



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

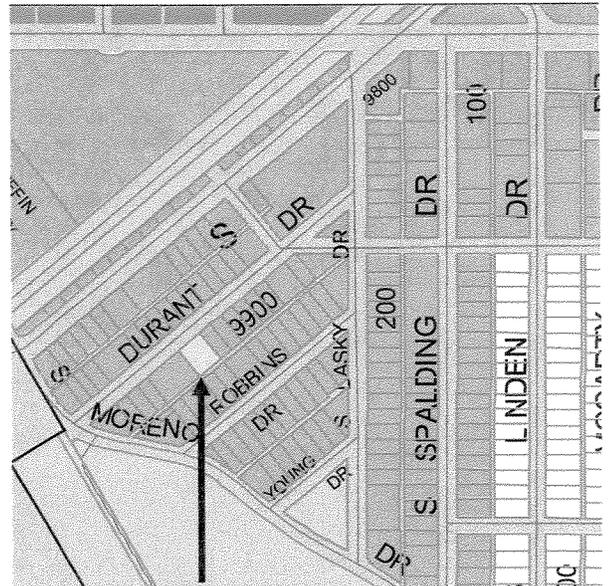
**For the Planning  
Commission Meeting of  
July 23, 2009**

**TO:** Planning Commission

**FROM:** Rita Naziri, Senior Planner

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

**SUBJECT:** Public Comment Meeting Regarding  
the Draft Environmental Impact Report  
for a Proposed 13-unit Condominium  
Project at 9936 Durant Drive



**Project Site**

**RECOMMENDATION**

It is recommended that the Planning Commission receive the staff report, take public testimony and continue this item to allow time for the public to continue reviewing the Draft EIR, staff to prepare responses to questions and comments from the Commission and public, the EIR consultant to begin preparing responses to public comments, and to allow time for the applicant to consider any remarks and suggestions made at the hearing.

**EXECUTIVE SUMMARY**

The proposed project would demolish the existing five units, two-story, 28 foot tall, 12,145 square foot apartment building and replace it with a four-story, 45 foot tall, 24,906 square foot building containing 13 unit condominiums. The proposed 13-unit condominium building would include one four-bedroom unit, six three-bedroom units, four two- bedroom units and two one- bedroom units. Two of the 13 units would be set aside as moderate income affordable units. The project would include two levels of subterranean parking containing 41 parking spaces, two more spaces than required by

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Code. Access to the subterranean parking would be from the alley behind the building.

The City of Beverly Hills as the Lead Agency under the California Environmental Quality Act (CEQA) prepared a Draft Environmental Impact Report (DEIR) for the proposed condominium project at 9936 Durant Drive. In accordance with the CEQA Guidelines, an initial study was prepared for this proposal and it was determined that an EIR is the appropriate level of analysis for a project that may have a significant effect on the environment.

The purpose of this meeting is to receive testimony on the adequacy of the Draft EIR, to provide the Planning Commission and the public with specific information regarding the environmental effects associated with development of the site, identify ways to minimize the significant effects, and provide rational alternatives to the project. Mitigation measures and regulatory measures are provided (Appendix A, attached), which may be adopted as conditions of approval, in order to reduce the significance of impacts resulting from the project.

The Draft Environmental Impact Report (DEIR) was released for public review on June 30, 2009. The period for public comment on the DEIR will run for 45 days (until August 14, 2009). At the July 23, 2009 meeting, staff will provide an overview of the project; and the City's environmental consultant for the project, Willdan Consulting, will present the EIR. The project applicant's representative will present the proposed project, and then the opportunity will be provided for questions and public comment on the project and the DEIR. At the meeting's conclusion, staff will request direction as to additional information needed by the Commission to facilitate a more detailed discussion about the project.

### **PROJECT DESCRIPTION AND AREA CHARACTERISTICS**

The project applicant, Bijan & Associates, on behalf of Gale One Properties proposes to construct a new four-story condominium building on the 11,991-square-foot site.

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Bijan & Associates
<b>Project Owner</b>	Gale One Properties
<b>Zoning District</b>	Multi-Family Residential (R-4)
<b>Parcel Size</b>	11,991 Square Feet

GENERAL INFORMATION	
Permit Streamlining Act Deadline	5/11/2010 (One year for the EIR Certification & 180 days from the date of certification for the project approval)



**PROJECT DATA SUMMARY**

<u>Category</u>	<u>Existing</u>	<u>Proposed</u>	<u>Code Requirement (R-4 Standards)</u>
<u>Use</u>	Multiple-family dwelling	Multiple-family dwelling	Multiple-family dwelling
<u>Number of Lots</u>	1	1	N/A
<u>Lot Size</u>	11,991  (approx. 100 feet wide by 150 feet long)	11,991 square feet  (approx. 100 feet wide by 117'5" long)	N/A

<u>Category</u>	<u>Existing</u>	<u>Proposed</u>	<u>Code Requirement (R-4 Standards)</u>
<b>Density/Number of Units</b>	5 units	11 units plus two one-bedroom bonus unit	1 unit / 1100 sq.ft. of site area, or 11 units
<b>Stories/Building Height</b>	2-story/28 feet high	4-story / 45 feet	4-story / 45 feet
<b>Parking Spaces</b>	8 spaces within above ground garage	41 spaces within subterranean garage	39 spaces
<b>Front Setback</b>	10 feet	10 feet	10 feet
<b>Side Setback</b>	North: 4 feet South: 4 feet	North: 10 feet South: 9 feet (19 feet combined)	19 feet, each side setback at least 8 feet
<b>Rear Setback</b>	varies	15'7"	15 feet
<b>Modulation</b>	N/A	1,048 sq.ft.	1,035 sq.ft.
<b>Outdoor Living Space</b>	Approximately 2,500 sq.ft.	3,670 sq.ft.	2,600 sq.ft.
<b>Front Yard Paving</b>	7-foot walkway	5-foot wide walkway plus a 4-foot walkway to access the subterranean garage <sup>1</sup>	5-foot wide walkway <sup>1</sup>
<b>Unit Size</b>	N/A	<ul style="list-style-type: none"> <li>• Two one-bedroom Units ranging in size from 635 to 710 sq.ft. (affordable units)<sup>2</sup>.</li> <li>• Four two-bedroom units ranging from 1,415 to 1,685 sq.ft.</li> <li>• Six three-bedroom Units ranging in size from 1,773 to 2,241 sq.ft.</li> <li>• One four-bedroom unit 3,161 sq.ft.</li> </ul>	<ul style="list-style-type: none"> <li>• Efficiency: 600 sq.ft. minimum.</li> <li>• One bedroom: 1,000 sq.ft. minimum.</li> <li>• Two bedrooms: 1,300 sq.ft. minimum.</li> <li>• Three or more bedrooms: 1,500 sq.ft. minimum.</li> </ul>

1 Front yard paving is limited to a five-foot wide walkway, unless authorized by an R-4 Permit.

2 The applicant is requesting a construction incentive to allow the two one-bedroom moderate units to have a floor area less than 1,000 square feet.

As required, the project will also comply with the City's Green Building Program. The project design includes design features which would eligible the building for Silver Level Certification under the City's Green Building Program.

### **Site and Area Characteristics**

The Durant Drive is one block long and is oriented in a northeast-southwest direction. It is located close to the western City boundary and is bounded on the east by Lasky Drive and on the west by Moreno Drive. It is one block south of, and parallel to, Santa Monica Boulevard. Beverly Hills High School is located at the western end of Durant Drive, immediately west of South Moreno Drive.

The street is 50 feet in width which is wider than surrounding residential streets. There are 30 parcels on Durant Drive, all of which contain at least one multi-family residential building. Twenty-five of the thirty properties were constructed in the short time period between 1935 and 1941. Of the remaining five properties, one was constructed in 1954 (9973 Durant Drive, located at the corner of Moreno Drive), three in the early 1960s (9955 Durant Drive, 9950 Durant Drive, and 9930 Durant Drive), and one in 1985 (9921 Durant Drive).

The project site is located on the south side of Durant Drive. An alley runs along the southern (rear) edge of the project site. The project site is currently developed with a two-story, 28 foot tall, 12,145 square foot apartment building with five dwelling units. The existing Colonial Revival-style apartment building was constructed in 1935. It was designed by architect Robert V. Derrah who is best known for his Streamline Moderne designs at the Southern California Gas Company, the Coca-Cola Bottling Plant and Crossroads of the World. The symmetrical building's center section is open on the ground floor and functions as a passageway to a center landscaped courtyard. Within the formally landscaped courtyard are brick paths flanked by low, clipped hedges, a center lawn area, a pavilion, and climbing vines and bougainvillea on wood trellises. Eight one-story rectangular garages open onto the rear (south) alley.

### **PROJECT ENTITLEMENTS**

The following is a list of reviews and approvals that the Planning Commission will undertake for the proposed project:

- **Environmental considerations**, including the adequacy of the DEIR and findings contained therein;
- **Tentative Tract Map (Tentative Tract Map No. 70035) and Development Plan Review** for construction of the proposed 4-story 13-unit condominium project.
- **R-4 Permit** for additional walkway paving.
- **Density Bonus Permit** for the provision of a 20% density bonus. This bonus would be for two units above the Code allowed density of 11 units. Per Beverly Hills Municipal Code Section 10-3-1526 1 b in order to qualify for a 20% density bonus, 10% of the units in the project must be for moderate income households. Consistent with State and local law, the applicant requests a construction incentive

to allow the two one-bedroom moderate units to have a floor area less than 1,000 square feet.

- The final design of the project would require approval from the City's Architectural Commission.

## **ENVIRONMENTAL ASSESSMENT**

The potential environmental effects of the proposed project are analyzed for the following environmental issues:

- **Aesthetics** - The subject property is located in a potential locally-eligible historic district "Tract 7710 MFR District." This section of the EIR addresses the potential aesthetic impacts of the proposed project on the existing character of both the neighborhood and the potential historic district.
- **Cultural Resources** - The existing building on the project site appears individually eligible for listing in the California Register under criterion C, as a rare and distinctive Colonial Revival courtyard apartment designed by renowned architect Robert V. Derrah. The property therefore is considered a historical resource as defined by CEQA. In addition, the subject property was found during the Peer Review to appear eligible as a contributor to a potential locally-eligible historic district "Tract 7710 MFR District." The cultural resources section of this EIR, therefore, addresses the project's potential to impact an individual historical resource and a potential historic district.
- **Geology and Hydrology** - A Preliminary Soils Engineering Investigation Report has been prepared for the project. According to the report, the proposed development is considered feasible from a geotechnical engineer's standpoint. The report contains recommendations for addressing site conditions. This EIR includes a discussion of the findings of the Soils investigation. In addition, according to the Preliminary Soils Investigation for the project, seepage water was encountered at a depth of 26 feet in the test boring which was done for the project. Depth of seepage water will fluctuate over time and location. As indicated by the project plans, the proposed project includes two levels of subterranean parking with excavation of up approximately 22 feet. Therefore, construction has the potential for limited encroachment into groundwater. This EIR addresses this related hydrological issues and the potential for impact and identifies any special design features of the subterranean parking that may be necessary to control water seepage and respond to hydrostatic pressure.
- **Hazardous Materials** - The building currently on-site was constructed prior to 1979 and therefore, potentially contains asbestos containing building materials. This EIR briefly addresses this potential and includes mitigation measures to

ensure appropriate testing and removal, should Asbestos Containing Building Materials (ACBM), PCBs, Lead Based Paint or other hazardous substances be present on site.

- **Transportation and Traffic** – As detailed in the Initial Study for the proposed project contained in Appendix A, the proposed project is anticipated to have a less than significant effect on transportation and traffic. However, a comment letter was received during the NOP period questioning the proposed project's parking and alley impacts. Therefore a Transportation and Traffic section has been added to this EIR to address these specific concerns.

In addition to the potential environmental effects listed above, the EIR evaluates potential cumulative effects of the proposal and alternatives to the proposed project. Mitigation measures are included in the DEIR in order to reduce the significance of impacts resulting from the project. These mitigation measures are included in Attachment A.

### **Significant Unavoidable Impacts**

The Draft EIR concludes that project implementation would result in significant and unavoidable impacts with respect to the following:

#### ***Aesthetics***

- **Neighborhood Compatibility:** The proposed project would introduce a new building into a neighborhood which is part of a potential historic district. The proposed project is located adjacent to a contributing resource to a potential historic district and in the vicinity of other contributing resources on Durant Drive. The design of the proposed project is contemporary, but not compatible with these resources. The design does not: use similar or complimentary materials; repeat and/or respect the heights of floors, rhythms, depths of bays, and proportions of contributing resources on Durant Drive; does not use compatible window/door openings and types; or include similar roof heights and shapes. The proposed project would therefore result in a neighborhood compatibility impact due to incompatibility of design.

#### ***Cultural Resources***

- **Individual Historic Resource:** The proposed project necessitates demolition of the existing 1935 building on the project site which is eligible for listing as an historical resource due to: (1) its remarkable representation of the multi-family property type; (2) its association with Edward Dentzel, who was an important real estate developer, councilmember and mayor in Beverly Hills who developed approximately 25 properties in Beverly Hills, many in collaboration with master

architect Robert Derrah; (3) its exceptional Colonial Revival design integrated with Courtyard Housing by master architect Robert Derrah, whose practice was based in Beverly Hills.

### **Environmental Impact Less Than Significant**

The Draft EIR found that the following areas were less than significant either with or without mitigation. A summary discussion each can be found in Attachment A.

- Aesthetics
  - Construction Impacts
  - Shade and Shadows
- Cultural Resources
  - Archeological Resources
  - Human Remains
  - Potential Historic District
- Air Quality
- Geology and Hydrology
  - Seismic Safety
  - Slope stability
  - Drainage and stormwater
  - Water quality
- Hazardous materials
- Noise
- Transportation and Traffic

### **Regulatory Requirements**

The EIR includes several measures that are regulatory requirements and are required for the proposed project and imposed as conditions of approval if the project is approved. These measures act to ensure project compliance with regulatory requirements, standard City procedures and to further reduce less than significant air quality, noise, geotechnical, transportation effects of the proposed project (please see the attached Appendix A).

### **Project Alternatives**

The CEQA requires Environmental Impact Reports to evaluate alternatives to the project being assessed by the report. The primary goal of evaluating alternatives is to explore whether is another way to achieve the objectives of the project which might be better for the environment. The draft EIR evaluated five alternatives:

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- Alternative 1 – No Project / No Change
- Alternative 2 -- Condo Conversion
- Alternative 3 -- New Four Story Building at Rear of Existing Building
- Alternative 4 – New Four Story Building At Rear of Existing Building  
With Truncated East and West Wings
- Alternative 5 – Contemporary Compatible Design

The Alternative 1 “no project” and Alternative 2 “Condominium Conversion” would be the environmentally superior alternatives as impacts would no less than significant. CEQA Guidelines 15126 (e) (2) requires that where the “no project” alternative the environmentally superior alternative, another alternative be identified that is environmentally superior. Therefore, Alternative 2 “condominium conversion” is considered environmentally superior alternative. However, this alternative would fail to achieve most of the project objectives. Alternative 3 eliminates the significant unmitigated neighborhood compatibility impacts and cultural resources impacts resulting from demolition of the building, while achieving most of the project objectives, but it includes the cost of construction of subterranean parking under the existing building.

### **FINAL EIR**

At the end of the 45-day comment period, the City’s EIR consultant, Willdan, will prepare a written response to comments received on environmental issues. The written response will provide response to any environmental issues raised during the comment period. The Response to Comments along with the DEIR will then become the Final EIR and will be brought back to the Planning Commission for the EIR certification.

### **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on June 26, 2009 to all property owners and residential tenants within a 300-foot radius of the property, and all owners of single-family zoned properties within 500 feet from the exterior boundaries of the property, if any. The notice of completion of the draft EIR and notice of this hearing was published in the *Beverly Hills Courier* on June 26, 2009 and in the *Beverly Hills Weekly* on July 2, 2009.



RITA NAZIRI

### **Attachments:**

1. Draft Environmental Impact Report (DEIR) including the EIR Appendixes

**Exhibit A**

<b>Proposed Mitigation Measures</b>	
<b>Aesthetics</b>	
<b>Neighborhood Compatibility</b>	<b>Mitigation Aesthetics-1</b> – The Project shall be subject to review and approval by the City’s Architectural Commission. As part of this review and approval, the Project applicant shall provide examples of the materials, finishes, and design elements of the Project, which may be subject to modification by the City’s Architectural Commission. Modifications recommended by the City’s Architectural Commission shall be incorporated into the design of the Project prior to the issuance of building permits. Any potential modifications, may include, but not be limited to alterations in the types of materials, finishes, exterior design elements, and landscaping.
<b>Cultural Resources</b>	
<b>Archeological Resources</b>	<b>Measure Archeo-1</b> - If archaeological resources are encountered during project construction, all construction activities shall halt until a qualified archeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. If the archeological resource is determined to be a unique archeological resource, options for avoidance or preservation in place shall be evaluated and implemented if feasible. In the event that avoidance or preservation in place is infeasible and the archeologist determines that the potential for significant impacts to such resources exists, a data recovery program shall be expeditiously conducted. Construction in the vicinity of the find shall not resume until the site archeologist states in writing that the proposed construction activities will not damage significant archaeological resources.
<b>Human Remains</b>	<b>Measure Archeo-2</b> - In the event that human remains are encountered during project construction, pursuant to State Health and Safety Code Section 7050.5, the applicant and project contractor(s) shall halt construction until the County Coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98.
<b>Individual Historic Resources</b>	<b>Mitigation Cultural-1</b> - Prior to issuance of a demolition permit, the existing condition of historical resource shall be documented photographically and in a written narrative. The photographs shall be taken by a professional photographer with experience documenting historic buildings under direction of an architectural historian who meets the <i>Secretary of the Interior’s Professional Qualifications Standards</i> in architectural history. Photographic documentation shall include one set of large (4 x 5-inch) and medium (6 x 7-centimeter) format black and white negatives and two sets of 8 x 10 inch photographic prints on black and

<b>Proposed Mitigation Measures</b>	
	<p>white paper. Film, contact prints, and enlargements shall be archivally processed. The architectural historian shall prepare a written narrative description of the historical resource based solely text of the cultural resources section of the environmental review document. The format of the written narrative shall be based on Historic American Buildings Survey (HABS) guidance for such written narrative documentation.</p> <p>The following documentary materials shall be submitted to the Community Development Director for review and comment: photographic quality black and white copies of all documentation photographs, and photocopies of the written narrative. Upon review and comment and when final edits are approved by the Community Development Director, the original documentation package items shall be deposited in the collection of the Beverly Hills Public Library (negatives, proof sheets, one set of 8 x 10 inch prints, written narrative, any other specified documentation) and in the collection of the California Historical Resource Information Center (one set of 8 x 10 inch prints, written narrative, State of California Department of Parks and Recreation "DPR" series forms, any other specified documentation).</p>
<b>Air Quality</b>	
<b>Air Quality</b>	<p><b>Measure AQ- 1</b> – The following actions shall be required to be performed by the contractor(s) during demolition, to limit fugitive dust:</p> <ul style="list-style-type: none"> <li>• Contractor(s) shall apply non-potable water every 4 hours to the area within 100 feet of a structure being demolished, to reduce vehicle trackout.</li> <li>• Contractor(s) shall apply dust suppressants (e.g., polymer emulsion) to disturbed areas upon completion of demolition unless construction activities begin within two weeks of completion of demolition.</li> <li>• Contractor(s) shall apply non-potable water to disturbed soils after demolition is completed or at the end of each day of cleanup.</li> <li>• Demolition activities shall be prohibited when wind speeds exceed 25 mph.</li> </ul> <p><b>Measure AQ-2-</b> The following actions shall be required to be performed by the contractor(s) during construction, to limit fugitive dust:</p> <ul style="list-style-type: none"> <li>• Contractor(s) shall apply non-potable water every 3 hours to disturbed areas within the construction site.</li> <li>• The required minimum soil moisture shall be 12% for earthmoving. Contractor(s) shall achieve the standard by use of a moveable sprinkler system or a water truck. Moisture content can be verified</li> </ul>

<b>Proposed Mitigation Measures</b>	
	<p>by lab sample or moisture probe.</p> <ul style="list-style-type: none"> <li>• Contractor(s) shall insure that all trucks hauling dirt, sand, soil, or other loose materials shall be tarped with a fabric cover and maintain a freeboard height of 12 inches.</li> <li>• Contractor(s) shall apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).</li> <li>• Contractor(s) shall apply nonpotable water to the storage pile by hand or apply cover when wind events are declared.</li> <li>• During construction, street sweeping must be conducted frequently as directed by Public Works and Transportation Department. Dirt shall not be tracked out of the construction site.</li> </ul>
<b>Geology And Hydrology</b>	
<b>Seismic Safety and Slope Stability</b>	<p><b>Measure Geo-1</b>—The proposed project shall be designed and constructed in accordance with the requirements and mitigations set forth in Preliminary Soils Engineering Investigation Report completed for the property dated July 17, 2006 and Update letter dated November 28, 2008 and included as Appendix D of the Draft EIR. Further, the applicant shall prepare and submit a project specific geotechnical report prepared for the project by a licensed geologist, under the direction of the City of Beverly Hills and in accordance with all applicable local, state, and federal regulations and standards such as the UBC and Title 9 of the Beverly Hills Municipal Code. The geotechnical report may refine the mitigation measures identified in the Preliminary Soils Engineering Investigation Report and Update letter, and shall also include whether any geologic fault transverses the project site, the potential for expansive soils, liquefaction hazards or other geologic conditions requiring remediation, as well as depth of groundwater. The geotechnical report shall be reviewed and approved by the Building and Safety Division prior to issuance of any grading or building permits. Should a fault, expansive soils, liquefaction hazards, shallow groundwater or other conditions requiring remediation be identified, then the report shall specify any additional remediation measures to be implemented with the approval of the Building and Safety Division. Project construction shall only be allowed to occur if remediation measures satisfy the requirements of the City and the State Division of Mines and Geology and the project can be constructed in a manner which complies with geotechnical safety-based building code requirements.</p>
<b>Drainage and Stormwater</b>	<p><b>Measure Hydro -1</b> - A drainage plan shall be prepared for the project and shall be reviewed and approved by the City's Building and Safety Division and Public Works and Transportation Department prior to approval of project plan. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall provide the necessary detention and conveyance</p>

### Proposed Mitigation Measures

infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design flood via a selection of Best Management Practices from the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force or other mechanisms acceptable to the Building and Safety Division. Examples of BMPs that may be implemented to meet this regulatory requirement include: bio retention planter boxes, vegetated drainage swales and strips, and infiltration wells.

**Measure Hydro-2** - Prior to the issuance of a grading permit by the City, a Water Quality Management Plan (WQMP) shall be prepared for the project and reviewed and approved by the City's Building and Safety Division and Public Works and Transportation Department. The Plan shall identify the site design, source control and treatment control Best Management Practices (BMPs) that will be implemented on the site to control predictable pollutant runoff and any dewatering of the subterranean parking structure. A selection of Best Management Practices that can be implemented on the site to control predictable pollutant runoff and any dewatering of the subterranean parking structure are listed in the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force. Examples of BMPs that may be implemented to meet this regulatory requirement include: fossil filters to treat and discharge shallow groundwater to the nearest storm drain; Baker tanks to collect shallow groundwater and haul it to an approved site; sand bags to retain activities runoff on site; and an appropriate tire washing station or tire sediment shakers to limit sediments from being carried off site.

**Measure Hydro-3** - Prior to issuance of any grading or building permits, the project applicant shall comply with the requirements of Section 9-4-506 of the City's Municipal Code which are applicable to residential projects of 10 units or more and prepare and submit to the City of Beverly Hills a Standard Urban Stormwater Mitigation Plan (SUSMP), to be prepared in accordance with the Los Angeles County Manual for the Standard Urban Storm Water Mitigation Plan, which details the requirements of the SUSMP. The project's SUSMP shall be submitted along with the final building and drainage plans for the project for review and approval of the City's Public Works Department prior to issuance of demolition, grading and construction permits for the proposed project. The drainage plan shall identify storm water runoff volumes for the entire site and shall identify the capacity of local storm sewers. The drainage plan shall demonstrate to the satisfaction of the City's Public Works Department that project plans include sufficient detention and conveyance infrastructure to ensure that the existing storm sewer capacity would not be exceeded during a design

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flood. The SUSMP shall demonstrate retention of runoff in-site to the satisfaction of the City's Public Works Department using best available technologies or practices selected by the applicant from the "Municipal Best Management Practices Handbook", produced and published by the Storm Water Quality Task Force. Examples of BMPs that may be implemented to meet this regulatory requirement include: down spout filters to treat roof drain runoff; runoff captured by planter box filters which collect and further treat roof runoffs; infiltration basins to collect surface runoff for use as an additional irrigation water source; and inclusion of a fossil filter treatment system as part of the dewatering system to reduce any potential constituents discharged to the storm drain system. Any dewatering system must be permitted by the Regional Water Quality Control Board. The project plans shall demonstrate that adequate site drainage can be accomplished without use of curb drains and that downspouts are designed to discharge to vegetation areas without affecting the integrity of the building.

**Measure Hydro- 4** - Prior to the start of soil disturbing activities at the site, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99 -08 -DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The project applicant shall submit and have the SWPPP approved before issuance of the construction permit for the proposed project. The SWPPP shall specify the erosion control plans for the project and demonstrate that SWPPP includes adequate measures to protect nearby catch basins from pollution and to keep water in site. Structural or treatment control Best Management Practices (BMPs), including, as applicable, post construction treatment control BMPs set forth in project plans shall meet the design standards set forth in the SUSMP and the current municipal NPDES permit. The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction to meet this regulatory requirement include: sand bagging and fencing the site perimeter; protecting nearby catch basins using filter sheets or sand bags to prevent any debris from entering the storm drain system; tire washing stations or tire shakers to reduce sediment tracking off the site; designated areas for cement or chemical materials with BMPs that will contain any potential spill or runoff; and good housekeeping practices to reduce potential pollution runoff.

<b>Proposed Mitigation Measures</b>	
<b>Water Quality</b>	<p><b>Measure Hydro-5</b> –The project applicant shall comply with the requirements of the City’s dewatering ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code and obtain a dewatering permit for the proposed project from the City. The City shall not issue the dewatering permit unless dewatering activities would be consistent with requirement of the waste discharge requirements for municipal storm water and urban runoff discharges within the County of Los Angeles", issued by the California Regional Water Quality Control Board - Los Angeles region, (order no. 96-054), dated July 15, 1996. In addition, the applicant shall be required to obtain an NPDES permit for the dewatering phase of construction from the Regional Water Quality Control Board prior to issuance of construction permits.</p> <p><b>Measure Hydro-6</b> – If it is determined by the project civil engineer that a permanent dewatering system is required for the project, the project applicant shall apply for and obtain a dewatering NPDES permit from the Regional Water Quality Control Board and a Shallow Groundwater Permit from the City of Beverly Hills, prior to issuance of the occupancy permit for the proposed project.</p>
<b>Hazardous Materials</b>	
<b>Lead and Asbestos</b>	<p><b>Measure Haz-1 - Asbestos</b> - Pursuant to Section 9-1-104 of the City’s Municipal Code, the building shall be inspected for the presence of asbestos. If the building is found to contain asbestos, the building owner or his representative shall submit a letter to the Director of Building and Safety so stating. If the building is found to contain asbestos, then an asbestos abatement permit shall be obtained from the department upon submittal by the applicant of all necessary documentation as required by Rule 1403 of the South Coast Air Quality Management District. Demolition permits shall then be issued upon submittal of an asbestos abatement completion certificate by qualified contractors. All testing procedures shall follow recognized local standards as well as established California and Federal assessment protocols and SCAQMD Rule 1403. The report of the results of the testing shall identify the location and type of all asbestos in the existing building and shall quantify the areas of asbestos containing materials. Prior to any demolition or renovation, of areas containing asbestos, the asbestos containing material shall be removed in accordance with proper abatement procedures recommended by the asbestos consultant and as required by the SCAQMD. Such measures may include requirements for encapsulation or transport to an appropriate disposal facility. All abatement activities shall be in compliance with California and Federal OSHA, and with the SCAQMD requirements including SCAQMD Rule 1403. Following completion of the asbestos abatement, the asbestos consultant shall provide a report to the Community Development Department documenting</p>

<b>Proposed Mitigation Measures</b>	
	<p>the abatement procedures used, the volume of asbestos-containing materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.</p> <p><b>Measure Haz-2 Lead</b> - Prior to the issuance of a permit for the demolition of any structure on the project site, the developer shall contract with a licensed lead-based paint consultant to conduct sampling of the structure to evaluate for the presence of lead-based paint. Any identified lead based paint located within the building scheduled for demolition shall be abated by a licensed lead based paint abatement contractor, and disposed of according to all state and local regulations. Such measures may include requirements for encapsulation or transport to an appropriate disposal facility. All abatement activities shall be in compliance with California and Federal OSHA requirements. Only lead-based paint trained and certified abatement personnel shall be allowed to perform abatement activities. All lead-based paint removed from these structures shall be hauled and disposed of by a transportation company licensed to transport this type of material. In addition, the material shall be taken to a landfill or receiving facility licensed to accept the waste. Following completion of the lead based paint abatement, the lead based paint consultant shall provide a report to the Community Development Department documenting the abatement procedures used, the volume of lead based paint materials removed, where the material was moved to, and include transportation and disposal manifests or dump tickets.</p>
<b>Noise</b>	
<b>Noise</b>	<p><b>Measure Noise-1</b> - Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following noise attenuation measures:</p> <ul style="list-style-type: none"> <li>• Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.</li> <li>• During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All</li> </ul>

<b>Proposed Mitigation Measures</b>	
	<p>stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residences as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.</p> <ul style="list-style-type: none"> <li>• Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets.</li> <li>• All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes.</li> <li>• The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.</li> </ul>
<b>Transportation And Traffic</b>	
<b>Parking Access</b>	<p><b>Measure Trans-1</b> - The final design of access control to the parking structure will be subject to review and approval by the City Traffic Engineer prior to issuance of the occupancy permit for the project.</p> <p><b>Measure Trans-3</b> – The project will be required to provide two feet six inches dedication to widen the alley as required by the Street Master Plan.</p>
<b>Construction Impact</b>	<p><b>Measure Trans-2</b> - The applicant shall prepare a Construction Management Plan to include the following:</p> <ul style="list-style-type: none"> <li>• Hours of Construction shall be limited between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday.</li> <li>• All delivery trucks shall be scheduled during “off-peak” hours, when vehicle and pedestrian traffic is minimal.</li> <li>• Off-site on-street parking for project construction shall be prohibited on all adjacent streets and alleys. Construction-Related Parking shall be on-site. The contractor shall provide the City with Construction Management Plans, which address employee and construction-related parking, schedule of construction, and number of vehicle anticipated</li> </ul>

### Proposed Mitigation Measures

on-site.

- All construction-related trucks destined to the site shall follow the City's truck route plan. The contractor shall coordinate with the City to determine the most adequate route, identify the volume of trucks destined to the site, and delivery/hauling logistics.
- A fence shall be installed along the perimeter of the project site to ensure the safety of pedestrians in the neighborhood. The contractor shall provide a flagman at the project site entrance to reduce any conflicts with cars, trucks, and pedestrians.
- All heavy hauling and delivery of large construction supplies will be subject to the issuance of heavy hauling permits issued by the Department of Public Works, Engineering Division. Heavy hauling and routing shall be approved by the Engineering Office of the City of Beverly Hills.
- In addition, due to the proximity of the site to Beverly Hills High School, the Engineering Division shall require additional safety measures during the construction phase of the project, including prohibiting heavy vehicle delivery or hauling during the hours that school is opening or closing, as well as excluding the use of the roadway adjacent to the school for construction related transporting to and from the site. These measures will also include a requirement for flagmen to be present for traffic control purposes.
- The project applicant shall be required to keep the site and adjacent areas clean during construction.

# **Draft Environmental Impact Report**

(Provided as part of July, 2009 Planning commission Packet)

# **Project Applications**

CITY OF BEVERLY HILLS  
COMMUNITY DEVELOPMENT DEPARTMENT  
APPLICATION FOR DENSITY BONUS PERMIT

SEP 08 2008

Project Address: 9936 DURANT DRIVE

Legal Description: 7710 788, 789  
Tract Block Lot(s)

Property Owner

Applicant or Agent

Name: GALE ONE PROPERTIES

Name: BIJAN & ASSOCIATES

Address: P.O. BOX 492016

Address: 6399 WILSHIRE BL, #105

City: LOS ANGELES, CA.

City: LOS ANGELES

State & Zip: CA. 90049

State & Zip: CA. 90048

Phone/Fax: (310) 991-3020

Phone/Fax: (323) 655-6404

Project Description

13 CONDOMINIUM UNIT IN 4 STORIES OVER 2 LEVELS OF SUBTERRANEAN  
PARKING GARAGES. 2 OF THE UNITS WILL BE ASSIGNED FOR MODERATE  
INCOME AFFORDABLE HOUSEHOLDS.

Land Use Designation (Zone): R-4

Site Size: 11,991 S.F.

Site Area Requirement (Sec. 10-3.1204): 1,100 S.F.

Maximum Number of Units Allowed (Site Size/Site Area Requirement): 11 UNITS

Proposed Number of "Eligible Units" (Show Calculation):

2 UNITS

2 ÷ 11 = 18.18% OR 13% DENSITY BONUS APPLIED FOR

Information regarding units to be reserved for "eligible households":

	Type of Eligible Household			
	Low/Mod Income	Lower Income	Very-Low Income	Senior
Number of Units	2			

Number of Density Bonus Units Requested: 2

Total Number of Units In Project (Include Density Bonus Units): 13

### INCENTIVES

Indicate below all incentives the applicant seeks as provided in Section 10-3.1526 of the B.H.M.C., pursuant to California Government Code Section 65915, (Section 10-3.1527 of the B.H.M.C., notwithstanding). Attach additional pages as necessary.

#### Construction Incentives

The applicant seeks the following construction incentives. (Check all boxes that apply.) Attach schedule showing Code requirement and requested modification from the Code requirement for each incentive checked.

- Section 10-3.1526(a)(b)(1); reduction in the required minimum floor area of the minimum number of units that are required to qualify the project for the Density Bonus Permit and which are designated for use by "eligible households."
- Section 10-3.1526(a)(b)(2); allow a greater number of guest parking requirements to be fulfilled through the use of a greater number of compact or tandem spaces than would otherwise be permitted.
- Section 10-3.1526(a)(b)(3); reduction of parking requirements.
- Section 10-3.1526(a)(b)(4); authorization of construction of an additional story in certain, limited areas.
- Section 10-3.1529.5; other modifications to development standards. (On attached schedule, be specific as to Code requirement and requested modification.)

Financial Incentives

1. Incentives In Lieu Of Bonus Units

Identify any reduction or waiver of any development application fee or tax imposed by the City on construction, or an award of a grant, loan or other money that is requested as a financial incentive in lieu of construction of any of the density bonus units pursuant to Sec. 10-3.1526(b). Be specific as to type and dollar amount.

NONE

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2. Additional Financial Incentives

Identify the type and dollar amount of any additional financial incentives requested from the City, including the reason for the request.

NONE

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CITY OF BEVERLY HILLS  
COMMUNITY DEVELOPMENT DEPARTMENT  
DEVELOPMENT PLAN REVIEW PERMIT

Project Address: 9936 DURANT DRIVE, BEVERLY HILLS, CA.

Legal or Assessor's Description: LOTS 788 & 789, TRACT NO. 7710, IN CITY OF BEVERLY HILLS, COUNTY OF LA, STATE OF CA., MAP BOOK 83, PAGES 94 & 95.

Landowner

Name: GALE ONE PROPERTIES, LLC

Address: P.O. BOX 492016

City: LOS ANGELES,

State & Zip: CA. 90049

Phone: (310) 991-3020

Fax: (310) 659-1876

Applicant or Agent

Name: BIJAN & ASSOCIATES

Address: 6399 WILSHIRE BLVD., SUITE 105

City: LOS ANGELES

State & Zip: CA. 90048

Phone: (323) 655-6404

Fax: (323) 655-6499

Project Description

13  
13  
N-UNIT CONDOMINIUM IN 4 STORIES OVER 2 LEVELS OF SUBTERRANEAN PARKING GARAGES.

Site Size: 11,991 S.F.

Floor area of existing structure: ± 12,145 S.F. FAR: N/A

Floor area of proposed addition or new structure: 24,951<sup>S.F.</sup> FAR: —

Square footage of basement, non-story and/or parking levels: 10,063 + 10,433 = 20,496 S.F.  
P1 P2

Square footage of total roof area: 5,374 S.F.

Square footage of "roof features" (skylights, clerestories): 139 S.F.

Distance from front property line: 10 FEET

Distance from side property lines: 9 FT. 10 FT.

Distance from rear property line: 15'-7"

Height of existing structure (as defined by Code): \_\_\_\_\_

Number of stories: 2 In Feet: ± 28'

Height of proposed addition or of new structure (as defined by Code): \_\_\_\_\_

Number of stories: 4 In Feet: 45

I, Bijan Armandpour, have read and understand all statements including the supplement to application attached to this application. I am the property owner or authorized agent of the subject property. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.

[Signature] ARCHITECT 12.18.07  
Signature of ( ) Property Owner or (X) Authorized Agent Date

I, Judal B. Farhi c/o Gale One Properties LLC, am the property owner of the subject property. I have read and understand all foregoing statements, and hereby authorize the processing of this application.

[Signature] 12.18.07  
Signature of Property Owner Date

\_\_\_\_\_  
(for office use only)

Date received: \_\_\_\_\_

Application fee Paid: \_\_\_\_\_

Notice fee Paid: \_\_\_\_\_

APPLICATION FOR ENVIRONMENTAL ASSESSMENT  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
CITY OF BEVERLY HILLS

Date submitted \_\_\_\_\_ Project Identification No. \_\_\_\_\_

Project name TENTATIVE TRACT NO. 70035

Project address 9936 DURANT DRIVE

Between MORENO DRIVE and CHARLEVILLE BLVD.

County Assessor Map Book 4328 Page 004

Parcel Number(s) 008

Applicant's name GALE ONE PROPERTIES LLC. Phone (310) 991-3020

Address PO BOX 492016 City LOS ANGELES Zip 90049

Agent's name HARVEY A. GOODMAN, C.E. Phone (310) 829-1037

Address 834 17th St., #5 City SANTA MONICA Zip 90403

PROJECT DESCRIPTION AND SCOPE NEW 4 STORY, 13 UNIT Condo project

W/TWO LEVEL SUBTERRANEAN GARAGE .32 UNIT

PARKING SPACES and 3 GUEST PARKING SPACES, W/  
ADDITIONAL 6 PARKING SPACES

(Please Print)

I, Judah FARAH, have read and understand all statements including the Supplement to Application attached to this application. I am the property owner or authorized agent of subject property. I hereby declare (affirm) that the foregoing statement, facts, and attached report are true and correct.

Judah Farah c/o Gale One Properties, LLC 12/4/07  
Signature of: ( ) Property Owner or ( ) Authorized Agent Date

For Office Use Only

Date material received \_\_\_\_\_ Received by \_\_\_\_\_

Amount of initial fee received \_\_\_\_\_ Amount of additional fee received \_\_\_\_\_

Material check by \_\_\_\_\_ and determined to be (complete)

(incomplete). If incomplete, applicant notified on date \_\_\_\_\_ by (phone -

mail - other) \_\_\_\_\_ to supply missing information \_\_\_\_\_

Date Filed \_\_\_\_\_

Environmental Information Form  
(To be completed by applicant)

GENERAL INFORMATION

1. Name, address, and telephone number of person to be contacted concerning this project:  
HARVEY A. GOODMAN - 834 17th St #5 SANTA MONICA 90403 (310) 829-1037
2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

Tentative MAP

3. Existing zoning district: R4

4. Proposed use of site (Project for which this form is filed):

3X UNIT CONDOMINIUM PROJECT

PROJECT INFORMATION

5. Site size 11,991 S.F. 6. Number of floors of construction 4
7. Floor area 22,793 S.F. 8. Off-street parking proposed 41
9. Proposed scheduling 18 months after permit
10. If the project is associated with an-other project, what is the other project? N/A
11. If the project(s) is(are) to be developed in stages, explain. N/A

12. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. See Attachment

13. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. N/A

14. If industrial, indicate type, estimated employment per shift, and loading facilities. N/A

15. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. N/A

16. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. N/A

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

YES NO

- 17. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.
- 18. Change in scenic views or vistas from existing residential areas or public lands or roads.
- 19. Change in pattern, scale or character of general area of project.
- 20. Significant amounts of solid waste or litter.
- 21. Change in dust, ash, smoke, fumes or odors in vicinity.
- 22. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.
- 23. Substantial change in existing noise or vibration levels in the vicinity.
- 24. Site on filled land or on slope of 10 percent or more.
- 25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)
- 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)
- 28. Relationship to a larger project or series of projects.

ENVIRONMENTAL SETTING

- 29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted. *See ATTACHED*
- 30. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted. *See attached*

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Before the City can accept this application as complete, the applicant must consult the State Department of Health Services' Hazardous Waste Sites Lists {filed annually with the State Office of Planning and Research (OPR) pursuant to Government Code 65962.5} and submit a signed statement indicating whether the project and any alternatives are located on a site which is included on any such list, and shall specify any list. In the event that the project site and any alternatives are not listed on any list compiled pursuant to Government Code 65962.5, then the applicant must certify that fact as provided under #35. below.

32. Specify any list pursuant to Section 65962.5 of the California Government Code:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

33. Regulatory identification number: N/A

34. Date of List: N/A

35. If the project does not appear on any list compiled pursuant to Section 65962.5, the following certification must be completed:

I have consulted the lists compiled pursuant to Section 65962.5 of the Government Code and hereby certify that the project and any alternatives proposed in this application are not contained on these lists.

Date: 12/4/07 \_\_\_\_\_  
(Signature)

For: GALE ONE PROPERTIES LLC  
(Applicant)

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 12/4/07

  
(Signature)

For Gale One Properties, LLC

CITY OF BEVERLY HILLS

APPLICATION FOR SUBDIVISION (TENTATIVE MAP)

Proposed Tract No. 70035 Date 11-26-07

Owner(s) GALE ONE PROPERTIES

Owner's Address P.O. BOX 492016 Phone (310) 991-3020  
LOS ANGELES, CA Fax (310) 659-1876

Engineer or Surveyor HARVEY GOODMAN - CIVIL ENGINEER

Address 834 17th STREET Phone (310) 829-1037  
SANTA MONICA, CA 90403 Fax (310) 828-5062

Legal description of all parcels of property under consideration:

TRACT # 7710, LOTS 788 AND 789, MAP BOOK 83  
PAGES 94 AND 95. RECORDS OF LOS ANGELES  
COUNTY.

See current Fee Schedule for Subdivision Fees

Note fee differences for:  
Request filed without other application  
Request filed with other application  
Vesting map request with other application

No. of Lots 1

No. of Units X 13

Condominium conversions

Owner's Signature

[Signature]  
410 Gale One Properties, LLC

CITY OF BEVERLY HILLS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
APPLICATION FOR R-4 PERMIT

Project Address: 9936 DUPONT DRIVE

Legal Description: 7710 - 788 & 789  
Tract Block Lot(s)

Property Owner

Applicant or Agent

Name: GALE ONE PROPERTIES

Name: BIXEN & ASSOCIATES

Address: P.O. BOX 492016

Address: 6399 WILSHIRE BLVD #105

City: LA

City: LA

State & Zip: CA. 90049

State & Zip: CA. 90048

Phone: (310) 991-3020

Phone: (323) 655-6404

Fax: (310) 659-1876

Fax: (323) 655-6499

The applicant seeks an R-4 Permit to allow the following (check all boxes that apply):

- Allow an accessory structure located within a required rear yard setback to be rebuilt {Sections 10-3.2808(b)(c)}.
- Allow a maximum of two rooftop bathrooms associated with rooftop swimming pools or spas to exceed the height limit {Section 10-3.804(b)}.
- Allow the depth of modulation required to be reduced {Section 10-2806(d)}.
- Allow a basement garage to encroach into the front setback if the building is subject to the requirements of Title 9, Chapter 7 of the BHMC concerning protection against water intrusion {(Section 10-3.2811(e))}.
- Allow an additional five-foot paved walkway within the front yard setback area {Section 10-3.2813(c)}.
- Allow the equivalent of one, five-foot walkway in the front yard per fifty feet (50') of frontage along the front lot line {Section 10-2813(d) or (e)}.
- Allow additional setback encroachments for multiple-family uses in the RMCP Zone {Section 10-3.1238(a)}. (NOTE: Effective October 9, 2004)



This is to give notice of the intent of the owner of this property to seek an R-4 Permit from the following Code provisions (check applicable boxes).

- Allow an accessory structure located within a required rear yard setback to be rebuilt or expanded {Sections 10-3.2808(b)(c)}.
- Allow a maximum of two rooftop bathrooms associated with rooftop swimming pools or spas to exceed the height limit {Section 10-3.804(b)}.
- Allow the depth of modulation required to be reduced {Section 10-2806(d)}.
- Allow a basement garage to encroach into the front setback if the building is subject to the requirements of Title 9, Chapter 7 of the BHMC concerning protection against water intrusion {Section 10-3.2811(e)}.
- Allow an additional five foot paved walkway within the front yard setback area {Section 10-3.2813(c)}.
- Allow the equivalent of one five foot walkway in the front yard per fifty feet (50') of frontage along the front lot line {Section 10-2813 (d) or (e)}.
- Allow additional setback encroachments for multiple-family uses in the RMCP Zone {Section 10-3.1238(a)}. (NOTE: effective October 9, 2004)

The application is to be submitted to the Department of Community Development at 455 North Rexford Drive, Room G-10, Beverly Hills, California 90210 {Telephone: 310.285-1123}.

  
Signature of Applicant

BIJAN ARMANDPOUR  
Name of Applicant (Please Print)

6/23/08  
Date

# **Public Notice**

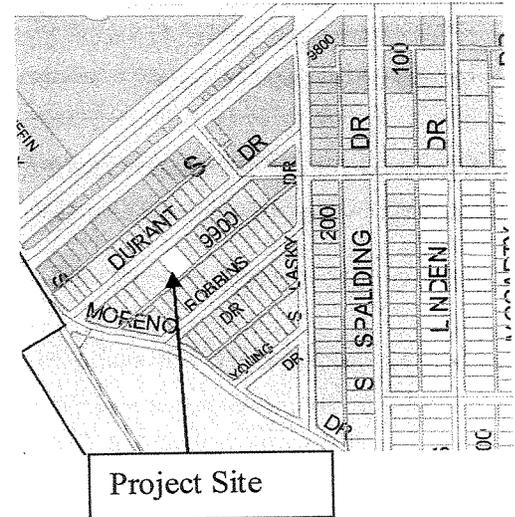


**NOTICE OF PUBLIC HEARING, COMPLETION OF  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
State Clearinghouse #2008121037 AND AVAILABILITY OF DEIR FOR  
PUBLIC REVIEW AND COMMENT**

**Date:** Thursday, July 23, 2009  
**Location:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive

**Time:** 1:30 p.m.

**Project:** *Proposed 13-Unit Condominium Project*  
9936 Durant Drive



A Draft Environmental Impact Report (DEIR) has been prepared for the proposed 13-unit condominium Project at 9936 Durant Drive. The DEIR will be released on **Tuesday, June 30, 2009** for 45-day public review and comment period. The City of Beverly Hills encourages public comment on the DEIR during this period.

The Planning Commission will hold a public hearing on the project and the DEIR on **Thursday July 23, 2009 at 1:30 PM** in Commission Meeting Room 280 A, Beverly Hills City Hall, 455 North Rexford Drive, Beverly Hills, California 90210.

**Project Location:** The project site is located at 9936 Durant Drive, on the south side of the street, between Moreno Drive to the west and Lasky Drive to the east. An alley runs along the southern edge of the project site.

**Project Description:** The project site is currently developed with a two-story, 28 foot tall, and 12,145 square foot apartment building with five dwelling units. Under the proposed project, the existing apartment building would be demolished and replaced by a four-story, 45 foot high, 24,906 square foot building containing 13 units, with two levels of subterranean parking

containing 41 parking spaces. Access to the subterranean parking would be from the alley. Two of the 13 units would be set aside as moderate income affordable units.

***Document Availability and Review Period:***

- Copies of the Draft EIR will be available for public review beginning ***Tuesday, June 30, 2009***, in the Community Development Department, Planning Services at 1<sup>st</sup> Floor, 455 North Rexford Drive, Beverly Hills, California 90210. A copy of the Draft EIR will be available for review at the Beverly Hills Public Library at 444 North Rexford Drive and a copy will be available at the City of Beverly Hills City Clerk's office located at Room 290, 455 North Rexford Drive. The Draft EIR is also available on the City's Website: [www.beverlyhills.org](http://www.beverlyhills.org).
- Copies of all relevant material, including the project case file, submitted building plans and specifications are also available for review in the offices of the Community Development Department, Planning Services of the City of Beverly Hills at 455 North Rexford Drive, Suite 100, Beverly Hills, CA 90210. If there are any questions regarding this notice, please contact Rita Naziri at 310-285-1136 or by email at [rnaziri@beverlyhills.org](mailto:rnaziri@beverlyhills.org)
- The ***45-day public comment period*** will be from ***Tuesday, June 30, 2009 through Friday, August 14, 2009***. During the public review period, written comments concerning the adequacy of the document may be submitted by any interested person and/or affected agency. To ensure that the Final EIR addresses any specific concerns that the public may have, comments should be submitted as early as possible, and no later than ***August 14, 2009***. Comments should be directed to:

City of Beverly Hills Department of Community Development /Planning Services  
455 North Rexford Drive, Suite 100  
Beverly Hills, California 90210  
ATTN: Rita Naziri, Senior Planner

If you challenge the City's action on this project, you may be limited to raising only those issues you or someone else raised as part of the public hearing process for the project.

Approved as to form:



Jonathan Lait, AICP, City Planner

Dated: June 26, 2009

# Letters

JUL 10 2009

POST OFFICE BOX 6947  
BEVERLY HILLS, CALIFORNIA 90212  
TEL. 310-553-1915 - FAX 310-553-6346  
terrancerodsky@sbcglobal.net

July 8, 2009

City of Beverly Hills  
Department of Community Development/Planning Services  
455 North Rexford Drive, Suite 100  
Beverly Hills, California 90210  
ATTN: Rita Naziri, Senior Planner

Re: Proposed 13-Unit Condominium Project; 9936 Durant Drive ("Project")

Dear Ms. Naziri:

I own the duplex directly across the street (9933 – 9935 Durant Drive) from the Project. I reviewed the relevant material in the Project case file.

I write in opposition to the above Project. My opposition is based on aesthetic as well as practical considerations.

Aesthetically, the design is off putting. The sharp corners and sterile façade is unwelcoming and clashes with building on the block which are inviting and appealing to the eye. Massive and out of scale, this Project stands in sharp relief to the remaining two story buildings on Durant Drive that possess cross-gabled roofs and court yards, porticos and bay windows, pediment crowns and multi-pane sash windows. The Environmental Initial Study correctly answered "potentially significant" to the question "Would the project substantially degrade the existing visual character or quality of the site and its surroundings?"

The building to be demolished was designed by Robert Derrah. It has historical significance and is worthy of conservation as a "character contributing building". The Colonial Revival style adds value to the neighborhood, encourages tenants and owners to look upon their apartments and condominiums as homes, not housing units.

What impact will the Project have on Durant Drive? To see this impact, you need only look at the 200 block of Spalding Drive. The east side consists almost entirely of two story multifamily buildings, charming, proportional, projecting an image of neighborhood. The east side is increasingly dominated by multistory buildings, while outwardly attractive, contribute little to a sense of neighborhood. Again, the Environmental Initial Study correctly answered "potentially significant" to the question "Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulative considerable" means that the incremental effects of a

project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?”

Practically, traffic and parking will be exacerbated by plopping this combination of concrete and steel down in the middle of the block. The Circulation Study conducted by Coco Traffic Planners, Inc. is unpersuasive and counterintuitive. Replacement of 5 apartments centered around an open courtyard all accessible on the ground level with 13 condominiums does not lead to the conclusion that “motorists will not be able to detect any change in traffic operations due to the traffic generated by the proposed project.” Are condominium owners more or less likely to drive to shop and to work when most cannot access their units except through underground parking and elevators? Are purchasers of condominiums in this projected price range more or less likely to be composed of families where both adults work? Are the current apartments more restrictive as to the number of occupants? Do the current apartments favor retired individuals whose daily schedule does not include trips to the office? What number of students will reside in these 13 condominiums compared to the 5 apartments? These questions are not addressed except to the extent that one accepts square footage as a reliable metric for calculating “Trip Ends”.

The proximity to Beverly Hills High School requires careful consideration, not only in terms of what impact it will have on students walking and driving to school, but the impact of encouraging construction of multistory buildings to encroach upon (and soon to abut against) the area surrounding the architectural treasure that is Beverly Hills High School.

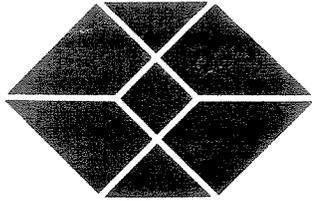
Does approval of this Project undercut arguments against the proposed monstrosity that is planned at the Jimmy’s site at Santa Monica Boulevard and Moreno Drive?

I urge the rejection of this Project and endorse Alternatives 1 and 2 as discussed in the body of the Environmental Impact Report.

Very truly yours,

  
TERRANCE B. RODSKY

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December 10, 2008

City of Beverly Hills  
Department of Community Development  
455 North Rexford Drive, Suite 100  
Beverly Hills, CA 90210  
Attn: Rita Naziri, Sr. Partner

**RE: Proposed 13-Unit, 4-story Condo Project at  
9936 Durant Drive, Beverly Hills, California 90212**

Dear Ms. Naziri:

We write to object to the proposed construction project located at 9936 Durant Drive, Beverly Hills, California 90212 (the "Project").

We are the Board of Directors for the Condominium Building, Durant Towers, located at 9950 Durant Drive, which is located next door to, and directly west of the proposed Project. Durant Towers is a five story condo building that was built 45 years ago. During the last four and one-half decades we have experienced, and have been impacted by, tremendous traffic increase and serious parking issues. Currently, it is often impossible to find a parking space on either side of Durant Drive. For example, the City of Beverly Hills has parking restrictions for street cleaning four days per week between 3:00 a.m. and 10:00 a.m. and, as such, there is NO parking available during this two-hour window four days per week on one side of the street (which makes the other side completely full and it is impossible to find a parking space). At other times, the street is so full that vendors and guests have nowhere to park.

Additionally, Durant Drive is already an extremely busy and congested street since the entrance/exit to Beverly Hills High School is at the end of our street and this entrance/exit has recently been upgraded to help navigate students, parents and visitors to this area. We also understand that a 47-story condominium building will be built sometime next year next to this entrance/exit area at the corner of Moreno Drive and Santa Monica Boulevard. This "goliath" will also add tremendous traffic pressure to an already over burdened and over crowded area.

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Furthermore, the alley that runs behind and parallel to Durant Drive also becomes extremely congested with traffic from adjoining condominiums and apartments on Durant Drive and Robbins Avenue, as well as with students and parents using the alley to gain access and egress to and from the high school. It is critical to note that high school students also use the alley to walk to and from school and often are in danger of being injured by the many cars that "fly" down the alley trying to skirt around the traffic on Durant Drive, Robbins Avenue, Moreno Avenue, and the other adjacent streets surrounding the high school. To replace a 5-unit apartment building with a 13-unit condo building that uses the alley as its entrance/exit will only increase traffic congestion to an already over congested, single-lane alley, and add parking and traffic pressure to an already over crowded street.

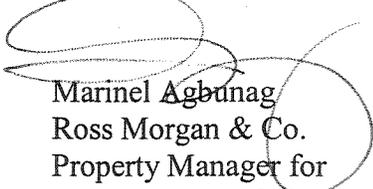
Finally, the building located at 9936 Durant was designed by the esteemed architect Robert V. Derrah in 1935. It has wonderful architecture and a delightful formal garden. This building has added charm and character to our neighborhood for decades. Robert Derrah also designed the superb "Crossroads of the World" (1935) located at 6671 Sunset Blvd. in Hollywood, and the magnificent, ocean-liner themed, Coca-Cola Building (1936) located at 1334 So. Central Avenue in Los Angeles.

We do not have many Robert Derrah buildings left and, thus, each one has historical significance with their unique architecture and style that add significant appeal and quality to our neighborhoods. We should conserve these architectural jewels and preserve them for future generations rather than destroy them for yet another ordinary condo building. We ask the City Council to seriously consider the importance of architectural conservation.

It is for these reasons that the Board of Directors for Durant Towers Owners Association respectfully OPPOSES the Project which would increase the residential density on our street and alley, adversely affect the property value and enjoyment of the homes located on Durant Drive, and rob our community of one of our City's remaining and exceptional architectural legacies.

We thank you for your attention to this matter. Should you have any questions, please contact the undersigned at 818-907-6622, ext. 273.

Sincerely,



Marinel Agbunag  
Ross Morgan & Co.  
Property Manager for  
Durant Towers Owners Association

cc: Board of Directors – Durant Towers Owners Association