



## Planning Commission Report

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**Meeting Date:** March 24, 2011

**Subject:** **434 North Rodeo Drive  
Hermès In-Lieu Parking**

Request to participate in the City's in-lieu parking program to allow an approximately 1,362 square foot interior expansion requiring 2 additional parking spaces for the property located at 434 North Rodeo Drive.

PROJECT APPLICANT: Brady McShane

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
  2. Adopt the attached resolution conditionally approving the request to participate in the City's in-lieu parking program.
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### REPORT SUMMARY

This report analyzes a request to participate in the City's in-lieu parking program, and whether the request for 2 in-lieu parking spaces can be accommodated within the City's current supply of public parking spaces.

**Attachment(s):**

- A. Zoning Compliance Table
- B. Staff Recommended Findings and Conditions of Approval
- C. Draft Planning Commission Resolution
- D. Architectural Plans (Provided Under Separate Cover)

**Report Author and Contact Information:**

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(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	2/3/2011
Application Complete	2/22/2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	4/23/2011 (without extension request from applicant)
Applicant(s)	Brady McShane on behalf of Hermès of Paris
Owner(s)	Ballreich Investments LLC
Representative(s)	Brady McShane
Prior Project Previews	None
Prior PC Action	11 in-lieu parking spaces approved in 1977, and 1 in-lieu parking space approved in 1997 (12 total in-lieu parking spaces)
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	434 North Rodeo Drive
Legal Description	Beverly Tract, Lot 7, Block 2
Zoning District	C-3 General Commercial
General Plan	Low Density General Commercial
Existing Land Use(s)	General Retail
Lot Dimensions & Area	50' x 152.5' = 7,625 square feet
Year Built	1957
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

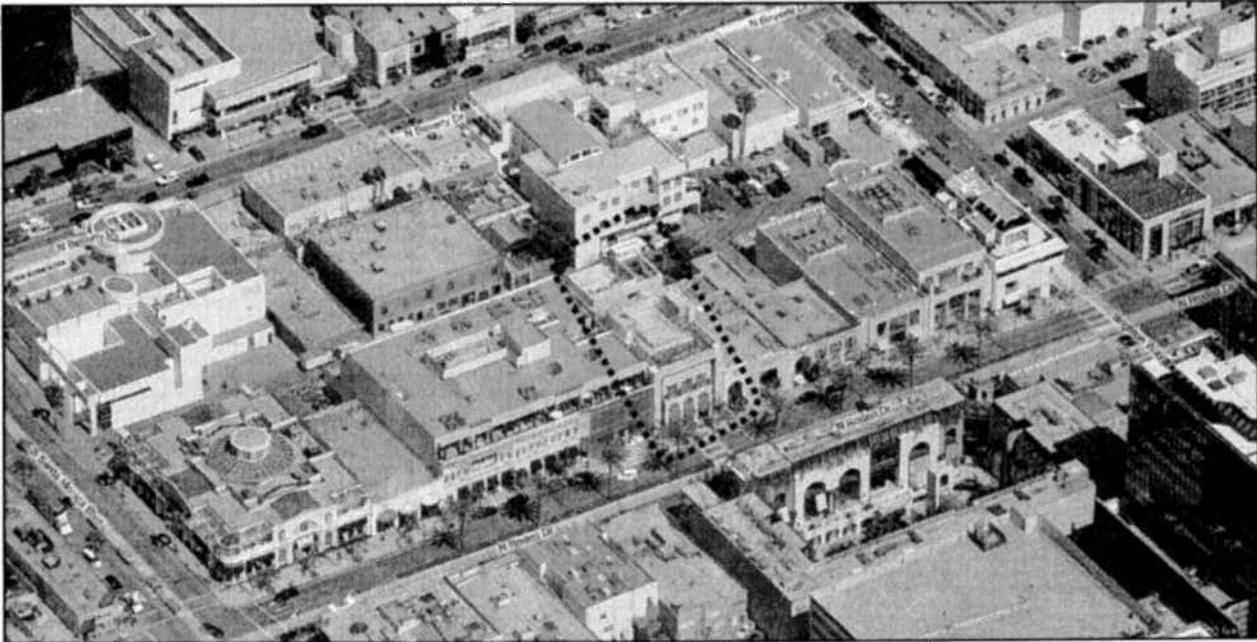
North	General Retail and Office
South	General Retail and Office
East	General Retail and Office
West	General Retail and Office

### Circulation and Parking

Adjacent Street(s)	North Rodeo Drive
Adjacent Alleys	One-way southbound alley at rear of property
Parkways & Sidewalks	12' wide sidewalk along North Rodeo Drive
Parking Restrictions	1-hour metered parking on adjacent street, and public garages in vicinity
Nearest Intersection	North Rodeo Drive and South Santa Monica Boulevard
Circulation Element	North Rodeo Drive: Local Street South Santa Monica Boulevard: Arterial
Estimated Daily Trips	North Rodeo Drive: 10,000 average daily trips South Santa Monica Boulevard: 30,400 average daily trips

Neighborhood Character

The subject property is located within the Business Triangle area of the city, along the 400 block of North Rodeo Drive. Development in the vicinity of the project site typically consists of high-end retail and office uses within buildings that are predominantly two to four stories in height. The area is very pedestrian-oriented and is lined with ground-floor retail establishments.



Project Site Looking East



City Parking Facilities

## PROJECT DESCRIPTION

The proposed project involves the reconfiguration of interior space within the property located at 434 North Rodeo Drive, which is currently occupied by Hermès of Paris. The reconfiguration results in several spaces that are currently open-to-below and not counted as floor area being filled in. The filling in of these open-to-below spaces results in a net increase in building floor area of approximately 1,362 square feet of additional floor area. A breakdown of the new areas is provided in the plans submitted to the Planning Commission for review, and includes a 145 square foot reduction on the first floor, a 501 square foot increase on the second floor, an 816 square foot increase on the third floor, and a 190 square foot increase on the fourth floor. The project does not propose any exterior enlargement of the existing building.

The 1,362 square foot expansion results in the need for four additional parking spaces, which must be provided at a rate of one parking space per 350 square feet of new floor area. The building is able to utilize a one-time exemption (that has not previously been utilized) for 2 of the parking spaces<sup>1</sup>, and the applicant is requesting that the remaining 2 parking spaces for the interior expansion be provided through the City's in-lieu parking program. A total of 12 in-lieu parking spaces have previously been approved for the property, 11 in 1977 and 1 in 1997. In the event that the Planning Commission approves the 2 in-lieu spaces currently requested, the subject property would provide a total of 14 in-lieu parking spaces, and 10 on-site parking spaces.

### Requested Permits

The applicant requests approval to participate in the City's in-lieu parking program in order to provide 2 required parking spaces for the subject property.

## ZONING CODE<sup>2</sup> COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

### Agency Review<sup>3</sup>

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- PARKING OPERATIONS DIVISION. The Parking Operations Division has reviewed the request to participate in the City's in-lieu parking district, and has determined that the City's existing garages have sufficient capacity to accommodate the 2 in-lieu parking spaces being requested by the applicant. (See Analysis section, below).

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<sup>1</sup> Section 10-3-2730(A) states in part that, "...any interior alteration or interior enlargement of an existing structure or use, other than a dwelling, shall not require additional parking to be provided if the alteration or enlargement does not increase the total parking requirement for all uses in the structure by more than two (2) spaces above the amount of parking required for the entire structure on May 22, 1970."

<sup>2</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>3</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

### GENERAL PLAN<sup>4</sup> POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission’s review of the project include:

- Policy ES1.4 Retain Existing Industries. Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.
- Policy CIR4.1 Parking Provisions. Ensure that adequate parking is provided for existing and future uses while considering shared parking opportunities, Travel Demand Management (TDM) plans, and availability of alternate modes of travel, based on the site’s proximity to transit.

### ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>5</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1(e)) of the Guidelines. Specifically, a Class 1(e) exemption applies to additions that do not exceed 50% of the floor area of the existing structure, or 2,500 square feet, whichever is less. The proposed addition complies with both criteria, as it would total approximately 10% of the building’s existing floor area, or 1,362 square feet, and is therefore eligible for the Categorical Exemption.

### PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	N/A	N/A	N/A	N/A
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/18/2011	6 Days

Pursuant to BHMC §10-3-3307, mailed notice is required to be sent to the applicant only, unless a separate application requiring additional noticing is reviewed concurrently. The applicant has not submitted any additional applications requiring review. As a result, no mailed public notice is required for this application.

BHMC §10-3-3307 states *“Written notice of such hearing shall be mailed to the applicant by United States mail, at least ten days prior to the hearing. Furthermore, if the applicant has concurrently filed other applications which require a hearing before the planning commission, then the hearing regarding the application for participation in the district shall be combined with such other hearing. Similarly, notice of the application for participation in the district shall be combined with the notice of any other application that will be reviewed concurrently by the planning commission.”*

<sup>4</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>5</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

Applicant Outreach Efforts

As of the writing of this report, no outreach efforts had been undertaken by the applicant.

Public Comment

As of the writing of this report, no public comments had been received regarding the proposed project.

**ANALYSIS<sup>6</sup>**

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission’s deliberation of the subject project.

The proposed project involves the limited interior expansion of an existing retail store. The expansion results in the need for 2 additional parking spaces that, based on review by the City’s Parking Operations Division, can be accommodated within existing public parking facilities. The Brighton Way and Camden Drive parking garages each have an average of approximately 40 open spaces per day. Both of these garages are within a 500 foot radius of the subject property, which is considered a reasonable walking distance. Additional parking garages in the area with available supply are further than 500 feet, but are still within a ¼-mile walking distance of the subject property. These ¼-mile distance garages include the two garages on North Crescent Drive, which each have an average of approximately 100 open spaces per day, and the North Crescent Drive/Annenberg facility, which will be operational in the near future. Based on existing and future parking availability the City’s public garages have sufficient capacity to accommodate the requested in-lieu parking spaces.

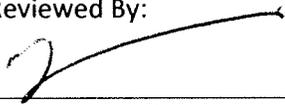
**NEXT STEPS**

It is recommended that the Planning Commission approve the requested in-lieu parking spaces subject to all standard conditions of approval and adopt the attached resolution.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant’s request or consent.

Report Reviewed By:



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David Reyes, Principal Planner

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<sup>6</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

**ATTACHMENT A**  
**Table - Zoning Compliance**

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b><u>Primary Building</u></b>			
Height	3 stories/45 feet	No Change	Existing building is 4 stories/45 feet
Lot Coverage / Floor Area	2.0 : 1 or 15,250 S.F.	1.99 : 1 or 15,243 S.F.	
Front Setback	0 feet	No Change	Existing setback is 0 feet
Rear Setback	0 feet	No Change	Existing setback is approximately 40 feet
Side Setback	0 feet	No Change	Existing setback is 0 feet
<b><u>Parking &amp; Circulation</u></b>			
Proposed Parking Spaces	1 space per 350 S.F.	1,362 S.F. increase, or 4 spaces	2 spaces provided through 1-time exemption, and 2 spaces provided through in-lieu parking
Existing Parking	22 spaces	No Change	10 spaces located at rear of building, 12 spaces provided by previously approved in-lieu parking

## ATTACHMENT B

### Staff Recommended Findings and Conditions of Approval

#### DRAFT FINDINGS

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##### In-Lieu Parking

1. *Participation in the in-lieu parking district, as approved, will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;*

The project involves a limited interior expansion of an existing retail store resulting in the need for 2 in-lieu parking spaces. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the project site. The in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

2. *Participation in the in-lieu parking district, as approved, will not create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and*

The City's existing public parking facilities and circulation patterns will not be modified as a result of the project, and are already designed to limit traffic safety impacts and pedestrian-vehicle conflicts. Additionally, based on current usage patterns the requested in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing parking facilities. Therefore, participation in the in-lieu parking district is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

3. *Participation in the in-lieu parking district will not be detrimental to the public health, safety and welfare.*

The project involves a limited interior expansion of an existing retail store resulting in the need for 2 in-lieu parking spaces. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the project site. The in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the project is not anticipated to be detrimental to the public health, safety and welfare.

#### DRAFT CONDITIONS

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##### Standard Conditions

###### **ADMINISTRATIVE**

1. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
2. **RECORDATION.** The resolution approving participation in the City's in-lieu parking district 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 the 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.

3. EXPIRATION. In-Lieu Parking: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
4. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

#### **CONFORMANCE WITH APPROVED PLANS**

5. This approval is for those plans submitted to the Planning Commission on March 24, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
6. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
7. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
8. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

#### **FEES AND TAXES**

9. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

#### **PROJECT OPERATIONS**

10. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
11. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

**PUBLIC WORKS/PARK AND REC REQUIREMENTS**

12. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
13. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
14. 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 existing tree roots within the parkway area.
15. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the 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.
16. 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.
17. 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.
18. 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.
19. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
26. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
27. 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.  
[Insert PDF of signed public notice]

# **ATTACHMENT C**

## **Draft Planning Commission Resolution**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF BEVERLY HILLS CONDITIONALLY  
APPROVING IN-LIEU PARKING FOR THE  
PROPERTY LOCATED AT 434 NORTH RODEO  
DRIVE (HERMÈS OF PARIS).

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

Section 1. Brady McShane, Applicant, on behalf of the property owners of 434 North Rodeo Drive (the "Applicant"), has submitted an application for participation in the City's In-Lieu Parking District to provide a total of 2 in-lieu parking spaces to satisfy parking requirements resulting from an interior expansion that would fill in open-to-below areas within an existing retail establishment located at 434 North Rodeo Drive (Hermès of Paris) (the "Project"). The filling in of these open-to-below spaces results in a net increase in building floor area of approximately 1,362 square feet of additional floor area beyond what is currently permitted. The Project includes a XXX square foot reduction on the first floor, a XXX square foot increase on the second floor, a XXX square foot increase on the third floor, and a XXX square foot increase on the fourth floor. The Project does not include any exterior enlargement of the existing building.

The 1,362 square foot expansion results in the need for four additional parking spaces, which must be provided at a rate of one parking space per 350 square feet of new floor area. The building is able to utilize a one-time exemption (that has not previously been utilized) for 2 of the parking spaces, and the remaining 2 parking spaces for the interior expansion will be provided through the City's in-lieu parking program. A total of 12 in-lieu parking spaces have

previously been approved for the property, 11 in 1977 and 1 in 1997. Based on the approval of 2 additional in-lieu spaces the subject property will provide a total of 14 in-lieu parking spaces, and 10 on-site parking spaces.

Section 2. The Project has been environmentally reviewed pursuant to 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 environmental guidelines. A Class 1(e) Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15301 (existing facilities). Specifically, a Class 1(e) exemption applies to additions that do not exceed 50% of the floor area of the existing structure, or 2,500 square feet, whichever is less. The proposed addition complies with both criteria, as it totals approximately 10% of the building’s existing floor area, or 1,362 square feet, and is therefore eligible for the Categorical Exemption.

Section 3. The Project was noticed in accordance with §10-3-3307 of the BHMC. On March 24, 2010, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 4. In considering the application for in-lieu parking, the Planning Commission considered the following criteria:

1. Whether participation in the in-lieu parking district, as approved, will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;

2. Whether participation in the in-lieu parking district, as approved, will create any significantly adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts; and

3. Whether participation in the in-lieu parking district will be detrimental to the public health, safety or welfare.

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

1. The Project involves a limited interior expansion of an existing retail store resulting in the need for 2 in-lieu parking spaces. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the Project site. The in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the Project is not anticipated to adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

2. The City's existing public parking facilities and circulation patterns will not be modified as a result of the Project, and are already designed to limit traffic safety impacts and pedestrian-vehicle conflicts. Additionally, based on current usage patterns the requested in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing parking facilities. Therefore, participation in the in-lieu parking district

is not anticipated to result in traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts.

3. The Project involves a limited interior expansion of an existing retail store resulting in the need for 2 in-lieu parking spaces. The interior expansion allows an existing retailer to enhance its operations and further contribute to the retail environment within the vicinity of the Project site. The in-lieu parking spaces can be accommodated within existing public parking facilities without adversely impacting the operation of such existing facilities. As a result, the Project is not anticipated to be detrimental to the public health, safety and welfare.

Section 6. Based on the foregoing, the Planning Commission hereby approves the request to participate in the In-Lieu Parking District to satisfy the parking requirements for 2 spaces for the Project, subject to the following conditions:

1. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

2. RECORDATION. The resolution approving participation in the City's in-lieu parking district 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 the 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.

3. EXPIRATION. In-Lieu Parking: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

4. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

5. This approval is for those plans submitted to the Planning Commission on March 24, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

6. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in

conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

7. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

8. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

9. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

10. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

11. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

12. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

13. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

14. 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 existing tree roots within the parkway area.

15. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the 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.

16. 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.

17. 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.

18. 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.

19. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

26. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

27. 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.

Section 7. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Lili Bosse  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

# **ATTACHMENT D**

**Architectural Plans (Provided Under Separate Cover)**