



# Planning Commission Report

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**Meeting Date:** April 28, 2011

**Subject:** **444 Spalding Drive**  
**Karlan Residence Accessory Structure**

Request for a Central R-1 Permit to allow a 270 square foot, second-story addition to an existing two-story accessory structure with a maximum height of approximately 22 feet measured from the adjacent grade, and to allow a detached second unit to be located above the ground floor.

PROJECT APPLICANT: Janek Dombrowa

**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 for entitlements to construct an approximately 270 square foot, second-story addition with independent living facilities to an existing two-story accessory structure. Issues analyzed in this report include the unique topography of the subject property, as well as the structure's height, massing, and siting. The findings and analysis set forth in this report conclude that the project's design is compatible with the existing built environment and neighboring properties, and will not result in any adverse impacts.

**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](#)

**Report Author and Contact Information:**

Ryan Gohlich  
(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date 3/10/2011  
Application Complete 4/9/2011  
Subdivision Deadline N/A  
CEQA Deadline 60 days from CEQA Determination  
Permit Streamlining 6/8/2011 (without extension request from applicant)

Applicant(s) Janek Dombrowa  
Owner(s) Scott and Beth Karlan  
Representative(s) Janek Dombrowa

Prior Project Previews None  
Prior PC Action PC Resolution 1292 (8/27/2003) approving Central R-1 Permit allowing construction of two-story accessory structure on subject property  
Prior Council Action CC Ordinance 10-O-2599 (12/21/2010) allowing properties located south of Olympic Blvd. and west of Roxbury Dr. to have a detached second unit above a ground floor through the issuance of a Central R-1 Permit.

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address 444 Spalding Drive  
Legal Description TRACT # 11143 LOT 50  
Zoning District R-1  
General Plan High Density Single Family Residential  
Existing Land Use(s) Single Family Residential  
Lot Dimensions & Area 52' (average width) x 219' (average depth). Site Area = 11,363 square feet  
Year Built 1938  
Historic Resource The property is not listed on any local, state or federal inventory  
Protected Trees/Grove None

### Adjacent Zoning and Land Uses

North Single Family Residential  
South Single Family Residential  
East Public Park  
West Single Family Residential

### Circulation and Parking

Adjacent Street(s) Spalding Drive  
Adjacent Alleys 25' alley located at rear of property. Separates property from Roxbury Park  
Parkways & Sidewalks 12' parkway/sidewalk  
Parking Restrictions 2 hour parking 8:00 AM to 6:00 PM  
Nearest Intersection Spalding Drive and Olympic Boulevard  
Circulation Element Local street  
Estimated Daily Trips 3,800 average daily trips

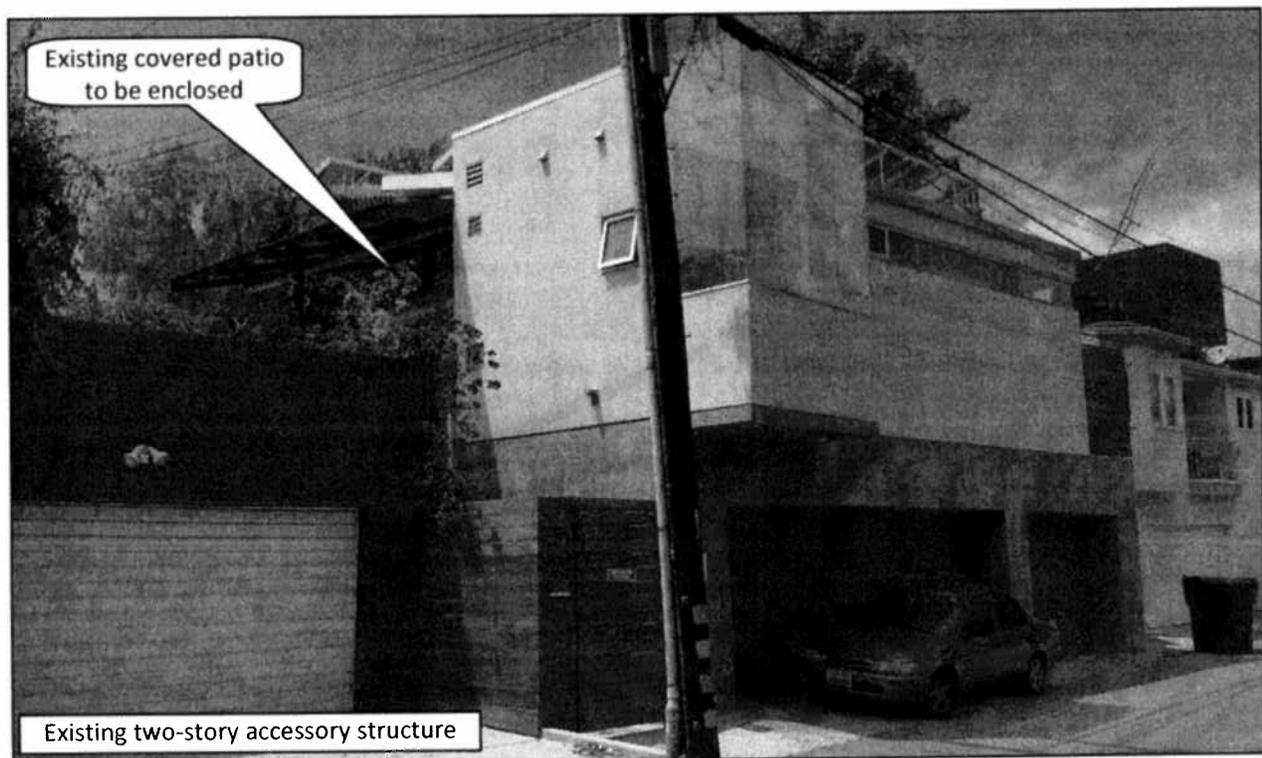
### Neighborhood Character

The subject property is located on the east side of the 400 block of Spalding Drive between Olympic Boulevard and Hillgreen Place. The lot is developed with a two-story plus basement main residence and a two car garage at the front; a two-story accessory structure with garage is located at the rear of the property, adjacent to Roxbury Park.

The surrounding area is characterized by two-story residences with one- and two-story accessory structures similar in size and scale to the subject site. The elevation slopes down significantly (30 feet grade difference) to the east between the front (street side) of the subject property and the back (alley side) of the subject property. The adjacent northern neighbor's property has a two-story accessory structure set back approximately eight feet, six inches (8'6") from the subject site's property line and the property to the south has a single story garage structure built up to the common side property line. A six-foot (6') high wooden fence with dense foliage separates and screens the properties from each other.

### **PROJECT DESCRIPTION**

The proposed project involves an approximately 270 square foot addition to the second-floor of an existing two-story accessory structure located at the rear of the subject property. The addition would effectively enclose a patio area that is currently covered with an existing roof. The addition includes an overhang that would project beyond the face of the building and have a maximum height of 22 feet when measured from natural grade. Additionally, the project includes fully independent living facilities (i.e. kitchen, bathroom, and living quarters) that would allow the interior space to be designated as a second unit. Finally, the addition meets and exceeds the required 5-foot minimum side setback for the primary residence.



### Requested Permits

The proposed project requires approval of a Central R-1 Permit, which is required to allow the addition to exceed 14 feet in height, and to allow the structure to contain a second unit above the ground floor level.

### **ZONING CODE<sup>1</sup> COMPLIANCE**

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. 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.

Section 10-3-2413 B.<sup>2</sup> of the Municipal Code restricts the height of accessory structures located in the Central Area of the City, south of Santa Monica Boulevard to 14 feet in height. However, in 2003 the City Council adopted a code amendment allowing accessory structures located south of Olympic Boulevard and west of Roxbury Drive to exceed 14 feet in height through the issuance of a Central R-1 Permit. This initial amendment was adopted in 2003 due to the unique topography of properties located south of Olympic Boulevard and west of Roxbury drive, but did not include provisions to allow a second unit to be located above the ground floor of an accessory structure. Subsequently, a 2010 code amendment was adopted allowing accessory structures located south of Olympic Boulevard and west of Roxbury Drive to contain a second unit located above a ground floor if approved through the issuance of a Central R-1 Permit.

### Agency Review

Due to the limited scope of the proposed project, which consists of the enclosure of an existing, roofed structure, review by other City agencies is not required at this time. Notwithstanding the project's limited scope, final building plans will be reviewed by all applicable agencies prior to the issuance of a building permit.

### **GENERAL PLAN<sup>3</sup> POLICIES**

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

- Policy LU 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- Policy LU 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- Policy LU 6.4 Second Units. Allow second units in single-family residential districts in accordance with State law.

<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>2</sup> BHMC §10-3-2413 "B. Height: Accessory buildings located in the accessory structure area of site areas south of Santa Monica Boulevard shall not exceed a height of fourteen feet (14')."

<sup>3</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

## ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>4</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1(e)) of the Guidelines. Specifically, a Class 1(e) exemption applies to small additions to existing structures.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	4/18/2011	4/18/2011	N/A
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	4/22/2011	6 Days

### Applicant Outreach Efforts

Other than the required public noticing, no public outreach has been conducted by the applicant.

### Public Comment

As of the date of the preparation of this report, no public comments have been received regarding the project.

## ANALYSIS<sup>5</sup>

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 massing of the streetscape, neighbors' privacy and access to light and air, and the garden quality of the city. The proposed project is an addition to an existing structure, and the addition has been designed with the above criteria in mind, and is sited on the down sloping portion of the property in a way that balances development of the subject property with the preservation of surrounding properties. The structure provides sufficient setbacks from all neighboring properties and has been designed to work with the topography of the lot. As a result, staff recommends approval of the project. Key issues specific to the requested entitlements are discussed as follows:

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<sup>4</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

<sup>5</sup> 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.

**Height.** Although a 22 foot tall accessory structure containing a second unit may not be appropriate on all properties located south of Santa Monica Boulevard, the siting and unique topography of the subject property creates an appropriate setting for the additional height as proposed. The setting is appropriate for this additional height because the structure would be located adjacent to the rear alley, and would meet the required side setbacks for the main residence. Additionally, the height of the structure is consistent with many other accessory structures located in the vicinity of the project site. Finally, the proposed addition is consistent with the design and siting of the existing two-story accessory structure on the subject property, and would not materially change the siting and configuration of the existing structure. Also, local ordinance recognizes the unique slope and topography of the subject property and surrounding neighborhood, and provides the specific process of a Central R-1 Permit for property owners to request increased height for accessory structures.

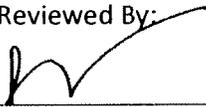
### **NEXT STEPS**

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the Central R-1 Permit.

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:



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David Reyes, Principal Planner

**ATTACHMENT A**  
**Table - Zoning Compliance**

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b><u>Accessory Structure</u></b>			
Accessory Building (living)	650 square feet for second unit. Max floor area allowed on site is 6,045 square feet.	644 square feet for second unit. Total floor area on site would be 3,798 square feet.	
Accessory Garage/Basement	Existing basement/garage is 1,250 square feet.	No change.	Basement not counted toward total floor area on site.
<b><u>Parking &amp; Circulation</u></b>			
Parking Spaces	4 spaces required	5 spaces provided	



**ATTACHMENT B**  
**Draft Findings and Conditions of Approval**

**DRAFT FINDINGS**

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Central R-1 Permit

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

The lots along the east side of Spalding Drive slope down to the alley with the houses' pad elevation significantly higher than the elevation of the alley. The accessory structure is located adjacent to the alley, behind the main house at a much lower elevation, thereby precluding any visibility. Therefore, the proposed project will adversely impact 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 subject property is approximately 43 feet in width along the rear. The setback provided to the north property line is approximately 10 feet, and a 6 foot setback is provided from the property line to the south. The approximate distance between the accessory structure and the neighboring main residences both to the north and to south is in excess of 90 feet with a difference of thirty feet (30') in elevation. The property to the north has a two-story accessory structure of approximately 22 feet in height, while the property to the south has a one-story garage structure. The properties are separated by dense vegetation, and the proposed addition would enclose a portion of an existing outdoor patio. Due to the substantial setbacks provided for the addition to the accessory structure, significant elevation changes, and existing vegetation, the project is not anticipated to impact the neighbors' access to light and air.

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

The subject property is approximately 43 feet in width along the rear. The setback provided to the north property line is approximately 10 feet, and a 6 foot setback is provided from the property line to the south. The approximate distance between the accessory structure and the neighboring main residences both to the north and to south is in excess of 90 feet with a difference of thirty feet (30') in elevation. The property to the north has a two-story accessory structure of approximately 22 feet in height, while the property to the south has a one-story garage structure. The properties are separated by dense vegetation, and the proposed addition would enclose a portion of an existing outdoor patio without increasing the finished floor elevation of the outdoor patio. Due to the substantial setbacks provided for the addition to the accessory structure, significant elevation changes, and existing vegetation, the project is not anticipated to impact the neighbors' privacy.

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

The subject property is fully developed with an existing single-family residence and accessory structure, and has existing landscaping in place that contributes to the garden quality of the city. The proposed addition would take place in an area that is currently paved and not landscaped, and all existing landscaping will be maintained. Because the project does not eliminate any vegetation, no substantial adverse impact is anticipated with regard to 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 project provides substantial separation between new development and existing development, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. Additionally, the project is consistent with the scale and massing of surrounding development, and is located adjacent to an alley and public park. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

## **DRAFT CONDITIONS**

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### Standard Conditions

#### **ADMINISTRATIVE**

1. **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.
2. **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.
3. **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.
4. **VIOLATION OF CONDITIONS:** A violation of these conditions of approval may result in a termination of the entitlements granted herein.

#### **CONFORMANCE WITH APPROVED PLANS**

5. This approval is for those plans submitted to the Planning Commission on April 28, 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.
6. 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.

7. 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.
8. 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**

9. 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**

10. 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.
11. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

#### **PUBLIC WORKS/PARK AND REC REQUIREMENTS**

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

18. 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.
19. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
26. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
27. 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:** April 28, 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, April 28, 2011, will hold a public hearing beginning at **1:30 PM** to consider:

A request for a Central R-1 Permit to allow a 270 square foot, second-story addition to an existing two-story accessory structure on the property located in the Central Area of the City at **444 Spalding Drive**. The proposed addition would be located along the western (interior) side of the existing structure, and would have a maximum height of approximately 22 feet measured from the adjacent grade. The Central R-1 Permit is required to allow the structure's proposed height, and to allow the structure to contain independent living facilities (i.e. kitchen, bathroom, and living quarters).

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 1(e) Categorical Exemption for additions to existing residential 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](mailto: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:



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David Reyes, Principal Planner

Mailed April 18, 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 270 SQUARE FOOT, SECOND-STORY ADDITION TO AN EXISTING TWO-STORY ACCESSORY STRUCTURE, AND TO ALLOW A DETACHED SECOND UNIT TO BE LOCATED ABOVE THE GROUND FLOOR ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 444 SPALDING DRIVE.

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

Section 1. Janek Dombrowa, Applicant, on behalf of the property owners of 444 Spalding Drive, (collectively the “Applicant”) have submitted an application for a Central R-1 Permit to allow an approximately 270 square foot addition with independent living facilities to the second-floor of an existing two-story accessory structure in the Central Area of the City at 444 Spalding Drive (the “Project”). Section 10-3-2413 of the Municipal Code restricts the height of accessory structures located in the Central Area of the City, south of Santa Monica Boulevard to 14 feet in height. However, in 2003 the City Council adopted a code amendment allowing accessory structures located south of Olympic Boulevard and west of Roxbury Drive to exceed 14 feet in height through the issuance of a Central R-1 Permit. This initial amendment was adopted in 2003 due to the unique topography of properties located south of Olympic Boulevard and west of Roxbury drive, but did not include provisions to allow a second unit to be located above the ground floor of an accessory structure. Subsequently, a 2010 code amendment was adopted allowing accessory structures located south of Olympic Boulevard and west of

Roxbury Drive to contain a second unit located above a ground floor if approved through the issuance of a Central R-1 Permit. Therefore, the Applicant requests a Central R-1 Permit to allow the Project to exceed 14 feet in height and to contain a second unit above the ground floor.

Section 2. The subject property is located on the east side of the 400 block of Spalding Drive between Olympic Boulevard and Hillgreen Place. The lot is developed with a two-story plus basement main residence and a two car garage at the front; a two-story accessory structure with garage is located at the rear of the property, adjacent to Roxbury Park.

The surrounding area is characterized by two-story residences with one- and two-story accessory structures similar in size and scale to the subject site. The elevation slopes down significantly (30 feet grade difference) to the east between the front (street side) of the subject property and the back (alley side) of the subject property. The adjacent northern neighbor's property has a two-story accessory structure set back approximately eight feet, six inches (8'6") from the subject site's property line and the property to the south has a single story garage structure built up to the common side property line. A six-foot (6') high wooden fence with dense foliage separates and screens the properties from each other.

The Applicant proposes to construct an approximately 270 square foot addition to the second-floor of an existing two-story accessory structure located at the rear of the subject property. The addition would effectively enclose a patio area that is currently covered with an existing roof. The addition includes an overhang that would project beyond the face of the building and have a maximum height of 22 feet when measured from natural grade. Additionally, the project includes fully independent living facilities (i.e. kitchen, bathroom, and

living quarters) that would allow the interior space to be designated as a second unit. Finally, the addition meets and exceeds the required 5-foot minimum side setback for the primary residence.

Section 3. Although a 22 foot tall accessory structure containing a second unit may not be appropriate on all properties located south of Santa Monica Boulevard, the siting and unique topography of the subject property creates an appropriate setting for the additional height and second unit as proposed. The setting is appropriate for the Project because the structure would be located adjacent to the rear alley, and would meet the required side setbacks for the main residence. Additionally, the height of the structure is consistent with many other accessory structures located in the vicinity of the project site. Finally, the proposed addition is consistent with the design and siting of the existing two-story accessory structure on the subject property, and would not materially change the siting and configuration of the existing structure. Also, local ordinance recognizes the unique slope and topography of the subject property and surrounding neighborhood, and provides the specific process of a Central R-1 Permit for property owners to request increased height for accessory structures.

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 the City’s environmental guidelines, and a Class 1(e) Categorical Exemption has been issued in accordance with the requirements of Section 15301(e) of the Guidelines for a small addition to an existing structure.

Section 5. Notice of the Project and public hearing was mailed on April 18, 2011 to all property owners and residential tenants within a 300-foot radius of the property. On April 28, 2011 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 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 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The lots along the east side of Spalding Drive slope down to the alley with the houses' pad elevation significantly higher than the elevation of the alley. The accessory structure is located adjacent to the alley, behind the main house at a much lower elevation, thereby precluding any visibility. Therefore, the proposed project will adversely impact the scale and massing of the streetscape.

2. The subject property is approximately 43 feet in width along the rear. The setback provided to the north property line is approximately 10 feet, and a 6 foot setback is provided from the property line to the south. The approximate distance between the accessory structure and the neighboring main residences both to the north and to south is in excess of 90 feet with a difference of thirty feet (30') in elevation. The property to the north has a two-story accessory structure of approximately 22 feet in height, while the property to the south has a one-story garage structure. The properties are separated by dense vegetation, and the proposed addition would enclose a portion of an existing outdoor patio. Due to the substantial setbacks provided for the addition to the accessory structure, significant elevation changes, and existing vegetation, the project is not anticipated to impact the neighbors' access to light and air.

3. The subject property is approximately 43 feet in width along the rear. The setback provided to the north property line is approximately 10 feet, and a 6 foot setback is provided from the property line to the south. The approximate distance between the accessory structure and the neighboring main residences both to the north and to south is in excess of 90 feet with a difference of thirty feet (30') in elevation. The property to the north has a two-story accessory structure of approximately 22 feet in height, while the property to the south has a one-story garage structure. The properties are separated by dense vegetation, and the proposed addition would enclose a portion of an existing outdoor patio without increasing the finished floor elevation of the outdoor patio. Due to the substantial setbacks provided for the

addition to the accessory structure, significant elevation changes, and existing vegetation, the project is not anticipated to impact the neighbors' privacy.

4. The subject property is fully developed with an existing single-family residence and accessory structure, and has existing landscaping in place that contributes to the garden quality of the city. The proposed addition would take place in an area that is currently paved and not landscaped, and all existing landscaping will be maintained. Because the project does not eliminate any vegetation, no substantial adverse impact is anticipated with regard to the garden quality of the city.

5. The proposed project provides substantial separation between new development and existing development, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. Additionally, the project is consistent with the scale and massing of surrounding development, and is located adjacent to an alley and public park. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested Central R-1 Permit, subject to the following conditions:

1. 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.

2. 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.

3. 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.

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

5. This approval is for those plans submitted to the Planning Commission on April 28, 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.

6. 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.

7. 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.

8. 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.

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

10. 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.

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

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

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

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

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

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

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

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

27. 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 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:

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Dan Yukelson  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner