



Planning Commission Report

Meeting Date: May 24, 2012

Subject: **1293 Monte Cielo Drive**
Front Yard Walls

Request for a Hillside R-1 Permit to allow two solid 6'-0" tall retaining walls to be located within the required front yard setback area.

PROJECT APPLICANT: Peter Kiritchenko

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 Hillside R-1 Permit.
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REPORT SUMMARY

This report analyzes a request for a Hillside R-1 Permit to allow the construction of two 6'-0" tall retaining walls to be located within the required front yard setback area to enable the construction of a concrete pad for a new electrical transformer to service a new single-family residence. In the Hillside Area of the City, no walls or fences are permitted within three feet of the front property line. Walls and fences that are located between 3'-0" and 10'-0" from the front property line are permitted a maximum height of 3'-0". Walls and fences located more than 10'-0" from the front property line, but still within the front yard setback area, are limited to a maximum height of 6'-0", provided that any portion of the wall or fence greater than 3'-0" in height is open to public view. However, a Hillside R-1 Permit may be obtained to allow solid walls or fences up to 6'-0" in height within any portion of the required front yard setback area. The proposed walls are located within in area that would otherwise not permit a wall or would impose height and open to view requirements and requires the approval of a Hillside R-1 Permit. Issues discussed within this report include the potential impact the retaining walls may have on the scale and mass of the streetscape and the garden quality of the City.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft Planning Commission Resolution
- D. Architectural Plans

Report Author and Contact Information:

Cindy Gordon, Assistant Planner
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cgordon@beverlyhills.org

BACKGROUND

File Date 3/23/2012
Application Complete 5/14/2012
Permit Streamlining 7/14/2012
CEQA Deadline 60 days from CEQA Determination

Applicant(s) Peter Kiritchenko
Owner(s) Peter Kiritchenko
Representative(s) Armen Nersisyan

Prior Project Previews None
Prior PC Action PL0758431 – Hillside R-1 and Variance Request
Date: November 29, 2008
Requests:

- Over-height wall in front yard setback (Hillside R-1 – approved)
- Over-height walls outside of front yard setback (Variance – approved)
- Encroachment into building height envelope (Variance – denied)

Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address 1293 Monte Cielo Drive
Legal Description Tract 13101, Lot 53 and a portion of Lot 50
Zoning District R-1.X
General Plan Single-Family Residential - Low Density
Existing Land Use(s) Single-Family Residential
Lot Area 49,223 SF (1.13 acres)
Year Built Under construction
Historic Resource N/A
Protected Trees/Grove N/A

Adjacent Zoning and Land Uses

North R-1.X, One-Family Residential
South R-1.X, One-Family Residential
East R-1.X, One-Family Residential
West R-1.X, One-Family Residential

Circulation and Parking

Adjacent Street(s) Monte Cielo Drive
Adjacent Alleys None
Parkways & Sidewalks 6.5' parkway (no sidewalk)
Parking Restrictions No street parking
Nearest Intersection Monte Cielo Drive and Monte Cielo Court
Note: Monte Cielo Court is one of the City's northern boundaries
Circulation Element Local

Neighborhood Character

The Project Site is located in the Hillside Area of the City, along the west side of Monte Cielo Drive. The surrounding environment consists entirely of single-family homes, with varying lot sizes and configurations. Monte Cielo Drive has a 6.5' parkway on each side; however, the street does not have any sidewalks on either side. Considerable vegetation is maintained along a majority of the streetscape, both on the public right-of-way and on private property. Two properties are located across the street from the project site, one of which has a single-family residence located directly across the street from the proposed retaining wall location. The two properties located across the street from the subject property both have walls within the required front yard area that serve to screen both properties from the street. The subject property slopes steeply upward from Monte Cielo Drive toward the interior of the property. Along Monte Cielo Drive, there are front yard encroachments, such as walls between 3'-0" and 6'-0" in height and mailboxes; however, staff observed no encroachments comparable to a transformer unit along the streetscape.



Project Site

PROJECT DESCRIPTION

The project consists of a 4'-0" x 4'-6" concrete pad to place a Southern California Edison (SCE) transformer to supply electricity to the new single-family residence. The proposed transformer will be the main supply source of electricity for the residence. In order to construct the concrete pad, two retaining walls must be constructed around it due to the considerable slope (approximately 1:1) at the front of the property and to provide the required clearance, set forth by SCE, around the transformer unit. The first wall, directly adjacent to the public right-of-way, is located around the perimeter of the concrete transformer pad. The second wall is located further up on the slope, set back from the first

wall by a 3'-0" landscape buffer. There are existing over-height retaining walls located approximately 3'-0" beyond the second wall, which serve to stabilize the level pad of the subject property. The existing over-height retaining walls are located immediately outside of the required 15' front setback and are approximately 8'-10' tall in the vicinity of the proposed transformer pad. These were approved through a variance in 2007 with extensive landscaping in front of the walls to shield them from view along Monte Cielo Drive. The landscaping proposed under the current Hillside R-1 Permit request is consistent with the project approved by the Planning Commission in 2007. Additionally, the BHMC addresses the potential impact of the cumulative height of walls by requiring all walls to have at least a 3'-0" deep landscape buffer between each wall in order for their height to be counted separately. Such buffer is proposed for the two proposed retaining walls.

Further, as there is no sidewalk along Monte Cielo Drive, the proposed retaining walls and transformer unit will be located 6.5' away from the edge of the street, consistent with the width of the parkway.

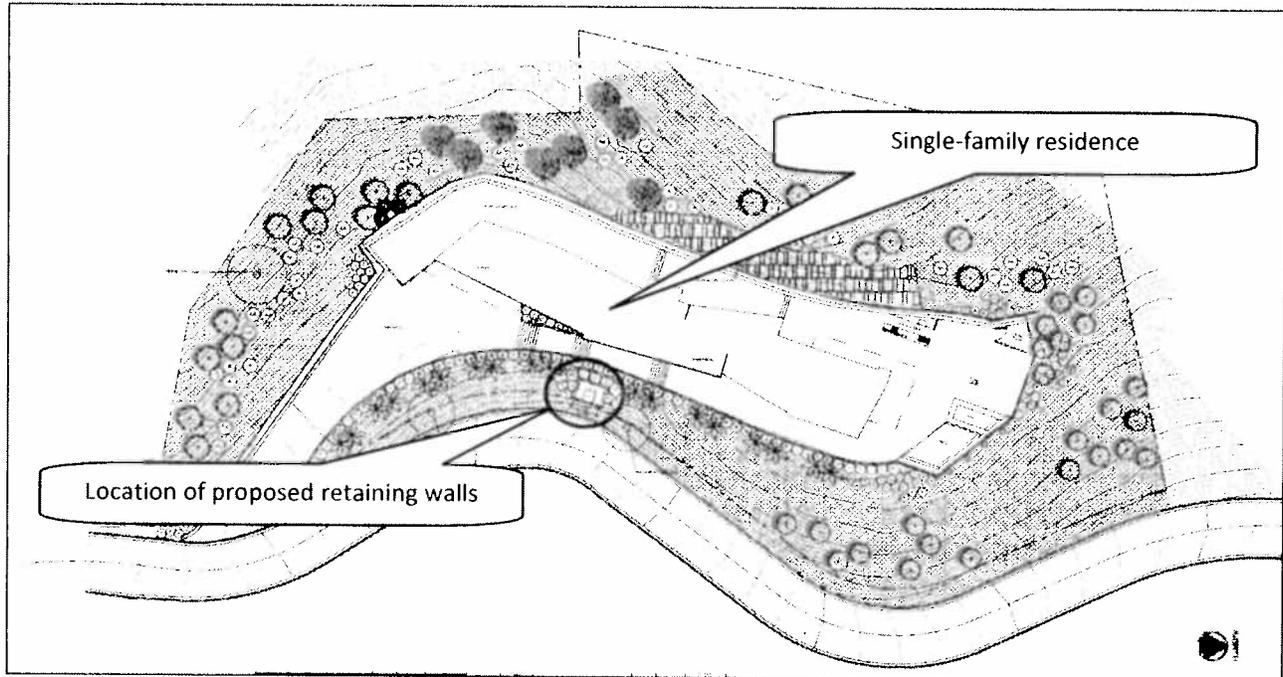
Southern California Edison Transformer Location Requirements

SCE sets requirements for the location of their transformers to allow easy access to service the transformers. Pad-mounted transformers can be located a *maximum* 15'-20' away from the access way, measured from the center point of the concrete pad, due to limitations of their service vehicle to reach the transformer. SCE prefers transformers be accessed from the street or public right-of-way as most residential driveways are not built to the required construction standards to withstand the impact of the vehicle that SCE utilizes for service. Additionally, as of 2010, SCE has implemented an *above-ground initiative* for all new transformers due to safety and operability issues with subterranean transformers. Pad-mounted transformers are now the mainstay installation standard with access from a street or public right-of-way preferred.

The project was designed with the aforementioned SCE location requirements in mind, and as such, requires the construction of two retaining walls to create a level pad for the transformer unit. Transformers are not identified as a permissible encroachment into the required front yard setback in the zoning code; however, City policy is to allow transformers to be located within the required front yard setback if there are no other feasible location options. While reviewing the project, staff learned that the driveway that will be constructed in conjunction with the new residence will be built to standards that would be able to withstand the impact of SCE's service vehicle; therefore, alternative locations are available to place the transformer, such as farther up along the driveway outside of the required front yard setback. However, as substantial landscaping is proposed that will screen a majority of the retaining walls and transformer unit from view along Monte Cielo Drive to mitigate mass and scale and streetscape impacts, and because locating a transformer on the driveway could be difficult for SCE to service and may impede access into the garage, staff is able to support the proposed location of the transformer, and the 6'-0" tall retaining walls, within the required front yard setback.

Vegetation

Each wall is a solid 6'-0" tall retaining wall and each is surrounded by vegetation to minimize impact to the streetscape; enhanced landscaping is also proposed for the full length of the front yard setback area. Vegetation is not proposed in front of the transformer pad, which faces Monte Cielo Drive, as SCE requires a minimum 8'-0" clearance on the door side (open side) of the transformer for service requirements. This area must remain clear of all obstructions, including, but not limited to, shrubs, trees, gates, fences, walls, signs, and poles.



Proposed Site Plan

Requested Permits

The applicant requests approval of a Hillside R-1 Permit to allow the construction of two 6'-0" tall retaining walls to be located within the required front yard setback area for a proposed transformer pad. The Planning Commission has the authority to approve walls or fences within the required front yard setback area that do not otherwise comply with height and open to view requirements.

GENERAL PLAN¹ POLICIES

The General Plan includes goals and policies related to development within the city. The following policy is relevant to the Planning Commission's review of the project:

- Policy LU 2.3 Hillside Development. Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.

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 Guidelines², 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 new accessory structures, including garages, carports, patios, swimming pools, and fences. The proposed project is a wall/fence, and is therefore eligible for the exemption.

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

² The CEQA Guidelines and Statutes are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice @ Library	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	5/14/12	5/10/12	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	N/A	N/A

Public Comment

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

ANALYSIS³

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 A and may be used to guide the Planning Commission’s deliberation of the subject project.

Summary

In reviewing the requested Hillside R-1 Permit, specific findings must be made with regard to the scale and massing of the streetscape and the garden quality of the city. Staff conducted a site visit to review the existing conditions of the subject property at the proposed location of the retaining walls for the concrete transformer pad and to determine the potential of such walls to have substantial adverse impacts on the streetscape and garden quality of the city. During the site visit, staff observed walls and other structures, such as mail boxes, that encroach within the required front yard areas of other properties, but did not observe any transformers encroaching within the required front yard setback area along the full length of Monte Cielo Drive.

The proposed retaining walls have been designed to address clearance and location requirements set forth by SCE, with the best information available to the applicant at the time of project design, and to limit substantial adverse impacts to the scale and massing of the streetscape and the garden quality of the city. The height of the two retaining walls is proposed to the maximum height allowed of 6’-0”, per the discretion of the Planning Commission; however, substantial landscaping has been provided that would mitigate any substantial adverse impacts that may result due to the construction of such walls. Extensive vegetation is provided on the sides of the walls housing the transformer, and in front of the second retaining wall located up on the slope, to further mitigate any impacts to the streetscape and to enhance the garden quality of the city.

³ 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.

NEXT STEPS

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the project.

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:



Jonathan Lait, City Planner

ATTACHMENT A

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Hillside R-1 Permit

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

The current streetscape is heavily vegetated along both sides of Monte Cielo Drive. Along Monte Cielo Drive, there are front yard encroachments, such as walls between 3'-0" and 6'-0" in height and mailboxes; however, staff observed no encroachments comparable to a transformer unit along the streetscape. The two properties across the street from the subject property both have walls within their required front yard areas that serve to further screen such properties from the street. A single-family residence is located directly across the street from the proposed retaining walls and is substantially screened by existing vegetation. Additionally, there are existing retaining walls, immediately adjacent to the front yard setback, that are utilized to support the level pad of the subject property. However, it is anticipated that the proposed landscaping around and between the walls will mitigate any potential mass and scale issues.

The proposed retaining walls are located immediately adjacent to the public right-of-way and extensive vegetation is proposed that will substantially screen the retaining walls from view from either side; however, no vegetation is proposed at the front of the transformer unit, which faces Monte Cielo Drive, per clearance requirements set forth by SCE. Additionally, the two retaining walls are separated by a 3'-0" landscaping area which will serve to reduce the visual impact of two solid 6'-0" retaining walls located adjacent to the public right-of-way and will further enhance the streetscape. Further, the landscaping proposed under the current Hillside R-1 Permit request is consistent with the landscaping proposed with the variance for over-height walls approved by the Planning Commission in 2007, which was proposed to limit the visibility of the existing retaining walls from Monte Cielo Drive. As such, the proposed retaining walls are not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. *The wall will not have a substantial adverse impact on the garden quality of the city.*

Landscape plans submitted by the applicant indicate that the project site will be enhanced with new landscaping. Particularly, extensive landscaping is proposed around the retaining walls to limit visibility of the walls from the public right-of-way. Additional landscaping is also proposed for the front yard setback area that runs the full length of the property. Landscaping will also be planted in the 3'-0" area between the two retaining walls. The front yard landscaping consists of a variety of trees and plants such as prostrate bougainvillea, dwarf olive, hopseed bush, silver sheen, California fan palm, and canary island pine. Hopseed bush and silver sheen are the vegetation proposed immediately adjacent to the proposed retaining walls for screening purposes.

As the landscaping for the front yard setback area is proposed to be enhanced with a variety of trees and plants, and as landscaping is increase in the area of the proposed retaining walls, it is not anticipated that the proposed retaining walls will have a substantial adverse impact on the garden quality of the city.

DRAFT CONDITIONS

Project Specific Conditions

1. The two retaining walls in the required front yard setback shall have a maximum height of 6'-0".
2. The front yard landscaping shall be maintained in a manner that will substantially screen the retaining walls from view along Monte Cielo Drive, without impeding transformer clearance requirements of Southern California Edison. Such vegetation shall be maintained at a maximum height of 6'-0".
3. A minimum 3'-0" deep landscape buffer shall be maintained between all retaining walls located within the required front yard setback area.

Standard Conditions

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on May 24, 2012.
5. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
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. 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 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. Hillside R-1 Permit: 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.

ATTACHMENT B
Public Notice



NOTICE OF PUBLIC HEARING

DATE: May 24, 2012
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, May 24, 2012, will hold a public hearing beginning at 1:30 PM to consider:

A request for a Hillside R-1 Permit to allow the construction of two 6'-0" high retaining walls to be located within the required front yard setback area for a proposed transformer pad on a property located in the Hillside Area of the City at 1293 Monte Cielo Drive. In the Hillside Area of the City, no walls or fences are permitted within three feet of the front property line. Walls and fences that are located between 3'-0" and 10'-0" from the front property line are permitted a maximum height of 3'-0". Walls and fences located more than 10'-0" from the front property line, but still within the front yard setback area, are limited to a maximum height of 6'-0", provided that any portion of the wall or fence greater than 3'-0" in height is open to public view. However, a Hillside R-1 Permit may be obtained to permit walls or fences of no more than 6'-0" to encroach into the front yard area without otherwise complying with the height and open to view requirements. The proposed 6'-0" high retaining walls are located within the required front yard setback area, adjacent to the front property line, and in an area that would otherwise not permit a wall or would impose height and open to view requirements and requires the approval of a Hillside R-1 Permit.

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, including garages, carports, patios, swimming pools, and fences, 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.

City of Beverly Hills 455 N. Rexford Drive Beverly Hills, California 90210 p (310) 285-1141 / (310) 858-5966 BeverlyHills.org

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 **Cindy Gordon, Assistant Planner** in the Planning Division at 310.285.1191, or by email at cgordon@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:



Michele McGrath, Principal Planner

Mailed: May 10, 2012

ATTACHMENT C
Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A HILLSIDE R-1 PERMIT TO ALLOW TWO SOLID 6'-0" TALL RETAINING WALLS TO BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK AREA WITHOUT OTHERWISE COMPLYING WITH THE HEIGHT AND OPEN TO VIEW REQUIREMENTS ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1293 MONTE CIELO DRIVE.

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

Section 1. Armen Nersisyan, Applicant, on behalf of property owner Peter Kiritchenko, (collectively the "Applicant") has submitted an application for a Hillside R-1 Permit to allow a two solid 6'-0" tall retaining walls within the required front yard setback area in the Hillside Area of the City at 1293 Monte Cielo Drive (the "Project"). Front yard walls and fences are allowed by-right if the walls or fences 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 Hillside R-1 Permit. The Project requires a Hillside R-1 Permit in order to allow two solid 6'-0" tall retaining walls to be located within an area that would otherwise not permit a wall or would impose height and open to view requirements. The two retaining walls are located directly adjacent to the public right-of-way.

Section 2. The Project site is located in the Hillside Area of the City, along the west side of Monte Cielo Drive. The surrounding environment consists entirely of single-family residences, with varying lot sizes and configurations. The Project site slopes steeply upward from Monte Cielo Drive, toward the interior of the property. A single-family residence is currently under construction on the Project Site. The parkway directly adjacent to the Project site is 6.5' in width; there is no sidewalk along this parkway between the Project site and Monte Cielo Drive. The proposed 6'-0" tall retaining walls are proposed to accommodate a new concrete pad for a transformer unit to serve the new single-family residence. The first wall, located directly adjacent to the public right-of-way, is located around the perimeter of the concrete pad. The second wall is located further up on the slope, set back from the first wall by a 3'-0" landscape buffer, after which the existing grade of the slope is maintained. Existing retaining walls are located beyond the two proposed 6'-0" tall retaining walls, located immediately adjacent to the required front yard setback area and are utilized to stabilize the level pad area of the Project site.

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 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 the construction of new accessory structures, including garages, carports, patios, swimming pools, and fences.

Section 4. Notice of the Project and public hearing was mailed on May 10, 2012 to all property owners and residential occupants within a 300-foot radius of the property. On May 24, 2012 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

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

1. The scale and massing of the streetscape; and
2. The garden quality of the city

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

1. The streetscape along Monte Cielo Drive is heavily vegetated along both sides. Two properties across the street from the subject property both have walls within the required front yard areas that serve to further screen such properties from the street. The Project site does have existing retaining walls immediately adjacent to the required front yard setback that were approved by a variance in 2007. Along Monte Cielo Drive, there are front yard encroachments, such as walls and mailboxes; however, staff did not observe encroachments comparable to a transformer unit along the streetscape. The location of the proposed retaining walls is immediately adjacent to the public right-of-way and extensive vegetation is proposed that will substantially screen the retaining walls from view on either side;

no vegetation is proposed at the front of the transformer pad due to clearance requirements set forth by Southern California Edison. Additionally, the two retaining walls are separated by a 3'-0" landscaped area which will reduce the visual impact of the retaining walls and will further enhance the streetscape. Further, the landscaping approved as a result of prior Planning Commission actions is consistent with the landscaping proposed for the current Hillside R-1 Permit request and will substantially screen all retaining walls from view along Monte Cielo Drive. As such, it is not anticipated that the retaining walls will have a substantial adverse impact on the scale and massing of the streetscape.

2. Landscape plans submitted by the applicant indicate that the project site will be enhanced with new landscaping. Extensive landscaping is proposed around the retaining walls to limit visibility of the walls from the public right-of-way. Additional landscaping is also proposed for the front yard setback area that runs the full length of the property. The front yard landscaping consists of a variety of trees and plants immediately adjacent to the proposed retaining walls and throughout the required front yard setback area. As such, it is not anticipated that the retaining walls will have a substantial adverse impact on the garden quality of the City.

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

1. The two retaining walls in the required front yard setback shall have a maximum height of 6'-0".

2. The front yard landscaping shall be maintained in a manner that will substantially screen the retaining walls from view along Monte Cielo Drive, without impeding transformer clearance requirements of Southern California Edison. Such vegetation shall be maintained at a maximum height of 6'-0".

3. A minimum 3'-0" deep landscape buffer shall be maintained between all retaining walls located within the required front yard setback area.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on May 24, 2012.

5. These conditions shall run with the land and shall remain in full force for the duration of the life of the project.

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. 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 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. Hillside R-1 Permit: 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.

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

Adopted:

Craig Corman
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

ATTACHMENT D
Architectural Plans
(under separate cover)