



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210  
TEL. (310) 458-1140 FAX. (310) 858-5966

## Planning Commission Report

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**Meeting Date:** April 28, 2011

**Subject:** **1166 Summit Drive**

Request for a Second Unit Use Permit to permit to allow the conversion of an existing guest house to a second unit and a Hillside R-1 Permit to allow accessory structures to be located closer than 100 feet to the front lot line on the estate property.

PROJECT APPLICANT: J. Stuart Hilliard, Inc. for Property Owners Mark and Christina Siegel

**Recommendation:** That the Commission:

1. Conduct a public hearing and review testimony on the project; and
  2. Adopt the attached resolution conditionally approving the project.
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### REPORT SUMMARY

This report analyzes a request for entitlements in conjunction with the remodel and addition of an estate property within the Hillside Area of the City. Due to the size and topography of the property and the proposed design and location of the additions, no negative impacts to any neighbors are anticipated. Additionally, for the same reasons, the project is compatible with the surrounding neighborhood.

Attachment(s):

- A. Zoning Compliance Table
- B. Staff Recommended Findings and Conditions of Approval
- C. Public Notice
- D. Draft Planning Commission Resolution
- E. Site Photographs
- F. Architectural Plans

Report Author and Contact Information:

Donna Jerex  
(310) 285-1138  
[djerex@beverlyhills.org](mailto:djerex@beverlyhills.org)

## **BACKGROUND**

File Date	March 24, 2011
Application Complete	April 15, 2011
Subdivision Deadline	N/A
CEQA Deadline	90 days from CEQA Determination
Permit Streamlining	October 12, 2011

Applicant(s)	J. Stuart Hilliard Inc.
Owner(s)	Mark and Christina Siegel
Representative(s)	Arturo Rivas

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

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	1166 Summit Drive
Legal Description	Lot 1 of Tract 19454
Zoning District	R-1.X
General Plan	Single family residential
Existing Land Use(s)	Single family residence and guest house (both currently under construction)
Lot Dimensions & Area	Varied dimensions/Lot Size: 35,666 SF with buildable pad area of 11,283 SF
Year Built	Project is currently under construction
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

### Circulation and Parking

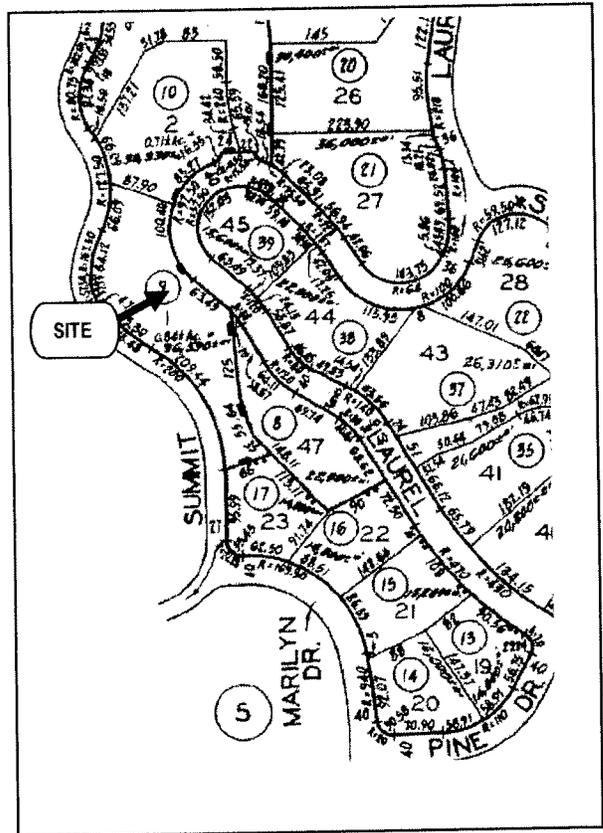
Adjacent Street(s)	Summit Drive
Adjacent Alleys	None
Parkways & Sidewalks	None
Parking Restrictions	No overnight parking permitted; no parking on east side of street.
Nearest Intersection	The nearest signalized intersection is Tower Road and Benedict Canyon Drive. The nearest intersection to the site is Summit Drive and Carolyn Way.
Circulation Element	Summit Drive is a local street
Estimated Daily Trips	1700 trips per day (both directions)

### Neighborhood Character

This project is located in the City's Hillside Area. Properties are various shapes and generously-sized with sloped areas surrounded by lush vegetation, canyons and hillsides. Streets are curvy and wind around ridges and canyons. Many properties have protected views, although this does not apply to the subject site since it has no potential for view obstruction.

### **PROJECT DESCRIPTION**

The project site has an irregular shape with a wavy front property line (see diagram at right) which is about 209 feet wide. The side property lines are approximately 65 feet (south) and 88 feet (north). The "rear" property line is actually partially a second front property line along Laurel; however the lot slopes down dramatically at that point and access cannot be taken from Laurel. The lot is 35,666 square feet in size with a buildable pad area of 11,283 square feet. The lot slopes dramatically from front to back (over a 50-foot drop) and somewhat less dramatically from side to side all around the level pad area.



The original house on this property was approximately 1820 square feet in size with a small garage and was built in 1955. The proposed project involves the renovation and addition to the existing residence along with the creation of a second unit and covered garage. The total allowable floor area for this site is 6,030. The total proposed floor area is 4,993 square feet, including the second unit and the three-car garage. Existing permits were obtained for much of the site work is currently under construction; however those areas identified below require approval by the Planning Commission prior to construction.

### **Requested Permits:**

During the construction process, the owner requested that a number of changes be made to the approved plans. These are listed below and further described in the Analysis section of the report.

1. Second Unit Use Permit pursuant to BHM Section 10-3-409(B) to allow the accessory building currently under construction to be converted to a detached second unit approximately 970 square feet in size.
2. Hillside R-1 Permit pursuant to BHM Section 10-3-2526 to allow a garage, pedestrian bridge and Second Unit to be located on the site as proposed. Because the property is an estate lot over 24,000 square feet, upon approval of a Hillside R-1, accessory structures may be located anywhere on the site.

### **ZONING CODE<sup>1</sup> COMPLIANCE**

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. 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.

#### Agency Review<sup>2</sup>

Applicable City Departments routinely conduct a preliminary project review as it relates to other technical provisions of local and state law. These departments include Transportation, Civil Engineering, Building and Safety, Police, and Fire.

The scope of this project with regard to the residential use (both the main residence and the second unit) has not been changed through the requested modifications. All Building and Safety issues with regard to hillside areas and Engineering/Transportation issues with regard to curb cuts have previously been approved.

### **GENERAL PLAN<sup>3</sup> POLICIES**

The General Plan includes several goals and policies. Perhaps the most relevant policy to the Planning Commission's review of the project is:

- Policy 6.4 Second Units. Allow second units in single-family residential districts in accordance with State law.
- 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 Guidelines<sup>4</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3 of the Guidelines. Specifically, this exemption ("New Construction or Conversion of Small Structures") applies to single-family residences and second units.

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<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>2</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

<sup>3</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>4</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice			April 15, 2011	13 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days		April 15, 2011	13 days
Property Posting	N/A	N/A		
Website	N/A	N/A		

Public Comment

As of the date this report was written, staff had not received any written or verbal communications pursuant to the public notice.

**ANALYSIS<sup>5</sup>**

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.

*Note: Attachment E provides photographs taken in March 2011. The photos are keyed to the project site to show the areas from which they were taken.*

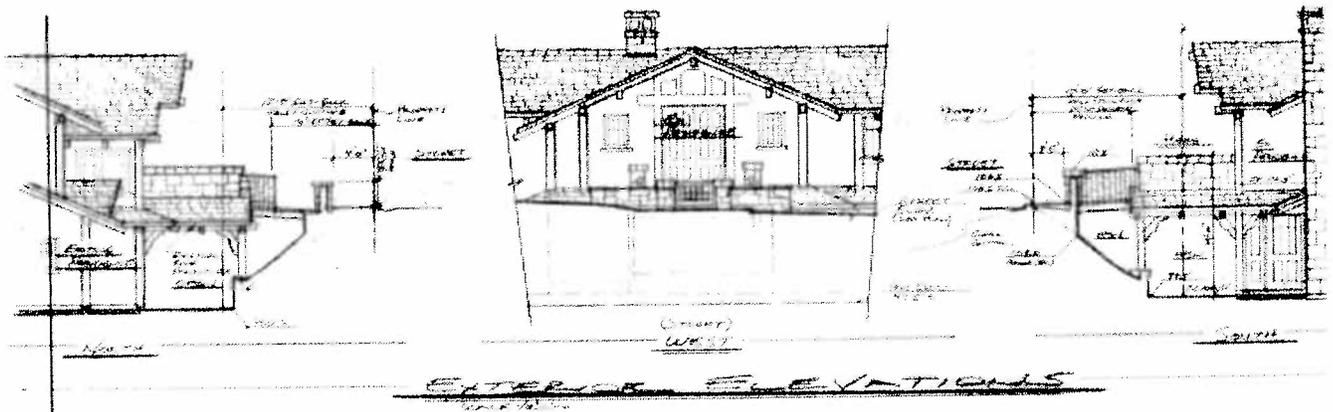
1. **Entrance Bridge**

A Hillside R-1 Permit is being requested to allow the pedestrian bridge to provide direct access from the street-level to house. By way of background, the subject property owner also owns the house directly across Summit Drive. The existing approved building permit includes a series of connected and winding walkways to accommodate the grade change from the street to the residence and second unit.

The bridge is necessary because the elevation point of the curb along Summit Drive is approximately 9 feet higher than the pad level of the residence. This condition is illustrated below (see Sheet 5 of attached plans).

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<sup>5</sup> 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.



The bridge is at approximately the same level of the street and is topped by a 3-foot high railing. Therefore it does not appear obtrusive as viewed from the street and is visually compatible with other development along the street.

## 2. Second Unit/Guest House:

The second unit is currently under construction as a permitted 970 square foot guest house. The project involves the addition of a kitchen to make it a second unit with complete and independent living facilities. It is located approximately 39 feet north of the primary residence and is located outside of all required setbacks, within the principal building area of the site. Second Units are a permitted use on the property, however, because the second unit is over 650 square feet and it is not technically in the rear of the property, the Project requires approval of the Planning Commission.

Given that the guest house sits approximately 20 feet lower than the adjacent roadway, the proposed 24-foot high structure is only partially visible from the roadway. It is 83 feet away from the closest sideyard property line which is also at a much higher elevation. In reviewing Second Unit Use Permits, consideration is given to the project's potential for impacts to the neighbors (light, air, and privacy), the compatibility with the neighborhood and impacts to the street streetscape. Due to the location of the structure outside of required setbacks and the property's topography, no impacts are anticipated to result from approval of the Hillside R-1 Permit.

## 3. Garage:

Parking requirements for the Hillside Area are regulated by BHMC Section 10.3-2515<sup>6</sup> require 3 parking spaces for primary residences that contain less than 6,000 square feet of floor area. Two of

<sup>6</sup> BHMC Section 10.3-2515 states: No less than four (4) parking spaces shall be provided for each primary residence located within the Hillside Area unless the primary residence has a floor area of less than six thousand (6,000) square feet. If the primary residence has a floor area of less than six thousand (6,000) square feet, then only three (3) parking spaces shall be required. (A) At least two (2) of the parking spaces shall be covered by a permanent structure.

these spaces must be covered by a permanent structure. The plans propose 3 parking spaces in an enclosed garage at the southern end of the property and one additional space in the motor court beyond the front yard setback area.

The property owner's original design included a 2-car carport at the rear of the main residence and one additional uncovered space for the guesthouse. The owner would like to modify this design to provide all the required parking in a 3-car garage located on the south side of the property. The garage would be a minimum of 8 feet from the front property line and 5 feet from the property line. Therefore, the structure would not meet the minimum required front (15-foot) and sideyard (33.5-foot) setbacks.

For accessory buildings on estate properties (>24,000 SF in size), BHMC Section 10-3.2526<sup>7</sup> allows accessory building to be located on any part of the site if authorized by the Planning Commission as part of a Hillside R-1 Permit. The height of the garage as seen from the street would be 11 feet. The garage is also 5 feet from the neighboring property line to the south and is surrounded by existing trees and vegetation.

Due to the garage's size and location, it is not anticipated to have a substantial adverse impact on the scale or character of the area; on the privacy of neighboring properties; on the neighbors' access to light and air; or on the streetscape.

### Summary

This project is composed of three separate components: a Second Unit, a Pedestrian Bridge and a Garage. Due to the fact that the level pad area of the site sits well below the street, the house is unobtrusive from the roadway as well as from views across the canyon. The proposal provides a modestly scaled residence and second unit, and includes for off-street parking areas that did not previously exist when the site was originally developed in the 1950s. Based on the project's proposed design, location, and scale/massing, staff believes that the required finding for project approval can be made.

### Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment B):

1. Any modifications to the plans approved by the Planning Commission on April 28, 2011 shall be presented to staff to determine compliance with the approvals and to determine whether any additional approvals are required.

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<sup>7</sup> BHMC Section 10-3-2526: If the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contiguous lots or parcels which are owned by the same person and used as one site equals or exceeds twenty four thousand (24,000) square feet, accessory buildings to a residence may be located on any part of the site if authorized by the planning commission as part of a Hillside R-1 permit

**NEXT STEPS**

It is recommended that the Planning Commission adopt the attached resolution and conditionally approve the project.

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:

  
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David Reyes, Principal Planner

**ATTACHMENT A**  
**Table - Zoning Compliance**

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b>Primary Building</b>			
Height	<b>House:</b> BHMC 10-3-2503: 26 feet  <b>Garage:</b> 14 feet	<b>Second unit:</b> Approx 24'  <b>Garage:</b> 11 feet	Second unit must not be taller than primary residence.
Lot Coverage / Floor Area	6030 SF	4993 SF	
Front Setback	BHMC 10-3-2504: 15 feet	Residence: 15 feet Bridge: 0 feet Garage: 8 feet	N/A Bridge: Variance Requested Garage: Hillside R-1 Requested
Rear Setback	BHMC 10-3-2505 15% of lot dept or 20', whichever is greater	Residence: >50 feet Garage: 12'	N/A Garage: Hillside R-1 Requested
Side Setback	BHMC 10-3-2506 10 feet or 12% of the lot width, whichever is greater	Guesthouse: 83' Residence: 123'	
<b>Accessory Structure</b>			
Accessory Building (living)	26 feet	24 feet	
Accessory Garage	14 Feet	11 feet	
Location	BHMC 10-3-2526 If >24,000 SF lot, accessory buildings may be located on any part of the site if authorized by Planning Commission by Hillside R-1 Permit	Second Unit: minimum side yard s/b 83 Feet  Garage: 5 feet min. proposed	
<b>Parking &amp; Circulation</b>			
Parking Spaces	3 required for residence 1 required for second unit	3 proposed in garage 1 proposed at grade	
Vehicle Access			Curb cuts have been approved for access to both the motor court adjacent to the house and the proposed garage.



## **ATTACHMENT B**

### **Draft Findings and Conditions of Approval**

#### **DRAFT FINDINGS**

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##### Second Unit Use Permit

1. *The proposed second unit structure will not have a substantial adverse impact on the scale or character of the area since it is constructed on a pad that is at least 9 feet below the roadway. Together with the house, the maximum floor area will be less than 5,000 square feet on a property where approximately 6,000 feet is permitted, and the closest side yard (the north side) is approximately 83 feet from the structure.*
2. *The second unit will not affect the privacy of neighboring properties or light and air since the structure will be 83' from the closest side property line and there is no neighbor to the rear as this portion of the lot runs straight through to Laurel Way.*
3. *The second unit will not negatively impact the streetscape as it is modest in size and only the second story portion and roofline would be viewed from the Summit roadway. On the downslope portion of the lot, the structure as viewed from across the canyon would not be overwhelming since it is modest in size (approximately 970 square feet) and only 24 feet in height.*

##### Hillside R-1 Permit

1. *The proposed second unit and garage accessory structures will not have a substantial adverse impact on the scale and massing of the streetscape since a) At 24 feet in height, the accessory structure is approximately 2 feet lower than the main residence. Since the second unit sits on a pad that is approximately 9 feet lower than the road level, only the rooftop and portions of the second story would be visible from the street; and b) the height of the garage as seen from the street would be 11 feet. The garage is also 5 feet from the neighboring property line to the south and is surrounded by existing trees and vegetation.*
2. *The structures will not have a substantial adverse impact on the garden quality of the city as the second unit is set below the roadway by at least 9 feet and the garage structure is 11 feet in height as viewed from the street. The site is currently under construction and no additional landscaping is proposed to be removed. The site is surrounded by a variety of trees and tall vegetation which can be seen from the roadway.*

#### **DRAFT CONDITIONS**

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##### Project Specific Conditions

1. Any modifications to the plans approved by the Planning Commission on April 28, 2011 shall be presented to staff to determine compliance with the approvals and to determine whether any additional approvals are required.

##### Standard Conditions

##### **ADMINISTRATIVE**

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 Hillside R-1 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.** Hillside R-1 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.

#### **CONFORMANCE WITH APPROVED PLANS**

5. This approval is for those plans submitted to the Planning Commission on January 27, 2011, 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.

#### **FEES AND TAXES**

9. 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**

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.

### **PUBLIC WORKS/PARKS AND RECREATION REQUIREMENTS**

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.

## ATTACHMENT C Public Notice

COMMUNITY DEVELOPMENT  
PLANNING  
P: 310-285-1123

455 NORTH REXFORD DRIVE  
BEVERLY HILLS, CA 90210  
F: 310-858-5966

### NOTICE OF PUBLIC HEARING

**DATE:** April 28, 2011  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**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, April 28, 2011, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard, to consider:

Requests for: 1) A Variance to allow a bridge structure to allow access to the front door of the house which is over three feet in height within the required front yard setback; 2) A Second Use Permit to allow a detached second dwelling unit/accessory structure; and 3) A Hillside R-1 Permit to allow the construction of a detached three-car garage (second accessory structure) on the property located at 1166 Summit Drive.

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. Staff has determined that the proposed project qualifies for a Class 3(e) Categorical Exemption under the authority provided by the CEQA Guidelines and no significant environmental impacts are anticipated.

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

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 in the Community Development Department at (310) 285-1138. 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 the City Hall located at 455 North Rexford, Beverly Hills, California 90210.

Approved as to form:

/s/ David Reyes  
David Reyes, Principal Planner

Mailed: April 15, 2011



**ATTACHMENT D**  
**Draft Resolution**



RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A SECOND UNIT USE PERMIT AND A HILLSIDE R-1 PERMIT TO ALLOW AN ALTERNATE LOCATION FOR ACCESSORY STRUCTURES ON THE PROPERTY LOCATED AT 1166 SUMMIT DRIVE.

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

Section 1. J. Stuart Hilliard Inc., applicant on behalf of the property owners, Mark and Christina Siegel (collectively the “Applicant”), has applied for Second Unit Use Permit and Hillside R-1 Permit to allow the construction of second unit, a new pedestrian bridge and a garage for the estate property located at 1166 Summit Drive.

Section 2. Beverly Hills Municipal Code Section 10-3-409 authorizes the Planning Commission to issue a Second Unit Use Permit for secondary independent living facilities located in single-family zones if the reviewing authority find that the proposed second unit will not have a substantial adverse impact on or be detrimental to the scale and massing of the streetscape; the scale and massing of the neighborhood as viewed from neighboring properties; neighbors’ access to light and air; neighbors’ privacy; the garden quality of the city; and adjacent properties or the public welfare.

Section 3. Beverly Hills Municipal Code Section 10-3-2526 allows accessory buildings to be located on any part of the site if authorized by the Planning Commission as part of a Hillside R-1 Permit. In granting the permit, the Commission must find that the structure will

not have a substantial adverse impact on the scale or character of the area; on the privacy of neighboring properties; on the neighbors' access to light and air; or on the streetscape.

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 Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 5. The Planning Commission conducted a duly noticed public hearing on April 28, 2011, at which time oral and documentary evidence was received concerning the application.

Section 6. The subject site is located in the Hillside Area of the City on the east side of Summit Drive. The site has an area of 35,666 square feet. The property is currently being developed (under construction) with a two-story single-family residence and two-story second unit, and a detached three-car garage is proposed. The proposed project involves requests for a Second Unit Use Permit pursuant to BHMC Section 10-3-409(B) to allow the accessory building currently under construction to be converted to a detached second unit approximately 970 square feet in size and a Hillside R-1 Permit pursuant to BHMC Section 10-3-2526 to allow a garage and pedestrian bridge to be located within the required setbacks.

Section 7. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-409, in reviewing the application for the Second Unit Use Permit for secondary independent living facilities located in single-family zones, the Planning Commission considered whether the Second Unit Use Permit would have a substantial adverse impact on or be detrimental to the scale and massing of the streetscape; the scale and massing of the neighborhood as viewed from neighboring properties; neighbors' access to light and air; neighbors' privacy; the garden quality of the city; and adjacent properties or the public welfare.

Section 8. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission hereby finds as follows:

8.1 As conditioned, the proposed Project will not substantially impact the neighbors' access to light and air. The second unit is located a minimum of 83 feet and is located downslope from its closest adjacent neighbor. accessory structure will be located at the rear of the subject site and screened by existing trees to the north. Because of the location of the proposed structure, existing vegetation, and sufficient separation between the proposed structure and any adjacent residences or yards, the proposed Project will not generate any substantial adverse impacts associated with the neighbors' access to light and air.

8.2. As conditioned, the proposed Project will not have a substantial adverse impact on neighbors' privacy. The two-story accessory structure will be located 83 feet from its closest neighbor and due to the grade change between the street and the pad level of the structure (at least 9 feet below the street), there is no potential for detrimentally affecting neighbor privacy

8.3 As conditioned, the proposed Project will not adversely affect the garden quality of the city. Only the second story and roofline of the Second Unit is visible from the streetscape, and the pad level of the site is surrounded by existing lush vegetation. Therefore the project will not minimize the garden quality of the city.

Section 9. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-2526, in reviewing the location of the detached garage, the second unit and the pedestrian bridge, the Planning Commission considered whether the structures would have a substantial adverse impact on the scale or character of the area; on the privacy of neighboring properties; on the neighbors' access to light and air; or on the streetscape.

Section 13. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission hereby finds as follows:

9.1. As conditioned, the detached garage would be 11 feet in height as viewed from the street and is surrounded by existing vegetation. Although the setback from the front property line would be 8 feet minimum rather than 15 feet and the side yard setback would be 5 feet rather than 20 feet, the low height of the garage and distance from the neighboring property to the south will not affect the scale of the existing area. The second unit is completely outside of required setbacks, within the principal building area located on an area of the site lower than the roadway. The pedestrian bridge at the same elevation as the roadway and has three-foot in height guard rails.

9.2 As conditioned, the accessory structures will not affect the privacy of the neighbors as the garage does not contain living areas and will now be enclosed rather than an

open at-grade area as it currently exists. The second unit is located 83-feet from the nearest adjacent neighbor and located below the elevation of the roadway.

9.3 As conditioned, the location of the garage, bridge and second unit will not affect the neighbors' access to light and air as the garage structure is 11 feet in height at the roadway and is screened on the south side by existing vegetation. The pedestrian bridge is open to the sky located at the same grade level as the roadway. The second unit is located within the principal building area of the site.

9.4 As conditioned, the location of the garage and the garage itself is designed to match the style of the Craftsman residences on the property, and the height of the garage at 11 feet is modest and set back at least 8 feet from the roadway. The pedestrian bridge at the same grade as the street level but contains building code required 3-foot guardrails. As previously identified, the second unit is located outside of the required setbacks, is less than 1,000 square feet in area and the pad is located below the grad level. As such they are not impactful to the streetscape.

Section 10. Based on the foregoing, the Planning Commission hereby grants the requests defined in this Resolution subject to the following conditions:

#### Project Specific Conditions

1. Any modifications to the plans approved by the Planning Commission on April 28, 2011 shall be presented to staff to determine compliance with the approvals and to determine whether any

additional approvals are required.

Standard Conditions

**ADMINISTRATIVE**

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 Hillside R-1 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. Variance, Second Unit Use Permit and Hillside R-1 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.

#### **CONFORMANCE WITH APPROVED PLANS**

1. This approval is for those plans submitted to the Planning Commission on January 27, 2011, 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.
2. 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.
3. 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.

4. 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**

1. 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**

1. 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.
2. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

## **PUBLIC WORKS/PARKS AND RECREATION REQUIREMENTS**

1. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
2. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
16. 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 11. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: April 28, 2011

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

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner