



AGENDA REPORT

Meeting Date: November 30, 2010
Item Number: F-4
To: Honorable Mayor & City Council
From: Ara Maloyan, Deputy City Engineer
Samer Elayyan, Civil Engineer *SE*
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
APPROVING THE FINAL MAP FOR PARCEL MAP NO. 70136
(309-311-1/2 SOUTH REXFORD DRIVE)

Attachment:

- 1) Resolution
- 2) Planning Commission Resolution No. 1543 Conditionally Approving the Tentative Parcel Map
- 3) Community Development Memorandum Regarding Compliance with Conditions of Approval
- 4) Location Map

RECOMMENDATION

It is recommended that the City Council find that the final map conforms to all applicable requirements of the State Subdivision Map Act and the City's subdivision ordinance, and adopt the resolution approving the final map for Parcel Map No. 70136.

INTRODUCTION

This report is a request for City Council adoption of the findings that Final Parcel Map No. 70136 located at 309-311-1/2 South Rexford Drive is consistent with the previously approved tentative parcel map and that the tentative map conditions have been met. It also provides for City Council adoption of a resolution approving the final map for Parcel Map No. 70136.

DISCUSSION

The applicant, JGM First, LLC, a Delaware Limited Liability Company, has prepared the final map to convert an existing 4-unit apartment building to a four-unit condominium building, located at 309-311-1/2 South Rexford Drive.

At its meeting of February 24, 2009, the Planning Commission approved Tentative Parcel Map No. 70136, and adopted Resolution No. 1543, a copy of which is attached.

The applicant submitted a final parcel map for approval by the City Council that is substantially the same as the approved tentative parcel map. The final map meets all the conditions imposed by Planning Resolution No. 1543 as explained in the attached memorandum from the Community Development Department, and was approved by RKA Consulting Group (acting City Engineer for City of Beverly Hills) on July 22, 2010. On August 10, 2010, JGM First, LLC submitted the final map for approval by City Council. Staff have now reviewed the Final Map and are recommending its approval by the Council.

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

FISCAL IMPACT

There are no known financial impacts associated with this action.

 _____
David Gustavson
Approved By

Attachment 1

RESOLUTION NO. 10-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR PARCEL MAP NO. 70136 (309-311-1/2 SOUTH REXFORD DRIVE)

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

Section 1. Tentative Parcel Map No. 70136 was submitted for approval of a subdivision consisting of four (4) condominium units at 309-311-1/2 South Rexford Drive.

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

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

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

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

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

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

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

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

- (a) The final map for Parcel Map No. 70136 is approved.

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

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

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

Adopted:

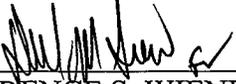
JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk

[Signatures continue]

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID D. GUSTAVSON
Director of Public Works & Transportation

Attachment 2

This page is part of your document - DO NOT DISCARD



20090395614



Pages:
0030

Recorded/Filed In Official Records
Recorder's Office, Los Angeles County,
California

03/19/09 AT 08:53AM

FEES :	0.00
TAXES :	0.00
OTHER :	0.00
PAID :	0.00



LEADSHEET



200903190760003

00000214164



002017181

SEQ:
01

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

1400613

RECEIVED
CITY OF BEVERLY HILLS
10 MAY - 6 AM 10:49
PUBLIC WORKS DEPARTMENT

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

NAME *City Clerk's Office*
City of Beverly Hills
MAILING *455 N. Rexford Dr. Rm 290*
CITY, STATE *Beverly Hills CA*
ZIP CODE *90210*



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

Covenant and Agreement

3

RECORDING REQUESTED BY,
WHEN RECORDED MAIL TO
AND MAIL TAX STATEMENTS TO:

JGM First, LLC
6711 Forest Lawn Drive, suite 206
Los Angeles, CA 90068
Attention: Joseph G. Mansour

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

Assessor's Parcel Numbers: 4331-011-003

Recording Fee: Exempt pursuant to California Government Code Section 27383

COVENANT AND AGREEMENT
(Acceptance of Conditions of Planning Commission
Resolution No. 1543)

This covenant and agreement is made and entered into as of this 24th day of February 2009, by the undersigned, JGM FIRST, LLC, a Delaware limited liability company (the "Owner") and JOSEPH G. MANSOUR, a single man ("Applicant"), and the CITY OF BEVERLY HILLS, a municipal corporation (the "City"), with respect to the following facts:

RECITALS:

A. The Owner hereby represents and warrants that Owner is the record owner of the following described real property (the "Property") generally located at 309 to 311-1/2 South Rexford Drive in the City of Beverly Hills, County of Los Angeles, State of California, identified by Los Angeles County Assessor's Parcel Number 4331-011-003, and more particularly described as follows:

Lot 1450 of Tract No. 6380, in the City of Beverly Hills, County of Los Angeles, State of California, as per map recorded in Book 69 Pages 11 to 20 inclusive of Maps, in the Office of the County Recorder of said County.

4

B. The Applicant submitted an application to the City for approval of Parcel Map No. 70136 for the conversion of an existing four-unit apartment building to a four-unit condominium building located at 309 to 311-1/2 South Rexford Drive.

C. Applicant is the sole manager of Owner.

D. On January 15, 2009, the Beverly Hills Planning Commission (the "Planning Commission") approved Planning Commission Resolution No. 1543 (the "Resolution"). A copy of the Resolution is attached hereto and incorporated by this reference as Exhibit "A." The Applicant wishes to avail itself of the benefits of the Resolution.

E. Pursuant to the Resolution, the Planning Commission approved the subdivision of the Property, subject to the various conditions set forth in the Resolution. Condition No. 3 set forth in Section 11 of the Resolution, requires recordation of a covenant, in a form satisfactory to the City Attorney, accepting the conditions of approval of the Resolution.

F. The City has a property interest in the streets adjacent to the Property and owns other property within the City.

NOW, THEREFORE, in consideration of the foregoing, the Owner and the Applicant covenant, promise and agree, on behalf of the Owner and the Applicant, and on behalf of each of their respective heirs, representatives, successors, and assigns (including, without limitation, each person having any interest in the Property derived through any owner of the Property) (collectively, the "Successors"), for the benefit of the City, the public, the City's property interest in the street commonly known as Rexford Drive, the sidewalks around it, the City's other public property, and the Property, as follows:

1. The Owner and the Applicant shall accept and abide by all of the conditions of approval set forth in Planning Commission Resolution No. 1543, attached hereto as Exhibit "A."

2. It is the intention hereof that this covenant and agreement shall constitute a covenant running with the land owned by the Owner and running with the property interest possessed by the Applicant. This covenant and agreement shall be enforceable by and shall inure to the benefit of the City and the City's successors and assigns, and shall be jointly and severally binding upon the Owner, the Applicant, and each of their Successors.

3. This covenant and agreement shall remain in effect until released in writing by the order of the Planning Commission or the City Council upon a determination that this covenant and agreement is no longer required.

4. Should any provision, section, paragraph, sentence, clause, or word of this covenant and agreement be rendered or declared invalid or ineffective by any final action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, clauses and words of this covenant and agreement shall remain in full force and effect.

5. This covenant and agreement shall be recorded in the office of the County Recorder for the County of Los Angeles.

Executed this 24th day of February, 2009

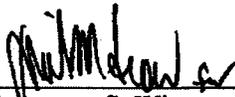
CITY OF BEVERLY HILLS:

Approved as to content:



Anne Browning McIntosh, AICP
Interim Director of Community Development

Approved as to form:



Laurence S. Wiener
City Attorney

OWNER:

JGM FIRST, LLC, a Delaware
limited liability company,

By: 

Joseph G. Mansour
Manager

APPLICANT:



Joseph G. Mansour

6

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of LOS ANGELES

On FEBRUARY 20, 2009 before me, LORY GRACE ALBANO QUE, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared JOSEPH G MANSOUR
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COVENANT AND AGREEMENT (Acceptance of Conditions of Planning Commission Resolution No. 1543)

Document Date: FEBRUARY 24, 2009 Number of Pages: 24

Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

7

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of LOS ANGELES

On FEBRUARY 26, 2009 before me, LORY GRACE ALBANO QUE, NOTARY PUBLIC
Date Here insert Name and Title of the Officer

personally appeared JOSEPH G MANSOUR
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COVENANT AND AGREEMENT (Acceptance of Conditions of Planning Commission Resolution No. 1543)
Document Date: FEBRUARY 24, 2009 Number of Pages: 24
Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
Signer Is Representing: _____



Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____
Signer Is Representing: _____



8

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles

On March 12, 2009 before me, Patricia E. Ogden, notary public
Date Here Insert Name and Title of the Officer

personally appeared Anne Browning McIntosh
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Patricia E. Ogden
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Covenant and Agreement

Document Date: February 24, 2009 Number of Pages: 28

Signer(s) Other Than Named Above: Joseph G. Mansour

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

9

RESOLUTION NO. 1543

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 70136 AND A DEVELOPMENT PLAN REVIEW TO ALLOW THE CONVERSION OF AN EXISTING FOUR-UNIT APARTMENT BUILDING TO A FOUR-UNIT CONDOMINIUM BUILDING LOCATED AT 309 SOUTH REXFORD DRIVE.

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

Section 1. Joseph Mansour (hereinafter referred to as the "Applicant") has submitted an application for approval of Tentative Parcel Map No. 70136 and a Development Plan Review to allow for the conversion of an existing four-unit residential apartment building into a four-unit condominium building located at 309 South Rexford Drive (the "Project").

The property is located north of Olympic Boulevard along the west side of Rexford Drive. The area is characterized by multi-residential developments that date from the 1935's through the 1968's and include building heights that range between one and four stories.

The 6,070 square feet site is located on the west side of Rexford Drive between Gregory Way and Olympic Boulevard. The property is currently developed with a 28'-10" high two-story, three-unit multiple family apartment building and a new detached, two-story, five-car garage accessed from the alley and a residential unit above it. The Project includes the conversion of the existing apartment building to a condominium building. No changes to the building's floor plan are proposed.

10

Section 2. The Project has been reviewed pursuant to the California Environmental Quality Act ("CEQA"), (Public Resource Sections 21000, et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Project consists of the conversion of an existing four-unit apartment building to a four-unit condominium building. Pursuant to State CEQA Guidelines Section 15301(k), Existing Facilities, the division of existing multiple family residences into common interest ownership are exempt from the provisions of CEQA and no significant environmental impacts are anticipated.

Section 3. Notice of the proposed Project and public hearing was mailed on January 2, 2009 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. The hearing notice was also published in the *Beverly Hills Courier* on Friday, January 2, 2009 and the *Beverly Hills Weekly* on Thursday, January 8, 2009. As of the date of the preparation of this report, no correspondence or calls were received. On January 15, 2009, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. Pursuant to Section 66474 of the California Government Code, in reviewing the application for Tentative Parcel Map No. 70136, the Planning Commission considered the following issues:

1) Whether the proposed tentative parcel map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City;

2) Whether the site is physically suitable for the type of development and the proposed density;

3) Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

4) Whether the design of the subdivision or type of improvement is likely to cause serious public health problems and whether the design of the subdivision or the type of improvement will conflict with any public easements.

Section 5. 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 Tentative Parcel Map No.70136

5.1 As conditioned, the 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- medium density" allowing for 45 units per acre and up to 60 feet in height. The Project consists of the conversion of an existing four-unit apartment building to a four-unit, approximately 29-foot in height residential condominium building. Although the existing designation of 45 units per acre would allow six units on the subject property, the conversion is consistent with many aspects of the General Plan and further goals and objectives with

12

respect to the Housing Element as follows. Goal 1 of the Housing Element is to maintain the community's housing stock; preserve the viability and stability of residential neighborhoods. Since this conversion does not alter the existing residential use of the property or reduce the number of available housing units, the Project advances this goal. In addition, Objective 1.1 of the Housing Element is to "Develop, continue and pursue programs to maintain and improve the physical condition of existing housing stock." Further, Program 1.6 is to "Require life safety, infrastructure, and aesthetic upgrades of older apartments as a condition of approving any conversion to a common interest development." The property owner has completed a major renovation of the property in 2007, upgrading the entire site while upholding the original character and features of the building. The building was renovated to provide new heating, electrical, landscaping and irrigation system. These upgrades also include repainting the exterior of the building. Interior upgrades also include renovating kitchens, new floor covering and providing laundry machines and all new appliances in each unit. Therefore, the Project and its design are consistent with the General Plan of the City.

5.2 As conditioned, the site is physically suitable for the type of development and the proposed density. No change to the existing use of the site is contemplated by the Project. The site has no unusual seismic or other hazards. The design of the structure and the proposed landscaping has been reviewed and approved by the Architectural Commission, as required by Code.

Any further changes to the building's exterior are subject to review and approval by the Architectural Commission. Therefore, with the conditions placed on the Project, the site is physically suitable for the type of development and the proposed density.

5.3 As conditioned, the Project will not cause substantial environmental damage

13

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

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

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

- 1) Whether the proposed plan is consistent with the General Plan and any specific plans for the area;

74

- 2) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
- 3) Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
- 4) Whether the proposed plan will be detrimental to the public health, safety or general welfare.

Section 7. 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:

7.1 As conditioned, the proposed subdivision and improvement are consistent with the City's General Plan. The proposal is consistent with the objectives, policies, general land uses, and programs specified in the General Plan.

7.2 As conditioned, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The site is currently developed with a two-story, four-unit apartment building in two separate buildings. Existing and anticipated uses in the vicinity are similarly multi-family in nature. The subject building was originally constructed in 1936 and has been determined to be "character contributing" and worth preserving by the Planning Commission on March 13, 2008. The Project contemplates the conversion of the apartment building to a common interest development. The multi-family residential use of the property will not be altered by the Project and the restoration of the building

15

will promote the harmonious development of the area.

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

7.4 As conditioned, the Project will not be detrimental to the public health, safety, or general welfare. The Project site has been renovated in accordance with the City's Building Code standards and adequate open space living area has been provided per Code requirements. In addition, prior to the approval of the Final Map, the Project shall demonstrate compliance with all mandatory minimum physical building requirements set forth in BHMC Section 10-2-709 A. Therefore, as conditioned, and for the reasons discussed in the foregoing paragraphs, the Project will not be detrimental to the public health, safety or general welfare.

Section 8. Pursuant to Beverly Hills Municipal Code Section 10-2-701 thru 10-2-

714, in reviewing the application for the conversion of the existing apartment building to a common interest development, the Planning Commission considered the following issues:

1) Whether the subject building qualifies for the "Character Contributing" designation set forth in BHMC Section 10-2-707 B;

2) Whether the Project complies with applicable requirements of Article 7 of Chapter 2 of the Planning and Zoning Code of the City of Beverly Hills, including, but not limited to compliance with the current zoning and building code and all other applicable current requirements of the Municipal Code; compliance with the annual limitation on residential conversions; compliance with tenant notification requirements; and compliance with the physical standards for residential conversion; and

3) Whether the strict compliance with current zoning and building code requirements would result in irreparable damage or remove the character defining features of the building.

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 hereby finds, as follows, with respect to the conversion of the apartment building to a common interest development:

9.1 On March 13, 2009, the Planning Commission determined that the subject building qualified for the Character Contributing Designation. Specifically, it was determined that the building to be converted is not substantially greater in massing and scale than the surrounding streetscape. It was further determined that the building to be converted contributes to community

17

character through the use of architecturally pure styles that foster congruous designs and details that are complementary in scale and mass to other nearby structures and that features visible from the public street, as a result of the conversion, would be maintained, restored or refined in a manner consistent with the general criteria of architectural review set forth in BHMC Section 10-3-3010.

9.2 The Project has been reviewed for compliance with the City's current zoning regulations. It has been determined that the Project complies with current zoning regulations with the exception of setback (rear and side setbacks) and parking requirements. Setbacks, with respect to setback regulations, current regulations require a 19-foot cumulative side yard setback and a minimum setback of 8 feet. The building exhibits a minimum cumulative side yard setback of 7' 6". It should be noted that the northerly side yard setback contains a nineteen-foot wide courtyard. Because a garage and unit above it is located within a portion of the rear yard area, the existing rear yard is six feet six inches. The current regulations requires 15-foot rear yard setback. Parking, current parking standards require a total of ten parking spaces, including all required guest parking. The Project will include a total of seven parking spaces.

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

9.2.2 Pursuant to BHMC Section 10-2-710, all property owners of proposed

18

residential conversions must provide existing tenants with a notification of intention to convert at least 60 days prior to the filing of a tentative map. In addition, each tenant of the proposed condominium Project must be given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion. Finally, prior to approval of the final map, each tenant shall receive 10 days' written notification that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such report will be available upon request. The property owner has submitted a signed affidavit attesting to compliance with the 60-day written notice of intent to convert. Additionally, copies of the required 60-day written notice of intent convert have been submitted with the application. As a condition of approval, prior to approval of the final map, the property owner shall demonstrate compliance with the 180 day written notice of intent to convert prior to termination of tenancy. In addition, prior to approval of the final map, the property owner shall provide each tenant 10 days' written notification that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such report will be available upon request. The Applicant and his family reside at this building and therefore, there are no tenants occupying the building at this time.

9.2.3 Pursuant to BHMC Section 10-2-709, there are certain physical standards with which a conversion must comply. These standards include, but are not limited to, life safety standards, electrical, plumbing and mechanical standards as well as laundry facility and other standards. The subject building has been through major updates and as conditioned it is in compliance with each of the applicable standards as contained in Section 11 of this resolution under the "Physical Standards" heading, except as noted in Section 9.3, below.

19

9.3 Pursuant to BHMC Section 10-2-709 B, the Planning Commission may modify a development regulation that would require physical alterations to the structure that would irreparably damage or remove the character defining features of the building. In this case, compliance with current parking and setback requirements would result in such a situation. Setbacks – BHMC Section 10-3-2808 requires that the subject building exhibit a cumulative side yard setback of 19 feet and that no side yard be less than 8 feet. The subject building exhibits a cumulative side yard setback of 7' 6" and a minimum setback of 3', considering that the building contains a 19-foot wide courtyard on the northerly side. In addition, the existing building does not comply with current rear yard setback requirements because a newly constructed garage with a residential unit above it is located within a portion of the rear setback area. Compliance with current setback regulations would require major demolition of the existing improvements on the site. Parking Requirements - BHMC Sections 10-3-2816, and 10-3-2817 and 10-3-2819 require that a total of 10 parking spaces be provided for the building based on the number of dwelling units and number of rooms provided. The project site provides five standard parking spaces within a newly constructed garage. The minimum stall dimensions are 9 feet wide by 19 feet long. As proposed, the Project will contain a total of seven parking spaces. Three of the parking spaces are 9 feet wide by 19 feet long. The four remaining parking spaces are considered a tandem/compact space with a dimension of 9'3" wide and 32 feet long. Pursuant to BHMC Section 10-2-709 H, the Planning Commission may modify the parking requirements for Character Contributing Buildings but no conversion shall be approved unless at least one parking space is provided for each unit. In addition, the Commission may require the expansion of a free-standing parking structure located in the rear yard, but parking may not be

20

expanded into existing open space area. The subject property has been developed with a garage building within the rear yard area and therefore, there is no room on the subject property to construct an additional free standing parking structure, however, the Applicant is proposing to convert two of the standard spaces within the garage to a tandem space to provide a maximum of seven parking spaces for the Project site. Life Safety requirements: Because the building was renovated in 2007, the main building with three units and the garage building with one-unit above are fully sprinklered. Structural Design: The Planning Commission may not waive the mandatory minimum structural requirement set forth in BHMC Section 10-2-709 A (5). Although, the Applicant has not provided staff with the requested evaluation to determine the structural safety of the building, however is agreed to do so. It is acknowledged that it would be infeasible to rehabilitate the building to fully meet today's structural codes, but seeks an evaluation and rehabilitation to provide a reasonable level of safety to the intended occupants of the building. A condition of approval has been added requiring the Applicant to submit the requested evaluation and rehabilitation subject to the satisfaction of the Building Official. Structural Design and Lateral Load-Structural Analysis, the Applicant has agreed to evaluate and rehabilitate the building per ASCE 31-03, Standard Seismic Evaluation of Existing Buildings. The structural upgrades could be accomplished without exterior finishes being removed. This evaluation has not been submitted to Building & Safety for review. Exiting, the Applicant has requested to waive this requirement to replace the existing interior stairway handrails which are too low and non-continuous. The Planning Commission can waive or modify the height and non-continuity if it is found that full compliance will negatively affect the character contributing properties of the building. However, where the handrails also act as

21

guardrails, they must be 34 to 38 inch high with maximum 4 inch openings. **Handrails and Stair Rise and Run**, the Applicant has agreed to add handrails, correct the height of the risers and add a complying landing for the stairs at each unit's rear exit. **Guardrail Requirement**, the Applicant has agreed to increase the height of the handrail (also acting as a guardrail) serving the stair to the rear unit over the garage to 42 inches. **Ramp requirements**, the Applicant has agreed to add a handrail to the exterior ramp. **Location on property (fire resistance of walls; protection of openings)**, the south side of the building would be permitted to have a maximum of 10% openings by current Code due to its close proximity to the property line (5 ft.). The existing openings are over 10% but cannot be reduced as they are required for natural light and ventilation as well as emergency egress. **Tenant Notification** – BHMC Section 10-2-710 and State Government Code Section 66427.1 require all property owners of proposed residential conversions to provide existing tenants with a notification of intention to convert at least 60 days prior to the filing of a tentative map. In addition, each tenant of the proposed condominium Project has been, or will be given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion. Finally, prior to approval of the final map, each tenant shall receive 10 days' written notification that an application for a public report will be, or has been submitted to the Department of Real Estate, and that such report will be available upon request. The Applicant and his family reside at this building. Therefore, there are no tenants occupying the building at this time. **Annual Limitation on Residential Conversions** – BHMC Section 10-2-712 sets an annual cap on the total number of residential conversions permitted in any one calendar year. Five buildings that have been determined to be character contributing as defined in BHMC Section 10-2-707, an aggregate maximum of 1.5% of the of the existing multi-family

22

residential rental stock as of January 1 of each calendar year may be converted to common interest developments. In this case, this application represents the first conversion Project reviewed by the Planning Commission this year that is subject to this limitation requirement and is well under the conversion limitation.

The Applicant has submitted a letter agreed to all requested upgrades, except for the interior handrail. The Applicant notes that if the Commission does not waive this requirement, he will submit a design to increase the height of the handrail to Code and to reduce the spaces between balusters to a distance that complies with the current codes. It should be noted that this is only the conversion Project that all required updates already installed, except for minor updates that the Applicant has agreed to comply with the requested updated.

Section 10. Based upon the foregoing findings and subject to the Conditions of Approval, the Planning Commission hereby approves Tentative Parcel Map No. 70136 and the Development Plan Review to allow the conversion of the existing four-unit apartment building into a four-unit condominium building located at 309 South Rexford Drive, in the City of Beverly Hills and County of Los Angeles.

Section 11. Conditions of Approval

STANDARD CONDITIONS

1. The Project shall be constructed in substantial conformance with the plans reviewed and approved by the Planning Commission on January 15, 2009.

23

2. The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of this Permit.

3. This resolution conditionally approving Tentative Parcel Map No. 70136 and a Development Plan Review to allow the conversion of the existing four-unit apartment building to a four-unit condominium building located at 309 South Rexford Drive (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.

3.1. The covenant shall include a copy of this resolution as an exhibit.

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

24

4. In addition to the conditions set forth in this Resolution, the Tentative Parcel 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, Fire, Police and Building and Safety Division of Community Development.

5. Prior to consideration of the Final Map, The Applicant shall submit plans to demonstrate that the parking garage can accommodate seven parking spaces. The parking plans shall be reviewed and approved by the Department of Engineering and Community Development, Building & Safety and Planning Divisions. "Approvals" shall not become effective until the number of on-site parking spaces is approved in regard to quantity and configuration by the City's departments.

6. Prior to approval of the Final Map and in accordance with the provisions of Section 10-2-704 of the Beverly Hills Municipal Code, the Applicant shall submit a copy of the proposed covenants, conditions and restriction (CC&Rs) for the Project to the Director of Community Development and 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. The CC&Rs shall include the total number of parking spaces required for each unit and total number of parking spaces required for the Project in total. Further, the CC&Rs shall include the following provisions, which shall also be noted on the final map:

6.1. The subject condominium Project consists of four residential condominium units, and seven parking spaces which two of the spaces are in a tandem and compact configuration.

25

- 6.2. No changes to the existing number of bedrooms or floor plans are proposed.
- 6.3. A minimum of two parking spaces shall be permanently maintained for each two-bedroom unit and one parking space for a one-bedroom unit. The proposed tandem and compact spaces shall be designated to the two-bedroom units and one-standard single space shall be assigned to a one-bedroom unit above the garage. Parking spaces may not be leased, subleased, sold separately from the condominium unit, or otherwise given to others not a resident(s) of a condominium unit within the development. These statements shall also be noted on the final map. All common areas and facilities shall be clearly depicted and/or described.
- 6.4. The Homeowners Association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions.
7. Approval of this Project is subject to and all other discretionary approvals required by the City for the Project and the approval of the final Tract Map.
8. The Final Map shall be prepared in accordance with the approved Tentative Parcel Map and shall be filed within twenty-four (24) months from the date of approval by the City, unless, prior to expiration of the twenty-four (24) months period, the Planning Division has received a request from the subdivider for an extension of time in writing and receives approval by the City.

26

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

COMPLIANCE WITH APPLICABLE CODES

10. With the exception to the modification of the current parking and setback regulations as detailed in Section 9 of this resolution, the Project shall comply with all current zoning regulations in effect as of January 15, 2009.

11. Prior to consideration of the final map, the Project shall demonstrate compliance with all current applicable building and fire codes and regulations in effect as of January 15, 2009, with the specific exceptions identified in Section 9 of this resolution, subject to the satisfaction of the building official, standards that do not involve alterations to the building's exterior or loss of interior architectural integrity, compliance shall be achieved.

PHYSICAL STANDARDS

12. Prior to consideration of the final map, the Project shall demonstrate compliance with the minimum standards of applicable building and fire codes as determined by the Building Official including:

Life Safety Requirement

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

27

Structural Design

- 12.2. Lateral Load and Structural Analysis shall be provided by the Applicant to evaluate the building's seismic deficiencies according to criteria specified in ASCE 31-03 Standard Seismic Evaluation of Existing Buildings (Tier 1 and 2).

Exiting

- 12.3. The Applicant shall submit a design to increase the height of the handrail to Code and to reduce the spaces between balusters to a distance that complies with current code. Handrail must be 34" to 38" high and continuous along a flight of stairs. Stair handrail acting as guardrails within dwelling units must be 34"-38" high and have maximum 4" openings.
- 12.4. Exterior handrail acting as guardrail must be a minimum of 42 inch high. The handrail for the exterior stair to the unit over the garage is approximately 36" high.
- 12.5. A minimum of 44" depth landing is required at all doors.
- 12.6. The ramp on the south side of the main building shall have a handrail on each side.

Mechanical system

- 12.7. Dryer duct termination at south side of building has a screen that must be removed.

Miscellaneous Requirements:

- 12.8. Any construction work requiring a permit that was done without the appropriate permit shall be properly permitted and inspected in accordance with the requirements of section 9-1-104 of the BHMC.

28

12.9. The property shall be maintained in accordance with sections 5-7-3, 5-7-4 and 5-7-5 of the BHMC.

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

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

TENANT NOTIFICATION

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

16. Prior to consideration of the final map, the subdivider shall demonstrate compliance with the 10-day tenant noticing requirement regarding the set forth in BHMC Section 10-2-710 B.

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

CONVERSION TAX

29

18. Prior to the consideration of final Map, the Applicant shall pay the applicable fees required by BHMC Section 3-1-602 (condominium conversion tax).

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

Adopted: January 15, 2009

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

ATTEST:

[Signature]
Secretary

Approved as to form:

[Signature]
David M. Snow
Assistant City Attorney

Approved as to content:

[Signature] *et on*
Jonathan Lait, AICP
City Planner

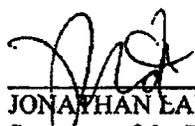
[Signature]
David D. Gustavson
Director of Public Works and Transportation

30

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1543 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on January 15, 2009, 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 Bosse, Furie, Vice Chair Cole, and Chair Reims.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Commissioner Yukelson.



 JONATHAN LAIT, AICP
 Secretary of the Planning Commission/
 City Planner
 City of Beverly Hills, California

Attachment 3



CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Samer Elayyan, Civil Engineer
FROM: Rita Naziri, Senior Planner
DATE: November 8, 2010
SUBJECT: Approval of Final Tract Map No. 70136 (309 South Rexford Drive)

Planning has completed its review of Resolution No. 1543, adopted by the Planning Commission on January 15, 2009, which approved the above cited Tentative Tract Map (attached).

Planning Commission Resolution 1543 includes Conditions 1 through 18. All conditions of approval have been addressed; therefore, the Planning Division has no further comment.

Please let me know if there are any other questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rita Naziri".

Rita Naziri, Senior Planner

Attachment 4

264

265

268

269

272

273



CIVIL ENGINEERING DIVISION
PUBLIC WORKS & TRANSPORTATION
345 FOOTHILL ROAD
BEVERLY HILLS, CA 90210

GREGORY

300

301

304

305

OAKHURST PROJECT SITE

308

309

312

313

316

317

320

321

PALM

OAKHURST

Date: 08-12-2010