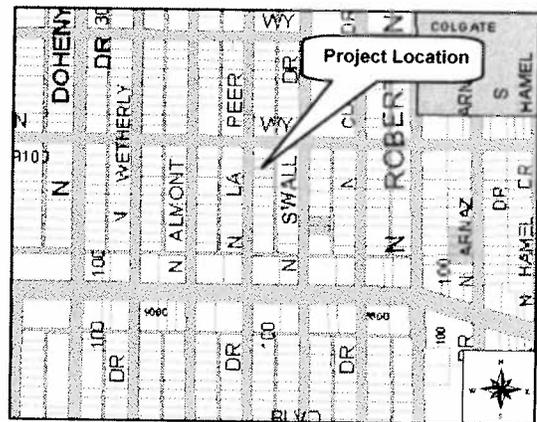




**STAFF REPORT  
CITY OF BEVERLY HILLS**

**For the Planning  
Commission Meeting of  
April 22, 2010**

**TO:** Planning Commission  
**FROM:** Ryan Gohlich, Associate Planner  
**THROUGH:** Jonathan Lait, AICP, City Planner  
**SUBJECT:** Time Extension request for Tentative Tract Map No. 63236 and its associated Development Plan Review Permit and R-4 Permit for a 16-unit condominium project located at **154-168 North La Peer Drive**.



**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution approving two one-year time extensions for the Tentative Tract Map, Development Plan Review Permit and R-4 Permit previously approved for the project at 154-168 North La Peer Drive.

**DISCUSSION/BACKGROUND**

Leonard Rosenblatt, applicant and property owner, previously filed a request for a one year time extension for the Tentative Tract Map, Development Plan Review Permit and R-4 Permit that were previously approved by the Planning Commission under Resolution 1415. These approvals expire on July 27, 2009 without the issuance of a time extension.

In 2009, staff presented a report to the Commission recommending approval of the requested time extension. However, the Commission requested, and the applicant agreed, to identify ways in which the proposed project could incorporate some "green building" standards. At subsequent meetings in August and September, the applicant requested that the time extension request be continued to a date uncertain to allow for additional time in researching green building standards and developing a feasible development plan.

As a result, the applicant has now fully developed a plan to implement green building standards within the project; however, due to the time that has passed since the Commission's original review of the time extension request, a second one-year time extension is now needed in order to keep the entitlements valid beyond July 7, 2010. Therefore, the applicant has submitted a request seeking two one-year extensions. If approved, the entitlements would be valid through July 7, 2011.

The applicant has prepared a comprehensive list of green building standards that will be followed throughout the construction of the project. The comprehensive green building features result in the project qualifying for a LEED Silver Certification status, and fully complying with the City's current green building standards (see Attachment 1). Because the project will be capable of fully complying with the City's green building standards, staff recommends approval of the requested time extensions.

### **PUBLIC NOTICE**

Notice of the time extension and public hearing was mailed on April 12, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet from the exterior boundaries of the property. To date, staff has not received any comments in regard to the time extension request.

### **ENVIRONMENTAL DETERMINATION**

This project was previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and a Negative Declaration was adopted. There have been no changes to the project and no substantial changes to the environment that would cause the project to significantly impact the environment. Therefore, there is no substantial evidence that the approval of the requested extension may have any significant environmental impact. The original Negative Declaration continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached resolution, inclusive of all conditions of approval, approving the time extension for the Tentative Tract Map, Development Plan Review Permit and R-4 Permit for two one-year periods, to July 7, 2011.

Staff Report  
154-168 North La Peer Drive  
April 22, 2010



RYAN GOHLICH,  
Associate Planner

Attachments:

1. Proposed Green Building Standards
2. Draft Planning Commission Resolution
3. Time Extension Request Letter
3. Planning Commission Resolution No. 1415

# ***ATTACHMENT 1***

## ***Proposed Green Building Standards***

**LAPEER CHATEAU I**

Proposed 4 story, 16 units condominium Building  
154 – 168 N Lapeer Drive, Beverly Hills

**GREEN BUILDING “SILVER” CERTIFICATION  
PERFORMANCE SPECIFICATIONS**

Herbert Berg Consultant

March 2010



LENLIB LAPPER INC., 493 S, ROBERTSON BLVD, BEVERLY HILLS

March 15, 2010

Mr. Ryan Gohlich  
Planner  
Department of Community Development  
City of Beverly Hills  
455 N. Rexford Drive  
Beverly Hills, CA 90210

RE: LenLib Lapeer Inc.  
LAPEER CHATEAU 1 Project – 154 – 168 N. Lapeer Drive, Beverly Hills  
California, 90210  
Green Building/Sustainability “Silver” Certification Performance Specification  
and Sustainability Outline

Dear Mr. Gohlich:

The following performance specifications outline will detail the mandatory Green Building credits required by the City of Beverly Hills and also indicate the remaining credits that will be designed and specified for the LAPEER CHATEAU 1 project to achieve the desired “Silver” certification status. This performance specifications will be submitted to the City of Beverly Hills Building Department for review and Approval.

The LAPEER CHATEAU 1 project is a 4 story, 16 Unit condominium building, located on an existing residential site, which for planning purposes has been designated a “Greenfield” site by the City of Beverly Hills.

All work described below and specified shall conform to the requirements of the Beverly Hills Green Building Ordinance and amendment to Title 10 of the Beverly Hills Municipal Code and the U.S. Green Building Council (USGBC) requirements for LEED credits, version 3.0, 2009.

The following items have been identified by the City of Beverly Hills as mandatory LEED requirements for project approval and will be instituted into the project design through detailed specification requirements for the general construction contractor, equipment suppliers, commissioning agents and associated entities:

- **Construction Activity Pollution Prevention (MR Credit 2)**
  - It shall be specified that a minimum of 50% of construction waste shall be recycled or reused.
  - It shall be specified that a Construction Waste Management Plan shall be adopted to achieve these goals.

- **Site selection (The site of the proposed project has been designated as a Greenfield site by the City of Beverly Hills) (SS Credit 1)**
  - Documentation shall be provided that shows that the site does not meet any of the prohibited criteria.
  - A narrative shall be provided that describes any special circumstances involving the proposed site.

**Water Efficiency**

- **Implementation of Innovative Wastewater Technologies(WE Credit 2)**
  - It shall be specified that Potable water usage for building sewer conveyance shall be reduced by at least 50% through the use of water conserving fixtures and
  - Non-potable water (rain water) or recycled gray water shall be captured for reuse in Filter Planters.

**Energy and Atmosphere**

- **Implementation of Fundamental Commissioning of the Building's Systems (EA Prerequisite 1)**
  - It shall be specified that an independent Commissioning authority will be designated to lead, review and oversee the commissioning process
  - The Owners Project Requirements and /or Basis of design shall be documented as a base line for utilization in the building's commissioning.
  - It shall be specified that Commissioning requirements will be developed and incorporated into the construction documents
  - It shall be specified that a Commissioning Plan will be developed and implemented for the project.
  - Installation requirements shall be verified through the oversight of the Commissioning Agent.
  - It shall be specified that a summary commissioning report shall be completed.
  
- **Implementation of Minimum Energy Performance (EA Prerequisite 2)**
  - It shall be specified that a minimum 10% improvement in the proposed building performance rating be demonstrated compared with the baseline building performance rating
  - The building's envelop, HVAC, lighting, and other systems shall be designed to maximize energy performance.
  - Standards from ASHRAE IESNA 90.1-2007 shall be utilized for maximum energy efficiency and performance.

- **Implementation of Fundamental Refrigerant Management (EA Prerequisite 3)**

- It shall be specified that refrigerants that minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming shall be selected for associated mechanical systems.
- No Fire Suppression systems that contain ozone depleting substances CFC's, HCFC's or Halons shall be installed.

- **Optimize Energy Performance (1-5 points) (EA Credit 1)**

- It shall be specified that the building's energy performance shall be designed to achieve from 12% - 18% efficiency over the base line usage

**Materials and Resources**

- **Implementation of a Storage and Recyclables Plan (MR Prerequisite 1)**

- It shall be specified that the project shall be designed with an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling.
- It shall be specified that a Storage and Recyclables plan shall provide for separate containers and instructions for recycling the different types of materials which will be collected for recycling.

- **5% Materials reuse ( 1 point) (MR Credit 3)**

- It shall be specified that Reused Building materials and products will be specified in order to reduce the demand for virgin materials and to reduce waste.
- It shall be specified that Salvaged, refurbished or reused materials will be specified such that the sums of these materials constitute at least 5%, based on cost of the total volume of materials.
- It is noted that Mechanical, Electrical and Plumbing materials shall not be included in these specifications and materials in the LAPEER 1 project.

- **10% Recycled materials content (2 points ) (MR Credit 3)**

- It shall be specified that Building materials with a recycled content will be specified such that the sum of the post consumer recycled content plus one half of the pre consumer content constitutes at least 10% of the total value of the materials in the LAPEER 1 project.
- It is noted that the recycled content value of the material assembly specified shall be determined by weight.
- It is noted that Mechanical, Electrical and Plumbing materials shall not be included in these specifications and materials.

- **10% regionally extracted, processed and manufactured materials (1 - 2 points) (MR Credit 5)**
  - It shall be specified that Building Materials or products that have been extracted, harvested or recovered as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value will be utilized.
  - It shall be specified that Building Materials or products that have been extracted, harvested or recovered as well as manufactured, within 500 miles of the project site for a minimum of 20% (based on cost) of the total materials value will be utilized.
  - It shall be noted that Mechanical, Electrical and Plumbing materials shall not be included in these specifications and materials.
  
- **Use of Rapidly Renewable Materials (MR Credit 6)**
  - It shall be specified that Rapidly Renewable Building Materials and products (made from plants that are typically harvested within a ten year cycle or shorter) for 2.5% of the total value of all building materials will be utilized.
  
- **Implementation of a Minimum Indoor Air Quality During Construction - Performance Plan (IEQ Credit 3.1 )**
  - It shall be specified that a Construction Activity Pollution Prevention program be submitted to the City of Beverly Hills, Building Department for review and approval, prior to construction.
  - An Indoor Air Quality (IAQ) Management Plan shall be specified, developed and implemented for the construction and pre-occupancy phases of the building.
  - It shall be specified that the contractor shall, during construction meet or exceed the recommended Control Measures of SMACNA – Chapter 3 – 2007.
  - It shall be specified that, the contractor shall protect stored on-site or installed absorptive materials from moisture damage.
  
- **Implementation of a Minimum Indoor Air Quality Before Occupancy - Performance Plan (IEQ Credit 3.2)**
  - It shall be specified that a Construction Activity Pollution Prevention program be submitted to the City of Beverly Hills, Building Department for review and approval, after construction ends and prior to occupancy, with all interior finishes installed and filtration systems in place.
  - A building “flush-out” will be performed.
  - An Indoor Air Quality (IAQ) Management Plan shall be specified, developed and implemented after all finished have been applied.

- **Implementation of an Environmental Tobacco Smoke (ETS) Control Plan (IEQ Prerequisite 2)**
  - It shall be specified that the owner, in conjunction with the newly established Homeowners Association will prohibit smoking in all common areas.
  - The owner, in conjunction with the newly established Homeowners Association will work to locate any exterior designated smoking areas at least 25 feet away from entries, outdoor air intakes and operable windows opening to common areas.
  - It shall be specified that all doors in the residential units leading to common hallways shall be weather stripped to minimize air leakage into hallways.
  
- **Use of Low Emitting Materials, Adhesives & Sealants (IEQ Credit 4.1)**
  - It shall be specified that all adhesives and sealants used on the interior of the building shall comply with the following requirements:
    - SCAQMD Rule # 1168, effective July 1, 2005.
  - Low – VOC materials in shall be specified in the construction documents. Specifications will evaluate common products including general construction adhesives, flooring adhesives, fire stopping sealants, duct caulking and plumbing adhesives and specify that contractor shall approve said products before usage.
  
- **Use of Low Emitting Materials, Paints & Coatings (IEQ Credit 4.2)**
  - It shall be specified that architectural paints and coatings shall not exceed the VOC content limits established in the Green Seal Standard GS-11 (Flats and Non-Flats)
  - It shall be specified that anti-corrosive and anti-rust paints applied to interior ferrous metal substrates do not exceed the VOC content limit of 250 g/L established in the Green Seal Standard GS-03
  
- **Use of Low Emitting Flooring Materials (IEQ Credit 4.3)**
  - It shall be specified that all carpet installed in the building interior shall be meet the testing and product requirements of the Carpet and Rug Institute’s Green Label program.
  - It shall be specified that all carpet cushion installed in the building interior shall meet the testing and product requirements of the Carpet and Rug Institute’s Green Label program.

- **Use of Low Emitting Materials, Composite Wood & Agrifiber Products** (IEQ Credit 4.4)
  - It shall be specified that composite wood and agrifiber products used on the interior of the building contain no added urea-formaldehyde resins.
  - It shall be specified that laminating adhesives used to fabricate on-site and shop-applied composite wood and agrifiber assemblies shall contain no added urea-formaldehyde resins.
  - It shall be specified that Wood and Agrifiber products contain no added urea-formaldehyde resins.

The following items have been identified from the USGBC's LEED criteria as potential design items that shall be a part of the design, or investigated, and discussed with the City of Beverly Hills for project credits:

- **Alternative Transportation: Bicycle storage** (SS Credit 4.2)
  - It shall be specified that covered storage facilities for securing a minimum of 15% of the buildings occupants be provided and indicated on the drawings.
- **Site Development: Protect or Restore Habitat** (SS Credit 5.1)
  - A minimum of 50% of the site area (excluding the building footprint) shall be restored and landscaped with native or adapted vegetation.
 

Site Area:	17,250 Sq. Ft.
Building Footprint:	9,977 Sq. Ft.
Area Restored:	12,300 Sq. Ft.

\*\* This requirement must be investigated further to confirm that the site is considered a "Greenfield" site or "Previously Developed" considering the existence of existing residential houses on either side of property.
- **Stormwater Design:** (SS Credit 6.1 & 6.2)
  - Quantity Control (6.1)
    - A Stormwater management plan shall be specified; developed and implemented that prevents the post-development peak discharge rate and quantity from exceeding the pre-development peak discharge rate. This management plan will be supported by the installation of Filter Planters for the utilization of roof rainwater.
 

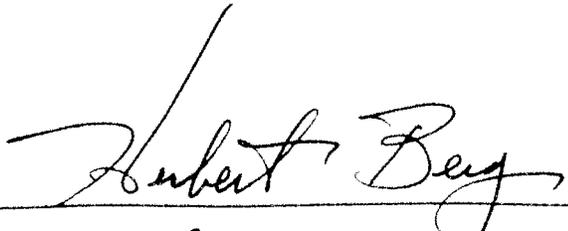
Stormwater filter planters required –	690 Sq. Ft
Stormwater filter planters provided –	913 sq. Ft.
    - The Stormwater management plan shall results in a minimum of 25% decrease in the volume of stormwater runoff from the two year, 24 hour design storm.

- Quality Control (6.2)
  - It shall be specified that a Stormwater management plan be provided that reduces impervious cover, promotes infiltration and captures and treats 90% of the average annual rainfall.
  
- **Heat Island Effect : Roof** (SS Credit 7.2)
  - It shall be specified that roofing materials shall have a solar reflectance Index (SRI) equal to or greater than stated values and be installed on a minimum of 75% of the roof surface.
  - It shall be specified that high albedo and vegetated roof surfaces that offer high solar reflectance shall be utilized.
  
- **Water Efficient Landscaping: reduce by 50%** (WE Credit 1)
  - It shall be specified that potable water consumption for irrigation of site plants and other landscaping shall be reduced by 50% from a calculated mid-summer baseline case.
  - Reductions shall be attributed to:
    - Plant species factor
    - Irrigation efficiency
    - Used of captured rainwater
    - Use of recycled wastewater
  
- **Water Use Reduction: 20% Reduction** (WE Credit 3)
  - It shall be specified that Strategies will be specified that employee that in aggregate use 30% – 40% less water than the water use baseline calculated for the building.
  - It shall be specified that Reduced water use fixtures including water closets, urinals, lavatory faucets, showers and kitchens sinks will be specified.
  
- **Controllability of Systems – Lighting (IEQ Credit 6.1)**
  - It shall be specified that individual lighting controls for 90% of the building occupants will be provided.
  - It shall be specified that lighting system controls will be provided for all shared multi-occupant spaces.
  
- **Enhanced Commissioning** (EA Credit 3)
  - It shall be specified that the contractor shall have the following additional commissioning process activities in addition to the requirements of EA prerequisite 1:
    - Designation of an independent Commissioning Authority.
    - One commissioning design review of the Owner's project Requirements will be conducted, Basis of Design and design documents prior to mid-construction documents phase.
    - Contractor submittals which are applicable to the system being commissioned will be reviewed.

- It shall be specified that a systems manual shall be developed.
- **Enhanced Refrigeration Management** (EA Credit 4)
  - It shall be specified that Refrigerants and HVAC & R that minimize or eliminate the emission of compounds that contribute to ozone depletion and global warming shall be utilized or,
  - It shall be specified that Refrigerants will not be used.
- **Use of Certified Wood** (MR Credit 7)
  - It shall be specified that a minimum of 50% of wood based materials and products which are certified in accordance with the Forest Stewardship Councils (FSC) Principles and Criteria will be utilized.
  - It shall be noted that Materials permanently installed in the project, not temporary construction materials will be specified for "Certified Wood".
- **Innovation in Design** (ID Credit 1-1.4)
  - The LaPeer 1 project design will be submitted to the City of Beverly Hills for review and approval based on the concept that innovative building features and sustainable building knowledge have been incorporated in the design and specified for construction.

Approved By:

  
 \_\_\_\_\_  
 Mr. Leonard Rosenblatt – Owner Date: 3-17-10  
 LENCIA LAJOAN FINE  
 PASSIONAT

  
 \_\_\_\_\_  
 CONSULTANT 3-17-10'

U-1

FLR. ELEV 168.25

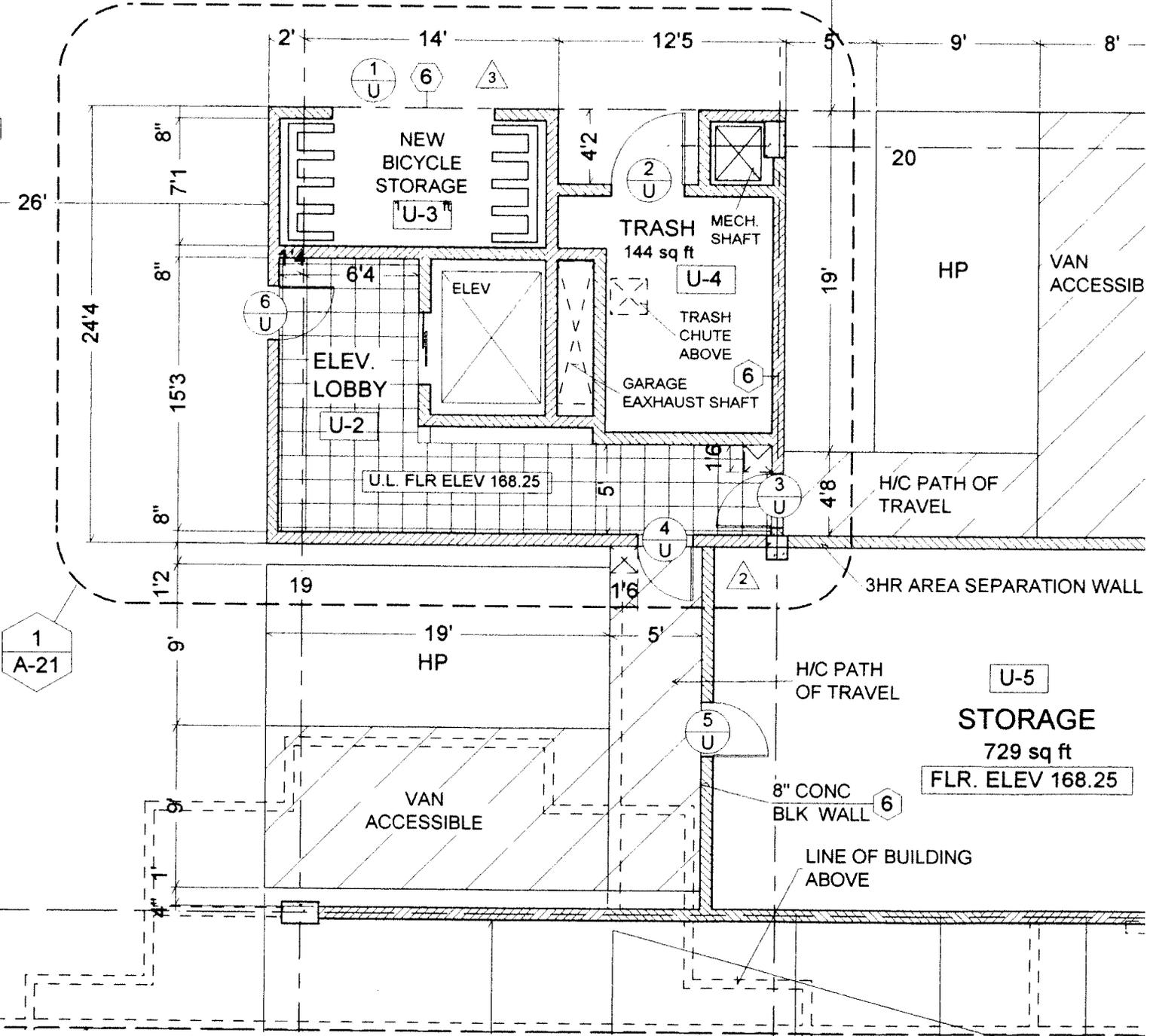
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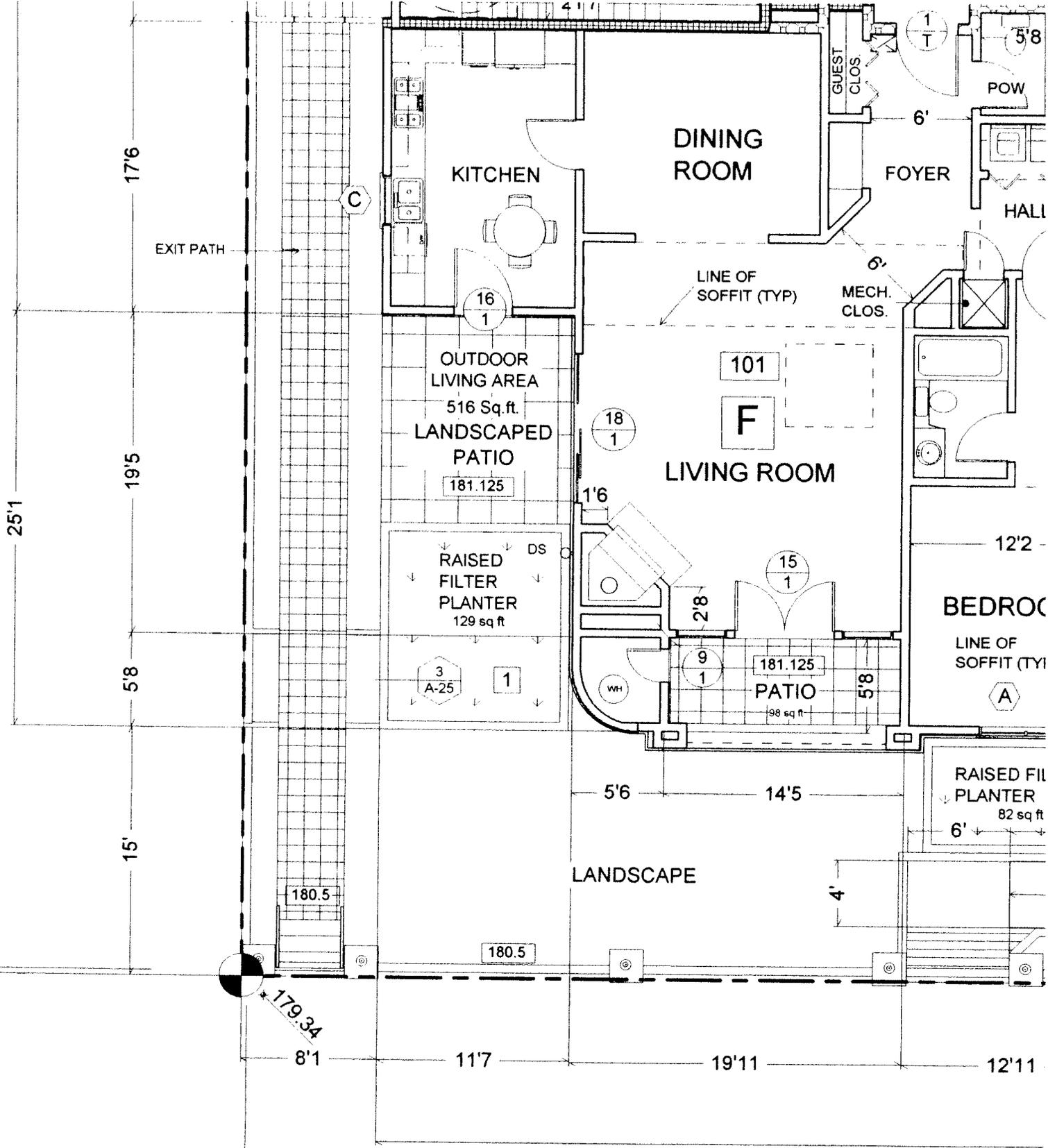
S - 3 OCCUPANCY

21 CARS

TOTAL STOR. AREA - 836 sq. ft.

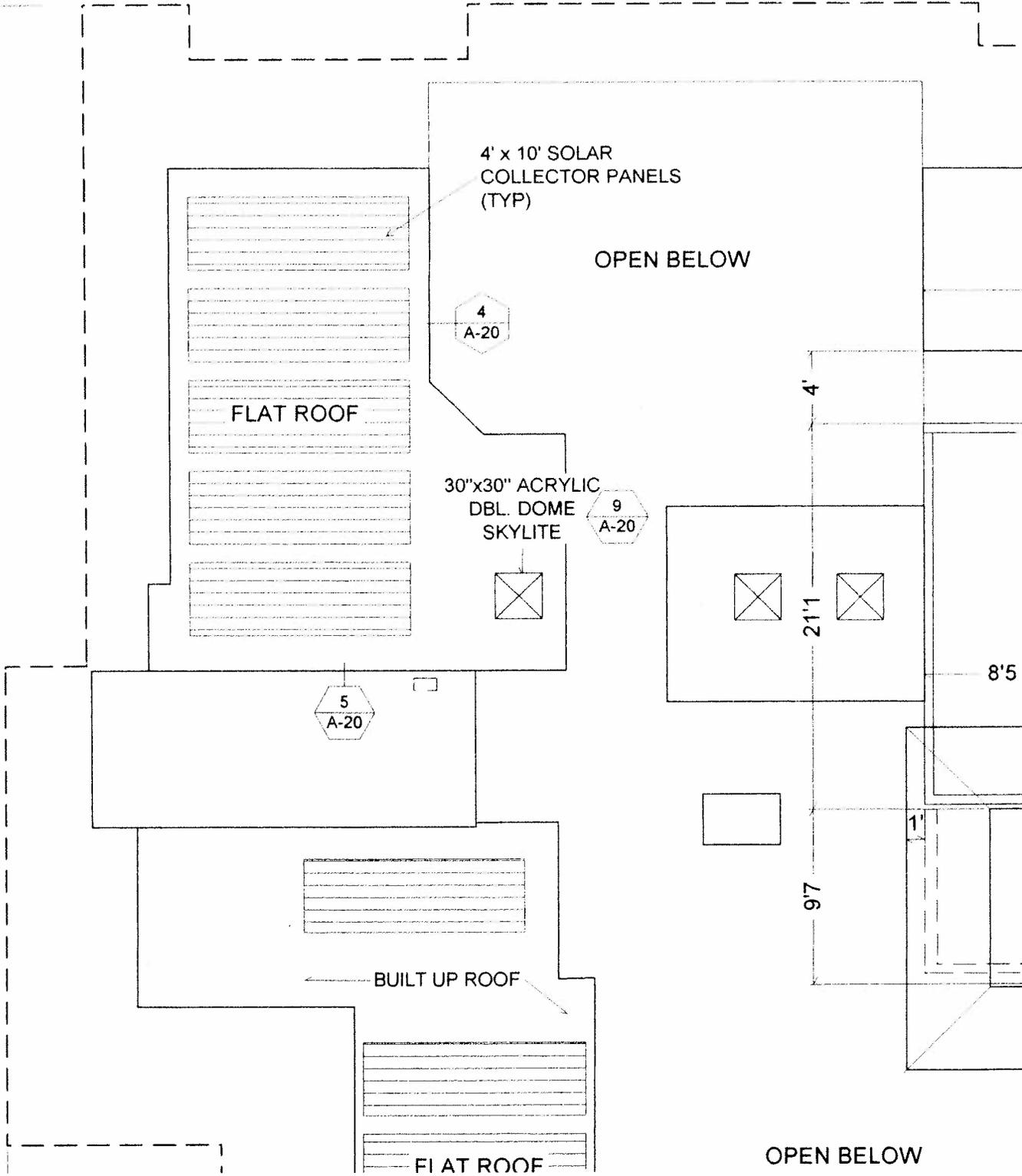
PROVIDE A MIN. HEADROOM CLEARANCE OF 8'-2" TO ALL OBSTRUCTIONS





1

2  
A-14



4' x 10' SOLAR COLLECTOR PANELS (TYP)

OPEN BELOW

4  
A-20

FLAT ROOF

30"x30" ACRYLIC DBL. DOME SKYLITE

9  
A-20

4'

21'1"

8'5"

5  
A-20

BUILT UP ROOF

9'7"

1'

FLAT ROOF

OPEN BELOW

ACCTH

ORDINANCE NO. 08-0-2555

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
ADOPTING A GREEN BUILDING ORDINANCE AND  
AMENDING TITLE 10 OF THE BEVERLY HILLS  
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY  
ORDAINS AS FOLLOWS:

**Section 1.** A new Article 46 entitled "Green Building Standards" is hereby added to  
Chapter 3 ("Zoning") of Title 10 ("Planning and Zoning") to read as follows:

"Article 46. Green Building Standards

**10-3-4600: Purpose.**

The purpose of this Article is to enhance public health and welfare and assure that further multi-family residential, commercial and mixed-use development is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings. The green building provisions referenced in this Article are designed to achieve the following goals:

- A. Encourage resource conservation.
- B. Reduce waste generated by construction projects.
- C. Increase energy efficiency in buildings.
- D. Provide durable buildings that are efficient and economical to own and operate.
- E. Enhance the health, welfare and productivity of residents, workers, and visitors to the City.

**10-3-4601. Definitions.**

For the purposes of this Article, certain words and terms are defined as follows:

"Applicant" means any individual, firm, limited liability company, association, partnership, corporation, or any other entity that applies to the City for the applicable permits to undertake any construction or Renovation project within the City.

"Commissioning Authority" means the party retained by an Applicant pursuant to Section 10-3-4607.

“Covered Project” means the construction of, or addition to, any multi-family residential, commercial, or mixed-use building, or the Renovation of any existing multi-family residential, commercial, or mixed use building if the cost of the Renovation exceeds fifty percent (50%) of the replacement cost of the building, as determined pursuant to Section 10-3-4100.

“Green Building Compliance Official” means the Director of Planning and Community Development or his or her designee.

“Green Building Project Checklist” means the rating system established as provided in Section 10-3-4604.

“Non-Covered Project” means any project that is exempt from the provisions of this Article as set forth in Section 10-3-4603.

“Pre-Permitting Documentation” means documentation submitted as required by Section 10-3-4605.

“Renovation” means any change or modification to an existing building or structure.

**10-3-4602: General Provisions-Applicability.**

A. Neither this Article, nor any of its related green building resolutions, shall affect in any manner the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirements of this Code, all of which shall be operative and remain in full force and effect without limitation.

B. When the provisions of this Article conflict with state law, state law shall govern.

C. The provisions of this Article shall be applicable to City projects unless the City Council determines that application of these provisions to any particular project is not in the best interest of the public or City.

**10-3-4603: Non-Covered Projects.**

The following projects shall be exempt from the provisions of this Article:

A. The voluntary repair or renovation of any structure for the sole purpose of performing seismic upgrades.

B. Any project that solely includes plumbing, electrical or mechanical work.

C. Installation of a roof covering on any existing building.

D. The repair of a building, if the building official determines that the repair is necessary for safety reasons and the repair does not enlarge the building.

**10-3-4604: Standards for Compliance.**

A. All Covered Projects shall demonstrate compliance with the rating system and minimum point requirements established by separate resolution of the City Council, as amended from time to time. This shall be known as the Beverly Hills Green Building/Sustainability Checklist or the Green Building Project Checklist.

B. Applicants are encouraged to register Covered Projects with the U.S. Green Building Council. LEED™ certification through the U.S. Green Building Council is not required by this Article.

C. Applicants for Non-Covered Projects are encouraged to use their best effort to incorporate as many green building measures as feasible from the Beverly Hills Green Building Project Checklist.

**10-3-4605: Submission of Pre-Permitting Documentation.**

A. Pre-Permitting Documentation. Concurrent with the application for a planning approval or building permit approval for any Covered Project, the Applicant shall submit documentation indicating the measures used to achieve compliance with the Green Building Project Checklist. This Pre-Permitting Documentation shall include:

1. The applicable Green Building Project Checklist; and
2. The applicable green building worksheet with an analysis of each credit claimed; and
3. Any other documentation that may be necessary to show compliance with this Article or as requested by the Green Building Compliance Official.

B. Meeting. After submission of the documentation required by this section, but prior to the issuance of a building permit, the Green Building Compliance Official may arrange a meeting with the Applicant to discuss the proposed measures, as needed.

**10-3-4606: Review of the Pre-Permitting Documentation.**

A. Approval of Documentation. The Green Building Compliance Official shall approve the Pre-Permitting Documentation if the Official determines that the project will conform to the applicable rating set forth in the Green Building Project Checklist.

B. Non-approval or Incomplete Documentation. If the Green Building Compliance Official determines that the Pre-Permitting Documentation fails to demonstrate that the Covered Project will meet the required rating or the documentation is incomplete, Official shall:

1. Return the Pre-Permitting Documentation to the Applicant marked "denied" including a statement of reasons for the denial; or

2. Return the Pre-Permitting Documentation to the Applicant marked "incomplete" with an indication of additional information or project modifications that may be required to complete the Pre-Permitting Documentation.

Neither a building permit, nor a grading permit, shall be issued until the Pre-Permitting Documentation has been approved.

C. Re-Submission. If the Pre-Permitting Documentation is returned to the Applicant, the Applicant may re-submit the Pre-Permitting Documentation with such modifications or additional information as may be required.

**10-3-4607: Compliance.**

A. LEED Certified Professional. The Applicant shall retain a LEED certified professional to assist with the submission of Pre-Permitting Documentation and the monitoring and verifying of compliance with the Green Building Project Checklist and other approved Pre-Permitting Documentation required by Section 10-3-4605. The LEED certified professional shall submit evidence of compliance with the approved documentation to the Green Building Compliance Official during design and construction as required by the Green Building Compliance Official.

B. Verification. The City shall verify that the green building measures and provisions indicated in the Pre-Permitting Documentation are being implemented through inspections of the project during construction and through review of appropriate documents such as purchase receipts or photographic documentation provided by the Applicant and acceptable to the Green Building Compliance Official. If, as a result of any inspection, the Green Building Compliance Official determines that the Covered Project does not comply with the Pre-Permitting Documentation, a stop-work order may be issued. At the discretion of the Green Building Compliance Official such a stop-work order may apply to the portion of the project impacted by noncompliance or to the entire project. The stop-work order shall remain in effect until the Green Building Compliance Official determines that the project will be brought into compliance with this Article.

C. Substitution of Credits. During construction of the project, the Green Building Compliance Official may approve the substitution of approved credits with other credits in the Green Building Project Checklist. Substitution shall occur only at the request of the Applicant and after submittal of revised Pre-Permitting Documentation satisfactory to the Green Building Compliance Official.

D. Commissioning Authority. The Applicant shall retain a third party agent commonly known as a "Commissioning Authority" to ensure that the systems are designed, installed, functionally tested, and capable of being operated and maintained to perform in conformity with the approved Pre-Permitting Documentation for a Covered Project. Pursuant to Section 10-3-4614, the Green Building Compliance Official may adopt qualifications for the Commissioning Authority as part of the rules and regulations for implementation of this Article.

**10-3-4608: Final Determination of Compliance.**

A. Prior to any final building permit approval and/or issuance of a final certificate of occupancy, the Green Building Compliance Official shall review the documentation submitted by the Applicant, and determine whether the Applicant has complied with the requirements of this Article. If the Green Building Compliance Official determines the Applicant has met the requirements of this Article, the Green Building Compliance Official shall so certify. No building permit shall be finalized, nor shall a permanent certificate of occupancy be issued, for a Covered Project until the Green Building Compliance Official has issued a certification of compliance with this Article.

B. As required by the regulations adopted by the Green Building Compliance Official pursuant to Section 10-3-4614, the Commissioning Authority shall submit a report of building operation in accordance with the approved Pre-Permitting Documentation to the Green Building Compliance Official for verification of compliance with this Article and to ensure that the building systems are designed, installed, functionally tested, and capable of being operated and maintained to perform in conformity with the approved Pre-Permitting Documentation for the Covered Project.

C. If the Green Building Compliance Official determines that the Covered Project has not met the requirements of this Article, the Green Building Compliance Official may withhold issuance of final building permit approval or a certificate of occupancy or may make one of the following determinations:

1. Good Faith Effort to Comply. Upon request by an Applicant, the Green Building Compliance Official may determine that the Applicant has made a good faith effort to comply with this Article and authorize issuance of final building permit approval or a permanent certificate of occupancy. The Green Building Compliance Official may determine that the Applicant has made a good faith effort to comply with this Article if:

a. The cost of good faith compliance with this Article exceeds twenty-five percent (25%) of the total construction cost; or

b. The green building materials and technologies on the Green Building Project Checklist are no longer available or not yet commercially available. In making this determination, the Green Building Compliance Official shall consider the availability of markets for materials to be recycled, the availability of green building materials and technologies, and the documented efforts of the Applicant to comply with this Article.

The determination of good faith compliance with any one aspect of the Green Building Projects Checklist shall not relieve the Applicant of the obligation to fully comply with all other aspects of the Checklist.

2. Noncompliance. Although the Applicant has not met the requirements of this Article, the Applicant will undertake additional green building measures as described below to mitigate the Applicant's failure to comply with this Article. Once the Applicant has undertaken such additional measures, the Green Building Compliance Official may certify that the Covered Project has met the requirements of this Article.

a. Mitigation. If the Green Building Compliance Official determines that the Applicant has not complied with this Article pursuant to this subsection C.2, the Green Building Compliance Official may require further green building measures to be employed in the operation and maintenance of the Covered Project to mitigate the Applicant's failure to comply fully with this Article. Such further measures may include, but are not limited to, landscaping the Covered Project to decrease water and energy consumption, use of energy efficient fixtures, including the use of energy efficient light bulbs, and education of the building occupants and owners regarding on-going energy and resource saving techniques.

D. LEED Certification: For Covered Projects that have voluntarily registered with the U.S. Green Building Council with the intent to certify the building at the "Certified" level or above, the Green Building Compliance Official may reduce the scope of the City's compliance review. Depending on the timing of certification, the verification of compliance with this Article required may be reduced or eliminated. However, in no event shall a final certificate of occupancy be issued until after the U.S. Green Building Council issues its formal ruling that each attempted credit is either anticipated or achieved or verification of compliance with this Article has been provided to the Green Building Compliance Official.

**10-3-4609: Hardship or Infeasibility Exemption.**

A. Exemption. If an Applicant for a Covered Project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this Article, he or she may apply for an exemption as set forth below. In applying for an exemption, the burden is on the Applicant to show hardship or infeasibility.

B. Application. If an Applicant for a Covered Project believes that such circumstances exist, the Applicant may apply for an exemption at the time that the Applicant submits the Pre-Permitting Documentation required by Section 10-3-4605. The Applicant shall indicate in the Pre-Permitting Documentation the maximum number of credits he or she believes is practical or feasible for the Covered Project and the circumstances that he or she believes make it a hardship or infeasible to comply fully with this Article. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials and technologies, and compatibility of green building requirements with existing building standards.

C. Meeting with Green Building Compliance Official. The Green Building Compliance Official shall review the information supplied by the Applicant, may require additional information from the Applicant, and may meet with the Applicant to discuss the request for exemption.

D. Granting of Exemption. If the Green Building Compliance Official determines that it is a hardship or infeasible for the Applicant to fully meet the requirements of this Article based on the information provided, the Green Building Compliance Official shall determine the maximum feasible number of credits reasonably achievable for the Covered Project and shall indicate this number on the Pre-Permitting Documentation submitted by the Applicant. The Green Building Compliance Official shall return a copy of the Pre-Permitting Documentation to the Applicant marked "Approved with Exemption" and shall notify the Building Division that

the Pre-Permitting Documentation has been approved. If an exemption is granted, the Applicant shall be required to comply with this Article in all other respects and shall be required to achieve in accordance with this Article, the number of points determined to be achievable by the Green Building Compliance Official.

E. Denial of Exemption. If the Green Building Compliance Official determines that it is not a hardship or infeasible for the Applicant to meet the requirements of this Article, the Official shall notify the Applicant in writing. The Applicant shall resubmit the Pre-Permitting Documentation in full compliance with this Article and if the resubmitted documentation does not comply this Article, the Green Building Compliance Official shall reject the Pre-Permitting Documentation in accordance with Section 10-3-4606.

**10-3-4610: Affordable Housing Exemption.**

The Green Building Compliance Official may waive some or all of the requirements of this Article if an affordable housing project Applicant demonstrates that full compliance with the provisions of this Article would frustrate the ability to provide affordable housing units. Any waiver pursuant to this paragraph shall not be deemed to be a construction incentive for purpose of Section 10-3-1526.6 of this Municipal Code.

**10-3-4611: Appeal.**

Pursuant to the provisions set forth in Title I of this Code, any aggrieved Applicant or person may appeal to the City Council the determination of the Green Building Compliance Official regarding: (i) the granting or denial of an exemption pursuant to Section 10-3-4609; (ii) compliance with this Article pursuant to Section 10-3-4604; or (iii) the type or scope of mitigation measures required pursuant to Section 10-3-4608 in the event of noncompliance.

**10-3-4612: Review of Beverly Hills Green Building Rating System.**

A. The Planning and Community Development Department and/or the Beverly Hills Planning Commission may review the Green Building Project Checklist from time to time to ensure the requirements are practical, feasible and are updated to be compliant with green building materials and technologies as such become available in the marketplace.

B. Prior to the adoption of any resolution amending the Green Building Project Checklist, the Planning Commission shall review such amendment and provide a recommendation to the City Council, unless the City Council waives this requirement.

**10-3-4613: Recordation of Covenant.**

The property owner shall record and sign a covenant in a form satisfactory to the city attorney that requires the green building systems implemented as set forth in the Green Building Project Checklist to be maintained for the life of the project or any portion thereof. The covenant shall require that the owner include provisions for such maintenance either by the owner or a third party in any lease, agreement, covenants, conditions and restrictions, or similar document. For example, if low-emissions carpet were installed pursuant to the Green Building Project

Checklist, the replacement carpet shall also be of a type that complies with the Green Building Project Checklist.

**10-3-4614: Authority to Adopt Rules and Regulations.**

Consistent with the provisions of this Article, the Green Building Compliance Official shall have authority to adopt rules and regulations to implement this Article.

**10-3-4615: Enforcement.**

In addition to any other remedy available, violation of any provision of this Article due to the Applicant's failure to build or maintain the Covered Project in accordance with the Covered Project plans, including the Pre-Permitting Documentation and the conditions of approval in the applicable permit, may be punishable as provided for in Chapter 3 of Title 1.

B. Where the Applicant has violated any provision of this Article due to the Applicant's failure to build or maintain the Covered Project in accordance with the project's plans, including the Pre-Permitting Documentation and the conditions of approval in the applicable permit, the Green Building Compliance official may require mitigation as set forth in Section 10-3-4608.

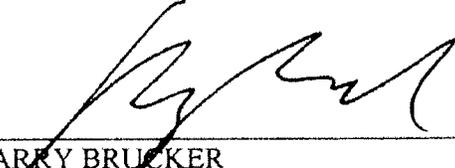
C. These remedies are cumulative, and the choice of one by the City shall not preclude pursuing others whether or not listed herein."

**Section 2.** The provisions of this ordinance shall not apply to the construction of, addition to, or renovation of multi-family residential, commercial, or mixed use buildings for which either a development application has been deemed complete by the Planning and Community Development Department or a building permit has been issued before the sixty-first day after the effective date of this ordinance.

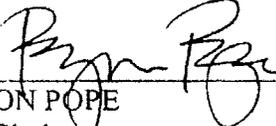
**Section 3.** The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 4.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: June 3, 2008

  
\_\_\_\_\_  
BARRY BRUCKER  
Mayor of the City of Beverly Hills

ATTEST:

  
\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
RODERICK J. WOOD  
City Manager

  
\_\_\_\_\_  
VINCENT P. BERTONI, AICP  
Director of Community Development

## ***ATTACHMENT 2***

### ***Draft Planning Commission Resolution***

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING TWO ONE-YEAR TIME EXTENSIONS FOR TENTATIVE TRACT MAP NO. 63236 AND ITS ASSOCIATED DEVELOPMENT PLAN REVIEW PERMIT AND R-4 PERMIT, FOR A 16-UNIT CONDOMINIUM PROJECT LOCATED AT 154-168 NORTH LA PEER DRIVE.

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

Section 1. Tentative Tract Map No. 63236 and its associated Development Plan Review Permit and R-4 Permit, which proposes a 16-unit condominium project (the Project) was originally approved by Resolution No. 1415, adopted on July 27, 2006. The initial approval of the Tentative Tract Map was valid for a two-year period; however, Senate Bill 1185 provided for an automatic one-year time extension to active tentative maps, thereby causing the Tentative Map to be valid for a period of three years from the original date of approval. The Development Plan Review Permit and R-4 Permit are valid for a period of three years from the original date of approval and are unaffected by Senate Bill 1185. Therefore, all entitlements associated with the project are valid for a three-year period, thus establishing an expiration date of July 27, 2009, unless a time extension is granted. The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1415. The entitlements were requested for the purposes of developing a 16-unit condominium project, on three contiguous parcels (154-168 North La Peer Drive), and which would consist of a single condominium building. The building would be a four-story, 45-foot high, approximately 39,000 square foot

building. The 16 units would range in size from 1,846 to 2,340 square feet, and would utilize a subterranean parking garage. The subterranean parking garage consists of two levels and will provide a total of 57 parking spaces, of which, 4 spaces would be reserved for guests and 3 spaces would be reserved for disabled access. Currently, no construction has begun at the subject site, and the existing buildings have not been demolished. The Planning Commission's original decision to approve the Project was subject to numerous conditions of approval to ensure that traffic and construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Senate Bill 1185 and Sections 10-2-206 and 10-3-207 of the Beverly Hills Municipal Code, the rights granted under Planning Commission Resolution No.1415 expire if not exercised within thirty-six (36) months of the date of adoption. Therefore, the rights granted under Resolution No. 1415 will expire at 11:59 p.m. on July 27, 2009, unless extended by the Planning Commission. Section 10-2-206 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Tentative Tract Map for up to three, one-year time extensions, for a total of six years from the date of the initial map approval. Additionally, Section 10-3-207 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Development Plan Review Permit and R-4 Permit for up to two, one-year time extensions, for a total of five years from the date of the initial entitlement approval. Because this request is for two one-year extensions, one additional one-year time extension remains available for the Tentative Tract Map, and no additional time extensions would be available for the Development Plan Review Permit and R-4 Permit.

The application for time extension was timely filed on May 22, 2009. Several hearings took place during 2009, and the Planning Commission continued the hearings and

requested that green building standards be incorporated into the design of the Project. As a result of this request, a substantial amount of time passed while the Applicant revised the building plans; however, the Project now fully complies with the City's green building ordinance. Due to the time that passed, the two one-year time extensions have been requested concurrently.

Section 3. The Project was previously environmentally reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) and the City's environmental guidelines, and a negative declaration was adopted. Based on the initial study, the previously adopted negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that there have been no substantial changes to the project or to the environment that would cause the Project to significantly impact the environment. Therefore, the previously adopted negative declaration continues to represent the independent judgment of the City and there is no substantial evidence that the approval of the Project or this extension 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 4. On July 9, 2009, July 23, 2009, September 10, 2009, September 24, 2009, and April 22, 2010, the Planning Commission held a duly noticed public hearing to consider the request for an extension of Tentative Tract Map No.63236 and its associated Development Plan Review Permit and R-4 Permit. Evidence, both oral and written, was presented at said hearing.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval.
2. The rights granted under Resolution No. 1415 shall be extended for two years, in order to provide the applicant with additional time to complete the final tract map process and develop the Project.
3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1415 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the entitlements granted under Resolution 1415 through and including July 27, 2011, subject to all conditions set forth in Resolution No. 1415, and the following project-specific conditions:

1. The Project shall comply with the City's green building standards as provided in Attachment 1.
2. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
3. This resolution granting the requested time extension 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 Planning &

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 Planning & 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 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1415 shall lapse and expire and be of no further effect.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Lili Bosse  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP *RL*  
City Planner

# ***ATTACHMENT 3***

***Time Extension Request Letter***

**Lenlib Lapeer, Inc.**  
493 South Robertson Blvd.  
Beverly Hills, California 90211

April 12, 2010

Beverly Hills Planning Commission  
455 North Rexford Drive  
Beverly Hills, California 90210  
(310) 275-3360

RE: 154-168 North LaPeer Drive  
Tract No. 63236

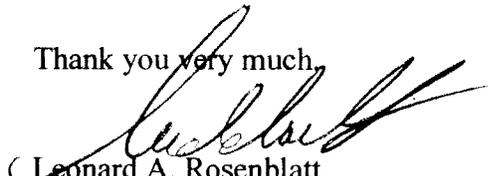
Dear Planning Commission:

Pursuant of our meeting on July 9, 2009, we have incorporated the "Green Building" requirements (silver level) into the above-mentioned project as requested by the Commission.

We are requesting an extension of the approval for another two (2) years due to the difficult economic conditions of today.

Please grant our extension. If you have any questions, please do not hesitate to contact our office.

Thank you very much,



Leonard A. Rosenblatt  
LenLib Lapeer Inc.  
President

# ***ATTACHMENT 4***

***Planning Commission Resolution No. 1415***

RESOLUTION NO. 1415

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 063236, A DEVELOPMENT PLAN REVIEW AND R-4 PERMITS TO ALLOW CONSTRUCTION OF A SIXTEEN UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON THREE LOTS AT PROPERTY LOCATED AT 154-168 NORTH LA PEER DRIVE

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

Section 1. Lenlib La Peer Inc., property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Vesting Tentative Tract Map No. 063236, a Development Plan Review and R-4 Permits to allow the construction of a new 16-unit condominium structure, for property located at 154-168 North La Peer Drive (the "Project").

The proposed Project will be four stories and a total of 45 feet tall and will contain a floor area of 39,084 square feet. Parking for 59 cars, including 4 guest spaces will be provided in a two-level subterranean garage. The Project includes the request for R-4 Permits to allow (1) more than one five-foot wide walkway in the required front yard setback; and (2) a Jacuzzi and associated bathrooms on the rooftop outdoor living area.

In response to the comments and guidance provided by the Commission, the Applicant has revised the design by making the following changes:

- The first and second-floor balconies that extended beyond the façade of the building have been pushed back to create recessed balconies.

- The third and fourth floors have been set back an additional foot from the building line of the first two floors, increasing the total modulation area provided from 4,171 square feet to 4,721 square feet (550 square feet), and resulting in a reduction of the total area of the third and fourth floors by approximately 2%. As redesigned, the third and fourth floors will be setback 7 to 13 feet from the building line of the lower two floors.
- An additional 4-foot setback is provided on the rear half of the north elevation to accommodate the second driveway from the alley.
- The overall size of the building has been reduced from 39,883 square feet to 39,084 square feet (approx 2%).
- Roof mounted equipment, including elevator equipment has been pushed back an additional 5 feet, to a total of 18 feet from the building face and centered in the middle of the roof deck so as not to be visible from the street level on the western side of LaPeer Drive. A line of site analysis demonstrating that the redesigned rooftop meets this requirement is included in the plans
- The clearstory area, which was previously proposed at the maximum allowable height of 10 feet, has been reduced to a maximum of 5 feet, 4 inches high from the top of the roof, matching the height of the top of the proposed tile parapet roof. The height of the rooftop bathrooms, mechanical room and elevator shaft has been reduced to a maximum of 13 feet, 6 inches, with the mechanical well being relocated directly on the roof deck at a maximum height of 9 feet.
- The railing of the third floor balconies has been eliminated, except for the balcony in the central wing of the façade. In its place a new tile roof has been introduced at the roofline of

the second-story, in an effort to break up the 4-story facade and provide a 2-story feel along the front. This second-story roof treatment is proposed to continue around the corners for a distance of 25 feet on each side. A horizontal molding treatment that continues along the sides to the end of the building further delineates the second-story line.

- The exterior wall treatment of the upper two floors will be different from the treatment of the lower two floors.
- The revised plans include substantial trees and shrubs proposed within the front setback and additional landscaping on both sides of the driveway along La Peer Drive.
- The Applicant has revised the driveway access and parking layout to provide two driveways, one along the alley to be used for egress, and one along La Peer Drive for ingress only. Both driveways have been designed with an opening that widens at a 45 degree angle to provide better visibility for vehicles entering or exiting the subterranean parking structure.
- The parking layout has been modified to satisfy parking requirements through tandem parking (therefore the need for a third level of subterranean parking has been eliminated). Up to three units may satisfy the parking requirement with tandem parking per Code, which allows up to nine spaces, out of the required 50 parking spaces to be tandem. The plans indicate 45 self parking spaces, which include the required 4 guest and 3 handicapped parking spaces and 14 tandem spaces, for a total of 59 parking spaces.

The Planning Commission first reviewed this Project at the October 26, 2005 meeting. The direction given by the Commission at the initial hearing was as follows:

- Reduce the mass and scale of the overall building by either setting back the fourth floor, eliminating the clearstory area above 45 feet in height or providing additional modulation in the front.
- Provide additional landscaping along La Peer Drive.
- Locate the egress, ingress or all access to the subterranean garage from the alley by making design changes to the Project, and
- That a shade and shadow analysis be included with the staff report.

The Applicant returned with revised plans at the January 25, 2006 meeting, and the Planning Commission directed staff that a resolution be prepared, conditionally approving the Project. The Project conditions included:

- That all vehicular access to the site be from the alley.
- That the third and fourth floors be reduced by an additional 10% along the front façade to help minimize the mass and scale of the structure as viewed from the street.
- That substantial landscaping be provided along the front of the building.

A draft resolution approving the Project was presented (which included the above stated conditions) for the Commission's consideration. The Applicant did not agree with the conditions and therefore, did not submit revised plans for the Commission's review at the February meeting, stating that providing vehicular access from the alley would require a third level of subterranean parking which could compromise the internal circulation and may pose security and visibility concerns. In addition, the Applicant stated that additional modulation on the third and fourth floors would require reduction in the number of units or size of the units, resulting in substandard units, which in turn would make the Project economically infeasible.

The Commission further deliberated on the conditions of the resolution. The Commission discussions included differing views regarding impacts that the project could have on La Peer Drive due to the design of ingress and egress. Based on safety, visibility, pedestrian safety, and traffic impact concerns, the general consensus of the Commission was that all ingress to the project site should be from La Peer Drive, and that all egress from the project site should be to the adjacent alley to the rear of the property. Further, it was agreed that a substantial reduction on the front façade of the third and fourth floors would be a compromise made to insure the Project would be modulated enough and to be more compatible with the other developments in the vicinity. Since no changes were made by the Applicant relating to the Project conditions, the Commission, by a vote of 3-2, did not approve the resolution, and instead directed staff to bring back a resolution to deny the Project to the March 30, 2006 meeting.

A resolution to deny the Project was provided as directed by the Commission. The Permit Streamlining Deadline to the Project was on March 31, 2006. The Applicant approached the Commission and requested a one-time 90-day extension as well as a continuance to the Project, in order to address the concerns raised by the Commission and bring back revised drawings. After further deliberation, the Commission did not take action on the resolution to deny the Project and voted in favor of giving the time extension and continue the review of the Project. The one-time 90-day extension expires on June 29, 2006.

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 October 26, 2005; January 25, 2006; March 30, 2006; and June 22, 2006, the Planning Commission held a 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 east side of the 100 block of North La Peer Drive in a multi-family residential (R-4) zone, between Wilshire Boulevard to the south and Clifton Way to the north. Along this portion of La Peer Drive, there is a variation of density, height, building age and architectural styles.

The site is currently developed with three, two-story apartment buildings built from the mid 1920's through the mid 1930's, with a total of 6 units. Parking is provided on each site, in a detached garage or surface parking, for a total of 19 spaces. The existing structures on the site will be demolished to accommodate the new condominium building. The building directly adjacent to the south of the subject site is a two-story, approximately 23 foot high, apartment building built in the mid 1930's. The adjacent building to the north is a 3-story plus penthouse, 11-unit apartment building built in 1970. Directly across the street, to the west of the site, are three two-story existing buildings built in the 1930's. Other multi-family buildings within this block range from two-story single-lot buildings built in the 1920's through 1930's, to three-stories, two-lot buildings built in the 1960's and 1990's.

The Project conforms to the applicable height district limits for the City's R-4 Zone. Of the 16 units proposed, 11 units will have three bedrooms and 5 units will have two bedrooms.

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. 063236, 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. 063236:

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 16-unit residential condominium structure, which is 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 currently developed with three, two story apartment buildings. Under the current zoning designation, the project site could be developed with a maximum density

of 17 units, and the infrastructure is adequate to serve the proposed 16-unit residential condominium structure. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

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 (Environmental Checklist) completed for the Project, which is hereby incorporated by reference, indicates that there will be no anticipated significant environmental impacts relating to fish or wildlife, public health problems, and discharge of wastewater.

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 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 the 2.5-foot easement area along the alley in the rear. 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.

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. (This finding is not applicable, because no commercial development is proposed.)
- 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 6 units. Under the current zoning designation, the Project site can be developed with a maximum density of 17 units and 4 stories in height. As proposed, the building provides adequate modulation facing the La Peer Drive. There are a variety of buildings in this block of La Peer Drive, that were built under different zoning standards and restrictions. The proposed Project, as conditioned, is consistent with the current Code and will promote harmonious development in the area. In addition, the architectural and landscape plan will be reviewed by the Architectural Commission at a later date. The proposed Project is consistent with the current Code and will promote harmonious development in the area.

8.3 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 60 spaces, including four 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. Therefore, a maximum 15-foot wide walkway is permitted if authorized by an R-4 Permit. The proposed 14-foot wide walkway will be located in the middle of the site with the proposed variety of planting materials and greenery indicated on the landscape plan, along with the planter walls in the front yard of the project offsetting the paved area. The proposed width will be compatible with the scale of the structure and consistent with other large-scale structures in the multi-family residential zones.

9.2. In addition, the Commission may issue an R-4 permit to allow a maximum of two rooftop bathrooms associated with rooftop swimming pools or spas to exceed the height limit of a building upon a finding that the subject structures will not adversely affect the privacy of neighboring properties or access of neighboring properties to light, nor will the subject structures significantly increase noise to adjacent properties.

A substantial portion (90 percent or 2,910 square feet) of the useable outdoor living space required to be provided for the 16-unit condominium project (total of 3,200 square feet required) is proposed to be provided on the rooftop of the building in four areas, separated by the clearstory area of the fourth floor units. The proposed bathroom, the elevator shaft and elevator lobby, as well as the mechanical well separate the outdoor living area along the northeast direction. The proposed rooftop bathroom will be set back sufficient distance from the roof edge, including the proposed elevator shaft and mechanical room, and obscured from view when the building is viewed from the sidewalk on the opposite side of the street. The setbacks ensure the bathroom will neither impact privacy nor cast shadows on adjacent properties. As a result, the additional height for the

rooftop bathroom will not affect adjacent properties with regard to privacy, light and air. In order to mitigate potential noise impacts to neighboring properties, staff recommends that the hours of use for the roof deck area be limited to 7:00 a.m. to 10:00 p.m. daily.

Section 10. Based upon the foregoing, the Planning Commission hereby adopts the Negative Declaration and approves Vesting Tentative Parcel Map No. 063236, 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 July 27, 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 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.
4. The Project shall comply with the Fire Department's applicable conditions.
  5. The driveway entrance shall be installed with an intercom for use by guests parking in the designated guest parking area, and the intercom shall be located sufficient distance to ensure that vehicles waiting to enter are not forced to queue into the public right-of-way.
  6. Ingress shall be from La Peer Drive only, and egress shall be from the alley only, and directional signs shall be installed to clearly indicate the ingress and egress restrictions at the approach to each ramp and at the top of each ramp.
  7. Use of the roof deck area shall be limited to 7:00 a.m. to 10:00 p.m. daily.
  8. Roof mounted equipment, including the elevator equipment, shall be installed in such a manner so as not to be visible from street level on the western side of La Peer Drive.
  9. The City's traffic consultant shall verify that the parking area design is functional, and Applicant shall make revisions necessary to address the City's traffic consultant's concerns, if any, regarding the parking design prior to the issuance of grading permits. All parking designated for guests should be specified and marked in the garage.

10. The Planning Commission recommends that the Architectural Commission require the following elements to ensure the project looks like the project rendering presented to the Planning Commission, a copy of which is attached hereto.

a) weathered Spanish tile roof material;

b) human-scale entry doorways and windows;

c) inclusion of mature landscaping, including trees, to soften the building appearance at street level; and

d) consider inclusion of trellis structures in areas of front facade to soften the elevation.

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

#### **Standard Conditions**

11. Construction vehicular movements in and out of the construction site shall be controlled by flagmen located on La Peer Drive and the adjacent alley, to the extent necessary to ensure traffic safety.

12. 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.

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

14. 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, which CC&Rs shall be recorded before or at the same time as recordation of the final map.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.

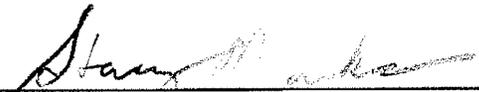
21. The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the Project.
22. This resolution approving Vesting Tentative Tract Map No. 063236 and issuing a Development Plan Review and R-4 Permits (collectively the "Approvals") shall 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.

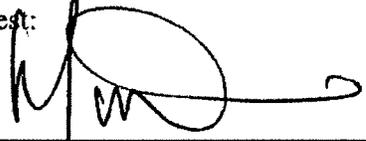
The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document 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.

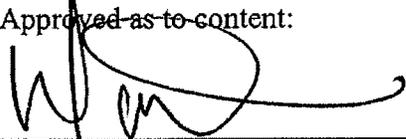
Section 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

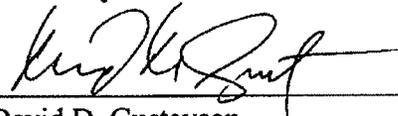
Adopted: July 27, 2006

  
\_\_\_\_\_  
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 & Transportation

**EXHIBIT A**

**PUBLIC WORKS/ENGINEERING  
STANDARD CONDITIONS LIST**

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. 1413 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 27, 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, Reims, Melamed, and Marks.

NOES:           Commissioner Krasne.



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