



STAFF REPORT
CITY OF BEVERLY HILLS

For the Planning
Commission Meeting of
January 14, 2009

TO: Planning Commission
FROM: Ryan Gohlich, Associate Planner
THROUGH: David Reyes, Acting City Planner
SUBJECT: Time Extension request for a previously approved Development Plan Review Permit and R-4 Permit for a 10-unit condominium project located at **313-317 Reeves Drive**.



RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution approving a one-year time extension for the Development Plan Review Permit and R-4 Permit approved for the project at 313-317 Reeves Drive.

EXECUTIVE SUMMARY

Jim Young, on behalf of Reeves Drive LLC, has filed a request for a one year time extension for the Development Plan Review Permit and R-4 Permit previously approved by the Planning Commission under Resolution 1143. Approval of this request would extend the validity of the Development Plan Review Permit and R-4 Permit until September 28, 2010.

BACKGROUND

The subject project was reviewed and approved by the Planning Commission at its September 28, 2006 meeting, subject to specific conditions of approval. Issues discussed by the Commission, and mitigated through project-specific conditions, including ingress and egress locations, aesthetics and massing of the building, and construction related impacts. As conditioned, the Commission was able to make all the necessary findings to approve the Development Plan Review Permit (required for

construction of the project) and R-4 Permit (required for reduced front setback modulation and increased paving within the front setback). To date, no time extensions for the project's entitlements have been granted by the Planning Commission. Typically the Tentative Tract Map would have expired two years after its original approval without the granting of a time extension; however, Senate Bill 1185 and Assembly Bill 333 have cumulatively provided for an automatic two-year extension of the Tentative Tract Map. Therefore, the project's Tentative Tract Map is set to expire on September 28, 2010 without extension. Further, the Development Plan Review Permit and R-4 Permit have passed their expiration date of September 28, 2009, but will remain active until the Commission acts on the current request for Time Extension.

PROJECT DESCRIPTION

The previously approved project is a four-story, 45-foot tall building, with 10 units totaling approximately 20,909 square feet. The 10 units range in size and are between 1,685 and 2,867 square feet. The project consists of one 1-bedroom unit, six 2-bedroom units, and three 3-bedroom units. Ingress to a one-level subterranean garage is provided via the alley to the rear of the property. The subterranean garage contains 24 spaces and an above-ground garage at the rear of the building provides 5 parking spaces, for a total of 29 parking spaces. A 10-foot wide walkway provides access from the public sidewalk to the building. An R-4 Permit was approved to allow a reduction in the required front setback modulation and to allow a 10-foot wide walkway within the front yard setback area, instead of the 5-foot wide maximum allowed by the Municipal Code. As conditioned the outdoor living space meets the minimum area required by the Municipal Code. The locations for outdoor living space include patios/balconies located outside of the required front setback, as well as rooftop deck area.

ANALYSIS

The Planning Commission approved this 10-unit condominium project on September 28, 2006. According to Beverly Hills Municipal Code Section 10-3-207 the exercise of rights granted with the approval shall be commenced within three years after adoption of the resolution. Therefore, the Development Plan Review Permit and R-4 Permit were set to expire on September 28, 2009 without the issuance of a one-year time extension. The Planning Commission may grant up to two one-year extensions if an application is made at least thirty days prior to the expiration date of the entitlements in question. The applicant timely requested the time extension in July of 2008, more than 30 days prior to the expiration of the entitlements, however, due to confusion over recently adopted state legislature regarding automatic time extensions there was a delay between the request and the public hearing. The requested extension would extend the time limit for exercising the Development Plan Review Permit and R-4 Permit for a period of one year, to September 28, 2010.

The existing improvements on the subject site remain in place and have not been demolished. Currently the applicant is going through the plan check process and has submitted final plans to the Community Development Department for review and approval.

Beverly Hills Municipal Code Section 10-3-207 states that such extension may be granted after a duly noticed public hearing held pursuant to the same procedures applicable to the approval of the original application, if the reviewing authority determines that conditions and regulations affecting development in the City have not changed in a manner that would warrant reconsideration of the findings and decision made at the time of original approval. Staff has concluded that conditions and regulations affecting development in the City have not changed in a manner that would warrant reconsideration of the original decision to approve the project. Staff considered the fact that the City has adopted a green building ordinance for construction of new buildings. The subject project's design was completed years ago and the building has already been reviewed and approved by the Planning and Architectural Commissions and is currently going through the City's plan check process. Because the project's construction drawings have been fully developed and are in the final stages of review, meeting the City's green building standards would be very difficult, and would likely require substantial modifications to the building's design. Therefore, staff directed the applicant to review the City's green building standards and incorporate as many green building features as feasible into the project. Green building features proposed for incorporation into the final plans are as follows:

1. Sustainable Sites
 - Construction Activity pollution control plan is part of the SUSMP plan submitted to the city
 - The site is an infill site, with a high density context and community connectivity to Basic Services of all kinds, including mass transit along the Wilshire Ave corridor.
 - The project will be equipped with storage capable of securing bicycles for over 20% of the building occupants.
 - 5% of the parking stalls shall be reserved as preferred parking for occupants with low emitting and fuel efficient vehicles.
 - Stormwater management plan will cycle hardscape and overflow roof drainage through onsite planters, reducing peak discharge rates, and promoting infiltration of stormwater runoff.
 - Under cover parking and a cool roof will reduce urban heat island effects.
2. Water efficiency
 - Plant species selected for landscaping are indigenous to the area and use water from site drainage for irrigation.
3. Energy & Atmosphere

- Building energy expenditure meets Title 24, which meets minimum LEED requirements
 - Building systems will be commissioned by an independent commissioning authority.
4. Materials and Resources
 - Demolition of existing buildings will maximize the re-use of building materials in the new project
 - Construction waste will be minimized during construction
 - Local, regional materials and products will be used in the construction of the project
 5. Indoor Environmental Quality
 - All residential units are provided with operable windows and doors to facilitate natural ventilation
 - Low VOC emitting materials will be specified for all interior finishes

Additionally, staff recommends a project-specific condition of approval that places specific requirements on the diversion of construction waste from disposal. Such a condition, which would require 50% of construction waste to be diverted from disposal, is intended to more closely match the standards contained within the City's green building ordinance.

Based on the Commission's previous approval and on the proposed green building features listed above, staff recommends that the one-year time extension request for the Development Plan Review Permit and R-4 Permit be granted. If the time extension is not granted, the applicant would be required to file new applications.

PUBLIC NOTICE

Notice of the proposed project and public hearing was mailed on January 4, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet from the exterior boundaries of the property. 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

Staff Report
313 Reeves Drive
January 14, 2010

continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution, inclusive of all conditions of approval, approving the time extension for the Development Plan Review Permit and R-4 Permit for a period of one year, to September 28, 2010.


RYAN GOHLICH,
Associate Planner

Attachments:

1. Draft Planning Commission Resolution
2. Time Extension Request Letter
3. September 28, 2006 Planning Commission Resolution No. 1143

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 A DEVELOPMENT PLAN REVIEW PERMIT AND R-4 PERMIT, FOR A 10-UNIT CONDOMINIUM PROJECT LOCATED AT 313-317 REEVES DRIVE.

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

Section 1. A Development Plan Review Permit and R-4 Permit, which are components of a previously approved 10-unit condominium project (the Project) were originally approved by Resolution No. 1143, adopted on September 28, 2006. The initial approval of the Project's Tentative Tract Map was valid for a two-year period; however, Senate Bill 1185 and Assembly Bill 333 provided for a cumulative two-year automatic time extension to active tentative maps, thereby causing the Tentative Map to be valid until September 28, 2010 without extension. However, the Development Plan Review Permit and R-4 Permit are valid for a period of three years from the original date of approval and are unaffected by Senate Bill 1185 or Assembly Bill 333. Therefore, the Development Plan Review Permit (required for construction of the Project) and R-4 Permit (required for reduced front setback modulation and increased paving within the front setback) are valid for a three-year period, thus establishing an expiration date of September 28, 2009, unless a time extension is granted. The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1143. The entitlements were requested for the purposes of developing a 10-unit condominium project, on two contiguous parcels (313-317 Reeves Drive), and which would consist of a single

condominium building. The building would be a four-story, 45-foot high, approximately 20,909 square foot building. The 10 units would range in size from 1,685 to 2,867 square feet, and would utilize a one-level subterranean parking garage and an at-grade parking garage. The subterranean parking garage consists of one level and will provide a total of 24 parking spaces, while the at-grade parking garage would be located at the rear of the building and provide 5 parking spaces, for a total of 29 spaces. 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 ingress and egress, as well as construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the rights granted under Planning Commission Resolution No.1143 expire if not exercised within thirty-six (36) months of the date of adoption. Therefore, the rights granted under Resolution No. 1143 will expire at 11:59 p.m. on September 28, 2009, unless extended by the Planning Commission. Section 10-3-207 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Development Plan Review Permit and R-4 Permit for up to two, one-year time extensions, for a total of five years from the date of the initial entitlement approval. Because this is the first request for such an extension, one additional one-year time extension will remain available for the Development Plan Review Permit and R-4 Permit. The application for time extension was timely filed in July of 2008, more than 30 days prior to the expiration date of the entitlements; however, due to confusion over recently adopted state legislature regarding automatic time extensions there was a delay between the request and the public hearing. 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. Notice of the Project and public hearing was mailed on January 4, 2010 to all property owners and residential tenants within a 300-foot radius of the property. On January 14, 2010 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

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, and with the

incorporation of Project-specific conditions of approval the Project will achieve partial compliance with the City's green building standards.

2. The rights granted under Resolution No. 1143 shall be extended for one year, in order to provide the applicant with additional time to complete the final tract map process and develop the Project.

3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1143 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Development Plan Review Permit and R-4 Permit granted under Resolution 1143 through and including September 28, 2010, subject to all conditions set forth in Resolution No. 1143, and the following conditions of approval.

1. The following green building standards shall be incorporated into the final Project:

Sustainable Sites

- Construction Activity pollution control plan is part of the SUSMP plan submitted to the city
- The site is an infill site, with a high density context and community connectivity to Basic Services of all kinds, including mass transit along the Wilshire Ave corridor.
- The project will be equipped with storage capable of securing bicycles for over 20% of the building occupants.
- 5% of the parking stalls shall be reserved as preferred parking for occupants with low emitting and fuel efficient vehicles.
- Stormwater management plan will cycle hardscape and overflow roof drainage through onsite planters, reducing peak discharge rates, and promoting infiltration of stormwater runoff.
- Under cover parking and a cool roof will reduce urban heat island effects.

Water efficiency

- Plant species selected for landscaping are indigenous to the area and use water from site drainage for irrigation.

Energy & Atmosphere

- Building energy expenditure meets Title 24, which meets minimum LEED requirements
- Building systems will be commissioned by an independent commissioning authority.

Materials and Resources

- Demolition of existing buildings will maximize the re-use of building materials in the new project
- Construction waste will be minimized during construction
- A minimum of 50% of construction waste shall be diverted from disposal
- Local, regional materials and products will be used in the construction of the project

Indoor Environmental Quality

- All residential units are provided with operable windows and doors to facilitate natural ventilation
- Low VOC emitting materials will be specified for all interior finishes

2. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

3. This resolution granting the requested Time Extension shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the

City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1143 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:

Nanette H. Cole
Chair 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

David Reyes
Acting City Planner

R.G.

ATTACHMENT 2

Time Extension Request Letter

Reeves Drive South, LLC
Jim Young
26585 Sotelo
Mission Viejo, CA 92692

July 28, 2008

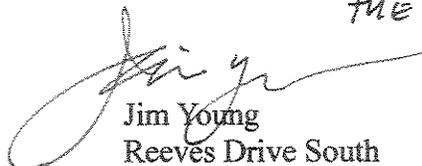
City of Beverly Hills
Planning Department
9357 W. 3rd St.
Beverly Hills, CA 90210

Re: 313-319 Reeves Drive, Tentative Tract No. 66300 Extension of Time

To Whom It May Concern:

Based on market conditions and related financial hardship we have found it necessary to apply for an extension of time on our Tentative Map and related planning approvals for this project. The Tentative Map was approved on September 28, 2006. We are hereby requesting an extension of time to record the Final Map under the current conditions of approval to September 28, 2009.

P.S. Additionally, THE COUNTY OF LOS ANGELES HAS TAKEN LONGER THAN ANTICIPATED TO REVIEW AND APPROVE THE FINAL MAP. WE INITIALLY SUBMITTED THE MAP TO THE COUNTY ON APRIL 8, 2008 AND SECOND SUBMITTAL WAS MADE SINCERELY, JUNE 16, 2008 AND WE HAVE YET TO HEAR FROM THE COUNTY FOR APPROVAL.


Jim Young
Reeves Drive South

Reeves Drive South, LLC
James I Young
26585 Sotelo
Mission Viejo, CA 92692

December 18, 2009

Mr. David Reyes
Planning Division
City of Beverly Hills
455 N. Rexford Drive Ground Floor
Beverly Hills, CA 90210

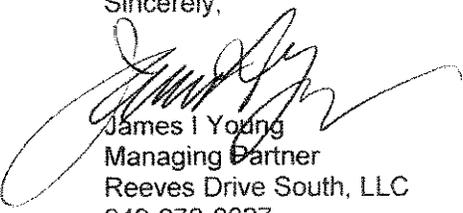
Subject: 313-317 Reeves Drive – DPR Extension for TTM 66300

Dear Mr. Reyes,

In accordance with our recent discussion, as managing partner for Reeves Drive South, LLC, I am hereby requesting that the DPR approved for this project on September 28, 2006 be extended.

Should there be any question, please give me a call.

Sincerely,



James I Young
Managing Partner
Reeves Drive South, LLC
949-878-8027

ATTACHMENT 3

September 28, 2006 Planning Commission Resolution No. 1143

RESOLUTION NO. 1143

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 66300, A DEVELOPMENT PLAN REVIEW AND R-4 PERMITS TO ALLOW CONSTRUCTION OF A TEN UNIT RESIDENTIAL CONDOMINIUM STRUCTURE ON TWO LOTS AT PROPERTY LOCATED AT 313-317 REEVES DRIVE

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

Section 1. Jim Young, on behalf of Reeves Drive South LLC, property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Tentative Tract Map No. 66300, a Development Plan Review and R-4 Permits to allow the construction of a new 10-unit, 20,909 square foot, four-story, 45 foot high condominium structure on a two-lot site for property located at 313-317 Reeves Drive (the "Project").

The Project will provide 24 parking spaces in a single level subterranean garage accessed from the rear alley and 5 at-grade parking spaces at the rear of the structure accessed from the alley, for a total of 29 spaces. The R-4 Permits are requested to allow a reduction of the required 10-foot depth of modulation for the front facade and a 10 foot wide paved walkway in the front yard.

On May 11, 2006, the Planning Commission heard a presentation from the Project architect and property owner, received public testimony, and deliberated on the proposed condominium Project at the subject location. The Commission discussed various concerns with the

owner and architect regarding the Project design and continued the meeting to June 22, 2006, with the following recommendations:

- Vehicle access to and from the building should be made from the alley, not from Reeves Drive.
- Additional modulation at the front elevation should be provided, particularly from the third and fourth levels.
- Clerestory structures should be revised or eliminated so as not to appear as a fifth story level.
- Maneuverability and internal garage circulation should be improved, eliminating three-point turns.

Subsequently, the applicant retained a new architect to modify the plans and address the recommended changes. In order to have sufficient time to address the Commission's comments, the Applicant requested continuances until the August 24, 2006 meeting, and resubmitted plans that incorporated changes in response to the prior recommendations of the Commission for consideration at the August 24, 2006 meeting.

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 pursuant to 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 May 11, June 22 and August 24, 2006, the Planning Commission held a duly noticed public hearing to consider the Project. Evidence, both written and oral, was presented at said hearing.

Section 4. The Project site is located on the west side of the 300 block of Reeves Drive in a multi-family residential (R-4) zone, between Gregory Way and Olympic Boulevard. To the west, across the rear alley, is property in the commercial (C-3) zone on South Beverly Drive. There is a consistent development of two-story structures to the north and south of the subject site, and across the street on the same block with the exception of four 4-story structures located in a row to the south of the project site. Two of these four-story structures were built in the last ten years under the current R-4 standards (345 and 353 Reeves). Overall, this block contains a variety of density, height, building age, and architectural styles.

The site is currently developed with two, two-story apartment buildings, including two rear accessory structures (garage with apartment above and a garage) comprising a total of five units. There are a total of seven enclosed parking spaces accessible from the alley. The existing structures on the two adjoining parcels would be demolished to accommodate the new condominium building.

The proposed residential condominium structure is comprised of 10 units, 20,909 square feet, four-stories, and 45 feet in height. Of the 10 units proposed, one unit will have one bedroom, six units will have two bedrooms, and three units will have three bedrooms. The unit sizes range from 1,685 square feet to 2,867 square feet.

Access to Off-Street Parking. A total of 29 off-street parking spaces will be provided for the proposed condominiums. Access to the subterranean parking level has been modified from Reeves Drive to the rear alley, and access to parking is no longer proposed from the Reeves Drive frontage of the property. Five at-grade parking spaces will be located within enclosed garages at the rear of the structure, accessible from the alley. These spaces will be within the new structure and will provide the required 15-foot rear yard setback from the alley.

Building Height. The proposed structure is within the maximum 45-foot height limit for the district, and a mansard roof parapet extends no more than 45 inches in height above the maximum height of the building as allowed by Code. The proposed project includes elevator and stair shafts to the rooftop. The four-foot height of the elevator shaft and ten-foot height of the stair shaft are permitted elements by Code above the 45-foot height limit of the building. The previously proposed clerestories and rooftop spa/bathroom have been removed from the plan.

Outdoor Living Space. Each dwelling unit is required to provide at least 200 square feet of usable outdoor living space. However, outdoor living space that projects into a required yard cannot be included in calculating this required area. The Applicant has included such areas in the Project's outdoor living space calculations resulting in substandard sized outdoor living spaces for each unit. A condition of approval has been added requiring the modification of the outdoor living spaces to provide the required area accordingly.

Modulation. The Applicant has revised the plans to further set back the fourth floor from the front property line. The center of the building at the fourth floor has been set back an additional four feet, while the remainder of the front elevation at the fourth floor has been set back an additional six feet. The Project will provide a total of 1,232 square feet of front façade modulation to be located on the north and south sides of the front façade, with additional 10-foot building setbacks from the ground level up to the top of the building. This modulation exceeds the Code-required modulation of 1,010 square feet. However, balconies at the second and third levels will project and encroach four feet into the 10 feet of depth (modulation). Per Code, balcony projections into the modulated levels, located below the top level, do not count towards the area of modulation. Therefore, the applicant is requesting an R-4 Permit to reduce the 10-foot of depth of modulation for these areas.

Landscape Plan. A preliminary landscape plan has been submitted by the Applicant. A detailed landscape plan will be forwarded to the Architectural Commission for their review.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Tentative Tract Map No. 66300, 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. 66300:

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 10-unit residential condominium structure, which is permitted under the General Plan land-use designation for the Project site. Thus the proposed project is found to be consistent with the City’s General Plan.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is currently developed with two, two-story apartment buildings. Under the current zoning designation, the Project site could be developed with a maximum density of 13 units, and the infrastructure is adequate to serve the proposed 10 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 because there are no significant fish or wildlife resources or public health issues on the project site, and utilities exist that will adequately serve the demands of the project.

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, neither the design of the subdivision nor the type of improvements will cause serious public health problems or 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.

Section 8. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the Development Plan Review:

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

8.2 As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

While the existing development on this block is predominantly two stories, the current zoning standards allow for four stories, which is the anticipated development in the vicinity. This is

evidenced by the relatively new four-story developments that exist south of the site (345 and 353 Reeves Drive). The Project proposes 10 units, which is fewer than the maximum Code-allowed density of 13 units for this two-lot site. In addition, the architectural and landscape plan will be reviewed by the Architectural Commission. Therefore, because the Project adheres to the multi-family residential development standards established by the City, it is found to be consistent with the current Code and will promote harmonious development in the area.

8.3 As conditioned, the proposed Project will not create any significant adverse traffic impacts nor vehicular or pedestrian safety or circulation problems. A traffic report prepared for the Project demonstrates that the Project will have a negligible traffic impact on nearby intersections and residential streets and will have adequate internal garage and driveway circulation. The replacement of seven existing off-street parking spaces with 29 off-street Code compliant parking spaces will reduce the burden of street parking on Reeves Drive for residents and guests. The City's traffic consultant recommends that the driveway ramp have a warning light system that is activated when a vehicle is entering or exiting the driveway in order to allow vehicles coming from the opposite direction to pass, and that at least one mirror should be placed to enable inbound drivers to see outbound vehicles coming toward them. A condition of approval has been added to address these concerns. In order to reduce impacts to local traffic and parking during construction, the Applicant will be required to prepare and implement a construction management plan that includes a construction parking and hauling plan. Said plan will be reviewed and approved by the Director of Community Development or his designee to determine the amount, appropriate routes, and time of day of heavy hauling truck traffic necessary for demolition and deliveries to the subject

site. Therefore, the Project will have no adverse traffic or parking related impacts on the neighborhood.

8.4 As conditioned, the proposed Project will not be detrimental to the public health, safety, or general welfare. The Project, as conditioned, will be constructed in accordance with the City's Building Code standards, and adequate open space living area has been required. As conditioned and modified by this resolution and for the reasons discussed in the foregoing paragraphs, the proposed Project will not be detrimental to the public health, safety, or general welfare.

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

9.1. Beverly Hills Municipal Code Section 10-3-2806D states that the Planning Commission may issue an R-4 permit to allow the depth of the additional setback required for front facade modulation to be reduced if findings can be made that:

1. The proposed development, as modulated, does not have an adverse impact on the scale and massing of the streetscape.

The anticipated future development of the area likely will consist of four story structures on the west side of Reeves Drive, based on current R-4 standards. Reeves Drive is a 30-foot wide street, and creation of modulated and well-articulated front facades is an important feature for new structures so as to minimize the sense of bulk, scale and massing of the streetscape. The Applicant has modified the plans to step back the fourth floor an additional four to six feet from

the original proposal, further modulating the front façade. The Applicant has also created recessed areas at each front balcony, further articulating the front façade and creating the perception of additional modulation. The proposed open design of the balcony railings also reduces the perceived encroachment of the balconies into the required modulation area. Therefore, the design of the front façade with the additional front setbacks and modulation reduces the impact of the balcony encroachments.

The Project is subject to review and approval by the Architectural Commission, which may impose additional conditions regarding the building design, articulation, architectural details, materials, and landscaping with the objective to create compatibility with neighboring structures.

9.2. Beverly Hills Municipal Code Section 10-3-2813(c) states that the Planning Commission may grant the equivalent of one, five-foot walkway in the front yard for each fifty feet of frontage along the front property if the findings can be made that:

1. The walkway is compatible with the nearby streetscape; and
2. The scale of the surrounding development.

The subject lot is 100 feet wide. Therefore, a maximum 10-foot wide walkway is permitted if authorized by an R-4 Permit. The proposed 10-foot wide walkway will be located in the middle of the site with the proposed variety of planting materials and greenery indicated on the landscape plan, along with the planter walls in the front yard of the project offsetting the paved area. The proposed width will be compatible with the scale of the structure and consistent with other large-scale structures in the multi-family residential zones.

Section 10. Based upon the foregoing, the Planning Commission hereby adopts the Negative Declaration and approves Vesting Tentative Parcel Map No. 66300, a Development Plan Review and an R-4 Permit for the Project, subject to the following conditions:

1. Except as modified by the conditions set forth hereafter, the Project shall be developed in substantial compliance with the plans submitted to and reviewed by the Planning Commission at its meeting on August 24, 2006.
2. The driveway ramp shall have a light activated when a vehicle is entering or exiting the driveway so that vehicles coming from the opposite direction can allow it to pass, and at least one mirror shall be placed to enable inbound drivers to see outbound vehicles coming toward them.
3. Prior to the issuance of a building permit, the Applicant shall revise the plans to provide the minimum 200 square feet of outdoor living space for each unit as required by Code.
4. Prior to the issuance of a building permit, the Applicant shall revise the plans to show the walkway in the front yard not to exceed ten (10) feet in width.
5. Prior to the issuance of a building permit, the Applicant shall modify the plans to flare the driveway apron and set back the walls adjacent to the driveway at the alley so that drivers coming out of the garage shall have sufficient visibility of oncoming vehicles and any objects in the alley that could impede turns into the alley.
6. Prior to the issuance of a building permit, the applicant shall modify the plans to show mirrors positioned at the bottom of the driveway ramp in such a way as to facilitate visibility of oncoming vehicles both entering and exiting the subterranean level.

7. The width of the island in the center of the driveway to and from the subterranean parking area shall be minimized to the extent feasible to maximize the drive aisle widths.
8. The low wall adjacent to the driveway at the intersection with the alley shall be replaced with fencing to be approved by the Community Development Department, to allow visibility of the alley so as to enhance traffic safety for vehicles exiting the subterranean parking.
9. The Project shall be designed with a system to allow guest access to and egress from the subterranean parking area, which shall be reviewed and approved by the Planning Department and the Building and Safety Department prior to issuance of building permits.
10. Prior to the issuance of building permits the City's traffic consultant shall review and approve the circulation and design of the subterranean parking and access designs, including the guest access and egress system.
11. The exterior of the fourth floor shall be finished in alternative colors and materials than the other floors so as to conform to the renderings presented for the Planning Commission's consideration on August 24, 2006, and to address issues of bulk and mass.
12. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/ Recreation and Parks Department. (Attached is the list of standard conditions.)
13. The Applicant shall submit a Construction Management Plan to the Department of Community Development for review and approval prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:
 - a. Written information about the construction parking arrangements, and hauling activities at different stages of construction to be reviewed and approved by the

Engineering Division of Public Works and the Building & Safety Department. On-street parking shall be prohibited at all times. The plan shall indicate arrangements for construction parking at a nearby site where the workers can be transported to and from the Project site.

- b. Information regarding the anticipated number of workers, the location of parking with respect to schedules of the construction period, the arrangements of deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertaining information regarding construction related traffic.
- c. The proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

14. The Project shall comply with the Fire Department's applicable conditions.

Standard Conditions

- 15. Construction vehicular movements in and out of the construction site shall be controlled by flagmen located on Reeves Drive and the adjacent alley, to the extent necessary to ensure traffic safety.
- 16. In addition to the conditions set forth in this Resolution, the Tentative Tract Map shall comply with all conditions required by the City's various departments, including but not limited to the conditions, if any, imposed by the Departments of Public Works, Engineering, Building & Safety, Fire and Police. A copy of the standard conditions from the Public Works/Engineering Department is attached hereto as Exhibit A and incorporated herein by this reference.

17. During construction, the Applicant shall install a minimum twelve foot (12') construction fence to reduce noise and dust impacts on neighboring properties.
18. In accordance with the provisions of Section 10-2-704 of the Beverly Hills Municipal Code, prior to approval of the Final Map, the Applicant shall submit a copy of the proposed covenants, conditions and restrictions (CC&Rs) for the Project to the City Attorney for review and approval, which CC&Rs shall be recorded before or at the same time as recordation of the final map.
19. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding the maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the contact person on the site in a location readily visible to the general public and approved by the Director of Community Development. Said signs shall also include the name and number for a City contact from the Community Development Department. The representatives' phone numbers provided shall be manned at all times.
20. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed and/or relocated unless approval from the Department of Recreation and Parks is obtained.

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

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

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

25. The conditions set forth in this resolution shall run with the land and shall remain in force for the duration of the life of the Project.
26. This resolution approving Tentative Tract Map No. 66300 and issuing a Development Plan Review and R-4 Permits (collectively the "Approvals") shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

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

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

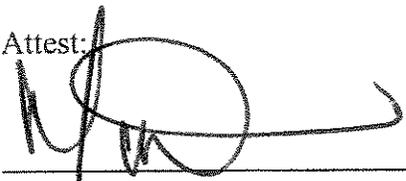
Section 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: September 28, 2006



Stacy Marks
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



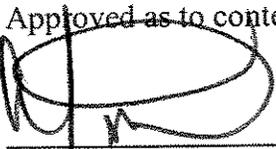
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Mahdi Aluzri 
Director of Community Development



David D. Gustavson
Director of Public Works & Transportation

EXHIBIT A

**PUBLIC WORKS/ENGINEERING
STANDARD CONDITIONS LIST**

CITY OF BEVERLY HILLS
STANDARD CONDITIONS LIST
FOR THE PLANNING COMMISSION

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of \$5,638.80*, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (*The tax figure is adjusted annually.)
4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

Standard Conditions List
for the Planning Commission

7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. The applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the project.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-

Standard Conditions List
for the Planning Commission

lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.

20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

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

I, MAHDI ALUZRI, Secretary of the Planning Commission and Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1443 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on September 28, 2006, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Furie, Krasne, Reims, Melamed, and Marks.

NOES: None.



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