



STAFF REPORT
CITY OF BEVERLY HILLS

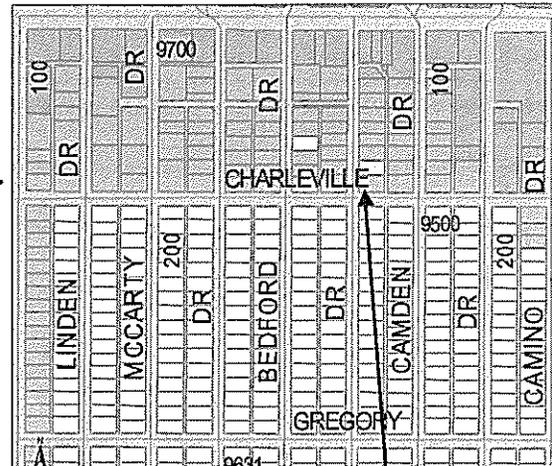
For the Planning Commission
Meeting of July 24, 2008

TO: Planning Commission

FROM: Masa Alkire, AICP
Consulting Planner

THROUGH: Jonathan Lait, AICP
City Planner

SUBJECT: Second time extension request for a Tentative Tract Map (No. 062715), approved on May 25, 2005, to convert the form of ownership of an eight (8) unit residential building, from an apartment complex, to a seven (7) unit Housing Stock Cooperative located at **148 South Peck Drive**.



148 South Peck Drive

EXECUTIVE SUMMARY

Gary M. Gole, applicant, on behalf of 148 Peck Apartments, LLC, property owner, has filed a second time extension request for Tentative Tract Map 062715. The subject tentative map was approved by the Planning Commission on May 25, 2005 and allows for the conversion of an existing eight (8) unit apartment building into a seven (7) unit Housing Stock Cooperative. The approval would have expired 24 months after the approval date on May 25, 2007. However the Planning Commission granted a one year time extension to the tentative map. The applicant is now requesting a second one year time extension to change the expiration date to May 25, 2009. Beverly Hills Municipal Code (BHMC) Section 10-2.206 (c), allows extension of the subdivision map approval for up to an aggregate of three (3) years.

The approval of the first time extension request allowed the applicant more time to meet the City's minimum life safety standards, which is a BHMC requirement to convert a building from one form of common interest development (stock cooperative) into another form of common interest development (condominium). The applicant has now

completed the required life safety improvements to the property and has submitted the map to the County of Los Angeles for approval, a necessary step prior to submittal of the final subdivision map to the City of Beverly Hills Engineering Division. The applicant has not yet received approval from the County of Los Angeles and therefore is not able to submit the final map to the City Engineer for City Council approval prior the current tentative map expiration date.

In staff's review of the time extension request, it appears that the applicant has made substantial progress towards completing the requirements necessary prior to finalizing the subdivision map. The actual construction work necessary to meet life safety standards has been completed and the additional time is necessary to complete the County and City map review processes. Based on these circumstances, it is staff's recommendation that approval of the requested second time extension can be granted.

ANALYSIS

The subject map, Tentative Tract Map 062715, which converts an existing eight (8) unit apartment building into a seven (7) unit Housing Stock Cooperative, was approved in Planning Commission Resolution No. 1379 on May 25, 2005. The original approval was valid for a period of 24 months. The first time extension for the subdivision map was approved by the Planning Commission on June 14, 2007. One of the Planning Commission findings regarding the first time extension request was "Although the City's ordinances governing common interest development have changed since the approval of Tentative Tract Map No. 062715, that application would likely be approved under the City's new Ordinance because the building at 148 South Peck Drive appears to be a character contributing building" (See attached June 14, 2007 staff report and Resolution 1472).

The second time extension request was filed on March 20, 2008, prior to the expiration of the first 12 month time extension. BHMC Section 10-2-206(c), allows for the filing of an extension of the approval for up to an aggregate of three (3) years. The Planning Commission may impose new conditions or revise existing conditions. In accordance with the Subdivision Map Act, Government Code Section 66452.6, a tentative map shall be automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

Since the granting of the first time extension, the applicant has completed electrical, building, plumbing and mechanical improvements to the existing building. The City's Building and Safety Division issued a Certificate of Completion for this work on February 19, 2008. The applicant conducted this work because it is the applicant's intention to meet the requirements set out in BHMC section 10-2-709A in order to re-submit the tentative map to the City for condominium purposes and not as a tract map for a stock cooperative, as originally approved. According to the BHMC Section 10-2-714, any common interest development created prior to January 1, 2006 which satisfies

the mandatory minimum standards set out in BHMC section 10-2-709A may be converted to another form of common interest development. The mandatory minimum requirements include life safety, electrical, plumbing, structural, pest control and security requirements. The applicant has completed the work necessary to meet the mandatory minimum standards, and will file for approval of a condominium subdivision, not a stock cooperative, with the California Department of Real Estate, after receiving final map approval from the Beverly Hills City Council.

The applicant's rationale for applying for a second time extension is that more time is necessary to move through the City and County subdivision map review process and finalize the map. After completing all City required physical improvements to the property, the applicant submitted the subdivision map to the County of Los Angeles for their review and approval on February 26, 2008. The applicant has gone through three rounds of map revisions at the County and the applicant is expecting County approval shortly. The applicant has been unable to submit the map to the City Engineer and finalize the City's subdivision map process until receiving County approval.

The applicant continues to make a good faith effort to advance the project, however is running out of time. Staff recommends the granting of a second one-year time extension to allow the applicant to proceed with finalizing the map. If the time extension for the tentative map is not granted by the City, the applicant is required to submit a new application for subdivision and the new map would be subject to the new condominium conversion requirements of BHMC 10-2-Article 7, adopted on April 6, 2006.

PUBLIC NOTICE

Notice of the request for a time extension and public hearing was mailed on July 11, 2008 to all property owners and residential occupants within 500 feet of the exterior boundaries of the property. Notice was also published in the Beverly Hills Courier on July 11, 2008.

ENVIRONMENTAL DETERMINATION

This project was previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines. It was determined that the proposed project qualifies for a Categorical Exemption, Class 1(k), as it is a project consisting of the division of an existing multiple family residence into common interest ownership.

Staff Report - 148 Peck Drive -Time Extension
For the Planning Commission meeting of July 24, 2008

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission adopt the attached resolution approving the time extension for Tentative Parcel Map No. 062715 for a period of one (1) year, to May 25, 2009.

Masa Alkire, AICP

Attachments:

Draft Planning Commission Resolution
Planning Commission Resolution No. 1379
Planning Commission Resolution No. 1472
Staff Report June 14, 2007

Exhibit One
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A SECOND TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 062715 TO CONVERT THE FORM OF OWNERSHIP OF AN EIGHT (8) UNIT RESIDENTIAL BUILDING FROM AN APARTMENT COMPLEX TO A SEVEN (7) UNIT HOUSING STOCK COOPERATIVE AT PROPERTY LOCATED AT 148 SOUTH PECK DRIVE.

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

Section 1. On May 25, 2005, the Planning Commission approved Resolution No. 1379 approving Tentative Tract Map 062715 to convert an existing eight (8) unit apartment into a housing stock cooperative located at 148 South Peck Drive (hereinafter the "Project"). On June 14, 2007 the Planning Commission approved a one (1) year time extension to the rights granted under Tentative Tract Map 062715. The expiration date was extended to May 25, 2008.

Section 2. Gary M. Gole on behalf of 148 Peck Apartments, LLC, the property owner (the "Applicant"), timely filed a second request for an extension on March 14, 2008. Pursuant to Section 10-2-206 of the Beverly Hills Municipal Code, the rights granted under Tentative Tract Map No. 062715 expire unless extended by formal action of the Planning Commission. The Planning Commission may extend the approval of a tentative map for up to three years from the date of expiration upon application by the applicant. The Applicant seeks a second extension to extend the expiration date to May 25, 2009.

Section 3. Since the granting of the first time extension, the applicant has completed electrical, building, plumbing and mechanical improvements to the existing building. The City's Building and Safety Division issued a Certificate of Completion for this work on February 19, 2008. The applicant conducted this work because it is the applicant's intention to meet the requirements set out in BHMC section 10-2-709A in order to re-submit the tentative map to the City as one for condominium purposes and not as a tract map for a stock cooperative, as originally approved. According to the BHMC Section 10-2-714, any common interest development created prior to January 1, 2006 which satisfies the mandatory minimum standards set out in BHMC section 10-2-709A may be converted to another form of common interest development. The mandatory minimum requirements include life safety, electrical, plumbing, structural, pest control and security requirements. The applicant has completed the work necessary to meet the mandatory minimum standards, and will file for approval of a condominium subdivision, not a stock cooperative, with the California Department of Real Estate (DRE), after receiving final map approval from the Beverly Hills City Council.

Section 4. The applicant's rationale for applying for a second time extension is that more time is necessary to move through the City and County subdivision map review process and finalize the map. After completing all City required physical improvements to the property, the applicant submitted the subdivision map to the County of Los Angeles for their review and approval on February 26, 2008. The applicant has gone through three rounds of map revisions at the County and the applicant is expecting County approval shortly. The applicant has been unable to submit the map to the City Engineer and finalize the City's subdivision map process until receiving County approval.

Section 5. 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 Class 1 Categorical Exemption has been issued in accordance with the requirements of Section 15301(k) of the Guidelines.

Section 6. On July 24, 2007, the Planning Commission held a duly noticed public hearing to consider the request for an extension of Tentative Tract Map No. 062715. Evidence, both oral and written, was presented at said hearing.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

7.1 During the one year period of the first time extension the applicant made substantial progress towards completing the requirements necessary prior to finalizing the subdivision map.

7.2 The second time extension request is consistent with the current Zoning Ordinance and the General Plan.

7.3 Except as otherwise described herein, there have been no substantial changes to the Project.

Section 8. Based on the foregoing, the Planning Commission hereby approves the second extension of Tentative Tract Map 062715 for the period of one (1) year, through and including May 25, 2009. The conditions set forth in Resolution No. 1379 shall remain unaltered.

Section 9. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1379 shall lapse and expire and be of no further effect.

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: July 24, 2008

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

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait
City Planner

Exhibit Two

Planning Commission Resolution No. 1379

RESOLUTION NO. 1379

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 062715 TO SUBDIVIDE AN EIGHT-UNIT RESIDENTIAL STRUCTURE AS A SEVEN-UNIT STOCK COOPERATIVE AT PROPERTY LOCATED AT 148 PECK DRIVE (148 SOUTH PECK DRIVE HOMEOWNERS ASSOCIATION, INC.)

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

Section 1. Lyn Konheim, on behalf of the Lyn and Laurie Konheim Trust, property owner (collectively, the "Applicant"), has submitted an application to convert the form of ownership of an existing eight-unit apartment complex to a seven-unit stock cooperative – as defined in California Civil Code Section 1351(m) – and to subdivide said property for sale or lease as defined by Beverly Hills Municipal Code ("BHMC") Section 10-2-101 for property located at 148 Peck Drive (the "Project"). The proposed stock cooperative will be known as "148 South Peck Drive Homeowners Association, Inc." The existing residential building is a legally non-conforming three-story structure, with parking for seven cars. The building is located on a 7,650 square foot lot and contains 9,420 square feet of floor area, including the basement. The building has been cosmetically rehabilitated in appearance without changes to its size, density/number of units, parking or other modifications that would require discretion other than Architectural Review.

The building is legally non-conforming as to zoning requirements for density, unit size, height, setbacks, usable open space and parking. The existing parcel does not conform to BHMC Section 10-2-302-A, requiring a minimum alley width of 20 feet (alley width is 15 feet) and BHMC Section 10-2-303-D, requiring a minimum lot depth of 150 feet (lot depth is 127.5 feet). The parcel conforms to the previous legal subdivision of the block.

The subject site is located in the R-4 Zone. The existing structure was lawfully erected in 1931 and has been extensively refurbished in the last few years, including work to roofing, internal cabinetry, electrical and plumbing. The Applicant proposes to reduce the number of units to seven and to convert the ownership to a stock cooperative. Parking is provided at the rear of the property, in a carport that is set back four feet from the existing 15-foot wide alley. The existing eight units include seven 900-square foot, one-bedroom units and one two-story, 1,800 square-foot, two-bedroom townhouse. The proposal would create a second two-story, 1,800 square-foot townhouse by combining two of the one-bedroom units. The Project already provides seven nonconforming parking spaces in a separate garage, allowing the project to provide one parking space per unit. The Project also provides a basement laundry room, mechanical equipment room and one common courtyard of 800 square feet.

Section 2. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*) (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 1 Categorical Exemption has been issued in accordance

with the requirements of Section 15301(k) of the Guidelines. (14 Cal. Code Regs. Section 15301(k).)

Section 3. On April 27, 2005, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. Review of applications for tentative maps is controlled by the California Subdivision Map Act (California Government Code Section 66410 *et seq.*) and the City's local subdivision ordinance (BHMC Title 10, Chapter 2). Absent a General or Specific Plan that contains express provisions to the contrary, California Government Code Section 66427.2 expressly limits the local authority's review of a tentative map for the subdivision of airspace in an existing structure for the purpose of converting the structure to a stock cooperative or a condominium project to determining whether or not the proposed map conforms to the local subdivision ordinance. The City's subdivision regulations (the "Subdivision Ordinance") are contained in Chapter 2 of Title 10 of the BHMC. Section 10-2-204(b) of the Subdivision Ordinance requires that, as a condition of approval, tract maps make such changes as are necessary for the map to comply with all requirements of said Chapter 2. Article 3 of Chapter 2 sets forth the physical requirements for subdividing land and airspace in Beverly Hills. BHMC Section 10-2-311 authorizes the Planning Commission to grant exceptions to these requirements under certain circumstances if the Commission makes certain findings. Section 10-2-311 specifically provides:

“It is recognized that certain parcels of land exist of such size, subject to such title restrictions, so affected by topographical location, and devoted to such usage, that it is practically impossible for the owner to conform to the rules and regulations of this Article in every respect when subdividing. Exceptions may be granted in such cases only when the Planning Commission shall, in the exercise of sound, reasonable judgment, after an investigation and a hearing with the subdivider, determine that conditions affecting the property in question warrant and require such exceptions; provided, however, no exception may be made to any requirements imposed by laws of the State as they now exist or are hereafter amended.”

4.1. As previously noted, the subject building was lawfully constructed in 1931. Consequently, portions of the existing building and site development do not fully conform to existing development requirements in the City’s subdivision ordinance and are legally non-conforming as follows:

(1) Current Code provisions require all alleys in the City to be twenty feet (20') in width. (BHMC § 10-2-302.) The existing alley that abuts the Project site is only fifteen feet (15') in width.

(2) Current Code provisions require multiple-family residential lots to have a minimum depth of 150 feet. (BHMC § 10-2-303.) The Project site has a lot depth of only 127.5 feet.

4.2. With regard to the nonconformities detailed in paragraph 4.1, above, the site and building are legally non-conforming. No new improvements or uses are proposed as part of this application, and requiring the Applicant to bring the property into full compliance with the

existing subdivision standards would present practical difficulties and result in extreme hardship to the Applicant. As more fully discussed below, the Planning Commission finds that, pursuant to BHMC Section 10-2-311, the subject property is, "of such size, subject to such title restrictions, so affected by topographical location, and *devoted to such usage*, that it is practically impossible for the owner to conform to the rules and regulations of this Article in every respect when subdividing" and further find that conditions affecting the Project site warrant and require such exceptions.

The Project was lawfully constructed in 1931 before the City adopted its current subdivision standards. The site is currently developed with an eight-unit residential structure, and the Applicant's proposal only seeks a change in form of ownership from the existing apartment structure to a stock cooperative. With the exception of a few cosmetic upgrades such as the combination of two units into one townhouse, no physical changes are proposed to the property. Given the relatively minor alteration to the project, the Planning Commission finds that it would be impractical for the Applicant to demolish portions of the existing structure and rebuild the property to meet current development standards. The Planning Commission further finds that conditions affecting the Project site warrant and require such exceptions. Specifically, the Planning Commission finds as follows:

(1) Alley Width. The existing alley is only fifteen feet wide, five feet narrower than currently required by applicable code standards. It would be impractical, if not impossible, for the Applicant to increase the alley width to conform to current standards. In order to increase the alley width, the Applicant would either have to dedicate additional land from the rear of the subject lot or acquire land from adjacent property owners in order to expand the alley. Neither

approach is practical. As discussed further below, the Project site is also nonconforming with respect to the minimum depth for multiple-family residential lots. If the Applicant dedicates additional land from the Project site to expand the width of the alley to twenty feet, it will exacerbate the Project site's nonconformity with respect to depth. Moreover, the Project site is located in an older, developed area of the City. Many of the other properties in the vicinity are also characterized by smaller than required lot depths. To require the Applicant to acquire sufficient land from adjacent property owners to widen the alley would not only impose an undue financial burden on the Applicant, particularly in light of the fact that the Applicant proposes no physical changes to the existing development on the site, but it would also exacerbate the nonconformities of adjacent properties. Additionally, even were the Applicant to demolish the existing structure and construct a new building to current Code standards, it is unlikely that it would be possible to expand the width of the existing alley given adjacent development. Moreover, there is not evidence to suggest that the reduced width (15 feet) of the existing alley has created traffic circulation problems for the residents in the area. Accordingly, the Planning Commission hereby finds that conditions affecting the Project site warrant and require an exception from this requirement, and the Commission hereby grants the requested exception from the provisions of BHMC Section 10-2-302 with respect to the width of the alley.

(2) Lot Depth. The Project site has a lot depth of only 127.5 feet. However, for the reasons discussed above, it would be impractical for the Applicant to modify the parcel map to meet current Code standards. The Project site is located in an older, developed area of the City. Many of the properties in the vicinity are also characterized by smaller than required lot depths. To require the Applicant to acquire sufficient land from adjacent property owners to

increase the depth of the Project site not only imposes an undue financial burden but would be impractical given the nonconforming nature of adjacent properties. Moreover, the requested exception is relatively minor and would not permit development in excess of the intensity or density permitted by existing code standards. Under existing density requirements, the maximum density that would be permitted on the Project site is five units plus an efficiency unit. Although the existing building currently houses eight residential units, the Applicant's proposal will actually reduce the number of units on the site to seven, bringing it more into conformity with existing zoning standards. Even if the Applicant were to replace the existing apartment building with a newly constructed residential building on the Project site, it would not resolve the deficient lot depth, and the end result would be the replacement of a charming, older building indicative of the neighborhood character for which the City of Beverly Hills is renowned with a modern building with virtually identical density (five units plus an efficiency versus seven units). Accordingly, the Planning Commission hereby finds that conditions affecting the Project site warrant and require an exception from this requirement, and the Commission hereby grants the requested exception from the provisions of BHMC Section 10-2-303 with respect to minimum requirements for lot depth.

4.3 The proposed subdivision meets requirements of laws imposed by the State and, with the exceptions granted by the Planning Commission pursuant to this Resolution, complies with the City's subdivision requirements. By granting the exceptions, the Planning Commission finds the City is able to preserve the existing character of its residential neighborhoods by retaining a building that serves a "jewel-box" role in maintaining community character. In addition, the Project provides seven parking spaces, one for each unit. Further,

conditions affecting the Project site warrant and require such exceptions. As discussed, the property was lawfully created prior to the time the City adopted its current standards. Existing development in the vicinity proceeded under the prior standards and now makes it infeasible to modify the development on the Project site to meet current standards without imposing a substantial burden on the Applicant. As conditioned, the Planning Commission finds that, with the exceptions granted above, the Project conforms to the requirements of the City's Subdivision Ordinance and preserves the City's existing housing stock.

Section 5. Based upon the foregoing findings, the Planning Commission hereby approves Tentative Parcel Map No. 062715 subdividing an eight-unit apartment complex to change the form of ownership to a stock cooperative, subject to the following conditions:

1. Prior to submittal of the final subdivision map, the Applicant shall improve the property substantially in conformance with the improvement plans submitted to and reviewed by the Planning Commission at its meeting of April 27, 2005. Specifically, the Applicant shall renovate and improve all units in the building that have not been renovated as of the date of this approval.
2. The parking facility shall maintain seven (7) parking spaces in the configuration shown on the parking plan attached hereto as Exhibit A and incorporated herein by reference.
3. The exterior modifications and improvements to the subject Property, including landscape and paving, shall be subject to review by the Architectural Commission prior to submittal of the final subdivision map.

4. The Applicant shall notify all existing tenants of the Project of the proposed conversion as required by the California Subdivision Map Act (California Government Code § 66410 et seq.), the California Department of Real Estate (the "DRE"), and the California Civil Code provisions governing landlord/tenant relationships. At a minimum, the Applicant shall provide the statutory notices required by Government Code Sections 66427.1, 66452.9, 66451 et seq., Civil Code Sections 1941, 1941.1 and 1941.2, and any notice required by the DRE. The Applicant shall submit evidence satisfactory to the Director of Community Development documenting that the required notices have been provided in accordance with all applicable requirements.
5. For each tenant under the age of 62, the Applicant shall pay relocation costs of \$1,000.00 per tenant, or the cumulative penalties imposed by the California Department of Real Estate for failure to provide the statutory notices under Section 66427.1 of the Subdivision Map Act, whichever is greater. The Applicant shall have no obligation to pay relocation costs under this condition if the tenant defaults under the applicable rental agreement or unlawfully holds over in possession of his or her unit and Applicant pursues any remedies to which it is entitled under the California Civil Code and Code of Civil Procedure. The Applicant shall secure performance of this condition by posting a bond or depositing funds into an escrow account in an amount sufficient to cover Applicant's obligation under this condition.
6. For each tenant 62 years of age or older, the Applicant shall pay relocation costs equal to the lesser of the actual costs incurred by the tenant or \$5,000 per tenant. The Applicant shall have no obligation to pay relocation costs under this condition if the tenant defaults

under the applicable rental agreement or unlawfully holds over in possession of his or her unit and Applicant pursues any remedies to which it is entitled under the California Civil Code and Code of Civil Procedure. The Applicant shall secure performance of this condition by posting a bond or depositing funds into an escrow account in an amount sufficient to cover Applicant's obligation under this condition.

7. No tenant shall be relocated for a minimum of two (2) years from the date of the Planning Commission approval memorialized in this Resolution, unless the tenant voluntarily elects to move on his or her own, in which case Applicant shall comply with any relocation requirements set forth in the Beverly Hills Municipal Code in existence as of the date of this approval, or the tenant defaults under the applicable rental agreement and Applicant pursues any remedies to which it is entitled under the California Civil Code and Code of Civil Procedure.
8. Approval of this Tract Map shall not be construed as a basis for maintaining or replacing any existing legally non-conforming improvements, or pre-existing unpermitted installations. Any modifications or improvements to the building and site shall be subject to separate review and permitting in accordance with current Code Requirements.
9. Except as modified by this Resolution, the Tentative Tract Map shall comply with all provisions set forth in Chapter 2 of Title 10 of the BHMC.
10. The Tentative Tract Map shall be subject to all other applicable requirements, including access to existing easements on the site, of the Public Works/Engineering Division.
11. Within three (3) 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.

12. These conditions of approval shall run with the land and shall remain in force for the duration of the life of this approval. This resolution approving Tentative Tract Map No. 062715 converting the form of ownership of an eight unit apartment complex to a seven unit stock cooperative 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 Tentative Tract Map subdividing the parcel **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 will affect the City's ability to approve the Tentative Tract Map.

Section 6. The granting of Tentative Parcel Map No. 062715 will not allow subsequent alterations to the property that allow non-conforming conditions to be "grandfathered" by the creation of the stock cooperative or the pre-existing condition.

Section 7. 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: 5-25-05



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

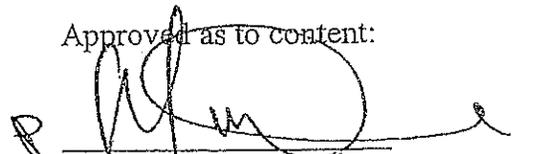
ATTEST:


Secretary

Approved as to form:


Robert H. Pittman
Assistant City Attorney

Approved as to content:

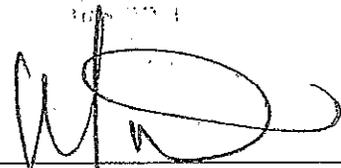

Mahdi Aluzri
Director of Community Development

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

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1379 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on May 25, 2005, 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, Melamed, Krasne, Marks, and Reims.

NOES: None.



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

Exhibit Three

Planning Commission Resolution No. 1472

RESOLUTION NO. 1472

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 062715 TO CONVERT THE FORM OF OWNERSHIP OF AN EIGHT (8) UNIT RESIDENTIAL BUILDING FROM AN APARTMENT COMPLEX TO A SEVEN (7) UNIT HOUSING STOCK COOPERATIVE AT PROPERTY LOCATED AT 148 SOUTH PECK DRIVE.

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

Section 1. On May 25, 2005, the Planning Commission approved Resolution No. 1379 approving Tentative Tract Map 062715 to convert an existing eight (8) unit apartment into a housing stock cooperative located at 148 South Peck Drive (hereinafter the "Project").

Section 2. Pursuant to Section 10-2-206 of the Beverly Hills Municipal Code, the rights granted under Tentative Tract Map No. 062715 expire if not exercised within twenty-four (24) months of the date of adoption of Resolution No. 1379, unless extended by formal action of the Planning Commission. Gary M. Gole on behalf of 148 Peck Apartments, LLC, the property owner (the "Applicant"), timely filed a request for an extension on April 20, 2007. The Planning Commission may extend the approval of a tentative map for up to five years from the date of expiration upon application by the applicant. The Applicant seeks an extension to extend the expiration date from May 25, 2007 to May 25, 2008.

Section 5. 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 Class 1 Categorical Exemption has been issued in accordance with the requirements of Section 15301(k) of the Guidelines.

Section 6. On June 14, 2007, the Planning Commission held a duly noticed public hearing to consider the request for an extension of Tentative Tract Map No. 062715. Evidence, both oral and written, was presented at said hearing.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

7.1 Although the City's ordinances governing common interest developments have changed since the approval of Tentative Tract Map No. 062715, that application would likely be approved under the City's new Ordinance because the building at 148 South Peck Drive appears to be a character contributing building.

7.2 The time extension request is consistent with the current Zoning Ordinance and the General Plan.

7.3 Except as otherwise described herein, there have been no substantial changes to the Project.

Section 3. On April 6, 2006, the City adopted Article 7 of Chapter 2 of Title 10 entitled "Common Interest Development Projects" (the "Ordinance"). The new Ordinance contained conversion regulations that substantially differed from the City requirements in effect when the Applicant's tentative map was approved on May 25, 2005. The purpose of the Ordinance was to improve the safety of the City's housing stock and to establish a review process and criteria to combat the adverse effects of extending the life of certain legally nonconforming buildings on the character of the City's residential neighborhoods while simultaneously providing incentives to avoid the needless destruction and impairment of those buildings that contribute to the aesthetic value and unique character of the City's existing residential neighborhoods. As a result, the Ordinance's regulations provide that no new common interest development project, or the conversion of an existing building to a common interest development, or the conversion of an existing common interest development created prior to January 1, 2006, to another form of common interest development, will be approved unless the project complies with the building codes and zoning regulations and all the other requirements of the municipal code in effect at the time of application. Notwithstanding this regulation, an exception is made for "character contributing buildings," which are only required to comply with certain life safety standards as set forth in the Ordinance.

Section 4. The Applicant intends to record the final map for condominium purposes and not a stock cooperative. As such, the Project must meet the mandatory minimum life safety standards as set forth in Section 10-2-709(A). The applicant is currently in the process of meeting these mandatory standards, but requires additional time to complete renovations and improvements before recording the final map.

Section 8. Based on the foregoing, the Planning Commission hereby approves extension of Tentative Tract Map 062715 for the period of one year, through and including May 25, 2008. The conditions set forth in Resolution No. 1379 shall remain unaltered.

Section 9. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1379 shall lapse and expire and be of no further effect.

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: July 12, 2007



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:



Vincent P. Bertoni, AICP
Director of Community Development



David D. Gustavson
Director of Public Works and Transportation

Exhibit Four
Staff Report
June 14, 2007



**STAFF REPORT
CITY OF BEVERLY HILLS**

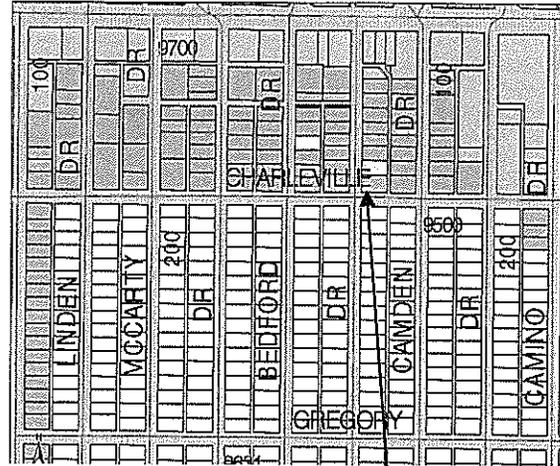
**For the Planning Commission
Meeting of June 14, 2007**

TO: Planning Commission

FROM: Masa Alkire, AICP
Associate Planner

THROUGH: Vince Bertoni, AICP *B*
Director of Community
Development Department

SUBJECT: Time extension request for a Tentative Tract Map (No. 062715) approved on May 25, 2005, to convert the form of ownership of an eight (8) unit residential building, from an apartment complex to a seven (7) unit Housing Stock Cooperative, located at **148 South Peck Drive**.



148 South Peck Drive

EXECUTIVE SUMMARY

Gary M. Gole, applicant, on behalf of 148 Peck Apartments, LLC, property owner, has filed a request for a time extension for Tentative Tract Map 062715. An extension would extend the expiration date from May 25, 2007 to May 25, 2008. Tentative Tract Map 062715, which converts an existing eight (8) unit apartment building into a seven (7) unit Housing Stock Cooperative, was approved by the Planning Commission on May 25, 2005. BHMC Sections 10-2.206(b) and (c), allow extension of the approval for up to an aggregate of three (3) years. The Planning Commission may impose new conditions or revise existing conditions.

It is the applicant's intention to record the final map for condominium purposes, not a stock cooperative. The City Code allows a conversion of one form of Common Interest Development into another form if a common interest development created prior to January 1, 2006; but the Code specifies such a conversion must meet the minimum life safety standards. The applicant is currently in the process of meeting these mandatory standards, but requires additional time to complete renovations and improvements.

Staff Report - 148 Peck Drive -Time Extension
For the Planning Commission meeting of
June 14, 2007

Staff has reviewed the applicant's request for a time extension and identified the following issue for the Planning Commission to consider in reviewing this request. The recently adopted Common Interest Development Ordinance, BHMC Article 7 (adopted on April 6, 2006) has substantially different requirements for the approval of a project converting an apartment to a common interest development, than the requirements in effect when this Housing Stock Cooperative tentative map was approved. Under the current ordinance, common interest development conversion projects are required to meet current building and zoning standards such as open space requirements and parking. However, the conversion code also allows exemption from certain requirements if the requested building can be considered a "character contributing building". Staff's initial review of this project has identified that this building has the potential to be considered character contributing. Thus, if the applicant had applied for this project today the commission could have granted the project a "character contributing building" exemption from meeting current zoning standards. Based on this finding, it appears that approval of the requested time extension can be granted.

ANALYSIS

The subject map, Tentative Tract Map 062715, which converts an existing eight (8) unit apartment building into a seven (7) unit Housing Stock Cooperative, was approved by the Planning Commission in Resolution No. 1379 on May 25, 2005. The time extension request was filed on April 24, 2007, prior to the 24 month expiration date for tentative tract maps set by Beverly Hills Municipal Code (BHMC) Sec.10-2-206(a). In accordance with State of California Government Code section 66452.6 and BHMC Sec.10-2-206(a), the approval of a tentative map shall expire twenty-four (24) months after the date the map was approved. BHMC Sections 10-2-206(b) and (c), allow the person filing the tentative map to request an extension of the approval for up to an aggregate of three (3) years. The Planning Commission may impose new conditions or revise existing conditions.

The applicant has obtained electrical, building, plumbing and mechanical permits from the City and is in the process of improving the existing building. The applicant is conducting this work because it is the applicant's intention to meet the requirements set out in BHMC section 10-2-709A in order to re-submit the tentative map to the City as one for condominium purposes and not as a tract map for a stock cooperative, as originally approved. According to the BHMC Section 10-2-714, any common interest development created prior to January 1, 2006 which satisfies the mandatory minimum standards set out in BHMC section 10-2-709A may be converted to another form of common interest development. The mandatory minimum requirements include life safety, electrical, plumbing, structural, pest control and security requirements. The applicant intends to complete the work necessary to meet the mandatory minimum standards, then file for approval of a condominium subdivision, not a stock cooperative, with the California Department of Real Estate (DRE).

Staff Report - 148 Peck Drive -Time Extension
For the Planning Commission meeting of
June 14, 2007

The applicant's rationale for applying for a time extension is that more time is necessary to facilitate the conversion of the building from the approved Stock Cooperative into a Condominium due to additional building improvement requirements stated in BHMC Section 10-2-709A. The applicant had two years to submit a final map, but did not complete the process within that timeframe. As the City has adopted a new common interest development ordinance on April 6, 2006, the Planning Commission could take into consideration the new requirements of this ordinance when making their discretionary decision on whether to grant a time extension for this project. Thus if the project was brought before the Commission today as a new submittal for tentative map, then the building would need to have "character contributing design features" in order to be granted exemptions from present zoning requirements. Initial staff review of the project has identified that this building, built in 1931, could be considered to have character contributing design elements. The composition of the building's front façade contains Italianate design elements, such as a decorative cornice with an overhanging tile roof, a belt course distinguishing the different stories of the structure, coining on the corners of the front façade and tall windows. Furthermore, the three story, 37 foot tall structure is of similar massing and scale as other residential buildings built on the 100 block of South Peck Drive.

Given staff's assessment of the project, it is reasonable to grant a one-year time extension to allow the applicant to proceed with the conversion. If the time extension for the tentative map is not granted by the City, and the final map is not filed prior to expiration of the tentative map, the applicant is required to submit a new application for subdivision and the new map is subject to new condominium conversion requirements stated in BHMC 10-2-Article 7. In accordance with the Subdivision Map Act, Government Code Section 66452.6, a tentative map shall be automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

PUBLIC NOTICE

Notice of the request for a time extension and public hearing was mailed on June 4, 2007, to all property owners and residential occupants within 500 feet from the exterior boundaries of the property.

ENVIRONMENTAL DETERMINATION

This project was previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines. It was determined that the proposed project qualifies for a Categorical Exemption, Class 1(k), as it is a project consisting of the division of an existing multiple family residence into common interest ownership.

Staff Report - 148 Peck Drive -Time Extension
For the Planning Commission meeting of
June 14, 2007

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission approve the time extension for Tentative Parcel Map No. 062715 for a period of one (1) year, to May 25, 2008.



MASA ALKIRE

Attachments:

Planning Commission Resolution No. 1379
Status of 9 CID requests received prior to adoption of new CID Ordinance
Notice of Public Hearing