



STAFF REPORT
CITY OF BEVERLY HILLS

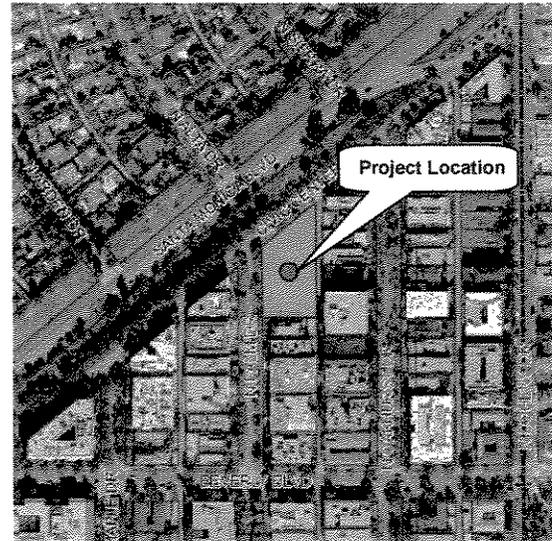
**For the Planning
Commission Meeting of
January 14, 2009**

TO: Planning Commission

FROM: Shena Rojemann, Assistant Planner

THROUGH: Jonathan Lait, AICP, City Planner
JL

SUBJECT: Time extension request for Development Plan Review and R-4 Permit for a thirty-five unit residential condominium in two, five-story buildings located at **450-460 North Palm Drive.**



RECOMMENDATION

It is recommended that the Planning Commission continue this item to a date certain to allow the applicant additional time to incorporate green building features into the subject design.

EXECUTIVE SUMMARY

Bryan M. Domyan, applicant, on behalf of Legacy Partners North Palm LLC, property owner, has filed a request for a one-year time extension of the Development Plan Review Permit and R-4 Permit previously approved by the Planning Commission on October 26, 2005 under Planning Commission Resolution 1400 (Attachment A). The project is a subdivision for a thirty-five unit residential condominium in two five-story buildings located at 450-460 North Palm Drive. The extension would extend the permit approvals from October 26, 2009 to October 26, 2010. This is the second and final request for a time extension on the project. The first request was approved by the Planning Commission on May 21, 2008 under Planning Commission Resolution 1515 (Attachment B).

BACKGROUND

The applicant has requested a time extension of the Development Plan Review Permit and R-4 Permit issued pursuant to Planning Commission Resolution No. 1400. The Planning Commission approved this 35-unit condominium project on October 26, 2005. According to BHMC Section 10-3-207 the exercise of rights granted with the approval shall be commenced within three years after adoption of the resolution. The Planning Commission may grant up to two 1-year extensions to the time limit, if an application is made at least thirty days prior to the expiration of the time limit. The Planning Commission approved the 1-year extension request pursuant to the Planning Commission Resolution No. 1515, thus extending the approval of the Development Plan Review Permit and R-4 Permit until October 26, 2009. The applicant initiated the request for a second one-year extension on July 16, 2009 (Attachment C). If granted, the 1-year extension would extend the Development Plan Review Permit and R-4 Permit until October 26, 2010.

PROJECT DESCRIPTION

The previously approved project is two, five-story residential condominium buildings containing thirty-five residential units. Each building is 55-feet in height and together, total approximately 123,310 square feet in floor area. Parking for the site is located in two subterranean garages below the buildings which are accessed via the alley. A total of 112 parking spaces are provided. An R-4 Permit was approved to allow five walkways within the front yard setback area, instead of the 5-foot wide maximum allowed by the Municipal Code. An R-4 Permit was also approved to allow rooftop bathrooms, associated with rooftop swimming pools or spas, located on the top of the buildings to exceed the maximum height limit (55 feet). Aside from the R-4 Permit request for walkways in the front yard area and rooftop bathrooms, all other aspects of the project meet the required Zoning Standards.

ANALYSIS

The Planning Commission approved this 35-unit condominium project on October 26, 2005. 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, all existing entitlements would have expired on October 26, 2008 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 first one-year time extension request was timely filed on April 22, 2008, prior to the October 26, 2008

expiration date. Similarly, the applicant has filed the second one-year time extension request on July 16, 2009, more than 30 days prior to the expiration date. The requested extension would extend the time limit to exercise the Development Plan Review Permit and R-4 Permit for a period of one year, to October 26, 2010.

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. However, staff also considered the fact that the City has adopted a green building ordinance that would apply to the construction of this project if it were submitted for approval today and the Commission has the authority to require full or partial compliance with the green building ordinance as a condition of granting the requested time extension.

Given that the fact that the project's design was completed several years ago and the building has already been reviewed and approved by the Planning and Architectural Commissions, full compliance with the current green building standards could result in substantial redesign of the project, at significant cost and time to the applicant. On balance however, there is an opportunity for this project to incorporate green building features without substantial redesign and staff has encouraged the applicant to work with their architect and the City's Building and Safety staff to identify specific "green" features that could be incorporated into the project. To date this has not happened. Consistent with recent Planning Commission decisions regarding requests for time extensions, staff recommends that this item be continued to allow the applicant time to consult with their architect and Building and Safety staff to determine which "green" features could be incorporated into the project.

PUBLIC NOTICE

Notice of the request for a time extension and public hearing was mailed on December 7, 2009, to all property owners and residential occupants within 500 feet from the exterior boundaries of the property.

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

Staff Report
450-460 North Palm Drive
January 14, 2010

may have any significant environmental impact. The original Negative Declaration continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.



Shena Rojemann, Assistant Planner

Attachments:

- A) Planning Commission Resolution No. 1400 Approving Project
- B) Planning Commission Resolution No. 1515 Approving a one-year time extension
- C) July 16, 2009 Time Extension Request Letter

Staff Report
450-460 North Palm Drive
January 14, 2010

Attachment A
Planning Commission Resolution #1400

RESOLUTION NO. 1400

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS MODIFYING THE CONDITIONS OF APPROVAL AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 53521, A DEVELOPMENT PLAN REVIEW PERMIT AND R-4 PERMITS FOR A THIRTY-FIVE UNIT RESIDENTIAL CONDOMINIUM STRUCTURE IN TWO, FIVE-STORY BUILDINGS AT PROPERTY LOCATED AT 450-460 NORTH PALM DRIVE

Section 1. Legacy Partners North Palm LLC, property owner (hereinafter referred to as the "applicant"), has submitted an application for a modification to a condition of previously approved Vesting Tentative Tract Map No. 53521, a Development Plan Review Permit ("D.P.R.") and R-4 Permits for front yard paving and rooftop bathrooms for a proposed 123,310 square foot, 55-foot high, five-story residential condominium structure in two buildings at property located at 450-460 North Palm Drive (the "project").

On April 27, 2005, the Planning Commission adopted Resolution No. 1374 issuing a D.P.R. for the project, which provided parking for 111 cars in two subterranean parking garages located under each building. The site was developed with two buildings because of a storm drain easement on the site and the Code's prohibition against buildings of more than 175 feet in width. A request for a variance to connect the buildings was denied by the Planning Commission. Architects Thomas Cox Associates ("TCA") were hired to complete a new project design for review by the Architectural Commission. While working on revised plans, TCA realized that the approved one-level subterranean parking garage under the smaller, 450 N. Palm Drive building did not work as intended as there was not enough head room for vehicles and the ramp slope was too steep which meant many of the proposed parking spaces in that garage could

not be easily accessed. As a result, the applicant submitted this request to modify the subterranean garage plans to reduce the number of parking spaces provided in the structure underneath the 450 N. Palm Drive building and to add a third parking level under the 460 N. Palm Drive building. The requested modification requires a revision to Condition No. 15 in Resolution No. 1374 to eliminate the requirement that a minimum of two parking spaces/per unit be located beneath each building. In addition, a new D.P.R. finding must be made regarding the project's impact on traffic generation, traffic safety hazards and pedestrian vehicle conflicts and pedestrian safety hazards. Evidence presented by both staff and the applicant demonstrate that the proposed changes to the garages will not affect the conclusions of the Traffic Impact Study prepared in connection with the original approval of the project. Garage access will continue to be provided via the same locations off the alley, and the parking (112 spaces) provided on the site fully complies with current Code requirements and is virtually identical to parking (111 spaces) originally approved by the Planning Commission in Resolution No. 1374. The primary differences between the original approval and the current design are the elimination of the loading zone (which is not required by Code and not part of the approval granted by Resolution No. 1374) and the addition of a third subterranean level of parking under the 460 N. Palm Drive building, which allows the project to reduce the number of tandem parking spaces in the project from forty-eight (48) to two (2).

Section 2. The project has previously been 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. Based on the initial study and

the previously adopted negative declaration, the City finds there have been no substantial changes to the project or the environment that would require the preparation of a subsequent negative declaration or a supplement to the previously adopted negative declaration.

Section 3. On September 28, 2005, the Planning Commission held a duly noticed public hearing to consider the instant application. Evidence, both written and oral, was presented at said hearing.

Section 4. Based on 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 proposed modifications to the project design:

4.1 As conditioned under Resolution No. 1374, the project is consistent with the General Plan and Zoning for the site and will have no substantial adverse impact on the surrounding neighborhood, and, except as modified below, the Planning Commission can continue to make each of the findings contained in Resolution No. 1374 in an affirmative manner. Accordingly, the Planning Commission hereby readopts each of the findings set forth in Resolution No. 1374, as modified by this Section 4.

4.2 The findings set forth in Section 7.4 of Resolution No. 1374 are hereby modified to read as follows: "7.4 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 concludes that the proposed project will generate an insignificant amount of new trips. While the project's bedroom mix has changed slightly since

the traffic study was prepared, the change does not alter the conclusions set forth in the study. The project will provide 112 parking spaces on site in two subterranean parking garages (one located under each building), which is more than adequate to meet the parking demand expected to be generated by the proposed use and slightly in excess of Code-requirements. Of the required spaces, two (2) will be tandem, which is far less than twenty percent (20%) of the total on-site parking permitted by Code and much less than in the originally approved plan. While the approved plan included slightly more surplus parking (between two (2) and six (6) parking spaces beyond Code requirements, depending on final bedroom counts), the parking spaces were less readily accessible because of the large number of tandem spaces in the prior design. The 112 parking spaces provided by the revised project design are expected to be in excess of parking demand generated by the proposed use and vastly improve on-site circulation from the previous design. As conditioned by this resolution, the two garage driveways will be designed to provide maximum visibility to drivers exiting the property. 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 Public Works and Transportation and the City Building Official 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.”

Section 6. Based upon the foregoing, the Planning Commission hereby approves the modifications to Vesting Tentative Tract Map No. 53521, Development Plan Review Permit and R-4 Permits 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 23, 2005, the rooftop plans submitted to and reviewed by the Planning Commission at its meeting of April 27, 2005, and the revised garage plans submitted to and reviewed by the Planning Commission at its meeting of September 28, 2005.
2. The project shall be constructed as two separate buildings. The applicant shall redesign the project to eliminate the bridge connecting the two buildings to the satisfaction of the Director of Community Development.
3. The front setback shall be a minimum of 25 feet, as required by Code.
4. Each structure shall be constructed in a manner that maintains the twenty-one foot (21') easement and individually allows each structure to meet the minimum side yard setbacks, including a minimum combined side yard setback of 23 feet and a minimum dimension of nine feet (9') for each side yard.
5. Each structure shall be constructed in a manner that allows each building to separately meet the minimum rear setbacks, including a minimum setback of fifteen feet (15') for the 450 North Palm Building and a minimum setback of ten feet (10') for the 460 North Palm Building. In addition, each building shall meet all applicable Code requirements with regard to modulation.

6. Rooftop bathrooms shall not exceed ten feet in height and shall have a maximum floor area of 200 square feet per building.
7. The project shall be subject to the review and approval by the Architectural Commission.
8. To mitigate potential noise impacts to neighboring residents, use of the roof deck areas shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., daily.
9. The applicant shall provide signage in the subterranean parking garages to direct visitors to the visitor parking spaces in the garage. Directional signs and visitor parking space identification shall be designed and installed to the satisfaction of the Director of Transportation. In addition, the applicant shall provide external signage satisfactory to the Director of Community Development indicating that the guest parking for both buildings on the Project site is located in the subterranean parking garage under the 460 North Palm building.
10. An alarm device satisfactory to the Director of Community Development shall be installed at the entrance to the parking garage to warn pedestrians and drivers of vehicles in the adjacent alley. Such device shall consist of a light, not of an audible alarm.
11. The improvements within the storm drain easement area and at the alley entrance from Civic Center (alley dedication) shall be subject to the requirements of the Public Works/Engineering Division prior to the issuance of building permits.
12. The building shall be designed to provide maximum visibility for cars exiting the project's two garages, including, but not limited to, rounding the southern corners of the garage openings and limiting the driveways' northern walls to a height of two and one-

half feet (2.5') at a distance of seven feet (7') from the property line. In addition, the driveway areas must be kept clear of obstructions at all times.

13. Prior to the issuance of building permits, the applicant shall revise the tentative tract map to merge the underlying parcels into a single site or, alternatively, shall prepare a Covenant and Agreement, satisfactory in form and content to the City Attorney, to hold the project as a single site, and shall provide all fees necessary to record the document with the County Recorder.
14. The residents of both buildings shall have access to the gym facilities in the subterranean garage under the 460 North Palm building.
15. The parking for the project site shall meet all applicable requirements of the Beverly Hills Municipal Code. At a minimum, the applicant shall provide not less than twelve (12) parking spaces in the parking garage located beneath the 450 North Palm Drive Building and not less than a total of 112 parking spaces in the two parking garages located on the project site.
16. The configuration of the parking garages shall be as shown on the plans reviewed by the Planning Commission at its meeting of September 28, 2005. No required parking spaces shall be reconfigured as tandem spaces beyond the two tandem spaces (space nos. 48 and 89) unless the Applicant applies for and is granted an amendment to this D.P.R. Nothing in this condition shall be construed to prohibit the applicant from configuring any surplus parking spaces provided on the project site in excess of the number required by the Beverly Hills Municipal Code as tandem parking spaces.

17. The additional basement square footage not used to provide Code-required parking spaces on level three of the subterranean garage under the 460 North Palm building, as shown on the plans reviewed by the Planning Commission at its meeting of September 28, 2005, shall remain flexible for use as storage or parking and shall not be utilized in a manner that would preclude use of that space for parking in the future.
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.
19. The applicant shall submit a Construction Management Plan to the Departments of Building and Safety, Public Works, and Transportation 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.
 - 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.
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. Removal and/or replacement, if approved, shall be accomplished in accordance with the requirements of the Recreation and Parks Department street tree mitigation plan regarding the removal and replacement of such trees. A copy of the street tree mitigation is attached hereto as part of Exhibit A and incorporated herein by this reference. Removal and/or replacement of any street tree shall not commence until the applicant has provided the City with an improvement security, in an amount to be determined by the Public Services Director, and in a form approved by the Engineering Department and the City Attorney, to ensure satisfactory regrowth of any relocated or replacement street trees.
21. In addition to the conditions set forth in this Resolution, the Vesting 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.

22. 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.
23. 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 Vesting Tentative Tract Map.
24. The applicant shall maintain the site in an orderly condition prior to commencement of 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 Director of Building and Safety.
25. 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.
26. 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.

27. 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.
28. This resolution approving Vesting Tentative Tract Map No. 53521 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.

29. The conditions set forth in this Resolution supercede the conditions set forth in Resolution No. 1374

Section 7. If this Resolution is invalidated for any reason, all provisions of Resolution No. 1374, as originally approved, shall remain in full force and effect.

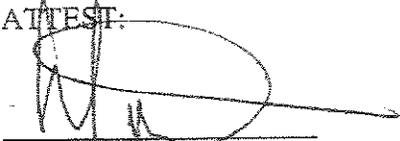
Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: October 26, 2005



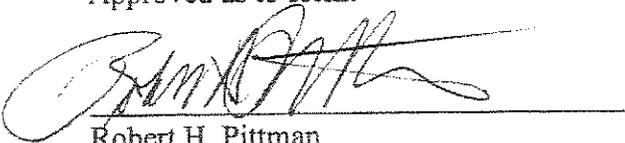
Kathy Reims
Chair of the Planning Commission of the
City of Beverly Hills, California

ATTEST:



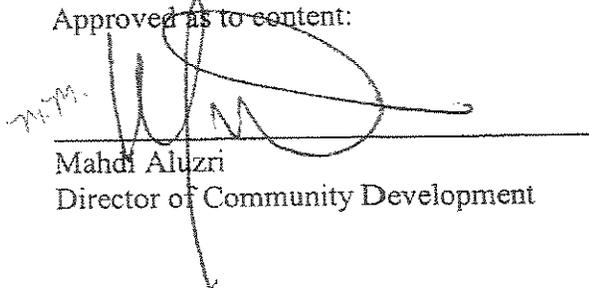
Secretary

Approved as to form:



Robert H. Pittman
Assistant City Attorney

Approved as to content:



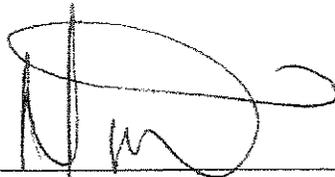
Mahdi Aluzri
Director of Community Development

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. 1400 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on October 26, 2005, 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, Marks, and Reims.

ABSTAINED: Commissioner Melamed.



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

Staff Report
450-460 North Palm Drive
January 14, 2010

Attachment B
Planning Commission Resolution #1515

RESOLUTION NO. 1515

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A TIME EXTENSION FOR THE VESTING RIGHTS ASSOCIATED WITH VESTING TENTATIVE TRACT MAP NO. 53521 AND TIME EXTENSIONS FOR APPROVED DEVELOPMENT PLAN REVIEW AND R-4 PERMITS FOR A THIRTY-FIVE UNIT RESIDENTIAL CONDOMINIUM IN TWO, FIVE-STORY BUILDINGS LOCATED AT 450-460 NORTH PALM DRIVE.

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

Section 1. On October 26, 2005, the Planning Commission approved Resolution No. 1400 approving Tentative Tract Map 52521, Development Plan Review and R-4 Permits for a thirty-five unit residential condominium in two five-story buildings located at 450-460 North Palm Drive (hereinafter the "Project"). On August 6, 2007, the County recorded Tentative Vesting Tract Map No. 52521 as a final map.

Section 2. Pursuant to Section 10-2-1009 of the Beverly Hills Municipal Code (BHMC) the vesting rights for a final map shall exist for an initial time period of one year after the recording of the final map. Therefore, the one-year time period for the vesting rights of Tentative Tract Map 52521 would end on August 7, 2008. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the exercise of rights granted by Resolution No. 1400 approving a Development Plan Review and R-4 Permits shall expire if not exercised within three (3) years after the adoption of such resolution. Therefore, the three-year time period for exercise of rights would end on October 26, 2008.

Section 3 Pursuant to Section 10-2-1009 of the BHMC the subdivider may apply to the planning commission for a one year extension of the vesting rights for a final map at any time before the expiration of the initial time period. Pursuant to Section 10-3-207 of the BHMC, the Planning Commission may grant up to two (2) 1-year extensions of the three-year time limit in any resolution granting a discretionary approval if an application is made at least thirty (30) days prior to the expiration of the time limit, or any extension thereof. The applicant timely filed a time extension request for the vested rights on April 22, 2008, prior to the August 6, 2008 expiration date and timely filed a time extension request for the Development Plan Review and R-4 Permits on April 22, 2008, prior to the October 26, 2008 expiration date.

Section 4. 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.

Section 5. On May 21, 2008, the Planning Commission held a duly noticed public hearing to consider the request for an extension of the vesting rights under Tentative Tract Map No. 52521 and extension of the exercise of rights granted by Resolution No. 1400 approving a Development Plan Review and R-4 Permits. Evidence, both oral and written, was presented at said hearing.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

6.1 The time extension requests are consistent with the current Zoning Ordinance and the General Plan;

6.2 there have been no substantial changes to the Project.

Section 7. Based on the foregoing, the Planning Commission hereby approves extension of the vesting rights under Tentative Tract Map 52521 for the period of one year, through and including August 6, 2009 and approves extension of the exercise of rights granted by Resolution No. 1400 approving a Development Plan Review and R-4 Permits for the period of one year, through and including October 26, 2009. The conditions set forth in Resolution No. 1400 shall remain unaltered.

Section 8. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1400 shall lapse and expire and be of no further effect.

Section 9. 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: May 21, 2008



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

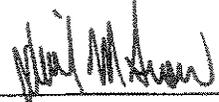
Attest:



Secretary

[Signatures Continue on Following Page]

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner *J.M.*



for David D. Gustavson
Director of Public Works and Transportation

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

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1515 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on May21, 2008, 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 Bosse, Cole, Yukelson, Reims, and Chair Furie.
NOES: None.
ABSTAIN: None.
ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission/
City Planner
City of Beverly Hills, California

Staff Report
450-460 North Palm Drive
January 14, 2010

Attachment C
July 16, 2009 Time Extension Request Letter

LAURUS
A REAL ESTATE COMPANY

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July 16, 2009

Michele McGrath
Senior Planner
Community Development
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Re: 450-460 N. Palm Drive – Extension of Development Plan Review and R-4 Permits

Dear Michele,

Pursuant to our conversation, 432 Beverly Hills, LLC, hereby requests a one-year extension of the Development Plan Review and R-4 permits issued on October 26, 2005 to Legacy Partners and extended on May 21, 2008 and further assigned to 432 Beverly Hills, LLC on April 28, 2009 for the real property located at 450-460 North Palm Drive, Beverly Hills, CA 90210. These permits are currently schedule to expire on October 26, 2009 and we would like to extend them until October 26, 2010.

Thank you for your assistance in this matter. We look forward to working with you and the entire building department in order to create an outstanding project that everybody can be proud of.

Best regards,



Bryan M. Domyan
Development Manager