



Planning Commission Report

Meeting Date: February 14, 2013

Subject: **904 Hartford Way**
Hillside R-1 Permit and Tree Removal Permit

Request for a Hillside R-1 Permit and Tree Removal Permit to allow an accessory structure to be located within 100 feet of a front property line, construction of a six-foot tall retaining wall within a street side setback, and removal of two protected trees in conjunction with the construction of the accessory structure on the property located at 904 Hartford Way.

PROJECT APPLICANT: Peter Shirley

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
 2. Adopt the attached resolution conditionally approving a Hillside R-1 Permit and Tree Removal Permit.
-

REPORT SUMMARY

The proposed project involves the construction of a new accessory structure within 100 feet of a front property line and construction of a six foot tall retaining wall within a street side setback requiring a Hillside R-1 Permit. The proposed siting of the accessory structure and wall requires the removal of two protected trees, which requires a Tree Removal Permit. This report focuses on the characteristics of the proposed Project in relation to surrounding properties, the streetscape, and the garden quality of the city, and specifically considers the project's close proximity to the Beverly Hills Hotel and adjacent street. Staff's analysis concludes that with specific conditions of approval related to replacement landscaping, the Hillside R-1 Permit and Tree Removal Permit will not result in significant adverse impacts to the neighborhood, and the recommendation in this report is for project approval.

Attachment(s):

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

Report Author and Contact Information:

Georgana Millican
(310) 285-1121
gmillican@beverlyhills.org

BACKGROUND

File Date	01/31/2013
Application Complete	02/4/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	04/5/2013 without extension request from applicant

Applicant(s)	Peter Shirley
Owner(s)	Pnina Graff
Representative(s)	Peter Shirley

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

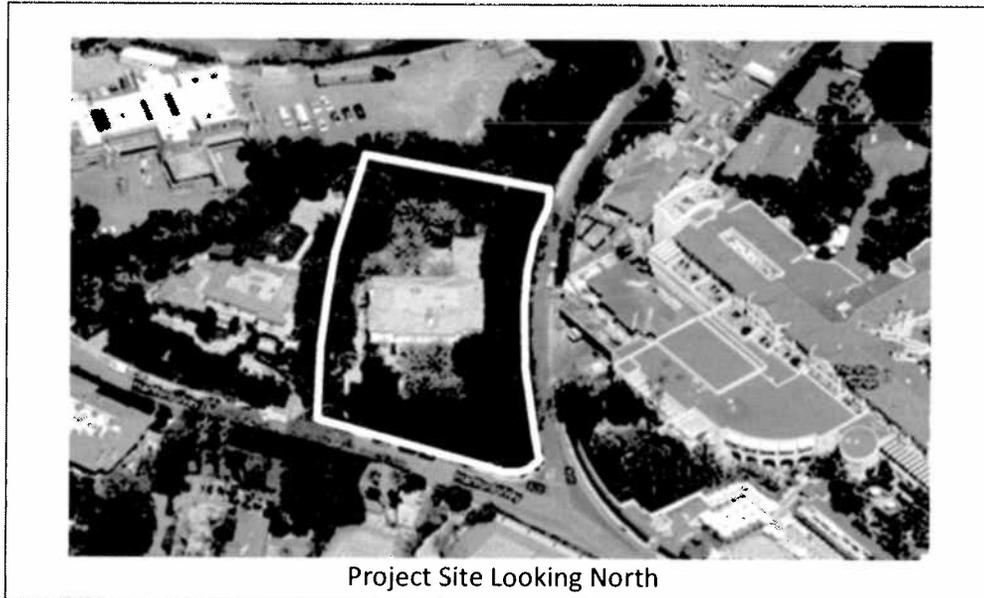
Address	904 Hartford Way (corner of Hartford Way and Glen Way)
Legal Description	Tract No. 26149 Lot 3
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 37,462 square feet (0.86 acre)
Year Built	1988
Historic Resource	N/A
<i>Protected Trees/Grove</i>	Protected trees on-site.

Adjacent Zoning and Land Uses

North	R-1.X – Single-family residential
South	R-1.X – Single-family residential
East	The Beverly Hills Hotel
West	R-1.X – Single-family residential

Neighborhood Character

The subject property is located in the Hillside Area of the city. The surrounding neighborhood consists of one- and two-story single-family homes built on properties that generally have sloping topographies. To the east of the subject property, across Glen Way, is the Beverly Hills Hotel. The portions of the Beverly Hills Hotel that face the project site consist of the lower level loading dock area and the upper level portion of the recently constructed hotel bungalows. The streetscape in the surrounding neighborhood is heavily landscaped, with homes generally being obscured from view.



PROJECT DESCRIPTION

The subject property is a corner lot located in the Hillside Area of the city on the north side of the 900 block of Hartford and Glen Ways. Immediately east across Glen Way is the open loading dock area of the Beverly Hills Hotel, with one of the newly constructed bungalows above. The Project site consists of a parcel of land totaling 37,462 square feet (0.86 acres). The property has an existing single family residence with an attached garage constructed in 1988, and a swimming pool. Access to the property is provided off Hartford Way with a long driveway leading to a parking area, attached garage, and main entry of the residence to the rear of property. The area between the main residence and Hartford Way, adjacent to the front setback, is where the property's existing patio areas and swimming pool are located, and is the area proposed for the pool accessory structure.

The Project consists of the following elements:

- Construction of a 14 foot tall open pool house accessory structure with bathroom and entertainment space, located within 100 feet of the front property line. The structure is proposed to be 38 feet, 11 inches from the front property line (Hartford Way) at the closest point, and 20 feet, 11 inches from the Glen Way street side property line;
- Construction of a 6 foot tall retaining wall within the 35 foot required street side setback area of Glen Way. At the closest point the retaining wall would be 9 feet, 5 inches from the Glen Way street side property line; and
- Removal of two trees protected due to size, and removal two trees that are not protected.

Zoning Requirements			
Proposed Accessory Structure/Pool House			
REGULATIONS	PERMITTED / REQUIRED	PROPOSED PROJECT	NOTES
Height	14'	14'	
Floor Area	8,785 cumulative square feet allowed on-site	0	The pool house occupies a footprint of approximately 900 square feet, but does not count toward the maximum allowed floor area as it is more than 50% open
Front Setback	100'	38'11"	Requires a Hillside R-1 Permit
Rear Setback	5'	192'	
Side Setback (east)	5'	20'11"	
Side Setback (west)	5'	106'10"	

Requested Permits

The Project requires the following entitlements in order to be constructed as proposed:

1. A Hillside R-1 Permit to allow an accessory structure to be located within 100 feet of a front property line (along Hartford Way) and to allow a six-foot tall retaining wall to be constructed within the 35-foot street side setback (Glen Way).
2. A Tree Removal Permit to allow the removal of two (2) protected trees.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed Project to applicable zoning standards has been performed. 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.

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

Agency Review

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- **BUILDING AND SAFETY**

The Building and Safety Division has preliminarily reviewed the proposed Project and did not have any comments regarding the proposal. Final geotechnical reports, calculations, and recommendations will be reviewed upon submittal for building permits.

GENERAL PLAN² POLICIES

The General Plan includes goals and policies relevant to the Planning Commission's review of the Project, including:

- 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.
- Policy LU 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- Policy OS 2.1 Trees of Significance. Require the retention of trees of significance (such as heritage trees) by promoting stewardship of such trees and ensuring that the design of development and reuse projects provide for the retention of these trees wherever possible. Where tree removal cannot be avoided, require replacements with an appropriate species.
- Policy OS 2.2 Manage and Enhance. Continue to ensure that new construction incorporates trees where appropriate, and manages and cares for all publicly owned trees, works to retain healthy trees, and encourages planting appropriate species in appropriate locations. Maintain Tree City USA accreditation on an annual basis.

ENVIRONMENTAL ASSESSMENT

The subject Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines³, and the environmental regulations of the City. The Project qualifies for a categorical exemption pursuant to Section 15303 (Class 3) of the Guidelines. Specifically, the proposed Project would result in the construction of a new accessory structure and associated site work, and is therefore exempt from further review under the provisions of CEQA.

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>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	02/07/2013	4 Days
Newspaper Notice	10 Days	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 300' Radius)	10 Days	02/04/2013	02/04/2013	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	02/07/2013	4 Days

Public Comment

As of the writing of this report, the City has not received any comments regarding this Project.

ANALYSIS⁴

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment A and may be used to guide the Planning Commission’s deliberation of the subject Project. The following analysis is provided to assist the Planning Commission in making a decision regarding the Hillside R-1 Permit and the Tree Removal Permit.

Neighborhood Compatibility. The neighborhood surrounding the Project site is comprised of single family residences that vary in size and design, and the Beverly Hills Hotel. Although the main residence on the property complied with all applicable standards at the time it was constructed, the main residence now exceeds allowable floor area for the site due to changes in code standards over the years. The site contains mature landscaping that serves to largely screen the existing and proposed structures on the site. The proposed project will add to the massing on the property by increasing the number of structures; however, the one-story structure is proportionally scaled in comparison to the main residence, and is not immediately adjacent to neighboring residential properties since it is proposed on the portion of the property that is surrounded by streets and immediately adjacent to the loading dock area of the Beverly Hills Hotel. Finally, existing landscaping and a proposed condition of approval requiring the planting of two replacement trees, would screen views of the proposed structure from the street and the Beverly Hills Hotel, and would largely obscure views of the structures from adjacent properties. Therefore, staff’s analysis concludes that the proposed size, scale, and massing of the Project would not have the appearance of being over-developed, and would have a negligible impact on the character of the surrounding neighborhood.

Floor Area. The main residence was constructed in accordance with the development standards that were in place in 1988, which allowed a greater amount of floor area than the current Hillside code permits. Consequently, the existing on-site floor area exceeds the current

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.

maximum allowable floor area, and the property is considered to be legally non-conforming. The existing floor area on the site is 9,232 square feet, plus a 971 square foot garage. Under the previous Hillside code the allowable floor area for the site was 55 percent of the site area, which at the time would have allowed for a maximum of 20,604 square feet of floor area. The current Hillside code allows a maximum of 8,785 square feet of floor area. Because the subject property is not permitted any additional floor area under current development standards, the pool accessory structure has been designed to be at least 50 percent open (exterior walls) in order to not be considered as floor area⁵. Although the structure is designed to be more than 50 percent open, staff does have a concern that any minor changes to the structure in the future could cause it to be counted as floor area. In order to ensure that such a situation does not occur, staff recommends a condition of approval prohibiting the structure from being further enclosed with any doors, windows, or other enclosure materials that would cause the property to become more non-conforming with regard to floor area. In the event that the project is approved, a covenant accepting the conditions of approval would be recorded against the property, and this would put any potential future owners of the property on notice that the structure cannot be further enclosed.

Retaining Wall. The existing streetscape along the west side of Glen Way where the new retaining wall is proposed is primarily comprised of fences and landscaping, and residences are minimally visible (if at all) from the street. The east side of Glen Way is primarily the back-of-house operations for the Beverly Hills Hotel, consisting of the loading dock area and parking structure. The subject property currently contains dense landscaping along the front property line and street side (Glen Way) property lines, which obscures the majority of views of the building pad from the surrounding streets. As proposed, the Project would maintain much of the existing landscaping, and proposes a new retaining wall as part of the accessory structure in order to create a level pad of sufficient size to accommodate the new structure. The proposed retaining wall would be obscured from view from the street because it would be located behind the existing fence and landscaping that borders the property. The existing configuration of the subject property (and surrounding properties) is not particularly conducive to pedestrian activity due to the presence of the open loading dock area and parking structure of the hotel. In certain areas of the City (i.e. south of Sunset Boulevard), the walls and landscaping would be incompatible with the neighborhood character; however, in the Hillside Area of the City, properties tend to be larger and more private with walls and dense landscaping. Furthermore, Glen Way does not serve as a front yard for any of the properties along the 900 block. Therefore, staff's analysis concludes that the retaining wall would not substantially alter existing streetscape conditions and would therefore not detract from the quality of the streetscape.

Loss of Protected Trees. The proposed Project would result in the loss of two protected trees. Trees are considered to be protected when they are a native species with a trunk circumference of 24" or more or are a non-native species with a trunk circumference of 48" or more, and are located between the proposed residence and the street. The Project contains two trees that meet the location, species and/or size criteria above, and are therefore considered to be protected. Both of the protected trees proposed for removal are Ficus trees. An additional two trees are proposed for removal (an Evergreen Ash and Coulter Pine Tree); however these trees

⁵ "“Floor area” shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%).”

do not meet the species or size requirements for protection. Removal of the trees is proposed in order to accommodate the new pool accessory structure, and preservation of the protected trees would not allow construction of the structure without significant project revisions. The City's tree protection ordinance was originally developed to protect urban groves (groupings of 50 trees or more), and was later modified to protect individual trees to ensure preservation of the City's urban forest and garden quality. Removal of protected trees, in conjunction with a development project, requires discretionary review to ensure that the garden quality of the City is not adversely impacted. In order to offset the loss of protected trees, a recommended condition of approval would require the planting of two new trees with a minimum box size of 48 inches. As conditioned, the Project maintains the majority of existing mature landscaping on the site, and staff's analysis concludes that the proposed project will not result in a substantial adverse impact from the loss of the protected trees.

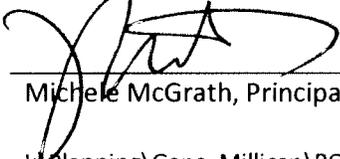
NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Hillside R-1 Permit and Tree Removal Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the Hillside R-1 Permit and Tree Removal Permit with modified findings or conditions of approval.
2. Deny the Hillside R-1 Permit and Tree Removal Permit, or portions of the Hillside R-1 Permit and Tree Removal Permit, 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:



Michele McGrath, Principal Planner

I:\Planning\Gana Millican\PC - Planning Commission\904 Hartford Way\Staff Report - PC Hillside R-1 and Tree Removal Permit - 02-14-2013.docx

ATTACHMENT A
Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Tree Removal Permit

1. *The removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to remove the protected tree;*

The Project proposes the construction of a new pool accessory structure on a lot that is heavily landscaped and has a limited level pad area with the pool. As such the tree removal cannot be reasonably avoided as there is limited area available to relocate the accessory structure. Furthermore, the loss of two protected trees will be offset with the incorporation of conditions requiring the planting of two new trees with a minimum box size of 48 inches.

2. *The removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare;*

The Project site has extensive mature landscaping and the conditions of approval require the planting of two new trees on the site with a minimum box size of 48 inches. Therefore, the removal of the protected trees is not anticipated to result in any significant environmental effects or otherwise harm the public health or general welfare.

3. *The removal of the protected tree will not significantly and adversely affect erosion, soil retention, or the flow of surface water; and*

The Project's tree removal is a small portion of the overall landscaping on the project site. The proposed project plans will be reviewed for conformance with all applicable code standards, and it is not anticipated that the proposed tree removal will adversely affect erosion, soil retention or the flow of surface water.

4. *The removal of the protected tree will not significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood.*

The tree removal associated with the proposed project is not anticipated to significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood as the site has extensive mature landscaping that is proposed to remain. In addition, the conditions of approval require that two new trees be planted and maintained in the area of the proposed project along Glen Way, which will add to the landscaping on-site and maintain the aesthetic quality of the neighborhood. The project site is immediately adjacent to the open loading dock area of the Beverly Hills Hotel and as such the project owners wish to maintain the landscaping for screening and privacy for their property.

Hillside R-1 Permit

1. *The development will not have a substantial adverse impact on the scale, massing, integrity, or character of the area and adjacent streetscape;*

The proposed accessory structure is an open one-story structure that will not add substantial mass to the site and is smaller in scale compared to other structures in the area. With the exception of the Beverly Hills Hotel to the east, the overall character of the area is comprised of large estates, and the proposed structure will not result in a change to the character or the integrity of the area. In addition, both the accessory structure and the retaining wall will be set back from the street and be screened by existing landscaping, along with the planting of two new trees as part of the conditions of approval, and are not anticipated to have a substantial adverse impact on the streetscape. Based on the proposed size, scale, and massing, the Project will not have the appearance of being over developed, and the accessory structure and retaining wall will be a compatible addition to the surrounding neighborhood. Therefore, the Project is not anticipated to have a substantial adverse impact on the scale or character of the area and streetscape.

2. *The development will not have a substantial adverse impact on the privacy of neighboring properties;*

The proposed accessory structure is on the southeast portion of the corner property and is surrounded by streets. The accessory structure is approximately 107 feet from the closest shared property line with the neighbor to the west. To the east, across Glen Way is the loading dock area of the Beverly Hills Hotel and one of the new bungalows above. Both are at a significant distance from the proposed structure with extensive landscaping on the subject property providing a buffer for adjacent neighbors. Because of the substantial setbacks and mature landscaping, the Project is not anticipated to have a substantial adverse impact on the privacy of neighboring properties.

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

The siting of the accessory structure in the southeast portion of the property provides significant distance to any neighboring properties. At the closest point to the accessory structure, the closest neighboring property line is 106 feet, 10 inches away to the west. To the east, Glen Way separates the property from the Beverly Hills Hotel. The distance to the neighbors' provides adequate protection from the Project resulting in any substantial adverse impact on the neighbors' access to light and air.

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

The Project site has extensive mature landscaping and the project preserves the majority of the existing landscaping including the landscaping along the streets. Although the proposed accessory structure necessitates the removal of four trees, two of which are protected trees due to the size, there is extensive landscaping remaining. As conditioned, the Applicant is required to plant and maintain two additional 48 inch box trees that will offset the loss of trees and prevent impacts to the streetscape.

DRAFT CONDITIONS

Project Specific Conditions

1. Prior to the issuance of building permits, the Applicant shall prepare a construction management and parking plan to the satisfaction of the Director of Community Development and the Director of Public Works.
2. To the extent feasible, construction-related parking shall be accommodated on-site and shall be in accordance with an approved construction management and parking plan.
3. All hauling activities shall be in accordance with the approved construction management and parking plan, which shall include a hauling plan approved by the Director of Community Development and the Director of Public Works. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.
4. No heavy hauling or export of earth material shall occur outside the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.
5. The cumulative surface area of the exterior walls of the accessory structure shall remain at least 50 percent open at all times, and shall not be enclosed with doors, windows, or any other enclosure materials that would cause the structure to become enclosed by more than 50 percent.
6. Prior to the issuance of building permits, the Applicant shall submit a landscape plan, prepared and stamped by a licensed landscape architect, for review and approval by the Director of Community Development. At a minimum, the landscape plan shall provide for the planting of two 48-inch box trees on the east side of the accessory structure, climbing vines along the retaining wall, and an irrigation system. Upon installation, said landscaping shall be maintained throughout the life of the Project.

Standard Conditions

Please see the Draft Resolution (Attachment B)

ATTACHMENT B
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT AND TREE REMOVAL PERMIT ASSOCIATED WITH THE CONSTRUCTION OF AN ACCESSORY STRUCTURE ON THE PROPERTY LOCATED AT 904 HARTFORD WAY.

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

Section 1. Peter Shirley, applicant on behalf of the property owners of 904 Hartford Way (collectively the “Applicant”), submitted an application for a Hillside R-1 Permit and Tree Removal Permit to allow the construction of an accessory structure within 100 feet of a front property line, a six-foot retaining wall within a street side setback and the removal of two protected trees in the Hillside Area of the City at 904 Hartford Way (the “Project”).

Section 2. The subject property is located in the Hillside Area of the city. The surrounding neighborhood consists of one- and two-story single-family homes built on properties that generally have sloping topographies. To the east of the subject property, across Glen Way, is the Beverly Hills Hotel. The portions of the Beverly Hills Hotel that face the project site consist of the lower level loading dock area and the upper level portion of the recently constructed hotel bungalows. The streetscape in the surrounding neighborhood is heavily landscaped, with homes generally being obscured from view.

Section 3. The Project requires the following entitlements in order to be constructed as proposed:

1. A Hillside R-1 Permit to allow an accessory structure to be located within 100 feet of a front property line (along Hartford Way) and to allow a six-foot tall retaining wall to be constructed within the 35-foot street side setback (Glen Way).

2. A Tree Removal Permit to allow the removal of two (2) protected trees.

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 a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines for the construction of new accessory/appurtenant structures, and is therefore exempt from further review under the provisions of CEQA.

Section 5. Notice of the Project and public hearing was mailed on February 4, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On February 14, 2013 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 6. In considering the request for a Hillside R-1 Permit for the accessory structure within 100 feet of a front property line and a six foot retaining wall within the Glen Way street side setback, the Planning Commission considered whether it could make the following findings:

1. The structure will not have a substantial adverse impact on the scale or character of the area;
2. The structure will not have a substantial adverse impact on the privacy of neighboring properties;
3. The structure will not have a substantial adverse impact on the neighbors' access to light and air; and
4. The structure will not have a substantial adverse impact on the streetscape.

Section 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit:

1. The proposed accessory structure is an open one-story structure that will not add substantial mass to the site and is smaller in scale compared to other structures in the area. With the exception of the Beverly Hills Hotel to the east, the overall character of the area is comprised of large estates, and the proposed structure will not result in a change to the character or the integrity of the area. In addition, both the accessory structure and the retaining wall will be set back from the street and be screened by existing landscaping, along with the planting of two new trees as part of the conditions of approval, and are not anticipated to have a substantial adverse impact on the streetscape. Based on the proposed size, scale, and massing,

the Project will not have the appearance of being over developed, and the accessory structure and retaining wall will be a compatible addition to the surrounding neighborhood. Therefore, the Project is not anticipated to have a substantial adverse impact on the scale or character of the area and streetscape.

2. The proposed accessory structure is on the southeast portion of the corner property and is surrounded by streets. The accessory structure is approximately 107 feet from the closest shared property line with the neighbor to the west. To the east, across Glen Way is the loading dock area of the Beverly Hills Hotel and one of the new bungalows above. Both are at a significant distance from the proposed structure with extensive landscaping on the subject property providing a buffer for adjacent neighbors. Because of the substantial setbacks and mature landscaping, the Project is not anticipated to have a substantial adverse impact on the privacy of neighboring properties.

3. The siting of the accessory structure in the southeast portion of the property provides significant distance to any neighboring properties. At the closest point to the accessory structure, the closest neighboring property line is 106 feet, 10 inches away to the west. To the east, Glen Way separates the property from the Beverly Hills Hotel. The distance to the neighbors' provides adequate protection from the Project resulting in any substantial adverse impact on the neighbors' access to light and air.

4. The Project site has extensive mature landscaping and the project preserves the majority of the existing landscaping including the landscaping along the streets. Although the proposed accessory structure necessitates the removal of four trees, two of which are protected trees due to the size, there is extensive landscaping remaining. As conditioned, the

Applicant is required to plant and maintain two additional 48 inch box trees that will offset the loss of trees and prevent impacts to the streetscape.

Section 8. In considering the request for a Tree Removal Permit, the Planning Commission considered whether it could make the following findings:

1. The removal of the protected tree cannot be reasonably avoided by redesigning the location or nature of any proposed improvements on the property which have caused the need to remove the protected tree;
2. The removal of the protected tree will not have any significant environmental effects or otherwise harm the public health or general welfare;
3. The removal of the protected tree will not significantly and adversely affect erosion, soil retention, or the flow of surface water; and
4. The removal of the protected tree will not significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood.

Section 9. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Tree Removal Permit:

1. The Project proposes the construction of a new pool accessory structure on a lot that is heavily landscaped and has a limited level pad area with the pool. As such the tree removal cannot be reasonably avoided as there is limited area available to relocate the accessory structure. Furthermore, the loss of two protected trees will be offset with the incorporation of conditions requiring the planting of two new trees with a minimum box size of 48 inches.

2. The Project site has extensive mature landscaping and the conditions of approval require the planting of two new trees on the site with a minimum box size of 48 inches. Therefore, the removal of the protected trees is not anticipated to result in any significant environmental effects or otherwise harm the public health or general welfare.

3. The Project's tree removal is a small portion of the overall landscaping on the project site. The proposed project plans will be reviewed for conformance with all applicable code standards, and it is not anticipated that the proposed tree removal will adversely affect erosion, soil retention or the flow of surface water.

4. The tree removal associated with the proposed project is not anticipated to significantly and adversely affect the aesthetic quality and appearance of the surrounding neighborhood as the site has extensive mature landscaping that is proposed to remain. In addition, the conditions of approval require that two new trees be planted and maintained in the area of the proposed project along Glen Way, which will add to the landscaping on-site and maintain the aesthetic quality of the neighborhood. The project site is immediately adjacent to the open loading dock area of the Beverly Hills Hotel and as such the project owners wish to maintain the landscaping for screening and privacy for their property.

Section 10. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit and Tree Removal Permit, subject to the following conditions:

1. Prior to the issuance of building permits, the Applicant shall prepare a construction management and parking plan to the satisfaction of the Director of Community Development and the Director of Public Works.

2. To the extent feasible, construction-related parking shall be accommodated on-site and shall be in accordance with an approved construction management and parking plan.

3. All hauling activities shall be in accordance with the approved construction management and parking plan, which shall include a hauling plan approved by the Director of Community Development and the Director of Public Works. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

4. No heavy hauling or export of earth material shall occur outside the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.

5. The cumulative surface area of the exterior walls of the accessory structure shall remain at least 50 percent open at all times, and shall not be enclosed with doors, windows, or any other enclosure materials that would cause the structure to become enclosed by more than 50 percent.

6. Prior to the issuance of building permits, the Applicant shall submit a landscape plan, prepared and stamped by a licensed landscape architect, for review and approval by the Director of Community Development. At a minimum, the landscape plan shall provide for the planting of two 48-inch box trees on the east side of the accessory structure, climbing vines along the retaining wall, and an irrigation system. Upon installation, said landscaping shall be maintained throughout the life of the Project.

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. This Resolution 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. The exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution.

10. VIOLATION OF CONDITIONS: A violation of any 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 February 14, 2013, 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. 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.

13. 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.

14. 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.

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

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

17. 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.

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

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

Section 11. 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: February 14, 2013

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 *JL*
City Planner

**Attachment C:
Public Notice**



NOTICE OF PUBLIC HEARING

DATE: February 14, 2013

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

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

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, February 14, 2013, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

A request for a Hillside R-1 Permit and Tree Removal Permit associated with the construction of a new accessory structure on the property located at **904 Hartford Way**. The request for a Hillside R-1 Permit is to allow an accessory structure to be located within 100 feet of a front property line and to allow a maximum six foot high solid wall within the street side setback on Glen Way. Additionally, the proposed construction of the accessory structure would involve the removal of two protected trees necessitating a Tree Removal Permit. The accessory structure is proposed to have a maximum height of fourteen feet (14') and would be located on the southeast portion of the property (across from the Beverly Hills Hotel).

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 City has determined that the project will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15303 of Title 14 of the California Code of Regulations.

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

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

If there are any questions regarding this notice, please contact **Georgana Millican, Associate Planner** in the Planning Division at 310.285.1121, or by email at gmillican@beverlyhills.org. Copies of the plans and associated project documents 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.

Sincerely,

Georgana Millican, Associate Planner

Mailed: February 4, 2013

**Attachment D:
Architectural Plans**

Provided under separate cover