



Planning Commission Report

Meeting Date: May 12, 2011

Subject: **1166 Summit Drive**

Resolution approving a Second Unit Use Permit to permit to allow the conversion of an existing guest house to a second unit and a Hillside R-1 Permit to allow accessory structures to be located closer than 100 feet to the front lot line over 14-feet in height on the estate property.

PROJECT APPLICANT: J. Stuart Hilliard, Inc. for Property Owners Mark and Christina Siegel

Recommendation: Adopt the attached resolution

REPORT SUMMARY

At its meeting of April 28, 2011, the Planning Commission directed staff to prepare a resolution approving this project.

Through its deliberations, the Commission concluded that the location and layout of the garage as proposed could result in potential impacts related to ingress/egress. The Commission felt that pushing the garage back away from the front property line would result in a more appropriate design, recommended additional safety conditions, landscape requirements and the removal of a breezeway connecting the main house to the second unit.

These conditions are found in the "Project Specific Conditions" of the attached resolution. In order to accommodate the additional setback, the rear portion of the garage will exceed 14-feet in height. Therefore, the findings (Section 9 of the attached Resolution) have been modified to address this issue as well.

ATTACHMENT 1
DRAFT RESOLUTION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A SECOND UNIT USE PERMIT AND A HILLSIDE R-1 PERMIT TO ALLOW AN ALTERNATE LOCATION AND HEIGHT ABOVE 14-FEET FOR ACCESSORY STRUCTURES ON THE PROPERTY LOCATED AT 1166 SUMMIT DRIVE.

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

Section 1. J. Stuart Hilliard Inc., applicant on behalf of the property owners, Mark and Christina Siegel (collectively the “Applicant”), has applied for Second Unit Use Permit and Hillside R-1 Permit to allow the construction of second unit, a new pedestrian bridge and a garage for the estate property located at 1166 Summit Drive.

Section 2. Beverly Hills Municipal Code Section 10-3-409 authorizes the Planning Commission to issue a Second Unit Use Permit for secondary independent living facilities located in single-family zones if the reviewing authority find that the proposed second unit will not have a substantial adverse impact on or be detrimental to the scale and massing of the streetscape; the scale and massing of the neighborhood as viewed from neighboring properties; neighbors’ access to light and air; neighbors’ privacy; the garden quality of the city; and adjacent properties or the public welfare.

Section 3. Beverly Hills Municipal Code Section 10-3-2526 allows accessory buildings to be located on any part of the site if authorized by the Planning Commission as part

of a Hillside R-1 Permit. In granting the permit, the Commission must find that the structure will not have a substantial adverse impact on the scale or character of the area; on the privacy of neighboring properties; on the neighbors' access to light and air; or on the streetscape.

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 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 5. The Planning Commission conducted a duly noticed public hearing on April 28, 2011, at which time oral and documentary evidence was received concerning the application.

Section 6. The subject site is located in the Hillside Area of the City on the east side of Summit Drive. The site has an area of 35,666 square feet and a buildable pad area of 11,283 square feet. The property is currently being developed (under construction) with a two-story single-family residence and two-story second unit, and a detached three-car garage is proposed. The proposed project involves requests for a Second Unit Use Permit pursuant to BHMC Section 10-3-409(B) to allow the accessory building currently under construction to be converted to a detached second unit approximately 970 square feet in size and a Hillside R-1

Permit pursuant to BHMC Section 10-3-2526 to allow a garage and pedestrian bridge to be located within the required setbacks.

Section 7. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-409, in reviewing the application for the Second Unit Use Permit for secondary independent living facilities located in single-family zones, the Planning Commission considered whether the Second Unit Use Permit would have a substantial adverse impact on or be detrimental to the scale and massing of the streetscape; the scale and massing of the neighborhood as viewed from neighboring properties; neighbors' access to light and air; neighbors' privacy; the garden quality of the city; and adjacent properties or the public welfare.

Section 8. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the Second Unit Use Permit:

8.1 As conditioned, the Project will not have a substantial adverse impact on the scale and massing of the streetscape as the Project is located on a pad level that is a minimum of 9 feet below the grade of the street. The visible portions of the Project would be limited to portions of the second story and the structure's ridgelines. Furthermore, the project provides a 15-foot front yard setback, and a minimum side yard setback of 83 feet (north side).

8.2 As conditioned, the Project will not significantly impact the scale and massing of the neighborhood as viewed from neighboring properties because of the various sloped areas on the site which prevent the house from being seen in its entirety from the street;

the fact that the street is hilly and each lot sits at a different elevation than the neighboring lot; that the buildable pad area on the subject lot sits at least 9 feet below the street level; and that the overall height of the ridgeline is 24 feet, all factor together so that there is no substantial adverse impact to the neighborhood. The maximum height of the structure is 24 feet. At 2 stories and approximately 970 square feet in size, it is relatively modest and will not appear to be large in mass and scale even from views across the canyon where it will be possible to see the entire structure.

8.3 As conditioned, the proposed Project will not have a substantial adverse impact to the neighbors' access to light and air. The second unit is located a minimum of 83 feet from its northern neighbor and is separated from the neighbor to the south by the main residence. Because of the location of the structure, existing vegetation, and sufficient separation between the structure and any adjacent residences or yards, the proposed Project will not generate any substantial adverse impacts associated with the neighbors' access to light and air.

8.3 As conditioned, the Project will not have a substantial adverse impact on neighbors' privacy. The two-story accessory structure will be located 83 feet from its closest neighbor and due to the grade change between the street and the pad level of the structure (at least 9 feet below the street), there is no potential for detrimentally affecting neighbor privacy.

8.4 As conditioned, the Project will not have a substantial adverse impact on the garden quality of the city. Only the second story and roofline of the second unit would be visible from the street, and the pad level of the site (which is 9 feet lower than the street) is surrounded by existing lush vegetation. Therefore the project will not negatively impact the garden quality of the city.

Section 9. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-2526, in considering the request for a Hillside R-1 Permit to allow the height and location of the detached garage, the locations of the second unit and the pedestrian bridge, the Planning Commission considered whether the structures would have a substantial adverse impact on the scale or character of the area; on the privacy of neighboring properties; on the neighbors' access to light and air; or on the streetscape.

Section 10. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the Hillside R-1 Permit:

10.1 As conditioned, the Project would not have a substantial adverse impact on the scale or character of the area in that the proposed structures will only be partially visible to from Summit Drive. The detached garage would be 11 feet in height as viewed from the street and is bounded on the south side by existing vegetation. As conditioned, the garage will be located 16- feet from the front property line and 5-feet from the side yard setback and will include a landscape plan designed to obscure visibility from neighboring properties. Due to the low front profile of the structure, the distance from the neighboring property to the south and the landscaping, the garage will not affect the scale of the existing area. The second unit is located 83 feet from the nearest (northern) neighbor's property on a pad that is 9 feet lower than the adjacent street while the pedestrian bridge is at approximately the same elevation as the street with 3-foot high guard rails, and therefore the location of these structures will not create a substantial adverse impact with regard to scale. Views of the project from residences across the

canyon are several hundred feet away. Given that the height of the ridgelines is limited to 24 feet, the structures will not appear massive when viewed from across the canyon.

10.2 As conditioned, the accessory structures will not affect the privacy of the neighbors as the garage does not contain living areas and will now be enclosed rather than on an open pad area as it currently exists. The second unit is located 83-feet from the nearest adjacent neighbor and located 9 feet below the elevation of the adjacent street.

10.3 As conditioned, the location of the garage, bridge and second unit will not affect the neighbors' access to light and air as the garage structure is 11 feet in height at the street elevation and is screened on the south side by existing vegetation. The pedestrian bridge is open to the sky and located at the same grade level as the adjacent street. The second unit is located within the principal building area of the site.

10.4 As conditioned, the location of the garage and the garage itself is designed to match the style of the Craftsman residences on the property, and the height of the garage at 11 feet as measured from the street side is modest and will be set back a minimum of 16-feet from the roadway. The pedestrian bridge is at the same grade as the street level but contains building code required 3-foot guardrails. As previously identified, the second unit is located outside of the required setbacks, is less than 1,000 square feet in area and the pad is located below the grade level. As such they do not adversely impact the streetscape.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requests defined in this Resolution subject to the following conditions:

Project Specific Conditions

1. The new garage shall maintain a minimum 5-foot side yard setback.
2. The new garage shall be set back a minimum of 16-feet from the front property line.
3. The garage entrance shall consist of a single garage door which shall not be capable of opening to individual parking spaces. The purpose of this is to ensure that vehicles entering off the street will not cause a back-up while waiting for the correct bay to open. This condition shall be shown on the building permit.
4. Prior to the issuance of a building permit, mirrors to assist with ingress/egress shall be installed to the satisfaction of the Director Transportation or his designee. Such location, size and type shall be identified on the building permit and reviewed by the Transportation Department prior to the issuance of a building permit.
5. Prior to the issuance of a building permit, a landscape plan designed to completely screen the garage from the view of adjoining properties, shall be submitted to the satisfaction of the Director of Community Development or her designee.
6. The elevation between the street and driveway pad shall be designed to the satisfaction of the Director of Transportation or his designee to ensure a proper transition between the street and pad elevations. This shall be documented on the building permit.

7. Safety railings to the satisfaction of the Building Official shall be installed for the pedestrian walk-way leading from the garage to the main house.

Standard Conditions

ADMINISTRATIVE

8. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
9. **RECORDATION.** The resolution approving the Hillside R-1 Permit and Second Unit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director

determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

10. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

CONFORMANCE WITH APPROVED PLANS

12. 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. Any modifications to the plans approved by the Planning Commission on April 28, 2011 shall be presented to staff to determine compliance with the approvals and to determine whether any additional approvals are required.

13. 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.

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

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

FEES AND TAXES

16. 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

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

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

PUBLIC WORKS/PARKS AND RECREATION REQUIREMENTS

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

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

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

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

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

24. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All

ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

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

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

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

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

29. The Applicant shall 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.
30. 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.
31. 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.
32. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
33. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.
34. 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 certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: April 28, 2011

Daniel Yukelson
Chairman 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
City Planner