



## AGENDA REPORT

**Meeting Date:** July 7, 2011  
**Item Number:** F-6  
**To:** Honorable Mayor & City Council  
**From:** Ara Maloyan, Deputy City Engineer  
Samer Elayyan, Civil Engineer  
**Subject:** **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR TRACT MAP NO. 62855 (225 SOUTH HAMILTON DRIVE)**

**Attachment:**

- 1) City Council Resolution
- 2) Final Map
- 3) Planning Commission Resolution No. 1404
- 4) Planning Commission Resolution No. 1510
- 5) Community Development Memorandum Regarding Compliance with Conditions of Approval
- 6) Location Map

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### **RECOMMENDATION**

It is recommended that the City Council find that the final map conforms to all applicable requirements of the State Subdivision Map Act and the City's subdivision ordinances, and adopt the resolution approving the final map for Tract Map No. 62855

### **INTRODUCTION**

This report is a request for City Council adoption of the findings that Final Tract Map No. 62855 located at 225 South Hamilton Drive is consistent with the previously approved tentative tract map and that the tentative map conditions have been met. It also provides for City Council adoption of a resolution approving the final map for Tract Map No. 62855

**DISCUSSION**

The applicant, Hamilton Co 1, LLC, a California Limited Liability Company, has prepared the final map to construct a 25-unit condominium building on 5 lots, located at 225 South Hamilton Drive.

At its meeting of November 16, 2005, the Planning Commission approved Tentative Tract Map No. 62855 for a life time of 2 years, and adopted Resolution No. 1404, a copy of which is attached. Subsequently, on October 25, 2007, the applicant filed for a one-year extension which was approved by Planning Commission on April 24, 2008 per Resolution 1510 (attached) that extended the expiration date of the tract map till November 16, 2008.

The expiration date of this map was then extended automatically for another year per Senate Bill 1185 ("SB 1185") which applied to any tentative map that met two conditions. First, the map must not have expired prior to the bill's effective date of July 15, 2008. Second, the map must expire before January 1, 2011.

Following this one-year extension, another automatic two-year extension applied to this tentative map per Subdivision Map Act Extension Bill (AB 333). AB 333 automatically extends by 2 years the life of vesting tentative and tentative maps in California that have not expired before July 15, 2009 and would expire before January 1, 2012.

The applicant submitted a final tract map for approval by the City Council that is substantially the same as the approved tentative tract map. The final map meets all the conditions imposed by Planning Resolution No. 1404 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 March 28, 2011. On June 27, 2011, Hamilton Co 1, LLC, a California Limited Liability Company, submitted the final map for approval by City Council. Staff has now reviewed the Final Map and is recommending its approval by the Council.

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

**FISCAL IMPACT**

There are no known financial impacts associated with this action.

 \_\_\_\_\_  
David Gustavson  
Approved By

# **Attachment 1**

RESOLUTION NO. 11-R-\_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR TRACT MAP NO. 62855 (225 SOUTH HAMILTON DRIVE)

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

Section 1. Tentative Tract Map No. 62855 was submitted for approval of a subdivision consisting of twenty-five (25) condominium units at 225 South Hamilton Drive.

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

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

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

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

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

(d) For the reasons set forth in the resolution approving the tentative map, the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board.

Section 4. The Council of the City of Beverly Hills does hereby resolve as follows: The final map for Tract Map No. 62855 is approved.

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

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

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

Adopted:

CITY OF BEVERLY HILLS

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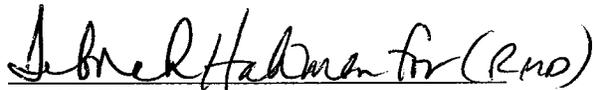
BARRY BRUCKER  
Mayor of the City of  
Beverly Hills, California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

  
DAVID D. GUSTAVSON  
Director of Public Works  
& Transportation

# **Attachment 2**

1 LOT  
29795 SQ FT  
0.684 AC

SHEET 1 OF 3 SHEETS

# TRACT NO. 62855

IN THE CITY OF BEVERLY HILLS  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOTS 569, 570, 571, 572, AND A PORTION OF LOT 573,  
TRACT NO. 4988, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF  
MAPS, RECORDS OF LOS ANGELES COUNTY

FOR CONDOMINIUM PURPOSES

### OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

HAMILTON CO 1 LLC, OWNER  
A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER

BY: IZEK SHOMOF AND ALINE SHOMOF TRUSTEES OF THE IZEK AND ALINE SHOMOF REVOCABLE 1995 TRUST MEMBER

BY: IZEK SHOMOF, TRUSTEE

BY: ALINE SHOMOF, TRUSTEE

BY: ELY DROMY AND JUDY DROMY, TRUSTEES OF THE 1995 FAMILY TRUST MEMBER

BY: ELY DROMY, TRUSTEE

BY: JUDY DROMY, TRUSTEE

### ENGINEER'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF HAMILTON CO 1 LLC ON JANUARY 29, 2010. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THE NOTES TO ALL CENTERLINE MONUMENTS SHOWN WILL BE ON FILE IN THE OFFICE OF PUBLIC WORKS, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I HEREBY STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN.

Harvey A. Goodman  
HARVEY A. GOODMAN, RCE 15900  
LICENSE EXPIRES JUNE 30, 2011



### BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N 1'33'49" W OF THE SIDELINE OF HAMILTON DRIVE AS SHOWN ON MAP OF TRACT NO. 4988, AS PER MAP RECORDED IN BOOK 54, PAGES 98 AND 99 OF MAPS, RECORDS OF LOS ANGELES COUNTY.

### CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ON \_\_\_\_\_ APPROVED THIS MAP.

DATE \_\_\_\_\_

CITY CLERK OF THE CITY OF BEVERLY HILLS

### CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL SUBDIVISION ORDINANCES OF THE CITY OF BEVERLY HILLS APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

DOMINIC C. MILANO, CITY ENGINEER



*Dominic C. Milano* 3/28/11  
RCE NO.: 27172 DATE  
EXPIRATION: 3/31/2013

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ON MARCH 12, 2010 BEFORE ME, CLIF YOUNG A NOTARY PUBLIC, PERSONALLY APPEARED IZEK SHOMOF AND ALINE SHOMOF 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 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

SIGNATURE: \_\_\_\_\_

NAME: CLIF YOUNG

MY PRINCIPAL PLACE OF BUSINESS IS IN: LOS ANGELES COUNTY

MY COMMISSION EXPIRES: 26 JULY 2010

MY COMMISSION NUMBER: 1678992

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ON MARCH 12, 2010 BEFORE ME, CLIF YOUNG A NOTARY PUBLIC, PERSONALLY APPEARED ELY DROMY AND JUDY DROMY 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 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

SIGNATURE: \_\_\_\_\_

NAME: CLIF YOUNG

MY PRINCIPAL PLACE OF BUSINESS IS IN: LOS ANGELES COUNTY

MY COMMISSION EXPIRES: 26 JULY 2010

MY COMMISSION NUMBER: 1678992

I HEREBY CERTIFY THAT ALL CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE THAT ARE REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DEPUTY

I HEREBY CERTIFY THAT SECURITY IN THE AMOUNT OF \$ \_\_\_\_\_ HAS BEEN FILED WITH THE EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND SHOWN ON MAP OF TRACT NO. 62855 AS REQUIRED BY LAW.

EXECUTIVE OFFICER, BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BY \_\_\_\_\_ DATE \_\_\_\_\_  
DEPUTY

### CONDOMINIUM NOTE:

THIS TRACT IS APPROVED AS A CONDOMINIUM PROJECT FOR 25 UNITS WHEREBY THE OWNERS OF THE UNITS OF AIR SPACE WILL HOLD AN UNDIVIDED INTEREST IN THE COMMON AREAS WHICH WILL, IN TURN, PROVIDE THE NECESSARY ACCESS AND UTILITY EASEMENTS FOR THE UNITS.

### PARKS AND RECREATION FACILITIES CONSTRUCTION TAX NOTE:

THE PARK AND RECREATION FACILITIES CONSTRUCTION TAXES SET FORTH IN CHAPTER 9 OF TITLE 8 OF THE BEVERLY HILLS MUNICIPAL CODE MAY BE REQUIRED TO BE PAID UPON THE ISSUANCE OF ANY BUILDING PERMIT FOR THE CONSTRUCTION OF ANY BUILDING OR STRUCTURE, OR ANY ADDITION THERETO, ON ANY PROPERTY OR IN ANY BUILDING LOCATED IN THIS SUBDIVISION.

### SIGNATURE OMISSIONS:

THE SIGNATURE(S) OF THE HELLMAN COMMERCIAL TRUST AND SAVINGS BANK, HOLDER OF AN EASEMENT FOR UTILITIES, BY DEEDS RECORDED IN BOOK 4545, PAGE 25; IN BOOK 1543, PAGE 318; IN BOOK 3855, PAGE 268; IN BOOK 1351, PAGE 214; IN BOOK 3583, PAGE 186; AND IN BOOK 3137, PAGE 211; ALL OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION 66436(a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE.

THE SIGNATURE OF PACIFIC BELL, A CALIFORNIA CORPORATION, SUCCESSOR IN INTEREST TO SOUTHERN CALIFORNIA TELEPHONE, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES, BY DEED RECORDED IN BOOK 17982 PAGE 4 OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION 66436(a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE.

THE SIGNATURE(S) OF SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES, BY DEED RECORDED APRIL 30, 1952 AS INSTRUMENT NO. 2429, IN BOOK 38825, PAGE 233, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION 66436(a)(3)(A)(i-viii) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE.

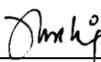
## TRACT NO. 62855

IN THE CITY OF BEVERLY HILLS  
 COUNTY OF LOS ANGELES  
 STATE OF CALIFORNIA

## OWNER'S STATEMENT (CONTINUED)

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND WE CONSENT TO THE PREPARATION AND FILING OF SAID MAP AND SUBDIVISION.

EAST WEST BANK, A CALIFORNIA BANKING CORPORATION, BENEFICIARY UNDER DEED OF TRUST DATED DECEMBER 18, 2009, RECORDED SEPTEMBER 9, 2010, AS INSTRUMENT NO. 20101266999 OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY.

  
 FLORA LING  
 SENIOR VICE PRESIDENT

  
 ROBERT LO  
 SENIOR VICE PRESIDENT

## SIGNATURE OMISSIONS: (CONTINUED)

THE SIGNATURE OF PACIFIC BELL TELEPHONE COMPANY, A CORPORATION, DOING BUSINESS AS AT&T CALIFORNIA, HOLDER OF AN EASEMENT FOR UNDERGROUND FACILITIES BY DEED RECORDED AUGUST 24, 2010 AS INSTRUMENT NO. 20101180455 OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY, HAS BEEN OMITTED PURSUANT TO THE PROVISIONS OF SECTION 66436 (a) (3) (A) (i-viii) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE.

## SPECIAL ASSESSMENT STATEMENT

I HEREBY STATE THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF BEVERLY HILLS, TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT AND WHICH MAY BE PAID IN FULL, HAVE BEEN PAID IN FULL.

DATE

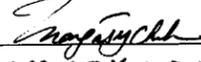
CITY TREASURER OF THE CITY OF BEVERLY HILLS

STATE OF CALIFORNIA  
 COUNTY OF LOS ANGELES

ON FEBRUARY 3, 2011 BEFORE ME, MARGARET Y. CHEUK A NOTARY PUBLIC, PERSONALLY APPEARED FLORA LING AND ROBERT LO, 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 ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

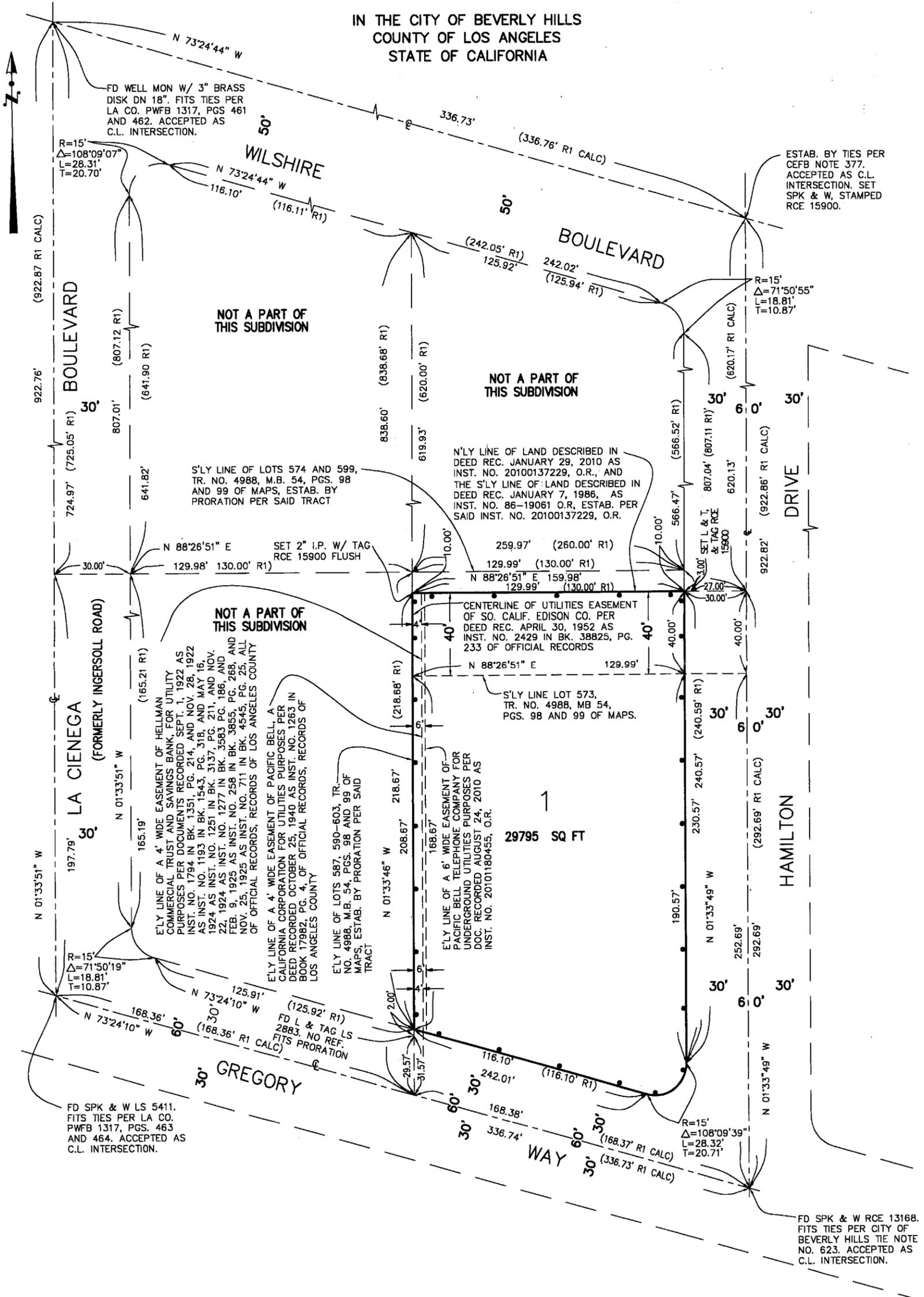
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND

SIGNATURE: NAME: MARGARET Y. CHEUKMY PRINCIPAL PLACE OF BUSINESS IS IN: LOS ANGELES COUNTYMY COMMISSION EXPIRES: JULY 9, 2011MY COMMISSION NUMBER: 1750560

# TRACT NO. 62855

IN THE CITY OF BEVERLY HILLS  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA



**LEGEND:**  
 INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP

RI = RECORD DATA PER TR 4988, MB 54/98-99  
 VESTING DEED RECORDED 01/29/2010 AS INSTRUMENT NO. 20100137229, O.R.

# **Attachment 3**

RESOLUTION NO. 1404

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 062885, A DEVELOPMENT PLAN REVIEW PERMIT AND AN R-4 PERMIT FOR A TWENTY-FIVE UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON FIVE LOTS AT PROPERTY LOCATED AT 225 SOUTH HAMILTON DRIVE

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

Section 1. Pulsar Development, property owner (hereinafter referred to as the "Applicant") has submitted an application for approval of Tentative Tract Map No. 062885, a Development Plan Review Permit and an R-4 Permit to allow construction of a 25-unit condominium structure for property located at 225 South Hamilton Drive (the "Project").

The Project involves a Development Plan Review, Vesting Tentative Map and an R-4 Permit for the construction of a new 25-unit condominium development with two buildings over a common, two-level subterranean garage, on a five-lot site. The proposed structures will include a three-story, 33-foot high 15,107 square foot building along the south portion of the site and a four-story, 45-foot high, 43,915 square foot building along the north portion of the site. The Project is in accordance with the height district limits of the City. The 25 units proposed will range in size from 1,302 to 2,879 square feet in area, with nine (9) two-bedroom units, six (6) two-bedroom townhouse units and ten (10) three-bedroom units. Most units will provide either a private patio or balcony.

The Project will provide parking for 83 cars in a two-level subterranean parking garage. The upper level of the garage will contain 54 spaces and the lower level will have 29 spaces, with ingress from Gregory Way and egress from Hamilton Drive. The outdoor living area exceeds the minimum area required by Code and is provided through a combination of outdoor living spaces, including common areas in the side and rear yards on the ground floor and on the ground floor behind the front setback, private balconies, and a common area on the roof deck of the southerly building. In addition, a 20-foot wide common outdoor living area is proposed between the buildings.

The Project has been designed to incorporate the Code-permitted reduction in the required rear yard setback from 15 feet to 10 feet to offset the loss of usable floor area mandated by the additional modulation requirements for "large scale multiple residential developments" (i.e., buildings with a width of 100 feet or more). The Project site has an average lot width of 230 feet and a depth of 116 feet, with the proposed southerly three-story building 71 feet in width and the northerly four-story building 133 feet in width. The Municipal Code requires a total modulation of 4,588 square feet for the Project. The Project provides a total of 4,675 square feet of modulation, slightly in excess of Code requirements.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial

evidence that approval of the Project may have significant environmental impact. Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On October 26, 2005, the Planning Commission held duly noticed public hearings to consider the Project. Evidence, both written and oral, was presented at said hearings.

Section 4. The Project site located on a corner lot on the west side of the 200 block of South Hamilton Drive, in a high-density multi-family residential (R-4) zone. The site is zoned R-4 and is currently occupied with five single-lot developments, including two single-family residences, one single-family residence with a guest house, one duplex and one eight-unit apartment, for a total of 14 units, all of which will be demolished to accommodate the proposed

Project. All five buildings were built between 1925 and 1955. Adjacent development consists of a two-story duplex to the north of the proposed Project; commercial buildings (predominantly two and three-story in character) located to the west; a municipal park across Gregory Way to the south; and an existing three-story, 35-unit condominium building to the east, across Hamilton Drive.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Tentative Tract Map No. 062885, the Planning Commission considered the following issues:

- 1) Whether the proposed tentative tract map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City;
- 2) Whether the site is physically suitable for the type of development and the proposed density;
- 3) Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- 4) Whether the design of the subdivision or type of improvements are likely to cause serious public health problems and whether the design of the subdivision or the type of improvements will conflict with any public easements; and
- 5) Whether the discharge of waste water from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements prescribed by the California Water Quality Control Board.

Section 6. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to Tentative Tract Map No. 062885:

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 25-unit residential condominium structure, and condominium developments are permitted by right under the General Plan land-use designation for the Project site.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is zoned R-4 and is currently occupied with five single-lot developments, including two single-family residences, one single-family residence with a guest house, one duplex and one eight-unit apartment, for a total of 14 units. Under the current zoning designation, the Project site can be developed with a maximum density of 33 units; the Project proposes a 25-unit development, well within the Code-permitted density for the subject property. Because of the existing development on the site and the surrounding area, adequate public facilities exist to serve a 25-unit residential condominium structure. The Project site contains sufficient area to meet all applicable development requirements, including but not limited to outdoor living area, parking, and setbacks. Therefore, the project site is suitable for the type of development and density proposed.

6.3 As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The

Initial Study indicates that there will be no significant environmental impacts. Due to the urban location of the Project and the developed state of the Project site and vicinity, there are no fish or wildlife, or their respective habitats, in the vicinity of the Project site that could be potentially impacted by the proposed development.

6.4 The design of the subdivision and the type of improvements will not cause serious public health problems, and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Project site will meet City health code standards. The Project will not encroach into any public easement areas.

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

Section 7. In accordance with the provisions of Beverly Hills Municipal Code Section 10-3-3104, in reviewing the application for a Development Plan Review Permit, 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 proposed plan will significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property; and
- 4) Whether the proposed plan will create any significantly adverse traffic impact, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards and 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 Permit:

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

the adopted General Plan of the City which designates this as a high-density, multiple-family residential area.

8.2 As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. There are a variety of buildings in this block of Hamilton Drive that were built under different zoning standards and restrictions. The proposed Project is consistent with the current Code and promotes a more harmonious development of the area. The site currently is developed with 14 units, varying in height from one to two stories and 14 to 25 feet. Under the current zoning designation, the Project site could be developed with a maximum density of 33 units, three and four stories (33 to 44 feet) in height. The proposed Project will add new residential units to the overall housing stock of the City. As proposed, the building provides modulation facing Hamilton Drive, Gregory Way and along the northerly property line. As conditioned by this resolution, the Applicant will submit the Project design, including a detailed landscaping plan, for the review and approval of the Architectural Commission. Therefore, the Project is consistent and harmonious with the nature and type of development designated for the area in the General Plan.

8.3 As conditioned, 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 discussed above, the proposed Project is consistent with current Code requirements for density, height and parking. The scale and massing of the Project is consistent with other development in the area. Some shadow impacts are expected, however the impacts are not expected to be significant

because they will not occur year round. Therefore, the Project is compatible with other residential properties in the vicinity and will promote harmonious development in the surrounding neighborhood.

8.4 As conditioned, the proposed Project will not create any significant adverse traffic impacts nor vehicular or pedestrian safety or circulation problems. A traffic report prepared for the Project concludes that it will have a negligible traffic impact on nearby intersections and residential streets. The two-level, subterranean garage contains 83 spaces, with a total garage area of 43,804 square feet. Access is provided via a 12-foot wide driveway, the upper level will contain 54 spaces, including all four of the handicapped parking spaces and the lower level will contain 29 spaces. The driveway meets the minimum width requirements for ingress and egress, with egress only from Gregory Way and ingress and egress from Hamilton Drive. As conditioned by this resolution, the garage driveways shall be marked to clearly identify entrance and exit lanes, and guest parking spaces will be visibly marked. In order to reduce impacts to local traffic and parking during construction, the Applicant will be required to prepare and implement a construction management plan that includes a construction parking and hauling plan. Said plan will be reviewed and approved by the Director of Community Development or his designee to determine the amount, appropriate routes, and time of day of heavy hauling truck traffic necessary for demolition and deliveries to the subject site. Therefore, the Project will have no adverse traffic or parking related impacts on the neighborhood.

8.5 As conditioned, the proposed Project will not be detrimental to the public health, safety, or general welfare. The Project will be constructed in accordance with the City's

Building Code standards, and adequate open space living area has been provided as part of the Project.

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

9.1 Pursuant to BHMC Section 10-3.2813(E), an R-4 Permit is required to allow more than one, five-foot wide paved walkway within the front yard setback area. The Planning Commission may grant the equivalent of one, five-foot walkway in the front yard per 50 feet of frontage along the front lot line of the subject site, in any configuration, if findings can be made that the walkway is compatible with the nearby streetscape and the scale of the surrounding development. For the purposes of this subsection, any fraction in excess of a multiple of 50 feet of frontage shall be rounded down.

9.2 The Project site has 230 feet of frontage along the front lot line at Hamilton Drive, and the proposal is requesting approval of two walkways: a 9 foot wide walkway (southerly building) and a 15 foot wide walkway (northerly building), each with adjacent handicapped ramps, and a circular paved area 28 feet in diameter, with intermediate paved areas linking the two walkways and the common outdoor area between the buildings. The proposed landscape plan indicates a variety of planting materials and greenery in the front yard to offset the paved area. Since the site width is 230 feet, the Project is allowed the equivalent of four, five foot wide walkways, or 20 feet in width of walkway. Along Hamilton, the existing paved walkways vary for both the large and small scale multi-family developments and single

family development. With the reduction of paving area and walkway width from 9 feet to 5 feet, the Planning Commission can grant the R-4 Permit to allow two walkways for the Project: a 5 foot wide walkway (southerly building) and a 15 foot wide walkway (northerly building), each with adjacent handicapped ramps.

Section 10. Based upon the foregoing, the Planning Commission hereby adopts the Negative Declaration and approves Tentative Parcel Map No. 062885 and a Development Plan Review and an R-4 Permit for the Project, subject to the following conditions:

1. Except as modified by the conditions set forth hereafter, the Project shall be developed in substantial compliance with the plans submitted to and reviewed by the Planning Commission at its meeting on October 26, 2005.
2. The two walkways for the Project shall be limited in size to: a 5 foot wide walkway at the southerly building and a 15 foot wide walkway at northerly building, each with adjacent handicapped ramps, and the front yard paving area shall be revised to meet Code requirements.
3. Vehicular ingress and egress to the project site shall be provided as follows: the Hamilton Drive driveway shall be utilized for both ingress and egress, while the Gregory Way driveway shall limited to egress only.
4. The Project shall be designed to prohibit left turn egress from the driveway on Gregory Way. The applicant shall install "Right Turn Only" signs and arrow markings on the pavement, and such other restrictive devices as required by the Director of Community Development.

5. In addition to the conditions set forth in this Resolution, the Tentative Tract Map shall comply with all conditions required by the City's various departments, including but not limited to the conditions, if any, imposed by the Departments of Public Works, Engineering, Building & Safety, Fire and Police. A copy of the standard conditions from the Public Works/Engineering Department is attached hereto as Exhibit A and incorporated herein by this reference.
6. The Applicant shall provide a permanent dewatering system on site to discharge the groundwater directly to the City's storm drain system.
7. An NPDES permit shall be required from the State Regional Water Quality Control Board for the permanent dewatering.
8. Not more than 94, 14-cubic yard haul truck trips per day (47 arrivals, 47 departures) shall be permitted per day during construction. Not more than two pieces of diesel equipment shall be permitted to operate on the Project site per day of construction.
9. The Project shall comply with the applicable Fire Department conditions.
10. A Fugitive Dust Emission Control Plan prepared in accordance with SCAQMD Rule 403 implementing the best available control measures at the site during construction activities shall be employed at the site during site preparation activities. The Fugitive Dust Control Plan shall apply to any activity or man-made condition on-site capable of generating fugitive dust. The Fugitive Dust Control Plan shall be reviewed and approved by the Director of Community Development prior to the issuance of the grading permits.
11. To minimize the hazard of flooding, the first floor level shall be at least 22.5 inches above the adjacent curb.

12. All parking spaces designated for guests shall be identified on the plans and shall be clearly marked in the garage with signage satisfactory to the Director of Community Development or his designee.
13. The Applicant shall clearly mark entry and exit lands on the driveway entrance with signage satisfactory to the Director of Community Development or his or her designee.
14. The Applicant shall submit detailed architectural and landscape plans and materials/colors of the building for review and approval by the Architectural Commission prior to the issuance of building permits. The two buildings shall be designed, either through color scheme or architectural features, such that the structures do not read as a single building.
15. The Applicant shall present to the City a lot-tie covenant, tying together the five lots that comprise the Project Site, signed by the Applicant and satisfactory to the City Attorney, and in a form recordable by the Los Angeles County Recorder, within 60 days of the Planning Commission decision.
16. During construction, the Applicant shall install a minimum twelve foot (12') construction fence to reduce noise and dust impacts on the neighboring property at 223 South Hamilton Drive during the construction phase.
17. The Applicant shall install a flashing light or similar device at the entrance to the parking structure to warn pedestrians of an exiting vehicle. Said lighting shall be directed away from and shall be shielded to prevent "spillover" onto adjacent properties.
18. In accordance with the provisions of Section 10-2-704 of the Beverly Hills Municipal Code, prior to approval of the Final Map, the Applicant shall submit a copy of the

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

19. The Applicant shall submit a Construction Management Plan to the Department of Community Development for review and approval prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:
  - a. Written information about the construction parking arrangements, and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Building & Safety Department. On-street parking shall be prohibited at all times.
  - b. Information regarding the anticipated number of workers, the location of parking with respect to schedules of the construction period, the arrangements of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertaining information regarding construction related traffic.
  - c. The proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
20. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event

that the public has any concerns regarding the maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person on the site in a location readily visible to the general public and approved by the Director of Community Development. Said signs shall also include the name and number for a City contact from the Community Development Department. The representatives' phone numbers provided shall be manned at all times.

21. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed and/or relocated unless approval from the Department of Recreation and Parks is obtained. Removal and/or replacement, if approved, shall be accomplished in accordance with the requirements of the Recreation and Parks Department street tree mitigation plan regarding the removal and replacement of such trees. A copy of the street tree mitigation is attached hereto as part of Exhibit A and incorporated herein by this reference. Removal and/or replacement of any street tree shall not commence until the Applicant has provided the City with an improvement security, in an amount to be determined by the Public Services Director, and in a form approved by the Engineering Department and the City Attorney, to ensure satisfactory regrowth of any relocated or replacement street trees.
22. 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.

23. Approval of this Project is subject to any and all other discretionary approvals required by the City for the Project and for the approval of the Tentative Tract Map.
24. Within three working days after approval of this resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$25.00 for a documentary handling fee in connection with Fish and Game Code requirements. If the Department of Fish and Game determines that this Project is not exempt from a filing fee imposed pursuant to Fish and Game Code Section 711.4, then the Applicant shall also pay to the Department such fee and any fine which the Department determines to be owed.
25. A cash deposit of \$10,000 shall be deposited with the City to ensure compliance with the conditions of this resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten days of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any

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

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

26. 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.
27. This resolution approving Tentative Tract Map No. 062885 and issuing a Development Plan Review and R-4 Permit (collectively the "Approvals") shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

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

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

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

Adopted: November 16, 2005

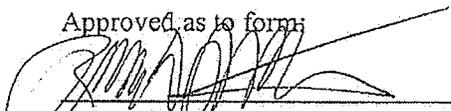


Kathy Rejms  
Chair of the Planning Commission of the  
City of Beverly Hills, California

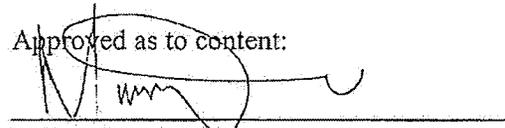
Attest:

  
Secretary

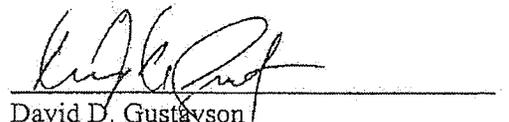
Approved, as to form:

  
Robert H. Pittman  
Assistant City Attorney

Approved as to content:

  
Mahdi Aluzri  
Director of Community Development

KT

  
David D. Gustayson  
Director of Public Works & Transportation

11/16/05

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EXHIBIT A  
RECREATION AND PARKS  
STREET TREE MITIGATION GUIDELINES  
AND  
PUBLIC WORKS/ENGINEERING  
STANDARD CONDITIONS LIST

CITY OF BEVERLY HILLS  
STANDARD CONDITIONS LIST  
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion license tax of \$3,129 plus \$41.28 per unit, 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.

Standard Conditions List  
For the Planning Commission  
March 28, 2002

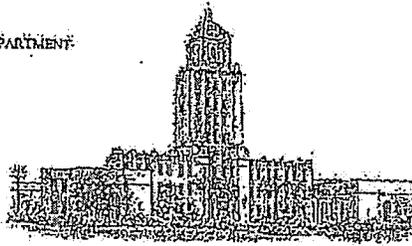
6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-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.

Standard Conditions List  
For the Planning Commission  
March 28, 2002

14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

RECREATION AND PARKS DEPARTMENT  
455 N. Rexford Drive  
Beverly Hills, CA 90210-4617  
(310) 283-2536  
FAX: (310) 385-0840

STEVE MILLER, DIRECTOR



## CITY OF BEVERLY HILLS

### Trees and Construction

The City of Beverly Hills and its Residents hold our urban forest in high regard. We appreciate your regard for our City trees as you contemplate your project. We look forward to reviewing your mitigation plan as it relates to City trees that may be impacted by the proposed activities included in this project.

The applicant should identify any City and/or protected tree or trees within the proposed area of construction, and/or like tree or trees in close proximity to the construction site, that may be impacted. The location of these trees should be noted on the initial plan submittal. A plan that works to alleviate, or minimize, the potential that the health and vigor of a City and/or protected tree or trees will be affected during the construction process (a mitigation plan) should accompany the original plan submittal.

A mitigation plan should focus on retaining and protecting an existing City and/or protected tree or trees. This plan should include a valuation of the tree or trees that may be impacted by the proposed project. If more than one tree is involved, each tree should be valued in a separate treatment. This valuation should be performed by an International Society of Arboriculture (ISA) Certified Arborist using the standard valuation method recognized by the ISA.

Elements of the mitigation plan should include:

1. Definition of what can be done to avoid any impact on the tree or trees, as well as what steps will be taken to protect the tree or trees that may be impacted by construction activities, for the duration of the project.
2. If the well being of the tree or trees is suspected to be impacted or deemed unavoidable; a proposal to box, maintain and re-install the tree or trees after construction activities have been completed should be submitted. Any proposal for the boxing, care and re-installation of any tree or trees should include a resume of experience specific to tree moving from the firm submitting the plan. This proposal should include a contingency plan to replace the tree(s) with the installation of a forty-eight (48) inch box size should the tree or trees decline within twenty four (24) months after the time the tree or trees are re-installed into the site.
3. An offer of bond that is consistent with the value of the tree or trees based upon the previously described valuation of the tree or trees by an ISA Certified Arborist.
4. The ISA certification number and contact information for the ISA Certified Arborist assisting with the project mitigation plan.

To access a listing of ISA Certified Arborists in your area, visit:  
<http://www.isa-arbor.com/arborists/arbsearch.html>

To learn more about the valuation of trees, visit:  
<http://www2.champaign.isa-arbor.com/consumer/values.html>

Contact the Department of Recreation and Parks Urban Forest Supervisor at (310) 550-4638 or at [kpfaizgraf@ci.beverly-hills.ca.us](mailto:kpfaizgraf@ci.beverly-hills.ca.us) if you are in need of further assistance.

# **Attachment 4**

RESOLUTION NO. 1510

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 62855, FOR A 25-UNIT CONDOMINIUM PROJECT LOCATED AT 225-233 SOUTH HAMILTON DRIVE.

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

Section 1. Tentative Tract Map No. 62855, which proposes a 25-unit condominium project (the Project) was originally approved by Resolution No. 1404, adopted on November 16, 2005. The initial approval was valid for a two-year period, thus establishing an expiration date of November 16, 2007, unless a time extension is granted. The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1404. The subdivision was requested for the purposes of developing a 25-unit condominium project, on five contiguous parcels (225-233 South Hamilton Drive), and which would consist of two separate buildings. The structure located on the northern portion of the project site would be a four-story, 45-foot high, 43,915 square foot building, and the structure located on the southern portion of the project site would be a three-story, 33-foot high, 15,107 square foot building. The 25 units would range in size from 1,302 to 2,879 square feet, and would utilize a shared subterranean parking garage. The subterranean parking garage consists of two levels and will provide 83 parking spaces. The project is currently under construction, with excavation complete and portions of the subterranean garage constructed. The Planning Commission's

original decision to approve the Project was subject to numerous conditions of approval to ensure that traffic and construction-related impacts would be appropriately mitigated .

Section 2. Pursuant to Section 10-2-206 of the Beverly Hills Municipal Code, the rights granted under Tentative Tract Map No. 62855 expire if not exercised within twenty-four (24) months of the date of adoption of Resolution No. 1404, unless extended by formal action of the Planning Commission. The rights granted under Resolution No. 1404 expired at 11:59 p.m. on November 16, 2007, unless extended by the Planning Commission. Section 10-2-206 allows the Planning Commission to extend the approval for a tentative map for up to three, one-year time extensions, for a total of five years from the date of the initial map approval, upon application by the applicant. The application for time extension was timely filed on October 25, 2007. This is the first request for time extension.

Section 3. The Project was previously environmentally reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) and the City's environmental guidelines, and a negative declaration was adopted. Based on the initial study, the previously adopted negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that there have been no substantial changes to the project or to the environment that would cause the Project to significantly impact the environment. Therefore, the previously adopted negative declaration continues to represent the independent judgment of the City and there is no substantial evidence that the approval of the Project or this extension may have any significant environmental impact.

The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 4. On April 24, 2008, the Planning Commission held a duly noticed public hearing to consider the request for an extension of Tentative Tract Map No.62855. Evidence, both oral and written, was presented at said hearing.

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

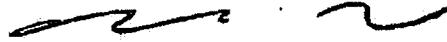
1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval.
2. The rights granted under Resolution No. 1404 shall be extended for one year, in order to provide the applicant with additional time to complete the final tract map process.
3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1404 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Tentative Tract Map through and including November 16, 2008, subject to all conditions set forth in Resolution No. 1404.

Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1404 shall lapse and expire and be of no further effect.

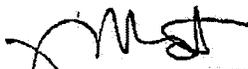
Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: APRIL 24, 2008



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

Attest:

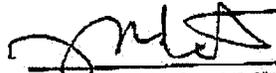
  
Secretary

Approved as to form:



David M. Snow  
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP  
City Planner



# **Attachment 5**



**CITY OF BEVERLY HILLS**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**MEMORANDUM**

**TO:** Samer Elayyan, Civil Engineer  
**FROM:** Ryan Gohlich, Associate Planner  
**DATE:** June 30, 2011  
**SUBJECT:** Approval of Final Tract Map for 225 South Hamilton Drive

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Planning has completed its review of Resolution No. 1404, adopted by the Planning Commission on November 16, 2005, which approved the above cited Tentative Tract Map.

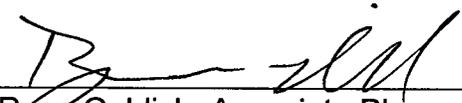
Planning Commission Resolution 1404 is attached for reference, and includes Conditions 1 through 27. All conditions of approval have been addressed or are to be addressed as follows:

1. The project substantially complies with the plans approved by the Planning Commission on November 16, 2005, and final verification of all as-built conditions will occur prior to C of O.
2. To be inspected prior to C of O.
3. Plans have been revised as appropriate and are subject to final inspection prior to C of O.
4. Signage to be installed and subject to final inspection prior to C of O.
5. The approved plans are in compliance with all requirements set forth by the City's various departments.
6. Completed during early stages of construction.
7. All necessary permits have been obtained.
8. Subject to ongoing inspection by the Building Inspector.
9. The project is in compliance with all applicable requirements.
10. Grading has been completed in compliance with a Fugitive Dust Emission Control Plan.
11. The approved plans are in compliance with this requirement.
12. The approved plans are in compliance with this requirement, and final signage will be inspected prior to C of O.
13. The approved plans are in compliance with this requirement, and final signage will be inspected prior to C of O.
14. The project was reviewed and approved by the Architectural Commission.
15. The lots will be modified by recordation of the Final Map.

16. Subject to inspection by Building and Safety.
17. The approved plans are in compliance with this requirement, and final installation will be inspected prior to C of O.
18. CC&Rs have been reviewed and approved by the City Attorney.
19. A construction management plan was submitted to the City prior to the issuance of building permits.
20. Subject to ongoing inspection by Building and Safety.
21. Subject to review by Public Works.
22. All necessary approvals and permits have been obtained.
23. The project is in compliance with all applicable discretionary approvals.
24. All necessary documents have been forwarded to the Department of Fish and Game.
25. The bond is currently being maintained by Building and Safety.
26. All conditions have remained in place.
27. Necessary covenant has been recorded.

Please let me know if you require any further clarification.

Sincerely,

  
\_\_\_\_\_  
Ryan Gohlich, Associate Planner

# **Attachment 6**

**LA CIENEGA**

**256**

**217**



**219**



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

**221**

**270**

**223**

**225**

**PROJECT SITE**

**227**

**HAMILTON**

**229**

**292**

**231**

**233**

**GREGORY**