



Planning Commission Report

Meeting Date: February 23, 2012

Subject: **267 North Canon Drive**

Time extension request for Development Plan Review and participation in the City's in-lieu parking program for a three-story, 13,000 square foot commercial building.
PROJECT APPLICANT: Hamid Gabbay

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
 2. Adopt the attached resolution conditionally approving a one-year time extension.
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REPORT SUMMARY

The applicant requests approval of a one-year time extension for a Development Plan Review and participation in the City's in-lieu parking program for the purpose of constructing a three-story, 13,000 square foot commercial building. This is the first extension request since the project was originally approved by the Planning Commission in 2008. The Planning Commission may grant the request for extension if certain findings are met. If approved, the entitlements would be extended to November 20, 2012.

Attachment(s):

- A. [Staff Recommended Findings and Conditions of Approval](#)
- B. [Draft Planning Commission Resolution Approving Time Extension](#)
- C. [Planning Commission Resolution No. 1535](#)
- D. [Public Notice](#)
- E. [Letter from Applicant Requesting Extension](#)

Report Author and Contact Information:

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BACKGROUND

File Date 9/8/2011
Application Complete 1/13/2012
Subdivision Deadline N/A
CEQA Deadline 60 days from CEQA Determination
Permit Streamlining 3/13/2012 without extension request from applicant

Applicant(s) Hamid Gabbay
Owner(s) Peter and Susan Strauss
Representative(s) Hamid Gabbay

Prior Project Previews None
Prior PC Action Resolution 1535 (Attachment C) approving original project on November 20, 2008
Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address 267 North Canon Drive
Legal Description Beverly Tract, Lot 28, Block 11
Zoning District C-3 General Commercial
General Plan Low Density General Commercial
Existing Land Use(s) Retail
Lot Dimensions & Area 50' (front and rear) x 150' (sides); Rectangular in shape with an area of 7,500 square feet
Year Built 1940
Historic Resource No
Protected Trees/Grove N/A

Adjacent Zoning and Land Uses

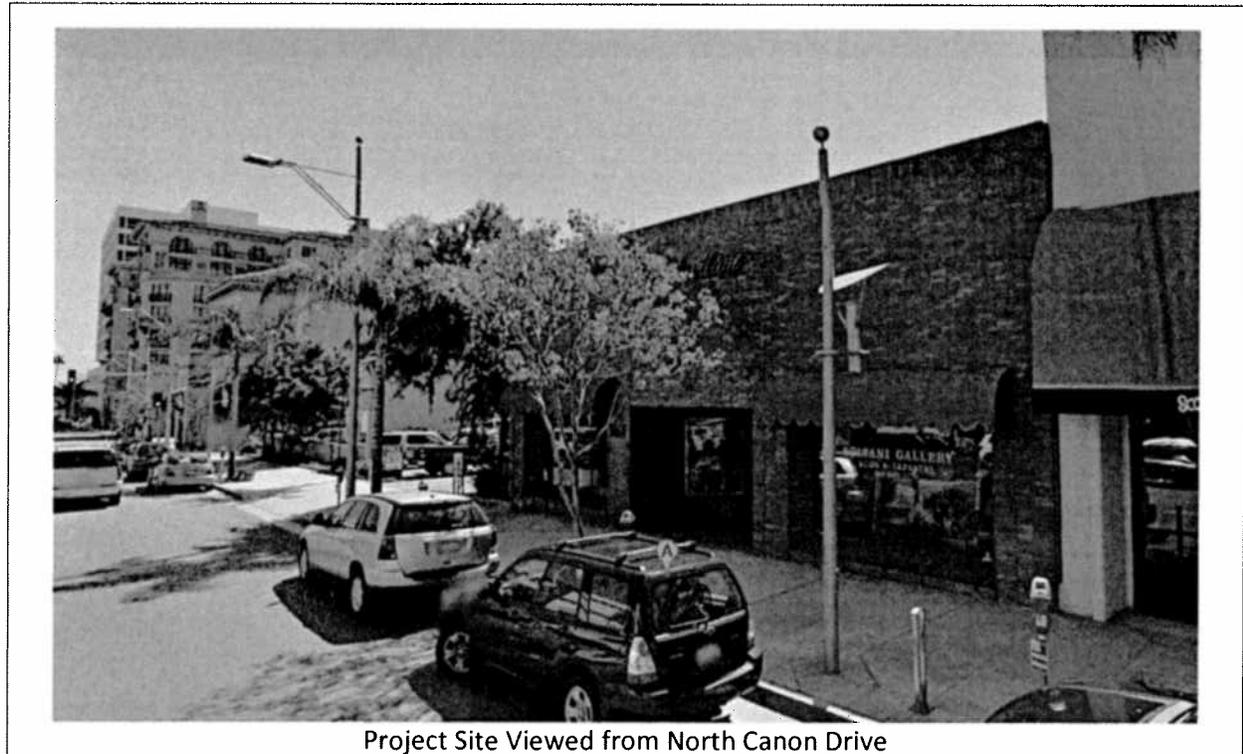
North C-3 General Commercial
South C-3 General Commercial
East C-3 General Commercial
West C-3 General Commercial

Circulation and Parking

Adjacent Street(s) North Canon Drive
Adjacent Alleys One-way alley at rear (west side) of property
Parkways & Sidewalks 12' parkway/sidewalk along North Canon Drive
Parking Restrictions 20-minute and 1-hour metered parking 8AM - 6PM
Nearest Intersection Dayton Way and North Canon Drive
Circulation Element Local street

Neighborhood Character

The subject site is located on the west side of North Canon Drive, and is surrounded by commercial buildings that vary between one and three stories. The surrounding commercial development consists of both retail and general office space. The property immediately north of the subject site is developed with a two-story commercial building, while the property immediately south of the subject site is currently used as a surface parking lot, but has been proposed to be replaced by a three-story plus rooftop, 60-foot tall commercial building.



Project Site Viewed from North Canon Drive

PROJECT DESCRIPTION

The previously approved project consists a new 3-story commercial building with one level of subterranean parking in place of the existing one-story commercial building. The proposed commercial building would have two levels of retail space and one level of general office space. Each of the first two levels of the proposed building would consist of approximately 5,000 square feet of development made available to retail tenants, and the third floor would consist of approximately 3,000 square feet of development, which would be made available to general office tenants. Additionally, the project included a request for 26 code-required parking spaces to be provided through the City's in-lieu parking program.

The applicant requests a time extension of the Development Plan Review and participation in the City's in-lieu parking program approved pursuant to Planning Commission Resolution No. 1535. Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, development entitlements (the Development Plan Review and in-lieu parking, in this case) are valid for an initial period of three years, and can be extended by the Planning Commission for up to five (5) years from the original approval date. No prior

extensions have been requested, so the Development Plan Review and in-lieu parking approval would have expired on November 20, 2011, but remain valid until action is taken on the request for time extension. The applicant initiated this first request for a one-year extension on September 8, 2011 (Attachment E). If granted, the one-year extension would extend the Development Plan Review and in-lieu parking approval until November 20, 2012, and the project would remain eligible for one additional one-year extension beyond the current request.

ENVIRONMENTAL ASSESSMENT

The subject project was previously assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines¹, and the environmental regulations of the City, and a Class 32 Categorical Exemption was adopted by the Planning Commission. 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 approval of the requested extension may have any significant environmental impact. The original Categorical Exemption 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 @ Library	N/A	N/A	2/17/2012	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	2/13/2012	2/13/2012	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	2/17/2012	6 Days

Public Comment

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

ANALYSIS²

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 A and may be used to guide the Planning Commission’s deliberation of the subject project.

The Planning Commission approved this three-story commercial building on November 20, 2008, and a one-year time extension is currently requested. 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

¹ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

² 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.

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.

With the exception of state-required green building standards that have become effective since the project's approval and would apply to the project, 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 conditionally approving a one-year time extension.

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:



Jonathan Lait, AICP, City Planner

ATTACHMENT A

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Time Extension

1. *The 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.*

The conditions and regulations affecting development in the city have not changed in a significant manner, nor have there been any substantial changes to the Project or the surrounding environment since the initial Project approval.

DRAFT CONDITIONS

Project Specific Conditions

1. The one-year time extension granted by this Resolution shall cause the entitlements approved under Planning Commission Resolution No. 1535 to remain valid up to and including November 20, 2012.
2. Except as specifically modified by this Resolution, all conditions of Resolution No. 1535 shall remain in full force and effect.

Standard Conditions

3. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
4. 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.

ATTACHMENT B

DRAFT PLANNING COMMISSION RESOLUTION

APPROVING TIME EXTENSION

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 AND PARTICIPATION IN THE CITY'S IN-LIEU PARKING PROGRAM, FOR A THREE-STORY, 13,000 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 267 NORTH CANON DRIVE.

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

Section 1. A Development Plan Review and participation in the City's in-lieu parking program, which are components of a previously approved three-story, 13,000 square foot commercial project (the Project) were originally approved by Resolution No. 1535, adopted by the Planning Commission on November 20, 2008. The Development Plan Review and approval to participate in the City's in-lieu parking program were valid for a period of three years from the original date of approval, thus establishing an original expiration date of November 20, 2011. The subject site is currently developed with a one-story commercial building that is proposed to be demolished in conjunction with the Project.

Section 2. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review and approval to participate in the City's in-lieu parking program granted under Planning Commission Resolution No.1535 expire if not exercised within thirty-six (36) months of the date of adoption; however, up to two, one-year extensions may be granted by the Planning Commission if certain findings are made. This is the first such request for an

extension, and one additional extension remains available to the Applicant. The application for time extension was timely filed on September 8, 2011.

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 Class 32 Categorical Exemption was adopted by the Planning Commission. Based on the previously adopted Categorical Exemption, 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 Categorical Exemption 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 February 13, 2012 to all property owners and residential tenants within a 500-foot radius of the property. On February 23, 2012 the Planning Commission considered the application at a duly noticed public hearing. 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. The conditions and regulations affecting development in the city have not changed in a significant manner, nor have there been any substantial changes to the Project or the surrounding environment since the initial Project approval.

Section 6. Based on the foregoing, the Planning Commission hereby extends the Development Plan Review and approval to participate in the City's in-lieu parking program granted under Resolution 1535 through and including November 20, 2012, subject to all conditions set forth in Resolution No. 1535, and the following conditions of approval.

1. The one-year time extension granted by this Resolution shall cause the entitlements approved under Planning Commission Resolution No. 1535 to remain valid up to and including November 20, 2012.

2. Except as specifically modified by this Resolution, all conditions of Resolution No. 1535 shall remain in full force and effect.

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

6. 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.

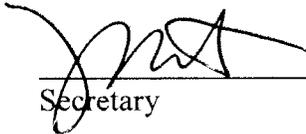
Section 7. If this Resolution is invalidated for any reason, all rights granted under Resolution No. 1535 shall lapse and expire and be of no further effect.

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 M. Yukelson
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

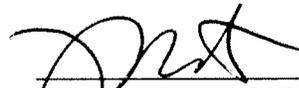


Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

R.G.

ATTACHMENT C

PLANNING COMMISSION RESOLUTION No. 1535

RESOLUTION NO. 1535

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BEVERLY HILLS CONDITIONALLY
APPROVING A DEVELOPMENT PLAN REVIEW
PERMIT AND PARTICIPATION IN THE CITY'S IN-
LIEU PARKING DISTRICT FOR THE PROPERTY
LOCATED AT 267 NORTH CANON DRIVE.

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

Section 1. Gabbay Architects, Applicant, on behalf of 267 N Canon , LLC, (collectively the "Applicant") has submitted an application for a Development Plan Review Permit and a request to participate in the City's in-lieu parking district to allow the construction of a new 3-story commercial building with one level of subterranean parking on the property located at 267 North Canon Drive (the "Project").

The Project site is located on the west side of North Canon Drive and consists of an existing 6,000 square foot retail building with surface parking located at the rear of the property. The Project Site is located within the Business Triangle and is immediately adjacent to existing and future commercial developments. The Project consists of a new 3-story commercial building with one level of subterranean parking in place of the existing one-story commercial building. The proposed commercial building would have two levels of retail space and one level of general office space. Each of the first two levels of the proposed building would consist of approximately 5,000 square feet of development made available to retail tenants, and the third floor would consist of approximately 3,000 square feet of development, which would be made available to general office tenants.

The total square footage of the Project requires 37 parking spaces; however, the Applicant has provided 11 full-size (9'x19') parking spaces on-site, and requested that the additional 26 spaces be provided through the City's in-lieu parking program. The on-site parking would be located in a subterranean parking garage accessed via the rear alley, and provides the necessary parking for the third-floor office space, as the BHMC does not permit in-lieu parking for office uses. The in-lieu parking is being requested for the retail uses only, which is permitted by the BHMC.

Section 2. At its meeting of September 18, 2008, the Planning Commission reviewed the project and requested additional analysis by staff, and requested several design changes. The analysis and changes requested were as follows:

1. Existing public parking garages located in the vicinity of the proposed project are at or near capacity, and approval of the requested in-lieu parking spaces might further impact existing facilities. Available space in the Public Gardens parking garage at the Montage Hotel could potentially accommodate the request for in-lieu parking spaces; however, the Commission requested additional information on the future availability of parking spaces within the Public Gardens garage;
2. The rooftop trellis structure located at the roof of the building appeared to add additional mass to the building and give the impression that the building is 4-stories rather than 3-stories;

3. The design of the building, including its ceiling heights, appeared to be inconsistent with a traditional retail space, and the Commission expressed concerns as to whether the building could appropriately accommodate a retail operation; and
4. The design of the proposed building can accommodate either a single tenant between the two floors of retail space, or individual tenants on each floor. The Commission expressed concern about how the building might accommodate a second-floor tenant, and whether the proposal to have second-floor retail is appropriate.

Section 2.1 In response to the Commission's concerns, staff conducted additional research and the applicant addressed architectural design changes as follows:

1. The Public Gardens parking garage will provide a total of 419 City-controlled parking spaces that will be available for public use, in addition to the 753 code-required parking spaces that are provided for use by the hotel, condominiums, and public gardens. At the September 18, 2008 meeting, the Commission expressed concerns regarding future demand on the parking garage, and the possibility that pre-existing parking agreements may already exist between the Public Gardens garage and future development projects. Based on research conducted by staff, and verified by the Director of Parking Operations, the City has not entered into any parking agreements with future development projects.

Additionally, the Parking Operations Division has not issued any monthly parking permits for use of the Public Gardens parking garage;

2. The applicant redesigned the project so that the rooftop trellis structure has been removed from the building's design, and the building now retains a 3-story appearance; and
3. Staff conducted a visual survey of various retail locations within the proximity of the subject site, and the typical ceiling height of retail stores appears to vary between approximately 12 and 18 feet. Based on existing buildings, there does not appear to be a standard ceiling height that is required for the conducting of a retail operation. Additionally, the applicant made several design changes to the proposed project including an increased ceiling height of 18 feet on the ground floor and 12 feet on the second floor, with façade changes that more appropriately identify retail uses on the first and second floors.
4. Research conducted by staff shows that there are a variety of 2-level retail buildings within the city, with distribution of both single-tenant and multi-tenant retail operations. While a single tenant may be the most conducive environment for a retail operation, there appears to be no evidence to support the idea that an individual second-floor retail operation could not function. Additionally, the applicant and property owner have had discussions with several potential tenants, and feel that either a single-tenant or multi-tenant retail operation would work well within the proposed design.

Section 3. 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 32 Categorical Exemption has been issued pursuant to CEQA Guidelines Section 15332 (infill development) because the Project meets the following environmental criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered , rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The Project complies with the above-referenced conditions, based on the following information:

- (a) The Project has been found to be consistent with the applicable general plan land use designation and all applicable general plan policies. Additionally, the Project has been reviewed for conformance with the

applicable zoning designation and all zoning regulations and development standards.

- (b) The Project is located at 267 North Canon Drive, which is located within the City of Beverly Hills city limits. Additionally, the Project site is substantially surrounded by urban uses on all sides, and the project site is approximately 0.17 acres in size, which is well within the required 5-acre limit.
- (c) The Project site was previously developed with a one-story commercial building, and has remained as such until present day. Because the Project site is already developed with a commercial building, the site does not hold any value as habitat for endangered, rare, or threatened species.
- (d) A traffic study was prepared in conjunction with the Project, which found that based on the anticipated trip generation of the retail and office uses, the Project will not generate any significant impacts related to traffic. Additionally, a study was prepared to analyze potential impacts related to noise, air quality, and water quality. The study found that minor, short-term impacts may be generated during construction of the Project, but that once complete, the Project would not generate any significant impacts related to noise, air quality, or water quality.
- (e) Because the Project site has been previously developed, and is consistent with the requirements of the general plan, it can be adequately served by all required utilities and public services.

Section 4. Notice of the Project and public hearing was mailed on August 28, 2008 and September 10, 2008 to all property owners and residential tenants within a 300-foot radius of the property, and all single-family zoned properties within a 500-foot radius of the exterior boundaries of the Project site. On September 18, 2008 and November 20, 2008, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the application for Development Plan Review Permit, the Planning Commission considered the following criteria:

1. Whether the Project is consistent with the general plan and any specific plans adopted for the area;
2. Whether the Project will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. Whether the nature, configuration, location, density, height and manner of operation of any commercial development proposed by the Project will significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;
4. Whether the Project will create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. Whether the Project will be detrimental to the public health, safety or general welfare.

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

1. The Project meets all zoning requirements and is consistent with the requirements and guidance of the General Plan for commercial uses located within the Business Triangle. The Project site is surrounded by commercial development, and the Project would therefore be a harmonious addition to the area. Additionally, the Project is consistent with any specific plans adopted for the area.

2. As discussed in Finding 1 above, the Project is consistent with the development standards established in the City's Municipal Code and General Plan. Existing uses along North Canon Drive consist of commercial buildings between one and three stories in height, which contain uses such as retail, restaurant, and office space. Construction of the Project will not adversely affect existing and anticipated development on the adjacent, commercially-zoned properties, as the Project is consistent with the existing commercial uses and would help to further enliven North Canon Drive.

3. The Project meets all zoning requirements, including use, configuration, location, density, and height. Additionally, the Project site is located a minimum of 500 feet from the nearest properties zoned for multi-family residential uses. Based on the Project's location and adherence to the BHMC, the Project will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property.

4. As part of the application for Development Plan Review the Applicant prepared a traffic study to analyze any potential impacts that might be

generated by vehicles associated with the Project. The traffic study reviewed the number of hourly and daily vehicle trips expected to be generated by the Project, and found that, based on existing traffic volumes and infrastructure capacities, the Project would not generate any significant impacts related to traffic. The information contained in the traffic analysis was reviewed and confirmed by the City's traffic engineers, and the Project is therefore not expected to generate any significantly adverse traffic impacts or traffic safety hazards. Additionally, access to the Project's subterranean parking garage is provided via the rear alley, thereby limiting the possibility of any pedestrian-vehicle conflicts or pedestrian safety hazards.

5. The Project is designed to be consistent with surrounding development, and compatible with the existing retail and office uses along North Canon Drive. Because the Project has been designed in conformance with the BHMC, and based on the discussions and analysis in Findings 1-4 above, the Project will not be detrimental to the public health, safety, or general welfare.

Section 7. 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 and welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project is consistent with the General Plan and Municipal Code. Although the in-lieu parking request will generate additional demand on the existing parking facilities, the parking study prepared by the Applicant suggests that a sufficient number of parking spaces are available in existing public parking structures to accommodate the 26 in-lieu parking spaces. Although the number of available parking spaces discussed in the parking study was not independently verified by staff, the City's Parking Operations Division reviewed the study and verified that sufficient space is available within the public parking structures to accommodate a minimum of 26 additional vehicles throughout the day.

The parking study prepared by the Applicant reviewed three public parking structures located at 9361 Dayton Way 333 North Crescent Drive, and 221 North Crescent Drive, all of which are located within walking distance of the Project site. The study suggests that peak parking demand occurs between the hours of 12:00 p.m. and 2:00 p.m., but that a minimum of 74 parking spaces remain available at all times, an amount sufficient to accommodate the Project. Because the Project is in compliance with the General Plan and Municipal Code, and has been found to not generate an adverse impact on existing parking facilities, participation in the in-lieu

parking district will not adversely affect existing and anticipated development in the vicinity of the Project, and will promote harmonious development of the area.

2. Per City review and as discussed in the parking and traffic study prepared by the Applicant, and in Finding 1 above, sufficient information is available to demonstrate that participation in the in-lieu parking district will not generate significantly adverse impacts related to traffic safety, pedestrian-vehicle conflicts, or parking.

The Project will not impact traffic safety due to the fact that sufficient parking is available to accommodate the requested in-lieu parking spaces. Additionally, existing signage and roadways are in place to direct traffic and accommodate customers, while limiting the possibility of traffic safety impacts.

The Commission noted that the in-lieu parking was requested for the proposed retail uses only, and would not be available to the office use located on the third floor of the Project. Further, it is expected that customers of the retail uses will be frequenting other buildings within the Business Triangle, in addition to the Project site, and that the amount of parking demand generated specifically by the Project would be minimal, and therefore will not generate any significantly adverse parking impacts.

3. As discussed in Findings 1 and 2 above, participation in the in-lieu parking district will not create any significant adverse traffic safety impacts, pedestrian-vehicle conflicts, or parking impacts. Additionally, participation in the in-lieu parking district will not adversely impact existing or future development, and therefore will not be detrimental to the public health, safety and welfare.

Section 9. Based on the foregoing, the Planning Commission hereby approves the Development Plan Review Permit and request to participate in the City's in-lieu parking district, subject to the following conditions:

1. A total of 26 in-lieu parking spaces shall be approved for use in development of the Project.

2. Parking for the office space located on the Project's third floor shall be provided on-site only.

3. Any use occurring on the first or second floors of the Project shall comply with §10-3-3303 (Eligible Uses) of the BHMC, as the in-lieu parking is only available to uses specified in the BHMC.

4. Subject to approval of materials by the Public Works Department, the Applicant agrees to install sidewalk materials in front of the Project site that are consistent with those in place at the front of the Montage Hotel.

5. To the extent structurally feasible, the third floor of the Project shall be set back 8 feet from the first and second floors below. However, this condition shall not apply to the Project's elevator or stair shafts.

6. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the Applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the

Planning Commission in accordance with the provisions of Article 19.5 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the Applicant shall forthwith comply with any additional conditions at its sole expense.

7. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of November 20, 2008.

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

9. This resolution approving the Development Plan Review Permit and Conditional Use Permit 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.

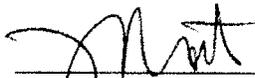
Section 10. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: **November 20, 2008**



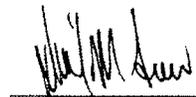
Kathy Reims
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



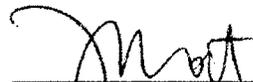
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner *RG. pm*

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. 1535 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on November 20, 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, Vice Chair 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

ATTACHMENT D

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: February 23, 2012

TIME: 1:30 PM

LOCATION: Council Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, February 23, 2012, will hold a public hearing beginning at or after 1:30 PM to consider:

A Time Extension Request for a Development Plan Review Permit and participation in the City's in-lieu parking program. The request is for a one-year time extension of a previously approved Development Plan Review Permit and participation in the City's in-lieu parking program, which are components of an approximately 13,000 square foot, three-story commercial building proposed to be constructed on the property located at 267 North Canon Drive. The project was previously approved by the Planning Commission on November 20, 2008. The requested one-year extension would extend the existing entitlements until November 20, 2012. The request is being made pursuant to §10-3-207 of the Beverly Hills Municipal Code.

This project has 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. A Class 32 Categorical Exemption was previously adopted by the Planning Commission on November 20, 2008. Therefore, the original environmental determination stands, and no additional environmental review is required at this time.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Ryan Gohlich, Associate Planner** in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the applications, plans, and environmental review are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:

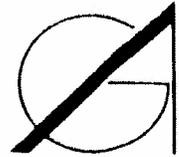


Ryan Gohlich, Associate Planner

Mailed February 13, 2012

ATTACHMENT E

LETTER FROM APPLICANT REQUESTING EXTENSION



GABBAY ARCHITECTS

A PROFESSIONAL CORPORATION

YASSI GABBAY, ARCHITECT, D.P.L.G.

HAMID E. GABBAY, ARCHITECT

September 8, 2011

Mr. David Reyes
City of Beverly Hills
Planning Department
455 North Rexford Dr.
Beverly Hills, CA 90210

Re: 267 N. Canon Dr.

Dear Mr. Reyes,

Following our meeting of September 8, 2011, I am kindly applying for the extension of the aforementioned project by the Planning Commission and the Architectural Commission. Please let me know if and/or when we have to present the project to the aforementioned Commissions.

Warm regards,


Hamid Gabbay
Gabbay Architects

c.c. Mr. & Mrs. Peter Strauss