



## Planning Commission Report

- 
- Meeting Date:** July 14, 2016
- Subject:** **Central R-1 Permit and Second Unit Use Permit, 1005 Benedict Canyon Drive**  
Request for a Central R-1 Permit to allow a deck above 3 feet in height on an accessory structure, and to allow an accessory structure to exceed 14' in height in the rear and north side setbacks on the property located at 1005 Benedict Canyon Drive. The project also includes a request for a Second Unit Use permit to allow fully independent living facilities within the proposed accessory structure.
- Project Applicant:** Julianne August-Schmidt, Abramson Teiger Architects
- Recommendation:** Conduct a public hearing and adopt the attached resolution conditionally approving the Central R-1 Permit and Second Unit Use Permit.
- 

### REPORT SUMMARY

A request has been made for a Central R-1 Permit to allow a deck above 3 feet in height to be constructed as part of a new accessory structure located in the required rear yard on the property at 1005 Benedict Canyon Drive. The Central R-1 Permit also includes a request to allow the proposed accessory structure to exceed 14' in height in the north side and rear yards. The proposed project consists of constructing a two-story accessory structure on the west (rear) side of the property, to the rear of the existing single-family residence. The site is over 40,600 square feet in area and is currently developed with a single-family residence and one accessory structure. The existing accessory structure and the existing tennis court are proposed to be demolished as part of the project.

This report provides a description of the project and provides analysis on key issues relating to the findings for the requested entitlements. Specifically, this report highlights considerations for the scale and massing of the proposed structure, privacy of neighboring properties, and how the project would affect the streetscape along Benedict Canyon Drive. Based on staff's analysis, the recommendation in this report is for project approval.

#### Attachment(s):

- A. Required Findings
- B. Draft Resolution
- C. Public Notice
- D. Previous Planning Commission Resolution
- E. Architectural Plans

Report Author and Contact Information:  
Alek Miller, Assistant Planner  
(310) 285-1196  
amiller@beverlyhills.org



**BACKGROUND**

File Date 8/17/2015  
Application Complete 6/16/2016  
Subdivision Deadline N/A  
CEQA Deadline 60 days from CEQA Determination  
CEQA Determination Categorical Exemption  
Permit Streamlining Take action on project within 60 days of CEQA determination

Applicant(s) Julianne August-Schmidt, Abramson Teiger Architects  
Owner(s) Carlos & Andrea Alberini  
Representative(s) Julianne August-Schmidt, Abramson Teiger Architects  
Registered Legislative Advocate None  
Prior PC Action PC Resolution 1099 (1999) – approved a Central R-1 Permit to allow legally nonconforming tennis court to remain in its location and retention of accompanying game court fence and light poles.  
Prior Council Action None  
CHC Review None

**PROPERTY AND NEIGHBORHOOD SETTING**

Property Information

Address 1005 Benedict Canyon Drive  
Assessor's Parcel No. 4348-023-010  
Zoning District R-1.X  
General Plan One-Family Residential  
Existing Land Use(s) One-Family Residential  
Lot Dimensions & Area Approximately 119.8' x 330.2' (40,673 square feet in area)  
Year Built Primary residence, 1928; Accessory structure, 1934  
Historic Resource N/A  
Protected N/A  
Trees/Grove

Adjacent Zoning and Land Uses

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

Circulation and Parking

Adjacent Street(s) Benedict Canyon Drive to the east, alley and Roxbury Drive to the west and north, and Lexington Road to the south  
Traffic Volume Benedict Canyon Drive: 11,030 average daily volume  
Adjacent Alleys Alley to the rear of property  
Parkways & Sidewalks Benedict Canyon Drive: 70' total right of way width, with 15' parkway widths on each side



**NEIGHBORHOOD CHARACTER**

The subject property is 0.93 acres in area, located in the Central Area of the City, and is surrounded by one- and two-story single family homes with property sizes ranging from 0.695 to 1.28 acres along Benedict Canyon Drive. The subject property fronts on Benedict Canyon Drive, and consists of an estate property, over 24,000 square feet in area, which is comparable in size and topography to the adjacent properties. Adjacent properties are developed with accessory structures that are one and two stories in height. Benedict Canyon Drive is a busy travel corridor with moderately high traffic volumes, which intersects Sunset Boulevard approximately 0.4 miles from the project site.





Project Site Street Frontage



### **PROJECT DESCRIPTION**

The proposed project consists of constructing a two-story accessory structure on the western side of the property, to the rear of the existing single-family residence. The site is currently developed with a two-story single-family residence and a one-story accessory structure, which total approximately 13,470 square feet of floor area (the maximum floor area allowed is 17,769). The proposed project consists of the following:

- Demolition of the existing one-story accessory structure, tennis court, and associated game court fence and lighting;
- Construction of a subterranean garage at the rear of the property below the proposed accessory structure to accommodate seven standard size parking spaces and two compact parking spaces;
- Construction of a two-story accessory structure to include independent living facilities, including those for sleeping, cooking, and sanitation, as well as a deck above 3' in height.

The proposed accessory structure would result in approximately 4,030 square feet of additional floor area, bringing the total floor area on the site to 17,499 square feet. The new two-story accessory structure would be constructed in the location of the existing tennis court and a new 8' high block wall will be constructed in place of the existing 12' high game court fence. The accessory structure would reach a maximum height of 25'7", which is approximately one foot lower than the maximum height allowed. The proposed accessory structure would include two bedrooms (one labeled as 'music room' on the proposed plans), a kitchen, four bathrooms, a lounge area, and a deck located at the second-story level facing the interior of the property.

**Required Entitlements.** As proposed, the project requires the following entitlements:



**Central R-1 Permit** – Pursuant to BHMC §10-3-2414(F), an accessory structure may exceed 14' in height when located within a required side and/or rear setback with issuance of a Central R-1 Permit. The proposed structure would exceed 14' in height in the rear setback and the north side setback.

**Central R-1 Permit** – Pursuant to BHMC §10-3-2412(A), a deck over 3' in height when attached to an accessory structure on properties larger than 24,000 square feet in area may be constructed with the issuance of a Central R-1 Permit. The proposed deck is located at the structure's second floor, which is 11'6" above grade.

**Second Unit Use Permit** – Pursuant to BHMC §10-3-409, inclusion of fully independent living facilities, including for cooking, sanitation, and sleeping, in addition to a primary single-family dwelling on R-1 zoned properties is allowed with issuance of a Second Unit Use Permit. Two parking spaces would be required to accommodate the two new bedrooms because the floor area of the second unit would exceed 1,000 square feet; these spaces would be provided in the subterranean parking garage.

## **GENERAL PLAN<sup>1</sup> POLICIES**

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors. Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- Policy LU 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 LU 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, 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, the proposed project involves construction of an accessory structure on a single-family residential property and is therefore exempt from further review under the provisions of CEQA.

## **PUBLIC OUTREACH AND NOTIFICATION**

---

<sup>1</sup> Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/>



Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice (agenda)	N/A	N/A	7/8/2016	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 500' Radius + block face)	10 Days	7/4/2016	7/1/2016	13 Days
Property Posting	10 Days	7/4/2016	7/1/2016	13 Days
Website	N/A	N/A	7/8/2016	7 Days

**COMMENTS RECEIVED**

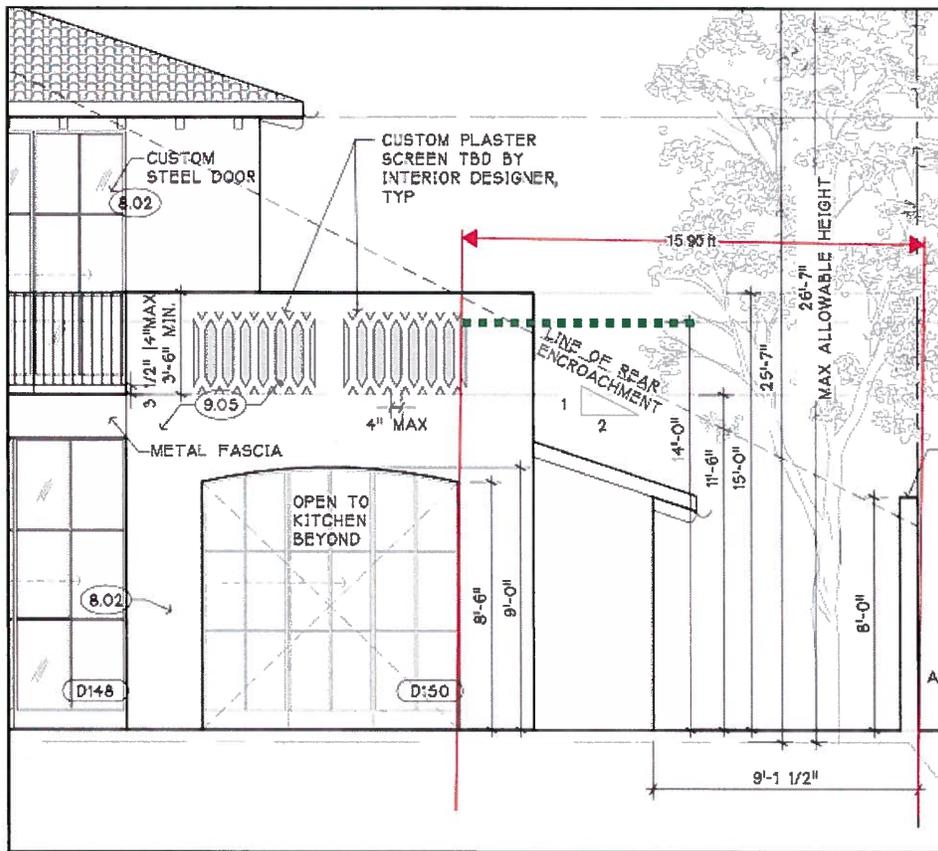
As of the writing of this report, staff has received no comments on the project.

**ANALYSIS**

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

**Scale and Mass**

There are two issues related to the scale and mass of the building that are under consideration: first, the overall height of the building (25'7"), which exceeds the 14' height limit within the required rear setback requires a Central R-1 Permit. However, the proposed accessory structure would be completely screened from Benedict Canyon Drive by the existing residence. In terms of visibility from the alley and from adjacent properties, the proposed two-story accessory structure provides substantial modulation at the second story. In response to comments from staff, the structure's design was changed in order to reduce the volume of the second story visible from the alley: the second story was reduced to be less than 50 percent of the length of the rear lot line and to keep the second story outside of the required side setbacks. Further, the building is well modulated with sloped rooflines that would reduce the massing of the building. Second, the portion of the building that exceeds 14' within the north side setback, which also requires approval of a Central R-1 Permit, is minimal: this portion of the building is made up of only a corner of the parapet attached to the deck, where it extends to 15' in height. This is shown below in a selection from the East Elevation, where the dashed line green line shows the 14' height limit, and the red arrow identifies the approximate location of the required 15'11" north side setback:



The proposal includes retaining several trees as well as new landscaping that would eventually grow to screen the building from adjacent properties in all directions. The proposal includes retaining four existing trees along the alley to the rear (Chinese elm trees), which would soften the appearance of the building to the west. The proposal also includes retaining an existing evergreen tree and planting two new trees (acacia or camphor) to the southeast of the proposed structure, which would provide screening. Staff proposes a condition of approval that the existing trees be retained to the maximum extent feasible during construction and that they are replaced in the event of damage or disease.

**Privacy and Proximity to Adjacent Properties.**

One of the primary concerns associated with the construction of two-story accessory structures is their potential to impact neighboring properties. In the case of the proposed project, the accessory structure would be located approximately 19'7" from the closest shared property line to the south. The alley provides an additional buffer from the properties to the north and west. The table below provides the approximate distances from the proposed structure to the nearest adjacent properties, as shown in the Site Plan on page A 100:



<b>Adjacent Property</b>	<b>Approx. Distance from Project to Nearest Adjacent Property Line</b>	<b>Approx. Distance from Project to Nearest Structure</b>
1012 N. Roxbury Dr. (north of subject property across alley)	4'2" to 6' at ground floor  22'6" to 25'10" to adjacent PL from second floor wall	59'4" to one-story accessory structure
1003 Benedict Canyon Dr. (south of subject property, no alley between)	19'8"	19'8" to one-story accessory structure
1010 N. Roxbury Dr. (northwest of subject property across alley)	29'7"	51'7" to one-story accessory structure
1008 N. Roxbury Dr. (west of subject property across alley)	28'	32'3" to one-story accessory structure
1006 N. Roxbury Dr. (west of subject property across alley)	25'3"	28' to one-story accessory structure
1004 N. Roxbury Dr. (west of subject property across alley)	40'2"	68'7" to one-story portion of two-story accessory structure

The proposed setbacks are 4'1" at the closest point on the north side alley, approximately 6'1" from the rear alley, and approximately 19'7" from the south side property line. Each of these setbacks is larger than the 4' setback that would be required for a 14' accessory structure. Furthermore, the portions of the structure located within the required side setbacks are limited to one story in height.

With regard to privacy, the deck that is proposed at the second story would face the interior of the property with minimal views toward the north and south side properties that would be substantially screened by the proposed landscaping. The proposed structure's windows from habitable spaces would provide minimal views into adjacent properties at the second story. The proposed windows to the rear (west) are proposed to be operable, however, staff recommends a condition of approval that all windows over 14' in height facing an alley or neighboring property line be fitted with fixed translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°) in order to minimize any views of neighboring properties. The Commission may choose to discuss the necessity of this condition with respect to maintaining privacy for neighboring properties.

**Second Unit Considerations.**

The proposed accessory structure would be considered a second unit under the BHMC because it includes fully independent living facilities for sleeping, sanitation, and cooking in a separate structure from the primary residence. The second unit could add to the City's housing stock by creating a new housing unit that could potentially be rented out or used by visitors. The structure has been designed with areas for socializing and cooking (such as



the lounge and kitchen) located on the ground floor and oriented toward the interior of the property where they would be screened from neighboring properties by the structure itself, landscaping on all sides, and the proposed 8' block wall. Further, the subterranean parking garage is proposed to provide four standard parking spaces above the code requirement and two additional compact parking spaces. The inclusion of fully independent living facilities is not expected to create significant noise, parking, or other substantial adverse impacts to neighboring properties.

### **SUMMARY**

Taking into account the siting of the proposed accessory structure, compliance with the required side yard setback on the south side, the buffer provided by the alley to the west and north of the property, and the existing mature and new proposed landscaping throughout the property, the proposed project is not anticipated to result in a substantial adverse impact to the scale, mass, or integrity of the streetscape, nor will it result in privacy impacts to neighboring properties. Based on the design and location of the proposed structure, the project will not have a substantial adverse impact on neighbors' access to light and air. Therefore, staff recommends conditional approval of the Central R-1 Permit and Second Unit Use Permit.

### **NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving a Central R-1 Permit and Second Unit Use permit to allow construction of a two-story accessory structure to exceed 14' in height within the required rear and side setbacks, to include a deck above 3 feet in height, and to include fully independent living facilities.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:

---

Ryan Gohlich, AICP, City Planner / Assistant  
Director of Community Development

**ATTACHMENT A**  
**REQUIRED FINDINGS**

**Findings for Central R-1 Permit (Per BHMC §10-3-2453)**

The reviewing authority shall not issue a Central R-1 permit unless the reviewing authority finds that the proposed development will not have a substantial adverse impact on:

- A. The scale and massing of the streetscape,
- B. Neighbors' access to light and air,
- C. Neighbors' privacy, and
- D. The garden quality of the city. (Ord. 89-O-2056, eff. 4-20-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)

**Findings for Central R-1 Permit for Accessory Structures that Exceed 14' in Height (Per BHMC § 10-3-2414(F)):**

In addition to the findings required by section 10-3-2453 of this chapter, the planning commission shall not issue a Central R-1 permit to allow an accessory structure to exceed fourteen feet (14') in height unless the planning commission additionally finds that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the accessory structure on the scale and massing as viewed from adjacent properties, the impact of the accessory structure on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

**Second Unit Use Permit (Per BHMC §10-3-409):**

The reviewing authority shall not issue a second unit use permit unless the reviewing authority finds that the proposed second unit will not have a substantial adverse impact on or be detrimental to:

- A. The scale and massing of the streetscape;
- B. The scale and massing of the neighborhood as viewed from neighboring properties;
- C. Neighbors' access to light and air;
- D. Neighbors' privacy;
- E. The garden quality of the city; and
- F. Adjacent properties or the public welfare.

**ATTACHMENT B**  
**DRAFT RESOLUTION**

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT TO ALLOW THE CONSTRUCTION OF AN ACCESSORY STRUCTURE ABOVE 14' IN HEIGHT, LOCATED IN A REQUIRED REAR AND NORTH SIDE SETBACK, INCLUDING A DECK ABOVE 3' IN HEIGHT AND A SECOND UNIT USE PERMIT ON A PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 1005 BENEDICT CANYON DRIVE.

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

Section 1. Julianne August-Schmidt, applicant on behalf of the property owners (the "Applicant"), has submitted an application for a Central R-1 Permit to allow the construction of a two-story, 25'7" tall accessory structure located within the required rear and north side setbacks on a property located in the Central Area of the City at 1005 Benedict Canyon Drive (the "Project"). The request for a Central R-1 Permit includes a deck over 3' in height as part of the proposed accessory structure. The Project includes a request for a Second Unit Use Permit to allow fully independent living facilities within the proposed accessory structure. The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Central R-1 Permit and a Second Unit Use Permit.

Section 2. The Project site is located in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along Benedict Canyon Drive. The Project site is consistent with other properties in the neighborhood with respect to site area and site

configuration. Existing development on the Project site consists of a two-story single-family residence and one-story accessory structure. The surrounding neighborhood consists of two-story single-family residences with detached one- and two-story accessory structures.

The Project consists of a new two-story accessory structure with a subterranean garage that will have a maximum height of 25'7" to the top ridge of its sloped roof. The proposed structure would be located at the western side of the subject property adjacent to the alley, which wraps around the west side and a portion of the northern side of the subject property. The proposed accessory structure would contain approximately 4,030 square feet of floor area, which would consist of two bedrooms (one labeled as 'music room'), a kitchen, four bathrooms, a lounge area, and a deck located at the second story level facing the interior of the property. The structure is proposed to be set back a minimum of 6'1" from the west property line along the alley, 4'2" from the north property line along the alley, and 19'8" from the south property line.

Section 3. 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 environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, the proposed project involves the construction of an accessory structure on a residentially-zoned property, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on July 1, 2016 to all property owners and residential occupants within a 500-foot radius of the property

extended out to the block-face. On July 14, 2016 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Central R-1 Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The Project will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The Project will not have a substantial adverse impact on the neighbors' access to light and air;
3. The Project will not have a substantial adverse impact on the neighbors' privacy;
4. The Project will not have a substantial adverse impact on the garden quality of the city;
5. The Project will not have a substantial adverse impact on adjacent properties;
6. The Project will not have a substantial adverse impact on the public welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Central R-1 Permit:

1. The Project is located approximately 286'9" from the front property line on the western side of the property, beyond the primary residence

that fronts on Benedict Canyon Drive. The two-story primary residence will obscure views of the Project, and the Project will therefore not result in a substantial adverse impact on the scale and massing of the streetscape.

2. The Project is 25'7" in height, with the maximum height occurring at the top ridge of its sloped roof. Additionally, the Project is buffered by a 20' alley to the west and north. It would be located a minimum of 19'7" from the nearest accessory structure, which is located on the property to the south of the Project. Furthermore, the Project is located a minimum of 4'1" from the residential properties to the north; the nearest accessory structure to the north is approximately 28' from the location of the proposed Project. Based on the Project's siting and separation from adjacent properties and structures, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

3. The Project is a two-story accessory structure that contains windows and a deck that potentially offer views into adjacent properties. However, the potential views would be blocked by mature trees and landscaping that is owned and maintained by the owners of the subject property. Further, the applicant proposes several new trees in locations that would screen the proposed deck from views into neighboring properties. Consequently, the Project will not have a substantial adverse impact on the neighbors' privacy.

4. The Project site includes extensive landscaping consisting of trees, shrubs, flowers, groundcover, and grass, all of which help to enhance the property and contribute to the garden quality of the city. Since existing mature trees will

be maintained and, as conditioned, new landscaping will be added to the alley-facing areas adjacent to the structure, as well as the areas facing adjacent properties, the Project will not have a substantial adverse impact on the garden quality of the City.

5. Although the Project exceeds the otherwise permitted maximum height of 14' for accessory structures located within a required rear and side setback, the Project has been thoughtfully designed in such a way that utilizes high-quality details and ample modulation. Additionally, the Project includes appropriate separation from neighboring properties, and would be located a minimum of 19'8" from the nearest adjacent accessory structure. The Project is generally consistent with the scale of development on surrounding single-family properties. As a result of the Project's design and siting, the Project will not have a substantial adverse impact on adjacent properties.

6. The Project is consistent with the pattern of development in the surrounding area: one and two-story accessory structures are common in the Central Area of the City north of Santa Monica. The Project includes appropriate separation from neighboring properties and is set back approximately 286'9" from the front property line. As a result of the Project's siting, the Project will not have a substantial adverse impact on the public welfare.

Section 7. In reviewing the request for a Second Unit Use Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The project will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;
3. The project will not have a substantial adverse impact on neighbors' access to light and air;
4. The project will not have a substantial adverse impact on neighbors' privacy;
5. The project will not have a substantial adverse impact on the garden quality of the city; and
6. The project will not have a substantial adverse impact on adjacent properties or the public welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Second Unit Use Permit:

1. The Project is located approximately 286'9" from the front property line on the western side of the property, beyond the primary residence that fronts on Benedict Canyon Drive. The two-story primary residence will obscure views of the Project, and the Project will therefore not result in a substantial adverse impact on the scale and massing of the streetscape.

2. As designed, the structure would be set back approximately 19'7" from the southern side property line, which exceeds the required side setback for the existing two-story residence. The parapet attached to the deck at the second story level of the accessory structure will encroach slightly into the required north side setback; however, the proposed second story will be set back to stay outside of the required side setbacks and to provide substantial modulation at the rear elevation. The setback of the second floor will reduce the impact of scale and mass along the north and west elevations as viewed from the alley and adjacent properties. Due to the location of the structure on the site, the high quality design and modulation, the similar character of existing structures in the surrounding neighborhood, the Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from adjacent properties.

3. The Project is 25'7" in height, with the maximum height occurring at the top ridge of its sloped roof. Additionally, the Project is buffered by a 20' alley to the west and north. It would be located a minimum of 19'7" from the nearest accessory structure, which is located on the property to the south of the Project. Furthermore, the Project is located a minimum of 4'1" from the residential properties to the north; the nearest accessory structure to the north is approximately 28' from the location of the proposed Project. Based on the Project's siting and separation from adjacent properties and structures, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

4. The Project is a two-story accessory structure that contains windows and a deck that potentially offer views into adjacent properties. However, the potential views would be blocked by mature trees and landscaping that is owned and maintained by the owners of the subject property. Further, the applicant proposes several new trees in locations that would screen the proposed deck from views into neighboring properties. Consequently, the Project will not have a substantial adverse impact on the neighbors' privacy.

5. The Project site includes extensive landscaping consisting of trees, shrubs, flowers, groundcover, and grass, all of which help to enhance the property and contribute to the garden quality of the city. Since existing mature trees will be maintained and, as conditioned, new landscaping will be added to the alley-facing areas adjacent to the structure, as well as the areas facing adjacent properties, the Project will not have a substantial adverse impact on the garden quality of the City.

6. Although the Project exceeds the otherwise permitted maximum height of 14' for accessory structures located within a required side and rear setback, the Project has been thoughtfully designed in such a way that utilizes high-quality details and ample modulation. Additionally, the Project includes appropriate separation from neighboring properties and is set back approximately 286'9" from the front property line. As a result of the Project's design and siting, the Project will not have a substantial adverse impact on adjacent properties or the public welfare.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Central R-1 and Second Unit Use Permits, subject to the following conditions:

1. Any window located over 14' above grade on an elevation facing an alley or the north and south adjacent side property lines shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°).

2. Landscaping in substantial compliance with the landscape plan included in the approved plans shall be maintained for the life of the Project. Landscaping shall be maintained during construction to the maximum extent feasible and trees shall be replaced in the event of damage or disease. Any modification to landscaping shall be subject to review and approval by the Community Development Director or designee for a consistency determination with the original approval.

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on July 14, 2016.

4. Project construction shall at all times be in compliance with municipal requirements prohibiting the use of alleys for construction vehicle parking and operations.

5. The applicant shall prepare and submit a construction management plan in a manner deemed satisfactory to the Director of Community Development or his/her designee, and shall include provisions for mitigation of noise, parking, light, and any other construction impacts to surrounding properties or residents. The construction management plan shall be implemented during the entire course of construction.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. SECOND UNIT COVENANT. The owner of record shall record a deed restriction in a form satisfactory to the City Attorney to this effect within thirty (30) days following the issuance of a building permit for the second unit. Within thirty (30) days of the issuance of building permit for a second unit pursuant to this article, the owner of record shall record a covenant, in a form satisfactory to the city attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off street parking spaces to be provided for the second unit, that the second unit may not be sold, transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the official records of the county of Los Angeles, and a copy of the covenant shall be filed with the city's planning division.

12. 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.

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

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

Adopted: July 14, 2016

---

Farshid Joe Shooshani  
Chair of the Planning Commission of the  
City of Beverly Hills

Attest:

---

Secretary

Approved as to form:

Approved as to content:

---

David M. Snow  
Assistant City Attorney

---

Ryan Gohlich, AICP  
City Planner / Assistant Director of  
Community Development

# **ATTACHMENT C**

## **PUBLIC NOTICE**



## NOTICE OF PUBLIC HEARING

**DATE:** July 14, 2016  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Room 280-A  
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, July 14, 2016, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A request for a Central R-1 Permit to allow construction of an accessory structure within the required side and rear setbacks, exceeding the allowable height envelope, on the property located at 1005 Benedict Canyon Drive. The proposed project would be setback approximately 5'6" from the rear property line, 4'1" from the north side property line, and 19'7" from the south side property line. The structure would be constructed at maximum height of approximately 25'7". The project includes a subterranean garage that would be located fully below grade and would be accessed from the alley to the rear of the property. The proposed accessory structure would be approximately 4,030 square feet in floor area, excluding the area of the subterranean garage. The proposed accessory structure would not be visible from Benedict Canyon Drive. The project includes a request for a Second Unit Use Permit to allow inclusion of fully independent living facilities, including facilities for sleeping, sanitation, and cooking, within the proposed accessory structure. The request is being made pursuant to Beverly Hills Municipal Code § 10-3-2450 and 10-3-409.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption pursuant to Section 15303(e) of the State CEQA Guidelines. Specifically the proposed project involves the construction of a new accessory structure on a single-family residential property, and is therefore exempt from further review under the provisions of CEQA.

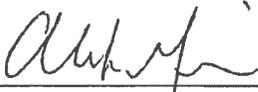
Any interested person may attend the meeting and be heard or present written comments to the

Commission. Please note that any communication received by the City becomes part of the public record.

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 **Alek Miller, Assistant Planner** in the Planning Division at (310) 285-1196, or by email at [amiller@beverlyhills.org](mailto:amiller@beverlyhills.org). Copies of the project plans and associated application materials 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,

  
\_\_\_\_\_  
Alek Miller  
Assistant Planner

Mailed: July 1, 2016

## **ATTACHMENT D**

### **PREVIOUS PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. 1099

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL  
R-1 PERMIT FOR RETENTION OF AN EXISTING  
NONCONFORMING TENNIS COURT AT PROPERTY LOCATED AT  
1005 BENEDICT CAÑON DRIVE

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

Section 1. Alan Ladd, Jr., hereinafter referred to as  
the "applicant," has applied for a Central R-1 Permit for the  
retention of a nonconforming tennis court built in 1972 at  
property located at 1005 Benedict Cañon Drive (the "project").  
The tennis court is located within 5 feet of the side and rear  
property lines and is surrounded by a 12 foot high fence and 8,  
22 foot-high lightpoles. Beverly Hills Municipal Code Sections  
10-3.2425(c) and 10-3.2450(8) allow a game court fence in this  
instance at a maximum height of 12 feet and light poles at a  
maximum height of 22 feet, subject to the granting of a Central  
R-1 Permit.

Section 2. The proposal has been environmentally  
reviewed and a Categorical Exemption has been issued in  
accordance with the requirements of the California Environmental  
Quality Act (CEQA) and the City's environmental guidelines.

Section 3. On April 28, 1999, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 4. Based upon the evidence presented, including the staff report and oral testimony, the City Council hereby finds:

1. In reviewing the application for a Central R-1 Permit, the Council considered whether the proposed development will have an adverse impact on the scale and massing of the streetscape; neighbors' access to light and air, neighbors' privacy; or the garden quality of the City as required by Beverly Hills Municipal Code Section 10-3.2453.

2. The project site is located in the central area of the City on the west side of Benedict Cañon Drive, north of Sunset Boulevard, between Roxbury Drive to the north and Lexington Road to the south, and is developed with a two story residence, gardens, patios and two cabañas. Mature vegetation is located along the side yards of the property. A 20 foot wide alley separates the rear lot line of the subject property from the rear lot lines of surrounding properties which front on Roxbury Drive, and the abutting property to the north is currently a vacant property.

The proposed project is for the retention of the existing nonconforming tennis court which is located at the rear

of the subject property. The paving for the tennis court extends along the side and rear property lines. A 12 foot high chain link fence covered with canvas material surrounds the perimeter of the tennis court, between 2 and 5 feet from the side and rear property lines. Eight 22 foot high light poles are located just outside the fence, 4 on each side of the tennis court. The 4 light poles along the west side of the tennis court are between 1 and 4 feet from the rear property line; the 4 light poles located on the east side of the tennis court are located approximately 62 feet from the rear property line.

3. The proposed project, as conditioned, will not have an adverse impact on the scale and massing of the streetscape; neighbors' access to light, air, and privacy; or the garden quality of the City.

The tennis court accessory structure is located at the rear of the residence, 280 feet from the front lot line and behind the two-story, 30 foot high residence. Therefore, due to the size and location of the tennis court, the scale and massing of the streetscape will not be adversely impacted.

The proposed project will not have a substantial adverse impact on neighbors' access to light and air. The twenty foot wide alley separates the rear lot line from neighboring properties to the north and east, and neighboring properties' rear yards (rather than living areas) face the alley. The abutting property to the south has a shed structure along the common property line, and living areas on the site are 60 feet

from the tennis court. Therefore, the alley separates most neighboring properties from the tennis court, and there is adequate distance between the tennis court and the living areas of neighboring properties to minimize any impact to the neighbors' access to light and air.

The proposed project will not substantially impact the neighbors' privacy. As discussed above, there is sufficient distance between the tennis court and neighboring homes to protect the neighboring properties' privacy. Furthermore, the tennis court is appropriately shielded with a canvas-covered fence. As conditioned by this resolution, lighting of the tennis court will be prohibited between the hours of 10:00 p.m. and 8:00 a.m., the installation or use of a practice board shall be prohibited, and lights shall be shielded to minimize the glare and spillover of light onto neighboring properties to further protect the neighbors' privacy.

The proposed project will not adversely affect the garden quality of the City. The tennis court is substantially set back from the street and the existing mature landscaping on the property will be retained. Therefore, the project will have no impact on the garden quality of the City.

Section 5. Based on the foregoing, the Planning Commission hereby grants the Central R-1 Permit, subject to the following conditions:

1. The proposed project shall be built and maintained in substantial compliance with the plans submitted for the Planning Commission meeting of April 28, 1999. .

2. Lighting for the tennis court shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m., every day of the week. A timer shall be installed to limit the hours as stated.

3. Any installation or use of a practice board shall be prohibited.

4. The light fixtures shall be equipped with shields to direct the light to the court and to minimize the glare and spillover of light to neighboring properties. The light intensity at the property line shall comply with the Code limitation of one foot per candle at the property line.

5. Any change to the location of the fence and lights within five feet of the side and rear yards will require a separate review and modification of the permit.

6. The tennis court shall at all times have properly maintained windscreens affixed to the fencing surrounding the tennis court.

7. The tennis court, fencing and lights and any other components of the game court shall be properly maintained at all times.

Section 6. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: May 26, 1999

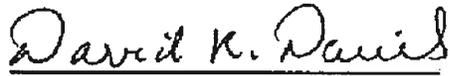


Linda J. Briskman  
Chairman of the Planning  
Commission of the City of  
Beverly Hills, California

ATTEST:

  
Secretary

Approved as to form:

  
David R. Daniels  
Assistant City Attorney

Approved as to content:

  
Ruth Nadel  
Director of Planning &  
Community Development

5/19/99

**ATTACHMENT E**  
**ARCHITECTURAL PLANS**  
**(PROVIDED UNDER SEPARATE COVER)**