



Planning Commission Report

Meeting Date: February 24, 2011

Subject: **1203 Park Way**
Accessory Structure Addition

Request for a Central R-1 Permit to allow a 383 square foot, second-story addition to an existing two-story accessory structure that would exceed 14 feet in height and be located within 4 feet of a side property line.

PROJECT APPLICANT: Matthew Trujillo

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
 2. Adopt the attached resolution conditionally approving the request for a Central R-1 Permit.
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REPORT SUMMARY

This report analyzes a request to add a second-story addition to an existing two-story accessory structure. Issues discussed in this report include the structure's height, massing, siting, and the project's compatibility with the existing built environment and neighboring properties.

Special conditions are recommended to ensure that development of the proposed project will not adversely impact neighboring properties.

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. Draft Planning Commission Resolution
- E. Architectural Plans (Under Separate Cover)

Report Author and Contact Information:

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BACKGROUND

File Date 11/12/2010
Application Complete 12/12/2010
Subdivision Deadline N/A
CEQA Deadline 60 days from CEQA Determination
Permit Streamlining 2/12/2011 (without extension request from applicant)

Applicant(s) Matthew Trujillo
Owner(s) Mr. and Mrs. Rublevich
Representative(s) Matthew Trujillo

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

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address 1203 Park Way
Legal Description Beverly Hills Tract, Lot 2, Block 54
Zoning District R-1.X
General Plan Medium Density Residential
Existing Land Use(s) Single-Family Residential
Lot Dimensions & Area 79' x 200' (average width x average depth): 18,200 square feet
Year Built Originally constructed in 1934 with substantial modifications in 1942
Historic Resource The property is not listed on any local, state or federal inventory
Protected Trees/Grove None

Adjacent Zoning and Land Uses

North R-1.X Single-Family Residential
South Un-zoned - Park Space
East R-1.X Single-Family Residential
West R-1.X Single-Family Residential

Circulation and Parking

Adjacent Street(s) Park Way
Adjacent Alleys 2-way 20' wide alley located at rear of property
Parkways & Sidewalks 15' parkway/sidewalk along Park Way
Parking Restrictions 1 hour parking on north side of street, 2 hour metered parking on south side of street
Nearest Intersection Park Way and North Beverly Drive
Circulation Element Local street

Neighborhood Character

The built environment surrounding the project site consists entirely of single-family homes that are typically two stories in height. The properties along Park Way are bordered by City park space

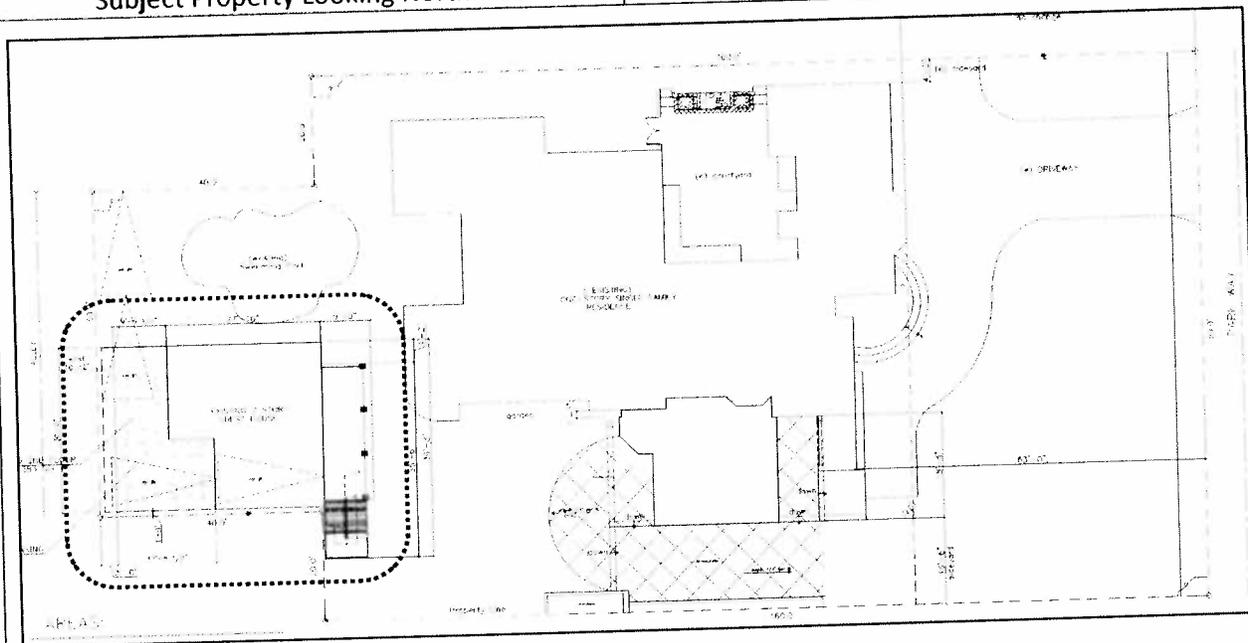
immediately to the south, which serves to separate the properties from North Santa Monica Boulevard. The majority of properties are developed with vegetation and fences to provide privacy from the park space.



Subject Property Looking Northeast



Subject Property Looking Southwest



Proposed Site Plan Showing Accessory Structure Addition

PROJECT DESCRIPTION

The proposed project involves a 383 square foot, second-story addition to an existing 1,356 square foot, two-story accessory structure located at the northwest corner of the subject property. If approved, the total floor area of the structure would be 1,739 square feet. The proposed addition would have a maximum height of 21 feet, which is in-line with the height of the existing structure. The project proposes to maintain the existing 1 foot setback along the west property line, and would provide a 3 foot setback along the alley. The existing structure contains 3 bedrooms and 2 bathrooms, while the proposed layout includes 3 bedrooms and 3 bathrooms. The structure does not contain a kitchen.

Requested Permits

The entitlements requested as part of the proposed project are as follows:

Central R-1 Permit. A Central R-1 Permit is requested in order to allow the accessory structure to exceed 14 feet in height (21 feet is proposed), and to allow for a side setback that is less than 4 feet (1 foot is proposed).

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. As conditioned, the proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

GENERAL PLAN² POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- Policy 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines³, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3(e) exemption allows for the construction of structures that are appurtenant to a single-family residence. The proposed addition is part of an accessory structure that is subordinate to the main residence, and is therefore eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	3 days	2/21/2011	2/18/2011	6 days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 days	2/14/2011	2/14/2011	10 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	2/18/2011	6 days

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

² Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

³ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

Applicant Outreach Efforts

In addition to the mailed public notice, the property owner has reached out to the neighbors immediately adjacent to the subject property to ensure that they fully understand the project. The property owner has communicated to staff that the neighbors immediately adjacent to the project are not opposed to the project.

Public Comment

As of the date of the preparation of this report, staff has not received any public communication regarding the project.

ANALYSIS⁴

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

Summary

In reviewing the requested Central R-1 Permit specific findings must be made with regard to the scale and character of the area, neighbors' privacy and access to light and air, the streetscape, the garden quality of the city, and overall impacts to adjacent properties or the public welfare. The proposed addition has been designed in a manner that is compatible with the existing structure and is sited in a way that balances development of the subject property with the preservation of surrounding properties. Key issues specific to the requested entitlements are discussed as follows:

Height. The proposed addition would have a maximum height of 21 feet, which is consistent with the height of the existing accessory structure on the subject property. Additionally, the nearest neighboring property at 1205 Park Way is developed with an existing two-story accessory structure that is located adjacent to the area of the proposed addition. As a result, the height of the addition would be compatible with the existing built environment. The proposed addition does contain two windows facing the accessory structure on the property to the west, which contains two windows of its own. Given the placement of the proposed windows and the existing structure on the neighboring property, the proposed windows are not anticipated to impact the neighbor's privacy with regard to the back yard and primary residence; however, the Commission may wish to discuss whether frosted windows may be appropriate to preserve the privacy of the adjacent accessory structure.

Side Setback Reduction. The proposed project provides a 1 foot side setback along the west property line, rather than the 4 foot setback normally required. Because the reduced side setback would be in-line with the existing setback of the structure, and would be located adjacent to the two-story accessory structure on the neighboring property to the west, the reduced setback is not anticipated to impact surrounding residences.

⁴ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Special Conditions of Approval

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

- Special Condition #1: Staff recommends incorporation of Special Condition #1, which clearly outlines the approval of an accessory structure only, rather than a second unit with kitchen.
- Special Condition #2: Staff recommends incorporation of Special Condition #2, which requires the architectural materials and finishes of the project to be consistent with those approved by the Design Review Commission for the main residence.

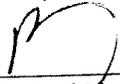
NEXT STEPS

It is recommended that the Planning Commission conditionally approve the requested Central R-1 Permit, and adopt the attached resolution.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



David Reyes, Principal Planner

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Accessory Structure			
Accessory Building	8,780 square feet cumulative on-site	1,739 square feet	
Front Setback	100 feet	152 feet	Requires Central R-1
Side Setback (West)	4 feet	1 foot	
Street Side (East)	4 feet	29 feet	
Rear Setback	0 feet	3 feet	Requires Central R-1
Height	14 feet	21 feet	
Bedrooms	No limit	3	4 Spaces required for entire property
Parking	4 spaces	4 spaces	

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Central R-1 Permit

1. *The structure will not have a substantial adverse impact on the scale and massing of the streetscape;*

The proposed addition will have a maximum height of 21 feet, which will be in-line with the height of the existing accessory structure. Additionally, the existing structure and landscaping will block any views of the project from the street. Because the addition will not be visible from the street, the proposed project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. *The structure will not have a substantial adverse impact on the neighbors' access to light and air;*

The proposed addition will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the west, and will be located a minimum of 29 feet from the neighboring property to the east. As a result of existing structures, as well as the location of the addition, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' access to light and air.

3. *The structure will not have a substantial adverse impact on the neighbors' privacy;*

The proposed addition will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the west, and will be located a minimum of 29 feet from the neighboring property to the east. As a result of existing structures and landscaping that block views into neighboring properties, as well as the location of the addition toward the rear of the property, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' privacy.

4. *The structure will not have a substantial adverse impact on the garden quality of the city; and*

The proposed addition will be located in-line with the footprint of the existing structure, and will not result in the loss of any existing landscaping. Because the project does not reduce the amount of existing landscaping, the project is not anticipated to have a substantial adverse impact on the garden quality of the city.

5. *The structure will not have a substantial adverse impact on adjacent properties or the public welfare.*

The proposed addition will be built in-line with the height and footprint of the existing structure, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

DRAFT CONDITIONS

Project Specific Conditions

1. The accessory structure shall not contain a kitchen unless a separate Second Unit Use Permit is applied for and approved by the reviewing authority.
2. The architectural materials and finishes used on the accessory structure shall be consistent with those used on the primary residence.

Standard Conditions

ADMINISTRATIVE

3. **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.
4. **RECORDATION.** The resolution approving the Central R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.
5. **EXPIRATION.** Central R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
6. **VIOLATION OF CONDITIONS:** A violation of these conditions of approval may result in a termination of the entitlements granted herein.

CONFORMANCE WITH APPROVED PLANS

7. This approval is for those plans submitted to the Planning Commission on February 24, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
8. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
9. 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.

10. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

FEES AND TAXES

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

PROJECT OPERATIONS

12. 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.
13. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

PUBLIC WORKS/PARK AND REC REQUIREMENTS

14. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
15. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
28. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
29. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

ATTACHMENT C

Public Notice



NOTICE OF PUBLIC HEARING

DATE: February 24, 2011

TIME: 1:30 PM

LOCATION: Council Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, February 24, 2011, will hold a public hearing beginning at **1:30 PM** to consider:

A request for a Central R-1 Permit to allow a 383 square foot, second-story addition to an existing two-story accessory structure for a property located in the Central Area of the City at **1203 Park Way**. The proposed addition would be located at the northwest corner of the subject property and have a maximum height of approximately 21 feet, which would be in-line with the height of the existing structure. The proposed addition provides a 1' setback from the west-side property line (in-line with the existing structure's setback) and a 3' setback from the alley.

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. The project qualifies for a Class 3(e) Categorical Exemption for new construction of residential accessory structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Ryan Gohlich, Associate Planner** in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:



David Reyes, Principal Planner

Mailed February 14, 2011

ATTACHMENT D

Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A CENTRAL R-1 PERMIT TO ALLOW A 383 SQUARE FOOT, SECOND-STORY ADDITION TO AN EXISTING TWO-STORY ACCESSORY STRUCTURE THAT WOULD EXCEED 14 FEET IN HEIGHT AND BE LOCATED WITHIN 4 FEET OF A SIDE PROPERTY LINE ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 1203 PARK WAY.

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

Section 1. Matthew Trujillo, Applicant, on behalf of the property owners of 1203 Park Way, (collectively the "Applicant") have submitted an application for a Central R-1 Permit to allow a 383 square foot, second-story addition to an existing two-story accessory structure in the Central Area of the City at 1203 Park Way (the "Project"). Additions to an accessory structure are allowed by-right if the structure meets all applicable development standards within the Beverly Hills Municipal Code (BHMC). However, the Project does not meet all applicable development standards, and therefore requires specific entitlements that can be granted by the Planning Commission pursuant to the issuance of a Central R-1 Permit. The Project requires a Central R-1 Permit in order to allow additional building height. The Project is 21 feet in height, whereas a by-right project is limited to 14 feet in height. Additionally, the Project requires a Central R-1 Permit in order to allow for the structure to have a reduced side setback. The Project provides a 1 foot side setback along the west property line, whereas a by-right project requires a minimum 4 foot side setback.

Section 2. The Project site is located on the north side of the 1200 block of Park Way, and is currently developed with an approximately 4,390 square foot primary residence, and an approximately 1,356 square. The existing structures would remain on the site, with approximately 383 square feet of floor area added to the existing accessory structure.

The Applicant proposes to construct a 383 square foot, second-story addition to an existing 1,356 square foot, two-story accessory structure located at the northwest corner of the subject property. Including the addition, the total floor area of the structure will be 1,739 square feet. The addition will have a maximum height of 21 feet, which is in-line with the height of the existing structure. The Project will maintain the existing 1 foot setback along the west property line, and will provide a 3 foot setback along the alley. The existing structure contains 3 bedrooms and 2 bathrooms, while the proposed layout includes 3 bedrooms and 3 bathrooms. The structure does not contain a kitchen.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 3(e) Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines for construction associated with a structure that is appurtenant to a single-family residence.

Section 4. Notice of the Project and public hearing was mailed on February 14, 2011 to all property owners and residential tenants within a 300-foot radius of the property. On February 24, 2011 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Central R-1 Permit, the Planning Commission considered whether the Project would have a substantial impact on the following criteria:

1. The scale and massing of the streetscape;
2. The neighbors' access to light and air;
3. The neighbors' privacy;
4. The garden quality of the city; and
5. Adjacent properties or the public welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The proposed addition will have a maximum height of 21 feet, which will be in-line with the height of the existing accessory structure. Additionally, the existing structure and landscaping will block any views of the project from the street. Because the addition will not be visible from the street, the proposed project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. The proposed addition will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the west, and will be located a minimum of 29 feet from the neighboring property to the east. As a result of existing structures, as well as the location of the addition, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' access to light and air.

3. The proposed addition will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the west, and will be located a minimum of 29 feet from the neighboring property to the east. As a result of existing structures and landscaping that block views into neighboring properties, as well as the location of the addition toward the rear of the property, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' privacy.

4. The proposed addition will be located in-line with the footprint of the existing structure, and will not result in the loss of any existing landscaping. Because the project does not reduce the amount of existing landscaping, the project is not anticipated to have a substantial adverse impact on the garden quality of the city.

5. The proposed addition will be built in-line with the height and footprint of the existing structure, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Central R-1 Permit, subject to the following conditions:

1. The accessory structure shall not contain a kitchen unless a separate Second Unit Use Permit is applied for and approved by the reviewing authority.

2. The architectural materials and finishes used on the accessory structure shall be consistent with those used on the primary residence.

3. 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.

4. RECORDATION. The resolution approving the Central R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director

of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

5. EXPIRATION. Central R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

7. This approval is for those plans submitted to the Planning Commission on February 24, 2011, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

8. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

9. 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.

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

11. 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.

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

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

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

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

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

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

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

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

28. 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 12. 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:

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

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP R.G.
City Planner

ATTACHMENT E

Architectural Plans (Under Separate Cover)