



## AGENDA REPORT

**Meeting Date:** January 13, 2015

**Item Number:** D-3

**To:** Honorable Mayor & City Council

**From:** Mark Cuneo, City Engineer  
Tristan Malabanan, Civil Engineer

**Subject:** **RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS APPROVING THE FINAL MAP FOR PARCEL MAP NO. 71711 (9221 WHITWORTH DRIVE) AND ACCEPTING, SUBJECT TO IMPROVEMENT, A RIGHT-OF-WAY DEDICATION**

**Attachment:**

- 1) Resolution
- 2) Final Map
- 3) Planning Commission Resolution No. 1626 Conditionally Approving the Tentative Parcel Map on December 8, 2011
- 4) Community Development Memorandum Regarding compliance with Conditions of Approval
- 5) Location Map

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### **RECOMMENDATION**

It is recommended that the City Council find that the final map conforms to the tentative map, all applicable requirements of the State Subdivision Map Act and the City's subdivision ordinances, and adopt the resolution approving the final map for Parcel Map No. 71711, and accepting, subject to improvement, an alley dedication.

### **INTRODUCTION**

This report is a request for City Council adoption of the findings that Parcel Map No. 71711 located at 9221 Whitworth 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. 71711, and accepting a 2.5 foot dedication of right-of-

way for the alley along the eastern edge of the project, as shown on the final map.

**DISCUSSION**

The applicant, 462 Maple Drive, LLC, has prepared the final map to construct a new 4-unit residential condominium structure located at 9221 Whitworth Drive. The applicant is constructing the building in accordance with approved plans.

At its meeting of December 8, 2011, the Planning Commission approved Tentative Parcel Map No. 71711, and adopted Resolution No. 1626, a copy of which is attached. Approval of the Final Map will allow the applicant to sell the individual units.

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. 1626 (as explained in the attached memo from the Community Development Department) and was approved by the City Engineer. Staff has now reviewed the Final Map and is recommending its approval by the Council.

Pursuant to the State Subdivision Map Act, the City must approve the final map if it substantially conforms to the tentative map and "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 Lightner   
Approved By

# **Attachment 1**

RESOLUTION NO. 15-R-\_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS  
APPROVING THE FINAL MAP FOR PARCEL MAP NO. 71711 (9221  
WHITWORTH DRIVE) AND ACCEPTING, SUBJECT TO IMPROVEMENT,  
A RIGHT-OF-WAY DEDICATION

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

Section 1. Tentative Parcel Map No. 71711 was submitted for approval of a condominium structure consisting of four (4) condominium units at 9221 Whitworth Drive, Beverly Hills.

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 precedent to final map approval as required by the tentative map approval.

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

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

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

- (a) The final map for Parcel Map No. 71711 is approved.
- (b) The streets, highways, and other public ways shown on the map are accepted, subject to improvements, on behalf of the public.

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:

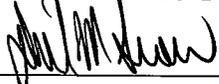
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LILI BOSSE  
Mayor of the City of Beverly Hills,  
California

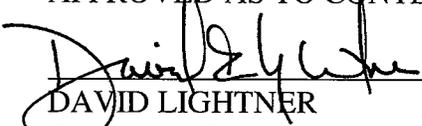
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
DAVID LIGHTNER  
Director of Capital Assets

# **Attachment 2**

# PARCEL MAP NO. 71711

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

BEING A SUBDIVISION OF A PORTION OF LOT 1201, TRACT NO. 6380,  
AS PER MAP RECORDED IN BOOK 69 PAGES 11 THROUGH 20  
INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY.

FOR CONDOMINIUM PURPOSES

HARVEY A. GOODMAN, CIVIL ENGINEER, RCE 15900 OCTOBER 29, 2013

### 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.

WE HEREBY DEDICATE TO THE PUBLIC USE ALL STREETS, HIGHWAYS AND OTHER PUBLIC WAYS SHOWN ON SAID MAP.

462 MAPLE DRIVE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

Lior Gamliel  
LIOR GAMLIEL, MANAGER

BUILDERS BANK, AN ILLINOIS BANKING CORPORATION, BENEFICIARY UNDER A DEED OF TRUST RECORDED JULY 24, 2013 AS INSTRUMENT NO. 20131086228, OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY.

Barrett Schulz  
BARRETT SCHULZ

SR. VICE-PRESIDENT

Mark S. Kortbein  
MARK S. KORTBEIN

SR. VICE-PRESIDENT

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ON December 30<sup>th</sup>, 2013 BEFORE ME, Damon Hammond  
PERSONALLY APPEARED Lior Gamliel  
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:

SIGNATURE: Damon Hammond

NAME OF NOTARY: Damon Hammond

MY PRINCIPAL PLACE OF BUSINESS IS IN Los Angeles COUNTY

MY COMMISSION EXPIRES: March 17<sup>th</sup>, 2016

MY COMMISSION NUMBER: 1972309

STATE OF CALIFORNIA ILLINOIS  
COUNTY OF LOS ANGELES COOK

ON January 13, 2014 BEFORE ME, Maria Ramos  
PERSONALLY APPEARED Barrett Schulz and Mark Kortbein  
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:

SIGNATURE: Maria Ramos

NAME OF NOTARY: Maria Ramos

MY PRINCIPAL PLACE OF BUSINESS IS IN Cook COUNTY, IL

MY COMMISSION EXPIRES: Nov 23, 2014

MY COMMISSION NUMBER: NA

### SIGNATURE OMISSIONS

THE SIGNATURE(S) OF THE PARTIES NAMED HEREINAFTER AS OWNER OF INTEREST SET FORTH HAVE BEEN OMITTED UNDER PROVISIONS OF SECTION 66438 (a)(3)(C) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE, AND SAID SIGNATURE(S) ARE NOT REQUIRED BY THE LOCAL AGENCY.

OCCIDENTAL PETROLEUM CORPORATION HOLDER OF AN OIL AND GAS LEASE RECORDED FEBRUARY 3, 1965, AS INSTRUMENT NO. 4113, BOOK M-1760, PAGE 704, OF OFFICIAL RECORDS, RECORDS OF LOS ANGELES COUNTY.

### 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 462 MAPLE DRIVE, LLC ON APRIL 22, 2013. I HEREBY STATE THAT THE MONUMENTS OF THE CHARACTER AND LOCATIONS SHOWN HEREON ARE IN PLACE (OR WILL BE IN PLACE) WITHIN TWENTY-FOUR MONTHS FROM THE FILING DATE OF THIS MAP; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED; AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

Harvey A. Goodman DEC 21, 2013  
HARVEY A. GOODMAN RCE NO. 15900 DATE  
LICENSE EXPIRES JUNE 30, 2015



### 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, IF REQUIRED, 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, IF REQUIRED, HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

Dominic C. Milano

DOMINIC C. MILANO, CITY ENGINEER  
RCE NO. 27172  
EXPIRATION: 3-31-2015



### CITY CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS ON \_\_\_\_\_ APPROVED THIS MAP AND ACCEPTED SUBJECT TO IMPROVEMENT ON BEHALF OF THE PUBLIC WAYS AS SHOWN ON THE ATTACHED MAP.

CITY CLERK OF THE CITY OF BEVERLY HILLS \_\_\_\_\_ DATE \_\_\_\_\_

### 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.

CITY TREASURER OF THE CITY OF BEVERLY HILLS \_\_\_\_\_ DATE \_\_\_\_\_

### CONDOMINIUM NOTE

THIS SUBDIVISION IS APPROVED AS A CONDOMINIUM PROJECT FOR 4 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.

### BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING N 0°05'49" E OF MAPLE DRIVE SHOWN ON TRACT NO. 6380, AS PER MAP RECORDED IN BOOK 69, PAGES 11 THROUGH 20 INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY.

### PARKS AND RECREATION CONSTRUCTION TAXES 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.

### BOARD OF SUPERVISORS CERTIFICATES

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 PARCEL MAP NO. 71711 AS REQUIRED BY LAW.

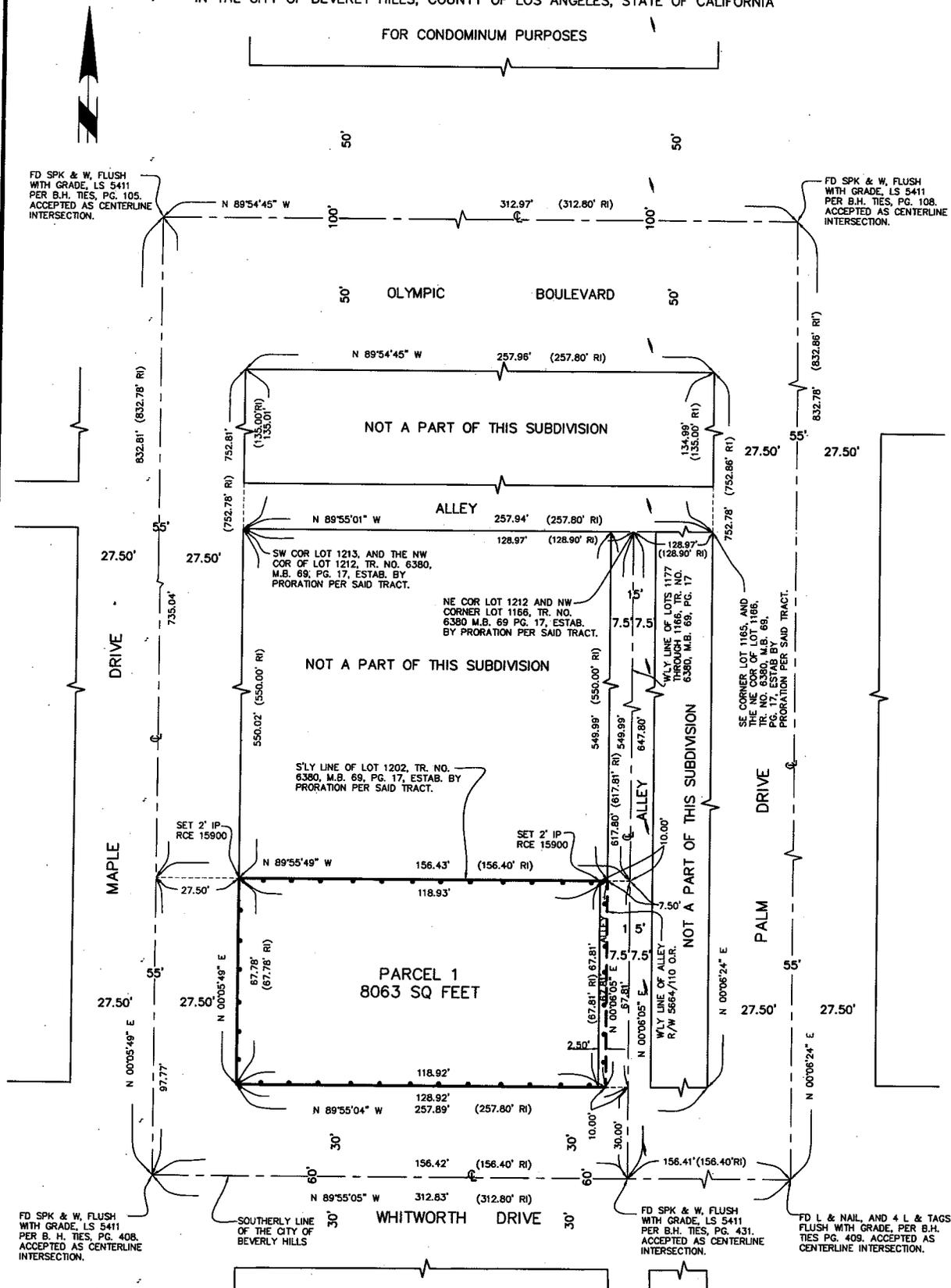
EXECUTIVE OFFICER, BOARD OF SUPERVISORS  
OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

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

# PARCEL MAP NO. 71711

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

FOR CONDOMINIUM PURPOSES



FD SPK & W, FLUSH WITH GRADE, LS 5411 PER B.H. TIES, PG. 105, ACCEPTED AS CENTERLINE INTERSECTION.

FD SPK & W, FLUSH WITH GRADE, LS 5411 PER B.H. TIES, PG. 108, ACCEPTED AS CENTERLINE INTERSECTION.

SW COR LOT 1213, AND THE NW COR OF LOT 1212, TR. NO. 6380, M.B. 69, PG. 17, ESTAB. BY PRORATION PER SAID TRACT.

NE COR LOT 1212 AND NW CORNER LOT 1166, TR. NO. 6380 M.B. 69 PG. 17, ESTAB. BY PRORATION PER SAID TRACT.

S'LY LINE OF LOT 1202, TR. NO. 6380, M.B. 69, PG. 17, ESTAB. BY PRORATION PER SAID TRACT.

SE CORNER LOT 1165, AND THE NE COR OF LOT 1186, TR. NO. 6380, M.B. 69, PG. 17, ESTAB. BY PRORATION PER SAID TRACT.

FD SPK & W, FLUSH WITH GRADE, LS 5411 PER B. H. TIES, PG. 408, ACCEPTED AS CENTERLINE INTERSECTION.

SOUTHERLY LINE OF THE CITY OF BEVERLY HILLS

FD SPK & W, FLUSH WITH GRADE, LS 5411 PER B.H. TIES, PG. 431, ACCEPTED AS CENTERLINE INTERSECTION.

FD L & NAIL, AND 4 L & TAGS, FLUSH WITH GRADE, PER B.H. TIES PG. 409, ACCEPTED AS CENTERLINE INTERSECTION.

### LEGEND:

- INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP
- RI RECORD DATA PER TR 6380, MB 69/11-20

# **Attachment 3**

RESOLUTION NO. 1626

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW FOUR-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON THE PROPERTY LOCATED AT 9221 WHITWORTH DRIVE.

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

Section 1. Maple Drive Villas, LLC, the property owner, of 9221 Whitworth Drive, ( the "Applicant") has submitted an application for Tentative Parcel Map No. 71711 and a Development Plan Review Permit to allow a four-unit, four-story residential condominium development in the Central Area of the City at 9221 Whitworth Drive (the "Project").

Section 2. The project site is located on the northeast corner of the intersection of Whitworth Drive and South Maple Drive. The area surrounding the project site consists of multi-family residential apartments and condominiums with varying densities, building ages, and architectural styles.

The project site is currently developed with a two-story, seven-unit apartment building. There are seven covered on-grade parking spaces with access from both Whitworth Drive and the alley directly adjacent to the project site. All existing structures would be demolished to accommodate the new condominium building.

The Project will be comprised of four units totaling 14,771 square feet in area at or above grade and four stories in height. The four units will range in size from 3,144 square feet to 3,407 square feet. Each unit will consist of four bedrooms. The Project includes a one-and-a-half level (split) subterranean garage with 13 fully accessible parking spaces. The Project is required to provide 607 square feet of modulation, and meets this requirement by providing 611 square feet of modulation at the northwest and southwest corners of the building. Additionally, the Project provides 885 square feet of outdoor living space in both private and public areas, which exceeds the 800 square feet of outdoor living space required by the Municipal Code.

Section 3. 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 (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Class 2 Categorical Exemption has been issued in accordance with the requirements of Section 15302 of the Guidelines for construction associated with replacement or reconstruction of existing structures. Additionally, the Project qualifies for a Class 3 Categorical Exemption in accordance with the requirements of Section 15303 of the Guidelines for construction associated with new multi-family residential structures of not more than six dwelling units in an urbanized area. Therefore, the Project will not result in a significant environmental impact.

Section 4. Notice of the Project and public hearing was mailed on November 28, 2011 to all commercial and multi-family residential property owners and residential tenants

within a 300-foot radius of the property and to all single-family property owners and residential tenants within a 500-foot radius of the property. Additionally, notice of the Project and public hearing was published in two newspapers of local circulation on November 24, 2011 and November 25, 2011. On December 8, 2011 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Tentative Parcel Map, the Planning Commission considered the following criteria:

1. Whether the proposed map is consistent with applicable general and specific plans;
2. Whether the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
3. Whether the site is physically suitable for the type of development;
4. Whether the site is physically suitable for the proposed density of development;
5. Whether the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat;
6. Whether the design of the subdivision or type of improvements are likely to cause serious public health problems; and

7. Whether the design of the subdivision or type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The proposed map is consistent with the Beverly Hills General Plan and the objectives, policies, general land uses, and programs specified therein. The General Plan land use designation for the project site is Multi-Family Residential Medium Density. The proposed map includes four residential condominium units, which are in conformance with the General Plan land use designation and Zoning Code for the project site. Therefore, the map is consistent with the Beverly Hills General Plan. The project site is not located within a specific plan area.

2. The proposed design and improvement of the subject property are consistent with the Beverly Hills General Plan and the objectives, policies, general land uses, and programs specified therein. The proposed map includes four residential condominium units, which are permitted under the General Plan land use designation and Zoning Code for the project site. Therefore, the map is consistent with the Beverly Hills General Plan. The project site is not located within a specific plan area.

3. The site is physically suitable for the type of development proposed. The site is currently developed with a seven-unit, two-story multi-family residential building. Under the density limitations set forth in the Beverly Hills

Municipal Code, the project site could be developed to a maximum density of eight units. The current proposal is to construct four units. The site is rectangular in shape, does not contain varying topography, and is capable of supporting the type of development proposed.

4. The site is physically suitable for the proposed density. Under the density limitations set forth in the Beverly Hills Municipal Code, the project site could be developed to a maximum density of eight units. The proposed density of four units is below what would otherwise be permitted and adequate public facilities exist to serve the proposed project.

5. Based on the proposed density of four units, the Project is categorically exempt under the California Environmental Quality Act. Furthermore, the Project site is located within a developed urban setting that does not contain habitat suitable for fish or wildlife. Therefore, the development is not anticipated to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and type of improvements are not anticipated to cause serious public health problems. The Project has been designed in accordance with all applicable Public Works and Building and Safety development standards, and is therefore not anticipated to cause serious public health problems.

7. The design of the subdivision and type of improvements have been reviewed by the Department of Public Works and have be found not to be in conflict with any public easements. Further, a 2.5' dedication will be provided along the alley to the east of the property in accordance with the City's Street Master Plan to improve

access along the alleyway. Therefore, the design of the subdivision and type of improvements are not anticipated to conflict with any public easements for access through or use of the property within the proposed subdivision.

Section 7. In considering the request for a Development Plan Review Permit, the Planning Commission considered whether the Project would have a substantial impact on the following criteria:

1. Whether the proposed plan is consistent with the general plan and any specific plans adopted for the area;
2. Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
4. Whether the proposed plan will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and,
5. Whether the proposed plan will be detrimental to the public health, safety or general welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. As conditioned, the Project meets the Code requirements for multiple-family residential developments and is consistent with the goals and policies of the Beverly Hills General Plan and its associated land use designations. Furthermore, the Project is not located within or adjacent to a specific plan area.

2. The Project is located in an area that consists primarily of two-story multi-family developments; however, the properties directly to the north and west of the Project site contain buildings that are five stories and three stories in height, respectively. The proposed four-story condominium residential building will complement the adjacent development, and the proposed design of the Project will be a harmonious addition to the area. Furthermore, the modulation provided at the northwest and southwest corners of the building, facing South Maple Drive, softens the massing of the Project.

3. There is no commercial development proposed with the Project and as such, no adverse impact is anticipated.

4. Based on a review by the City's Transportation Division, the project is not expected to generate significant traffic and no measurable impact on the adjacent intersections, streets and alley is anticipated. As conditioned, the Project will not generate traffic safety hazards that may result. Furthermore, as access to the garage is available only from the alley, and as a result, no pedestrian-vehicle conflicts or pedestrian safety hazards are anticipated.

5. The Project will be built in accordance with the City's Building Code standards and is consistent with the zoning for the area. As such, the Project is not anticipated to be detrimental to the public health, safety or general welfare.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Tentative Parcel Map and Development Plan Review Permit, subject to the following conditions:

1. The Project shall be modified to provide roof access for fire suppression personnel access and egress from stairwell #2, located at the rear of the building. An alternative design may be approved by the Fire Chief, or designee.

2. Final plans shall include all documentation and specifications necessary for fire sprinklers and fire alarms.

3. Final plans shall show a section indicating the ramp slope leading to the subterranean garage begins after the 2.5' alley dedication.

4. Subject to review and approval by the City's Transportation Engineer, the opening of the garage shall provide adequate setbacks so as to satisfy the minimum turning radius for a typical passenger vehicle (25.8') to cover the path of the front overhang.

5. The garage gate shall be installed at a minimum distance from the alley to provide sufficient room for at least one vehicle to queue at the garage gate without obstructing traffic in the alley.

6. A warning light shall be installed at the exit ramp by the alley. Such device shall light up when a vehicle is leaving the garage so as to notice the on-coming traffic in the alley.

7. Any parabolic mirror proposed to improve visibility shall not be placed within any public right-of-way.

8. A sign shall be placed on South Maple Drive indicating the availability of guest parking located in the subterranean garage. All guest parking spaces shall be clearly designated.

9. The Architectural Commission, in its review, shall pay particular attention to building modulation and require additional articulation, as appropriate.

10. The condominium building may extend from 42 feet in height as presented to the Planning Commission to a maximum height of forty-five feet (45'), consistent with the municipal code, provided the additional height is distributed evenly among the four floors.

11. The roof overhang at the fourth floor shall be reduced, or eliminated, as deemed appropriate by the Architectural Commission.

12. The Applicant shall submit a Construction Management Plan to the Department of Community Development for review and approval prior to the issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:

12.1 Written information about the construction parking arrangement and hauling activities at different stages of construction to be

reviewed by the Engineering Division of Public Works and the Building and Safety Division of Community Development.

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

12.3 The proposed demolition/construction staging for the Project to determine the amount, appropriate routes and time of day heavy hauling traffic necessary for demolition, deliveries, etc. to the project site.

13. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

14. RECORDATION. The resolution approving the Tentative Parcel Map and Development Plan Review Permit 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 the 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 and related fees 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.

15. EXPIRATION. Tentative Parcel Map: The exercise of rights granted in such approval shall be commenced within two (2) years after the adoption of such resolution.

16. EXPIRATION. Development Plan Review Permit: The exercise of rights granted in such approval shall be commenced within two (2) years after the adoption of such resolution.

17. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

18. This approval is for those plans submitted to the Planning Commission on December 8, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

19. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project

shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

20. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

21. Prior to the issuance of building permits, the design, materials, and finish of the building and landscaping shall be subject to the review and approval of the Architectural Commission.

22. The CC&Rs will be submitted and reviewed by the City Attorney prior to recordation of the final map.

23. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

24. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

25. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

26. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

27. During the construction period, street sweeping shall be conducted several times a day and as directed by the City Engineer. Dirt shall not be tracked out of the construction site.

28. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

29. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

30. The Applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. The amount of tax to be paid shall be based on the fees in place at the time of conversion.

31. 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 trees existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.

32. 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.

33. 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.

34. 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.

35. 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.

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

37. 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.

38. 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.

39. 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.

40. 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.

41. 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.

42. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

43. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

44. 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.

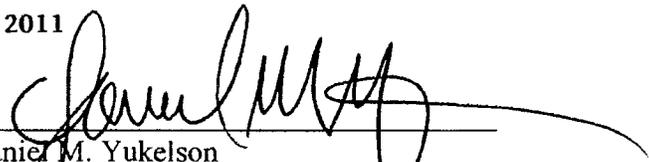
45. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.

46. 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.

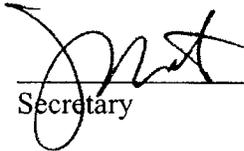
47. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

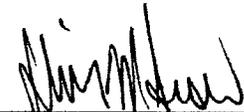
Adopted: **December 8, 2011**

  
\_\_\_\_\_  
Daniel M. Yukelson  
Chair of the Planning Commission of the  
City of Beverly Hills, California

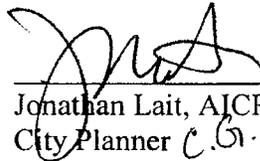
Attest:

  
\_\_\_\_\_  
Secretary

Approved as to form:

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

Approved as to content:

  
\_\_\_\_\_  
Jonathan Lait, AICP  
City Planner C.G.

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. 1626 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on December 8, 2011, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES:           Commissioners Furie, Rosenstein, Cole, Vice Chair Corman, and Chair Yukelson.  
NOES:           None.  
ABSTAIN:       None.  
ABSENT:        None.

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

# **Attachment 4**



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

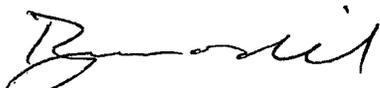
**To:** Tristan Malabanan, PE, Civil Engineer  
**From:** Ryan Gohlich, Senior Planner  
**Date:** January 6, 2015  
**Subject:** Approval of Final Tract Map No. 71711 (9221 Whitworth Drive)

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Planning has completed its review of Resolution No. 1626, adopted by the Planning Commission on December 8, 2011, which approved the above cited Tentative Tract Map.

Planning Commission Resolution 1626 includes Conditions 1 through 47. This memo serves to confirm that all applicable conditions of approval pertaining to adoption of a Final Map for the project have been satisfied.

Sincerely,

  
Ryan Gohlich, Senior Planner

# **Attachment 5**



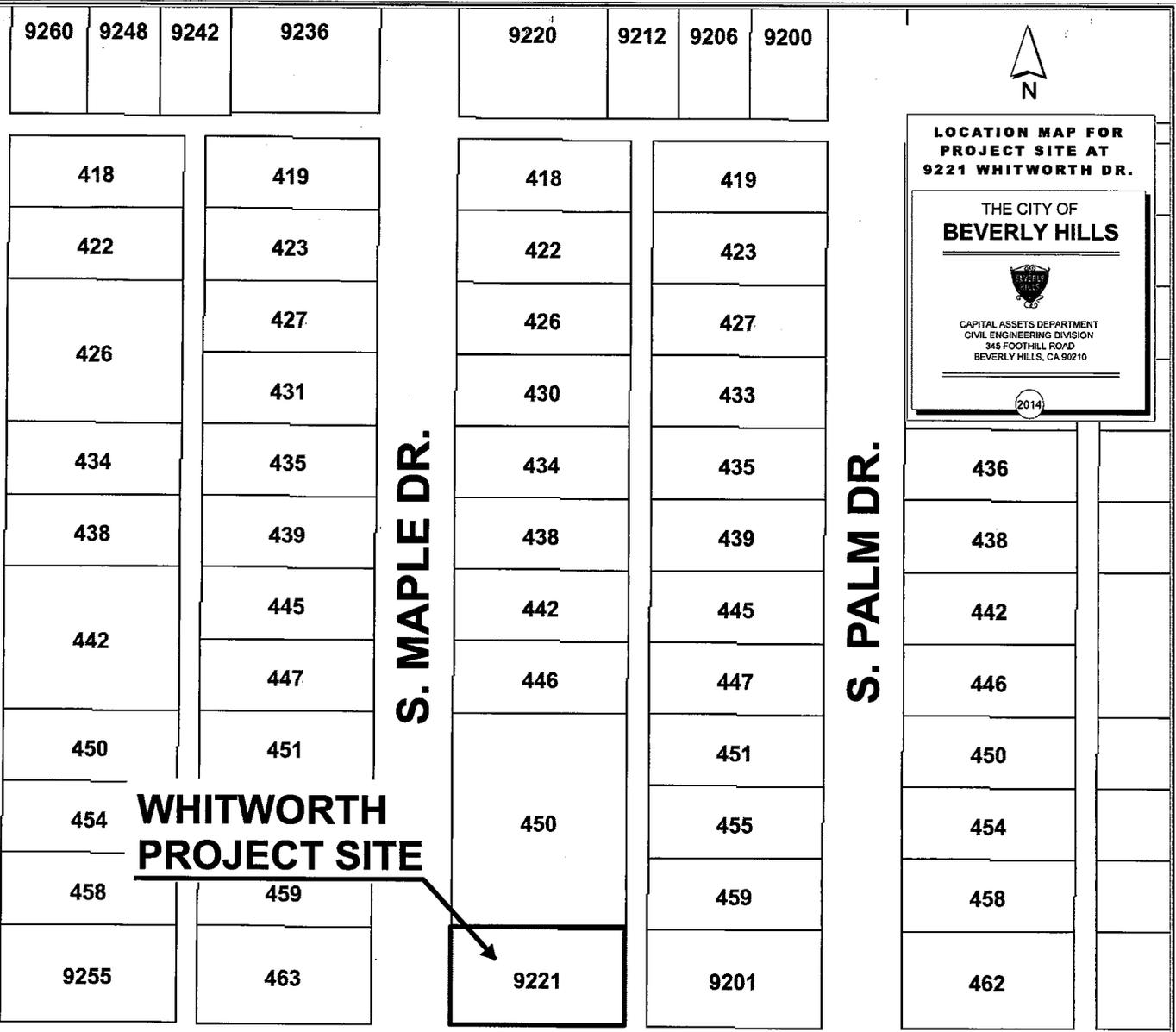
**LOCATION MAP FOR  
PROJECT SITE AT  
9221 WHITWORTH DR.**

THE CITY OF  
**BEVERLY HILLS**



CAPITAL ASSETS DEPARTMENT  
CIVIL ENGINEERING DIVISION  
345 FOOTHILL ROAD  
BEVERLY HILLS, CA 90210

2014



**WHITWORTH  
PROJECT SITE**

**S. MAPLE DR.**

**S. PALM DR.**

..... **WHITWORTH DR.** ..... CITY LIMIT OF BEVERLY HILLS

CITY LIMIT OF  
LOS ANGELES

