



Planning Commission Report

Meeting Date: December 16, 2010

Subject: **720 North Crescent Drive**
Guest House/Accessory Structure

Request for a Central R-1 Permit to allow the demolition of an existing 1,891 SF non-conforming accessory structure (two-story garage and guest house) and to build a 1,013 SF, 14-foot high single-story structure in its place. The Central R-1 Permit is required to allow an additional 311 SF (2%) of floor area over the maximum allowed by right.

PROJECT APPLICANT: Jeffrey Symonds, AIA for Nancy Lambert

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the request for a Central R-1 Permit.

REPORT SUMMARY

This report analyzes a request for entitlements to construct a single-story accessory structure at the rear of a property abutting an alley. Issues discussed in this report include the structure's height, massing, siting, and the project's compatibility with the existing built environment and neighboring properties.

Special conditions are recommended to ensure that development of the proposed project will not adversely impact neighboring properties.

BACKGROUND

| | |
|----------------------|---|
| File Date | 10/06/10 |
| Application Complete | 11/05/10 |
| Subdivision Deadline | N/A |
| CEQA Deadline | 60 days from CEQA Determination |
| Permit Streamlining | 01/40/2011 (without extension request from applicant) |

| | |
|-------------------|-----------------------------|
| Applicant(s) | Jeff Symonds, AIA |
| Owner(s) | Nancy Sinatra Lambert Trust |
| Representative(s) | Jeff Symonds, AIA |

Attachment(s):

- [Zoning Compliance Table](#)
- [Staff Recommended Findings and Conditions of Approval](#)
- [Public Notice](#)
- Draft Planning Commission Resolution
- Architectural Plans and Photographs of Property

Report Author and Contact Information:

Donna Jerex, Senior Planner
(310) 285-1138
djerex@beverlyhills.org

Prior Project Previews None
Prior PC Action None
Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address 720 North Crescent Drive
Legal Description Beverly Hills Tract, Lot 10, Block 65
Zoning District R-1.X
General Plan Medium Density Residential
Existing Land Use(s) Single-Family Residential
Lot Dimensions & Area ~80' x ~174' (average width x average depth): 13,480 square feet
Year Built Originally constructed in 1910 with substantial modifications in 1960
Historic Resource The property is not listed on any local, state or federal inventory
Protected Trees/Grove None

Adjacent Zoning and Land Uses

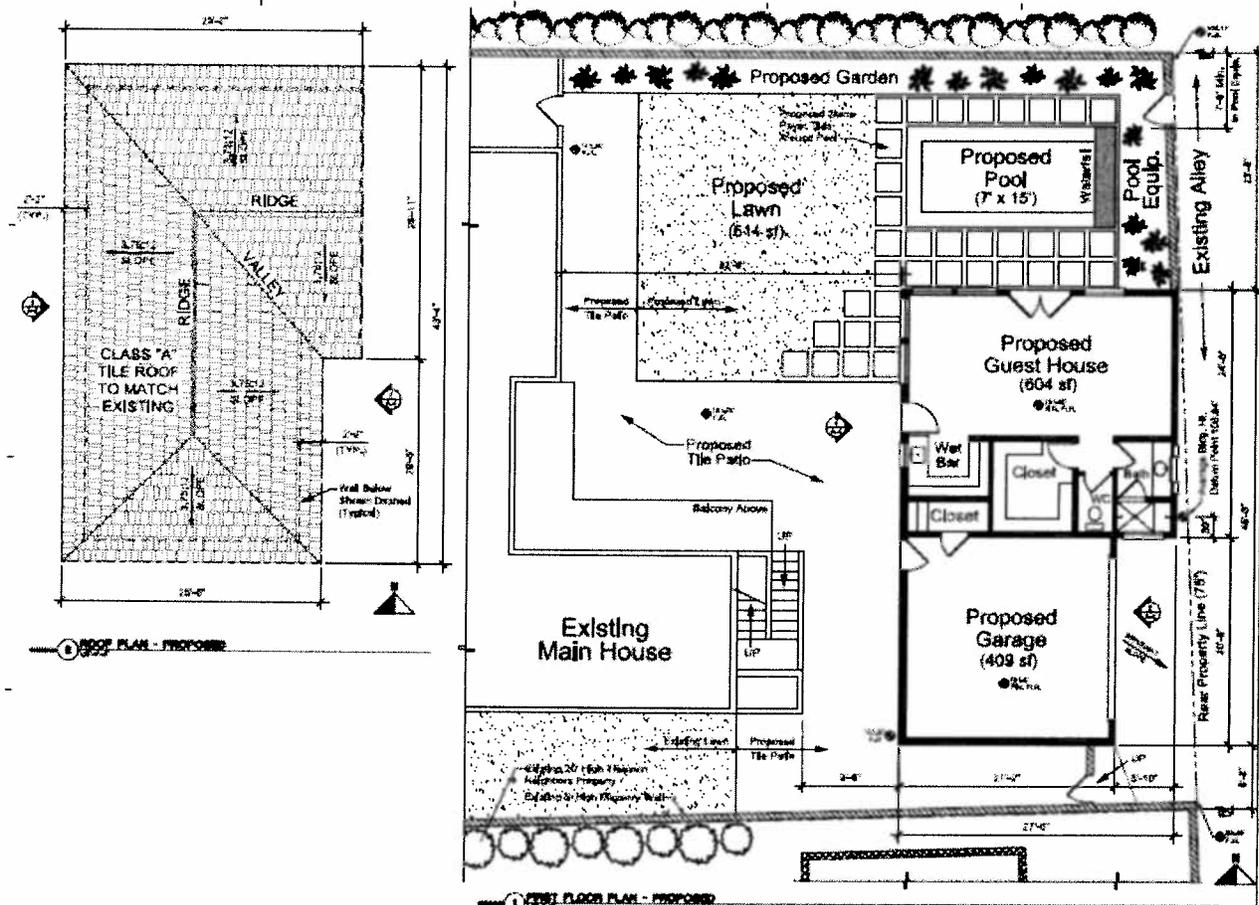
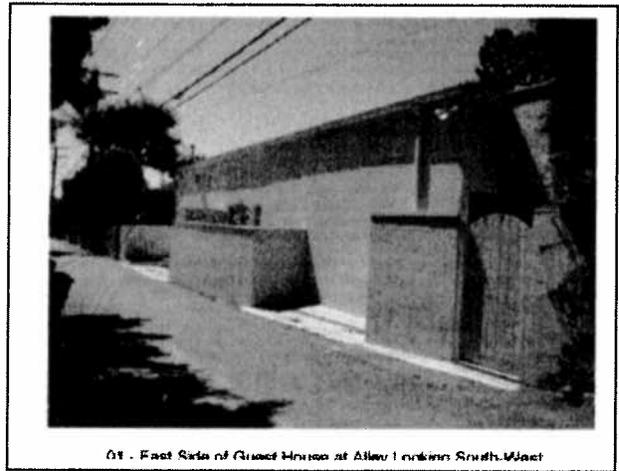
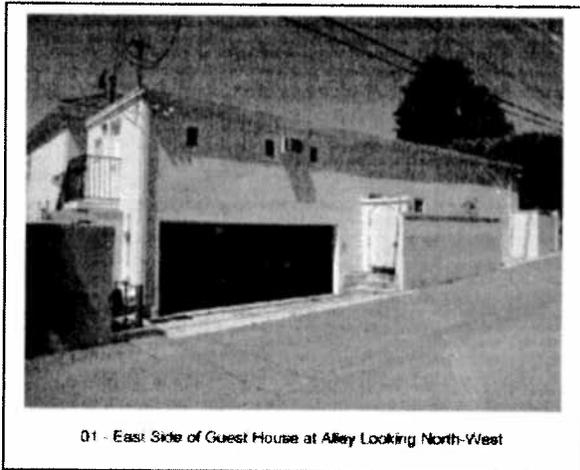
North R-1.X Single-Family Residential
South R-1.X Single-Family Residential
East R-1.X Single-Family Residential
West R-1.X Single-Family Residential

Circulation and Parking

Adjacent Street(s) North Crescent Drive and Lomas Avenue
 North Crescent Drive and Sunset Boulevard is closest major intersection
Adjacent Alleys 2-way 20' wide alley located at rear of property
Parkways & Sidewalks 15' parkway/sidewalk along Crescent Drive and 16' parkway/sidewalk along
 Sunset Boulevard
Parking Restrictions No restriction on daily parking. No overnight parking
Nearest Intersection North Crescent Drive and Sunset Boulevard
Circulation Element Local street
Estimated Daily Trips North Canon Drive 700 block: 9,600 average daily trips
 Sunset Boulevard: 42,300 average daily trips

Neighborhood Character

The built environment surrounding the project site consists entirely of single-family homes that are typically two stories in height. Adjacent properties on the east side of the 700 block of North Crescent Drive are basically uniform in length. Across the street, lots are longer than on the side of the subject property (see plans, Sheet R-1). Homes on the block vary widely in size, ranging from just under 3,000 square feet to over 10,000 square feet in size, some of which include pools, tennis courts, and accessory structures. Photos of the existing property and the proposed site plan are provided on the following page.



Site Plan: Proposed Accessory Structure

PROJECT DESCRIPTION

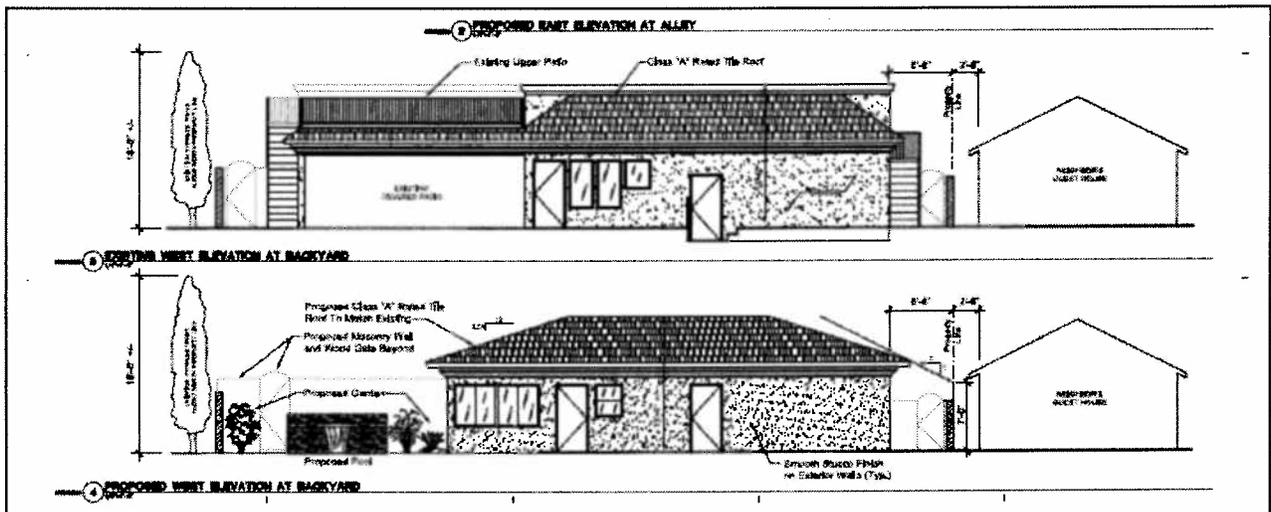
The existing main house and two-story guest house were permitted were constructed in 1992. The concrete floor of the garage was built below the adjacent grade to gain additional height for the second story. The owner states that the garage has flooded repeatedly over the past 18 years despite the installation of drains and sump pumps. Mold has recently become a problem. Therefore, the owner would like to redesign the rear yard to provide more usable open space and build a new, smaller single-story accessory structure with proper drainage.

The existing structures exceed the “by-right” square footage allowance by 872 square feet. The following table itemizes the accessory structure areas (see also attached plans, Sheet A-2):

| | |
|--|-----------------|
| Existing First Floor | |
| Covered Patio | 449 SF |
| Guest House | 308 SF |
| Garage | 409 SF |
| Existing Second Floor | |
| Office | 264 SF |
| Attic | 317 SF |
| Storage | 144 SF |
| Total | 1,891 SF |
| <i>Note: The existing development exceeds the maximum buildable area on the property by 872 square feet.</i> | |

The proposed accessory structure would total 1,013 square feet (604 square feet in guest house + 409 square feet in an attached 2-car garage). The guest house includes a living area, wet bar, 2 closets and a bathroom. The project provides a rear setback ranging from 4 feet (at the garage entry), to zero feet at the property line on the northern edge of the new building. While the new structure would be 561 square feet smaller than what now exists, it would still be 311 square feet over the Code’s “by-right” allowance.

Although not before the Planning Commission for review, the project also includes the removal of an existing concrete patio/swimming pool and the construction of a new pool and waterfall. The new site design will restore over 1,450 square feet of lawn and garden area. Elevations of the proposal are shown below.



Requested Permit

The following entitlement is requested as part of the proposed project:

Central R-1 Permit. A Central R-1 Permit is requested to allow 311 square feet of additional floor area above what is permitted by right. The Commission has discretionary authority to grant this request if the required findings can be met. Total allowable floor area is shown in the chart below.

| Lot Coverage Calculations (in square feet) | |
|--|---------------------------------|
| Lot Size | 13,480 |
| 40% of Lot | 5,392 |
| Plus 1500 SF | 1,500 |
| Total | 6,892 |
| 400 SF credit for garage | 409 SF proposed |
| Total SF Permitted Including garage | 7,292 |
| Existing SF | 7,764 (6590 for house included) |
| Proposed SF | 7,603 (311 SF>7,292) |

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. As conditioned, the proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Staff would like to draw attention to two issues just to ensure these are clear for the Commission.

1. Garage Setback from Alley: As proposed, the two-car garage portion of the project would be accessed from the alley. To secure the required minimum 24-foot turning radius, a 4-foot rear yard setback is provided so that cars can meet the 24-foot clearance when backing out of the adjacent 20-foot wide alley. With the exception of the request for additional floor area, the project meets all other Zoning Code requirements.
2. Required Parking Spaces: The existing structure contains 5 bedrooms which requires 3 parking spaces. The accessory structure is not proposed as a fully independent living facility (which would require a kitchen, second unit and additional parking space). Therefore, a third parking space shall be provided on the property beyond the front yard setback, and shall be shown on the final plans. A condition of approval to this effect has been added.

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

GENERAL PLAN² POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- Policy 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines³, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3(a) exemption allows for the construction of new second dwelling unit. The proposed project will be developed as second dwelling unit that is subordinate to the main residence, and is therefore eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

| Type of Notice | Required Period | Required Notice Date | Actual Notice Date | Actual Period |
|--|-----------------|----------------------|--------------------|---------------|
| Newspaper Notice | N/A | N/A | N/A | N/A |
| Mailed Notice (Owners & Residents - 300' Radius) | 10 days | 12/6/2010 | 12/6/2010 | 10 days |
| Property Posting | N/A | N/A | N/A | N/A |
| Website | N/A | N/A | 11/18/2010 | 5 days |

Applicant Outreach Efforts

Other than the required public noticing, no public outreach has been conducted by the applicant.

Public Comment

As of the date of the preparation of this report, staff had not received any comment letters on this project.

² Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

³ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

ANALYSIS⁴

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

Summary

In reviewing the Central R-1 Permit request, specific findings must be made with regard to the following:

- scale and character of the area
- neighbors’ privacy and access to light and air,
- the streetscape
- the garden quality of the City

The proposed structure has been designed with the above criteria in mind, and is sited in a way that balances development of the subject property with the preservation of surrounding properties. The accessory structure includes ample setbacks from all neighboring properties, reduces the amount of concrete on the rear yard, provides additional garden areas, and eliminates a second floor of living area at the rear of the property.

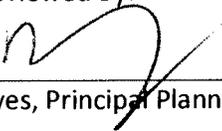
NEXT STEPS

It is recommended that the Planning Commission conditionally approve the requested Central R-1 Permit and Second Unit Use Permit, 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 (un)certain, consistent with permit processing timelines, and at applicant’s request or consent.

Report Reviewed By:



David Reyes, Principal Planner

⁴ 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
Table - Zoning Compliance

| REGULATIONS | PERMITTED / ALLOWED | PROPOSED PROJECT | NOTES |
|----------------------------|---|---|---|
| Primary Residence | 6,590 square feet | N/A (no change) | |
| Accessory Structure | | | |
| Living Area | 293 square feet additional floor area is permitted by right | 604 square feet | New accessory structure would be 561 square feet smaller than existing, yet 311 square feet over what is allowed "by right." Central R-1 Permit required for additional floor area. |
| Garage Component | 400 square feet Exempt per code | 409 square feet | Requires Central R-1 Permit |
| Side Setback | North side: None South side: None | North side: 23'-6" South Side: 6'-6" | Accessory buildings 14' and under may encroach into sideyard setbacks |
| Rear Setback | 0 feet | Ranges - 4 feet to 0 feet | |
| Height | 14 feet | 14 feet | |
| Bedrooms | No limit | Living area/not specifically a bedroom | |
| Parking | 2 spaces | 2 spaces | |

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Central R-1 Permit

1. *The structure will not have a substantial adverse impact on the scale and massing of the streetscape;*

The proposed project would have a maximum height of 14 feet and provides ample sideyard setbacks of 6'-6" and 23'-6". The project would be located adjacent to an alley and would provide additional open space on the property; the elimination of a second story; and the removal of a covered patio area. Each of these changes will result in more open space and less massing for the property owner and adjacent residences.

2. *The structure will not have a substantial adverse impact on the neighbors' access to light and air;*

By reducing the project from the existing two stories to the proposed single story, and by removing the covered patio at the north side of the property, neighbor access to light and air would be improved rather than restricted.

3. *The structure will not have a substantial adverse impact on the neighbors' privacy;*

Given that the second story is eliminated in the proposed design and the maximum height would be 14 feet, neighbors would experience additional privacy from what exists now.

4. *The structure will not have a substantial adverse impact on the garden quality of the city; and*

Through the reduction in size and the removal of a concrete patio and replacement of the swimming pool with a smaller pool, the garden quality of the city would be improved by the addition of over 1,450 square feet of open space/garden and lawn area on the property

DRAFT CONDITIONS

Project Specific Conditions

1. A minimum turning radius of 24 feet shall be provided for access to the parking spaces located within the accessory structure.
2. Three parking spaces are required. Two will be provided in the proposed garage. The third space shall be located behind the front yard setback and shall require review and approval by the City's Traffic Engineer and Building & Safety Division. This parking space must be shown on the final plans.

Standard Conditions

ADMINISTRATIVE

3. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

4. **RECORDATION.** The resolution approving the Central R-1 Permit and Second Unit 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 the 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.
5. **EXPIRATION.** Central R-1 Permit and Second Unit Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
6. **VIOLATION OF CONDITIONS:** A violation of these conditions of approval may result in a termination of the entitlements granted herein.

CONFORMANCE WITH APPROVED PLANS

7. This approval is for those plans submitted to the Planning Commission on November 23, 2010, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
8. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
9. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
10. **Approval Runs With Land.** These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

FEES AND TAXES

11. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

PROJECT OPERATIONS

12. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
13. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

PUBLIC WORKS/PARK AND REC REQUIREMENTS

14. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
15. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
16. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the existing tree roots within the parkway area.
17. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.
18. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.
19. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.
20. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
21. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
22. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
23. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
24. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

25. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.
26. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
27. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
28. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
29. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: December 16, 2010
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, December 16, 2010, will hold a public hearing beginning at **1:30 PM** to consider:

A request for a Central R-1 Permit to allow the demolition of an existing 1,165 SF non-conforming accessory structure (two-story garage and guest house) and to build a 604 SF, 14-foot high single-story structure in its place. The property is located in the Central Area of the City at **720 North Crescent Drive**. The Central R-1 Permit is required to allow an additional 311 SF (2%) of floor area over the maximum allowed by right.

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. The project qualifies for a Class 3(e) Categorical Exemption for new construction of residential accessory structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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 **Donna Jerex, Senior Planner** in the Planning Division at (310) 285-1138, or by email at djerex@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption 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.

Approved as to form:

/s/ David Reyes
David Reyes, Principal Planner

Mailed December 6, 2010

City of Beverly Hills 455 N. Rexford Drive Beverly Hills, California 90210 p (310) 285-1141 f (310) 858-5966 BeverlyHills.org

ATTACHMENT D
Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A CENTRAL R-1 PERMIT TO ALLOW THE CONSTRUCTION OF A 1,013 SQUARE FOOT, 14-FOOT HIGH ACCESSORY STRUCTURE ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 720 NORTH CRESCENT DRIVE.

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

Section 1. Jeffrey Symonds, Applicant, on behalf of the property owner of 720 North Crescent Drive, (collectively the “Applicant”) have submitted an application for a Central R-1 Permit to allow the construction of a new single-story accessory structure in the Central Area of the City at 720 North Crescent Drive (the “Project”). Construction of an accessory structure is allowed by-right if the structure meets all applicable development standards within the Beverly Hills Municipal Code (BHMC). However, the Project does not exceeds the BHMC’s allowance for Floor Area, and therefore requires the issuance of a Central R-1 Permit can be granted by the Planning Commission if certain findings are met. Specifically, the Project requires this permit to allow an additional 311 square feet of floor area over the maximum allowed by right.

Section 2. The Project site is located on the east side of the 700 block of North Crescent Drive, and is currently developed with an approximately 6,590 square foot residence and two-story, 1,165 square foot detached accessory structure including a 409 square foot garage. The entire existing accessory structure (as well as an existing swimming pool and

concrete decking) are proposed to be demolished. A new single-story garage, accessory structure and swimming pool would be constructed. The pool does not require Commission review. The total area of the subject property is approximately 13,480 square feet in size. The site is surrounded by residential properties of similar sizes on the same side of the street, and slightly longer properties on the west side of the street.

The Applicant proposes to construct a new single-story accessory structure adjacent to the rear alley of the Project site. The Project consists of approximately 1,013 square feet of floor area with a maximum height of 14 feet. As proposed, the Project does not comply with the City’s development standards for accessory structures with regard to maximum allowable floor area (the Project is 311 square feet over allowable); however, these components can be approved through the issuance of a Central R-1 Permit by the Planning Commission pursuant to certain findings.

Section 3. The project exceeds the maximum allowable floor area by 311 square feet as follows:

| Lot Coverage Calculations (in square feet) | |
|---|---------------------------------|
| Lot Size | 13,480 |
| 40% of Lot | 5,392 |
| Plus 1500 SF | 1,500 |
| Total | 6,892 |
| 400 SF credit for garage | 409 SF proposed |
| Total SF Permitted Including garage | 7,292 |
| Existing SF | 7,764 (6590 for house included) |
| Proposed SF | 7,603 (311 SF>7,292) |

The Commission may issue a Central R-1 Permit to allow additional lot coverage if certain findings can be made which are discussed further below.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of 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 Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Class 3(a) Categorical Exemption has been issued in accordance with the requirements of Section 15303(a) of the Guidelines for the construction of new second dwelling unit.

Section 5. Notice of the Project and public hearing was mailed on December 6, 2010 to all property owners and residential tenants within a 300-foot radius of the property. No letters were received as of the date this Resolution was prepared. On December 16, 2010 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Central R-1 Permit, the Planning Commission considered whether the Project would have a substantial impact on the following criteria:

1. The scale and massing of the streetscape;
2. The neighbors’ access to light and air;
3. The neighbors’ privacy;
4. The garden quality of the city; and

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

1. The Project is located in the rear yard and would replace a two-story structure with a single-story structure that is over 500 square feet smaller in size. Therefore, it will reduce the scale and massing of the streetscape as viewed from the alley and adjacent properties.

2. Neighbors' access to light and air would be improved through the removal of the second story as well as the removal of a first and second story patio area on the northern end of the property.

3. Neighbors' privacy would be improved through the project through the removal of the second story living areas as well as the second story patio deck.

4. The garden quality of the City would be improved by greater open space and reduced floor area.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested Minor Accommodation and Second Unit Use Permit, subject to the following conditions:

1. A minimum turning radius of 24 feet shall be provided for access to the parking spaces located within the accessory structure.

2. Three parking spaces are required. Two will be provided in the proposed garage. The third space shall be located behind the front yard setback and

shall require review and approval by the City's Traffic Engineer and Building & Safety Division. This parking space must be shown on the final plans.

1. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

2. RECORDATION. The resolution approving the Minor Accommodation and Second Unit 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 the 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.

3. EXPIRATION. Minor Accommodation and Second Unit Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

4. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

5. This approval is for those plans submitted to the Planning Commission on November 23, 2010, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

6. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

7. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

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

9. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

10. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

11. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

12. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

13. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

14. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the existing tree roots within the parkway area.

15. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

16. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to

ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

17. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

18. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

19. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

20. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

21. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

22. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

23. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.

24. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

25. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

26. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

27. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

Section 12. 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:

Lili Bosse
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 E
Architectural Plans and Photographs of Property

