



STAFF REPORT
CITY OF BEVERLY HILLS

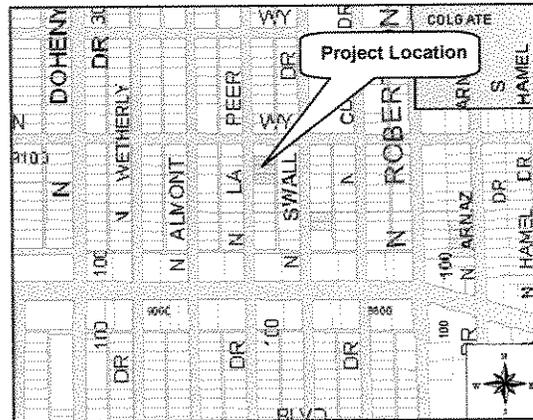
For the Planning
Commission Meeting of
August 7, 2008

TO: Planning Commission

FROM: Ryan Gohlich, Assistant Planner

THROUGH: Jonathan Lait, AICP, City Planner *and for*

SUBJECT: Time Extension request for Tentative Tract Map (No. 63236) – a 16-unit condominium project with adoption of a resolution for the property located at **154-168 North La Peer Drive**.



BACKGROUND

The City has received a request for a one-year time extension for Tentative Tract Map No. 63236, approved by the Planning Commission on July 27, 2006. The project is a subdivision for a 16-unit condominium development located at **154-168 North La Peer Drive**. An extension would change the expiration date from July 27, 2008 to July 27, 2009. This is the first request for a time extension on the project. The applicant states (attached letter) that additional time is needed to complete the final parcel map process through the County of Los Angeles and the City of Beverly Hills Planning and Engineering departments.

A Development Plan Review (DPR) permit and R-4 permit was approved by the Planning Commission in conjunction with the Tentative Tract Map. The DPR and R-4 permits are valid for 3 years from the date of approval, meaning that the project's DPR and R-4 permits will expire on July 27, 2009. Therefore, the time extension request applies only to the Tentative Tract Map and not the DPR and R-4 permits.

The original project was conditionally approved by the Planning Commission. Project-specific conditions of approval were related to issues regarding traffic and construction

related impacts. The conditions of approval remain in effect, and will not be affected by the proposed time extension.

Project Description

The project is a 16-unit condominium building that was previously approved by the Planning Commission at its July 27, 2006 meeting. Additionally, the project was reviewed and approved by the Architectural Commission at its February 13, 2008 meeting. The project is located on three individual parcels and consists of a single building. The building will be a four-story, 45-foot high, approximately 39,000 square foot building. The 16 units will range in size from 1,846 to 2,250 square feet, and will utilize a two-level subterranean parking garage. The subterranean parking garage provides a total of 57 parking spaces, of which, 4 spaces are reserved for guests and 3 spaces are reserved for disabled access. Currently, no construction has begun at the subject site, the existing buildings have not been demolished, and remain occupied by tenants.

CALIFORNIA GOVERNMENT CODE AND LOCAL PARCEL MAP REQUIREMENTS

The application for a one-year time extension of the tentative map was timely filed for a one-year time extension on July 7, 2008 which is prior to the July 27, 2008 expiration date.

The applicable provisions, found in Section 66463.5 of the California Government Code, provide that a local agency (Planning Commission) may approve an extension of a tentative tract map for up to three, one-year time extensions for a maximum total of five years from the date of approval.

There are no specific findings stated in the California Government Code or local parcel map requirements (City's Municipal Code) for review of a one-year extension request. As stated above, there is no change to the three-lot condominium project as was approved in July 2006. In addition, there are no substantial changes to the environment that would cause the project to significantly impact the environment. The same findings that were made as provided in Resolution No. 1415 can still be made. Therefore, staff recommends approval of the one-year time extension, subject to all conditions set forth in Resolution No. 1415.

It should be noted that failure to file the final map within the time periods set forth shall automatically terminate and void the tentative map. For example, if a one-year extension is granted at this time, a final map or second time extension application must be filed prior to July 27, 2009.

PUBLIC NOTICE

Notice of the proposed project and public hearing was mailed on July 24, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet (if any) from the exterior boundaries of the property. Additionally, notice was posted at the project site. To date, staff has not received any comments in regard to the time extension request.

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, and the environmental regulations of the City, and a Negative Declaration was adopted. There have been no changes to the project and no substantial changes to the environment that would cause the project to significantly impact the environment. Therefore, there is no substantial evidence that the approval of the requested extension may have any significant environmental impact. The original Negative Declaration continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

RECOMMENDATION

Based on the foregoing analysis, staff recommends that the Planning Commission adopt the draft resolution approving the time extension for Tentative Tract Map No. 63236 for a period of one (1) year, to July 27, 2009.



RYAN GOHLICH,
Assistant Planner

Attachments:

1. Draft Planning Commission Resolution
2. Time Extension Request Letter
3. November 16, 2005 Planning Commission Resolution

ATTACHMENT 1

Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A TIME EXTENSION FOR TENTATIVE TRACT MAP NO. 63236, FOR A 16-UNIT CONDOMINIUM PROJECT LOCATED AT 154-168 NORTH LA PEER DRIVE.

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

Section 1. Tentative Tract Map No. 63236, which proposes a 16-unit condominium project (the Project) was originally approved by Resolution No. 1415, adopted on July 27, 2006. The initial approval was valid for a two-year period, thus establishing an expiration date of July 27, 2008, unless a time extension is granted. The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1415. The subdivision was requested for the purposes of developing a 16-unit condominium project, on three contiguous parcels (154-168 North La Peer Drive), and which would consist of a single condominium building. The building would be a four-story, 45-foot high, approximately 39,000 square foot building. The 16 units would range in size from 1,846 to 2,250 square feet, and would utilize a subterranean parking garage. The subterranean parking garage consists of two levels and will provide a total of 57 parking spaces, of which, 4 spaces would be reserved for guests and 3 spaces would be reserved for disabled access. Currently, no construction has begun at the subject site, and the existing buildings have not been demolished. The Planning Commission's original decision to approve the Project was subject to numerous conditions of approval to ensure that traffic and construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Section 10-2-206 of the Beverly Hills Municipal Code, the rights granted under Tentative Tract Map No. 63236 expire if not exercised within twenty-four (24) months of the date of adoption of Resolution No. 1415, unless extended by formal action of the Planning Commission. The rights granted under Resolution No. 1415 expired at 11:59 p.m. on July 27, 2008, unless extended by the Planning Commission. Section 10-2-206 allows the Planning Commission to extend the approval for a tentative map for up to three, one-year time extensions, for a total of five years from the date of the initial map approval, upon application by the applicant. The application for time extension was timely filed on July 7, 2008. This is the first request for time extension.

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

located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 4. On August 7, 2008, the Planning Commission held a duly noticed public hearing to consider the request for an extension of Tentative Tract Map No.63236. Evidence, both oral and written, was presented at said hearing.

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

1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval.
2. The rights granted under Resolution No. 1415 shall be extended for one year, in order to provide the applicant with additional time to complete the final tract map process.
3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1415 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Tentative Tract Map through and including July 27, 2009, subject to all conditions set forth in Resolution No. 1415.

Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1415 shall lapse and expire and be of no further effect.

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

Adopted:

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, AICP
City Planner

J. Lait

ATTACHMENT 2

Time Extension Request Letter

HARVEY A. GOODMAN
CIVIL ENGINEER
HARVEY GOODMAN CIVIL ENGINEERING INC.

834 17TH STREET
SANTA MONICA, CA 90403

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FAX: (310) 828-5062

E-MAIL:

harvey@harveygoodman.com

July 7, 2008

City of Beverly Hills
Planning Department
455 North Rexford Dr.
Beverly Hills, CA 90210-4817

Ref: Tentative Tract Map No. 63236
16 Unit New Condominium Project
154 – 168 North La Peer Drive
City of Beverly Hills

Gentlemen:

In order to safeguard the above referenced tract map from expiring on July 27, 2008, I am requesting an extension of time to allow completing the processing of the final map through the County of Los Angeles as well as the City of Beverly Hills Planning and Engineering Departments.

I've enclosed 15 copies of the parcel map and the application fees for the time extension. The updated radius maps, ownership and occupant lists should a hearing be required for this application will be delivered later this week.

If you have any questions, or need further information, please do not hesitate to contact me.

Sincerely,



Harvey Goodman
Civil Engineer

Enc.

ATTACHMENT 3

July 27, 2006 Planning Commission Resolution

RESOLUTION NO. 1415

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 063236, A DEVELOPMENT PLAN REVIEW AND R-4 PERMITS TO ALLOW CONSTRUCTION OF A SIXTEEN UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON THREE LOTS AT PROPERTY LOCATED AT 154-168 NORTH LA PEER DRIVE

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

Section 1. Lenlib La Peer Inc., property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Vesting Tentative Tract Map No. 063236, a Development Plan Review and R-4 Permits to allow the construction of a new 16-unit condominium structure, for property located at 154-168 North La Peer Drive (the "Project").

The proposed Project will be four stories and a total of 45 feet tall and will contain a floor area of 39,084 square feet. Parking for 59 cars, including 4 guest spaces will be provided in a two-level subterranean garage. The Project includes the request for R-4 Permits to allow (1) more than one five-foot wide walkway in the required front yard setback; and (2) a Jacuzzi and associated bathrooms on the rooftop outdoor living area.

In response to the comments and guidance provided by the Commission, the Applicant has revised the design by making the following changes:

- The first and second-floor balconies that extended beyond the façade of the building have been pushed back to create recessed balconies.

- The third and fourth floors have been set back an additional foot from the building line of the first two floors, increasing the total modulation area provided from 4,171 square feet to 4,721 square feet (550 square feet), and resulting in a reduction of the total area of the third and fourth floors by approximately 2%. As redesigned, the third and fourth floors will be setback 7 to 13 feet from the building line of the lower two floors.
- An additional 4-foot setback is provided on the rear half of the north elevation to accommodate the second driveway from the alley.
- The overall size of the building has been reduced from 39,883 square feet to 39,084 square feet (approx 2%).
- Roof mounted equipment, including elevator equipment has been pushed back an additional 5 feet, to a total of 18 feet from the building face and centered in the middle of the roof deck so as not to be visible from the street level on the western side of LaPeer Drive. A line of site analysis demonstrating that the redesigned rooftop meets this requirement is included in the plans
- The clearstory area, which was previously proposed at the maximum allowable height of 10 feet, has been reduced to a maximum of 5 feet, 4 inches high from the top of the roof, matching the height of the top of the proposed tile parapet roof. The height of the rooftop bathrooms, mechanical room and elevator shaft has been reduced to a maximum of 13 feet, 6 inches, with the mechanical well being relocated directly on the roof deck at a maximum height of 9 feet.
- The railing of the third floor balconies has been eliminated, except for the balcony in the central wing of the façade. In its place a new tile roof has been introduced at the roofline of

the second-story, in an effort to break up the 4-story facade and provide a 2-story feel along the front. This second-story roof treatment is proposed to continue around the corners for a distance of 25 feet on each side. A horizontal molding treatment that continues along the sides to the end of the building further delineates the second-story line.

- The exterior wall treatment of the upper two floors will be different from the treatment of the lower two floors.
- The revised plans include substantial trees and shrubs proposed within the front setback and additional landscaping on both sides of the driveway along La Peer Drive.
- The Applicant has revised the driveway access and parking layout to provide two driveways, one along the alley to be used for egress, and one along La Peer Drive for ingress only. Both driveways have been designed with an opening that widens at a 45 degree angle to provide better visibility for vehicles entering or exiting the subterranean parking structure.
- The parking layout has been modified to satisfy parking requirements through tandem parking (therefore the need for a third level of subterranean parking has been eliminated). Up to three units may satisfy the parking requirement with tandem parking per Code, which allows up to nine spaces, out of the required 50 parking spaces to be tandem. The plans indicate 45 self parking spaces, which include the required 4 guest and 3 handicapped parking spaces and 14 tandem spaces, for a total of 59 parking spaces.

The Planning Commission first reviewed this Project at the October 26, 2005 meeting. The direction given by the Commission at the initial hearing was as follows:

- Reduce the mass and scale of the overall building by either setting back the fourth floor, eliminating the clearstory area above 45 feet in height or providing additional modulation in the front.
- Provide additional landscaping along La Peer Drive.
- Locate the egress, ingress or all access to the subterranean garage from the alley by making design changes to the Project, and
- That a shade and shadow analysis be included with the staff report.

The Applicant returned with revised plans at the January 25, 2006 meeting, and the Planning Commission directed staff that a resolution be prepared, conditionally approving the Project. The Project conditions included:

- That all vehicular access to the site be from the alley.
- That the third and fourth floors be reduced by an additional 10% along the front façade to help minimize the mass and scale of the structure as viewed from the street.
- That substantial landscaping be provided along the front of the building.

A draft resolution approving the Project was presented (which included the above stated conditions) for the Commission's consideration. The Applicant did not agree with the conditions and therefore, did not submit revised plans for the Commission's review at the February meeting, stating that providing vehicular access from the alley would require a third level of subterranean parking which could compromise the internal circulation and may pose security and visibility concerns. In addition, the Applicant stated that additional modulation on the third and fourth floors would require reduction in the number of units or size of the units, resulting in substandard units, which in turn would make the Project economically infeasible.

The Commission further deliberated on the conditions of the resolution. The Commission discussions included differing views regarding impacts that the project could have on La Peer Drive due to the design of ingress and egress. Based on safety, visibility, pedestrian safety, and traffic impact concerns, the general consensus of the Commission was that all ingress to the project site should be from La Peer Drive, and that all egress from the project site should be to the adjacent alley to the rear of the property. Further, it was agreed that a substantial reduction on the front façade of the third and fourth floors would be a compromise made to insure the Project would be modulated enough and to be more compatible with the other developments in the vicinity. Since no changes were made by the Applicant relating to the Project conditions, the Commission, by a vote of 3-2, did not approve the resolution, and instead directed staff to bring back a resolution to deny the Project to the March 30, 2006 meeting.

A resolution to deny the Project was provided as directed by the Commission. The Permit Streamlining Deadline to the Project was on March 31, 2006. The Applicant approached the Commission and requested a one-time 90-day extension as well as a continuance to the Project, in order to address the concerns raised by the Commission and bring back revised drawings. After further deliberation, the Commission did not take action on the resolution to deny the Project and voted in favor of giving the time extension and continue the review of the Project. The one-time 90-day extension expires on June 29, 2006.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections

15000, et seq.), and the City's Local CEQA Guidelines. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the Project may have significant environmental impact. Accordingly, the City prepared a negative declaration in accordance with Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On October 26, 2005; January 25, 2006; March 30, 2006; and June 22, 2006, the Planning Commission held a duly noticed public hearings to consider the Project. Evidence, both written and oral, was presented at said hearings.

Section 4. The Project site is located on the east side of the 100 block of North La Peer Drive in a multi-family residential (R-4) zone, between Wilshire Boulevard to the south and Clifton Way to the north. Along this portion of La Peer Drive, there is a variation of density, height, building age and architectural styles.

The site is currently developed with three, two-story apartment buildings built from the mid 1920's through the mid 1930's, with a total of 6 units. Parking is provided on each site, in a detached garage or surface parking, for a total of 19 spaces. The existing structures on the site will be demolished to accommodate the new condominium building. The building directly adjacent to the south of the subject site is a two-story, approximately 23 foot high, apartment building built in the mid 1930's. The adjacent building to the north is a 3-story plus penthouse, 11-unit apartment building built in 1970. Directly across the street, to the west of the site, are three two-story existing buildings built in the 1930's. Other multi-family buildings within this block range from two-story single-lot buildings built in the 1920's through 1930's, to three-stories, two-lot buildings built in the 1960's and 1990's.

The Project conforms to the applicable height district limits for the City's R-4 Zone. Of the 16 units proposed, 11 units will have three bedrooms and 5 units will have two bedrooms.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Vesting Tentative Tract Map No. 063236, the Planning Commission considered the following issues:

- 1) Whether the proposed tentative tract map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City;
- 2) Whether the site is physically suitable for the type of development and the proposed density;

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

4) Whether the design of the subdivision or type of improvements are likely to cause serious public health problems and whether the design of the subdivision or the type of improvements will conflict with any public easements; and

5) Whether the discharge of waste water from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements prescribed by the California Water Quality Control Board.

Section 6. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to Vesting Tentative Tract Map No. 063236:

6.1 As conditioned, the proposed Project and its design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "multi-family residential." The proposed Project will consist of a 16-unit residential condominium structure, which is permitted under the General Plan land-use designation for the Project site.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is currently developed with three, two story apartment buildings. Under the current zoning designation, the project site could be developed with a maximum density

of 17 units, and the infrastructure is adequate to serve the proposed 16-unit residential condominium structure. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

6.3 As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The Initial Study (Environmental Checklist) completed for the Project, which is hereby incorporated by reference, indicates that there will be no anticipated significant environmental impacts relating to fish or wildlife, public health problems, and discharge of wastewater.

6.4 The design of the subdivision and the type of improvements will not cause serious public health problems, and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Project design has been preliminarily reviewed by the Public Works Department and the Building and Safety Division for Code compliance. In addition, the Project will not encroach into the 2.5-foot easement area along the alley in the rear. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

6.5 The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board. The Project will be required to comply with all applicable requirements of the City's Storm Water and Urban Runoff Pollution Control Ordinance and the City's current National Pollutant Discharge Elimination System ("NPDES") permit and, therefore, implementation of the Project will not result in a violation of existing requirements prescribed by the California Regional

Water Quality Board. Implementation of the Project will not significantly increase the amount of impermeable land or result in changes in absorption rates that would increase the amount of stormwater runoff from the Project site. Accordingly, approval of the Project will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board.

Section 7. In accordance with the provisions of Beverly Hills Municipal Code Section 10-3-3104, in reviewing the application for a Development Plan Review, the Planning Commission considered the following issues:

- 1) Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;
- 2) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
- 3) Whether the nature, configuration, location, density, height and manner of operation of the Project will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. (This finding is not applicable, because no commercial development is proposed.)
- 4) Whether the proposed plan will create any significantly adverse traffic impact, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
- 5) Whether the proposed plan will be detrimental to the public health, safety or general welfare.