



STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning
Commission Meeting of
January 28, 2010**

TO: Planning Commission
FROM: Shena Rojemann, Assistant Planner
THROUGH: Jonathan Lait, AICP, City Planner
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.**



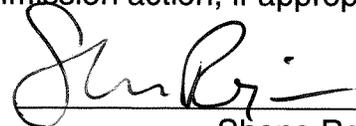
RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution that memorializes the Commission's action with respect to the subject project.

DISCUSSION

At its January 14, 2010 meeting, the Planning Commission reviewed the time extension request for a Development Plan Review Permit and R-4 Permit for the subject property at 450-460 North Palm Drive. At that meeting, the Commission heard presentations from staff and the applicant and the Commission directed staff to prepare a resolution conditionally approving the project.

The attached resolution memorializes the Planning Commission's decision and incorporates the Commission's conditions of approval. The Commission may adopt the attached resolution or modify it to better reflect the Commission action, if appropriate.



Shena Rojemann
Assistant Planner

Attachments:
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS APPROVING A
TIME EXTENSION FOR A DEVELOPMENT PLAN
REVIEW PERMIT AND R-4 PERMIT, FOR A 35-UNIT
RESIDENTIAL CONDOMINIUM PROJECT 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. A Development Plan Review Permit, R-4 Permit and Tentative Tract Map No. 52521, which are components of a previously approved 35-unit residential condominium project (the Project) were originally approved by Resolution No. 1400, adopted by the Planning Commission on October 26, 2005. The Project's Tentative Tract Map No. 52521 approval was valid for a two-year period and the final map was recorded with Los Angeles County on August 7, 2007, prior to the October 26, 2007 expiration date. The Development Plan Review Permit and R-4 Permit were valid for period of three years from the original date of approval. Therefore, the Development Plan Review Permit (required for construction of the project) and R-4 Permit (required for additional front yard paving for walkways) were valid for a three-year period, thus establishing an expiration date of October 26, 2008, unless a time extension is granted. The entitlements were requested for the purpose of development 35-unit residential condominium project in two buildings, for which 111 parking spaces will be provided in two subterranean parking garages. The subject site is currently vacant as the previously existing buildings were demolished in late 2005 and construction of the new buildings has not begun.

Section 2. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review Permit and R-4 Permit granted under Planning Commission Resolution No.1400 expire if not exercised within thirty-six (36) months of the date of adoption. Therefore, the rights granted would have expired at 11:59 p.m. on October 26, 2008 unless an extension is granted by the Planning Commission. Section 10-3-207 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Development Plan Review Permit and R-4 Permit for up to two, one-year time extensions, thus extending the rights granted for a total of five years from the date of the initial approval. On May 21, 2008 under Resolution No. 1515 the Planning Commission granted a 1-year extension of the Development Plan Review Permit and R-4 Permit, thus extending the expiration date to October 26, 2009. This is the second request for a one-year extension. The application for time extension was timely filed on July 16, 2009 more than 30 days prior to the expiration date of October 26, 2009.

Section 3. The Project was previously environmentally reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*) and the City's environmental guidelines, and a negative declaration was adopted. Based on the initial study, the previously adopted negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that there have been no substantial changes to the project or to the environment that would cause the Project to significantly impact the environment. Therefore, the previously adopted negative declaration

continues to represent the independent judgment of the City and there is no substantial evidence that the approval of the Project or this extension may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 4. Notice of the Project and public hearing was mailed on December 7, 2009 to all property owners and residential tenants within a 500-foot radius of the property. The Project was set to be considered by the Planning Commission at its meeting on December 17, 2009 meeting, however the meeting was cancelled and the item was rescheduled for the January 14, 2010 meeting. On January 14, 2010 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

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

1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval, and with the incorporation of Project-specific conditions of approval the Project will achieve partial compliance with the City's green building standards.
2. The rights granted under Resolution No. 1400 shall be extended for one year, in order to provide the applicant with additional time to develop the Project.

3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1400 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Development Plan Review Permit and R-4 Permit granted under Resolution 1400 through and including October 26, 2010, subject to all conditions set forth in Resolution No. 1400, and the following conditions of approval.

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

Sustainable Sites

- Construction Activity pollution control plan is part of the SUSMP plan submitted to the City.
- The project will be equipped with storage capable of securing bicycles for over 20% of the building occupants.
- 5% of the parking stalls shall be reserved as preferred parking for occupants with low emitting and fuel efficient vehicles.
- Stormwater management plan will cycle hardscape and overflow roof drainage through onsite planters, reducing peak discharge rates, and promoting infiltration of stormwater runoff.

Water efficiency

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

Energy & Atmosphere

- Building energy expenditure meets Title 24, which meets minimum LEED requirements

Materials and Resources

- Construction waste will be minimized during construction
- Local, regional materials and products will be used in the construction of the project when feasible

Indoor Environmental Quality

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

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

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

Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1400 shall lapse and expire and be of no further effect.

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

Adopted:

Nanette H. Cole
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

David Reyes
Acting City Planner

