



AGENDA REPORT

Meeting Date: January 8, 2013

Item Number: D-2

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, Assistant Director of Community Development

Subject: A REQUEST FOR A HILLSIDE R-1 PERMIT AND GAME COURT LOCATION AND FENCE REVIEW ASSOCIATED WITH THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ASSOCIATED ACCESSORY STRUCTURES, AND TENNIS COURT ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD.

Attachments:

1. Resolution
2. Planning Commission Resolution
3. Public Notice
4. Architectural Plans

RECOMMENDATION

It is recommended that the City Council approve a Hillside R-1 Permit and Game Court Location and Fence Review to allow the construction of a new single-family residence and associated accessory structures on the property located at 911/915 Foothill Road.

INTRODUCTION

The proposal to construct a new single-family residence with associated accessory structures, including a proposed tennis court and tennis court fencing and lighting, is a development project that would ordinarily be reviewed by the Planning Commission, as the Planning Commission serves as the City's *Planning Agency* when it comes to most land use matters. However, the proposal to construct a tennis court and associated tennis court fencing between the primary residence and the required front setback requires a different review process than most land use matters.

Pursuant to BHMC §10-3-2517 A.¹, the City Council serves as the reviewing authority for all tennis courts and tennis court fencing located between a primary residence and a required front setback. Furthermore, BHMC §10-3-2551² stipulates that the City Council shall also serve as the reviewing authority for any Hillside R-1 Permits that accompany a request subject to City Council Review. Because the proposed tennis court requires City Council review, the City Council shall also serve as the reviewing authority for the Hillside R-1 Permit. Separately, the project includes a request for a Tree Removal Permit that is not subject to City Council review, which would allow the removal of 23 protected trees on the subject property. The Tree Removal Permit was reviewed and conditionally approved by the Planning Commission on December 20, 2012. Because the Planning Commission reviewed the Tree Removal Permit in the context of the total project, the Planning Commission has offered guidance on the Hillside R-1 Permit and game court. All project components, including the Planning Commission's review of the project, are discussed in more detail within this report.

BACKGROUND

Project Description

The subject property is located in the Hillside Area of the city on the west side of the 900 block of Foothill Road. The project site consists of two parcels of land (911 and 915 Foothill Road) totaling 144,552 square feet (3.32 acres). The property was previously developed with two homes (now demolished) having a combined floor area of approximately 16,000 square feet, and is surrounded by single-family residential homes.

The Project consists of the following elements:

- Construction of an approximately 19,500 square-foot, three-level, primary residence;
- Construction of an approximately 1,000 square-foot pool house;
- Retention and renovation of an existing, approximately 1,600 square foot screening room;
- Construction of a tennis court and associated 12-foot tall tennis court fencing and 22-foot tall tennis court lighting;
- Construction of 6-foot tall walls, fences, and hedges within the required front setback area;

¹ 10-3-2517: GAME COURTS AND GAME COURT FENCES:

No game court or game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety.

² 10-3-2551: REVIEWING AUTHORITY:

The reviewing authority for a Hillside R-1 permit application shall be the planning commission unless the application accompanies a separate application for a discretionary approval from the city council with regard to the same site area. In that case, the city council shall be the reviewing authority for the Hillside R-1 permit application.

- Site grading and import of approximately 3,000 cubic yards of earth material³; and
- Removal of 23 protected trees, and planting of 126 new trees, 58 of which would be 60” box-size or larger.

Required Entitlements

The Project requires the following entitlements in order to be constructed as proposed:

1. A Hillside R-1 Permit to allow the total on-site floor area to exceed 15,000 square feet. As proposed, the total on-site floor area is approximately 22,000 square feet.
2. A Hillside R-1 Permit to allow the construction of 6-foot tall walls, fences, and hedges within the required front setback.
3. Game Court Location and Fence Review to allow the placement of a tennis court and associated fencing between the primary residence and the required front setback.
4. A Tree Removal Permit to allow the removal of 23 protected trees located between the proposed residence and the street (conditionally approved by the Planning Commission on December 20, 2012).

General Plan⁴ Policies

The General Plan includes goals and policies relevant to the City Council’s review of the Project, including:

- Policy LU 2.3 Hillside Development. Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- 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.
- Policy OS 2.1 Trees of Significance. Require the retention of trees of significance (such as heritage trees) by promoting stewardship of such trees and ensuring that the design of development and reuse projects provide for the retention of these trees wherever possible. Where tree removal cannot be avoided, require replacements with an appropriate species.
- Policy OS 2.2 Manage and Enhance. Continue to ensure that new construction incorporates trees where appropriate, and manages and cares for all publicly owned trees, works to retain healthy trees, and encourages planting appropriate species in appropriate locations. Maintain Tree City USA accreditation on an annual basis.

³ Up to 3,000 cubic yards of earth material may be imported without triggering a Hillside R-1 Permit. The amount of earth material to be imported is within this limit, and is noted in the project description for reference and informational purposes only.

⁴ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ANALYSIS

The following section focuses on key information and issues relevant to the Project, and serves to assist the City Council in its assessment of the Project and required findings.

Scale and Massing. The neighborhood surrounding the Project site is comprised entirely of single-family residences that vary in size and design. Based on Los Angeles County Assessor records, properties along the 900 block of Foothill Road vary in lot size from a low of 0.51 acres (22,220 square feet) to a high of 1.82 acres (79,279 square feet), and houses vary in size from a low of 3,614 square feet to a high of 12,324 square feet. The proposed Project would tie the 911 and 915 Foothill Road properties together, resulting in the largest lot on the block at 3.32 acres (144,552 square feet), and would contain the most development on the block at 22,087 square feet. Although the proposed residence would be somewhat larger than those found on surrounding properties, the Project would result in a total floor area ratio (building square footage to land area ratio) of 0.15 to 1, which is lower than the average floor area ratio on the block of 0.20 to 1. This difference in floor area ratios demonstrates that the proposed residence, while large in comparison to other homes on the block, is proportional to the lot size and would not maximize development⁵ on the site or result in the over-development of the Project site. Furthermore, the proposed residence and accessory structures exceed all code-required setbacks, which provides substantial open space between the Project and the street, and between the Project and surrounding properties. Finally, the existing and proposed landscaping would screen views of the proposed structures from the street, and would largely obscure views of the structures from adjacent properties. Therefore, staff's analysis concludes that the proposed size, scale, and massing of the Project would not have the appearance of being over-developed, and would therefore be a compatible addition to the surrounding neighborhood.

Walls, Fences, and Hedges. The existing streetscape along Foothill Road is primarily comprised of walls, fences, and hedges, and residences are minimally visible (if at all) from the street. The subject property currently contains a solid wall and dense hedges along the front property line, which obscures views of the building pad from the street. As proposed, the Project would maintain these existing walls and hedges (to be trimmed to 6' in height in accordance with Planning Commission requirements), and proposes a new retaining wall with vehicle gates and hedges that would be located beyond the existing wall and hedge, but still within the required front setback. The proposed retaining wall would not be visible from the street because it would be located behind the existing wall and hedges that border the property, and the vehicle gates would be set back approximately 32' from the front property line, which is 3' less than the 35' required front setback for the primary residence. The proposal would maintain and enhance the appearance of the subject property as viewed from the street, and the proposed walls, fences, and hedges would be consistent with those found on properties within the vicinity of the Project site. Therefore, staff's analysis concludes that the walls, fences, and hedges would be consistent with existing conditions and would therefore not detract from the quality of the streetscape.

⁵ The maximum above-grade floor area that would otherwise be allowed on the Project site pursuant to standard code requirements is 26,431 square feet.

Game Court. The proposed Project includes a tennis court, tennis court fencing, and lighting for the tennis court. Although the tennis court would be located entirely within the principal building area (outside of all required setbacks), the court would be located between the primary residence and the required front setback line. Typically, this configuration could result in incompatibilities with the adjacent streetscape, as tennis courts are generally located behind residences in order to preserve neighborhood aesthetics and consistency. In this case, the tennis court would be located approximately 71' from the front property line, which is 36' beyond the required 35' front setback. The tennis court would also be located 155' from the neighboring property to the north, 120' from the neighboring property to the south, and 233' from the neighboring property to the west; tennis courts are normally only required to maintain a 5' setback from neighboring properties. Additionally, the walls and dense landscaping discussed in this report would largely screen any views of the court from the street or adjacent properties. Therefore, staff's analysis concludes that the location and configuration of the proposed tennis court (inclusive of the fencing and lighting) would not result in any adverse impacts to the streetscape or neighborhood.

Loss of Protected Trees. The proposed Project would result in the removal of 23 protected trees. Trees are considered to be protected when they are a native species with a trunk circumference of 24" or more, are a non-native species with a trunk circumference of 48" or more, and are located between the proposed residence and the street. The Project contains 23 trees that meet the location, species and/or size criteria above, and are therefore considered to be protected. Removal of the 23 protected trees is proposed in order to accommodate the new residence, tennis court, driveway, motor court, pool house, and site grading, and preservation of the protected trees would require significant project revisions. In order to offset the loss of protected trees, an extensive landscaping plan has been prepared that includes the planting of 126 new trees, 58 of which would be mature, 60" box-size or larger (the Municipal Code requires replacement native trees to be a minimum 36" box-size). Additionally, the plan maintains and enhances an existing arroyo that cuts through the property and is bordered by mature trees. The Planning Commission reviewed the Tree Removal Permit on December 20, 2012, and found that the Project results in a net increase in trees on the property, and that the proposed tree planting plan results in higher-quality (nursery-grown and maintained) trees planted in more appropriate and compatible locations throughout the site. Therefore, the Planning Commission conditionally approved the Tree Removal Permit, contingent on the City Council's review of the requested Hillside R-1 Permit and Game Court Location and Fence Review.

Planning Commission Review. The Planning Commission reviewed the Project on December 20, 2012. As discussed above, the Municipal Code limited the Planning Commission's authority in reviewing the Project to the Tree Removal Permit. Although the Planning Commission was not able to formally take action on the other entitlements, the Planning Commission did take the totality of the Project into consideration when reviewing the Tree Removal Permit. In doing so, the Planning Commission considered the characteristics and quality of the existing neighborhood and streetscape, and found that the Tree Removal Permit, in conjunction with the proposed redevelopment of the Project site, would be beneficial for the neighborhood and would not result in any adverse impacts. The Tree Removal Permit was conditionally approved and made contingent on the City Council's review of the Hillside R-1 Permit and Game Court Location and Fence Review. Additionally, the Planning Commission offered the following guidance to the City Council in its review of the Project, should the City Council choose to approve the Project:

- Existing hedges within the required front setback should be trimmed to a maximum height of 6' in order to achieve code compliance.
- Climbing vines should be planted in front of the block wall adjacent to the sidewalk, and the vines should be maintained in a manner that prevents obstruction of the sidewalk.
- Tennis court lighting should be equipped with shields to ensure that light is focused on the tennis court and does not interfere with neighboring properties.

The guidance offered by the Planning Commission has been incorporated into the recommended conditions of approval, which are set forth in the draft City Council Resolution (Attachment 1).

FINDINGS

Hillside R-1 Permit. Staff recommends that the following findings be made in support of the Project with regard to the Hillside R-1 Permit:

1. *The development will not have a substantial adverse impact on the scale, massing, integrity, or character of the area;*

The Project will result in the development of a single-family residence and associated accessory structures. The Project site exceeds 3 acres in size, and is capable of accommodating all components of the Project without resulting in over-development of the property. The Project's total floor area ratio would be 0.15 to 1, which is less than the block-average floor area ratio of 0.20 to 1. Furthermore, the Project (inclusive of accessory structures) exceeds all required setbacks, which allows for substantial separation from the street and adjacent residences, thereby reducing the appearance of scale and massing. Finally, the Project includes high-quality design and mature vegetation that is compatible with the surrounding neighborhood. Therefore, the Project is not anticipated to have a substantial adverse impact on the scale, massing, integrity, or character of the area.

2. *The development will not have a substantial adverse impact on the privacy of neighboring properties; and*

The primary residence associated with the Project will be set back a minimum of 85' from the neighboring property to the north, 209' from the neighboring property to the south, and 56' from the neighboring property to the west (rear). Furthermore, the Project's accessory structures exceed all code required setbacks, and the Project includes mature landscaping that surrounds the property and provides a buffer for adjacent neighbors. Because of the substantial setbacks and mature landscaping, the Project is not anticipated to have a substantial adverse impact on the privacy of neighboring properties.

3. *The development will not have a substantial adverse impact on the garden quality of the city.*

The Project preserves existing landscaping along the street, and results in a net increase in trees on the property. Although the planting plan does result in the removal of 23 protected trees, the net increase in trees, in conjunction with an extensive

landscaping plan for the property, serves to maintain and enhance the garden quality of the city.

Game Court Review. Staff recommends that the following findings be made in support of the Project with regard to the game court location and associated fencing:

1. *Such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood;*

The proposed tennis court, fencing, and lighting will be located a minimum of 71' from the front property line, which is 36' beyond the required 35' front setback. Additionally, the tennis court and fencing will be screened by existing and proposed vegetation, which will prevent the tennis court and fencing from being visible from the street. Based on the proposed location, design, and landscaping, the tennis court and fencing will not have a substantial adverse impact on the surrounding neighborhood.

2. *Such court or fence will not create an unusual noise impact; and*

The proposed tennis court will be located within the principal building area on the Project site, and will be set back from property lines a greater distance than most other tennis courts in the neighborhood. The tennis court will be sited a minimum of 71' from the front property line, 155' from the north property line, 120' from the south property line, and 233' from the rear property line, whereas other tennis courts in the neighborhood are typically located immediately adjacent to a side or rear property line. The substantial setbacks, as well as existing and proposed vegetation on the Project site, will prevent the tennis court from creating an unusual noise impact.

3. *Such court or fence will not have an adverse impact on the public safety.*

The proposed tennis court will be located within the principal building area on the Project site, and will be set back from property lines a greater distance than most other tennis courts in the neighborhood. The tennis court will be sited a minimum of 71' from the front property line, 155' from the north property line, 120' from the south property line, and 233' from the rear property line, whereas other tennis courts in the neighborhood are typically located immediately adjacent to a side or rear property line. Therefore, the substantial setbacks and orientation of the tennis court will prevent errant tennis balls from being hit beyond property lines and causing an adverse impact on the public safety.

RECOMMENDED ACTION

Based on the forgoing information, staff recommends that the Council adopt the attached resolution making findings and granting the Hillside R-1 Permit and Game Court Location and Fence Review.

FISCAL IMPACT

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

PUBLIC NOTICE AND COMMENTS

A public hearing notice was mailed on December 28, 2012 to all property owners and occupants within a 300' radius of the Project site. As of the writing of this report, staff has not received any comments in regard to the Project. Furthermore, no comments were received during the Planning Commission's noticed public hearing concerning the Tree Removal Permit.

RECOMMENDED CONDITIONS OF APPROVAL

Recommended conditions of approval are set forth in the attached draft resolution.

Susan Healy Keene, AICP
Director of Community Development


Approved By _____

ATTACHMENT 1

RESOLUTION

RESOLUTION NO. 13-R-

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT AND GAME COURT LOCATION AND FENCE REVIEW ASSOCIATED WITH THE CONSTRUCTION OF A NEW RESIDENCE AND ACCESSORY STRUCTURES ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD.

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

Section 1. Sheri Bonstelle, applicant on behalf of the property owners of 911/915 Foothill Road, (collectively the “Applicant”) submitted an application for a Hillside R-1 Permit, Game Court Location and Fence Review, and Tree Removal Permit to allow the construction of a new single-family residence, pool house, tennis court, and walls, fences, and hedges within a required front setback in the Hillside Area of the City at 911/915 Foothill Road (the “Project”).

The Planning Commission conducted a noticed public hearing on December 20, 2012 to consider a Tree Removal Permit to allow the removal of 23 protected trees on the subject property. In conjunction with the removal of protected trees, the Applicant proposes construction of a new residence and accessory structures, including walls, fences, and hedges within the front setback, and construction of a new tennis court and associated fencing and lighting, which require separate review by the City Council. The Planning Commission conditionally approved the Tree Removal Permit, contingent on the City Council’s approval of the Hillside R-1 Permit and Game Court Location and Fence.

Section 2. The subject property is located in the Hillside Area of the city on the west side of the 900 block of Foothill Road. The Project site consists of two properties (911 and 915 Foothill Road) totaling 144,552 square feet (3.32 acres). The property was previously developed with two homes (now demolished) having a combined floor area of approximately 16,000 square feet, and is surrounded by single-family residential homes. The surrounding properties consist of one- and two-story single-family homes built on parcels that generally have sloping topographies. The size of the lots and homes in the area varies, although properties are generally between 0.75 and 1.5 acres in size, with homes ranging in size from approximately 3,600 square feet to 12,000 square feet. The streetscape along Foothill Road is heavily landscaped, with homes generally being obscured from view.

The Project includes the construction of an approximately 19,500 square foot primary residence, an approximately 1,000 square foot pool house, retention and renovation of an existing, approximately 1,600 square foot screening room, construction of a tennis court and associated fencing between the residence and the front setback, and site grading and import of 3,000 cubic yards of earth material.

Section 3. The Project requires a Hillside R-1 Permit to allow the cumulative on-site floor area to exceed 15,000 square feet (approximately 22,000 square feet is proposed), a Hillside R-1 Permit to allow the construction of 6-foot tall walls, hedges, and vehicle gates within the required front setback, and Game Court Location and Fence Review to allow the construction of a tennis court and associated fencing and lighting between the primary residence and the required front setback.

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*) (hereafter the “Guidelines”), and the City’s Local CEQA Guidelines, and a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(a) of the Guidelines for the construction of a new single-family residence, with associated accessory structures and site work, and is therefore exempt from further review under the provisions of CEQA.

Section 5. Notice of the Project and public hearing was mailed on December 28, 2012 to all property owners and residential tenants within a 300-foot radius of the property. On January 8, 2013 the City Council considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Hillside R-1 Permit, the City Council considered whether it could make the following findings:

1. The development will not have a substantial adverse impact on the scale, massing, integrity, or character of the area;
2. The development will not have a substantial adverse impact on the privacy of neighboring properties; and
3. The development will not have a substantial adverse impact on the garden quality of the city.

Section 7. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Hillside R-1 Permit:

1. The Project will result in the development of a single-family residence and associated accessory structures. The Project site exceeds 3 acres in size, and is capable of accommodating all components of the Project without resulting in over-development of the property. The Project's total floor area ratio would be 0.15 to 1, which is less than the block-average floor area ratio of 0.20 to 1. Furthermore, the Project (inclusive of accessory structures) exceeds all required setbacks, which allows for substantial separation from the street and adjacent residences, thereby reducing the appearance of scale and massing. Finally, the Project includes high-quality design and mature vegetation that is compatible with the surrounding neighborhood. Therefore, the Project will not have a substantial adverse impact on the scale, massing, integrity, or character of the area.

2. The primary residence associated with the Project will be set back a minimum of 85' from the neighboring property to the north, 209' from the neighboring property to the south, and 56' from the neighboring property to the west (rear). Furthermore, the Project's accessory structures exceed all code required setbacks, and the Project includes mature landscaping that surrounds the property and provides a buffer for adjacent neighbors. Because of the substantial setbacks and mature landscaping, the Project will not have a substantial adverse impact on the privacy of neighboring properties.

3. The Project preserves existing landscaping along the street, and results in a net increase in trees on the property. Although the planting plan does

result in the removal of 23 protected trees, the net increase in trees, in conjunction with an extensive landscaping plan for the property, serves to maintain and enhance the garden quality of the city. Therefore, the Project will not have a substantial adverse impact on the garden quality of the city.

Section 8. In considering the request for Game Court Location and Fence Review, the City Council considered whether it could make the following findings:

1. Such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood;
2. Such court or fence will not create an unusual noise impact; and
3. Such court or fence will not have an adverse impact on the public safety.

Section 9. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Game Court Location and Fence Review:

1. The proposed tennis court, fencing, and lighting will be located a minimum of 71' from the front property line, which is 36' beyond the required 35' front setback. Additionally, the tennis court and fencing will be screened by existing and proposed vegetation, which will prevent the tennis court and fencing from being visible from the street. Based on the proposed location, design, and landscaping, the tennis court and fencing will not have a substantial adverse impact on the surrounding neighborhood.
2. The proposed tennis court will be located within the principal building area on the Project site, and will be set back from property lines a greater

distance than other tennis courts in the neighborhood. The tennis court will be sited a minimum of 71' from the front property line, 155' from the north property line, 120' from the south property line, and 233' from the rear property line, whereas other tennis courts in the neighborhood are typically located immediately adjacent to a side or rear property line. The substantial setbacks, as well as existing and proposed vegetation on the Project site, will prevent the tennis court from creating an unusual noise impact.

3. The proposed tennis court will be located within the principal building area on the Project site, and will be set back from property lines a greater distance than other tennis courts in the neighborhood. The tennis court will be sited a minimum of 71' from the front property line, 155' from the north property line, 120' from the south property line, and 233' from the rear property line, whereas other tennis courts in the neighborhood are typically located immediately adjacent to a side or rear property line. Therefore, the substantial setbacks and orientation of the tennis court will prevent errant tennis balls from being hit beyond property lines and the court and fence will not have an adverse impact on the public safety.

Section 10. Based on the foregoing, the City Council hereby grants the requested Hillside R-1 Permit and approves the location of the Game Court and Fence, subject to the following conditions:

1. Existing hedges within the required front setback shall be trimmed to a maximum height of 6'.

2. Climbing vines shall be planted in front of the existing block wall adjacent to the sidewalk. The vines shall be planted and maintained in a manner that achieves coverage of the block wall without obstructing the public right-of-way.

3. All tennis court lights shall be fitted with shields that direct lighting onto the tennis court and away from neighboring properties.

4. Prior to the issuance of building permits, the Applicant shall prepare a construction management and parking plan to the satisfaction of the Director of Community Development and the Director of Public Works.

5. To the extent feasible, all construction-related parking shall be accommodated on-site and shall be in accordance with the approved construction management and parking plan.

6. 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 Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

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

8. Prior to the issuance of building permits, a Single-Site Covenant, satisfactory in form and substance to the City Attorney and Director of Community Development shall be recorded against the parcels of land that comprise the Project site.

9. In the event that the parcels of land that comprise the Project site are separated at a later date for future development, any nonconforming condition that may result as part of the separation of the lots shall be removed and/or abated prior to the separation of the lots.

10. RECORDATION. This Resolution 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 City Council 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. EXPIRATION. The exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution.

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

13. This approval is for those plans submitted to the City Council on January 8, 2013, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

14. 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.

15. 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.

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

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

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

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

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

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

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

23. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

24. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the

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

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

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

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

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

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

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

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

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

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

Section 11. The City Clerk shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his Certification to be entered in the Book of Resolutions of the City of Beverly Hills.

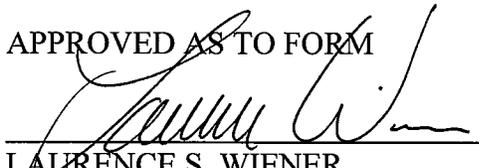
Adopted:

WILLIAM W. BRIEN, M.D.
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

JEFFREY C. KOLIN
City Manager



SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 1669

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A TREE REMOVAL PERMIT ASSOCIATED WITH THE CONSTRUCTION OF A NEW RESIDENCE AND ACCESSORY STRUCTURES ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD.

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

Section 1. Sheri Bonstelle, applicant on behalf of the property owners of 911/915 Foothill Road (collectively the “Applicant”), submitted an application for a Tree Removal Permit in connection with the construction of a new single-family residence and associated accessory structures in the Hillside Area of the City at 911/915 Foothill Road (the “Project”).

The Planning Commission’s authority in reviewing the Project is limited to the request for a Tree Removal Permit to allow the removal of 23 protected trees on the subject property. In conjunction with the removal of protected trees, the Applicant proposes construction of a new residence and accessory structures, including walls, fences, and hedges within the front setback and a new tennis court, which require separate review by the City Council. The Planning Commission considered all components of the Project in order to take action on the Tree Removal Permit.

Section 2. The subject property is located in the Hillside Area of the city on the west side of the 900 block of Foothill Road. The Project site consists of two parcels of land (911 and 915 Foothill Road) totaling 144,552 square feet (3.32 acres). The property was previously developed with two homes (now demolished) having a combined floor area of approximately 16,000 square feet, and is surrounded by single-family residential homes. The surrounding properties consist of one- and two-story single-family homes built on parcels that generally have sloping topographies. The size of the lots and homes in the area varies, although properties are generally between 0.75 and 1.5 acres in size, with homes ranging in size from approximately 3,600 square feet to 12,000 square feet. The streetscape along Foothill Road is heavily landscaped, with homes generally being obscured from view.

Section 3. The Project requires a Tree Removal Permit to allow the removal of 23 protected trees located between the proposed new residence and the adjacent street. Separately, development of the Project site requires a Hillside R-1 Permit to allow the cumulative on-site floor area to exceed 15,000 square feet (approximately 22,000 square feet is proposed), a Hillside R-1 Permit to allow the construction of 6-foot tall walls, fences, and hedges within the required front setback, and a Game Court Location and Fence Review to allow the construction of a tennis court and associated fencing and lighting between the primary residence and the required front setback. The Hillside R-1 Permits and Game Court Location and Fence Review require separate action by the City Council

Section 4. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000,

et seq. (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(a) of the Guidelines for the construction of a new single-family residence, with associated accessory structures and site work, and is therefore exempt from further review under the provisions of CEQA.

Section 5. Notice of the Project and public hearing was mailed on December 10, 2012 to all property owners and residential tenants within a 300-foot radius of the property. On December 20, 2012 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Tree Removal Permit, the Planning Commission considered whether it could make the following findings:

1. The removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to remove the protected tree;
2. The removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare;
3. The removal of the protected tree will not significantly and adversely affect erosion, soil retention, or the flow of surface water; and

4. The removal of the protected tree will not significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Tree Removal Permit:

1. The Project is associated with redevelopment of the majority of the property, with the construction of a new residence, tennis court, pool house, vehicle driveway and motor court. Every effort has been made to preserve significant trees where appropriate and reasonable, but not all trees on the Project site can be preserved given the scope of development. In areas where protected trees are removed, new trees will be planted, with the Project resulting in a net increase in trees.
2. The Project's tree removal and tree planting plan will result in a net increase in trees on the Project site. The newly planted trees will be healthy, mature, and of high quality, and will serve to offset the loss of 23 protected trees on the Project site. The proposed planting plan will allow for the protection of the environment, and preservation of the character of the Project site and surrounding neighborhood. Therefore, the removal of 23 protected trees will not have any significant environmental effects or otherwise harm the public health or general welfare.
3. The Project's tree removal and tree planting plan will result in a net increase in trees on the Project site. The newly planted trees will be planted in conjunction with other forms of landscaping throughout the Project site, which will have a net result of reduced erosion and improved soil retention. The surface flow of

water will be controlled through grading and drainage improvements designed by a licensed civil engineer in conformance with all applicable code standards, and will not be adversely affected by the removal of protected trees.

4. The Project's tree removal and tree planting plan will result in a net increase in trees on the Project site. The newly planted trees will be healthy, mature, and of high quality, and will serve to offset the loss of 23 protected trees on the Project site. Additionally, a complete landscaping plan has been prepared for the Project site, which will improve upon the landscaping currently present on the Project site and preserve an existing arroyo that cuts through the Project site. Therefore, the Project will serve to enhance the aesthetic and garden quality of the surrounding neighborhood.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested Tree Removal Permit, subject to the following conditions:

1. Prior to the issuance of a Tree Removal Permit, the Applicant shall prepare a tree removal management and parking plan to the satisfaction of the Director of Community Development and the Director of Public Works.

2. To the extent feasible, all tree removal-related parking shall be accommodated on-site and shall be in accordance with the approved construction management and parking plan.

3. All hauling activities shall be in accordance with the approved tree removal 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.

4. No heavy hauling shall occur outside the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.

5. Approval of the Tree Removal Permit shall not become effective unless and until the City Council approves the requested Hillside R-1 Permits and Game Court Location and Fence Review associated with redevelopment of the Project site.

6. Prior to the issuance of a Tree Removal Permit, a Single-Site Covenant shall be recorded against the parcels of land that comprise the Project site.

7. In the event that the parcels of land that comprise the Project site are separated at a later date for future development, any nonconforming condition that may result as part of the separation of the lots shall be removed and/or abated prior to the separation of the lots.

8. 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.

9. RECORDATION. This Resolution 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

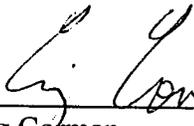
executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If 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.

10. EXPIRATION. The exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution.
11. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in a termination of the entitlements granted herein.
12. This approval is for those plans submitted to the Planning Commission on December 20, 2012, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
13. 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.

14. 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.
15. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
16. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.
17. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of the Project.
18. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.
19. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during tree removal operations performed under any permits issued by the City.
20. During tree removal, all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

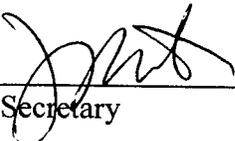
Section 9. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: December 20, 2012



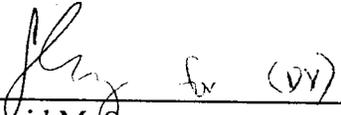
Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

ATTACHMENT 3

PUBLIC NOTICE

City Clerk's Office



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Council of the City of Beverly Hills, at its meeting to be held on **Tuesday, January 8, 2013, at 7:00 p.m.**, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public hearing to consider:

A REQUEST FOR A HILLSIDE R-1 PERMIT AND GAME COURT LOCATION AND FENCE REVIEW ASSOCIATED WITH THE CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE, ASSOCIATED ACCESSORY STRUCTURES, AND TENNIS COURT ON THE PROPERTY LOCATED AT 911/915 FOOTHILL ROAD.

The proposed new residence and accessory structures total approximately 22,000 square feet in floor area. A Hillside R-1 Permit is required to allow the project's cumulative floor area to exceed 15,000 square feet and to allow the construction of 6-foot tall walls, fences, and hedges within the required front setback. Game Court Location and Fence Review is required to allow the construction of a tennis court and associated fencing between the primary residence and the required front setback.

Review of land use matters is normally conducted by the Planning Commission; however, the subject project will be reviewed by the City Council. Pursuant to BHMC §10-3-2517 A., the City Council shall serve as the reviewing authority for all game courts and associated fences located between a primary residence and a required front setback. Further, BHMC §10-3-2551 requires that the City Council review all Hillside R-1 Permit applications associated with a development project whenever a game court requires review by the City Council. Therefore, the City Council serves as the reviewing authority for the Hillside R-1 Permit and Game Court Location and Fence Review.

The 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 City has determined that the Project will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15303 of Title 14 of the California Code of Regulations.

At the public hearing, the City Council will hear and consider all comments. All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. The comments should be received prior to the hearing date.

Please note that if you challenge the Council's action in regards to this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Ryan Gohlich, Senior Planner in the Beverly Hills Community Development Department at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the Project plans and associated documents are on file in the Community Development Department and can be reviewed by any interested person at 455 N. Rexford Drive, Beverly Hills, California 90210.

Mailed: 12/28/2012

BYRON POPE, CMC
City Clerk

ATTACHMENT 4
ARCHITECTURAL PLANS
(PROVIDED SEPARATELY)