



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

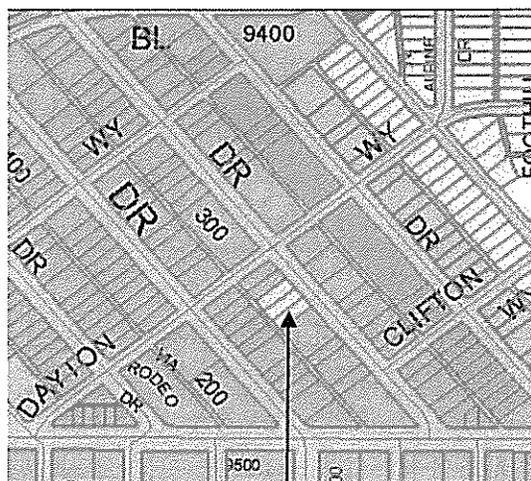
**For the Planning Commission**  
**Meeting of January 15, 2009**

**TO:** Planning Commission

**FROM:** Rita Naziri, *RN*  
Senior Planner *for*

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

**SUBJECT:** A resolution approving a time extension request for a Development Plan Review (DPR) originally approved on December 14, 2004, for construction of a three-story, 45,000 square foot medical office/retail commercial building located at **257 North Canon Drive**.



Project Site

**Recommendation**

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the requested time extension for a Development Plan Review (DPR) originally approved on December 14, 2004, for construction of a three-story, 45,000 square foot medical office/retail commercial building located at **257 North Canon Drive**.

**Issue**

At the meeting held on December 18, 2008, the Planning Commission held a public hearing to consider this matter and requested that staff prepare a resolution conditionally approving the requested time extension.

Rita Naziri

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING A TIME EXTENSION FOR A DEVELOPMENT PLAN REVIEW CONDITIONALLY APPROVING A 45,000 SQUARE FOOT, THREE STORY MEDICAL OFFICE/RETAIL COMMERCIAL BUILDING LOCATED AT 257 NORTH CANON DRIVE.

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

Section 1. Murray Fischer, on behalf of property owners YLV, LLC and BFBH, LLC, (collectively "Applicant"), has filed a request for a one-year time extension for a Development Plan Review for a property located at 257 N. Canon Drive. On December 14, 2004, the Planning Commission approved Resolution No. 1357 conditionally approving a Development Plan Review for a 45,000 square foot, three-story medical office/retail commercial building with subterranean parking for 208 cars at 257 North Canon Drive (hereinafter the "Project").

Section 2. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the rights granted under this Development Plan Review expire if not exercised within three years of the date of adoption of Resolution No. 1357, unless extended by formal action of the Planning Commission. On April 23, 2007, the Applicant submitted an application for a 1-year time extension and on October 25, 2007, the Planning Commission held a duly noticed public hearing and adopted Resolution No. 1491, extending the validity of the Development Plan Review until December 14, 2008. On October 27, 2008, the Applicant submitted an application for a second

and final 1-year time extension of the Development Plan Review noting that maintaining valid entitlements to build the subject retail/medical building is necessary to keep the Project's funding available.

Section 3. The Applicant is currently going forward with a new proposal for the Project site which will eliminate the medical uses and replace the previously entitled Project with a proposed retail and commercial office uses. Since the approval of the Development Plan Review for construction of a 3-story, 45,000 square feet medical/retail building on 2004, the Applicant has submitted alternative applications to the City including:

- Application for a General Plan Amendment, Zone Change and subdivision map for a 4-story, mixed-use building was submitted to the City on October 9, 2007. This application is considered incomplete and the Applicant advised that they are not moving forward with this Project. Staff seeks official documentation from Applicant to withdraw the application.
- Documentation and information was submitted for a General Plan Amendment and Zone Change for a 5-story commercial/retail building with no medical and no residential uses. Staff has advised Applicant materials needed to constitute a complete application and process the request. The Applicant has advised that they are not moving forward with this request.

Section 4. Since approval of the Project in 2004, the City has adopted new regulations, including:

- The Building Code (CBC 2007) has been updated which substantially changed many building code requirements. The City of Beverly Hills adopted an updated building code on January 1, 2008.
- The Green Building Ordinance is adopted by the City Council which is applicable to all new commercial and multi-family residential buildings.
- Loading standards were updated in 2005.

Section 5. This Project was previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and a Negative Declaration was adopted. There have been no substantial changes to the Project or to the environment that would cause the Project to significantly impact the environment. Therefore, there is no substantial evidence that the approval of the requested extension may have any significant environmental impact, the original Negative Declaration and the conditions imposed continue to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

Section 6. On December 18, 2008, the Planning Commission held a duly noticed public hearing to consider the request for a second and final time extension of the approved Development Plan Review. Evidence, both oral and written, was presented at said hearing.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

7.1 Conditions and regulations affecting development in the City have not changed in a manner that would warrant reconsideration of the findings and the decision made at the time of the original approval. Since the approval of the Development Review for the proposed Project, there are formal changes to the City's Codes including the Building Codes updates, adoption of green building and loading standards. After examination of the formal changes of Codes and development standards, the Planning Commission found that the Project must comply with the Building Code updates. In regard to compliance with the green building standards, the Planning Commission determined that the Project shall be constructed based on the City's green building regulations. In regard to the number of loading spaces, the Planning Commission found that the 75-foot long parallel loading as originally proposed is appropriate in size and configuration, however, the Commission desires to reserve jurisdiction relative to operational aspect of the proposed loading for the Project site.

7.2 Except as otherwise described herein, there have been no substantial changes to the Project.

Section 8. Based on the foregoing, the Planning Commission hereby approves extension of the subject Development Plan Review for the period of one year as a final extension for the Project, through and including December 14, 2009 subject to the following conditions:

1. The conditions set forth in Resolution No. 1357 shall also remain unaltered.
2. The Project shall be constructed to meet the "Certified" rating pursuant to the City's green building rating system as set forth in the City's Green Building/Sustainability Checklist ("checklist") attached hereto and incorporated herein as Exhibit A. A green building plan shall be submitted as part of the application for a building permit. The

green building plan shall indicated which points in the checklist that the Project will utilize and indicate where compliance with each selected point is shown on the plans. The Applicant shall be required to implement all points in the final green building plan. The Building Official or his designee shall verify compliance with each selected point prior to issuance of a final certificate of occupancy. The Building Official may conduct other inspections as needed to ensure compliance with this condition.

3. Subject to approval of materials by the Public Works Department, prior to the issuance of certificate of occupancy, the Applicant shall install sidewalk materials in front of the Project site that are consistent with those in place at the front of the Beverly Hills Gardens and Montage Hotel Project.
4. The Applicant shall screen the proposed mechanical equipment areas on the roof to extend feasible. In addition, the Applicant shall provide adequate landscaping on the roof for screening purposes.
5. The City expressly reserves jurisdiction relative to Project's loading operations. In the event the Director determines that operation of the use at this site is having unanticipated loading impacts on the adjacent alley, the Director shall require the Applicant to prepare and pay for a loading demand analysis. After reviewing the loading demand analysis, if, in the opinion of the Director, the loading impact merits review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission. The Planning Commission shall conduct a noticed public hearing regarding the Project's loading operation and may impose additional conditions as necessary to mitigate any unanticipated loading impacts caused by the proposed

Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

6. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
7. This resolution approving the final time extension for Development Plan Review shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project **shall be null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning & Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

Section 9. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1357 shall lapse and expire and be of no further effect.

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/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: January 15, 2009

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Kathy Reims  
Chairman of the Planning Commission  
of the City of Beverly Hills

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

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David D. Gustavson  
Director of Public Works and  
Transportation



Exhibit A



# City of Beverly Hills Green Building/Sustainability Checklist

New Commercial, Multi-Family, Mixed-Use Development,  
And Major Renovation

Project Name:

Project Address:

Compliance Level

Buildings ≥ 50,000 sq. ft. = Gold (39-51 pts)+ Photovoltaic (Subject to General Plan Amendments)
Buildings ≥ 25,000 sq. ft. = Silver (33-38 pts) or Certified (26-32 pts) of Vacant Lot + Photovoltaic
Buildings ≥ 10,000 to 24,999 sq. ft. = Certified (26-32 pts)+ Photovoltaic
Buildings < 10,000 sq. ft. = T24 + 15% + Photovoltaic

Yes No **Y**   **N** **Sustainable Sites** **14 Points**

Y								
<input checked="" type="checkbox"/>				Prereq 1	<b>Construction Activity Pollution Prevention</b>			Required
			<b>M***</b>	Credit 1	<b>Site Selection</b>			1
				Credit 2	<b>Development Density &amp; Community Connectivity</b>			1
				Credit 3	<b>Brownfield Redevelopment</b>			1
				Credit 4.1	<b>Alternative Transportation, Public Transportation Access</b>			1
				Credit 4.2	<b>Alternative Transportation, Bicycle Storage &amp; Changing Rooms</b>			1
				Credit 4.3	<b>Alternative Transportation, Low-Emitting &amp; Fuel-Efficient Vehicles</b>			1
				Credit 4.4	<b>Alternative Transportation, Parking Capacity</b>			1
				Credit 5.1	<b>Site Development, Protect or Restore Habitat</b>			1
				Credit 5.2	<b>Site Development, Maximize Open Space</b>			1
				Credit 6.1	<b>Stormwater Design, Quantity Control</b>			1
				Credit 6.2	<b>Stormwater Design, Quality Control</b>			1
				Credit 7.1	<b>Heat Island Effect, Non-Roof</b>			1
				Credit 7.2	<b>Heat Island Effect, Roof</b>			1
				Credit 8	<b>Light Pollution Reduction</b>			1

Yes No **Y**   **N** **Water Efficiency** **5 Points**

				Credit 1.1	<b>Water Efficient Landscaping, Reduce by 50%</b>			1
				Credit 1.2	<b>Water Efficient Landscaping, No Potable Use or No Irrigation</b>			1
			<b>M***</b>	Credit 2	<b>Innovative Wastewater Technologies</b>			1
				Credit 3.1	<b>Water Use Reduction, 20% Reduction</b>			1
				Credit 3.2	<b>Water Use Reduction, 30% Reduction</b>			1

Yes No **Y**   **N** **Energy & Atmosphere** **17 Points**

<input checked="" type="checkbox"/>				Prereq 1	<b>Fundamental Commissioning of the Building Energy Systems</b>			Required
<input checked="" type="checkbox"/>				Prereq 2	<b>Minimum Energy Performance</b>			Required
<input checked="" type="checkbox"/>				Prereq 3	<b>Fundamental Refrigerant Management</b>			Required

\*Note for EAc1: All LEED for New Construction projects registered after June 26<sup>th</sup>, 2007 are required to achieve at least two (2) points under EAc1.

				Credit 1	<b>Optimize Energy Performance</b>			1 to 10
			<b>M***</b>		10.5% New Buildings or 3.5% Existing Building Renovations			1
			<b>M***</b>		14% New Buildings or 7% Existing Building Renovations			2
					17.5% New Buildings or 10.5% Existing Building Renovations			3
					21% New Buildings or 14% Existing Building Renovations			4
					24.5% New Buildings or 17.5% Existing Building Renovations			5
					28% New Buildings or 21% Existing Building Renovations			6
					31.5% New Buildings or 24.5% Existing Building Renovations			7
					35% New Buildings or 28% Existing Building Renovations			8
					38.5% New Buildings or 31.5% Existing Building Renovations			9
					42% New Buildings or 35% Existing Building Renovations			10

## Attachment 3

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 2	On-Site Renewable Energy	1 to 3
				<b>M***</b> 2.5% Renewable Energy	1
				7.5% Renewable Energy	2
				12.5% Renewable Energy	3
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 3	Enhanced Commissioning	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 4	Enhanced Refrigerant Management	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 5	Measurement & Verification	1
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Credit 6	Green Power	1

Yes	No			<b>Materials &amp; Resources</b>	<b>13 Points</b>
<b>Y</b>	<b>N</b>				

<b>Y</b>			Prereq 1	Storage & Collection of Recyclables	Required
			Credit 1.1	Building Reuse, Maintain 75% of Existing Walls, Floors & Roof	1
			Credit 1.2	Building Reuse, Maintain 95% of Existing Walls, Floors & Roof	1
			Credit 1.3	Building Reuse, Maintain 50% of Interior Non-Structural Elements	1
			Credit 2.1	Construction Waste Management, Divert 50% from Disposal	1
			Credit 2.2	Construction Waste Management, Divert 75% from Disposal	1
		<b>M***</b>	Credit 3.1	Materials Reuse, 5%	1
			Credit 3.2	Materials Reuse, 10%	1
		<b>M***</b>	Credit 4.1	Recycled Content, 10% (post-consumer + ½ pre-consumer)	1
			Credit 4.2	Recycled Content, 20% (post-consumer + ½ pre-consumer)	1
		<b>M***</b>	Credit 5.1	Regional Materials, 10% Extracted, Processed & Manufactured Regionally	1
			Credit 5.2	Regional Materials, 20% Extracted, Processed & Manufactured Regionally	1
		<b>M***</b>	Credit 6	Rapidly Renewable Materials	1
			Credit 7	Certified Wood	1

Yes	No			<b>Indoor Environmental Quality</b>	<b>15 Points</b>
<b>Y</b>	<b>N</b>				

<b>Y</b>			Prereq 1	Minimum IAQ Performance	Required
<b>Y</b>			Prereq 2	Environmental Tobacco Smoke (ETS) Control	Required
			Credit 1	Outdoor Air Delivery Monitoring	1
			Credit 2	Increased Ventilation	1
			Credit 3.1	Construction IAQ Management Plan, During Construction	1
			Credit 3.2	Construction IAQ Management Plan, Before Occupancy	1
		<b>M***</b>	Credit 4.1	Low-Emitting Materials, Adhesives & Sealants	1
		<b>M***</b>	Credit 4.2	Low-Emitting Materials, Paints & Coatings	1
		<b>M***</b>	Credit 4.3	Low-Emitting Materials, Carpet Systems	1
		<b>M***</b>	Credit 4.4	Low-Emitting Materials, Composite Wood & Agrifiber Products	1
			Credit 5	Indoor Chemical & Pollutant Source Control	1
			Credit 6.1	Controllability of Systems, Lighting	1
			Credit 6.2	Controllability of Systems, Thermal Comfort	1
			Credit 7.1	Thermal Comfort, Design	1
			Credit 7.2	Thermal Comfort, Verification	1
			Credit 8.1	Daylight & Views, Daylight 75% of Spaces	1
			Credit 8.2	Daylight & Views, Views for 90% of Spaces	1

Yes	No			<b>Innovation &amp; Design Process</b>	<b>5 Points</b>
<b>Y</b>	<b>N</b>				

			Credit 1.1	Innovation in Design: Provide Specific Title	1
			Credit 1.2	Innovation in Design: Provide Specific Title	1
			Credit 1.3	Innovation in Design: Provide Specific Title	1
			Credit 1.4	Innovation in Design: Provide Specific Title	1
			Credit 2	LEED® Accredited Professional	1

Yes	No			<b>Project Totals (pre-certification estimates)</b>	<b>69 Points</b>
<b>Y</b>	<b>N</b>				

\* Certified: 26-32 points, Silver: 33-38 points, Gold: 39-51 points, Platinum: 52-69 points  
 \*\* Refers to LEED Source Book for New Construction for Intent and Requirement of each category  
 \*\*\* Mandatory measure by the City of Beverly Hills Green Building Standards  
Energy Star Appliances Optional but Recommended