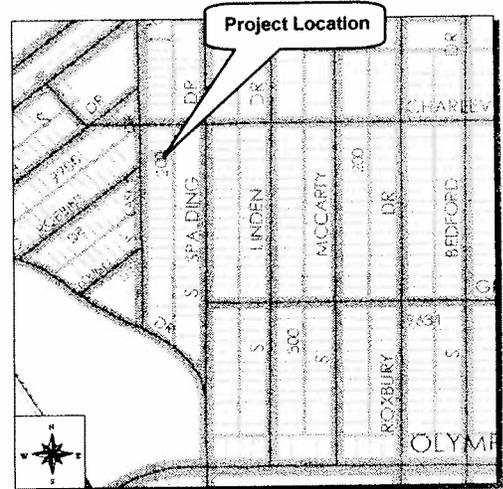




STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning
Commission Meeting of
May 13, 2010**

TO: Planning Commission
FROM: Georgana Millican, Associate Planner
THROUGH: Jonathan Lait, AICP, City Planner *for*
SUBJECT: Time Extension request for a Development Plan Review Permit for a four-unit condominium project located at **208 Lasky Drive.**



RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution approving a one-year time extension for a Development Plan Review Permit approved for the project at 208 Lasky Drive.

EXECUTIVE SUMMARY

B. Raeen Construction, applicant, has filed a request for a one year time extension for a Development Plan Review Permit previously approved by the Planning Commission under Resolution 1464. The Development Plan Review Permit was approved in conjunction with Tentative Parcel Map No. 68061, but recent state laws have automatically extended that approval until April 25, 2012. Approval of the requested time extension would extend the time limit to exercise the Development Plan Review Permit from April 25, 2010 to April 25, 2011.

BACKGROUND and DISCUSSION

The subject project was reviewed by the Planning Commission and approved at its April 25, 2007 meeting, subject to specific conditions of approval. Issues discussed by the Commission, and mitigated through project-specific conditions of approval, included construction related impacts. As conditioned, the Commission was able to make all the necessary findings to approve the project and its associated entitlements.

Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, Development Plan Review Permits are valid for an initial period of three years, and can be extended by the Planning Commission for up to seven (7) years beyond the original approval date, if they were approved in conjunction with a Tentative Map. Pursuant to BHMC Section 10-2-206, Tentative Maps are valid for an initial period of two years and can be extended for up to three (3) year beyond the expiration date.

However, in recognition of the difficulty developers have had in obtaining construction financing for entitled projects, two recent state laws have been enacted to automatically extend the life of previously approved Tentative Maps: Senate Bill 1185 and Assembly Bill 333. These automatic extensions, which are described below, do not apply to associated discretionary entitlements, as in this case, the Development Plan Review Permit, and those entitlements may be extended consistent with local ordinance.

Based on the original approval date, the Development Plan Review Permit would have expired on April 25, 2010 and the Tentative Parcel Map would have expired on April 25, 2009. To date, no time extensions for the project's entitlements have been granted by the Planning Commission.

SB 1185 provides for an automatic one-year time extension for Tentative Maps if:

- It was approved prior to July 15, 2008;
- It had not expired as of July 15, 2008; and
- It would have otherwise expired prior to January 1, 2011.

AB 333 provides for a two-year time extension for Tentative Maps if:

- It was approved prior to July 15, 2009;
- It had not expired by July 15, 2009; and
- It would have otherwise expired prior to January 1, 2012.

The subject Tentative Parcel Map, based on its original approval date of April 25, 2007 and original expiration date of April 25, 2009, qualifies for the extensions provided for by the recent legislation and therefore is valid until April 25, 2012 and not a part of this request.

PROJECT DESCRIPTION

The approved project is a three-story, 33-foot tall building, with four units and twelve parking spaces. The four units range in size and are between 1,340 and 2,936 square feet. The project consists of three (3) two-bedroom units and one (1) three-bedroom units. Ingress to a one-level subterranean garage with 12 parking spaces is provided from the alley via a twelve-foot (12) wide driveway. The outdoor living space complies with the Municipal Code requirements.

ANALYSIS

The Planning Commission approved this four-unit condominium project on April 25, 2007. According to Beverly Hills Municipal Code Section 10-3-207 the exercise of rights granted with the Development Plan Review approval shall be commenced within three years after adoption of the resolution. Therefore, this entitlement would have expired on April 25, 2010 without the issuance of a one-year time extension. The applicant timely requested the time extension prior to the expiration of the entitlements. The requested extension would extend the time limit to exercise the Development Plan Review for a period of one year, to April 25, 2011.

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. Situations such as this are reflected in the green building ordinance which exempts projects that have been submitted to the City for discretionary review and been deemed complete.

Staff recommends that the one-year time extension request for the Development Plan Review Permit be granted. If the time extension is not granted, the applicant would be required to file new applications.

PUBLIC NOTICE

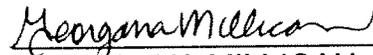
Notice of the proposed project and public hearing was mailed on April 30, 2010 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within 500 feet from the exterior boundaries of the

Staff Report
208 Lasky Drive
May 13, 2010

property. To date, staff has not received any comments in regard to the time extension request.

ENVIRONMENTAL DETERMINATION

The Project has been assessed in accordance with the authority and criteria contained in 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. Projects which involve the construction of a multi-family building with not more than six dwelling units are categorically exempt from CEQA pursuant to Section 15303 (b) of the State CEQA Guidelines. The project represents a one year extension of time to exercise the development rights of discretionary permit to construct a four (4) unit condominium building. Therefore, this project has been determined to be exempt from further environmental review.



GEORGANA MILLICAN,
Associate Planner

Attachments:

1. Draft Planning Commission Resolution
2. Time Extension Request Letter
3. April 25, 2007 Planning Commission Resolution No. 1464

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A ONE-YEAR TIME EXTENSION FOR A DEVELOPMENT PLAN REVIEW PERMIT FOR A FOUR-UNIT CONDOMINIUM PROJECT LOCATED AT 208 LASKY DRIVE.

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

Section 1. Tentative Parcel Map No. 68061 and its associated Development Plan Review Permit which proposes a four-unit condominium project (the Project) were originally approved by Resolution No. 1464, adopted on April 25, 2007.

Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, Development Plan Review Permits are valid for an initial period of three years, and can be extended by the Planning Commission for up to seven (7) years beyond the original approval date, if they were approved in conjunction with a Tentative Map. Pursuant to BHMC Section 10-2-206, Tentative Maps are valid for an initial period of two years and can be extended for up to three (3) year beyond the expiration date.

Two recent state laws have been enacted to automatically extend the life of previously approved Tentative Maps: Senate Bill 1185 and Assembly Bill 333. These automatic extensions do not apply to associated discretionary entitlements, as in this case, the Development Plan Review Permit, and those entitlements may be extended consistent with local ordinance.

Based on the original approval date, the Development Plan Review Permit would have expired on April 25, 2010 and the Tentative Parcel Map would have expired on April 25, 2009. To date, no time extensions for the project's entitlements have been granted by the Planning Commission.

The subject Tentative Parcel Map, based on its original approval date of April 25, 2007 and original expiration date of April 25, 2009, qualifies for the extensions provided for by the recent legislation and therefore is valid until April 25, 2012 and not a part of this request.

The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1464. The entitlements were requested for the purposes of developing a four-unit condominium project with a height of three stories/33 feet and twelve parking spaces. The units would range in size from 1,340 to 2,936 square feet, and would utilize a subterranean parking garage with ingress/egress via the alley. 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 project and construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Sections 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review Permit rights granted under Planning Commission Resolution No.1464 expire if not exercised within thirty-six (36) months of the date of adoption. Therefore, the rights granted under Resolution No. 1464 expire at 11:59 p.m. on April 25, 2010, 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 for up to two, one-year time extensions, for a total of five years from the date of the initial entitlement approval.

The application for time extension was timely filed prior to the expiration date of April 25, 2010.

Section 3. The Project has been assessed in accordance with the authority and criteria contained in 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. Projects which involve the construction of a multi-family building with not more than six dwelling units are categorically exempt from CEQA pursuant to Section 15303 (b) of the State CEQA Guidelines. The project represents a one year extension of time to exercise the development rights of discretionary permit to construct a four (4) unit condominium building. Therefore, this project has been determined to be exempt from further environmental review.

Section 4. On May 13, 2010, the Planning Commission held a duly noticed public hearing to consider the request for an extension of the Development Plan Review Permit. Evidence, both oral and written, was presented at said hearing.

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

1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval.

2. The rights granted under Resolution No. 1464 shall be extended for one year, in order to provide the applicant with additional time to complete the final parcel map process and develop the Project.

3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1464 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Development Plan Review Permit granted under Resolution 1464 through and including April 25, 2011, subject to all conditions set forth in Resolution No. 1464, and the following project-specific conditions:

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

2. 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 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 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1464 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:

Lili Bosse
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

Jonathan Lait, AICP 
City Planner



B. RAEEN CONSTRUCTION, INC.

March 22, 2010

MAR 31 2010

Department of Community Development
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210-4817

Re: 208 Lasky Dr. (Planning Approval)

To Whom It May Concern,

This is a request for a Planning Approval time Extension from the Planning Department for the Project at 208 Lasky Drive.

B. Raeen Construction

RA

Roya Ashtiani
210-208 S. Lasky Dr.
Beverly Hills CA 90212
(310) 277-3016 Home
(310) 666-6457 Cell

RESOLUTION NO. 1464

RESOLUTION-OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 68061 AND A DEVELOPMENT PLAN REVIEW PERMIT TO ALLOW CONSTRUCTION OF A FOUR UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT PROPERTY LOCATED AT 208 LASKY DRIVE

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

Section 1. Bahram Raeen of Raeen Construction, on behalf of Alex Ashtiani, property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Tentative Parcel Map No. 68061 and a Development Plan Review to allow construction of a new four-unit, 8,557 square foot, three-story, 33 foot high condominium structure on a single-lot site for property located at 208 Lasky Drive (the "Project"). The Project will provide 12 parking spaces in a single-level subterranean garage accessed from the rear alley.

Section 2. The proposal has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) (hereafter the "Guidelines"), and the City's environmental guidelines. The project consists of the construction of a multi-family residential structure totaling no more than four (4) dwelling units in an urbanized area, and thus is exempt from CEQA pursuant to Guidelines Section 15303(b).

Section 3. On January 25, 2007 and March 29, 2007, the Planning Commission held duly noticed public hearings to consider the Project. Evidence, both written and oral, was presented at said hearings.

On January 25, 2007, the Planning Commission directed the Applicant to provide the required additional modulation in the front of the building and to restudy the internal layout of the parking garage. The Applicant submitted revised plans for consideration at the March 29, 2007 meeting, which revised plans incorporated changes in response to the recommendations of the Commission, as follows:

- The Applicant has incorporated the required 10-foot modulation along the front of the building. Compliance with the required modulation eliminates the need for a R-4 Permit that was previously part of the application. As proposed, the required modulation is located along the northwest corner of the building facing the street and is in compliance with the modulation requirements.
- The Applicant has eliminated the southerly walkway. Only one walkway shall be permitted for every 50 feet of lot width.
- The Applicant revised the layout of the proposed basement garage to improve access to parking spaces. The revised garage layout was reviewed and approved by the City's Traffic Engineer as an improvement to the original design.

Section 4. The Project site is located on the east side of the 200 block of Lasky Drive, south of Charleville Boulevard, in a medium to high density, multi-family residential (R-4) zone. This block of Lasky Drive contains a variety of densities, heights, building ages and

architectural styles. The buildings are predominantly two stories in height with parking provided along the rear. The existing buildings date from the 1920s to the 1940s.

The Project site consists of a single-lot development developed with a two-story apartment building built in 1926. It includes four on-grade parking spaces along the rear yard. The existing structures on the site will be demolished to accommodate the new condominium structure.

The proposed residential condominium structure will be comprised of four units, 8,557 square feet in area and three stories (33 feet) in height. The four units will range in size from 1,340 square feet to 2,936 square feet. Three units will contain two bedrooms, and one unit will contain three bedrooms. The Project includes a one-level basement garage with space for 12 vehicles.

Parking. The one-level garage will be accessed from the alley via a 12-foot wide driveway. The garage will contain 12 parking spaces and will be a total area of 5,761 square feet. The garage will also include a trash area, an electrical room elevator, a mechanical room and a staircase. As discussed under Section 3, the Applicant revised the layout of the garage to improve access to parking spaces. The revised garage layout was reviewed and approved by the City's Traffic Engineer as an improvement to the original design.

Walkway. The walkway along the north side will be eight feet wide. As discussed under Section 3, the Applicant has eliminated the southerly walkway.

Modulation. The required modulation is located along the northwest corner of the building, facing the street and is in compliance with modulation requirements. As discussed under Section 3, compliance with modulation requirements eliminated the need for a R-4 Permit which was previously part of the application.

Outdoor Living Area. The Project complies with outdoor living area requirements by providing 308 square feet of outdoor living area, as required by Code.

Landscape Plan. A landscape plan has been submitted by the Applicant and preliminarily approved by the Architectural Commission. Both the architectural and the landscaping plans will be subject to review and approval by the Architectural Commission.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Tentative Parcel Map No. 68061, 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 is 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 Tentative Parcel Map No. 68061:

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 four-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 a two-unit, two-story apartment building. Under the current zoning designation, the Project site can be developed with a maximum density of five units, and the infrastructure to serve the proposed four-unit residential condominium structure is adequate. 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 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. A Categorical Exemption was prepared on the Project pursuant to Section 15303(b) of the California Environmental Quality Act, which is hereby incorporated by reference.

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 any public easement areas. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

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

The site currently is developed with a two-story, two-unit apartment building. As proposed, the building meets all the development standards pursuant to Section 10-3.2800 of the Beverly Hills Municipal Code. The proposed building exceeds the required modulation facing on Lasky Drive. In addition, the design of the building is subject to review and approval by the Architectural Commission which will require that the Project's design be harmonious with the development in the area. 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 significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. As noted above, the Project complies with the current Code requirements regarding density, height and parking. The proposed scale and massing are consistent with the scale and massing of the development in this area and the standards applicable to future developments. The proposed 33 foot tall structure will cast shadows to the west and north to a greater degree than does the existing 23-foot structure; however, these incrementally greater impacts are not found to be significant in light of the shadows from the existing structure, and because the potential impacts from these shadows will not occur year round.

8.4 As conditioned, the proposed Project will not create any significant adverse traffic impacts nor vehicular or pedestrian safety or circulation problems. Although the project is categorically exempt from the provisions of CEQA for the reasons set forth in Section 2 above, a

traffic report was nonetheless prepared for the Project. That study demonstrates that the Project will have a negligible traffic impact on nearby intersections and residential streets. In addition, the Applicant has revised the layout of the garage to improve accessibility to parking spaces. Furthermore, in order to ensure that local traffic and parking are not impacted 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.

8.5 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 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 foregoing, the Planning Commission hereby approves Tentative Parcel Map No. 68061 and a Development Plan Review 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 March 29, 2007.

2. The Applicant shall protect and maintain all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed or relocated unless approval from the Department of Recreation and Parks is obtained.
3. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/Recreation and Parks Department. (The list of standard conditions is attached hereto as Exhibit A, and is incorporated herein by reference.)
4. The Project shall comply with the Fire Department applicable conditions.

Standard Conditions:

5. 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 and 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 during 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.
6. Construction vehicular movements in and out of the construction site shall be controlled by flagmen located on Lasky Drive and the adjacent alley, to the extent necessary to ensure traffic safety.
7. In addition to the conditions set forth in this Resolution, the Tentative Parcel 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 and 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.
8. During construction, the Applicant shall install a minimum twelve-foot (12') construction fence to reduce noise and dust impacts on neighboring properties.
9. 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.
10. 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 Applicant representatives' telephone number provided shall be manned during construction hours.

11. 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.
12. 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 Parcel Map.
13. 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.
14. 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.

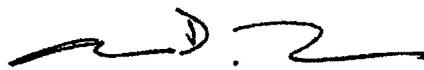
15. The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project.
16. This Resolution approving Tentative Parcel Map No. 68061 and issuing a Development Plan Review (collectively the "Approvals") shall not become effective until 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.

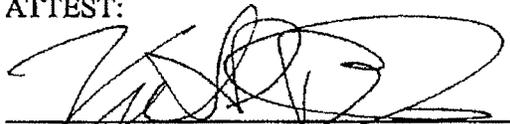
Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this Resolution, and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: April 25, 2007



Noah D. Furie
Chair of the Planning Commission
of the City of Beverly Hills, California

ATTEST:

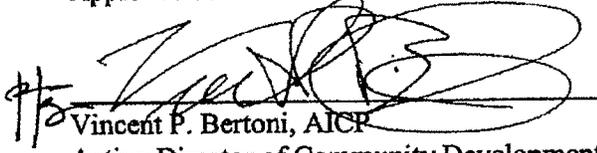

Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Vincent P. Bertoni, AICP
Acting Director of Community Development



David D. Gustavson
Director of Public Works and Transportation

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

I, VINCENT P. BERTONI, 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. 1464 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on April 25, 2007, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of three (3) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Reims, Marks, and Chair Furie
NOES: None.
ABSTAIN: None.



VINCENT P. BERTONI, AICP
Secretary of the Planning Commission /
Director of Community Development
City of Beverly Hills, California