



STAFF REPORT  
CITY OF BEVERLY HILLS

For the Planning  
Commission Meeting of  
November 19, 2009

**TO:** Planning Commission

**FROM:** Shena Rojemann, Assistant  
Planner

**THROUGH:** Jonathan Lait, AICP, City  
Planner *Jonathan Lait*

**SUBJECT:** A request for a Central R-1  
Permit, in conjunction with a  
Second Unit Use Permit  
request for a proposed one-  
story, detached accessory  
structure for the property  
located at 708 North Maple  
Drive.



**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution, conditionally approving a Central R-1 Permit and Second Unit Use Permit.

**EXECUTIVE SUMMARY**

The applicant is proposing a new, detached, one-story second unit with attached one-car garage. As proposed, the second unit would be a maximum of 14 feet in height and would contain approximately 589 square feet of floor area. The structure is proposed to be located at the rear of the property, within the southern side yard setback area. The attached garage proposed in conjunction with the second unit totals approximately 227 square feet.

The project does not exceed the maximum code-required height of 14 feet for accessory structures; however, the project does not comply with the height envelope requirements established for accessory structures. The height envelope regulates the maximum height a structure can be when located within a required side yard setback. Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-2414(F), the Planning Commission, through a Central R-1 Permit, may modify the height limit and height envelope requirements for accessory structures. Additionally the proposed accessory structure contains fully independent living facilities in the form of a second unit. This use is permitted by right when the structure is located entirely outside the required setbacks for main residence. The subject project, however, is proposed to encroach into the required 7'-6" southern side yard setback. The proposed location requires review and approval of a Second Unit Use Permit by the Planning Commission.

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Ali Olfati
<b>Project Owner</b>	Stephen Massman
<b>Zoning District</b>	Single-Family Residential (R-1.X) – Central Area
<b>Parcel Size</b>	21,000 square feet

### **PROJECT DESCRIPTION AND AREA CHARACTERISTICS**

The subject site is located on the east side of North Maple Drive between Elevado and Lomitas Avenues, in the Central area of the City. The subject property consists of 21,000 square feet and is generally flat and rectangular in shape. Existing structures and improvements include a two-story single-family residence with attached garage, swimming pool, perimeter walls and mature landscaping. Vehicular access is provided via a circular driveway accessed from Maple Drive.

The proposed second unit would be located at the rear of the subject site, adjacent to the alley, and would contain fully independent living facilities, including a bathroom, a kitchen area and open living space. Additionally, the structure would contain a one-car garage. The structure would be set back 4 feet from the southern property line, 65 feet from the northern side property line, and 195 feet from the western (front) property line. To prevent impacting the neighbors' privacy and access to light and air, the applicant has designed the eastern elevation of the second unit absent of windows and doors. The southern elevation has been designed absent of windows but a small door (9' in height by 2'-9" in width) is proposed to provide access to the garage. Rear alley

access to the attached garage is also proposed and the garage entrance has been setback 4 feet onto the subject property, so as to conform with the City's 24 foot back-up space requirement for residential zones.

The maximum height of the second unit would be 14 feet, which would not exceed the maximum height permitted per Code<sup>1</sup>; however, the proposed structure does not comply with the required height limitations specified by BHMC §10-3-2414<sup>2</sup> as they relate to a maximum building envelope. Consequently, a Central R-1 Permit is required (Attachment A: Diagram of code-required building envelope). This condition, as it relates to the subject building, is illustrated in Attachment B.

The surrounding area is characterized by properties developed with two-story single-family residences of a similar size as the subject property. Both adjacent properties to the north and south consist of two-story single-family residences with accessory structures and swimming pools in the rear yards. Existing perimeter walls and mature landscaping physically and visually separate the subject site from the properties located on either side.

**PROJECT DESCRIPTION**

<b>708 NORTH MAPLE DRIVE</b>			
<b>Zoning District</b>	Single-Family Residential (R-1.X) Central Area		
<b>Parcel Size</b>	21,000 square feet		
<b>Category</b>	<b>Existing</b>	<b>Proposed</b>	<b>Required/Allowed (Per BHMC)</b>
<b>General Development Standards</b>			
<b>Lot Size:</b>	21,000 Square Feet or 0.48 acres	No Change	13,000 Square Feet (minimum lot size)

<sup>1</sup> BHMC §10-3-409 states that a second unit shall be subject to the same height limitations as other accessory structures on the site area. BHMC 10-3-2414 states the maximum height of an accessory structure in the Central Area of the City, North of Santa Monica Blvd is 14 feet.

<sup>2</sup> BHMC §10-3-2414 states that an accessory building located on a site north of Santa Monica Boulevard may be erected within a required side yard if no portion of the building intersects a plane commencing seven feet (7') in height, measured at the side lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area. (See Attachment A)

<b>Total Floor Area:</b>	6,985 SF (All existing development on site minus 400 SF garage exemption)	7,801 SF (All development proposed on site minus 400 SF garage exemption)	40% of the Lot Area + 1,500 Square Feet 9,900 Square Feet Max (BHMC 10-3-2402)
<b>Second Unit Floor Area:</b>	N/A	Second Unit: 589 SF Garage: 227SF Total: 816 SF	Limited by the maximum floor area for the site (9,900 SF Max) (BHMC 10-3-409 B-1c)
<b>Height of Accessory Structures:</b>	No existing accessory structure	14 Feet	14 feet
<b>Setbacks for Proposed Second Unit/Accessory Structures:</b>	No existing second unit/accessory structures	North Side: 65 Feet South Side: 4 Feet Rear (East): 0 Feet Front (West): 195 Feet	North Side: 4 Feet* South Side: 4 Feet* Rear (East): 0 Feet Front (West): 100 Feet
<b>Landscaping:</b>	N/A	No changes proposed to the existing landscaping	N/A

\*Pursuant to BHMC §10-3-409, if authorized by a Second Unit Use Permit, the side setback limitations for a second unit shall be subject to the same side setback limitations as accessory structures on the site.

## ANALYSIS

The floor area, location and height of second units are regulated by the City's Zoning Code. Such accessory structures could negatively impact adjacent neighbors' privacy, neighbors' access to light and the neighborhood as a whole. To be constructed by right, the second unit must comply with all the necessary zoning regulations. The proposed second unit does not comply with the required southern side yard setback. As proposed, the second unit would be 4 feet from the southern property line. Unless authorized by a Second Unit Use Permit, second unit would be required to maintain the same side yard setback required for the primary residence (7'-6").

In addition to the required Second Unit Use Permit to allow the proposed side yard encroachment, a Central R-1 Permit is required. Due to the location of an existing swimming pool centrally located in the rear yard area, locating the second unit on the property is limited. The centrally located pool and the desired floor area require locating the new accessory structure within the required side yard setback area. As a result, the structure will encroach in the required height envelope for accessory structures. The height envelope would restrict the structure to 9 feet in height measured at the 4 foot setback (Attachment A). As proposed, the structure would be 11 feet in height at the 4-foot setback, approximately 2 feet higher than is permitted by right (Attachment B). The second unit otherwise conforms to the maximum height permitted (14 feet), floor area allowed and other development standards applicable to second units.

As proposed, the second unit is not anticipated to adversely impact the surrounding neighborhood due to its 14-foot height which would be obscured from the street by the existing two-story residence. As viewed from the alley, the structure would be similar to existing accessory structures in the neighborhood. To mitigate any negative impacts on the neighbors' privacy, windows have not been proposed along the southern and eastern elevations of the structure. The windows and doors on the northern elevation will be approximately 65 feet from the neighboring property to the north, while the windows to the west will face the existing 2-story single-family residence located on the subject property. In addition, the property contains lush landscaping and perimeter walls which will further buffer the impact of the second unit from the neighboring properties. Furthermore, the second unit would be similar in use to other accessory structures in the area, which mostly contain living space or a garage, or a combination of the two. Due to the location of the second unit on the site, the height of the structure, the accessory structures in the area with similar uses and the existing, mature landscaping, it is not anticipated that the structure will adversely impact the neighborhood or the neighboring residences.

#### Central R-1 and Second Unit Permit Findings

Pursuant to BHMC Sections 10-3-2414(F) and 10-3-409(B) (4), the requested Second Unit Use Permit and Central R-1 Permit may be granted by the Planning Commission to allow construction of the proposed project if the Commission determines that the project will not have a substantial adverse impact on the following:

1. The scale and massing of the streetscape;
2. Neighbors' access to light and air;
3. Neighbor's privacy;
4. The garden quality of the city;
5. The scale and massing as viewed from adjacent properties; and,
6. The cumulative impact to adjacent properties from the proposed accessory

structure in combination with existing accessory structures in the vicinity or the public welfare.

***The scale and massing of the streetscape.***

The surrounding residential neighborhood is comprised of two-story residences of a similar size and scale as the subject property. Many of the properties contain one-story accessory structures in the rear that are not visible from the street. The proposed accessory structure would be located approximately 195 feet from the front property line to the rear of the main residence on the property. Additionally, the proposed structure's height is 14 feet and the existing two-story single-family residence would shield the structure from the street. The second unit would be designed with a compatible color, material, and architectural style of the primary residence. The existing mature landscaping on the site in conjunction with the two-story primary residence would largely obscure the view of the accessory structure from Maple Drive thereby preventing any significant adverse impacts related to the appearance of scale and massing of the streetscape.

***Neighbors' access to light and air.***

The proposed accessory structure would be located at the rear of the property and would be screened from the neighboring properties by existing perimeter walls and mature ficus trees along the property lines. The proposed one-story structure would be set back 4 feet from the closest adjacent side property line (southern side property line) and would be located a minimum of 34 feet from the existing garage structure on the neighboring property to the south. As proposed, the structure will be a maximum of 14 feet at its highest point. Due to the existing, mature vegetation, existing perimeter walls, the proximity to neighboring structures, and the maximum 14 foot height of the structure, it is not anticipated that the project will negatively impact the neighbors' access to light and air.

***Neighbors' privacy.***

As proposed, the southern side and eastern side elevations have been designed without windows, and the project is set back a minimum of 4 feet from the neighboring property to the south. As conditioned, the mature landscaping and perimeter wall will be maintained and will aid in preventing privacy concerns for neighboring properties. Additionally, the main entryway of the structure has been oriented towards the interior of the subject property (facing the pool) along the northern elevation of the accessory structure. The two windows proposed along the western elevation (facing the main residence) would be located at a maximum of 9 feet above the finished grade and would be located a minimum of 6'-6" from the neighboring property to the south. The existing garage on the adjacent property to the south would be approximately 34 feet from the proposed second unit, and the main residence on the southern property would

be approximately 55 feet from the structure. As proposed, it does not appear that the second unit would have a significant adverse impact on the neighbors' privacy.

***The garden quality of the city.***

The applicant is proposing to maintain the existing lush mature landscaping onsite in conjunction with the request for a Central R-1 Permit. The landscaping is intended to aid in screening the accessory structure and enhance the garden quality of the City. As conditioned, any existing landscaping that is removed during the course of construction will be required to be replaced. Therefore, as conditioned, the proposed project and its associated landscaping would be a harmonious addition to the residential neighborhood and would contribute to the garden quality of the city.

***The scale and massing as viewed from adjacent properties.***

The proposed second unit is located in the rear portion of the subject property. As designed, the structure has a sloped roof and is a maximum of 14 feet in height. The neighboring properties to the north, south and east all contain one-story accessory structures from which it is not anticipated that the second unit will be visible. Furthermore, the second unit will be a minimum of 55 feet from any neighboring single-family residence. Existing walls and mature landscaping on the subject property would also serve to obscure visibility of the structure and soften the appearance of mass as perceived from adjacent properties. As designed, it appears that the proposed project would not have a significant adverse impact related to scale and massing as viewed from adjacent properties.

***The cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity or the public welfare.***

A variety of one-story accessory buildings, tennis courts and swimming pools are located along the rear alley of the subject block, and are generally distributed with a variety of distances between accessory structures. The proposed one-story second unit is consistent with existing development in the vicinity and no impact to the public welfare is anticipated with the proposed second unit.

**Second Unit Criteria**

As proposed, the second unit meets the criteria listed in Section 10-3-409(B) of the Beverly Hills Municipal Code, regarding its floor area, lot size, maximum height permitted, parking requirements, and architectural compatibility; however, the proposed structure does not conform to the side yard setbacks required for a second unit. As a result, a Second Unit Use Permit is required.

As a condition of approval, a covenant shall be filed by the owner of record within 60 days of the approval of the second unit permit, in a form approved by the City Attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off-street parking spaces to be provided for the second unit, that the second unit may not be sold or transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the Official Records of the County of Los Angeles, and a copy of the covenant shall be filed with the City of Beverly Hills Department of Community Development.

### **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on November 9, 2009, to all property owners and residential tenants within a 300-foot radius of the property. As of the date of preparation of this report, no letters, emails, or telephone calls were received by staff.

After the notice was sent out, it came to staff's attention that an error was made regarding the meeting date. Consequently, a revised notice was sent out on November 12, 2009.

### **ENVIRONMENTAL DETERMINATION**

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. Staff has determined that the proposed project qualifies for a Categorical Exemption (Sec. 15303) Class 3(a) "new construction of a second dwelling unit in a residential zone" under the authority provided by the CEQA Guidelines, and no significant environmental impacts are anticipated.

### **RECOMMENDATION**

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission approve the request subject to the following conditions:

1. The project shall be built in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its 11/12/09 meeting.
2. All existing landscaping and perimeter walls shall be maintained throughout the course of construction. Any existing landscaping or perimeter walls that are

removed or damaged shall be replaced with comparable landscaping and/or walls, subject to review and approval by the Community Development Director.

3. The second unit may be rented but shall not be sold, transferred, or assigned separately from the primary single-family dwelling.
4. The second unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for the single-family residential structures and accessory structures.
5. A covenant shall be filed by the owner of record within 60 days of the approval of the second unit permit, in a form approved by the City Attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off-street parking spaces to be provided for the second unit, that the second unit may not be sold or transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the Official Records of the County of Los Angeles, and a copy of the covenant shall be filed with the City of Beverly Hills Department of Community Development.



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Shena Rojemann, Assistant Planner

Attachments:

Attachment A - Diagram of Required Height Envelope for Second Units

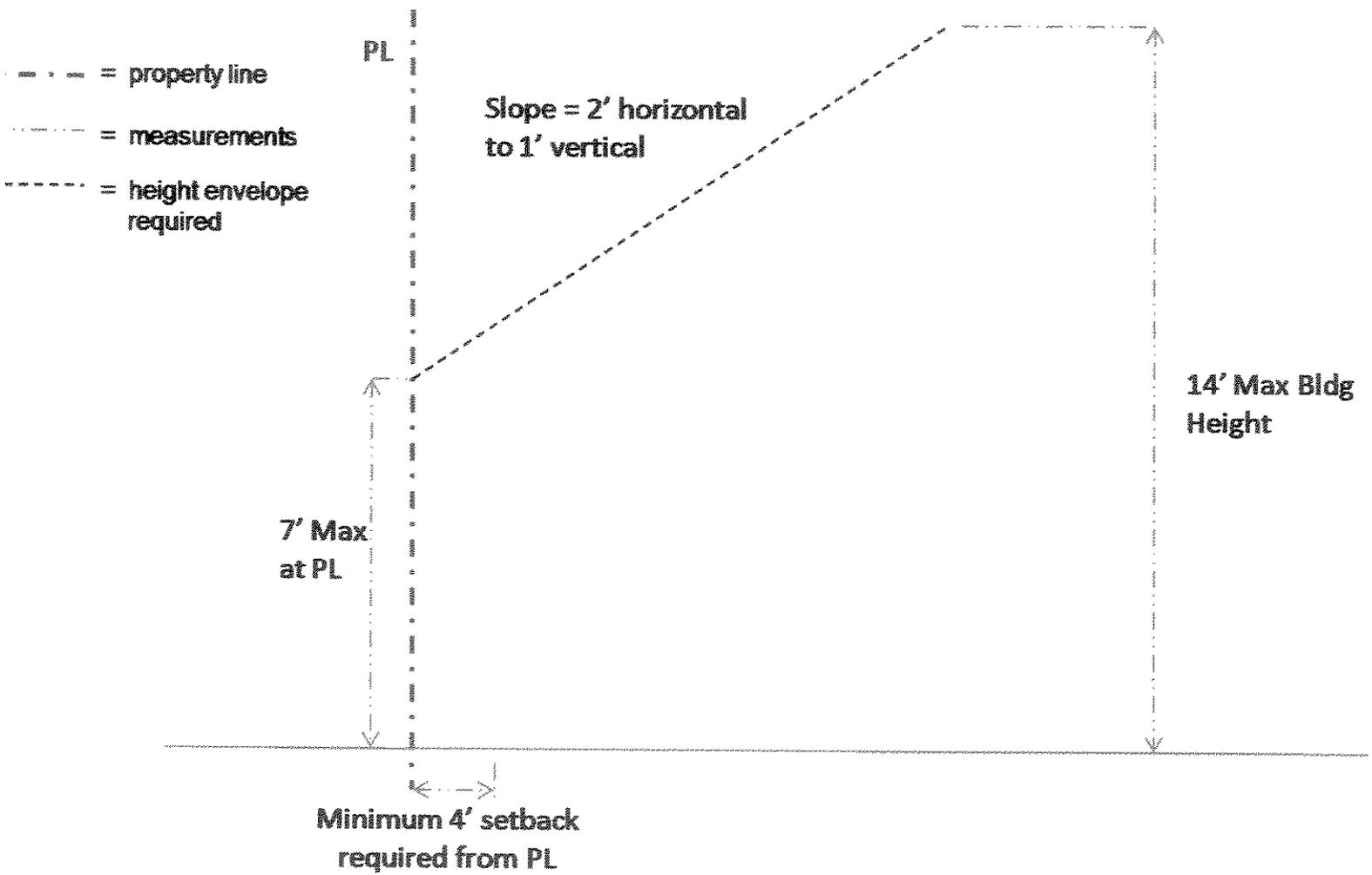
Attachment B - Elevation of the second unit encroachment into the required height envelope

Attachment C - Draft Resolution

Attachment A

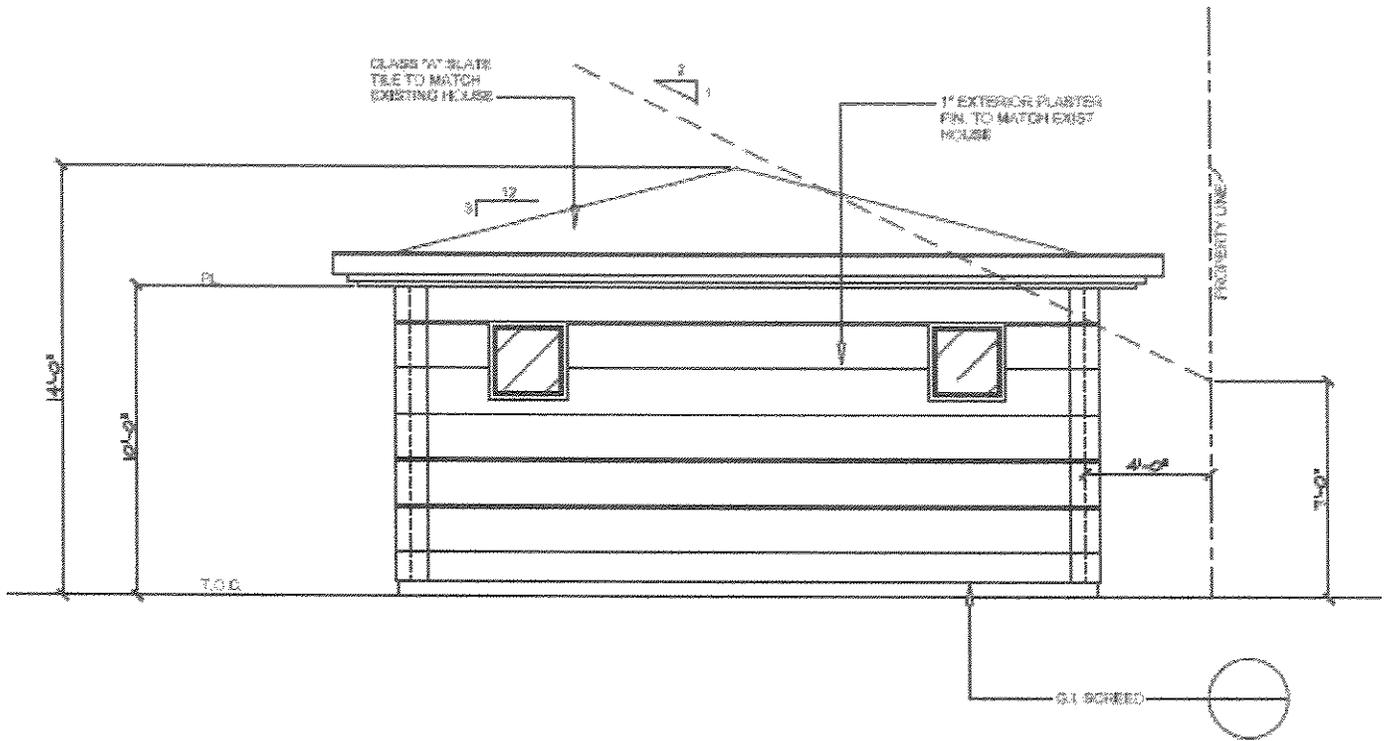
Diagram of Height Envelope required  
for Second Units

**BHMC 10-3-2414:**  
**Development Standards for Accessory Buildings in the Central**  
**Area of the City, North of Santa Monica Blvd:**  
Building Height Envelope requirement for side yards NOT  
abutting an alley

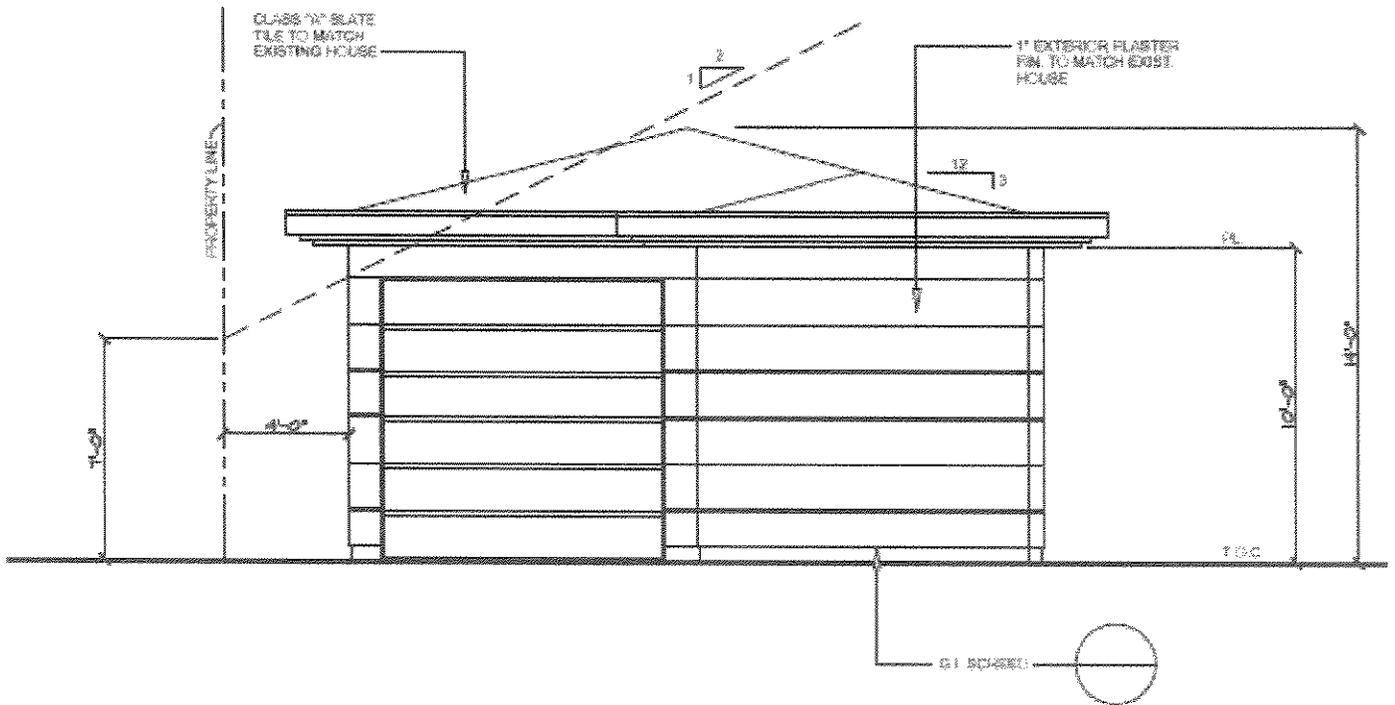


Attachment B

Elevation of the Second Unit encroachment  
into the required height envelope



PROPOSED WEST ELEVATION



PROPOSED EAST ELEVATION

Central R-1 Permit/Second Unit Use Permit  
708 North Maple Drive  
November 19, 2009

Attachment C  
Draft Resolution

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT IN CONJUNCTION WITH A SECOND UNIT USE PERMIT FOR A PROPOSED ONE STORY DETACHED ACCESSORY STRUCTURE FOR PROPERTY LOCATED AT 708 NORTH MAPLE DRIVE.

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

Section 1. Ali Olfati, applicant on behalf of the property owner, Stephen Massman (collectively the "Applicant"), has applied for a Central R-1 Permit to allow the construction of a new one-story accessory structure, 14 feet in height to be located at the rear of the property, within the required southern side yard setback area. The structure contains independent living facilities including a kitchen and bathroom, on the property located at 708 North Maple Drive (the "Project").

Beverly Hills Municipal Code Section 10-3-2414 (F) authorizes the Planning Commission to issue a Central R-1 Permit to allow a modification of the height limit and height envelope requirements for accessory structures, provided that certain findings can be made. Further, Beverly Hills Municipal Code Section 10-3-409 authorizes the Planning Commission to issue a Second Unit Use Permit to allow an accessory structure to contain independent living facilities, including a kitchen and bathroom, provided certain findings can be made.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000,

*et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Class 3(a) “new construction of second dwelling unit in a residential zone” Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 3. The Planning Commission conducted a duly noticed public hearing on November 19, 2009, at which time oral and documentary evidence was received concerning the application.

Section 4. The subject site is located on the east side of North Maple Drive between Elevado and Lomas Avenues, in the Central area of the City. The subject property consists of 21,000 square feet and is generally flat and rectangular in shape. Existing structures and improvements include a two-story single-family residence with attached garage, swimming pool, perimeter walls and mature landscaping. Vehicular access is provided via a circular driveway accessed from Maple Drive.

The proposed second unit would be located at the rear of the subject site, adjacent to the alley, and would contain fully independent living facilities, including a bathroom, a kitchen area and open living space. Additionally, the structure would contain a one-car garage. The structure would be set back 4 feet from the southern property line, 65 feet from the northern side property line, and 195 feet from the western (front) property line. To prevent impacting the neighbors’ privacy and access to light and air, the applicant has designed the eastern elevation of the second unit absent of

windows and doors. The southern elevation has been designed absent of windows but a small door (9' in height by 2'-9" in width) is proposed to provide access to the garage. Rear alley access to the attached garage is also proposed and the garage entrance has been setback 4 feet onto the subject property, so as to conform with the City's 24 foot back-up space requirement for residential zones.

The maximum height of the second unit would be 14 feet, which would not exceed the maximum height permitted per Code; however, the proposed structure does not comply with the required height limitations specified by BHMC §10-3-2414 as they relate to a maximum building envelope. Consequently, a Central R-1 Permit is required.

The surrounding area is characterized by properties developed with two-story single-family residences of a similar size as the subject property. Both adjacent properties to the north and south consist of two-story single-family residences with accessory structures and swimming pools in the rear yards. Existing perimeter walls and mature landscaping physically and visually separate the subject site from the properties located on either side.

Section 5. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-2414(F) and 10-3-409(B)(4), in reviewing the application for the Central R-1 Permit to allow an accessory structure to exceed the height envelope requirements and be located within a side yard setback and a Second Unit Use Permit to allow complete independent living facilities, the Planning Commission considered whether the proposed development will have a substantial adverse impact on:

- (1) The scale and massing of the streetscape;

- (2) Neighbors' access to light and air;
- (3) Neighbors' privacy;
- (4) The garden quality of the city;
- (5) The scale and massing as viewed from adjacent properties;
- (6) The cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity or the public welfare.

Section 6. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission, hereby finds as follows:

6.1. As conditioned, the proposed Project will not have a substantial adverse impact on the scale and massing of the streetscape. The surrounding residential neighborhood is comprised of two-story residences of a similar size and scale as the subject property. Many of the properties contain one-story accessory structures in the rear that are not visible from the street. The proposed accessory structure would be located approximately 195 feet from the front property line to the rear of the main residence on the property. Additionally, the proposed structure's height is 14 feet and the existing two-story single-family residence would shield the structure from the street. The second unit would be designed with a compatible color, material, and architectural style of the primary residence. The existing mature landscaping on the site in conjunction with the two-story primary residence would largely obscure the view of the accessory structure from Maple Drive thereby preventing any significant adverse impacts related to the appearance of scale and massing of the streetscape.

6.2. As conditioned, the proposed Project will not substantially impact the neighbors' access to light and air. The proposed accessory structure would be located at the rear of the property and would be screened from the neighboring properties by existing perimeter walls and mature ficus trees along the property lines. The proposed one-story structure would be set back 4 feet from the closest adjacent side property line (southern side property line) and would be located a minimum of 34 feet from the existing garage structure on the neighboring property to the south. As proposed, the structure will be a maximum of 14 feet at its highest point. Due to the existing, mature vegetation, existing perimeter walls, the proximity to neighboring structures, and the maximum 14 foot height of the structure, it is not anticipated that the project will negatively impact the neighbors' access to light and air.

6.3. As conditioned, the proposed Project will not have a substantial adverse impact on neighbors' privacy. As proposed, the southern side and eastern side elevations have been designed without windows, and the project is set back a minimum of 4 feet from the neighboring property to the south. As conditioned, the mature landscaping and perimeter wall will be maintained and will aid in preventing privacy concerns for neighboring properties. Additionally, the main entryway of the structure has been oriented towards the interior of the subject property (facing the pool) along the northern elevation of the accessory structure. The two windows proposed along the western elevation (facing the main residence) would be located at a maximum of 9 feet above the finished grade and would be located a minimum of 6'-6" from the neighboring property to the south.

The existing garage on the adjacent property to the south would be approximately 34 feet from the proposed second unit, and the main residence on the southern property would be approximately 55 feet from the structure. As conditioned, it does not appear that the second unit would have a significant adverse impact on the neighbors' privacy.

6.4. As conditioned, the proposed Project will not adversely affect the garden quality of the city. As conditioned, the existing lush landscaping on the site will be maintained in conjunction with the request for a Central R-1 Permit. The landscaping is intended to aid in screening the accessory structure and enhance the garden quality of the City. As conditioned, any existing landscaping that is removed during the course of construction will be required to be replaced. Therefore, as conditioned, the proposed project and its associated landscaping would be a harmonious addition to the residential neighborhood and would contribute to the garden quality of the city.

6.5 As conditioned, the proposed Project will not adversely affect the scale and massing as viewed from adjacent properties. The proposed second unit is located in the rear portion of the subject property. As designed, the structure has a sloped roof and is a maximum of 14 feet in height. The neighboring properties to the north, south and east all contain one-story accessory structures from which it is not anticipated that the second unit will be visible. Furthermore, the second unit will be a minimum of 55 feet from any neighboring single-family residence. Existing walls and mature landscaping on the subject property would also serve to obscure visibility of the structure and soften the appearance of mass as perceived from adjacent properties. As designed, it appears that the proposed project would not have a significant adverse impact related to scale and massing as

viewed from adjacent properties.

6.6 As conditioned, the proposed Project will not create a cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity or the public welfare. A variety of one-story accessory buildings, tennis courts and swimming pools are located along the rear alley of the subject block, and are generally distributed with a variety of distances between accessory structures. The proposed one-story second unit is consistent with existing development in the vicinity and no impact to the public welfare is anticipated with the proposed second unit.

Section 7. Based on the foregoing, the Planning Commission hereby grants a Central R-1 Permit and Second Unit Use Permit subject to the following conditions:

1. The project shall be built in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its 11/12/09 meeting.
2. All existing landscaping and perimeter walls shall be maintained throughout the course of construction. Any existing landscaping or perimeter walls that are removed or damaged shall be replaced with comparable landscaping and/or walls, subject to review and approval by the Community Development Director.
3. The second unit may be rented but shall not be sold, transferred, or assigned separately from the primary single-family dwelling.
4. The second unit shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for the single-family residential

structures and accessory structures.

5. A covenant shall be filed by the owner of record within 60 days of the approval of the second unit permit, in a form approved by the City Attorney, which shall place future buyers on notice of the approved size of the second unit, the required number of off-street parking spaces to be provided for the second unit, that the second unit may not be sold or transferred or assigned separately from the primary dwelling unit, and that such restrictions shall run with the land and be binding upon all future owners. The covenant shall be recorded in the Official Records of the County of Los Angeles, and a copy of the covenant shall be filed with the City of Beverly Hills Department of Community Development.

6. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the Central R-1 Permit and Second Unit Use Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this 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 Central R-1 Permit and Second Unit Use Permit

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 Central R-1 Permit or Second Unit Use Permit.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Nanette Cole  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to content:

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Jonathan Lait, AICP  
City Planner

