



AGENDA REPORT

Meeting Date: May 18, 2010

Item Number: D-1

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE MUNICIPAL CODE REGARDING THE HEIGHT OF STRUCTURES IN TROUSDALE ESTATES.

Attachments:

1. Ordinance
2. Planning Commission Resolution No. 1574
3. April 22, 2010 Planning Commission Staff Report
4. Beverly Hills Municipal Code Sections 10-3-2605 and 10-3-2650
5. Applicant Letter Dated May 12, 2010 Regarding Proposed Construction Protocols.

RECOMMENDATION

It is recommended that the City Council adopt an ordinance amending Sections 10-3-2605 and 10-3-2650 of the Municipal Code regarding the height of structures in Trousdale Estates.

INTRODUCTION

The City Council is asked to consider an ordinance amending regulations pertaining to height restrictions in Trousdale Estates, which would allow existing structures that exceeded fourteen feet (14') in height on October 15, 1987 to be rebuilt up to the existing building's height without otherwise conforming to the envelope (i.e. building footprint and siting) of the existing structure. Current code provisions allow structures exceeding fourteen feet (14') in height to be rebuilt only within the exact envelope of the previously existing structure. The modified height restrictions would apply only to properties that are larger than five (5) acres in size, have a level building pad of at least one and one half (1.5) acres, and would require the approval of a Trousdale R-1 Permit in order for a property owner to avail him or herself of the proposed ordinance.

The proposed ordinance was initiated in connection with a Trousdale R-1 Permit application for a property located at 1025 Loma Vista Drive that is approximately 6.9 acres in size. That request is to allow the construction of a new residence that would exceed fourteen feet (14') in height, but would not exceed the maximum height of the previously existing structure. However, the proposed project would consist of 20% more floor area than the previously existing structure and would therefore be unable to conform to the exact building envelope of the previously existing structure. A complete project description and analysis is outlined in the April 22, 2010 Planning Commission staff report, which is provided for reference as Attachment 3.

At its April 22, 2010 meeting, the Planning Commission discussed the proposed Zone Text Amendment and Trousdale R-1 Permit and unanimously adopted a resolution recommending adoption of the Zone Text Amendment. The Planning Commission also approved a Trousdale R-1 Permit¹ for the subject property, which is contingent upon approval of the Zone Text Amendment by the City Council, and will not come into effect until the ordinance amending height restrictions in Trousdale Estates takes effect.

Since the Planning Commission's review of the Trousdale R-1 Permit and Zone Text Amendment, the applicant has submitted a soils report and plans to stabilize the subject property's hillside. The plans include the placement of 47, four-foot diameter piles up to a depth of 100 feet and are proposed by the applicant to enhance seismic safety conditions at the site. These underground support structures would be located below the elevation of the level pad and encased in a concrete and steel structure at the eastern edge of the property's level pad. The applicant is preparing construction protocols intended to ensure excavation; hauling; and, construction would not substantially disrupt the neighborhood. When provided by the applicant, the construction protocols will be forwarded on to the City Council and made available to the public.

BACKGROUND

The City of Beverly Hills annexed Trousdale Estates on July 26, 1955. Trousdale Estates was subdivided and then developed as individual view-lots during the 1960s and 1970s. Trousdale has 402 acres developed as a cut and fill, stepped, hillside community that required major grading to create 596 single family residential lots with flat building pads and slopes. The developer, Paul W. Trousdale, placed deed restrictions in the form of a Codes, Covenants and Restrictions document (CC&Rs) on the area beginning in 1955, with a different set of CC&Rs for each tract, many or most of which expired in 2000. Although many of the CC&Rs have expired, much of their content and intent was carried over to the City's codes that are currently in effect for the Trousdale Area.

The CC&Rs originally provided separate height restrictions for Upper and Lower Trousdale (maximum 14-foot height in Upper Trousdale and 22-foot height in Lower Trousdale). These standards were codified by the City in 1985 and later revised in 1987 to provide a standard height restriction of 14 feet for all properties in Trousdale. As a result, many structures built in Lower Trousdale prior to 1987 exceed 14 feet in height (the subject property is an example). The intent of this height restriction was to preserve views and maintain the unique character of the area; however, a provision of the code allows structures that exceeded 14 feet in height prior to 1987 to be rebuilt within the same height and envelope. Staff reports at the time indicate that this provision for rebuilding was allowed since a majority of existing homes had

¹ The Trousdale R-1 Permit was approved by a majority of the Planning Commission with a 3-2 vote.

been reviewed by an Architectural Committee composed of Trousdale homeowners, which resulted in existing height and building envelopes that were likely to be consistent with the intent of the original Trousdale CC&Rs.

To date, the only significant amendments to the height regulations for Trousdale have consisted of the following provisions:

1. Reducing the maximum height of structures within Lower Trousdale from 22 feet to 14 feet;
2. Allowing structures that previously exceeded 14 feet in height to be rebuilt within the same envelope; and
3. Allowing additions to structures that exceed 14 feet in height through the issuance of a Trousdale R-1 Permit.

ORDINANCE PROVISIONS

The recommended Zone Text Amendment would modify Code Section 10-3-2605 (Height of Structures) and add a new subsection to Code Section 10-3-2650 (Trousdale R-1 Permit) to specifically address the reconstruction of structures that previously exceeded fourteen feet (14') in height on properties in Trousdale Estates that are larger than five (5) acres in size. The amendment would permit the Planning Commission to consider, under a Trousdale R-1 Permit, the construction of a new residence up to the maximum height of a previously existing residence without otherwise conforming to the exact building envelope of the previously existing residence. In reviewing such an application for a Trousdale R-1 Permit, the following criteria and findings would need to be met:

1. The site must be larger than five (5) acres in size;
2. The site must contain a level building pad of at least one and one-half (1.5) acres;
3. The project will not exceed 120% of the existing floor area of the residence as it existed on October 15, 1987;
4. The project will not materially impair the view or line of sight of one or more neighboring homes;
5. The project will not materially change the scale, character, or integrity of the area;
6. The project will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood; and
7. Accessory structures shall, at all times, be limited in floor area so as not to exceed a maximum of 10% of the floor area of the primary residential structure.

In reviewing the Zone Text Amendment, the Planning Commission took into consideration the average size of properties and structures in the vicinity of the project site, as well as the general ability of larger properties to accommodate larger and taller structures than a smaller property might be able to, without materially impacting the surrounding area. Additionally, the Planning

Commission further restricted the requested Amendment by limiting the cumulative floor area of accessory structures to no more than 10% of the floor area of the primary residential structure in order to prevent the over-building of properties covered by the Amendment.

The specific language and required findings set forth in the recommended Amendment are provided in the attached ordinance (Attachment 1).

APPLICABILITY

The recommended Zone Text Amendment is narrow in scope and applies only to properties in Trousdale Estates that are larger than five (5) acres in size and have a level building pad of at least one and one-half (1.5) acres. As of the writing of this report no properties within Trousdale Estates, other than the subject property at 1025 Loma Vista Drive, have been identified as being in conformance with the standards set forth in the recommended Amendment.

ZONE TEXT AMENDMENT FINDINGS

The recommended Zone Text Amendment is intended to serve existing properties that are larger than 5 acres in size in Trousdale Estates. Properties that are larger than 5 acres in size are capable of accommodating larger, taller structures without materially impacting the scale, character, or integrity of the area, whereas typical sized properties in Trousdale Estates are two acres or less in size and are less capable of accommodating such development without impacting surrounding properties. Additionally, the Amendments limit building sizes to no more than a 20% increase in floor area over the previously existing structure, or a maximum structure size of 120% of what previously existed. This provision creates an incentive to allow property owners to rebuild structures that may exceed 14 feet in height, but are not substantially larger than any previous structure, thereby helping to maintain the previously established character and massing of the area. Under the provisions of the Amendment, the subject property will be limited to a maximum floor area of 10,615 square feet, whereas if built to current code requirements the maximum allowed floor area on the subject property would be 122,439 square feet. Because the Amendment is narrow in scope, requires review of projects on a case-by-case basis through the public hearing process, and will help to preserve the character and massing of Trousdale Estates, the Amendment will serve to further the public interest, health, safety, morals, peace, comfort, convenience, and general welfare.

ENVIRONMENTAL DETERMINATION

The Amendment has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15305, minor alterations in land use limitations, the Amendment qualifies for a Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed Zone Text Amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

FISCAL IMPACT

No fiscal impact to the City is anticipated from a Council decision in this matter.

PUBLIC NOTICE

A public hearing notice was mailed on May 6, 2010 to all property owners and residential occupants within a 300-foot radius of the subject property. Additionally, notice was published in the Beverly Hills Courier and the Beverly Hills Weekly, two newspapers of local circulation.

RECOMMENDED ACTION

It is recommended that the City Council continue the ordinance amending Sections 10-3-2605 and 10-3-2650 of the Municipal Code regarding regulations applicable to height restrictions in Trousdale Estates, and set the ordinance for second reading and adoption at a future meeting.

Susan Healy Keene, AICP
Director of Community Development


Approved By _____

ATTACHMENT 1

Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING SECTIONS 10-3-2605 AND 10-3-2650 OF THE
MUNICIPAL CODE REGARDING THE HEIGHT OF
STRUCTURES IN TROUSDALE ESTATES

WHEREAS, on April 22, 2010, the Planning Commission conducted a duly noticed public hearing to consider proposed amendments to the height of structures in Trousdale Estates as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendments

WHEREAS, on May 18, 2010, the City Council conducted a duly noticed public hearing to consider proposed amendments to the height of structures in Trousdale Estates and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendments have 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 that the Amendments qualify for a Class 5 Categorical Exemption pursuant to Section 15305 of the Guidelines for minor alterations in land use limitations. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that

apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS
DOES ORDAIN AS FOLLOWS:

Section 1. Section 10-3-2605 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-2605: HEIGHT OF STRUCTURES:

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to Article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987, unless permitted by a Trousdale R-1 Permit issued pursuant to Section 10-3-2650 B of this chapter.”

Section 2. Section 10-3-2650 of Article 2 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

“10-3-2650: TROUSDALE R-1 PERMIT:

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of community development, the reviewing

authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

B. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates that is located on a site in existence on April 22, 2010 that is larger than five (5) acres and contains a level building pad of at least one and one-half (1.5) acres, which residence lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence that existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence.

In reviewing a request for a R-1 Permit under this subsection B, the reviewing authority may approve the request if it finds the newly constructed single family residence (1) will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of one or more neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.

Notwithstanding any other provision of this code, the cumulative floor area of accessory structures located on a site for which a Trousdale R-1 Permit has been issued pursuant this subsection 10-3-2650 B shall, at all times, be limited in floor area so as not to exceed a maximum of 10% of the floor area of the primary residential structure.

C. Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter.”

Section 3. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City..

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

Planning Commission Resolution No. 1574

RESOLUTION NO. 1574

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING REGULATIONS APPLICABLE TO HEIGHT RESTRICTIONS IN TROUSDALE ESTATES.

WHEREAS, the Planning Commission has considered the proposed amendments to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendments"); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 22, 2010, at which times it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments are required for the public health, safety, and general welfare, and that such Amendments are consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendments have 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 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

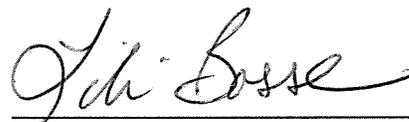
Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to serve existing properties that are larger than 5 acres in size in Trousdale Estates. Properties that are larger than 5 acres in size are capable of accommodating larger, taller structures without materially impacting the scale, character, or integrity of the area, whereas typical sized properties in Trousdale Estates are two acres or less in size and are less capable of accommodating such development. Additionally, the Amendments limit building sizes to no more than a 20% increase in floor area than the previously existing structure, or a maximum structure size of 120% of what previously existed. This provision creates an incentive to allow property owners to rebuild structures that may exceed 14 feet in height, but are not substantially larger than any previous structure, thereby helping to maintain the previously established character and massing of the area. Because the Amendments are narrow in scope, require review of projects on a case-by-case basis through the public hearing process, and will help to preserve the character and massing of Trousdale Estates, the

Amendments will serve to further the public interest, health, safety, morals, peace, comfort, convenience, and general welfare.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendments substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

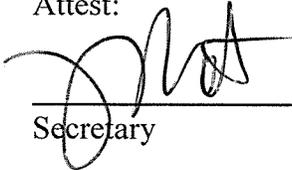
Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: 4/22/2010



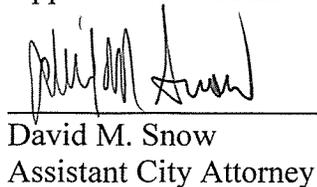
Lili Bosse
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP R.C.
City Planner

EXHIBIT A – DRAFT ORDINANCE

10-3-2605: HEIGHT OF STRUCTURES:

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987, **unless permitted by a Trousdale R-1 Permit issued pursuant to Section 10-3-2650 B of this chapter.**

10-3-2650: TROUSDALE R-1 PERMIT:

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

- A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.
- B. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates that is located on a site in existence on April 22, 2010 that is larger than five (5) acres and contains a level building pad of at least one and one-half (1.5) acres, which residence lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence that existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence.**

In reviewing a request for a R-1 Permit under this subsection B, the reviewing authority may approve the request if it finds the newly constructed

single family residence (1) will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of one or more neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.

Notwithstanding any other provision of this code, the cumulative floor area of accessory structures located on a site for which a Trousdale R-1 Permit has been issued pursuant to Section 10-3-2650 B of this chapter shall, at all times, be limited in floor area so as not to exceed a maximum of 10% of the floor area of the primary residential structure.

- BC.** Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

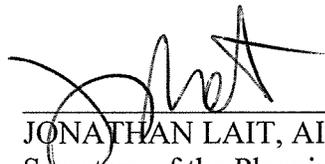
I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1574 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on April 22, 2010, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Cole, Corman, Furie, Vice Chair Yukelson, and
 Chair Bosse.

NOES: None.

ABSTAIN: None.

ABSENT: None.



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

ATTACHMENT 3

April 22, 2010 Planning Commission Staff Report



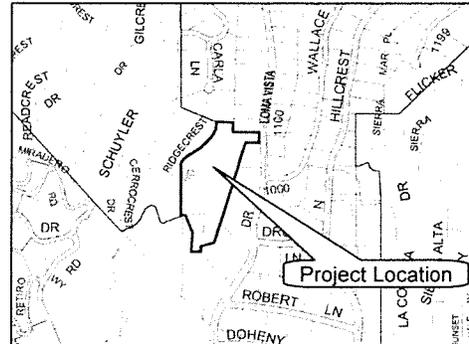
STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning Commission
Meeting of April 22, 2010**

TO: Planning Commission

FROM: Ryan Gohlich,
Associate Planner

THROUGH: Jonathan Lait, AICP,
City Planner



SUBJECT: A request for a Zone Text Amendment to Sections 10-3-2605 and 10-3-2650 of the Beverly Hills Municipal Code regarding the height of structures in Trousdale Estates, and a request for a Trousdale R-1 Permit to allow the construction of a new single-family residence that exceeds 14 feet in height, for the property located in the Trousdale Estates Area of the City at 1025 Loma Vista Drive.

RECOMMENDATION

It is recommended that the Planning Commission recommend adoption of the Zone Text Amendment to City Council, and approve the Trousdale R-1 Permit, subject to conditions.

EXECUTIVE SUMMARY

The applicant requests a Zone Text Amendment to Sections 10-3-2605: Height of Structures and 10-3-2650: Trousdale R-1 Permit (see Attachment 4 for complete code provisions) of the Beverly Hills Municipal code regarding the height of structures in Trousdale Estates. The current code provisions restrict building heights to a maximum of 14 feet, but allow for existing structures that exceeded 14 feet in height on October 15, 1987 to be rebuilt so long as the new structure does not exceed the height or envelope (i.e. building footprint and siting) of the previously existing structure. The purpose of the Zone Text Amendment is to allow a new residence to be built up to the maximum height of the previously existing structure without otherwise conforming to the exact envelope of the previous structure. The result of the requested amendment would be a code provision allowing the new structure's footprint and siting to be modified to be different from the previous structure, but would still require the height of the new structure to be the same or lower than that of the previous structure. The staff-recommended amendment would require the issuance of a Trousdale R-1 Permit issued by the Planning Commission to allow a structure to be rebuilt outside its existing

envelope. Additionally, the recommended language is very narrow in scope and applies only to properties that exceed 5 acres in size and have a level building pad of at least 1.5 acres.

In conjunction with the abovementioned Zone Text Amendment, the applicant also requests approval of a Trousdale R-1 Permit to allow for the construction of a new single-family residence that would be as tall as the previously existing structure, but would not conform to the exact building envelope of the previous structure. Based on current code provisions the proposed project could not be approved; however, if the Zone Text Amendment is approved the proposed project would be possible through the issuance of the Trousdale R-1 Permit.

GENERAL INFORMATION	
Applicant	Tom Levyn
Project Owner	Loma Vista Trust
Zoning District	Residential (R-1)
Permit Streamlining Act Deadline	Not applicable to legislative actions

AREA CHARACTERISTICS AND PROJECT DESCRIPTION

The subject site is located on the west side of Loma Vista Drive in the Trousdale Estates, and is currently developed with an approximately 8,850 square foot residence. The total area of the subject property is approximately 302,350 square feet, or approximately 6.94 acres in size. The site is surrounded by residential properties developed with single-family homes. A sampling of 25 properties in the vicinity of the subject site identified an average property size of approximately one acre, and an average residence size of approximately 6,692 square feet. There are properties in the area that do not conform to these averages; however, the vast majority of properties do not exceed two acres in size, and residences generally do not exceed 10,000 square feet of floor area.

The property owner proposes to demolish the existing residence, and construct a new one-story (with basement) residence at a different location on the building pad. The new residence would consist of approximately 10,615 square feet of above-ground development and approximately 7,065 square feet of below-ground development. The existing residence is 20'5" in height, and the proposed structure would be approximately 19'11" in height.

As proposed, the new structure would be approximately the same height of the existing residence, would be an approximately 20% increase in floor area as compared to the

existing residence, and would be turned on a slightly different axis and constructed in a different architectural style. Modifying the siting of the residence and utilizing a different architectural style results in the project not conforming to the building envelope of the previously existing structure. Because the project does not conform to the building envelope of the existing structure it would not be allowed under the provisions of Code Section 10-3-2605, which state that a structure exceeding 14 feet in height may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987¹.

The property owner has requested a Zone Text Amendment and Trousdale R-1 Permit (which would need to be approved pursuant to the language recommended by staff) that would allow for a new residence to be constructed up to the maximum height of the previously existing structure in areas outside of the previously existing building envelope. The proposed amendment is narrow in scope, and would only apply to properties that are larger than 5 acres in size as subdivided on April 22, 2010 and are developed with an existing residential structure that exceeds 14 feet in height. The complete Zone Text Amendment, as proposed by the applicant is provided in Attachment 1. The text amendment proposed by staff is included as Exhibit A of Attachment 2.

Zoning Information		
	Proposed	Permitted/Required
Use	Single-Family Residential	Single-Family Residential
Cumulative Floor Area	10,615 square feet	122,439 square feet
Height	19 feet 11 inches	14 feet (without Trousdale R-1 Permit)
Front Setback	340 feet	15 feet minimum
Side Setbacks	70 feet minimum	45 feet
Rear Setback	102 feet minimum	15 feet

BACKGROUND

The City of Beverly Hills annexed Trousdale Estates on July 26, 1955. Trousdale Estates was subdivided and then developed as individual view-lots during the 1960s and 1970s. Trousdale has 402 acres developed as a cut and fill, stepped, hillside community that required major grading to create 596 single family residential lots with flat building pads and slopes. The developer, Paul W. Trousdale, placed deed restrictions in the form of a Codes, Covenants and Restrictions document (CC&Rs) on the area beginning in 1955, with a different set of CC&Rs for each tract, many or most of which expired in 2000. Although many of the CC&Rs have expired, much of their content and intent was carried over to the City's codes that are currently in effect.

¹ 10-3-2605: Height of Structures: Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987.

The CC&Rs originally provided separate height restrictions for Upper and Lower Trousdale (maximum 14-foot height in Upper Trousdale and 22-foot height in Lower Trousdale). These standards were codified by the City in 1985 and later revised in 1987 to provide a standard height restriction of 14 feet for all properties in Trousdale. As a result, many structures built in Lower Trousdale prior to 1987 exceed 14 feet in height (the subject property is an example). The intent of this height restriction was to preserve views and maintain the unique character of the area; however, a provision of the code allows structures that exceeded 14 feet in height prior to 1987 to be rebuilt within the same height and envelope. Staff reports at the time indicate that this provision for rebuilding was allowed since a majority of existing homes had been reviewed by an Architectural Committee composed of Trousdale homeowners, which resulted in existing height and building envelopes that were likely to be consistent with the intent of the original Trousdale CC&Rs.

To date, the only significant amendments to the height regulations for Trousdale have consisted of the following provisions:

1. Reducing the maximum height of structures within Lower Trousdale from 22 feet to 14 feet;
2. Allowing structures that previously exceeded 14 feet in height to be rebuilt within the same envelope; and
3. Allowing additions to structures that exceed 14 feet in height through the issuance of a Trousdale R-1 Permit.

ANALYSIS

Zone Text Amendment

The current language set forth within the height restrictions for properties located in Trousdale Estates allows structures to be replaced up to their previously existing height, but only as long as the new structure does not exceed the envelope of the previously existing structure. The applicant suggests that the existing code provisions regarding reconstruction of buildings may not always be appropriate for some of the very large properties within Trousdale Estates and is therefore requesting amendments to Sections 10-3-2605 (Height of Structures) and 10-3-2650 (Trousdale R-1 Permit) of the Beverly Hills Municipal Code. The requested amendment to Section 10-3-2605 would allow a structure that exceeds 14 feet in height to be re-built outside its existing envelope through the issuance of a Trousdale R-1 Permit, and the requested amendment to Section 10-3-2650 sets forth the standards and findings by which the Trousdale R-1 Permit could be approved. Because the amendments are interconnected and do not function independently of one another, the discussion below addresses both amendments without separating the individual code sections.

In reviewing the proposed text amendment submitted by the applicant, staff determined that although the proposed language was specific to the project, subtle modifications could be incorporated into the text amendment language in order to provide maximum protections for the residents of Trousdale Estates without necessitating alterations to the design of the proposed residence. The modifications made by staff narrowed the scope of the language to prevent a broader applicability, and eliminated unnecessary definitions that could result in confusion if applied to other sections of the code. The result is a very narrow scope that achieves the goals of the applicant without materially altering the unique character of Trousdale Estates. The applicant's proposed language, as well as staff's recommended language is provided in Attachments 1A and 1B, respectively, for comparison purposes. The basis for supporting the staff-recommended amendment is outlined below.

The reason that existing height provisions may not always be appropriate is that a very large property can much more easily accommodate additional building height and mass without causing any substantial impacts to the surrounding neighborhood. More specifically, a larger building pad generally creates more opportunities for siting buildings without adversely impacting the views and general enjoyment of neighboring properties. For comparison purposes, the subject property is approximately 700% larger than average properties within its vicinity, while the proposed floor area of the project is only 50% larger than the average floor area of residences in the area. As a result, the applicant has proposed new code language, which through the issuance of a Trousdale R-1 Permit, would allow a structure to be built up to the maximum height of a previously existing structure without otherwise conforming to the previously existing building envelope.

In reviewing the requested Zone Text Amendment, staff considered whether the proposed language would be detrimental to the surrounding area and result in a substantial change to the existing, unique character of Trousdale Estates, and whether the proposed amendment will benefit the public interest, health, safety, morals, peace, comfort, convenience, or general welfare. Upon this review staff determined that there may be instances in which structures on very large properties could be rebuilt beyond an existing building envelope without materially impacting the surrounding neighborhood. Further, allowing such projects to be built outside the previously existing building envelope may actually be beneficial to the surrounding area if such construction results in a property owner choosing to build over less of a lot's surface area as a result of being able to construct a building that exceeds 14 feet in height without conforming to the previously existing building envelope. The reason that a rebuilt structure that exceeds 14 feet in height has the potential to result in less lot coverage than a 14 foot tall structure is that the proposed text amendment would limit such new construction that exceeds 14 feet in height to a maximum 20% increase in floor area over the existing structure, while a 14 foot tall structure would have no such restriction. An example of this, while extreme, is the subject property: if the subject property was developed pursuant to current code restrictions with a maximum height of 14 feet, the maximum allowed (by-right) floor area would be 122,439 square feet;

however, if developed pursuant to the proposed text amendment with a maximum 20% increase in floor area, the maximum allowed floor area would instead be limited to approximately 10,615 square feet (equal to what is proposed by the applicant).

Trousdale R-1 Permit

The requested Trousdale R-1 Permit is based on the language contained in the staff-recommended Zone Text Amendment as outlined above, and is therefore contingent on the City Council adopting the proposed amendment. If adopted, the Trousdale R-1 Permit sets forth findings and development standards that must be met to allow for a structure to be built to the maximum height of a previously existing structure without otherwise conforming to the previous building envelope.

The proposed project is located on a site that is nearly 7 acres in size and is capable of supporting a larger structure. The proposed project is slightly lower in height than the existing structure, is approximately 20% larger in terms of floor area than the existing structure, and would not adversely impact existing views from neighboring properties (view diagrams were prepared by the applicant and story poles were installed for analysis purposes). Because the project is substantially similar to the existing residence in terms of height, size and massing, the project is not expected to materially impact the surrounding neighborhood. Further, the proposed project is far smaller in scale and lot coverage than the maximum allowed by the code (up to 122,439 square feet of floor area could be developed on the subject property).

FINDINGS

The Planning Commission may recommend that the City Council approve the proposed Zone Text Amendment if the Commission is able to find that the amendment will result in a benefit to the following:

- 1) *The public interest, health, safety, morals, peace, comfort, convenience, or general welfare.***

The proposed Zone Text Amendment is intended to serve properties larger than 5 acres in size in Trousdale Estates. Properties that are larger than 5 acres in size are capable of accommodating larger, taller structures without materially impacting the scale, character, or integrity of the area, whereas the more typical sized properties in Trousdale Estates may not be as capable of accommodating such development. Additionally, the language of the amendment limits property owners to building structures that are no more than 20% larger in floor area than the previously existing structure. This provision creates an incentive to allow property owners to rebuild structures that may exceed 14 feet in height, but are not substantially larger than any previous structure, thereby helping to maintain the previously established character and massing of the area. Because the amendment

is narrow in scope, requires review of projects on a case-by-case basis through the public hearing process, and will help to preserve the character and massing of Trousdale Estates, the amendment will serve as a benefit to the public interest, health, safety, morals, peace, comfort, convenience, and general welfare.

The Planning Commission may approve the requested Trousdale R-1 Permit, contingent upon the text amendments taking effect, if the Commission is able to find that the project:

- 1) Will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987;**

The existing residence is approximately 8,850 square feet in area, and the proposed project is approximately 10,615 square feet in area. This results in the proposed project being approximately 20% larger than the existing residence, which is in compliance with limitation that the new structure not exceed the 120% threshold.

- 2) Will not materially impair the view or line of sight of neighboring homes;**

The proposed project will be sited in a manner that is substantially similar to the existing residence. Additionally, a view preservation study has been prepared by the applicant, which identifies the substantial differences in topography between the subject site and surrounding properties. Although the project will be visible from various properties throughout the neighborhood, based on the view preservation analysis (provided in the submitted plans) and field inspections the project is not anticipated to materially impair the views or lines of sight from neighboring homes.

- 3) Will not materially change the scale, character, or integrity of the area;**

The proposed project is approximately 20% larger than the existing residence, but will be marginally lower in height than the existing residence and sited in a substantially similar configuration as compared to the existing house. Because the proposed project results in only minor changes to floor area, height and siting, it is not anticipated to materially change the scale, character, or integrity of the area.

- 4) Will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.**

The proposed project will be substantially similar to the existing residence in terms of floor area, height, and siting. As a result, neighboring properties and the surrounding neighborhood will experience the subject property in a

manner that is similar to how the property is currently experienced, and a significant change that could affect the utility of neighboring properties or the general welfare of the neighborhood is not anticipated.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was posted in two newspapers of local circulation and was mailed on April 9, 2010 to all property owners and residential tenants within a 300-foot radius of the property. As of the date of preparation of this staff report, no comments have been received in regard to the proposed project; however, staff has met with representatives from the Trousdale Homeowners Association to discuss the Zone Text Amendment.

ENVIRONMENTAL DETERMINATION

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15302, replacement or reconstruction, and Section 15305, minor alterations in land use limitations, the project qualifies for a Class 2 and Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

RECOMMENDATION

Based on the foregoing analysis staff recommends that the Planning Commission adopt the attached resolution recommending City Council approval of the proposed Zone Text Amendment and approving the requested Trousdale R-1 Permit, subject to the following project-specific conditions of approval:

1. The Trousdale R-1 Permit shall not become effective unless and until the proposed Zone Text Amendment regarding the height of structures in Trousdale Estates has been adopted by the City Council and has taken effect.
2. The total floor area of the project shall not exceed 120% of the floor area of the existing residence.
3. The project shall be built in substantial conformance with the plans approved by the Planning Commission on April 22, 2010.

4. This approval is for a Trousdale R-1 Permit only. The project shall be subject to all other development standards set forth in the Beverly Hills Municipal Code.



Ryan Gohlich
Associate Planner

Attachments:

- 1A. Applicant Proposed Text Amendment
- 1B. Staff Proposed Text Amendment
2. Draft Planning Commission Resolution - Zone Text Amendment
3. Draft Planning Commission Resolution - Trousdale R-1 Permit
4. Beverly Hills Municipal Code Sections 10-3-2605 and 10-3-2650

ATTACHMENT 4

Beverly Hills Municipal Code Sections 10-3-2605 and 10-3-2650

10-3-2605: HEIGHT OF STRUCTURES:

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 87-O-2004, eff. 10-15-1987; Ord. 91-O-2114, eff. 4-19-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995)

10-3-2650: TROUSDALE R-1 PERMIT:

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

- A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.
- B. Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 85-O-1953, eff. 7-4-1985; Ord. 87-O-2004, eff. 10-15-1987; Ord. 91-O-2114, eff. 4-19-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995)

ATTACHMENT 5

***Applicant Letter Dated May 12, 2010 Regarding
Proposed Construction Protocols***

LAW OFFICES

Glaser, Weil, Fink, Jacobs, Howard & Shapiro, llp

10250 Constellation Boulevard

Nineteenth Floor

Los Angeles, California 90067

(310) 553-3000

Fax (310) 556-2920

May 12, 2010

Direct Dial Number
(310) 282-6214
Email: tlevyn@glaserweil.com

 MERITAS LAW FIRMS WORLDWIDE

Susan Healy Keene
Director of Community Development
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210

Re: Construction Protocols for 1025 Loma Vista Drive

Dear Susan:

As you know, I represent the Loma Vista Trust, which is the owner of 1025 Loma Vista Drive, Beverly Hills, California 90210 (the "Property"). I am authorized to write on behalf of the Trust and its beneficiaries (collectively, the "Trust"). The beneficiaries are long-time residents of Beverly Hills.

After public hearing and comment, the Planning Commission voted to authorize the issuance of a Trousdale R-1 Permit to the Trust, and in connection therewith, voted unanimously to recommend to the Beverly Hills Council the inclusion of two text amendments to the Beverly Hills Municipal Code. The text amendments will be considered by the Council at its formal meeting on Tuesday, May 18, 2010.

If the Council passes the text amendments, then pursuant to the R-1 Permit, the Trust will begin the process of constructing a single family home for the beneficiaries. As a condition precedent to the construction, the Trust will submit plans and other documents required by the City of Beverly Hills.

In order to properly plan for construction, and to build a safe structure, the Trust retained the services of Grover, Hollingsworth, a well-known geology firm ("GH"). GH made certain recommendations to the Trust, including the putting in place of approximately 46 caissons to shore up the Property's hillside running parallel to Loma Vista Drive. As we have discussed, the installation of the caissons is very expensive, but in the opinion of GH, must occur to, among other things, protect the hillside and other properties below, even if a single family home is never built. Since neither GH nor any of our other consultants and experts have examined all of the

properties along Loma Vista Drive, GH is unable to express an opinion as to the efficacy of the caissons with respect to any property other than 1025 Loma Vista Drive.

As a result of the GH report, the Trust, through Ardie Tavangarian, the builder of the single-family home, submitted plans for the stabilization of the Property and for a demolition permit. It is our reasonable expectation that the City will complete its review of these plans after the second reading of the text amendments, and thus no work on the Property will begin until the Council has considered and passed the text amendments and they become law, which, if passed, will be thirty (30) days after the second reading by the Council.

In anticipation of the stabilization of the Property, we are setting forth certain Construction Protocols with which the Trust will agree. I understand that these Construction Protocols may be supplemented by the Planning Department, or other departments of the City of Beverly Hills, consistent with the Beverly Hills Municipal Code and City policies.

Construction Protocols

Our Construction Protocols describe haul routes, scheduling, phasing and safety precautions. We understand that prior to the issuance of a building permit, the Trust will prepare a Construction Management and Parking Plan, and provide them to you and the Director of Public Works for review and approval. Moreover, we are confirming the following construction-related conditions imposed on the R-1 Permit, and that the Trust commits to these conditions in connection with any shoring or stabilization.

1. All construction-related parking shall be accommodated on-site and shall be in accordance with the approved Construction Management and Parking Plan. No construction-related parking shall be permitted on any residential streets, including without limitation, Loma Vista Drive. Material deliveries and food service vehicles shall park on-site in accordance with an approved Construction Management and Parking Plan.

2. All hauling activities shall be in accordance with the approved Construction Management and Parking Plan, which shall include a hauling plan approved by the Director of Community Development and the Director of Public Works. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

3. No heavy hauling or export of earth material shall occur outside the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday.

4. During scheduled hauling periods, two flagmen shall be stationed on Loma Vista Drive. The intersections with the private driveway shall be posted, as necessary, with "truck crossing" signs to assist in traffic control.

New Conditions – Construction Protocols Not Imposed by the Planning Commission

A. Prior to the issuance of any demolition, grading or construction permits, the Trust will submit a Standard Storm Water and Urban Storm Waste Mitigation Plan (SUSMP) to the Director of Public Works for approval.,

B. In addition to the hauling conditions described above, construction aspects that must be staged shall be administered in accordance with a program developed by the Community Development and Engineering Departments. This program will be designed to ensure that the use of Loma Vista Drive by construction vehicles can be safely administered. All staging will be on site and not elsewhere within the City of Beverly Hills.

C. Export and heavy hauling shall be distributed in accordance with the approved hauling plan.

D. Except during concrete pouring, or the installation of the caissons, a limit of four hauling trucks per hour (eight truck trips) shall be permitted.

E. Additional flagmen to those mentioned above shall be posted, as necessary, with "truck crossing" signs to assist in traffic control.

F. The Trust shall post the names and telephone numbers, in a location, size, and manner approved by the Director of Community Development, of two construction representatives on all construction fence signs. Said signs shall also include the name and telephone number for a City contact from the Community Development Department. The representatives' contact information shall be clearly visible to the general public from the street elevation for the duration of the stabilization activities and the phone numbers provided shall be manned at all times. The Trust will transmit the names and telephone numbers of the representatives to the Director of Community Development.

G. The Trust shall construct and maintain the caissons in substantial conformance with the stabilization plans submitted to and approved by the Community Development Department.

H. The Trust shall submit to the Department of Transportation license plate numbers of those persons working on the stabilization.

Susan Healy Keene
May 12, 2010
Page 4

I. The Trust shall hire a consultant to prepare a Fugitive Dust Emission Control Plan prepared in accordance with SCAQMD Rule 403 implementing the best available control measures at the site during the stabilization activities. The Fugitive Dust Emission Control Plan shall apply to any conditions regarding the plans for the stabilization.

J. The Trust shall hire a consultant with demonstrated experience in the implementation of Best Management Practices to control airborne dust.

K. During the stabilization construction, the City shall employ an independent contractor, as deemed necessary by the Director of Community Development, in her sole discretion, to be onsite during designated hours to monitor hauling of dirt and debris, the delivery of concrete and other materials, and at such other times as the Director, in her sole discretion, deems necessary to prevent significant disruption to the adjacent residential neighborhood. The Trust shall make a deposit sufficient to pay for the reasonable cost of said independent contractor. The Trust shall assist in developing a specific job description and employment.

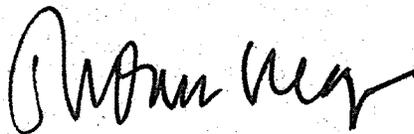
L. Prior to issuance of a permit for the stabilization plans, the Trust shall prepare and submit a construction site drainage plan and erosion control to the Department of Building and Safety for review and approval.

M. The Project Manager will personally contact all impacted neighbors along Loma Vista Drive, and provide a card with contact information and an open line of communication to answer any questions during construction and stabilization.

N. Emergency access to the project site and adjacent areas shall be kept unobstructed during all phases of demolition, grading and construction.

We are confident that the imposed restrictions on the R-1 Permit by the Planning Commission, and our supplemental voluntary Construction Protocols, which the Trust agrees to include on the stabilization plans for the purposes of obtaining a permit, will be satisfactory to you and the City of Beverly Hills.

Very truly yours,



Thomas S. Levyn
of GLASER, WEIL, FINK, JACOBS,
HOWARD & SHAPIRO, LLP