City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: July 25, 2013

Subject: **Review of Minor Accommodation standards and policies related to accessory structures and possible recommendation to the City Council to clarify those standards or review policies; Review of minor accommodation approval process and actions for the property located at 601 N. Elm**

Recommendation: That the Planning Commission discuss and provide recommendations to the City Council.

REPORT SUMMARY

This report transmits information to inform the Planning Commission's review of a project at 601 N. Elm and its recommendations to the City Council regarding possible changes to the Minor Accommodation rules or procedures.

BACKGROUND

An accessory structure is under construction at 601 N. Elm. The property owner and its representatives applied for and received all necessary approvals for the accessory structure to encroach into the required side and rear yards. Construction is proceeding in accordance with the approved plans, and with one exception[1], in compliance with the municipal code.

Some community members have expressed concern regarding the accessory structure's proximity to Carmelita Avenue. At the request of Mayor Mirisch, an item came before City Council on July 2, 2013 to discuss and understand staff's approval of the minor accommodation at 601 N. Elm. The City Council directed the Planning Commission to review the project at 601 N. Elm and make recommendations as to process or possible code amendments to prevent similar yard encroachments in the future.

DISCUSSION

Attached is the agenda report prepared for the City Council that provides background information regarding the project at 601 N. Elm. The report provides details that will help inform the Planning Commission's discussion and recommendations. In addition to the information contained in that report, staff has implemented the following administrative procedures since identification of area resident's concerns:

[1] Windows above 14 feet in height are required to have fixed or awning-style translucent glazing adjacent to the alley and nearest side property line. The applicant has been advised of this correction, which will be resolved prior to final inspection.

Attachment(s):
A. City Council Agenda Report, dated 7/2/13

Report Author and Contact Information:
Jonathan Lait
(310) 285-1118
jlait@beverlyhills.org

- All minor accommodation requests are reviewed by the City Planner (previously this was delegated to senior staff)
- Minor accommodation requests to encroach into a side yard adjacent to a street will be sent to the Planning Commission for review
- Minor accommodation requests to increase height where substantially visible from the public right of way will be sent to the Planning Commission for review
- Consistent with past practice, when staff learns about concerns during the public comment period, an effort will be made to ameliorate those concerns and achieve project revisions. If staff is not successful, the matter is presented to the Planning Commission
- The Planning Commission is currently evaluating changes to the City's public notification requirements, including requirements related to Minor Accommodations

In its review of the 601 N. Elm project and consideration of recommendations to the City Council, staff recommends the Commission consider:

- Changes that have already been implemented (above)
- Revisions to the accessory structure regulations to simplify requirements
- Specific guidance on what are acceptable encroachments into side yards adjacent to a street
- Whether certain minor accommodation projects are still considered 'minor' and evaluate continued eligibility for this streamlined review
- Expanding notification requirements to the City Council of minor accommodation determinations

Notwithstanding the concerns regarding the subject project, the minor accommodation application process is a relatively successful program that balances a property owner's need for a minor adjustment from the codes to a neighbor's potential concern regarding streetscape, privacy, access to light and air, and preservation of the City's garden quality. Over a five year period ending in May, the City processed 77 minor accommodation applications. Less than 1% was reviewed by the Planning Commission. One administratively processed case was appealed to the City Council and the administrative decision was upheld.

Accordingly, while there are opportunities to ensure a greater public review of street side encroachments and perhaps other changes to the minor accommodation process, it may be that only limited adjustments are necessary and perhaps most of those may have already been implemented.

NEXT STEPS

It is recommended that the Planning Commission consider the information contained in this report and make recommendations to the City Council that will limit future accessory structure encroachments into a side yard adjacent to a street.

Report Prepared By:

Jonathan Lait, AICP, Assistant Director / City Planner

Attachment A

City Council Agenda Report, dated 7/2/13

AGENDA REPORT

Meeting Date: July 2, 2013

Item Number: F-2

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, Assistant Director of Community Development

Subject: REQUEST BY MAYOR MIRISCH TO REVIEW PLANNING STAFF'S DETERMINATION REGARDING A REQUEST FOR A MINOR ACCOMMODATION AT 601 NORTH ELM DRIVE

Attachments:
1. Article 36. Minor Accommodations to Certain Development Standards
2. Beverly Hills Municipal Code Section 10-3-2414
3. Beverly Hills Municipal Code Section 10-3-100 (Definitions)
4. Notice of Pending Decision & Notice of Decision
5. Notice of Action: 601 N. Elm Dr. Minor Accommodation Determination
6. Approved Minor Accommodation Project Plans
7. Approved Landscape Plan

RECOMMENDATION

It is recommended that the City Council discuss and provide direction as appropriate.

BACKGROUND

The owner of the subject property requested City approvals for an addition and remodel to an existing one story residence and construction of a new accessory structure. The property is located in the Central Area north of Santa Monica Boulevard. The two story accessory structure required approval of a minor accommodation because it was proposed to be over 14 feet in height and encroached into the required side and rear yards. The table on the following page summarizes City actions:

08/10/11	Application for Minor Accommodation received
08/17/11	Notice of Pending Decision mailed to owners/occupants w/in 100' of the property
10/11/11	Minor Accommodation granted
10/11/11	Notice of Decision mailed to owners/occupants w/in 100' of the property
07/11/12	Administrative Design Review Approval granted
08/10/12	Building Permit for accessory structure issued
09/25/12	Building Permit for addition/remodel to primary structure issued

The project is currently under construction. City records indicate inspections have occurred for the accessory structure since mid-November 2012 and as recently as May 29, 2013. Construction is expected to be completed at the end of August.

Minor Accommodations

The City's zoning code has a process to administratively review requests for minor accommodations, and includes provisions that allow such requests to be referred to the Planning Commission.

A minor accommodation may be granted for certain development standards including, floor area, front yard paving, off-site parking, transitional setbacks, architectural features, open space and several other standards, including the accessory structure height and location at the subject property (Attachment 1).

When approved administratively, public notice of a pending and final decision is made to property owners and occupants within 100 feet and a sign is posted on the property. Copies of the city-prepared notices are included with this report as Attachment 4. No correspondence was received during the processing of this application.

An administrative decision may be appealed to the City Council within fourteen days (14) of the decision. Notice of the decision was mailed to property owners within 100 feet of the subject property. No appeal was filed.

Project Details – Accessory Structure

The accessory structure, which is set at an angle to Carmelita Avenue, is two-stories and twenty-two (22) feet in height; the maximum allowed by code. It is four (4) feet from the rear alley property line and varies between five and fifteen (5 – 15) feet from the Carmelita Avenue

side property line. The accessory structure maintains a six (6) foot separation from the principal building as required by code and is approximately 1,650 square feet in area, including nearly 830 square feet of garage parking area on the first floor. An office, storage and bathroom are located on the second floor. Landscaping is proposed adjacent to Carmelita Avenue, including a 48-inch box Paperbark Tree (Melaleuca quinquenervia)[1]. The landscape plan is provided in Attachment 7.

Development Standards for Accessory Structures North of Santa Monica Boulevard
Beverly Hills Municipal Code Section 10-3-2414 (Attachment 2) contains the development standards that apply to the subject accessory structure; specifically sections A, B, C, E, and G apply. Section E identifies required findings, including:

1. The scale and massing of the streetscape;
2. The neighbors' access to light and air;
3. The neighbors' privacy; and
4. The garden quality of the city.

The Notice of Action, which is the staff determination approving the minor accommodation, is included with this report (Attachment 5) and provides statements addressing the required findings. Approved project plans are provided in Attachment 6.

DISCUSSION

Staff learned of concerns regarding the project from area residents earlier this year when construction framing was initiated, but more than one year after the minor accommodation was granted. The concerns expressed were that the accessory structure encroached too far into the street side setback adversely affecting the streetscape. A review of the administrative record, including project plans and applicable code sections, found that the accessory structure, with one notable exception, is being constructed in accordance with City approvals and in compliance with the municipal code. Specifically,

- BHMC Sections 10-3-2414 A, B, C, E & G establish development standards for accessory buildings north of Santa Monica Boulevard, including:
    - maximum height of 14 feet, unless otherwise authorized by a minor accommodation
    - encroachments into the side and rear setbacks
    - other criteria for structures over 14 feet in height and that encroach into required side and rear yards
- BHMC Section 10-3-3601 establishes the reviewing authority for minor accommodations, which may be administratively approved, or referred to the Planning Commission
- BHMC Section 10-3-100 provides definitions to terms used in the applicable sections, including "yard, side"; "yard, rear"; "setback line", "side; setback line, rear"; "lot line, side"; "lot line, rear"

[1] *Melaleuca quinquenervia* grows from 8–20 m (25–60 ft) high with a spread of 5–10 m (15–30 ft), with thick white and beige papery bark. Arranged alternately, the leathery dull- or grey-green leaves are 5–10 cm (2–4 in) long by 0.5–2.5 cm (¼–1 in) wide, and ovate to obovate in shape. Flowering occurs from spring to early autumn, September to March in Australia. The white or cream flowers are arranged in cylindrical brushes some 4–8 cm (2–3 in) long and 2–3 cm (1 in) wide borne at or near the end of branchlets. They are followed by small woody seed pods containing many tiny seeds which are released annually.
Source: Elliot, Rodger W.; Jones, David L.; Blake. Trevor (1993). *Encyclopaedia of Australian Plants Suitable for Cultivation:Volume 6 - K-M.* Port Melbourne: Lothian Press. p. 359. ISBN 0-85091-589-9.

The one aspect of the project that is not compliant with the zoning code relates to a standard that requires any window located over fourteen feet (14') above grade on an elevation facing an alley or the closest adjacent side property line shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°). Staff issued a correction notice as part of the building inspection process to ensure compliance with this provision.

FISCAL IMPACT

The recommendation in this report has no budget or fiscal impact.

Susan Healy Keene, AICP

Approved By

Susan Healy Keene

ATTACHMENT 1

Article 36. Minor Accommodations to Certain Development Standards

Article 36. Minor Accommodations To Certain Development Standards

10-3-3600: ACCOMMODATIONS THAT MAY BE GRANTED:

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a minor accommodation to the following development standards as provided within this chapter:

A. Section 10-3-100, definition of "floor area", regarding floor area for ground floor commercial uses.

B. Subsection 10-3-1655A regarding restricted uses in pedestrian oriented areas.

C. Sections 10-3-2422, 10-3-2518, and 10-3-2618 regarding front yard paving in R-1 zones.

D. Section 10-3-2733 regarding off site parking.

E. Sections 10-3-1952 and 10-3-1953 regarding transitional setbacks.

F. Section 10-3-2416 regarding below grade driveways in the front yard setback.

G. Section 10-3-2020 regarding architectural features, building lines and open space requirements in the C-5 zone.

H. Subsection 10-3-2403A regarding height of buildings north of Santa Monica Boulevard in the Central Area of the city.

I. Subsections 10-3-2406C and 10-3-2506B regarding side setback extensions.

J. Sections 10-3-2413 and 10-3-2414 regarding the height of accessory structures.

K. Subsection 10-3-4101B regarding the addition of awnings, canopies and signs that encroach into a required yard of a building occupied by a nonconforming use.

L. Subsection 10-3-1956C regarding general operational requirements in commercial-residential transition areas.

M. Subsection 10-3-2516C regarding fences in front and street side yards in the Hillside Area.

N. Subsection 10-3-1953B regarding walls required along rear and side property lines separating residential and nonresidential sites.

O. Subsection 10-3-2730.2K regarding protective devices in parking lots and other motor vehicle use areas.

P. Subsection 10-3-2730B16 regarding parking requirements for medical laboratories.

Q. Subsection 10-3-1953A regarding walls required along property lines abutting an alley separating residential and nonresidential uses.

R. Section 10-3-4506 regarding over the air reception devices.

S. Section 10-3-4515 regarding amateur radio station antenna facilities.

T. Subsections 10-3-2409K, 10-3-2509K, and 10-3-2610K regarding elevator encroachments into a side or rear setback in R-1 zones. (Ord. 89-O-2081, eff. 12-7-1989;

amd. Ord. 90-O-2107, eff. 12-21-1990; Ord. 90-O-2109, eff. 12-21-1990; Ord. 94-O-2193, eff. 3-4-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2266, eff. 10-18-1996; Ord. 96-O-2267, eff. 10-18-1996; Ord. 96-O-2270, eff. 11-27-1996; Ord. 96-O-2271, eff. 12-27-1996; Ord. 96-O-2272, eff. 1-9-1997; Ord. 98-O-2293, eff. 4-17-1998; Ord. 99-O-2333, eff. 10-15-1999; Ord. 02-O-2391, eff. 3-8-2002; Ord. 02-O-2395, eff. 4-5-2002; Ord. 03-O-2431, eff. 11-21-2003; Ord. 05-O-2461, eff. 3-18-2005; Ord. 09-O-2563, eff. 2-22-2009)

10-3-3601: REVIEWING AUTHORITY:

A. Unless specified, the reviewing authority for a minor accommodation shall be the director of community development. If, in the opinion of the director, an application merits review by the planning commission, the director may refer such application to the planning commission and the planning commission shall serve as the reviewing authority for such minor accommodation application and shall conduct a noticed public hearing regarding the requested minor accommodation.

B. Notwithstanding subsection A of this section, the minor accommodation specified by subsection 10-3-3600C of this chapter, regarding front yard paving as specified in subsection 10-3-2422I of this chapter for the Central Area of the city, the reviewing authority shall be the director of community development. If in the opinion of the director an application merits review by the design review commission, the director may refer such application to the design review commission. If the application for a minor accommodation pursuant to subsection 10-3-3600C of this chapter accompanies an application for any other type of discretionary approval from the planning commission for the same project site, the planning commission shall be the reviewing authority for the application for the minor accommodation and shall conduct a noticed public hearing regarding the requested minor accommodation.

If the application for a minor accommodation pursuant to subsection 10-3-3600C of this chapter accompanies an application for any other type of discretionary approval from the city council for the same project site, the city council shall be the reviewing authority for the application for the minor accommodation and shall conduct a noticed public hearing regarding the requested minor accommodation. (Ord. 09-O-2566, eff. 6-27-2009)

10-3-3602: NOTICE:

A. A notice of application, in a form approved by the city, shall be posted in a conspicuous place on the subject site within three (3) days after an application for a minor

accommodation has been deemed complete. Such notice shall be visible from a distance of sixty feet (60') and shall remain posted in such conspicuous place for no less than ten (10) days. Within five (5) days of posting, the applicant for a minor accommodation shall submit an affidavit to the city certifying such notice has been posted in compliance with this section.

B. A notice of intended decision regarding an application for a minor accommodation shall be mailed at least ten (10) days prior to any decision rendered by the director of planning and community development to all property owners and residential occupants within one hundred feet (100') of the exterior boundaries of a project site.

C. A notice of public hearing shall be mailed at least ten (10) days prior to any hearing held by a reviewing authority other than the director of planning and community development, by United States mail, postage paid, to all property owners and occupants within three hundred feet (300') of the exterior boundaries of a project site, as shown on the latest equalized assessment roll.

D. When a decision regarding a minor accommodation is rendered by the director of planning and community development, then a notice of decision shall be mailed in the same manner as the notice of intended decision. (Ord. 89-O-2081, eff. 12-7-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-3603: RESTRICTIONS AND CONDITIONS:

In granting a minor accommodation, the reviewing authority may impose such restrictions or conditions as it deems necessary or proper to satisfy the findings required for such accommodations. (Ord. 89-O-2081, eff. 12-7-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-3604: APPEALS FROM DECISIONS:

The applicant or any person aggrieved by any decision regarding a minor accommodation by a reviewing authority other than the city council may appeal to the city council as provided in title 1, chapter 4, article 1 of this code. (Ord. 89-O-2081, eff. 12-7-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-3605: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting a minor accommodation approval, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter. (Ord. 02-O-2411, eff. 11-22-2002)

ATTACHMENT 2

Beverly Hills Municipal Code Section 10-3-2414

10-3-2414: DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS NORTH OF SANTA MONICA BOULEVARD:

Accessory buildings located on site areas north of Santa Monica Boulevard shall comply with the following standards:

A. Height: Accessory buildings located in the accessory structure area of site areas north of Santa Monica Boulevard shall not exceed a height of fourteen feet (14'), except as authorized by a minor accommodation or a Central R-1 permit as provided in subsections E and F of this section, respectively. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

B. Side Setback Encroachment: Notwithstanding any other provision of this chapter, an accessory building located on a site north of Santa Monica Boulevard may be erected within a required side yard if:

1. The side lot line abuts an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14'); or

2. The side lot line does not abut an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the side lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.

However, notwithstanding the provisions of this subsection, an accessory building located on a site north of Santa Monica Boulevard shall maintain a side setback of four feet (4') unless the accessory structure is located in a side yard abutting an alley.

For an accessory building located in a required side yard on a site north of Santa Monica Boulevard, the limitations set forth in subsections B1 and B2 of this section may be modified by a minor accommodation issued in accordance with the procedure set forth in subsection E of this section provided the accessory structure complies with all of the requirements set forth in subsection G of this section or by a Central R-1 permit issued in accordance with the procedure set forth in subsection F of this section. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

C. Rear Setback Encroachment: Notwithstanding any other provision of this chapter, an accessory building located on a site north of Santa Monica Boulevard may be erected within a required rear yard if:

1. The rear lot line abuts an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14'); or

2. The rear lot line does not abut an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the rear lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.

   For an accessory building located in a required rear yard but outside of the required side yard on a site north of Santa Monica Boulevard, the limitations set forth in subsections C1 and C2 of this section may be modified by a minor accommodation issued in accordance with the procedure set forth in subsection E of this section. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

   For an accessory building located in both a required rear yard and a required side yard on a site north of Santa Monica Boulevard, the limitations set forth in subsections C1 and C2 of this section may be modified by a minor accommodation issued in accordance with the procedure set forth in subsection E of this section provided the accessory structure satisfies all of the criteria set forth in subsection G of this section or by a Central R-1 permit issued in accordance with the procedure set forth in subsection F of this section. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

D. Setbacks For Single-Story, Detached Garages: Notwithstanding the provisions of subsections B and C of this section, a single-story, detached garage accessory structure located on a site north of Santa Monica Boulevard may be erected on the side and rear lot lines provided all of the following criteria are satisfied:

1. The accessory structure is detached from all other structures on the property; and

2. The accessory structure is only used as a garage; and

3. a. The side or rear lot line abuts an alley and no portion of the building within the side or rear yard exceeds a height of fourteen feet (14'); or

   b. The side or rear lot line does not abut an alley and no portion of the building within the side or rear yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the side or rear lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area; and

4. As a condition precedent to the issuance of a building permit for the accessory structure, the owner of the property files with the city building official a covenant, approved by the city attorney, for recording with the county recorder that restricts the use of the accessory structure to garage purposes and prohibits the addition of a

second story to the accessory structure.

For a garage accessory building located in a required side or rear yard or both the required side and rear yards on a site north of Santa Monica Boulevard, the limitations set forth in subsections D3a and D3b of this section may be modified by a minor accommodation issued in accordance with the procedure set forth in subsection E of this section. However, under no circumstances shall the height of the garage accessory structure be permitted to exceed: a) one-story; b) a plate height of ten feet (10') at the side or rear lot line; and c) a maximum height of fourteen feet (14').

E. Minor Accommodation: The height limitation set forth in subsection A of this section, the limitations set forth in subsections B1 and B2 of this section, and the limitations set forth in subsections C1 and C2 of this section may be modified by a minor accommodation issued pursuant to article 36 of this chapter provided the reviewing authority finds that the increased height will not have an adverse impact on:

1. The scale and massing of the streetscape;

2. The neighbors' access to light and air;

3. The neighbors' privacy; and

4. The garden quality of the city.

F. Central R-1 Permit: Notwithstanding any other provision of this section, the planning commission may modify the height limitation set forth in subsection A of this section, the limitations set forth in subsections B1 and B2 of this section, and the limitations set forth in subsections C1 and C2 of this section by a Central R-1 permit issued pursuant to article 24.5 of this chapter. In addition to the findings required by section 10-3-2453 of this chapter, the planning commission shall not issue a Central R-1 permit to allow an accessory structure to exceed fourteen feet (14') in height unless the planning commission additionally finds that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the accessory structure on the scale and massing as viewed from adjacent properties, the impact of the accessory structure on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity. However, under no circumstances shall the height of an accessory structure be permitted to exceed the maximum height that would be allowed in the principal building area.

G. Additional Criteria: If the provisions of this section require an accessory structure to comply with this subsection, the accessory structure shall satisfy all of the following criteria:

1. The accessory structure shall not exceed a height of twenty two feet (22');

2. The total length of the accessory structure, including the combined length of an existing structure and any proposed addition thereto, along the closest side property line shall not exceed a length of twenty four feet (24');

3. The accessory structure is located entirely within thirty feet (30') of the rear lot line;

4. Any window located over fourteen feet (14') above grade on an elevation facing an alley or the closest adjacent side property line shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°);

5. A detailed landscaping plan shall be submitted to and approved by the director of planning and community development as part of the application for a minor accommodation. The landscaping plan shall include landscaping of an appropriate height and density to soften the appearance of the accessory structure from adjacent properties. (1988 Code; amd. Ord. 04-O-2440, eff. 2-6-2004)

ATTACHMENT 3

Beverly Hills Municipal Code Section 10-3-100 (Definitions)

10-3-100: WORDS DEFINED:

Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

ACCESSORY STRUCTURE AREA: That portion of a site area included within a front yard, side yard, street side yard or rear yard.

ACCESSORY STRUCTURE OR ACCESSORY BUILDING: A subordinate structure or building, including a private garage, a private stable, a pool house, or a detached guest suite, the use of which is incidental to that of the main building, and which is located on the same site area. Except as otherwise provided in this chapter, accessory structure or accessory building shall not include kitchen facilities.

ALLEY: A public way intersecting a block or portion of a block and designated on the master plan of streets.

ARCHITECTURAL PROJECTIONS: Architectural features which extend beyond a setback line and do not contribute to the floor area of a residential building. Architectural projections include, but are not limited to, balconies, bay windows that do not add to the floor area of a building, columns, and beams. Architectural projections do not include stair shafts, elevator shafts, chimneys, space used for parking, or space used for housing equipment or machinery.

AVERAGE ROOF HEIGHT: The average height of each noncontiguous segment of a roof.

AVERAGE SLOPE: The average slope of the site as calculated using the following formula:

$$S = \frac{I \times L}{\text{[Total square footage of site]}}$$

For the purposes of this formula:

S shall mean the average slope of the site;

I shall mean the contour interval in feet as shown on a contour map of the site;

L shall mean the combined length of contour lines in scale feet on the contour map being used to calculate the contour interval.

BEDROOM: Any room, including a den or similar room, capable of being used as sleeping quarters in a customary manner.

BLOCK: That property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and its own termination.

BONA FIDE HOUSEKEEPING UNIT: See definition of Single Housekeeping Unit.

BUILDING: A structure for the support, shelter or enclosure of persons, animals, or property.

BUSINESS OR COMMERCE: A purchase, sale, or other transaction involving the handling or disposition of any article, substance, service, or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreations, or amusement enterprises.

CABARET: Any establishment that permits live dancing by performers at any time of day. The term "cabaret" shall not include a restaurant that limits dancing by performers to a single dance floor that is contiguous to the dining or bar area and that does not exceed one hundred seventy five (175) square feet or ten percent (10%) of the restaurant's total dining and bar area, whichever is less. Furthermore, in order to maintain this exemption the restaurant must also limit performers and musicians, including those musicians who accompany dancing, to the dance floor.

CENTRAL AREA OF THE CITY OF BEVERLY HILLS: That area of the city of Beverly Hills other than the Hillside Area and Trousdale Estates.

COMMON PROPERTY LINE: Any lot line that separates two (2) parcels of private property.

COMMUNITY CARE FACILITY, LARGE: Any state licensed facility, place, or structure that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster agency services for seven (7) or more adults, children, or adults and children, as defined in California Health And Safety Code section 1502.

COMMUNITY CARE FACILITY, SMALL: Any state licensed facility, place, or structure that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster agency services for six (6) or fewer adults, children, or adults and children, as defined in California Health And Safety Code section 1502.

CONVENIENCE STORE: Any retail business selling general food and drink products not intended for home preparation and consumption with more than half the square footage of the retail sales floor area dedicated to the sale of such foods and drinks, tobacco, magazines, toiletries, or any combination thereof. "Convenience store" does not include a retail business occupying a tenant space whose primary entrance opens into the interior of a commercial building. "Convenience store" does not include newsstands, tobacconists, specialty food stores, or retail stores containing a licensed pharmacy.

CORNER LOT: A site area located at the intersection of two (2) or more streets that intersect at an angle of not more than one hundred thirty five degrees (135°).

DISABLED; DISABLED PERSON: A person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the fair housing laws.

DISTRICT: An entire city block, any part thereof, or two (2) or more contiguous blocks.

DRIVE-UP, DRIVE-IN OR DRIVE-THROUGH FACILITIES: Any commercial facilities in which a service is provided, or goods, food or beverages are sold, to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle.

DWELLING UNIT: One or more rooms designed, occupied or intended for occupancy as living quarters for one bona fide housekeeping unit.

EFFICIENCY UNIT: A dwelling unit with zero bedrooms.

EMERGENCY SHELTER: A facility that provides immediate and short term housing with minimal support services for homeless persons or families on a first come, first served basis, and that is limited to occupancy of no more than six (6) months.

EXERCISE CLUB: A membership facility, or other facility for which usage fees are charged, that includes any one of the following, alone or in combination: a) an exercise, aerobic, gymnasium, martial arts, and/or dance studio area, including, but not limited to, an exercise area designed for young children; b) weight training equipment; or c) game courts. Exercise club does not include private training centers, or any facility that is accessory to a public educational institution or accessory to a private educational institution that is included on the list of private schools prepared pursuant to California Education Code section 33190.

FAIR HOUSING LAWS: The "fair housing act" (42 USC § 3601 et seq.), the "Americans with disabilities act" (42 USC § 12101 et seq.), and the "California fair employment and housing act"[1], as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes.

FAMILY: Two (2) or more persons living together as a single housekeeping unit in a single dwelling unit. Family also means the persons living together in a licensed residential facility, as that term is defined in California Health And Safety Code section 1502(a)(1) serving six (6) or fewer persons, excluding the licensee, the members of the licensee's family, and persons employed as facility staff who reside at the facility.

FENCE: A structure with length measured horizontally in excess of twenty four inches (24") and with height and thickness designed or constructed of nongrowing materials in such a manner as to enclose property or to inhibit passage through or to obscure view.

FILL: Earth material placed by artificial means over natural grade.

FLAG LOT: A site area that is characterized by a strip of land, less than thirty six feet (36') in width, which provides access to the main portion of the site area from a street. Such strip of land shall be referred to as the "pole" of the flag lot.

FLOOR AREA: A. Nonresidential and multi-family residential zones: "Floor area" shall mean the area of all floors or levels included within the surrounding walls of a building or structure. Space devoted only to the following shall not be considered in determining the total floor

area within a building or structure:

1. Stair shafts;

2. Elevator and escalator shafts and elevator lobbies located in parking areas or on roof tops. The area of each elevator lobby at each floor shall not exceed one hundred (100) square feet per elevator cab; provided, however, that any elevator lobby area in excess of one hundred (100) square feet per elevator cab shall be considered in determining the total floor area within a building or structure;

3. Courts;

4. Parking spaces below the first floor and access thereto, including void spaces in parking areas below the first floor used exclusively for storage related to operation of the building. Such void spaces may be enclosed and shall not exceed two thousand (2,000) square feet on each parking floor or five percent (5%) of the floor area of the entire building, whichever is less;

5. Rooms exclusively housing building operating equipment or machinery;

6. Parking spaces at or above the first story and access thereto provided that in commercial zones:

   a. Not less than the front forty feet (40') of the ground floor shall be devoted to retail sales, offices, or financial uses; notwithstanding such restriction, the director of planning and community development may reduce the amount of floor area required under this provision by up to ten percent (10%) pursuant to the provisions of article 36 of this chapter regarding minor accommodations if the director finds that the dimensions of the site do not provide adequate space for internal circulation for parking and such accommodation would not substantially compromise pedestrian activity in the area; and

   b. At least one full level of parking below grade is provided;

7. Mall areas; and

8. Space used or provided within a building or structure for publicly owned off street parking facilities.

B. Single-family residential zone: "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%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.

For the purposes of determining floor area in a single-family residential zone, "basement" shall mean any floor level below a story which has a finished floor level that is a maximum of three feet (3') above grade at any point along the perimeter of the building facing a front or street side setback line and which has no windows exceeding eighteen inches (18") above grade at any point along such perimeter of the building. A basement may extend beyond the perimeter of the building provided that such portion of the basement is below the natural grade. For the purpose of determining whether a floor level is a basement, grade shall be defined as it is defined in California Building Code as adopted and amended in title 9 of this code.

FLOOR AREA RATIO (FAR): The ratio of floor area to site area.

GAME COURT: A structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volleyball, paddle tennis, handball, racquetball, squash, basketball, or similar games.

GARAGE: A building or portion of a building designed or used for the parking or storage of motor vehicles.

GRADE: For the purpose of measuring the height of walls and fences, the elevation of the natural or finished surface of the ground, whichever is lower.

HEDGE: A growth of vegetation, cultivated in such a manner as to produce a barrier to inhibit passage or to obscure view, which is more than twelve inches (12") in height. Where there are interruptions of growth by vertical space having a horizontal distance of more than twenty four inches (24") in every four feet (4'), such growth shall not be considered a hedge. This definition is not intended to include individual shrubs, plants, or trees.

HEIGHT OF BUILDING: A. Nonresidential Zones: Except as otherwise provided for walls and fences, in nonresidential zones, "height" shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure. The following elements of a building or structure shall not be considered when determining its height pursuant to this subsection A:

1. Vent pipes that are not higher than required by law.

2. Chimneys that are not higher than required by law.

3. Structures enclosing elevator equipment and/or elevator lobbies if such structures are not higher than fifteen feet (15') above the adjacent roof deck and are not larger than the shaft of the elevator or elevators and their respective lobby areas, provided such lobby areas comply with the provisions of subsection A2 of the definition of Floor Area, and if such structure is used for no purpose other than providing the minimum space required for the elevators and their equipment and such lobby areas.

4. Structures enclosing stairs required by law to be carried to the roof if such enclosing structure is used for no other purpose than enclosing the stairs and is no larger than the stair shaft below and if such enclosure is not more than fifteen feet (15') in height as measured from the adjacent roof deck.

5. Penthouse structures used exclusively for mechanical equipment for the building or structure if such penthouse structure is not more than fifteen feet (15') in height as measured from the adjacent roof deck.

6. Parapets or handrails not more than forty five inches (45") in height as measured from the roof or floor which they surround.

7. Unoccupied architectural features, such as skylights and clerestories, not more than fifteen feet (15') in height as measured from the adjacent roof deck if such features do not exceed thirty three percent (33%) of the roof area upon which they are located, and no such feature exceeds or intersects a line projecting from the perimeter of the roof upward at an angle of forty five degrees (45°) from the horizontal.

8. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

9. Satellite dish antennas that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3 -4506 and 10-3-4504, respectively, of this chapter. If an antenna is mounted on a

legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

B. Multiple-Family Residential Zones: Except as otherwise provided for walls and fences, in multiple-family residential zones, "height" shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure. The following elements of a building or structure shall not be considered when determining its height pursuant to this subsection:

1. Vent pipes that are not higher than required by law.

2. Chimneys that are not higher than required by law.

3. Structures enclosing elevator equipment and/or elevator lobbies if such structures are not higher than fifteen feet (15') above the adjacent roof deck and are not larger than the shaft of the elevator or elevators and their respective lobby areas, provided such lobby areas comply with the provisions of subsection A2 of the definition of Floor Area, and if such structure is used for no purpose other than providing the minimum space required for the elevators and their equipment and such lobby areas.

4. Structures enclosing stairs required by law to be carried to the roof if such enclosing structure is used for no other purpose than enclosing the stairs and is no larger than the stair shaft below and if such enclosure is not more than twelve feet (12') in height as measured from the adjacent roof deck.

5. Penthouse structures used exclusively for mechanical equipment for the building or structure if such penthouse structure is not more than ten feet (10') in height as measured from the adjacent roof deck.

6. Parapets or handrails not more than forty five inches (45") in height as measured from the roof or floor which they surround.

7. Unoccupied architectural features, such as skylights and clerestories, not more than ten feet (10') in height as measured from the adjacent roof deck if such features do not exceed thirty three percent (33%) of the roof area upon which they are located, and no such feature exceeds or intersects a line projecting from the perimeter of the

roof upward at an angle of forty five degrees (45°) from the horizontal.

8. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

9. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which the antennas are mounted and do not exceed twelve feet (12') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3 -4506 and 10-3-4504, respectively, of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of twelve feet (12') above the height of that nonconforming structure.

C. Single-Family Residential Zones In The Central Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Central Area of the city, "height" shall mean the distance between the highest element of a building or structure and the highest point of ground level at the perimeter of the building or structure. Such ground level shall be established by survey or grading plan prior to any demolition, grading, or other alteration of the lot or parcel to accommodate the building or structure to be erected. However, if more than fifty percent (50%) of the perimeter of the building or structure is below the highest point of such ground level, then the height shall be measured from the average of such ground level at the perimeter of the building or structure. The following structures shall not be subject to the height limits set forth in this subsection:

1. The extension of chimneys and vent pipes to the extent permitted by title 9 of this code.

2. Antennas, other than satellite dish antennas, that do not exceed fifteen feet (15') in height as measured from the surface on which the antennas are mounted and do not exceed fifteen feet (15') above the applicable zoning height limit unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of section 10-3-4506 of this chapter. If an antenna is mounted on a legally nonconforming structure that exceeds the applicable zoning height limit, then the antenna may also exceed the applicable zoning height limit, to a maximum of fifteen feet (15') above the height of that nonconforming structure.

3. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which they are mounted unless a minor accommodation permit and a building permit are obtained in accordance with the provisions of sections 10-3 -4506 and 10-3-4504, respectively, of this chapter.

D. Single-Family Zones In The Hillside Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in the Hillside Area of the city, "height" of a building or structure at any point shall mean the vertical distance between that point and the point below it on a plane defined by the finished grade at all points along the building or structure perimeter.

However, the following exceptions to this definition shall apply to buildings with driveways leading to subterranean garages and buildings with lightwells:

1. If a driveway is located adjacent to a perimeter wall of a building, and the driveway leads to a subterranean garage, then the plane described above that is defined by the finished grade at all points along the building perimeter shall, for that portion of the building located adjacent to the driveway, be defined instead by the points along the building perimeter at the elevation of the highest point of the driveway. However, if the high point of the driveway exceeds the highest point of finished grade along the building perimeter, then the high point of the driveway shall not be used to define the plane and the plane shall be defined by the finished grade along the building perimeter excluding that portion of the perimeter located adjacent to the driveway.

2. If a lightwell is located adjacent to a building, then the plane defined by the finished grade at all points along the building perimeter shall, for that portion of the perimeter located adjacent to the lightwell, be defined instead by the finished grade at all points along the perimeter of the lightwell.

   Those elements of a building excluded from the measurement of height as set forth in subsection C of this definition shall also be excluded from the measurement of height as set forth in this subsection D.

E. Single-Family Residential Zones In The Trousdale Estates Area Of The City: Except as otherwise provided for walls and fences, in single-family residential zones located in Trousdale Estates, "height" shall mean the distance between the highest point of grade at the perimeter of a building or structure and the highest element of the building or structure. However, if more than fifty percent (50%) of the perimeter of the building or structure at grade is below such highest grade point, then the height shall be measured from the average grade level at the perimeter of the building or structure. The following structures shall not be subject to the height limits set forth in this subsection:

1. The extension of chimneys and vent pipes to the extent permitted by title 9 of this code.

2. Antennas, other than satellite dish antennas, which do not exceed fifteen feet (15') in height as measured from the surface on which they are mounted and which do not exceed the zoning height limit by more than fifteen feet (15'). If an antenna is mounted on a legally nonconforming building that exceeds the applicable height limits set forth in this definition, then the antenna may exceed the height limits otherwise set forth in this chapter to a maximum height of fifteen feet (15') above the height of the nonconforming building.

3. Satellite dish antennas that do not exceed twelve feet (12') in height as measured from the surface on which they are mounted.

HEIGHT OF WALL, FENCE OR HEDGE: The vertical distance above grade to the highest element of the wall, fence, or hedge, including, but not limited to, columns, pillars, pilasters, and gates, measured on the side of the wall, fence, or hedge located closest to the property line. Grades shall not be adjusted for the purpose of circumventing the maximum height allowances set forth in this chapter.

HIGHEST ELEMENT OF A BUILDING: The highest element of a building other than those elements excluded from the measurement of height as set forth in this article.

HILLSIDE AREA: That area of the city of Beverly Hills generally located north of Sunset Boulevard other than Trousdale Estates. The boundaries of the Hillside Area are the boundaries of the "Hillside district" as shown on diagram 13-1, adopted by the city council, and on file in the department of building and safety, excluding those areas south of Sunset Boulevard and Trousdale Estates.

HOME OCCUPATION: Any occupation, activity, enterprise, profession, trade, or undertaking of any nature conducted or engaged in, or ordinarily conducted or engaged in, with the object of gain, benefit or advantage to any person or entity, whether direct or indirect, and which is conducted in a residential zone in the city. The term shall include the operation of a subsidiary, independent entity or any other activity conducted for the benefit of others and at no profit to those engaged in the operation or activity, including nonprofit businesses and trade associations. However, "home occupation" shall not include the delivery of goods or services to a residential site by an entity or individual with a principal place of business outside of any residential zone in the city and which conducts no administrative or processing function within a residential zone in the city, such as a plumber, gardener, or caterer based in a nonresidential zone. A "home occupation" shall also not include the operation of a small family daycare home. A person shall not be deemed to be engaged in a home occupation solely by reason of receipt of dividend or interest income from passive investments or solely by reason of receipt of royalties or residuals for work that does not constitute a home occupation.

HOTEL: Any building, or portion thereof designed or used for lodging persons for a period of

less than thirty (30) consecutive days. Hotels shall include, without limitation, any establishment held out to the public as a hostel, inn, time share project, tourist court, or motel, but shall not include hospitals or governmental buildings where persons are detained under legal restraint, such as jails or prisons.

INTERIOR SIDE LOT LINE: A side lot line that abuts another site area.

INTERIOR SIDE SETBACK: A side setback that is measured from an interior side lot line.

LARGE FAMILY DAYCARE HOME: As defined in the California Health And Safety Code.

LEVEL PAD: That portion of a site containing level finished grade. No portion of a site with a slope that is greater than five percent (5%) shall be considered to be part of a level pad. Furthermore, for the purposes of calculating floor area ratio, no portion of a level finished surface which is the longest pole of a flag lot shall be considered to be part of a level pad.

LIGHTWELL: An excavated area adjacent to a building that extends no more than four feet (4'), as measured horizontally from the building perimeter, that is enclosed on four (4) sides, that is open at the top, and that allows light into a below grade level of a building.

LOT: A parcel of land abutting on at least one street or alley and refers to those subdivisions of lands designated as lots and numbered consecutively upon the recorded subdivision maps of the city.

LOT DEPTH: The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot line(s). However, for the purposes of measuring the depth of a flag lot, the calculation shall not include the pole of the flag lot.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT: The lot line that separates a site area from a street. Provided, however, that in the case of a corner lot, the front lot line shall be the shortest lot line which separates a site area from a street.

LOT LINE, REAR: The lot line which is most opposite from the front lot line as determined by the director of building and safety. Provided, however:

A. If a site area has only one lot line that does not separate the site area from a street, then that one line shall be considered a "rear lot line".

B. If a site area is triangular or otherwise tapered, and is not within the scope of subsection A of this definition, then the rear lot line shall be a ten foot (10') line located within the property that is approximately parallel to, and most distant from, the front lot line.

C. If a site area not within the scope of subsection A of this definition is triangular or otherwise tapered, and the front lot line is curved, then the rear lot line shall be a ten foot (10') line within the property which is approximately parallel to, and most distant from, a ten foot (10') chord through the front lot line which is most distant from the intersection of lot lines that are not front lot lines.

D. Through lots that do not fall within the scope of subsection A of this definition shall have no rear lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or a rear lot line.

LOT LINE, STREET SIDE: A side lot line of a corner lot that separates the corner lot from a street.

LOT WIDTH: The average horizontal distance between opposite side lot lines measured in the mean direction of the front lot line. Provided, however, that for lots with only one side lot line, the lot width shall mean the average distance between the front lot line and the side lot line. Also, for the purposes of measuring the width of a flag lot, the calculation shall not include the pole of the flag lot.

MAJOR LIFE ACTIVITY: Physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

MALL AREA: The main pedestrian area having common access to a number of tenants and occupancies which are predominantly for retail stores, drinking and dining establishments, and other similar uses of a retail and service nature within one site area. "Mall area" shall not be construed to include or mean a secondary required means of exit for an occupancy, nor to include or mean a street, alley, or other publicly owned space.

MARIJUANA DISPENSARY, STORE, CO-OP, OR CULTIVATION OPERATION: A business or other person or entity, including any location, structure, facility, residence, or similar enclosure for the same, used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, placed, planted, cultivated, or processed, including, without limitation, any location, structure, facility, residence or similar enclosure if used in connection with the delivery of marijuana; except that cultivation or storage by a patient or that patient's caregiver, at the residence of the patient and incidental to a residential use by such patient, and for the sole use of the patient who resides there, shall not be considered a dispensary.

MAXIMUM POTENTIAL FACADE: A plane located at the front setback line which is bounded by the maximum height allowed for a building at the front setback line, and bounded by the side and/or rear setback lines intersecting the front setback line. For the purposes of calculating the maximum potential facade, the setback lines established by the applicable provisions of this title shall be used. No reduction in any setback line, whether or not authorized by any procedure set forth in this title, shall be considered in calculating the

maximum potential facade, and the maximum potential facade shall not be increased as the result of a reduction in the required side or rear setback lines.

MAXIMUM POTENTIAL SIDE FACADE: A plane located at a side setback line which is bounded by the maximum height allowed for a building at that side setback line, and bounded by the front, rear and/or side setback lines intersecting the side setback line at which the facade is located.

MEDICAL LABORATORY: Any facility providing medical or dental services for the purpose of diagnosing or treating medical or dental conditions that does not receive patrons on site.

MEDICAL OFFICE: Any facility providing health service and/or medical, surgical, or dental care. "Medical office" shall include, but not be limited to, a health center, health clinic, doctor's office, chiropractor's office, dentist's office, or any office offering therapeutic service or care. "Medical office" shall not include a "medical laboratory" as defined in this section.

MEDICAL USE(S): Uses including medical office, medical laboratory, or any combination thereof.

MINI-SHOPPING CENTER: Any development which is developed for multiple uses of retail, personal services, or restaurants, or a combination thereof, with the structure or structures located in close proximity to the rear property line and/or a common property line and with surface parking situated between the structure or structures and the street.

MIXED USE OR MIXED USE DEVELOPMENT: The development of a site with two (2) or more different land uses, such as, but not limited to, a combination of residential, office or retail uses in a single or physically integrated group of structures or the development of a combination of different land use in a single zone.

MOTION PICTURE PLANT: A place where motion pictures are regularly made or where successions of photographs upon motion picture film are regularly taken, whether or not such film is there developed, printed, or reproduced, or a place equipped for making or taking such motion pictures or photographs, or which is equipped with the appliances and machinery necessary and proper for the developing and printing or manufacture of motion picture film.

MULTIPLE-FAMILY DWELLING: A building which contains more than one dwelling unit.

MULTIPLE-FAMILY RESIDENTIAL ZONE: Any zone possessing any of the following zone designations: R-3, R-4, R-4X1, R-4X2, or R-4-P.

NEW CAR DEALER: Any business engaged principally in selling or dealing in new automobiles, which may include dealing in used automobiles only as an incident to the new car business providing such used automobiles are restricted to those acquired as trade-ins on new or used cars as part payment on new or used cars sold by such dealer at its place of business in the city.

NIGHTCLUB: Any establishment that permits dancing by patrons at any time of day. A nightclub may be restricted to members or may be open to the public. The term "nightclub"

shall not include the following:

A. A restaurant that limits dancing by patrons to a single dance floor that is contiguous to the dining or bar area and that does not exceed one hundred seventy five (175) square feet or ten percent (10%) of the restaurant's total dining and bar area, whichever is less. Furthermore, in order to maintain this exemption, the restaurant must also limit musicians and performers, including those musicians who accompany dancing, to the dance floor;

B. An establishment that is located in a hotel;

C. A fixed seat theater that does not permit food or drink consumption in the seating area and that has no tables in the seating area.

NONCONFORMING BUILDINGS: A building that was lawfully constructed in compliance with the development standards of the city at the time of its construction, however, due to the adoption or amendment of a zoning ordinance or other land development regulation, the building no longer complies with the current requirements of this title.

NONCONFORMING USE: A use of property that was permitted at the time that it was lawfully established, but is presently prohibited or presently requires a conditional use permit, or other use permit, and no such permit has been issued for the use.

NONRESIDENTIAL ZONE: Any zone which is not a residential zone, including, but not limited to, any of the following zone designations: C-3, C-3A, C-3B, C-3T-1, C-3T-2, C-3T-3, C-5, C-R, C-R-PD, or T-1.

ONE-FAMILY OR SINGLE-FAMILY RESIDENCE OR DWELLING: "One-family residence or dwelling" shall mean a building, together with any accessory buildings, which is designed or used by only one bona fide housekeeping unit. "Single-family residence or dwelling" shall have the same meaning as "one-family residence or dwelling".

OPEN AIR DINING: The serving and/or consumption of food and/or drink outside of a residential zone if: a) such consumption takes place in an area that is not fully enclosed within a permanent building by walls and a roof, but is located immediately adjacent to a restaurant use that is so enclosed, or b) such consumption takes place in an area fully enclosed within a permanent building, such building has windows that can be opened, and such windows are located on a wall that is oriented, at an angle of ninety degrees (90°) or less, toward residentially zoned properties adjacent to the building or separated from the building by a public right of way.

OPEN TO PUBLIC VIEW: For any ten foot (10') length of wall, fence, or hedge, the total area of all opaque materials used shall be a maximum of thirty percent (30%) of the area of that ten foot (10') length of wall, fence, or hedge, and the width or position of each opaque element shall not block more than fifty percent (50%) of the open view of the appropriate setback area when viewed perpendicularly to the front plane of the wall, fence, or hedge or

through a forty five degree (45°) sweep on any side of the perpendicular. Tree foliage which is located more than eight feet (8') above grade shall be considered open to public view.

OVERLAY ZONE: A zoning district which governs the same territory as an underlying zone, but provides alternative development standards for a specified type of development or use.

PARKING SPACE: An area that is designed and used for parking automobiles and meets the standards set forth in the city's "minimum parking standards" on file in the department of building and safety.

PAVING: A ground covering of concrete, stone, brick, tile, or similar substance. Provided, however, that an area shall be not considered "paved" for the purposes of this chapter unless one-third ($^1/_3$) or more of that area contains paving and the paving is reasonably distributed throughout that area.

PHYSICAL OR MENTAL IMPAIRMENT: Any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed "mental retardation"), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc., does not qualify as a physical or mental impairment.

PLATE HEIGHT: The height to the topmost element of the structural support of a building's roof framing members.

PORTE-COCHERE: A roofed structure covering a driveway which is located between the public street and at least one required parking space. A porte-cochere shall be no more than twenty feet (20') in length, no more than fourteen feet (14') in height, shall be attached to a residence or dwelling, shall be adjacent to an exterior building wall on one side, and shall be completely open on the remaining three (3) sides except for necessary structural column and other permitted side yard fences and walls.

PRINCIPAL BUILDING AREA: That portion of a site area not included within a front yard, side yard, street side yard or rear yard.

PRIVATE TRAINING CENTER: A facility used for individual exercise or training activities, where, during exercise or physical training activities, there is an on site ratio of students to instructor and/or trainer of no more than five to one (5:1) and no more than fifteen (15) people, including instructors and trainers, engage in exercise or training activities at any one time. "Private training center" does not include any facility that is accessory to a public educational institution or accessory to a private educational institution that is included on the list of private schools prepared pursuant to Education Code section 33190.

PUBLIC STREET: The land dedicated or condemned for use as a public highway or established as such by the use for public purposes.

PUBLIC UTILITY: Any private corporation or other person that owns, operates, controls, or manages a line, pipeline and appurtenances, plant, technological network or system for the transportation of people or property, the transmission of telephone or telegraph messages, or the production, generation, transmission, or furnishing of heat, light, natural gas, water, power, storage, or wharfage, directly or indirectly to or for the public, and common carriers. Public utilities shall also mean any additional class of private corporations or other persons that are designated by the California state legislature or the California constitution as public utilities.

REASONABLE ACCOMMODATION: Any deviation requested and/or granted from the city's zoning and land use laws, rules, regulations, policies, procedures, practices, or any combination thereof, that may be reasonable and necessary for a disabled person to have an equal opportunity to use and enjoy a dwelling.

RESIDENTIAL ZONE: A single-family residential zone or multiple-family residential zone.

RETAIL BUSINESS: A business that carries on as its principal business the selling of tangible commodities, goods, merchandise or wares. Retail business also includes beauty shops, nail salons, and spas. A retail business may include an optometrist use that is ancillary to the retail business. A retail business may only include ancillary space for the purpose of consultation with an optometrist if that space does not exceed the lesser of five percent (5%) of the total floor area of the business or two hundred (200) square feet and that space is located at least thirty feet (30') behind the storefront of the retail business facing a street.

RETAINING WALL: A wall or terraced combination of walls used to retain more than eighteen inches (18") of material and not used to support, provide a foundation for, or provide a wall for a building or structure.

SATELLITE DISH ANTENNA: Any device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, cornucopia, or flat plate. Such device receives or transmits radio or electromagnetic waves between terrestrially and/or orbitally based units. This definition is meant to include, but not be limited to, what is commonly referred to as satellite earth stations, satellite receivers, satellite disks, direct broadcast systems (DBSs), television reception only systems (TVROs), and satellite microwave antennas.

SECOND UNIT: An attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and is located on the same site area as the primary dwelling. A second unit shall not include an accessory structure lawfully constructed prior to September 26, 2003, which provides independent living facilities, provided the use of the accessory structure is restricted by a covenant as described in section 10-3-403 of this chapter or was otherwise lawfully constructed in conformance with the applicable codes in effect at the time of construction.

SETBACK, FRONT: The required minimum distance measured between a front lot line and the closest element of a building or structure on that site area.

SETBACK LINE, FRONT: A line within a site area parallel to the front lot line and located at a distance from the front lot line equal to the front setback.

SETBACK LINE, REAR: A line within a site area parallel to the rear lot line and located at a distance from the rear lot line equal to the rear setback.

SETBACK LINE, SIDE: A line within a site area parallel to a side lot line and located at a distance from the side lot line equal to the side setback.

SETBACK LINE, STREET SIDE: A line within a site area parallel to a street side lot line and located at a distance from the street side lot line equal to the street side setback.

SETBACK, REAR: The required minimum distance between a rear lot line and the closest element of a building or structure on that site area.

SETBACK, SIDE: The required minimum distance between a side lot line and the closest element of a building or structure on that site area.

SETBACK, STREET SIDE: The required minimum distance between a street side lot line and the closest element of a building or structure on that site area.

SIDE STREET: That portion of a street abutting a side lot line of a corner lot.

SINGLE-FAMILY RESIDENCE: See definition of One-Family Or Single-Family Residence Or Dwelling.

SINGLE-FAMILY RESIDENTIAL ZONE: Any zone possessing any of the following zone designations: R-1, R-1.X, R-1.5, R-1.5X, R-1.5X2, R-1.6X, R-1.7X, or R-1.8X.

SINGLE HOUSEKEEPING UNIT: The functional equivalent of a traditional family, whose members are a nontransient interactive group of two (2) or more persons, where such persons jointly occupy a single dwelling unit, jointly use common areas, and share household activities and responsibilities (e.g., meals, chores, and expenses).

SINGLE ROOM OCCUPANCY HOUSING (SRO): A residential facility where individual secure rooms are rented to a one or two (2) person household. Rooms are generally one hundred fifty (150) to three hundred seventy five (375) square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented on a weekly or monthly basis.

SITE OR SITE AREA: All of that area (whether 1 or more lots) legally assembled into one building site by means of covenant, subdivision, or otherwise. When such area consists of more than one lot or parcel of ground, such lots or parcels of ground shall be contiguous or separated only by an alley.

SLOPE: That portion of the site other than the level pad.

SMALL FAMILY DAYCARE HOME: As defined in the California Health And Safety Code.

SPECIALTY FOOD STORE: Any retail business dedicated to the sale of specialized types or classes of food and drink products, including, but not limited to, import food stores, bakeries, and chocolatiers.

STORY: A. Nonresidential zones: "Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling next above it. For the purposes of this chapter, "story" shall include mezzanines, excepting mezzanines that meet the requirements of subsection A5 of this definition, and penthouses, but shall not include:

1. Basements and cellars which are less than eight feet (8') above grade as defined in the building code;

2. Floors devoted exclusively to mechanical equipment for the building and for rooftop elevator lobbies. The area of each such elevator lobby shall not exceed one hundred (100) square feet per elevator cab;

3. Floors devoted exclusively to parking and access thereto; provided, however, when any parking spaces are located more than two (2) floors above grade, this exception shall not apply;

4. Floors devoted to a combination of uses described in subsections A2 and A3 of this definition.

5. Mezzanines in buildings, provided:

   a. The floor area ratio (FAR) on the site area, inclusive of the mezzanine, does not exceed 2.0;

   b. The height of the building in which the mezzanine is located does not exceed forty five feet (45') in height, measured as set forth in this chapter, or three (3) stories, whichever is less; and

   c. The mezzanine complies with the construction standards set forth in the building code that a mezzanine is required to meet in order not to be counted as a story under the building code.

B. Residential zones: "Story" shall mean that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purposes of this chapter, "story" shall include mezzanines and penthouses, but shall

not include penthouses that are used exclusively for mechanical equipment, rooftop bathrooms that meet the requirements of subsection 10-3-2804B of this chapter, or a floor devoted exclusively to parking and/or mechanical equipment where the finished floor level of the floor above it is no more than three feet (3') above the adjacent finished grade at any point.

STREET: As defined in title 1 of this code except that "street" shall not include alleys.

STREET LINE: The lot line between a street and abutting property.

SUPPORTIVE HOUSING: Permanent affordable housing with no limit on length of stay, that is occupied by the target population as identified in state law, and that is linked to on site or off site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community[2].

TARGET POPULATION: Persons with disabilities, homeless families, and homeless youth[3].

THROUGH LOT: A site area having frontage on two (2) streets, but not located at the intersection of those streets.

TOBACCONIST: Any retail business with at least ninety percent (90%) of its retail floor area dedicated to the sale of tobacco products such as cigarettes, tobacco, and pipes.

TRANSITIONAL HOUSING: Temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the dwelling unit to another eligible program recipient at a predetermined future time, which shall be no less than six (6) months. Transitional housing often includes a supportive services component, such as job skills training or rehabilitation counseling to allow individuals to gain the necessary life skills to support independent living.

TROUSDALE ESTATES: All property located north of Doheny Road and east of Schuyler Road, except that land zoned R-1.X, and that portion of lot A of the Doheny Ranch tract northwesterly of tract numbers 24485 and 24486, commonly referred to as the Greystone Mansion property.

UNDERLYING ZONE: The primary zone designation which would govern development of a particular site if such development were not otherwise governed by an overlay zone.

USE: The purpose for which a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USED CAR DEALER: Any business engaged in buying, selling, and dealing in used automobiles other than a new car dealer.

VEHICLE SALES, SERVICE OR FUEL STATIONS: Any business which involves sales, including long term leasing; rental; maintenance; repair; refueling; painting; servicing,

including tire or alarm sales and installation; or emissions testing of automobiles or any other motorized vehicles. Vehicle sales, service or fuel stations shall not include a business limited to the sale of vehicle accessories, if such accessories are not installed as part of that business and the business does not otherwise qualify as a vehicle sales, service or fuel station.

WALL: A structure with length measured horizontally in excess of twenty four inches (24") and with height and thickness designed or constructed of nongrowing materials in such a manner as to enclose property or to inhibit passage through or to obscure view.

YARD, FRONT: That portion of a site area located between the front setback line and the front lot line.

YARD, REAR: That portion of a site area located between the rear setback line and the rear lot line.

YARD, SIDE: That portion of a site area located between a side setback line and a side lot line.

YARD, STREET SIDE: That portion of a site area located between a street side setback line and a street side lot line. (1962 Code § 10-101; amd. Ord. 1179, eff. 1-2-1964; Ord. 1197, eff. 3-18-1965; Ord. 1248, eff. 8-18-1966; Ord. 1260, eff. 1-19-1967; Ord. 67-O-1274, eff. 6-15-1967; Ord. 68-O-1311, eff. 6-20-1968; Ord. 69-O-1349, eff. 7-1-1969; Ord. 69-O-1357, eff. 10-16-1969, retroactive to 10-1-1969; Ord. 70-O-1375, eff. 2-19-1970; Ord. 72-O-1435, eff. 3-16-1972; Ord. 73-O-1475, eff. 7-19-1973; Ord. 73-O-1491, eff. 10-18-1973; Ord. 77-O-1652, eff. 6-2-1977; Ord. 79-O-1734, eff. 5-31-1979; Ord. 80-O-1771, eff. 10-16-1980; Ord. 82-O-1859, eff. 10-7-1982; Ord. 85-O-1953, eff. 7-4-1985; Ord. 87-O-2009, eff. 11-19-1987; Ord. 87-O-2013, eff. 1-14-1988; Ord. 89-O-2056, eff. 4-20-1989; Ord. 89-O-2063, eff. 7-6-1989; Ord. 89-O-2072, eff. 10-19-1989; Ord. 89-O-2081, eff. 12-7-1989; Ord. 90-O-2090, eff. 3-8-1990; Ord. 90-O-2107, eff. 12-21-1990; Ord. 90-O-2109, eff. 12-21-1990; Ord. 91-O-2114, eff. 4-19-1991; Ord. 91-O-2133, eff. 12-5-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 94-O-2205, eff. 8-5-1994; Ord. 94-O-2220, eff. 12-23-1994; Ord. 95-O-2239, eff. 7-7-1995; Ord. 96-O-2256, eff. 4-5-1996; Ord. 96-O-2266, eff. 10-18-1996; Ord. 96-O-2270, eff. 11-27-1996; Ord. 96-O-2272, eff. 1-9-1997; Ord. 97-O-2285, eff. 12-5-1997; Ord. 98-O-2295, eff. 5-1-1998; Ord. 99-O-2333, eff. 10-15-1999; Ord. 99-O-2335, eff. 11-4-1999; Ord. 99-O-2338, eff. 12-17-1999; Ord. 00-O-2351, eff. 10-20-2000; Ord. 01-O-2383, eff. 11-2-2001; Ord. 01-O-2389, eff. 1-10-2002; Ord. 02-O-2399, eff. 6-20-2002; Ord. 02-O-2403, eff. 9-6-2002; Ord. 02-O-2409, eff. 11-8-2002; Ord. 02-O-2417, eff. 1-3-2003; Ord. 02-O-2422, eff. 3-7-2003; Ord. 03-O-2427, eff. 9-26-2003; Ord. 05-O-2461, eff. 3-18-2005; Ord. 10-O-2585, eff. 7-22-2010; Ord. 10-O-2586, eff. 8-31-2010; Ord. 11-O-2602, eff. 2-11-2011; Ord. 11-O-2606, eff. 4-1-2011; Ord. 12-O-2625, eff. 8-3-2012; Ord. 12-O-2633, eff. 11-23-2012; Ord. 12-O-2634, eff. 1-4-2013)

ATTACHMENT 4

Notice of Pending Decision & Notice of Decision

NOTICE OF PENDING DECISION

MINOR ACCOMMODATION FROM CODE

Location: **601 North Elm Drive**

Subject: Minor Accommodation to allow a 1,656 square foot accessory structure greater than 14 feet in height in both the required rear and side yards in the Central Area of the City, North of Santa Monica Boulevard.

This is to give notice that a minor accommodation has been requested to allow a 1,656 square foot, two-story accessory structure, in excess of 14 feet in height to be located in both the required rear and side yards for a property located at **601 North Elm Drive**. The proposed accessory structure would have a maximum height of twenty two feet (22') and would be located four feet (4') from the alley along the west lot line at the rear of the property and five feet (5') from the south side lot line of the property.

Pursuant to Beverly Hills Municipal Code Section 10-3.3600, the height limitation for accessory structures located in the rear setback may be modified through the issuance of a minor accommodation permit provided the proposed accessory structure satisfies the criteria listed in the Beverly Hills Municipal Section 10-3-2414 E. The reviewing authority must determine that the proposal will not have an adverse impact on the scale and mass of the streetscape, the neighbor's access to light and air, the neighbor's privacy, nor the garden quality of the City.

In evaluating the Minor Accommodation request, any written comments received by the City within ten (10) days of the date of this notice will be considered. If the City finds that the proposed structure will not create a substantial adverse impact, then the Minor Accommodation will be approved. A notice of this Minor Accommodation request has been posted at the site. You will be notified by mail of the City's decision on this matter.

If there are any questions regarding this notice, please contact **Nathan Gapper, Consulting 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.

David Reyes, Principal Planner

Mailed: August 17, 2011

NOTICE OF DECISION

MINOR ACCOMMODATION FROM CODE

Location: **601 North Elm Drive**

Subject: A Minor Accommodation to allow a 1,656 square foot accessory structure greater than 14 feet in height in both the required rear and street side yards in the Central Area of the City, North of Santa Monica Boulevard.

This is to give notice that the Director of Community Development **GRANTED** a request to allow the construction of a two-story accessory structure on the property located at **601 North Elm Drive.** The approval consists of a Minor Accommodation to allow the construction of an accessory structure that would have a maximum height of twenty two feet (22') and would be located four feet (4') from the alley along the west lot line at the rear of the property and five feet (5') from the south street side lot line of the property.

Per Beverly Hills Municipal Code §10-3-2414, a Minor Accommodation permit may be issued to allow the construction of accessory structures that exceed 14 feet in height if the reviewing authority finds that such construction will be compatible with the character of the adjacent streetscape and will not adversely impact neighboring properties.

This decision may be appealed in writing to the City Council within 14 days from the date of this notice, which should be filed with the City of Beverly Hills Office of the City Clerk. Plans of the proposal and a copy of the application are available for review in the Department of Community Development.

If you have any questions regarding this notice, please contact **Nathan Gapper, Limited Term Planner** at (310) 285-1129, or by email at ngapper@beverlyhills.org.

Sincerely,

Jonathan Lait, AICP, City Planner

Mailed: October 11, 2011

ATTACHMENT 5

Notice of Action: 601 N. Elm Dr. Minor Accommodation Determination

NOTICE OF ACTION

CITY OF BEVERLY HILLS

REQUEST: A **Minor Accommodation** to allow the construction of a two-story accessory structure that exceeds fourteen feet (14') in height. The accessory structure will be located in the required rear yard and street side yard areas of a single family residential property located in the central area of the city.

PROJECT : ADDRESS **601 North Elm Drive**

APPLICANT: Mark Peacor
1331 Berkeley Street, #4
Santa Monica, CA 90404
(310) 994-4267

PROPERTY OWNER: Leonard and Stella Kleinrock
318 North Rockingham Drive
Los Angeles, CA 90049

PROJECT PLANNER: Nathan Gapper
Limited Term Planner

ACTION: **APPROVED, SUBJECT TO THE ATTACHED CONDITIONS AND REQUIRED FINDINGS**

Approved by

Jonathan Lait, AICP, City Planner

10/11/11
Date

Decisions made by the Director of Community Development may be appealed to the City Council within fourteen (14) days of the Director's action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. (Note: Appeal Fee Required.)

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The property is located on the northwest corner of North Elm Drive and Carmelita Avenue and is surrounded by residential development characterized by one- and two-story homes along both sides of the block. The property is currently developed with an existing one-story single-family home.

The first and second floor of the accessory structure would be located a minimum of four (4) feet from the alley along the west lot line and approximately five (5) feet from the south side lot line along Carmelita Avenue.

The new accessory structure would have a maximum height of 22 feet and a total floor area of 1,656 square feet. The second floor contains windows on all four elevations, but the windows on the west elevation will be fitted with translucent glass for the portions above fourteen (14) feet in height to prevent privacy impacts.

ENVIRONMENTAL ASSESSMENT

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. A Class 3 (15303(e) Categorical Exemption (New Construction or Conversion of Small Structures) has been issued in accordance with the requirements of Section 15062 for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone."

PUBLIC NOTICE AND COMMENTS

A Notice of Pending Decision was mailed on August 17, 2011 to all property owners and residential occupants within three hundred feet (300') of the exterior boundaries of the project site. In addition, a notice was posted on the site facing Carmelita Avenue and Elm Drive. To date, staff has received verbal and written correspondence from two neighboring property owners regarding the project.

The property owner to the west of the subject site had concerns with maneuverability within the alley and how the proposed project would impact his garage access. Staff has worked with the applicant and the concerned neighbor to alleviate the concerns. The project was revised to set back a portion of the rear alley wall from the rear property line in order to provide more backup

space. In addition, the Solid Waste Division agreed to re-locate the trash bin staging area five feet north of the proposed corner of the rear alley wall at the edge of the driveway.

A second property owner to the northwest of the subject property expressed privacy concerns. He suggested maintaining as much existing mature landscaping as possible, a request that was already reflected on the project plans.

REQUIRED FINDINGS

Minor Accommodation

In accordance with Article 36 of the Beverly Hills Municipal Code (BHMC), an accessory structure may exceed 14-feet in height and be located in the street side-yard and rear-yard setback area (*10-3-2414*) with the approval of a Minor Accommodation Permit if the reviewing authority finds that the structure will not have a substantial adverse impact on or be detrimental to the following:

1. ***The scale and massing of the streetscape;***

   The new accessory structure would be located behind the existing one-story main residence and at a distance of more than 100 feet from the front property line. Although the proposed structure would be only five (5) feet from a street side property line, other two-story accessory structures are in the vicinity will similar scale and massing. Architectural elements are being added to the existing single family residence, giving it a scale that reflects other two-story residences in the vicinity. The total height of the proposed structure would be a maximum of 22 feet. The height of the proposed accessory structure would exceed the standard height requirement of 14' by approximately 8 feet. Because of the large distance from the front of the property to the proposed structure as well as the fact that existing and proposed landscaping along Carmelita Avenue would substantially obscure the view of the new accessory structure from the street, the accessory structure is not anticipated to have an adverse impact on the scale and massing of the streetscape as viewed from Carmelita Avenue or Elm Drive.

2. ***The Neighbors' access to light and air;***

   The first and second floor of the proposed accessory structure is located a minimum of 4 feet from the alley to the west and more than 50 feet from the property line to the north. An alley separates the accessory structure from the adjacent property owner to the west, Carmelita Avenue separates the subject property and accessory structure from

neighboring properties to the south, and over fifty (50) feet of rear yard space separates the accessory structure from the neighboring property to the north. Based on the architectural design, side setbacks, and existing vegetation, the proposed project is not expected to adversely impact the neighbors' access to light and air.

3. ***Neighbors' privacy;***

The proposed structure does not exceed 22 feet in height and provides a four (4) foot setback along the west property line adjacent to the alley. Second-floor windows facing the alley are translucent for all areas above fourteen (14) feet in height to provide added privacy. The south elevation faces Carmelita Avenue and the north elevation has a setback of more than fifty (50) feet from the adjacent property. Therefore, based on its configuration and design, the proposed project is not expected to adversely impact the neighbors' privacy.

4. ***The garden quality of the City;***

Plans submitted by the applicant indicate that existing landscaping will be maintained and additional landscaping will be added during the course of construction. Landscaping at the front of the property will not be altered as a part of the proposed project and landscaping at the street side property line will be augmented in compliance with the Beverly Hills Municipal Code. Therefore, the project will either maintain or enhance the garden quality of the city, and is not expected to create an adverse impact.

Conditions of Approval

1. This is an approval for a Minor Accommodation Permit to exceed the 14-foot height restriction for one accessory structure to be located within the rear-yard and street side-yard setback area. The structure may be constructed and maintained at a maximum height of 22 feet provided that the structure is in conformance with all other applicable development standards, use restrictions and all other requirements as specified in the Beverly Hills Municipal Code and General Plan.

2. The accessory structure shall not contain a stove or cooking facilities unless a separate Second Unit Use Permit is applied for and approved.

3. The project shall be built in substantial compliance with the plan set approved by the Planning Division on October 11, 2011, the Beverly Hills Municipal Code, General Plan, and all conditions as specified.

4. The accessory structure shall conform to the color, material, architectural style, and detailing of the primary structure and shall meet all other applicable building code requirements and development standards of the zone for single-family residential structures and accessory structures.

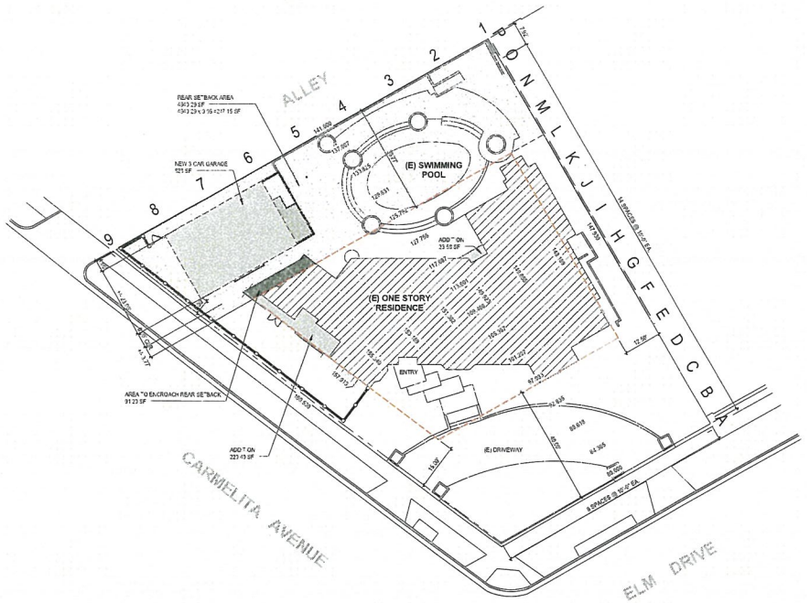
5. Any window located over fourteen feet (14') above grade on an elevation facing an alley shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°).

6. The double doors at the second story south elevation of the accessory structure shall open to a sloped roof below, precluding use of any second story south elevation outdoor space as a balcony.

7. The double doors at the second story east elevation of the accessory structure shall open to a Juliet balcony measuring no more than six inches in depth.

ATTACHMENT 6

Approved Minor Accommodation Project Plans



PROPOSED SITE PLAN 1/16" = 1'-0" | 2

(E) SITE PLAN 1/16" = 1'-0" | 1

AREA CALCULATIONS

EXISTING

A. LOT AREA	16,469.00 S.F.
B. GARAGE	429.00 S.F.
C. BASEMENT (Non-Habitable Area)	141.75 S.F.
C. MAIN BUILDING AREA	4159.20 S.F.

EXISTING TO REMAIN

A. BUILDING AREA	4159.20 S.F.

PROPOSED

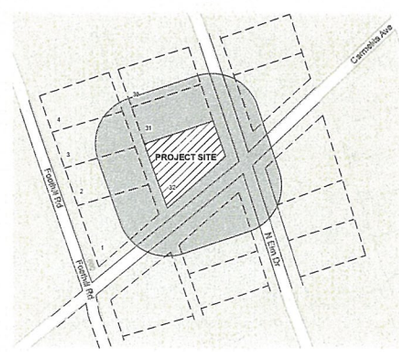
A. ADDITION TO MAIN BUILDING	23.59 S.F. + 220.40 S.F. = 243.99 S.F.
B. 3 CAR GARAGE	828.00 S.F.
C. OFFICE/STORAGE (SECOND FLOOR)	828.00 S.F.
TOTAL PROPOSED ADDITION AREA	1,859.99 S.F.

AVERAGE ELEVATION AT GARAGE CALCULATION

102.87
103.80
103.51
105.82
======
416.00 / 4 = 104.00 AVERAGE GRADE AT PROPOSED ACCESSORY GARAGE STRUCTURE

NOTE: REFER TO DOCUMENTATION PROVIDED BY CIVIL ENGINEER ATTACHED TO APPLICATION

CALCULATIONS | 6



100' RADIUS AROUND PROJECT SITE NTS | 5

LOCATION PLAN NTS | 4

PROJECT
SINGLE FAMILY RESIDENCE

PROJECT ADDRESS:
601 N. ELM DRIVE
BEVERLY HILLS, CA 90210

OWNER:
MR. & MRS. LEONARD KLEINROCK
318 N. ROCKINGHAM DRIVE
LOS ANGELES, CA 90049-2636

ARCHITECT
MARK A. PEACOR, AIA, LEED AP — REG. NO
1335 BERKELEY STREET UNIT 4 — EXPIRY
STA. MONICA, CA 90404
TEL NO. 310-994-4287
LICENSE NO

GENERAL CONTRACTOR
NAME — LIC. NO
STREET NAME — EXPIRY
CITY, CA 91XXX
TEL. NO

BUILDING INFORMATION:
LEGAL DESCRIPTION
A.P.N. 4341-021-032
LOT 32
TRACT
BLOCK 92
ZONE
OCCUPANCY
BUILDING CODE 2010 CBC
CONSTRUCTION

PROJECT INFORMATION | 3

MARK A. PEACOR
ARCHITECT LEED AP
1335 BERKELEY STREET 4
SANTA MONICA, CA 90404
Tel 310 538 5299 Mobile 310 994 4287
E-Mail arthmapr@52@gmail.com

Architect

FILE
DRAWN — Author
REVIEWED — Checker

ISSUE	DATE	BY
Project Status	Issue Date	Author

REVISION	DESCRIPTION	DATE	BY
△			
△			
△			
△			
△			
△			
△			

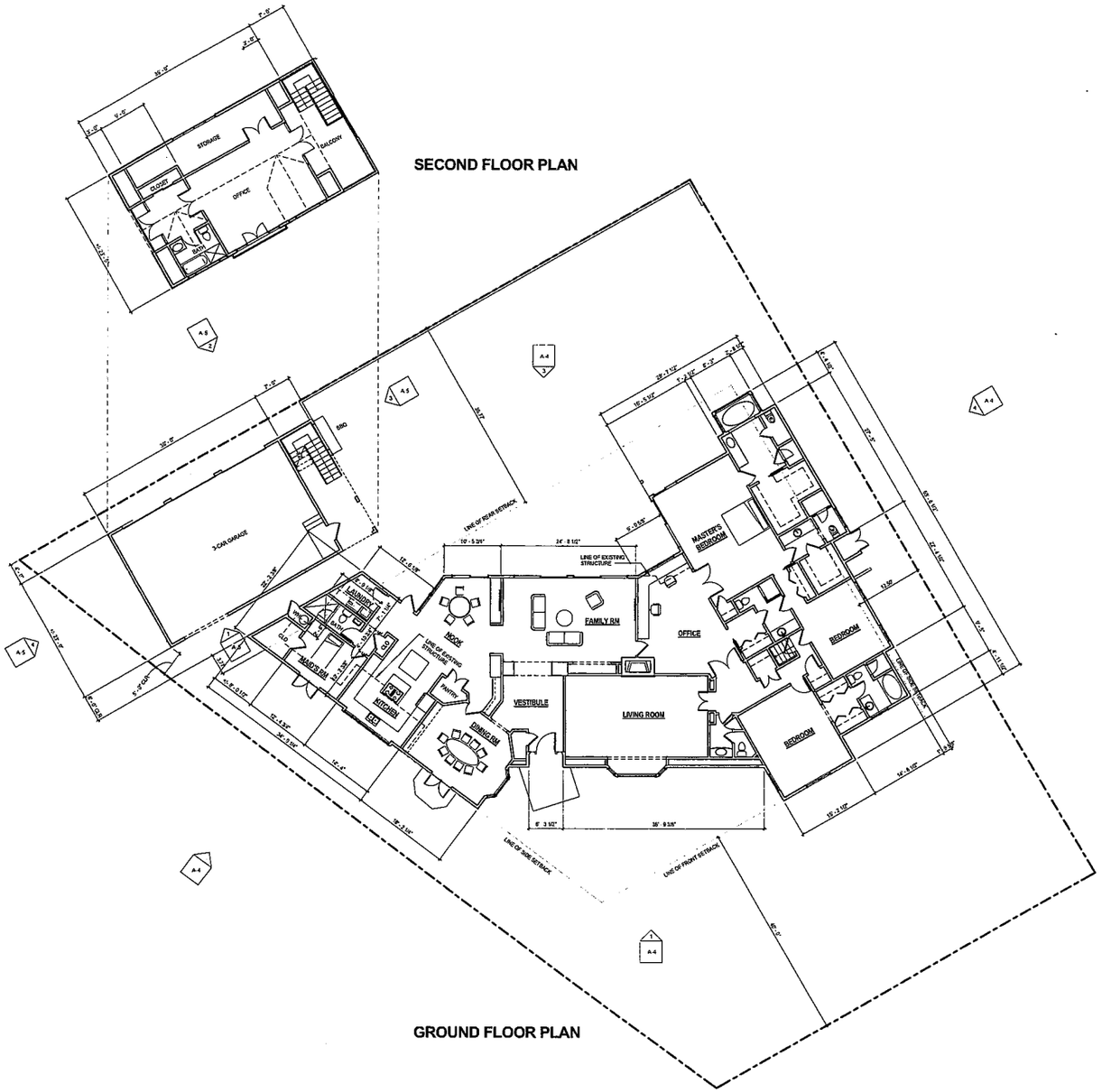
KLEINROCK RESIDENCE
601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO — Project Number
SCALE — As indicated
PRINTED — 8/10/2011 6:39:24 AM
TITLE

PLOT PLANS

SHEET
A-1

THE DRAWINGS AND SPECIFICATIONS REPRESENTED HERE ARE THE PROPERTY OF MARK A. PEACOR AIA. THEY ARE TO BE USED ONLY FOR THIS PROJECT AND NOT TO BE LOANED, COPIED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION.



FLOOR PLANS 1/8" = 1'-0" | 1

MARK A. PEACOR
ARCHITECT LEED AP

1231 BERKELEY STREET 4
SANTA MONICA CA 90404
Tel 310 338 5290 Mobile 310 594 4287
E-Mail andreapi1955@gmail.com

Architect

FILE	
DRAWN	Author
REVIEWED	Checker

ISSUE	DATE	BY
Project Status	Issue Date	Author

REVISION	DESCRIPTION	DATE	BY
△			
△			
△			
△			
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KLEINROCK RESIDENCE
601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO	Project Number
SCALE	1/8" = 1'-0"
PRINTED	8/13/2011 8:38:55 AM

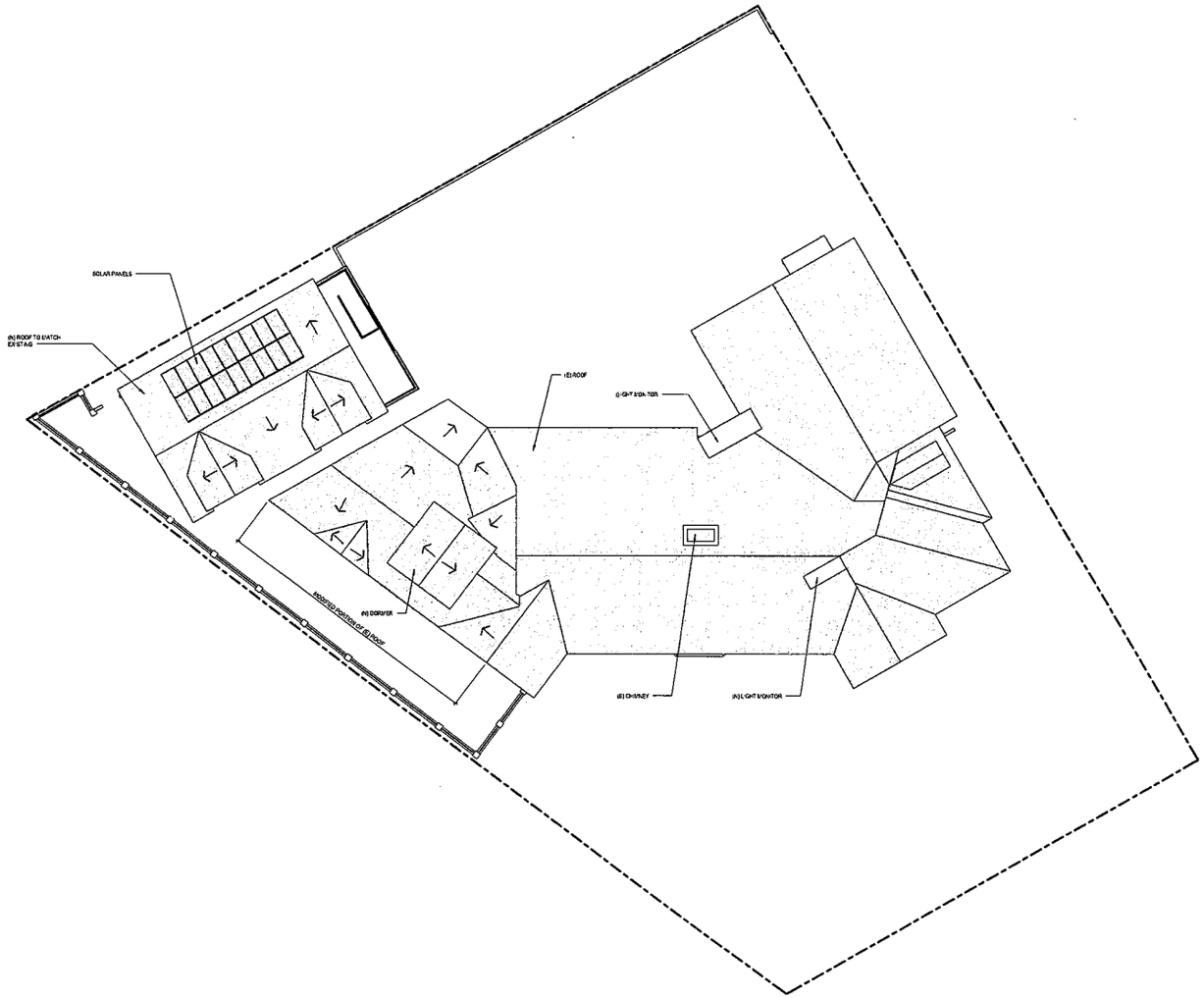
TITLE

FLOOR PLANS

SHEET

A-2

ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



ROOF PLAN SCALE 1/8" = 1'-0" 1

MARK A. PEACOR
ARCHITECT, LEED AP

1331 BERKELEY STREET 4
SANTA MONICA, CA 90404
Tel 310 338.5299 Mobile 310 994 4287
E-Mail andromeda19552@gmail.com

Arch Seal

FILE
DRAWN Author
REVIEWED Checker

ISSUE	DATE	BY
Project Status	Issue Date	Author

REVISION	DESCRIPTION	DATE	BY
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KLEINROCK RESIDENCE
601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO Project Number
SCALE 1/8" = 1'-0"
PRINTED 8/10/2011 8:38:42 AM
TITLE

ROOF PLAN

SHEET A-3

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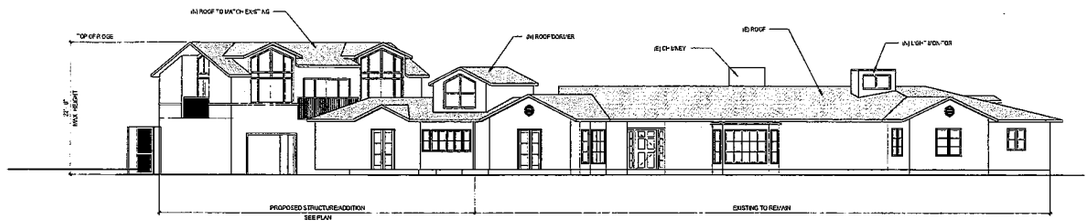
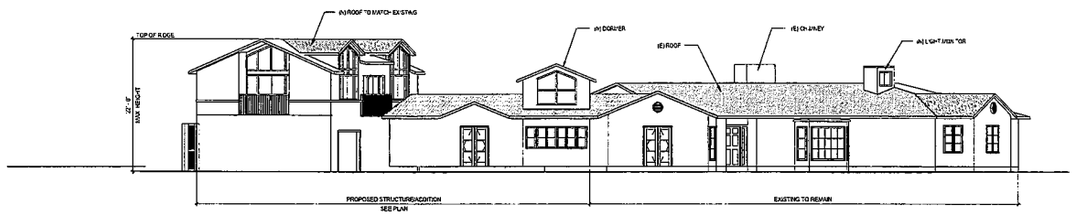
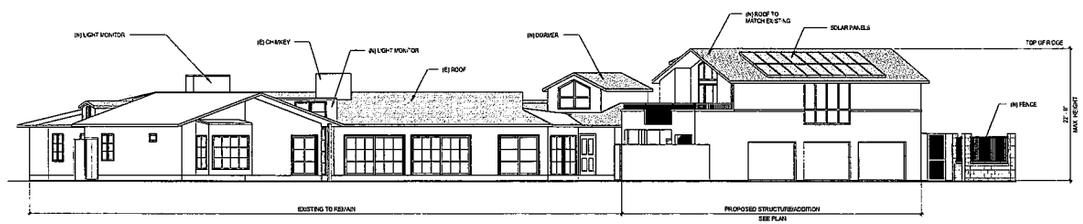


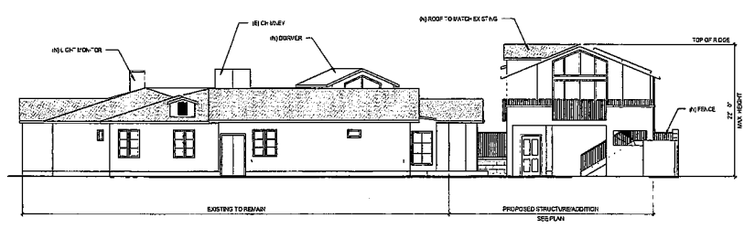
ELEVATION SCALE 1/8" = 1'-0" 1



ELEVATION SCALE 1/8" = 1'-0" 2



ELEVATION SCALE 1/8" = 1'-0" 3



ELEVATION SCALE 1/8" = 1'-0" 4

MARK A. PEACOR
ARCHITECT LEED AP

1331 BERKELEY STREET, 4
SANTA MONICA, CA 90404
Tel 310 338 5200 Mobile 310 994 4287
E-Mail archmap10050@yahoo.com

Architect

FILE
DRAWN Author
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KLEINROCK RESIDENCE
601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO Project Number
SCALE 1/8" = 1'-0"
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TITLE

ELEVATIONS

SHEET A-4

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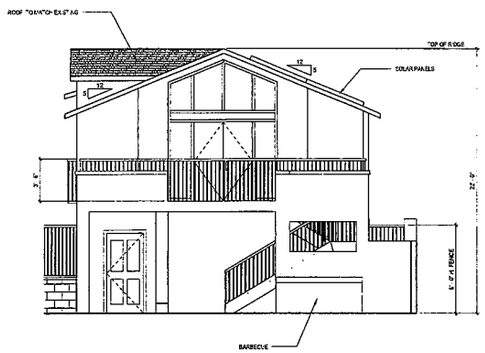
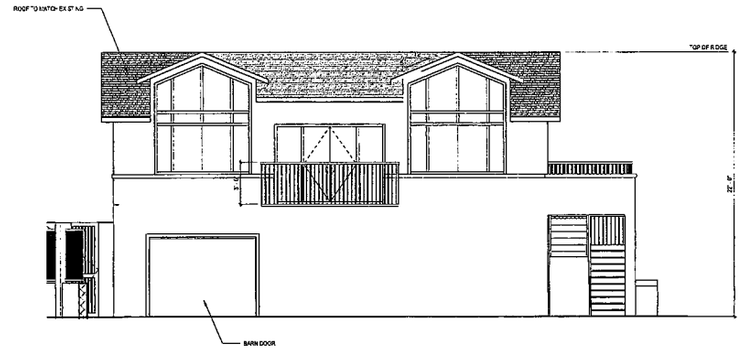
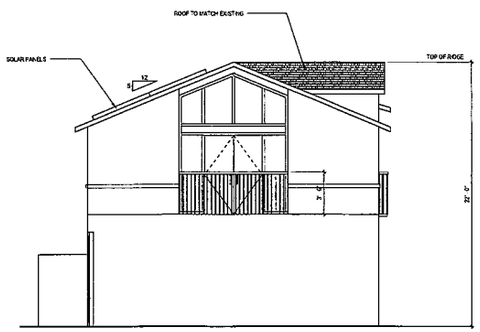


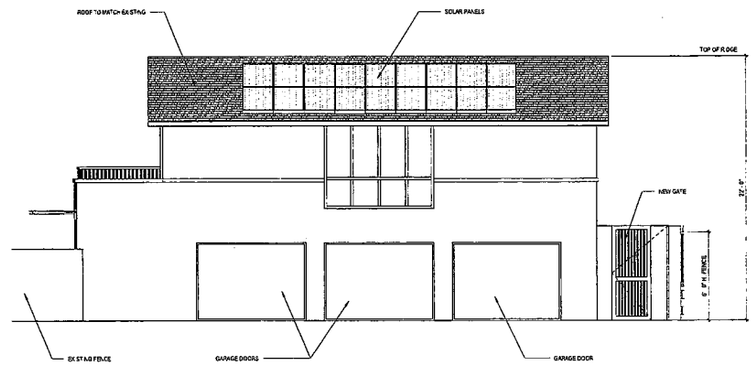
ELEVATION SCALE 1/4" = 1'-0" 3



ELEVATION SCALE 1/4" = 1'-0" 1



ELEVATION SCALE 1/4" = 1'-0" 4



ELEVATION SCALE 1/4" = 1'-0" 2

MARK A. PEACOR
ARCHITECT LEED AP

1333 BERKELEY STREET, 4
SANTA MONICA, CA 90404
Tel 310 538 5300 Mobile 310 994 4267
E-Mail anthmsp1953@yahoo.com

Architect

FILE	
DRAWN:	Author
REVIEWED	Checker

ISSUE	DATE	BY
Project Status	Issue Date	Author

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KLEINROCK RESIDENCE

601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO.	Project Number
SCALE	1/4" = 1'-0"
PRINTED	8/10/2011 6:48:55 AM

TITLE

ELEVATIONS

SHEET

A-5

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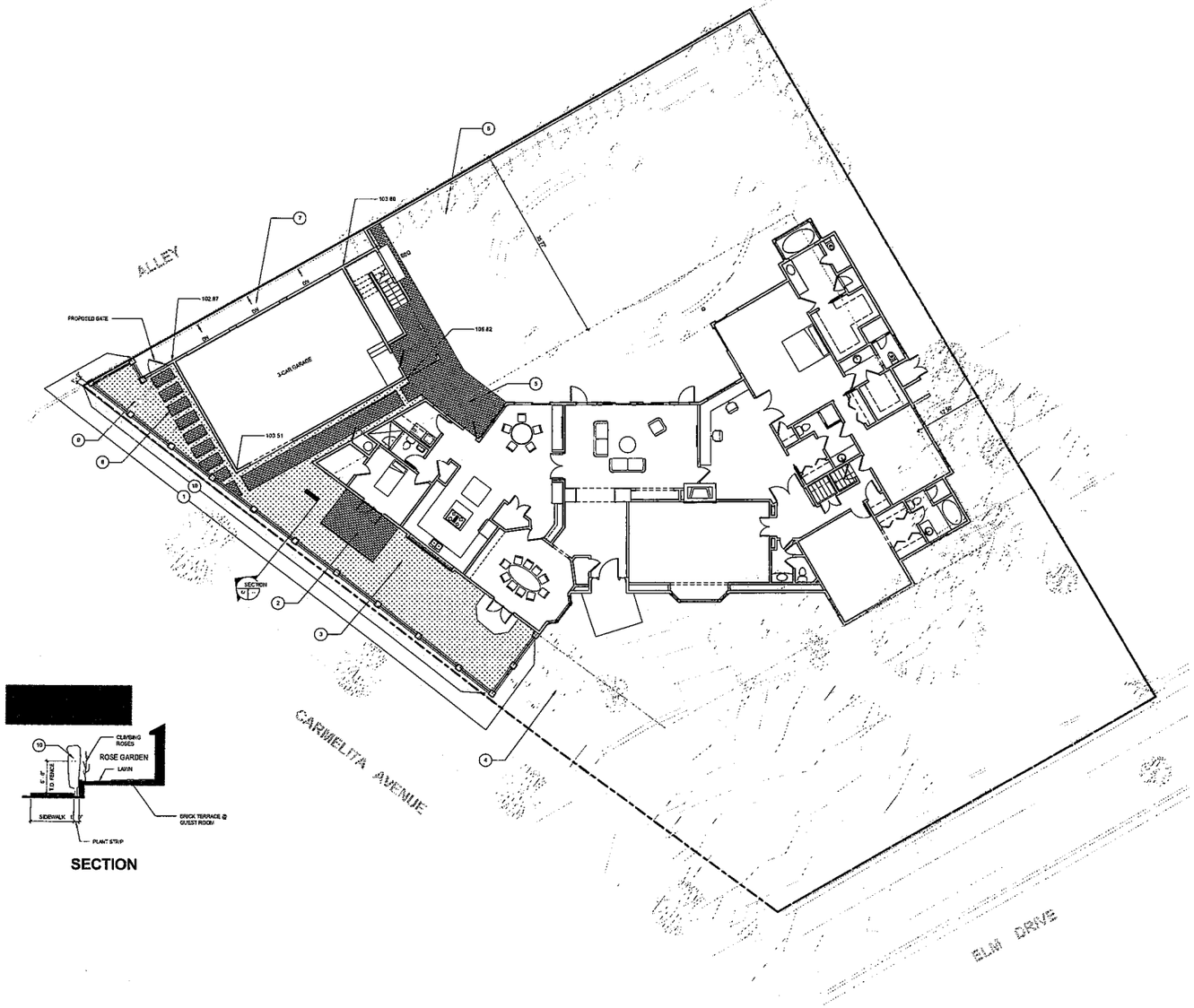

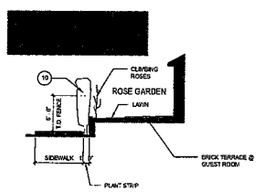

SECTION

PLAN KEYNOTES:

1. FENCE AT PROPERTY LINE:
   A. LOW RETAINED BACKFILL SOIL
   B. BRICK DECORATIVE PIERS/POSTS
   C. RUNNING WROUGHT IRON FENCE: FAIRLY TRANSPARENT
2. BRICK TERRACE AT GUEST BEDROOM
3. LAWN AT PROPOSED ROSE GARDEN
   A. CLIMBING ROSES AT FENCE LINE
4. EXISTING LANDSCAPE
5. PROPOSED BRICK TERRACE TO MATCH EXISTING TERRACE BRICK
6. EXISTING TERRACE BRICK
7. CONCRETE APRON AT GARAGE ENTRY
8. BRICK WALKWAY
9. LARGE MATURE TREE (TBD)
10. POTOCARPUS PLANT (HEDGE-LIKE)

MAX. BUILDING HEIGHT CALCS:

102.87
103.80
103.51
105.82
==========
416.00 / 4 =
104 - AVERAGE
+ 22
==========
126.00 - TOP OF RIDGE

MARK A. PEACOR
ARCHITECT LEED AP

1331 BERKELEY STREET 4
SANTA MONICA CA 90404
Tel 310.338.5200 Mobile 310.994.4257
E-Mail archmap19353@gmail.com

Architect

FILE
DRAWN Author
REVIEWED Checker

ISSUE	DATE	BY
Project Status	Issue Date	Author

REVISION	DESCRIPTION	DATE	BY
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KLEINROCK RESIDENCE
601 N. Elm Drive, Beverly Hills, CA 90210

PROJECT NO. Project Number
SCALE 1/8" = 1'-0"
PRINTED 8/18/2015 6:41:14 AM

TITLE
PROPOSED LANDSCAPE PLAN

SHEET
L-1

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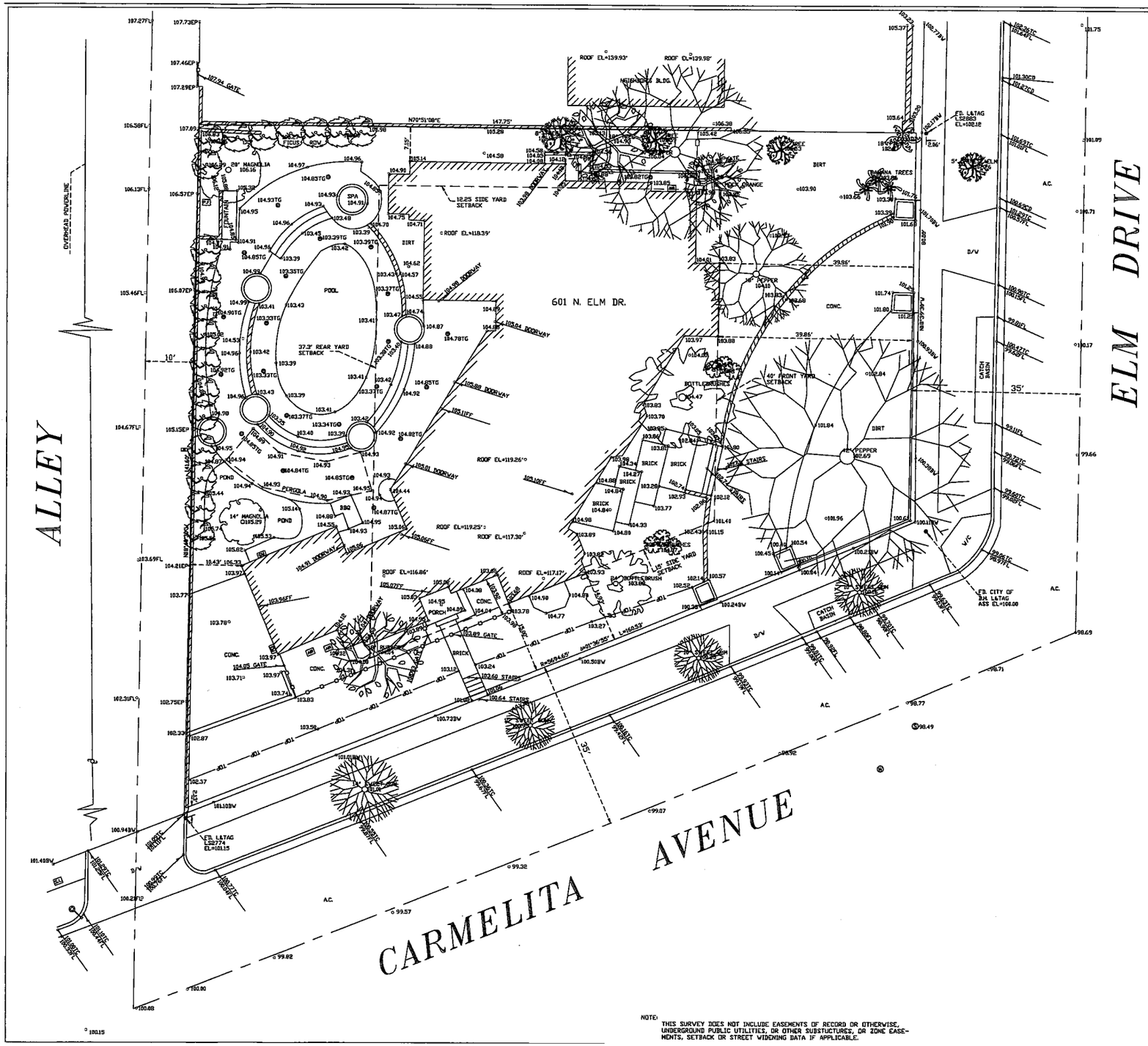
PROPOSED LANDSCAPE PLAN 1/8" = 1'-0" | 1

LAWRENCE J. SCHMAHL LICENSED SURVEYOR PLS 5748
11209 HOWARD ST. WHITTIER, CALIFORNIA 90606 (562) 908-0570 / (323) 773-1675

TOPOGRAPHIC SURVEY

SCALE: 1" = 8' MAY, 2011



LEGAL DESCRIPTION:

LOT 38, BLOCK 92, OF BEVERLY HILLS, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 54, PAGES 57 THROUGH 60 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

FOR:

LEONARD KLEINROCK
601 N. ELM DR.
BEVERLY HILLS, CA 90210

BY:

LAWRENCE J. SCHMAHL L.S. 5748

LEGEND:

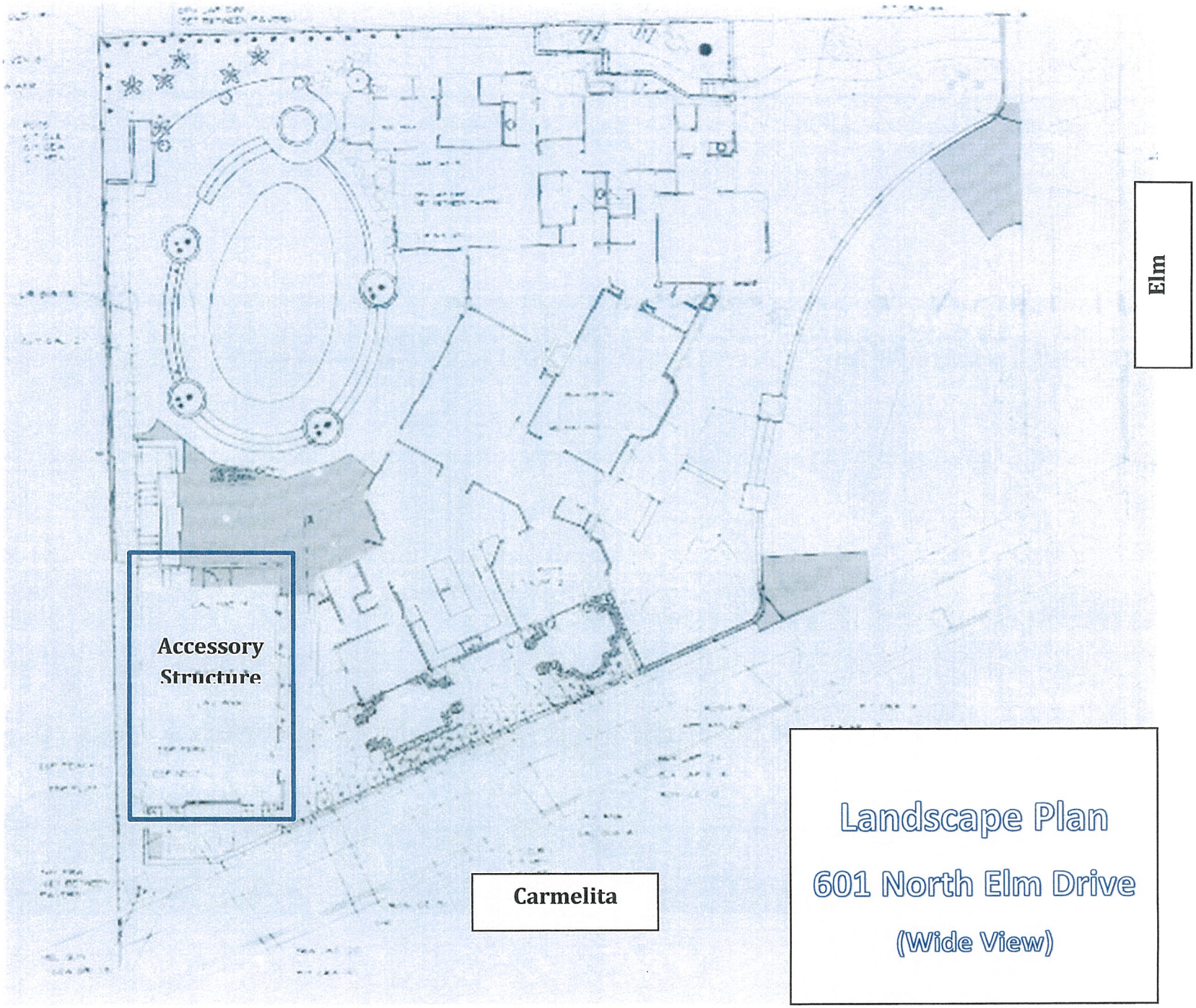
- A.C. ASPHALT CONCRETE
- BW BACK OF WALK
- CONC. CONCRETE
- D/W DRIVEWAY
- E EAST
- FF FINISHED FLOOR
- FL FLOWLINE
- N NORTH
- S SOUTH
- TC TOP OF CURB
- TG TOP OF GRATE
- TW TOP OF WALL
- W WEST
- W/C WHEELCHAIR RAMP
- AIR CONDITIONING
- BUILDING LINE
- CENTERLINE
- DRAIN GRATE
- EDGE OF PAVEMENT
- ELECTRIC METER
- FENCE, CHAIN-LINK
- FENCE, WOOD
- FENCE, WIRE
- GAS METER
- LIGHT POLE
- POOL FILTER
- POWER POLE
- PROPERTY LINE
- SEWER MANHOLE
- SPOT ELEVATIONS
- STREETLIGHT BOX
- WALL
- WATER METER
- WATER VALVE

NOTE:
THIS SURVEY DOES NOT INCLUDE EASEMENTS OF RECORD OR OTHERWISE, UNDERGROUND PUBLIC UTILITIES, OR OTHER SUBSTUCTURES, OR ZONE EASEMENTS, SETBACK OR STREET WIDENING DATA IF APPLICABLE.

J034 11506

ATTACHMENT 7

Approved Landscape Plan



Landscape Plan

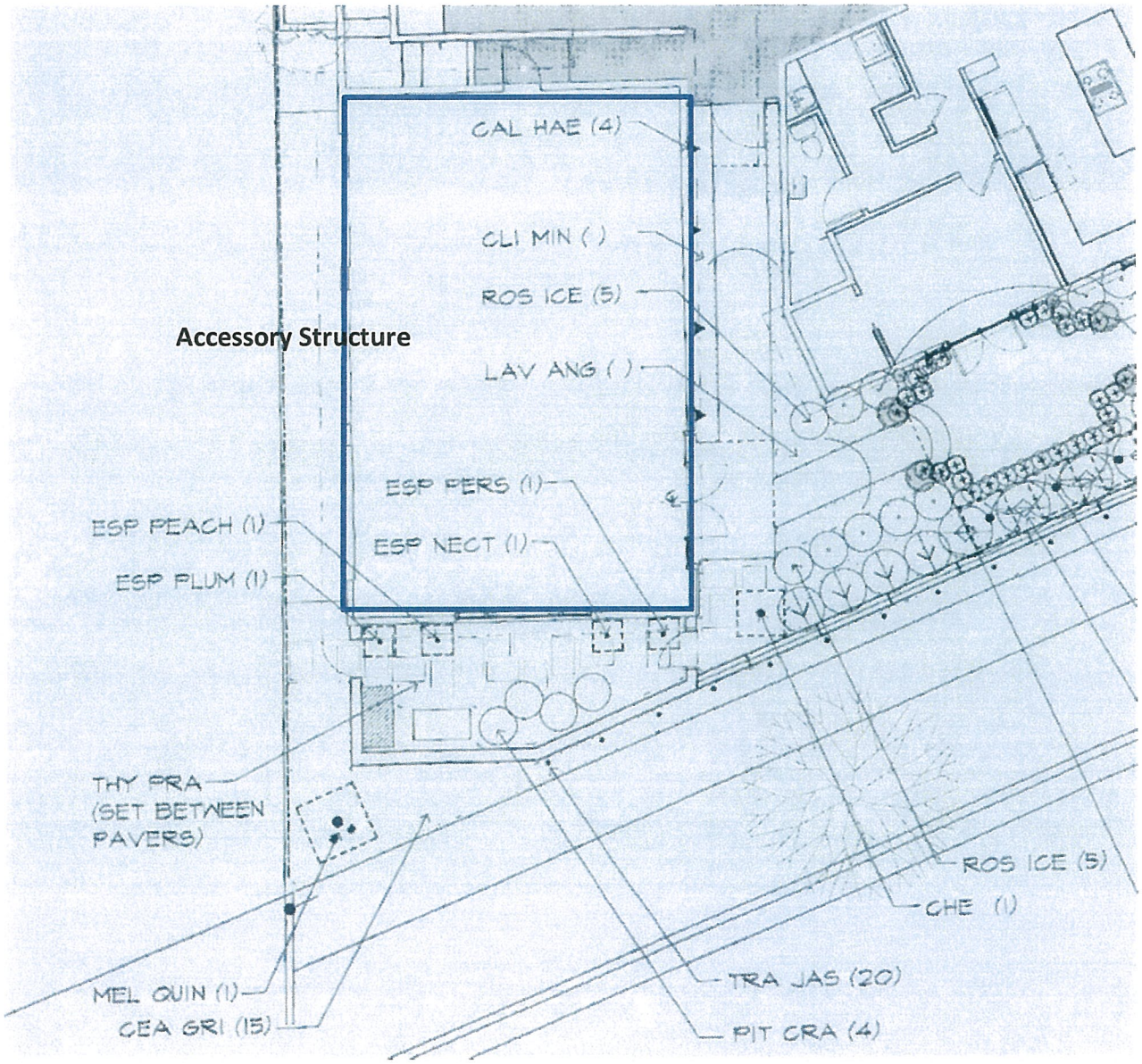
601 North Elm Drive

(Wide View)

Landscape Plan

601 North Elm Drive

(Detail)



Planting Legend

601 North Elm Drive

(Detail)

PLANTING LEGEND

KEY	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
MEL QUI	Melaleuca quinquenervia	Paperbark Tree	48" Box
CHE	Cherimoya	NCN	36" Box
ESP PERS	Diosyros kaki 'Fuyu'	Japanese Persimmon	24" Box
ESP PEACH	Peach 'Babcock'	Peach	24" Box
ESP PLUM	Prunus 'Autumn Rosa'	Plum	24" Box
ESP NECT	Prunus persica nucipersica	Panamint Nectarine	24" Box
MEDIUM SHRUBS			
LAV ANG	Lavandula Angustifolia Munstead'	Munstead Lavender	5 Gallon
PIT CRA	Pittosporum crassifolium 'Compactum'	NCN	5 Gallon
GROUNDCOVERS			
CEA GRI	Ceanothus Griseus Var Horizontalis Yankee Point'	Wild Lilac	5 Gallon
CLI MIN	Clivia Miniata	NCN	1 Gallon
TRA JAS	Trachelospermum jasminoides	Star Jasmine	5 Gallon