



Planning Commission Report

Meeting Date: November 22, 2011

Subject: **716 North Palm Drive
New Accessory Structure**

Request for a Central R-1 Permit to allow a new twenty (20) feet, four (4) and one half inches high, 1,031 square foot, one-story accessory structure that would exceed the 14 foot maximum height limitation within the side and rear setback areas.

PROJECT APPLICANT: Darrin Wilson

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 construct a new one-story accessory structure measuring approximately twenty (20) feet, four (4) and one half inches in height and 1,031 square feet in total area. 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:

Nathan Gapper, Limited Term Planner
(310) 285-1129
ngapper@beverlyhills.org

BACKGROUND

File Date	8/15/2011
Application Complete	9/15/2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination

Applicant(s)	The Mavrick Company
Owner(s)	Mossimo Giannulli
Representative(s)	Darrin Wilson

Prior Project Previews	Plan check for the remodel and addition to the primary structure
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	716 North Palm Drive
Legal Description	Beverly Hills Tract, Lot 8, Block 103
Zoning District	R-1.X
General Plan	Medium Density Residential
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	110' x 250'6" (average width x average depth): 27,555 square feet
Year Built	Originally constructed in 1929 with substantial modifications in 1932
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	R-1.X Single-Family Residential
East	R-1.X Single-Family Residential
West	R-1.X Single-Family Residential

Circulation and Parking

Adjacent Street(s)	North Palm Drive
Adjacent Alleys	2-way 20' wide alley located at the rear of the property
Parkways & Sidewalks	15' parkway/sidewalk along North Palm Drive
Parking Restrictions	None
Nearest Intersection	North Palm Drive and Sunset Boulevard
Circulation Element	Local street

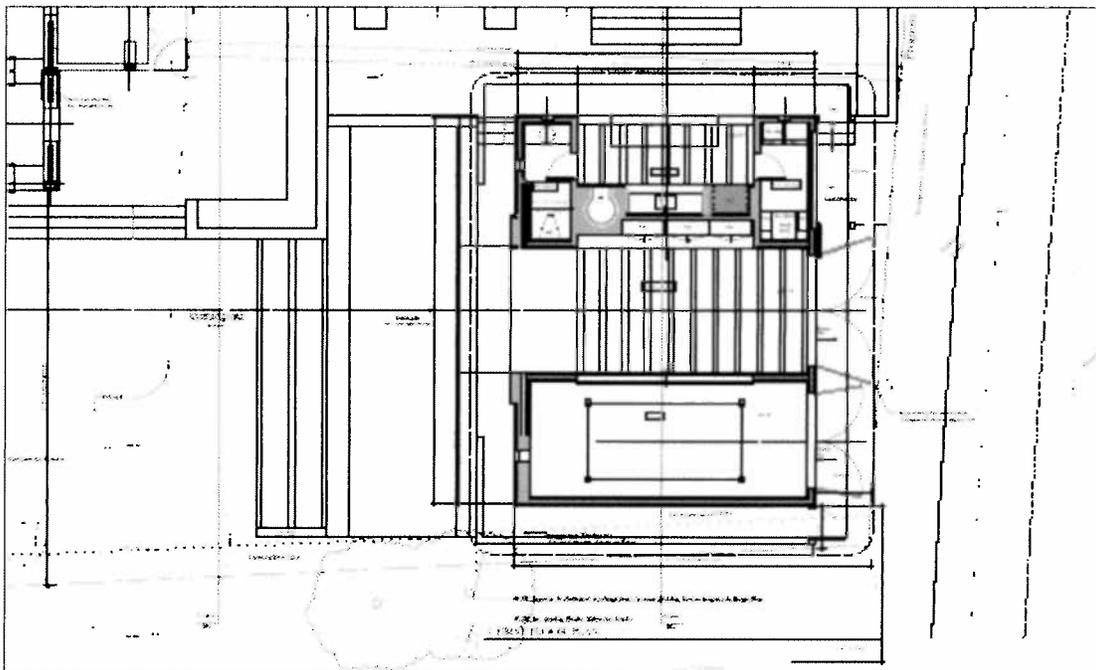
Neighborhood Character

The built environment surrounding the project site consists entirely of single-family homes that are typically two stories in height. The properties along North Palm Drive are developed with mature vegetation and fences to provide privacy from neighboring parcels.

Subject Property Looking Northeast



Subject Property Looking Southwest



Proposed Site Plan Showing Proposed Accessory Structure

PROJECT DESCRIPTION

The proposed project is a 1,031 square foot, single-story accessory structure at the southwest corner of the subject property for use as a garage, pool house, and porte cochere. The proposed accessory structure would have a maximum height of twenty (20) feet, four (4) and one half inches. The project proposes a four (4) foot setback from the south side property line, and would provide a five (5) feet, two (2) inches setback from the rear property line along the alley. The proposed floor plan includes a bathroom, outdoor wet bar and barbeque area, pool supply storage room, a one car porte cochere, and a one car garage accessed off of the rear alley. 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 fourteen (14) feet in height within the required side and rear yard setbacks (twenty (20) feet, four (4) and one half inches 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 proposed 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 accessory structure is subordinate to the main residence, and is therefore eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required	Required Notice	Actual Notice Date	Actual Period
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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 Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

	Period	Date		
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	11/12/2011	11/11/2011	11 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	11/17/2011	5 days

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 the 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, the neighbors’ privacy and access to light and air, the streetscape, the garden quality of the city, and the overall impacts to adjacent properties or the public welfare. The proposed accessory structure has been designed in a manner that is compatible with the proposed single family residence on the subject site and other single family residences and accessory structures in the vicinity 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 accessory structure would have a maximum height of twenty (20) feet, four (4) and one half inches, which is consistent with other structures in the vicinity. Additionally, the nearest neighboring property at 714 North Palm Drive is developed with an existing two-story accessory structure that is located adjacent to the area of the proposed accessory structure on the subject site. As a result, the height of the new accessory structure would be compatible with the existing built environment. The proposed accessory structure does contain two windows on the west elevation facing the primary residence on the subject site and two on the north elevation facing the pool on the subject site. All four windows are less than eight feet from the adjacent grade at their highest point and no windows are proposed on the south elevation, which faces the nearest adjacent property and accessory structure to the south. Given the placement of the proposed windows and the location of 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, primary residence, or existing accessory structure.

Special Conditions of Approval

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.

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 a 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 of the main residence.
- Special Condition #3: Staff recommends incorporation of Special Condition #3, which requires the applicant to coordinate with the Public Works Department and Edison to re-locate an existing power pole in the alley directly in front of the proposed vehicle entrance to the accessory structure.
- Special Condition #4: Staff recommends incorporation of Special Condition #4, which requires residential fire sprinklers for the accessory structure in accordance with the building code.
- Special Condition #5: Staff recommends incorporation of Special Condition #5, which requires all construction related deliveries and heavy hauling to be provided on Palm Drive and not on the adjacent alley at the rear of the property.
- Special Condition #6: Staff recommends incorporation of Special Condition #6, which requires construction related parking to be provided within the subject property (including limited frontage spaces).

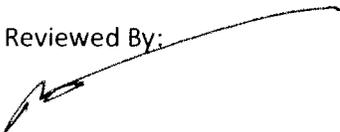
NEXT STEPS

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 the applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at the applicant's request or consent.

Report Reviewed By:



David Reyes, Principal Planner

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<u>Accessory Structure</u>			
Accessory Building	12,493 square feet cumulative on-site	1,031 square feet 9,968 cumulative on-site	
Front Setback	100 feet min.	213 feet	
Side Setback (South)	4 feet min.	4 feet	
Side Setback (North)	4 feet min.	64 feet	
Rear Setback	0 feet min.	5 feet, 2 inches	
Height	14 feet max.	20 feet, 4.5 inches	Requires Central R-1
Bedrooms	No limit	0	
Parking	4 spaces min.	4 spaces (2 in accessory structure)	4 Spaces required for entire property

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 project will have a maximum height of twenty (20) feet, four (4) and one half inches, which will be appropriate given the height of existing structures within the vicinity. Specifically, a two story accessory structure exists immediately adjacent to the subject property to the south. Additionally, the existing primary structure and landscaping will block any views of the project from the street. Because the proposed accessory structure 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 accessory structure will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the south, and will be located a minimum of 64 feet from the neighboring property to the north. As a result of existing structures, as well as the location of the new structure, 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 accessory structure will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the south, and will be located a minimum of 64 feet from the neighboring property to the north. As a result of existing structures and landscaping that block views into neighboring properties, as well as the location of the proposed accessory structure toward the rear of the property, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' privacy. Windows are proposed only on facades facing the interior of the subject site and do not exceed eight (8) feet in height at their highest point. Therefore, the proposed accessory structure will not 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 accessory structure 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 project 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.

ATTACHMENT B

Draft Findings and Conditions of Approval

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.
3. The applicant shall coordinate with the Public Works Department and Edison to obtain approval for removal or relocation of the power pole currently located in the alley in front of the vehicle entrance into the accessory structure.
4. The proposed accessory structure shall provide residential fire sprinklers.
5. All construction deliveries and heavy hauling shall be provided through Palm Drive and not through the adjacent alley.
6. Construction related parking shall be provided within the subject property (including limited frontage spaces).

Standard Conditions

ADMINISTRATIVE

7. 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.
8. 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.
9. 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.
10. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

ATTACHMENT B
Draft Findings and Conditions of Approval

CONFORMANCE WITH APPROVED PLANS

11. This approval is for those plans submitted to the Planning Commission on November 22, 2011, a copy of which shall be maintained in the files of the City Planning Division. The Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.
12. 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.
13. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
14. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

FEES AND TAXES

15. 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

16. 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.
17. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

PUBLIC WORKS/PARK AND REC REQUIREMENTS

18. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.
19. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.
20. 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.
21. 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.

ATTACHMENT B
Draft Findings and Conditions of Approval

22. 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.
23. 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.
24. 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.
25. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
26. 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.
27. 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.
28. 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.
29. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.
30. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
31. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
32. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

ATTACHMENT B
Draft Findings and Conditions of Approval

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

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: November 22, 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 Tuesday, November 22, 2011, will hold a public hearing beginning at **1:30 PM** to consider:

A request for a Central R-1 Permit to allow a new 1,031 square foot, two-story pool house and garage accessory structure for a property located in the Central Area of the City at **716 N. Palm Drive**. The proposed accessory structure would be located at the southeast corner of the subject property and would have a maximum height of approximately twenty (20) feet, four (4) and one half inches. The proposed accessory structure provides a four (4) foot setback from the south property line and a five (5) feet, two (2) inch 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.

ATTACHMENT C

Public Notice

If there are any questions regarding this notice, please contact **Nathan Gapper, Limited Term Planner** in the Planning Division at 310.285.1129, or by email at ngapper@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 November 11, 2011

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 NEW 1,031 SQUARE FOOT, ONE-STORY ACCESSORY STRUCTURE THAT WOULD EXCEED 14 FEET IN HEIGHT WITHIN THE REQUIRED SIDE AND REAR YARDS ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 716 NORTH PALM DRIVE.

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

Section 1. Darrin Wilson, Applicant, on behalf of the property owners of 716 North Palm Drive, (collectively the "Applicant") have submitted an application for a Central R-1 Permit to allow a 1,031 square foot, single-story accessory structure in the Central Area of the City at 716 North Palm Drive (the "Project"). Accessory structures 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 a specific entitlement 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 twenty (20) feet, four (4) and one half inches in height, whereas a by-right project is limited to fourteen (14) feet in height within the rear and side yard setbacks.

Section 2. The Project site is located on the east side of the 700 block of North Palm Drive, and is currently developed with an approximately 6,880 square foot primary

residence with no existing accessory structures. The existing primary residence is proposed to be remodeled, with additional square footage added under a separate permit. The proposed accessory structure would include approximately 1,031 square feet of floor area.

The Applicant proposed accessory structure would include a bathroom, exterior wet bar and barbeque area, pool supply storage, a single car porte cochere, and a single car garage located at the southeast corner of the subject property. The structure does not contain a kitchen. The addition will have a maximum height of twenty (20) feet, four (4) and one half inches, which is consistent with the height of structures in the vicinity. The Project will maintain a four (4) feet setback along the south property line, and will provide a five (5) feet, two (2) inches setback along the alley.

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 November 11, 2011 to all property owners and residential tenants within a 300-foot radius of the property. On November 22, 2011 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at the 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 project will have a maximum height of twenty (20) feet, four (4) and one half inches, which will be appropriate given the height of existing structures within the vicinity. Specifically, a two story accessory structure exists immediately adjacent to the subject property to the south. Additionally, the existing primary structure and landscaping will block any views of the project from the street. Because the proposed accessory structure 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 accessory structure will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the south, and will be located a minimum of 64 feet from the neighboring property to the north.

As a result of existing structures, as well as the location of the new structure, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' access to light and air.

3. The proposed accessory structure will be located adjacent to an existing, two-story accessory structure located on the adjacent property to the south, and will be located a minimum of 64 feet from the neighboring property to the north. As a result of existing structures and landscaping that block views into neighboring properties, as well as the location of the proposed accessory structure toward the rear of the property, the proposed project is not anticipated to have a substantial adverse impact on the neighbors' privacy. Windows are proposed only on facades facing the interior of the subject site and do not exceed eight (8) feet in height at their highest point.

4. The proposed accessory structure 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 project 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. The applicant shall coordinate with the Public Works Department and Edison to obtain approval for removal or relocation of the power pole currently located in the alley in front of the proposed garage.

4. The proposed accessory structure shall provide residential fire sprinklers.

5. All construction deliveries and heavy hauling shall be provided through Palm Drive and not through the adjacent alley.

6. Construction related parking shall be provided within the subject property (including limited frontage spaces).

7. 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.

8. 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.

9. 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.

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

11. This approval is for those plans submitted to the Planning Commission on November 22, 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.

12. 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.

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

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

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

16. 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.

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

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

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

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

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

26. 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.

27. 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.

28. 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.

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

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

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

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

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

Section 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:

Daniel M. Yukelson
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
City Planner