



Planning Commission Report

Meeting Date: May 26, 2011

Subject: **462 South Rexford Drive**
A request for a one-year time extension for a Development Plan Review for a seven-unit condominium project.

PROJECT APPLICANT: Robert Ives

Recommendation: It is recommended that the Planning Commission adopt a resolution approving the requested time-extension.

REPORT SUMMARY

This report details a request for a one-year time extension for a Development Plan Review to allow the construction of a seven-unit condominium project. The project was originally approved in 2007, but has not gone forward due to a lack of funding. If approved, all previously imposed conditions would remain in effect. This time extension represents the second such request and would extend the entitlements until June 14, 2012.

BACKGROUND

File Date	April 27, 2011
Application Complete	April 28, 2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	July 28, 2011, without extension request from applicant

Applicant(s)	Robert Ives
Owner(s)	462 S. Rexford LP Condos
Representative(s)	Murray Fischer

Prior Project Previews	None
Prior PC Action	Adopted Resolution No. 1468 on June 14, 2007, conditionally approving a seven-unit condominium project. Adopted Resolution No. 1579 on May 27, 2010
Prior Council Action	None

PROJECT DESCRIPTION

The approved project is a four-story, 45-foot tall building, with seven units and twenty parking spaces. Parking for the project is provided with 17 spaces located in a one-level subterranean garage and three spaces at grade with access to the garage provided from the alley via a twenty-foot (20') wide driveway. The project complies with all aspects of the City's Municipal Code.

Background/Discussion

The subject project was reviewed by the Planning Commission and approved at its June 14, 2007 meeting, subject to specific conditions of approval. Issues discussed by the Commission, and mitigated through project-specific conditions of approval, included construction related impacts. As conditioned, the Commission was able to make all the necessary findings to approve the project and its associated entitlements.

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

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

Based on the original approval date, the Development Plan Review Permit will expire on June 14, 2010 and the Tentative Parcel Map would have expired on June 14, 2009.

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

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

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

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

The subject Tentative Parcel Map, based on its original approval date of June 14, 2007 and original expiration date of June 14, 2009, qualifies for the extensions provided for by the recent legislation and is valid until June 14, 2012 and is not a part of this request.

ENVIRONMENTAL ASSESSMENT

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 changes to the project and no substantial changes 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 continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

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)	10 Days	5/16/2011	5/16/2011	10 Days
Website	N/A	N/A	N/A	N/A

Applicant Outreach Efforts

As of the date of the preparation of this report, staff is unaware of any outreach efforts undertaken by the applicant.

Public Comment

As of the date of the preparation of this report, staff has not received any correspondence from the public.

ANALYSIS¹

The Planning Commission approved this seven-unit condominium project on June 14, 2007. The exercise of rights granted with the Development Plan Review approval is required to be commenced within three years after adoption of the resolution; however, the Planning Commission approved a one-year time extension on May 27, 2010, extending the entitlement to June 14, 2011. Approval of the subject request would extend the rights of the entitlements for a period of one year, to June 14, 2012.

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.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing 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 uncertain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



David Reyes, Principal Planner

¹ 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

DRAFT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS APPROVING A
ONE-YEAR TIME EXTENSION FOR A
DEVELOPMENT PLAN REVIEW PERMIT FOR A
SEVEN-UNIT CONDOMINIUM PROJECT LOCATED
AT 462 SOUTH REXFORD DRIVE.

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

Section 1. Vesting Tentative Tract Map No. 64012 and its associated Development Plan Review Permit which proposes a seven-unit condominium project (the Project) were originally approved by Resolution No. 1468, adopted on June 14, 2007. The Planning Commission adopted Resolution No. 1579, approving a one-year time extension for the Development Plan Review on May 27, 2010.

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

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

Based on the original approval date and previously approved one-year time extension, the Development Plan Review Permit will expire on June 14, 2011 and the Vesting Tentative Tract Map would have expired on June 14, 2009.

The subject Vesting Tentative Tract Map, based on its original approval date of June 14, 2007 and original expiration date of June 14, 2009, qualifies for the extensions provided for by the recent legislation and therefore is valid until June 14, 2012 and not a part of this request.

The time extension does not amend the conditions of approval or make other substantive revisions to Resolution No. 1468. The entitlements were requested for the purposes of developing a seven-unit condominium project with a height of four stories/45 feet and twenty parking spaces. The parking would be provided with 17 parking spaces in a subterranean parking garage accessed from the rear alley and three parking spaces at grade. Currently, no construction has begun at the subject site, and the existing buildings have not been demolished. The Planning Commission's original decision to approve the Project was subject to numerous conditions of approval to ensure that project and construction-related impacts would be appropriately mitigated.

Section 2. Pursuant to Sections 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review Permit rights granted under Planning Commission Resolution No.1468 expire if not exercised within thirty-six (36) months of the date of adoption, unless extended by the Planning Commission. Section 10-3-207 of the Beverly Hills Municipal Code allows the Planning Commission to extend the approval of the Development Plan Review

for up to seven years from the date of the initial entitlement approval, if approved in conjunction with a subdivision map.

Section 3. 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 changes to the project and no substantial changes 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 continues to represent the independent judgment of the City, and no additional environmental review is required under CEQA.

Section 4. On May 26, 2011, the Planning Commission held a duly noticed public hearing to consider the request for an extension of the Development Plan Review Permit. Evidence, both oral and written, was presented at said hearing.

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

1. There have been no changes to the Project or any substantial change to the surrounding environment since the initial Project approval.
2. The rights granted under Resolution No. 1468 shall be extended for one year.
3. Except as specifically modified by this Resolution, all conditions of Resolution No. 1468 shall remain in full force and effect.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Development Plan Review Permit granted under Resolution 1468 through and including June 14, 2012, subject to all conditions set forth in Resolution No. 1468 and Resolution No. 1579, and the following project-specific conditions:

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

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

Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution Nos. 1468 and 1579 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:

Daniel Yukelson
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner