the west, which is sufficient to provide adequate access to the neighbors' light and air.

(3) The proposed reduction in the rear setback does not create any significantly adverse impacts on the privacy of neighboring properties. The proposed building will be located closer to the adjacent buildings across the alley due to the reduction in the rear yard setback. The distance to the buildings in the rear across the alley will be a minimum of 25 feet (20 foot alley plus 5 foot setback), up to 35 feet. While windows along the alley on both buildings will be closer in proximity, the reduction in the rear setback will not result in significantly adverse impacts on the privacy of the neighboring properties.

(4) The proposed reduction in the rear setback does not create any significantly adverse impacts on alley access. The access to the subterranean garage is provided via two 15-foot driveways (southern driveway for ingress, northern driveway for egress). As conditioned by this resolution, the Applicant shall provide a blinking alarm to notify those

vehicles in the alley of a vehicle approaching the top of the ramp. Therefore, no significant adverse impact on the alley access is anticipated with the reduction in the required rear yard setback.

Section 10. Based upon the foregoing, the Planning Commission hereby adopts the Negative Declaration and approves Vesting Tentative Parcel Map No. 063079, a Development Plan Review and an R-4 Permit for the Project, subject to the following conditions:

1. Except as modified by the conditions set forth hereafter, the Project shall be developed in substantial compliance with the plans submitted to and reviewed by the Planning Commission at its meeting on May 11, 2006.
2. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation and Parks Department. (Attached is the list of standard conditions.)
3. The garage ramp slope shall have a 6" up slope within the first four feet from the alley.
4. All parking spaces designated for guests shall be identified on the plans and shall be clearly marked in the garage with signage satisfactory to the Director of Community Development or his designee. A sign visible from the alley shall be installed to inform guests of the availability of guest parking within the building.
5. A blinking light alarm device shall be installed at the exit ramp on the alley. This device shall light up when a vehicle is leaving the garage, alarming the on-coming vehicular traffic on the alley.

6. The maximum width of each of the three walkways in the front yard setback shall be five feet.

7. Outdoor living areas shall not encroach into the front setback area. The patio from the common club house area shown in the required front yard setback on the plans shall be eliminated.

8. The Applicant shall submit detailed architectural and landscape plans for review and approval by the Architectural Commission prior to the issuance of building permits.

9. 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:

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

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

c. 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.

10. Construction vehicular movements in and out of the construction site shall be controlled by flagmen on Doheny Drive.

11. The Project shall comply with the Fire Department's applicable conditions.

12. The driveway entrances off of the alley shall be clearly marked and signage provided to specify the entry and exit.

13. The driveway entrance shall be installed with an intercom for use by guests parking in the designated guest parking area.

14. In addition to the conditions set forth in this Resolution, the Vesting Tentative Tract Map shall comply with all conditions required by the City's various departments, including but not limited to the conditions, if any, imposed by the Departments of Public Works, Engineering, Building & Safety, Fire and Police. A copy of the standard conditions from the Public Works/Engineering Department is attached hereto as Exhibit A and incorporated herein by this reference.

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

16. In accordance with the provisions of Section 10-2-704 of the Beverly Hills Municipal Code, prior to approval of the Final Map, the Applicant shall submit a copy of the

proposed covenants, conditions and restrictions (CC&Rs) for the Project to the City Attorney for review and approval.

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

18. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed and/or relocated unless approval from the Department of Recreation and Parks is obtained.

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

20. Approval of this Project is subject to any and all other discretionary approvals required by the City for the Project and for the approval of the Vesting Tentative Tract Map.

21. 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 $25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.

22. A cash deposit of $10,000 shall be deposited with the City to ensure compliance with the conditions of this resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of $10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any

subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional $10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited.

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

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

24. This resolution approving Vesting Tentative Tract Map No. 063079 and issuing a Development Plan Review and R-4 Permit (collectively the "Approvals") shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect.** Notwithstanding the foregoing, the Director of Community Development may, upon a request by the

Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Section 11. 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 on: June 22, 2006

Stacy Marks
Chair of the Planning Commission of the City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Mahdi Aluzri
Director of Community Development

David D. Gustavson
Director of Public Works

EXHIBIT A

PUBLIC WORKS/ENGINEERING
STANDARD CONDITIONS LIST

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.

2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.

3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of *$5,638.80**, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)

4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

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

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

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

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-or-way, and for use of the public right-or-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.

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES) SS.

CITY OF BEVERLY HILLS)

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1425 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on June 22, 2006, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Furie, Krasne, Reims, Melamed and Marks.

NOES: None.

MAHDI ALUZRI
Secretary of the Planning Commission/
Director of Community Development
City of Beverly Hills, California

Attachment 4

CITY OF BEVERLY HILLS

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Anne Zaworksi, Principal Engineer

FROM: David Reyes, Principal Planner

DATE: January 13, 2010

SUBJECT: Approval of Final Tract Map No. 63079 (447 North Doheny Drive)

Planning has completed its review of Resolution No. 1425, adopted by the Planning Commission on June 22, 2006, which approved the above cited Tentative Tract Map (enclosed).

Although the majority of the conditions of approval relate to the construction of the condo project, which is currently in the dry wall framing stage, as required by Condition No. 16 of the Resolution, the applicant has submitted a copy of the CC&Rs to the City Attorney's office for their review in December of 2009, prior to the City Council's action on the final map. All applicable conditions of approval have been complied with to allow the City Council to approve the final map.

As with all other development projects, prior to the issuance of a Certificate of Occupancy, the Community Development Department shall verify that all conditions of approval have been satisfied.