



## Planning Commission Report

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**Meeting Date:** September 8, 2016

**Subject:** **462 South Rexford Drive**  
Time extension request for a Development Plan Review and Tentative Map for a seven unit condominium project.

**Project Applicant:** Julia Kim, The Code Solution

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving a one-year time extension.

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### REPORT SUMMARY

The applicant requests approval of one-year time extensions for a Development Plan Review and associated Vesting Tentative Tract Map (No. 64012) that authorizes the construction of a four-story, multiple-family residential building with seven units. If the Development Plan Review and Tentative Tract Map extensions are granted the entitlements would expire on June 14, 2017. The Planning Commission may grant the requests for extensions if certain findings are met. Staff's analysis concludes that the required findings can be made, and this report recommends approval of the requested extensions.

**Attachment(s):**

- A. Findings and Recommended Conditions
- B. Resolution
- C. April 12, 2007 Planning Commission Staff Report
- D. Planning Commission Resolution 1468

**Report Author and Contact Information:**

Masa Alkire, Principal Planner  
(310) 285-1135

[malkire@beverlyhills.org](mailto:malkire@beverlyhills.org)



## BACKGROUND

File Date 5/13/16  
Application 7/7/16  
Complete  
Subdivision N/A  
Deadline  
CEQA Deadline 60 days from CEQA Determination  
Permit Streamlining

Applicant(s) Julia Lee, The Code Solution  
Owner(s) AA CA Properties Portfolio 2 LLC  
Representative(s) Julia Lee, The Code Solution

Prior Project None

Previews

Prior PC Action Resolution No. 1468 approving original project on June 14, 2007  
Resolution No. 1579 approving time extension on May 27, 2010  
Resolution No. 1612 approving time extension on May 26, 2011

Prior Council Action None

## PROJECT DESCRIPTION

### The Neighborhood

The subject site is located on the north east side of the intersection of South Rexford Drive and Whitworth Drive and is surrounded by multiple family residential buildings that vary between two and four stories in height. The property immediately north of the subject site is developed with a two-story multiple family residential building. The property to the south, across Whitworth Drive is located in Los Angeles and is a four-story multiple family residential building. Across Rexford Drive is a three-story multiple family residential building.

### The Project:

The subject project was reviewed by the Planning Commission and approved at its June 14, 2007 meeting, subject to specific conditions of approval. The previously approved project consists of a four-story, 45-foot tall residential building that includes seven units and 20 parking spaces. The April 12, 2007 Planning Commission staff report contains a detailed project description and is included as Attachment C. Please note that the project was considered at several hearings after the initial April 12, 2007 hearing, and was ultimately approved with 20 instead of the originally proposed 17 parking spaces. The resolution granting approval of the project is included as Attachment D.

As conditioned in 2007, the Commission was able to make all the necessary findings to approve the project and its associated entitlements. The design of the project has changed since the originally approved project, and the modified design was considered and approved by the Architectural Commission on February 17, 2016. Any proposed project at this location will need to substantially comply with the originally approved entitlements and the modified project design approved by the Architectural Commission.



**ENVIRONMENTAL ASSESSMENT**

The subject 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 by the Planning Commission on June 14, 2007. There have been no substantial changes to the project that would cause the project to significantly impact the environment. Therefore, there is no substantial evidence that 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.

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice @ Library	7 Days	9/1/2016	9/1/2016	7 Days
Newspaper Notice	10 Days	8/29/2016	8/26/2016	12 Days
Mailed Notice	10 Days	8/29/2016	8/29/2016	10 Days
Property Posting	10 Days	8/29/2016	8/26/2016	12 Days
Website	7 Days	9/1/2016	9/1/2016	7 Days

Public Comment

As of the date of the preparation of this report, staff has not received any public correspondence regarding the project.

**ANALYSIS<sup>1</sup>**

Applicant's Rationale for Time Extension Request:

The current owner of the Project site purchased the property in September 2015. Since the purchase of the site, the applicant has been actively moving a redesigned version of the project, consistent with the original project entitlements, through the City's review process. The applicant obtained Architectural Commission review and approval of a redesigned project in February 2016. The Project was submitted for building permit plan check in March 2016. The City identified project corrections and additional information needed to obtain a building permit during plan check. The applicant has been working on making necessary corrections and obtaining required information to resolve the issues identified during plan check. The issues include submitting seismic studies acceptable to City Staff. Additional time is needed to resolve the outstanding plan check issues, which has motivated the applicant's time extension request.

<sup>1</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.



Time Extensions:

Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, Development Plan Review Permits are valid for an initial period of three years, and can be extended by the Planning Commission for up to seven (7) years beyond the original approval date, if they were approved in conjunction with a Tentative Map. Pursuant to BHMC Section 10-2-206, Tentative Maps are valid for an initial period of two years and can be extended for up to three (3) year beyond the expiration date (not including state granted automatic approvals).

The subject Development Plan Review Permit received two one-year extensions from the Planning Commission in 2010 and 2011. Additionally, in recognition of the difficulty developers have had in obtaining construction financing for entitled projects, several State laws were enacted over the past decade to automatically extend the life of previously approved Tentative Maps (which extended the expiration of the subject Tentative Map to June 14, 2016). As a result of this, the City Council adopted an ordinance that created BHMC § 10-3-207C that allows the Director of Community Development to extend entitlements (in this case the Development Plan Review) to match the expiration dates of State mandated subdivision map time extensions. The Development Plan Review Permit was then extended by the Director pursuant to BHMC § 10-3-207C in 2011 and 2013, with an expiration of June 14, 2016.

The following provides a timeline for the Tentative Map approval and extensions and the Development Plan Review approval and expirations:

***Tentative Map***

<b>Action</b>	<b>Expiration Date</b>	<b>Notes</b>
June 14, 2007 - Approved by Planning Commission	June 14, 2009	Resolution 1468
Senate Bill 1185 – automatic one year time extension	June 14, 2010	
Assembly Bill 333 – automatic two year time extension	June 14, 2012	
Assembly Bill 208 – automatic two year extension	June 14, 2014	
Assembly Bill 116 – automatic two year extension	June 14, 2016	

***Development Plan Review***

<b>Action</b>	<b>Expiration Date</b>	<b>Notes</b>
June 14, 2007 - Approved by Planning Commission	June 14, 2010	Resolution 1468
2010- Planning Commission Extension – one year	June 14, 2011	Resolution 1579
2011- Planning Commission Extension – one year	June 14, 2012	Resolution 1612



2011- Director Extension – two years	June 14, 2014	Pursuant to BHMC § 10-3-207 C Code sections allows Director to extend entitlements to match the Tract Maps that were granted pursuant to State extensions
2013 - Director Extension – two years	June 14, 2016	

The timelines presented above show that the subdivision map and entitlements related to this project have been extended both through City actions and State extensions since its original entitlement.

Pursuant to the Beverly Hills Municipal Code (10-2-206) a Tentative Map can be extended by the City as long as the extensions do not exceed an aggregate of six years (not including the automatic extensions granted by the State). Pursuant to the Beverly Hills Municipal Code (10-3-207B), the Planning Commission may extend the time limits for discretionary approvals that are associated with tentative tract maps as much as one year beyond the expiration date of the tentative map. Beverly Hills Municipal Code Section 10-3-207 states that such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application, if the reviewing authority determines that conditions and regulations affecting development in the City have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval.

Staff has concluded that conditions and regulations affecting development in the City have not changed in a manner that would warrant reconsideration of the original decision to approve the project. Further, staff is proposing conditions that memorialize the new expiration of entitlements (June 14, 2017) and reference the original conditions of approval for the project.

#### NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing, and adopt the attached resolution conditionally approving one one-year time extension.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the time extension with modified findings or conditions of approval.
2. Deny the time extension based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

Masa Alkire, AICP, Principal Planner



## **Attachment A**

### Required Findings, and Proposed Conditions

#### Finding for Time Extension

1. The conditions and regulations affecting development in the city have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval.

#### Proposed Conditions

1. The one-year time extensions granted by this Resolution shall cause the entitlements approved under Planning Commission Resolution No. 1468 to remain valid up to and including June 14, 2017.
2. Except as specifically modified by this Resolution, all conditions of Resolution No. 1468 shall remain in full force and effect.

**Attachment B**

**Draft Resolution approving  
one year time extension**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A ONE-YEAR TIME EXTENSION FOR A DEVELOPMENT PLAN REVIEW PERMIT AND TENTATIVE MAP FOR A SEVEN-UNIT CONDOMINIUM PROJECT LOCATED AT 462 SOUTH REXFORD DRIVE.

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

Section 1. Vesting Tentative Tract Map No. 64012 and its associated Development Plan Review Permit, which propose a seven-unit condominium project (the Project), were originally approved by Resolution No. 1468, adopted on June 14, 2007. The Planning Commission adopted Resolution No. 1579, approving a one-year time extension for the Development Plan Review on May 27, 2010, and Resolution 1612 approving an additional one-year time extension for the Development Plan review on May 26, 2011. Subsequently, the Director of Community Development granted two two-year extensions pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207C in 2011 and 2013, extending the expiration date for the Development Plan Review to June 14, 2016.

Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, Development Plan Review Permits are valid for an initial period of three years, and can be extended by the Planning Commission for up to seven (7) years beyond the original approval date, if they were approved in conjunction with a Tentative Map. Pursuant to BHMC Section 10-2-206, Tentative Maps are valid for an initial period of two years and can be extended for up

to three (3) years beyond the expiration date (not inclusive of automatic extensions granted by the state).

Since the approval of the project, four state laws have been enacted to automatically extend the life of previously approved Tentative Maps: Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116. These automatic extensions do not apply to the Development Plan Review Permit, and those entitlements may be extended consistent with local ordinance.

Based on the original approval date and previously approved time extensions, the Development Plan Review Permit and the Vesting Tentative Tract Map would have expired on June 14, 2016.

The time extensions do not amend the conditions of approval or make other substantive revisions to Resolution No. 1468. The entitlements were requested for the purposes of developing a seven-unit condominium project with a height of four stories/45 feet and twenty parking spaces. 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 project and construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Sections 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review Permit rights granted under Planning Commission Resolution No. 1468 expire if not exercised within thirty-six (36) months of the date of adoption, unless extended by the Planning Commission. Section 10-3-207 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Development Plan Review

for up to seven years from the date of the initial entitlement approval, if approved in conjunction with a subdivision map. Section 10-3-206 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Tentative Tract Map for three years beyond the original expiration date (not inclusive of automatic extensions granted by the state).

Section 3. 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 substantial 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.

Section 4. On September 8, 2016, the Planning Commission held a duly noticed public hearing to consider the request for an extension of the Tentative Tract Map and Development Plan Review 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 substantial changes to the Project or any substantial change to the surrounding environment since the initial Project approval.
2. The rights granted under Resolution No. 1468 shall be extended for one year.

3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1468 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Tentative Map and Development Plan Review Permit granted under Resolution 1468 through and including June 14, 2017, subject to all conditions set forth in Resolution No. 1468 and Resolution No. 1579 and 1612, and the following project-specific conditions:

1. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

2. 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 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 7. If this Resolution is invalidated for any reason, all rights granted under Resolution Nos. 1468, 1579, and 1612 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:

\_\_\_\_\_  
Farshid Joe Shooshani  
Chair of the Planning Commission of the  
City of Beverly Hills

Attest:

\_\_\_\_\_  
Ryan Gohlich, AICP  
Secretary of the Planning Commission

Approved as to form:

Approved as to content:

\_\_\_\_\_  
David M. Snow  
Assistant City Attorney

\_\_\_\_\_  
Ryan Gohlich, AICP  
City Planner / Assistant Director of  
Community Development Department

**Attachment C**

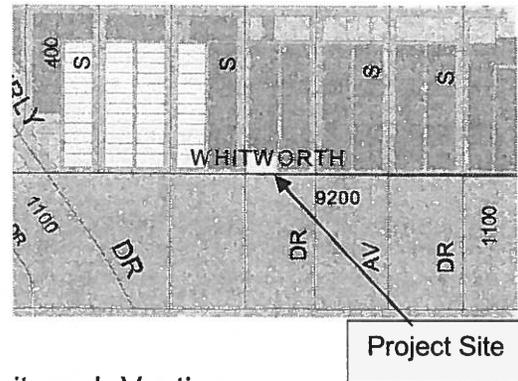
**April 12, 2007 Planning Commission  
Staff Report**



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

**For the Planning  
Commission Meeting of  
April 12, 2007**

**TO:** Planning Commission  
**FROM:** Ray Balderas, Principal  
Planner  
**THROUGH:** Vince Bertoni, AICP, Acting  
Director of Community  
Development  
**SUBJECT:** Request for a



Development Plan Review Permit and Vesting  
Tentative Tract Map (No. 64012) for construction of a four-story,  
seven-unit residential condominium structure at **462 South  
Rexford Drive**. The proposed structure would be approximately  
14,003 square feet and provide 17 parking spaces within a one-  
level subterranean garage accessed from alley along the rear.

**EXECUTIVE SUMMARY**

Applications for a Development Plan Review (DPR) and Vesting Tentative Tract Map have been submitted by Mr. Robert Ives, 462 South Rexford Drive, LP., property owner, for the construction of a seven-unit condominium project on a single-site in the multiple-family residential zone (R-4), comprised of four-stories, 45 feet in height located at **462 South Rexford Drive**. Required parking for the project will be provided in a single-level, 17-space subterranean garage.

Pending testimony received at the public hearing and based on the information submitted, it appears that the necessary findings can be made to grant the request and staff recommends that the Planning Commission direct staff to prepare a Resolution approving the Development Plan Review, and Vesting Tentative Tract Map No. 64012 subject to the attached conditions.

GENERAL INFORMATION	
Applicant	Robert Ives
Project Owner	Robert Ives
Zoning District	Multiple-Family Residential (R-4)
Parcel Size	8,225 square feet
Permit Streamlining Act Deadline	July 14, 2007

## PROJECT DESCRIPTION AND AREA CHARACTERISTICS

**Site Background.** The project site consists of a single-lot development with a two-story apartment buildings built in 1948 which includes on-grade parking along the rear yard for a total of 6 spaces. The existing apartment building on the site would be demolished to accommodate the new condominium structure.

The project site (67.74 x 121.47) is located on the northeast corner of the intersection of South Rexford Drive and Witworth Drive in an area designated as medium to high-density multi-family residential (R-4) zone. Along this portion of South Rexford Drive and evident on the photomontage that was included in the Commission's packet, there is a variation of density, height, building age and architectural styles. The densities range from as low as four units to as high as 100 units and the building heights also vary depending on the size of the structure.

**Project.** The existing apartment building is proposed to be demolished and the debris from the demolition would be exported from the site to make room for the proposed four-story, seven-unit, 45-foot high condominium project. The project includes one level of basement garage with space for 17 vehicles.

**Outdoor living Area.** The project appears to comply with the outdoor living area requirements by providing the 1,400 square feet that are required by code. The total outdoor area being provided for this project is 2,930 square feet in the form of private patios, balconies, and roof top deck area.

**Modulation.** Beverly Hills Municipal Code Section 10-3-2806(c) states that modulation requirement for lots that exceed fifty feet in width would have to, in addition to the front

setback otherwise required by code, modulate portions of the front façade of the building at least ten feet (10') from the front setback line. The applicant has integrated all of the required modulation and the additional 10 foot setback on the top floor, as the fourth was set back ten and fourteen feet from the minimum front setback line. The Planning Commission may want to provide input on the adequacy of providing all of the modulation on the fourth floor with the potential of making the building have a stronger scale and mass presence as viewed from the street.

**Landscape Plan.** The preliminary landscaping plan along with the Tuscan design of the building will be forwarded to the Architectural Commission for their review and approval, however any comments relative to the plans from the Planning Commission may be forwarded to the Architectural Commission.

**PROJECT DATA SUMMARY**

<u>Category</u>	<u>Existing</u>	<u>Proposed</u>	<u>Code Requirement (R-4 Standards)</u>
<b>Use</b>	Multiple-family dwelling	Multiple-family dwelling	Multiple-family dwelling
<b>Number of Lots</b>	1	1	N/A
<b>Lot Size</b>	8,225 square feet	8,225 square feet	N/A
<b>Density/Number of Units</b>	6 apartment units total	7 condominium units	1 unit / 1,100 sq.ft.of site area  (Max Du's allowed )
<b>Stories/Building Height</b>	2-stories; 29 feet high	4-stories; 45 feet high	4-stories; 45 feet high
<b>Parking Spaces</b>	6 spaces	17 spaces total (In subterranean Garage)	17 space
<b>Front Setback</b>	15 feet	15 feet	15 feet
<b>Side Setback</b>	North: 8' South: 6.5'	North: 11 feet South: 8 feet	North: 11 feet South: 8 feet (19 feet combined)
<b>Rear Setback</b>	30 feet	15 feet	15 feet
<b>Modulation</b>	N/A	608 sq. ft.	605 sq. ft
<b>Outdoor Living Space</b>	N/A	2,930 sq. ft.	1,400 sq. ft.

**TRAFFIC AND PARKING STUDY**

A traffic and parking study has been prepared by Meyer, Mohaddes Associates for the proposed development of seven unit condominium. The existing apartment building on the site contain six units and the proposed improvements represent an increase of one more unit above the existing number of units on the site.

**Traffic.** The proposed project is expected to generate 41 vehicle trips per day with a morning peak of four trips and evening peak of four trips. The Institute of Transportation Engineers (ITE) Trip Generation, 7<sup>th</sup> Edition, rates were used to estimate the trip generation counts for this project. However, to accurately reflect the impacts, the volumes must be reduced by the traffic generated by the existing development. After the reduction, the project is expected to generate about one additional trip per day. The study indicates that the proposed development will have a negligible traffic impact upon the analyzed intersections. Levels of Service will not show any changes to the street system. The City's on-call Traffic Consultant reviewed the traffic and parking analysis that was submitted by the applicant and concluded that the methodology and findings in the report were accurate.

**Site Access & Circulation.** The proposed project would provide 17 parking spaces located in a one-level garage. Access to the parking garage will be via a 20 foot wide driveway accessed from the alley.

## **PUBLIC NOTICE AND COMMENTS**

Notice of the Public Hearing was mailed on April 2, 2007 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet (if any) from the exterior boundaries of the property. In addition, the site was posted. As of the day of the preparation of the staff report no correspondence has been received however a few calls were received about the project but no concerns were expressed. As a result of a noticing error, the Planning Commission should open the public hearing and allow public testimony, leave the public hearing open, and close the public hearing at the time that the Planning Commission considers a resolution next month.

## **ANALYSIS**

### **Municipal Code And General Plan Conformance**

The development as proposed meets the Code requirements (with exception of the additional depth of the required modulation), and would be consistent with the adopted General Plan of the City, which designates this area as a medium-density multi-family residential area.

### **Development Plan Review Findings**

Pursuant to the Beverly Hills Municipal Code the Planning Commission may consider a request for a Development Plan Review if the Planning Commission can make the following findings:

**A. The proposal is consistent with the General Plan and any specific plans adopted for the area.**

The development as proposed meets the Code requirements, particularly regarding use, height, density and parking and would be consistent with the adopted General Plan of the City which designates this as a medium high density multiple-family residential area.

**B. 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 two-story, six-unit apartment building. As proposed, the building meets all the development standards pursuant to Section 10-3.2800 of the Beverly Hills Municipal Code. It should be noted that the building, as proposed, exceeds the required modulation facing on Rexford Drive. There are a variety of buildings in this block of Rexford Drive which were built under different zoning standards and restrictions and consequently the modulation required under today's code would not be visible on these buildings. The applicant has incorporated a "Tuscan" architectural design on the building and as such the building is subject to review and approval by the Architectural Commission who is vested in reviewing projects and requiring that the proposed design be harmonious to the development of the area. The project will be scheduled for review by the Architectural Commission subsequent to the Planning Commission's consideration of the project.

**C. The nature, configuration, location, density, height and manner of operation of the project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.**

As noted above, the project complies 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 and future developments. The project as proposed would cast shadow to the west and north, however the impacts are not expected to be significant because they do not occur year round.

**D. The re-distribution of the new traffic generated by the proposal will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards.**

A traffic study has been prepared by Meyer, Mohaddes Associates to assess the potential impacts of the proposed development of seven-unit condominium project. Based on the report (attached), the proposal will have a negligible traffic impact upon the analyzed intersections and the residential streets. Therefore, it is not anticipated that the project would generate adverse traffic impacts, traffic hazards,

pedestrian/vehicle conflicts, or pedestrian safety hazards if the project were to be approved by the Commission.

**E. The project will not be detrimental to the public health, safety or general welfare.**

It is anticipated that the project will be built in accordance with the City's Building Code standards and is consistent with the zoning for the area. Therefore, the project will not be detrimental to the public health, safety or general welfare.

**Tentative Map Findings**

**The Planning Commission may authorize a tentative tract map if the findings can be made (Government Code Section 66474):**

- (a) **That the proposed tentative parcel map and the design or improvements or improvements of the proposed subdivision are consistent with the General Plan of the City.**

The proposed project land-use and General Plan designation is multi-family residential, high density. Therefore, the project and its design are consistent with the General Plan of the City.

- (b) **That the site is physically suitable for the type of development and the proposed density.**

The site is currently developed with a six-unit, two story apartment building. Under the current zoning designation, the project site could be developed with a maximum density of seven units, and the infrastructure to serve the proposed seven-unit residential condominium structure is adequate. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

- (c) **That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The project was determined not to cause environmental damages or injuries to wildlife or their habitat and a Categorical exemption was prepared on the project pursuant to Section 15033(b) of the California Environmental Quality Act. There would be a temporary air quality impact during the construction period, which relates to the development of the project rather than the design of the subdivision.

- (d) **That the design of the subdivision or type of improvements are 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.**

The project design has been preliminarily reviewed by the Public Works Department and the Building and Safety Division for code compliance. In addition, the project will not encroach into any public easement areas. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

- (e) **That the discharge of waste water from the proposed subdivision into the existing sewer systems will not result in a violation of existing requirements presented by the California Water Quality Act Control Board.**

The project has been preliminarily reviewed by the Public Works Department for compliance with the Storm Water Regulations and Standard Urban Storm Water Mitigation Plan. Moreover, 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 Board. Therefore, the discharge of waste water from the proposed subdivision into the existing sewer systems will not result in a violation of existing requirements presented by the California Water Quality Act Control Board.

In reviewing the proposed development on this site, the project meets the five criteria as listed above.

### **ENVIRONMENTAL DETERMINATION**

This proposed project has been assessed in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines. No significant environmental impacts are anticipated and therefore, a Negative Declaration has been prepared for Commission consideration.

**RECOMMENDATION**

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, and pending discussion of the issues raised, it is recommended that the Planning Commission direct staff to prepare a resolution conditionally approving a Development Plan Review and Vesting Tentative Tract Map subject to the conditions attached to the report.

RAY BALDERAS

Attachments:

1. Sections of BHMC
2. Traffic Report
3. Applications

**Conditions of Approval  
462 south Rexford Drive**

1. All street trees are to be protected and maintained during construction subject to the requirements of the Recreation and Parks Department regarding the street trees.
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 project shall comply with the Fire Department applicable conditions.
4. The project shall be subject to review and approval by the Architectural Commission prior to issuance of building permits.

**Attachment D**

**Planning Commission Resolution 1468**

RESOLUTION NO. 1468

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 64012 AND A DEVELOPMENT PLAN REVIEW PERMIT TO ALLOW CONSTRUCTION OF A SEVEN-UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT PROPERTY LOCATED AT 462 SOUTH REXFORD DRIVE

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

Section 1. Robert Ives, 462 South Rexford Drive, L.P., property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Vesting Tentative Tract Map No. 64012 and a Development Plan Review to allow construction of a new seven-unit, 14,003 square foot, four-story, 45-foot high condominium structure on a single-lot site for property located at 462 South Rexford Drive (the "Project"). The Project will provide the Code required parking of 20 parking spaces. 17 parking spaces shall be in a single-level subterranean garage accessed from the rear alley and 3 parking spaces shall be at grade.

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 pursuant to 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 will 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. A hearing was noticed for April 12, 2007, and that hearing was continued to April 25, 2007 due to cancellation of the April 12, 2007 meeting because of a fire in the City's hillside areas. On April 25, 2007, May 24, 2007 and June 14, 2007 the Planning Commission held a duly noticed public hearing to consider the Project. Evidence, both written and oral, was presented at said hearing. Prior to conducting the public hearing, the Planning Commission visited the Project site.

Section 4. The Project site is a single-lot site located on the northeast corner of the intersection of South Rexford Drive and Whitworth Drive in an area designated as medium to high-density multi-family residential (R-4) zone. The site is currently developed with a two-story

apartment building built in 1948 and includes on-grade parking along the rear yard for a total of six spaces. The existing apartment building on the site would be demolished to accommodate the new condominium structure. There are a variety of densities, heights, building ages and architectural styles along this portion of South Rexford Drive.

The proposed Project is a four-story, seven-unit, 45-foot high condominium. The Project includes one level of basement garage with space for 17 vehicles and 3 parking spaces at grade.

The Project provides more than the 1,400 square feet of outdoor living area as required by the City's municipal code. The total outdoor area being provided for this Project is 2,930 square feet in the form of private patios, balconies, and roof top deck area.

Modulation. Beverly Hills Municipal Code Section 10-3-2806(c) requires that modulation for lots exceeding 50 feet in width to modulate portions of the front façade of the building at least 10 feet from the front setback line, in addition to the front setback otherwise required by Code. The Applicant has integrated all of the required modulation and the additional 10-foot setback on the top floor, as the fourth floor is set back between 10 and 14 feet from the front setback line. Moreover, the dual color scheme presented to the Commission and the representation of the Applicant to provide mature landscaping reduces the mass and scale of the Project. Furthermore, as conditioned, the Applicant will be required to maintain the landscaping as depicted on the approved plans at all times. Accordingly, the Project as presented to the Commission meets the Code requirements and will be consistent with the adopted General Plan of the City which designates this area as a medium-density multi-family residential area.

Landscape Plan. The preliminary landscaping plan, along with the Tuscan design of the building, will be forwarded to the Architectural Commission for its review and approval.

Traffic. The proposed Project is expected to generate 41 vehicle trips per day with a morning peak of four trips and evening peak of four trips. The Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, rates were used to estimate the trip generation counts for this Project. The Project is expected to generate about one additional trip per day. The study indicates that the proposed development will have a negligible traffic impact upon existing roadways based on the low trip generation forecast as noted on the traffic report.

Site Access & Circulation. The proposed Project will provide 20 parking spaces, 17 of which are located in a one-level garage and 3 are at grade. Access to the parking garage will be via a 20-foot wide driveway accessed from the alley.

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. 64012, the Planning Commission considered the following issues:

- 1) Whether the proposed vesting 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 is 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. 64012:

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 seven-unit residential condominium structure, which is permitted under the General Plan land-use designation for the Project site. Thus the proposed Project is found to be consistent with the City's General Plan.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is currently developed with a six-unit , two-story apartment building. Under the current zoning designation, the Project site can be developed with a maximum density of seven units, and the infrastructure to serve the proposed seven-unit residential condominium

structure is adequate. 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 because there are no significant fish or wildlife resources or public health issues on the Project site, and utilities exist that will adequately serve the demands of the Project. This finding is further supported by the Negative Declaration documentation.

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 any public easement areas. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

6.5 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 substantial changes in absorption rates that would increase the amount of stormwater runoff from the Project site. Further, any discharge of waste from the proposed

subdivision into the existing sewer system will would be required to adhere to the requirements prescribed by the California Regional Water Quality Board. 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 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 a two-story, six-unit apartment building. As proposed, the building meets all the development standards pursuant to Section 10-3.2800 of the Beverly Hills Municipal Code. The Project exceeds the required modulation facing on Rexford Drive, and the Commission finds that the integration of the required modulation and additional 10-foot setback of the top floor meets the code requirements for this property. There are a variety of buildings in this block of Rexford Drive which were built under different zoning standards and restrictions and consequently do not display the modulation required the current Zoning Code. The Applicant has incorporated a "Tuscan" architectural design on the building and as such the building is subject to review and approval by the Architectural Commission who is vested in reviewing projects and requiring that the proposed design be harmonious to the development of the area.

8.3 As conditioned, the proposed Project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. As noted above, the Project complies with the current Code requirements regarding density, height, and parking. The proposed scale and massing are consistent with the scale and massing of the development in this area and the standards applicable to future developments. The proposed four-story structure will cast shadows to a greater degree than does the existing two-story structure; however, these incrementally greater impacts are not found to be significant in light of the shadows from the existing structure, and because the potential impacts from these shadows will not occur year round. Further, the design of the northern elevation of the building with the open area and mature landscaping between the façade and the property line ensures that the Project will not interfere with the use and enjoyment of other residential properties in the vicinity. Last, the dual color scheme presented to the Commission and the representation of the Applicant to provide mature landscaping assists to reduce the mass and scale of the Project.

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 study has been prepared by Meyer, Mohaddes Associates to assess the potential impacts of the proposed development of seven-unit condominium project. Based on the report, the proposal will have a negligible traffic impact upon the existing roadways and the residential streets. Therefore, the Project will not generate adverse traffic impacts, traffic hazards, pedestrian/vehicle conflicts, or pedestrian safety hazards. In addition, the Applicant has revised the layout of the garage to improve accessibility to parking spaces. Furthermore, in order to ensure that local traffic and parking are not impacted 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 Public Works & Transportation 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.

8.5 As conditioned, the proposed Project will not be detrimental to the public health, safety, or general welfare. The Project, as conditioned, will be constructed in accordance with the City's Building Code standards, and adequate open space living area has been required. As conditioned 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 foregoing, the Planning Commission hereby adopts the Negative Declaration, approves Vesting Tentative Tract Map No. 64012 and a Development Plan Review 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 June 14, 2007.
2. The Applicant shall protect and maintain all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed or relocated unless approval from the Department of Recreation and Parks is obtained.

3. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/Recreation and Parks Department. The list of standard conditions is attached hereto as Exhibit A, and is incorporated herein by reference.
4. The Project shall comply with all applicable conditions of approval that may be imposed by the Fire Department through the plan check process.
5. The Project shall be subject to review and approval by the Architectural Commission prior to issuance of building permits.
6. The color scheme and variation of colors as proposed on the Project plans shall be maintained and shall not be substantially modified except upon review and approval by the City.
7. The landscaping proposed shall be mature and of substantial size as proposed by the Project plans, and as approved by the Community Development Director. The landscaping shall be maintained as approved by the Architectural Commission at all times. Any substantial changes to the landscaping shall require approval by the City.
8. The Applicant shall prepare Covenants, Conditions and Restrictions ("CC&Rs") to be recorded in conjunction with the final subdivision map, subject to review and approval by the Community Development Department and the City Attorney. The CC&Rs shall include a provision establishing that the City shall, after making due demand and giving reasonable notice, have the right of access to the community, including all buildings and structures thereon, for the purpose of preserving the public health, safety, and welfare, and for the purpose of ensuring that all owners and occupants adhere to the provisions of the CC&Rs.

9. Pursuant to Section 10-3-2816 the Applicant is required to provide twenty parking spaces as rooms capable of being used as a bedroom are deemed to be a bedroom for the purposes of the parking requirements set forth therein. Accordingly, the Applicant shall provide 17 parking spaces in a single-level subterranean garage accessed from the rear alley and 3 parking spaces shall be at grade. The plans shall clearly depict that the tandem spaces shall be assigned to the unit immediately adjacent to those spaces (Unit #102). The other spaces shall be assigned to units on the ground floor.
10. The parking spaces to be provided (at grade or garage) shall be a minimum of 36' in length and 20' in width.

#### **STANDARD CONDITIONS**

11. 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 and 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 when sufficient parking is not available on the site.
  - b. Information regarding the anticipated number of workers, the location of parking with respect to schedules during the construction period, the arrangement of

deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertaining information regarding construction related traffic.

- 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.
12. In addition to the conditions set forth in this Resolution, the Vesting Tentative Tract Map shall comply with all conditions required in conjunction with the plan check process by the City's various departments, including but not limited to the conditions, if any, imposed by the Departments of Public Works, Engineering, Building and Safety, Fire, and Police.
  13. During construction, the Applicant shall install a minimum 12-foot construction fence to reduce noise and dust impacts on neighboring properties.
  14. 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, throughout project construction, 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 Applicant's representative's telephone number provided shall be manned during construction hours.

15. 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.
16. Approval of this Project is subject to any and all other discretionary approvals required by the City for the Project.
17. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$50.00 for a documentary handling fee in connection with Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4
18. 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 10 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.

19. 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.
20. This Resolution approving Vesting Tentative tract Map No. 64012 and issuing a Development Plan Review (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 10. 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: JUNE 14, 2007



Noah Furie  
Chair of the Planning Commission  
of the City of Beverly Hills, California

ATTEST:



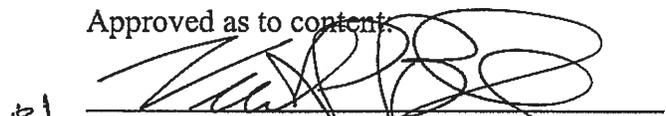
Secretary

Approved, as to form:

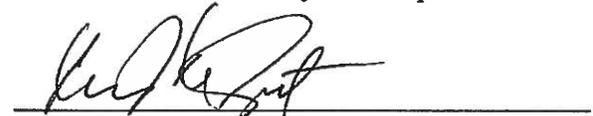


David M. Snow  
Assistant City Attorney

Approved as to content:



Vincent P. Bertoni, AICP  
Director of Community Development



David D. Gustavson  
Director of Public Works and Transportation

**EXHIBIT A**

**PUBLIC WORKS/ENGINEERING  
STANDARD CONDITIONS LIST**

**CITY OF BEVERLY HILLS**  
**STANDARD CONDITIONS LIST**

**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

## Standard Conditions List

- 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-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
  13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
  14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
  15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

## Standard Conditions List

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, VINCENT P. BERTONI, Secretary of the Planning Commission and Director of Community Development of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1468 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on June 14, 2007, 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 Marks, Vice Chair Reims, and Chair Furie.

NOES:           None.

ABSTAIN:       Commissioners Bosse and Cole.

ABSENT:        None.

  
\_\_\_\_\_  
VINCENT P. BERTONI, AICP  
Secretary of the Planning Commission/  
Director of Community Development  
City of Beverly Hills, California