



Planning Commission Report

Meeting Date: December 13, 2012

Subject: **257 North Canon Drive**
Time extension request for a Development Plan Review for a three-story, 42,000 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 two, one-year time extensions.

REPORT SUMMARY

The applicant requests approval of two, one-year time extensions for a Development Plan Review that authorizes the construction of a three-story, 42,000 square foot commercial building. The Planning Commission may grant two, one-year extensions, and this extension request is for both available extensions. If the extensions are granted, the project would not be eligible for any further extensions, and the Development Plan Review would expire on June 11, 2014. The Planning Commission may grant the request for extension if certain findings are met. Staff's analysis concludes that the required findings can be made, and this report recommends approval of the requested extensions.

Attachment(s):

- A. [Staff Recommended Findings and Conditions of Approval](#)
- B. [Draft Planning Commission Resolution Approving Time Extension](#)
- C. [Planning Commission Resolution No. 1557](#)
- D. [Public Notice](#)

Report Author and Contact Information:

Ryan Gohlich, Senior Planner
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

File Date	12/6/2011
Application Complete	12/3/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	2/2/2013

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

Prior Project Previews	None
Prior PC Action	Resolution No. 1557 approving original project on June 1, 2009
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	257 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	150' (front and rear) x 150' (sides): Square in shape with an area of 22,500 square feet
Year Built	N/A (currently a surface parking lot)
Historic Resource	N/A (currently a surface parking lot)
Protected Trees/Grove	N/A (currently a surface parking lot)

Adjacent Zoning and Land Uses

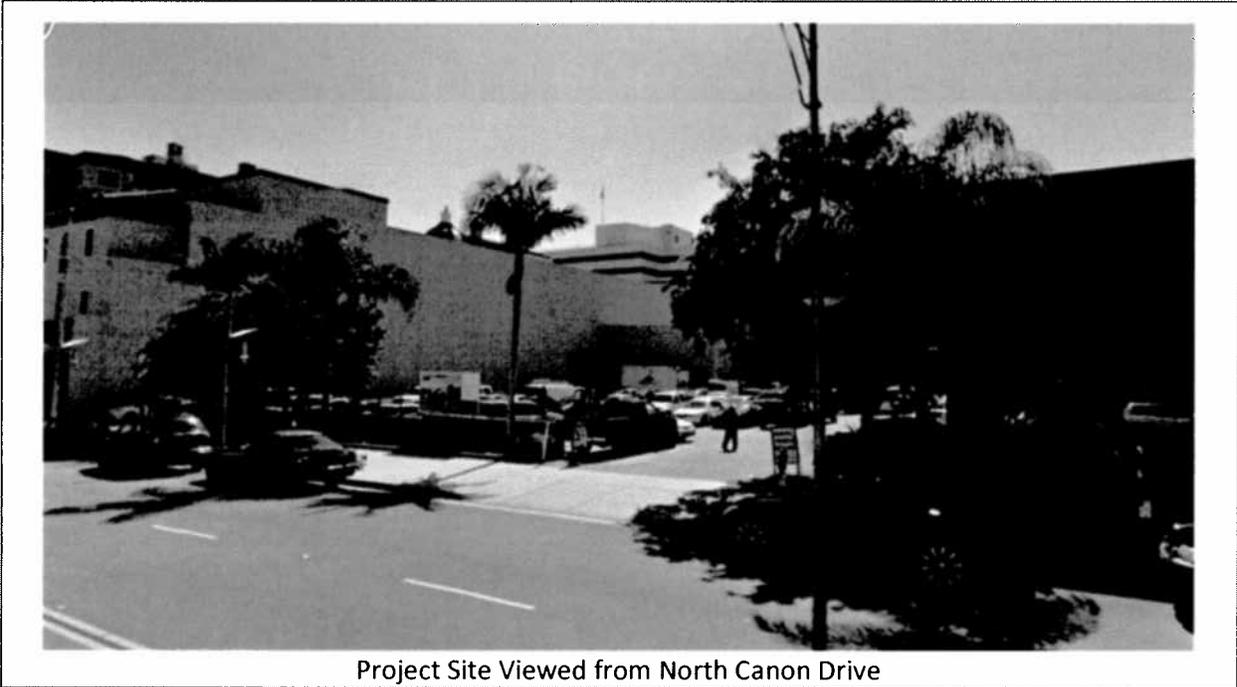
North	C-3 General Commercial
South	Beverly Hills Garden Specific Plan – General Commercial and Hotel
East	C-3 General Commercial
West	C-3 General Commercial

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 one-story plus mezzanine commercial building, while the property immediately south of the subject site is the Beverly Garden Specific Plan, which contains the Montage Hotel.



PROJECT DESCRIPTION

The previously approved project consists a new 3-story (plus rooftop lunchroom) commercial building with three levels of subterranean parking. The proposed commercial building would have one level of ground-floor retail space and two levels of general office space. Vehicle access to the project would be provided via North Canon Drive, at the northern portion of the project site.

The applicant requests a time extension of the Development Plan Review approved pursuant to Planning Commission Resolution No. 1557. Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-207, development entitlements (the Development Plan Review, 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 granted, so the Development Plan Review currently carries an expiration date of June 11, 2012. The applicant initiated the extension request on December 6, 2011; however, the application for extension was not deemed complete until December of 2012. Because six months have passed since the project's expiration date, staff recommends that two one-year extensions be considered under this request. If granted, the two one-year extensions would extend the Development Plan Review approval until June 11, 2014. This would exercise all available extensions, and no further extensions would be available to extend the approval beyond June 11, 2014.

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 an Addendum to a previously adopted Negative Declaration was adopted by the Planning Commission pursuant to Planning Commission Resolution No. 1557. 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 Negative Declaration and Addendum 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	12/7/2012	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	12/3/2012	12/3/2012	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	12/7/2012	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 June 11, 2009, and both available time extensions are 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 that regulations and conditions 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 regard to regulations, state-required green building standards have become effective since the project's approval and would apply to the project. However, these requirements are not anticipated to

¹ The CEQA Guidelines and Statue 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.

alter the project in a manner that would be inconsistent with the original Development Plan Review approval.

With regard to conditions affecting development, the City is currently processing a separate Development Plan Review application for the construction of a luxury movie theater at the subject property. The application for development of the movie theater is in its preliminary stages, and it is currently unclear whether the applicant for the movie theater will continue to seek the requested entitlements. Due to this uncertainty, staff does not anticipate that the movie theater application will conflict with the requested time extensions. In the event that the movie theater does move forward and is approved by the Planning Commission, staff would recommend a condition of approval requiring the abandonment of the entitlements for the three-story commercial building approved pursuant to Planning Commission Resolution No. 1557.

Based on the above analysis, 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.

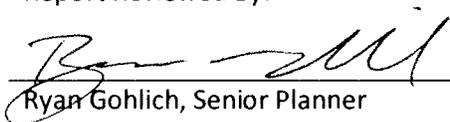
NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing, and adopt the attached resolution conditionally approving two one-year time extensions.

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:



Ryan Gohlich, Senior 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 two one-year time extensions granted by this Resolution shall cause the entitlements approved under Planning Commission Resolution No. 1557 to remain valid up to and including June 11, 2014.
2. Except as specifically modified by this Resolution, all conditions of Resolution No. 1557 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 Extensions 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

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS APPROVING TWO ONE-YEAR TIME EXTENSIONS FOR A DEVELOPMENT PLAN REVIEW FOR A THREE-STORY, 42,000 SQUARE FOOT 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. A Development Plan Review for a previously approved three-story (plus rooftop employee lunchroom), 42,000 square foot commercial project (the Project) was originally approved by Resolution No. 1557, adopted by the Planning Commission on June 11, 2009. The Development Plan Review was valid for a period of three years from the original date of approval, thus establishing an original expiration date of June 11, 2012. The subject site is currently vacant, and is utilized as a surface parking lot.

Section 2. Pursuant to Section 10-3-207 of the Beverly Hills Municipal Code, the Development Plan Review granted under Planning Commission Resolution No.1557 will 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 request is for both available time extensions, and no additional extensions remain available to the Applicant. The application for time extension was timely initiated on December 6, 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 an Addendum to a previously adopted Negative Declaration was previously adopted by the Planning Commission pursuant to Planning Commission Resolution No. 1557. Based on the previously adopted Negative Declaration and Addendum, 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 and Addendum continues to represent the independent judgment of the City and there is no substantial evidence that the approval of the Project or these extensions 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 3, 2012 to all property owners and residential tenants within a 500-foot radius of the property. On December 13, 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 granted under Resolution 1557 through and including June 11, 2014, subject to all conditions set forth in Resolution No. 1557, and the following conditions of approval.

1. The two one-year time extensions granted by this Resolution shall cause the entitlements approved under Planning Commission Resolution No. 1557 to remain valid up to and including June 11, 2014.

2. Except as specifically modified by this Resolution, all conditions of Resolution No. 1557 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 Extensions 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. 1557 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:

Craig Corman
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

ATTACHMENT C

PLANNING COMMISSION RESOLUTION No. 1557

RESOLUTION NO. 1557

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A DEVELOPMENT PLAN REVIEW PERMIT FOR THE CONSTRUCTION OF A THREE-STORY COMMERCIAL BUILDING ON THE PROPERTY LOCATED AT 257 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 257 North Canon, LLC, (collectively the "Applicant") has submitted an application for a Development Plan Review Permit to allow the construction of a new 3-story commercial building with three levels of subterranean parking on the property located at 257 North Canon Drive (the "Project").

The Project Site is located on the west side of North Canon Drive and is currently developed with a surface parking lot that is striped with approximately 70 parking spaces. The Project Site measures 150' x 150', and is made up of three individual parcels of land, each measuring 50' x 150'. The total area of the Project Site is 22,500 square feet. 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 rooftop employee lunchroom and three levels of subterranean parking. The Project will have one level of retail space and two levels of general office space. The first level of development will consist of approximately 15,899 square feet of retail space, the second level of development will consist of approximately 14,800 square feet of general office space, and the third level of development will consist of approximately 11,396 square feet of general office space. The

Project is 45 feet in height, plus an additional 15 feet in height as permitted by the BHMC for the placement of elevator/stair shafts and penthouse structures used to enclose mechanical equipment. Additionally, the rooftop lunchroom area is permitted to extend 15 feet above the adjacent roof deck for a maximum height of 60 feet.

The total square footage of the Project requires 120 parking spaces, and the Applicant has provided 142 full-size (9'x19') parking spaces on-site. The on-site parking will be located in a subterranean parking garage accessed via a two-way driveway on North Canon Drive, and provides the necessary parking for all components of the Project.

Section 2. 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 Negative Declaration was previously adopted by the Planning Commission at its December 14, 2004 meeting for a 45,000 square foot medical office/retail building on the subject site. The current Project is consistent with the original Negative Declaration, and an addendum was prepared to analyze the change in use from medical office space to general office space. Based on analysis contained in the Negative Declaration and addendum to the Negative Declaration, the Project is not anticipated to generate any significant environmental impacts.

Section 3. The Project was reviewed by the Planning Commission at its May 14, 2009 meeting. At that meeting the Commission provided the Applicant with direction to

redesign specific elements of the Project and continued the item to the meeting of June 11, 2009. In response to the Commission's comments the Applicant made the following revisions to the Project:

1. The rooftop mechanical enclosures were reduced in size to approximately 1,900 square feet. Additionally, one of the previously proposed mechanical enclosures was modified to be an employee lunchroom.
2. The south setback of the mechanical enclosures was increased from 23 feet to 53 feet.
3. The ingress/egress driveway was relocated to the north side of the Project. Relocation of the driveway resulted in a loss of two parking spaces; however, the Project continues to provide parking in excess of the amount required by the Municipal Code.
4. The length of the loading zone was increased to 80 feet in order to accommodate one truck and one van simultaneously.
5. An additional shower was added to the Project to accommodate employees using alternate forms of transportation.

Section 4. Notice of the Project and public hearing was mailed on May 4 and June 1, 2009 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 May 14, 2009 the Planning Commission continued the Project to the June 11, 2009 meeting. On May 14 and June 11, 2009 the Planning Commission

considered the application at duly noticed public meetings. 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, including use and development standards, and has been determined to be consistent with the goals and

policies of the General Plan for commercial uses located within the Business Triangle. More specifically, the Project is in keeping with Sections 2.2 and 2.3 of the General Plan Land Use Element by maintaining and enhancing the pedestrian oriented retail shopping areas, and by providing a sufficient amount of parking for the Project. The Project promotes a pedestrian oriented environment through the use of a courtyard-style shopping environment, and is consistent with established land uses and densities within the Business Triangle. The subject 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, including the Beverly Hills Garden Specific Plan, which includes the Montage Hotel and Public Gardens.

2. Existing development and uses along North Canon Drive consist of commercial buildings between one and three stories in height, which contain uses such as retail, restaurant, hotel, and office space. Construction of the Project is not anticipated to adversely affect existing and anticipated development on the adjacent, commercially-zoned properties, as the Project would be consistent with the existing commercial uses in terms of massing, height, and street orientation. The courtyard design of the Project will enhance pedestrian activity and add to the development improvements already completed and underway along North Canon Drive. Therefore, the Project will promote harmonious development of the area.

3. As proposed, the Project meets all zoning requirements, including use, configuration, location, density, and height. Additionally, the subject site is located a minimum of 500 feet from the nearest properties zoned for residential uses.

Further, the Project provides on-site parking that exceeds the amount of parking required by the Beverly Hills Municipal Code, thereby preventing any parking impacts to the surrounding residential areas. Therefore, based on the Project's location, configuration and adherence to the Beverly Hills Municipal Code, the Project is not expected to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject site.

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 peer-reviewed and confirmed by the City's traffic engineers, and as conditioned the Project is not expected to generate any significantly adverse traffic impacts or traffic safety hazards. Access to the Project's subterranean parking garage will be provided via North Canon Drive, utilizing the location of an existing curb cut. Additionally, a condition of approval has been included to require the installation of a silent, flashing device at the garage entry/exit to warn pedestrians and motorists of approaching vehicles, thereby reducing any potential conflicts that could be caused by the Project.

5. The Project has been 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

Beverly Hills Municipal Code, and based on the discussions and analysis in Findings 1-4 above, the Project, as conditioned, is not anticipated to be detrimental to the public health, safety, or general welfare as established in the Beverly Hills Municipal Code and General Plan.

Section 7. Based on the foregoing, the Planning Commission hereby approves the Development Plan Review Permit, subject to the following conditions:

1. Tenants of the Project shall provide their employees with free on-site parking at all times. Further, the applicant shall demonstrate, through written lease agreements with its tenants and to the satisfaction of the City Attorney and Community Development Director, that free on-site parking is being made available to all employees of the Project.

2. To ensure that visitors of the office uses within the Project utilize the parking provided on-site, a validation program shall be implemented. Such program shall be executed to the satisfaction of the Community Development Director and Director of Parking Operations. The lease of each tenant occupying general office space shall include a provision requiring free validated parking for visitors. Signage identifying the validation program shall be placed in a conspicuous location and, to the extent feasible, visitors shall be informed of the validation program prior to visiting the subject property.

3. Loading facilities at the rear of the Project shall be appropriately delineated and maintain a minimum of 80 feet in length and 12 feet in width, allowing

for one 12' x 35' "truck" space, one 10' x 25' "van" space, and 20' of pull-through (maneuvering) space.

4. The outdoor lunch area and its associated trellis located on the roof of the Project shall be modified to be in compliance with Section 10-3-3109 B.7 of the Beverly Hills Municipal Code, which states that "the additional structure shall be set back from the intersection of the roof deck and the face of any exterior wall of the floor immediately below that faces a public right of way so that a forty five degree (45°) angle to the vertical plane of such exterior wall is not intersected."

5. The roof of the rooftop lunchroom shall be landscaped to mitigate visual impacts when viewed from adjacent buildings. Final materials and landscaping shall be reviewed and approved by the Architectural Commission.

6. The garage entrance and exit on Canon Drive shall be equipped with a silent, flashing device to alert pedestrians and motorists of exiting vehicles. Such device shall be to the satisfaction of the City Traffic Engineer.

7. The applicant shall pay the costs of removal/replacement and revenue loss of metered parking spaces that are adjacent to the Project site during the construction phase. The City's Public Works Department shall calculate the cost of such removal/replacement and revenue loss during the period that such parking spaces are rendered unusable as a result of the Project.

8. Retail uses only shall be permitted on the ground floor of the Project for a total area of 15,900 square feet. Any future requests to allow an increase in retail space floor area shall, at a minimum, require the preparation and review of a

new traffic impact study to assess potential impacts that might be generated by said expansion or change in use.

9. Prior to the issuance of any building permits, the three parcels associated with development of the Project shall be legally tied to form one parcel. Such lot-tie shall be recorded with the Los Angeles County Assessor's Office.

10. Prior to the issuance of any permit for construction, excavation or grading of the Project site related to the retail and office development proposal approved herein, either the prior approval for a retail/medical building shall have expired or the property owner, Applicant, and/or any successors in interest shall withdraw and suspend the prior approval in writing, to the satisfaction of the Community Development Director and the City Attorney, so that the prior approval is not of any force or effect.

11. Subject to approval by the Public Works Department, the Applicant shall install sidewalk materials in front of the Project site that are designed and made from the same material as the sidewalk installed in front of the Montage Hotel.

12. 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.

13. In accordance with the approved rooftop use, the property owner shall record a covenant against the subject property indicating that the rooftop facility shall only be used as an employee lunchroom as approved, and shall annually attest at the time of application for or renewal of its city business license that the rooftop facility is only used for the employee lunchroom use as permitted.

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

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

16. This resolution approving the Development Plan Review 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 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.

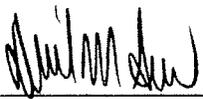
Adopted: 6/11/2009


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

Attest:


Secretary

Approved as to form:


David M. Snow
Assistant City Attorney

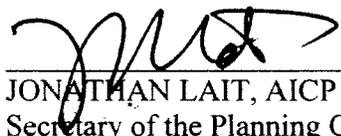
Approved as to content:


Jonathan Lait, AICP
City Planner
RC.
ar

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. 1557 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on June 11, 2009, 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, Yukelson, Vice Chair Bosse and Chair Cole.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Commissioner Corman.



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

ATTACHMENT D

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: December 13, 2012

TIME: 1:30 PM

LOCATION: Commission 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, December 13, 2012, will hold a public hearing beginning at or after **1:30 PM** to consider:

A Time Extension Request for a Development Plan Review, which was previously approved by the Planning Commission in 2009. The previously approved Development Plan Review allows for the construction of a three-story, 42,000 square foot commercial building with rooftop employee lunchroom on the property located at **257 North Canon Drive** (currently used as a surface parking lot). The Planning Commission originally approved the project on June 11, 2009, and the applicant has requested a two-year time extension that would extend the existing approval until June 11, 2014. 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 Negative Declaration was previously adopted by the Planning Commission on December 14, 2004, and a subsequent addendum to the Negative Declaration was adopted by the Planning Commission on June 11, 2009, which found that the project would not result in any significant environmental impacts. 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, Senior 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, Senior Planner

Mailed December 3, 2012