



# Planning Commission Report

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**Meeting Date:** April 10, 2014

**Subject:** **911 Hillcrest Road**  
**Trousdale R-1 Permit, Second Unit Use Permit, and Variance**

Request for a Trousdale R-1 Permit, Second Unit Use Permit, and Variance to allow the construction of a new single-family residence and associated accessory structures on the property located at 911 Hillcrest Road.

PROJECT APPLICANT: Arnold Rosenstein

**Recommendation:** That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolution conditionally approving a Trousdale R-1 Permit, Second Unit Use Permit, and Variance, but denying the portion of the Variance pertaining to allowing grading and construction off the property's level pad.

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## REPORT SUMMARY

The proposed project involves the redevelopment of the existing residential property located at 911 Hillcrest Road, in the Trousdale Estates Area of the City. Redevelopment of the site includes construction of a new residence, guest house, orchid house, and grading and retaining walls off the property's existing level pad. The various components of the project require approval of discretionary entitlements in order to be constructed, including a Trousdale R-1 Permit to allow two accessory structures to be located within 100' of a front property line, a Second Unit Use Permit to allow the guest house to contain fully independent living facilities, a Variance to allow the guest house to be located in front of the primary residence, and a Variance to allow grading and retaining walls off the property's existing level pad. This report analyzes the cumulative components of the project with respect to site design and building siting, neighborhood compatibility, and whether the requested Variances are needed in order to prevent the property owner from being deprived of privileges enjoyed by others in the vicinity of the project site. Staff's analysis concludes that the majority of the project is consistent with the character of the neighborhood and would not result in any adverse impacts; however, staff is unable to support the requested Variance to allow grading and retaining walls off the existing level pad.

**Attachment(s):**

- A. Required Findings
- B. Draft Resolution
- C. Public Notice
- D. Architectural Plans

**Report Author and Contact Information:**

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[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	2/24/2014
Application Complete	3/23/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 3 categorical exemption for the construction of a single-family residence and associated accessory structures
Permit Streamlining	6/10/2014 without extension request from applicant
Applicant(s)	Arnold Rosenstein
Owner(s)	Arnold Rosenstein
Representative(s)	Marty Esterline
Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	911 Hillcrest Road
APN	4391-008-003
Zoning District	R-1
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly Shaped, 47,469 square feet (1.09 acres)
Year Built	N/A – Site is vacant
Historic Resource	N/A
Protected Trees/Grove	N/A

### Adjacent Zoning and Land Uses

North	R-1 – Single-family residential
South	R-1 – Single-family residential
East	R-1 – Single-family residential
West	R-1 – Single-family residential

### Neighborhood Character

The subject property is located in the Trousdale Estates Area of the City, which is primarily comprised of properties that were developed in the 1960s. The subject property is located in the lower portion of Trousdale Estates, closer to Sunset Boulevard, and sits at the corner of Robert Lane and Hillcrest Road. Technically (according to Municipal Code standards), Robert Lane serves as the front of the property; however, historically and functionally Hillcrest Road serves as the front of the property, as that is where the access driveway is located. The majority of lots in the vicinity of the subject property are approximately one acre in size, and are surrounded by dense vegetation. In fact, many of the surrounding houses on Robert Lane and Hillcrest Road are not visible from the street due to the dense vegetation. Additionally, most residences are limited to one story in height; however, several

properties do contain two stories.



**Project Site (Prior to Demolition)**

### **PROJECT DESCRIPTION**

The proposed project includes redevelopment of the entire site with new structures, landscaping, and hardscape. Specifically, the proposed redevelopment includes the following components:

- New primary residence with basement and attached garage
  - 11,934 square foot residence (above-grade)
  - 2,738 square foot basement
  - 1,140 square foot garage
  - One story, 14' in height
- 1,058 square foot guest house
- 140 square foot orchid/green house

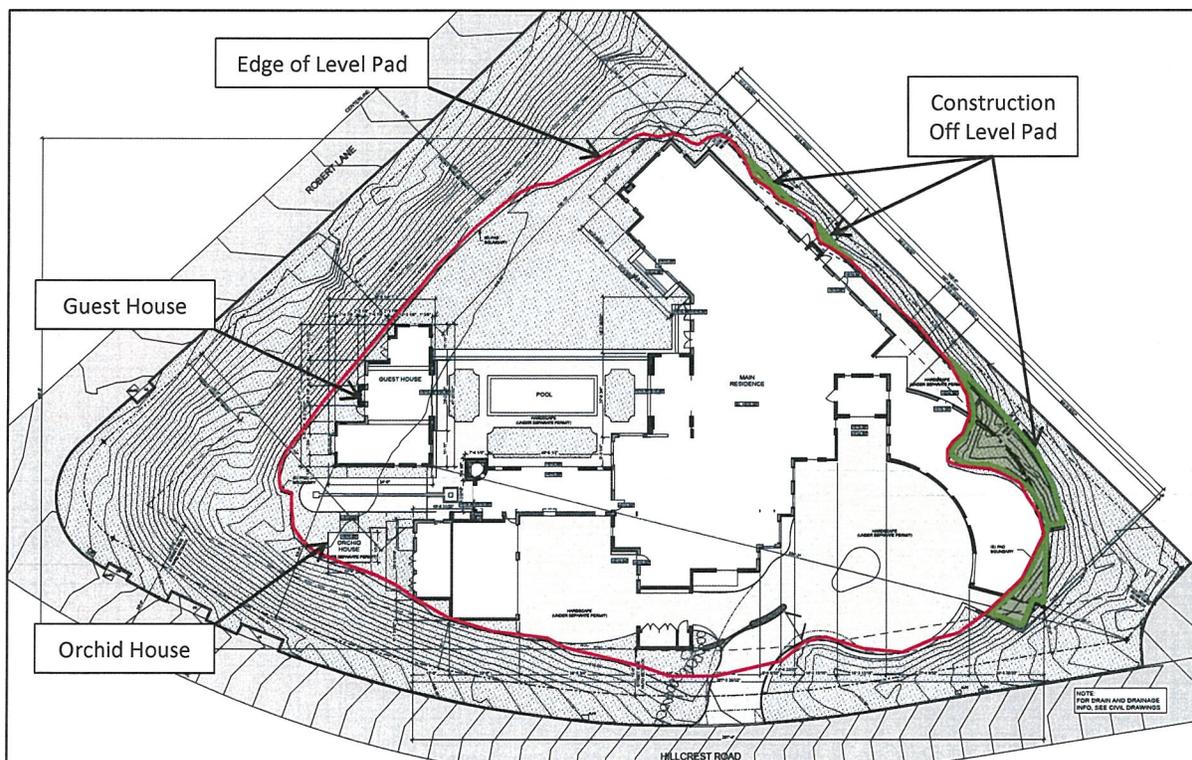
**Required Entitlements.** As proposed, the project requires the following entitlements in order to be constructed:

**Trousdale R-1 Permit:** A Trousdale R-1 Permit is required to allow the proposed placement of the guest house and orchid house. Typically, accessory structures must be set back a minimum of 100' from a front property line. In the case of the subject property, Robert Lane serves as the front property line since it is shorter in length than the property line fronting on Hillcrest Road. The proposed guest house/second unit would be located approximately 35'-6" from the front property line, and the proposed orchid house would be located approximately 73' from the front property

line. Despite not complying with the typical 100' front setback requirement, the Planning Commission may grant a Trousdale R-1 Permit to allow the accessory structures to be located anywhere on the subject property.

**Second Unit Use Permit:** The proposed guest house contains fully independent living facilities (kitchen, bathroom, living quarters, and sleeping quarters), and therefore qualifies as a second unit. Second units are allowed by-right when they comply with certain development standards including size, setbacks, and design, and second units that do not comply with the by-right development standards can be approved through a Second Unit Use Permit. The proposed second unit would be 1,058 square feet in size, which exceeds the by-right second unit size of 650 square feet. Therefore, a Second Unit Use Permit is required to allow the proposed size of the second unit.

**Variance:** Pursuant to Municipal Code regulations, second units are required to be located to the rear of the primary residence on the property. In the case of the proposed project, the second unit is technically located in front of the primary residence since Robert Lane serves as the front property line, while Hillcrest Road serves as a side property line. There are no available entitlements within the Municipal Code to allow the second unit to be located in front of the primary residence, so a Variance is required in order to deviate from this code requirement. In addition, the project includes grading and retaining walls off the property's existing level pad. Pursuant to Municipal Code standards, in Trousdale Estates no grading or construction is allowed to occur off an existing level pad. In order to allow grading and construction off the level pad, the applicant requests a Variance.



## ZONING CODE<sup>1</sup> COMPLIANCE

A detailed review of the proposed Project to applicable zoning standards has been performed. The proposed Project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

### Agency Review<sup>2</sup>

The City's Development Services Program, which includes Building and Safety, Planning, Engineering, and Fire has reviewed the proposal and determined that there are no substantial code issues that would prevent the project from being carried out in the manner proposed.

## GENERAL PLAN<sup>3</sup> POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of the goals and polices applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	4/4/2014	6 Days
Newspaper Notice	10 Days	3/31/2014	3/28/2014	13 Days
Mailed Notice (Owners & Occupants - 300' Radius)	5 Days	2/3/2014	3/31/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	4/4/2014	6 Days

<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>2</sup> Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

<sup>3</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

### Public Comment

As of the writing of this report, the City has not received any public comments regarding this Project; however, staff has met with several residents of Trousdale Estates to discuss the proposed project.

### **ANALYSIS<sup>4</sup>**

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

**Neighborhood Compatibility.** The proposed redevelopment of the project site is generally compatible with the surrounding neighborhood in that the project contains a primary residence and accessory structures, similar to what exists on surrounding properties, and does not exceed a maximum height of 14'. However, one aspect of the project that is somewhat unique is the configuration of the lot, which is pie-shaped and sits at the intersection of Robert Lane and Hillcrest Road. Given its shape and corner location, a greater percentage of the property is exposed to the street when compared to surrounding properties. Furthermore, Robert Lane functions as the rear of the property even though it is technically considered to be the front<sup>5</sup>, and Hillcrest Road functions as the front of the property even though it is technically considered to be a side. Because of this unique configuration, allowing accessory structures to face Robert Lane has the potential to be somewhat incompatible with the neighborhood, as the other properties along Robert Lane are oriented toward, not away, from Robert Lane. Despite this potential incompatibility, a broader analysis of the neighborhood context demonstrates that properties on the north side of Robert Lane are at a raised elevation relative to the street, and tend to be surrounded by dense landscaping, all of which prevents many of the residences from being visible from the street. In this context, the subject property is compatible in that it is elevated above Robert Lane and contains dense vegetation that would help to screen the accessory structures and prevent neighborhood compatibility issues. Additionally, the subject property is oriented toward Hillcrest Road in manner that is consistent with other properties on Hillcrest Road, which helps to preserve the overall character and configuration of the neighborhood. In order to ensure continued screening of the property's structures, staff recommends a condition that would require vegetation to be planted and maintained between the proposed accessory structures and Robert Lane.

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<sup>4</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

<sup>5</sup> Whenever a property is located at the intersection of two streets, the front property line is considered to be the shorter of the two property lines. In the case of the subject property, the Robert Lane property line is shorter than the Hillcrest Road property line, therefore Robert Lane is considered to be the front of the property for code purposes.

**Second Unit.** The proposed guest house meets the criteria for being considered a second unit since it contains fully independent living facilities. Second units are normally permitted by-right as long as certain standards are met, such as size and setbacks; however, the proposed second unit is not permitted by-right because its 1,058 square foot size exceeds the by-right standard of 650 square feet. The difference in size between a by-right second unit and the proposed second unit is nominal given the size of the property (just over one acre), and proportional to the overall primary residence and development on the site. Furthermore, second units are encouraged by the City's General Plan since they contribute to the City's potential housing stock, and are sometimes considered to be affordable housing units since many second units are offered to family members at low or no cost. In addition to providing additional housing opportunities within the City, a separate parking space is required to be provided for the second unit to help prevent parking impacts. While it is possible that the proposed second unit could generate additional activity at the subject property, the second unit would be located approximately 150' from the nearest residence, which is located across Robert Way. Given the substantial separation between the second unit and structures on adjacent lots, as well as the staff-recommended condition regarding landscaping, the increased activity that could result from the second unit is not anticipated to be detrimental to the surrounding neighborhood.

**Variance – Second Unit Location.** Due to the pie shape of the lot and functional orientation of the subject property toward Hillcrest Road that arises from the topography of the surrounding streets, the proposed second unit is technically located to the front of the primary residence, while the Municipal Code requires that second units be located to the rear of a primary residence. The shape, orientation, and topography of the property constrain the property such that Hillcrest Road serves as the front since Hillcrest Road is the only location that vehicular access is provided to the property. This configuration is consistent with historical development patterns on the lot and respects prevailing site design along Hillcrest Road, but this configuration makes it difficult and impractical to construct a second unit to the rear of the primary residence without significantly altering the site's configuration and development potential, as achieving compliance with the locational requirement would mean siting the second unit between the primary residence and Hillcrest Road, thereby impacting site access and design. Siting the second unit in such a code-compliant manner would be impractical to the extent that it would deprive the property owner of the ability to construct a detached second unit, and would have the potential to result in greater impacts than those that could result from the proposed siting of the second unit.

**Variance – Construction Off Level Pad.** The proposed project includes a limited amount of grading and construction off the existing level pad on the property. Grading and construction off the level pad is expressly prohibited in Trousdale Estates, and the applicant requests a Variance in order to allow construction of a portion of the proposed residence off the level pad. The applicant asserts that the shape and topography of the property deny him the privilege of being able to maintain a reasonable amount of open yard space in relation to the size of the house, as is enjoyed by surrounding properties. While staff recognizes that the amount of grading and construction off the level pad is not substantial in comparison to the overall scope of the project, and that the proposed grading and construction would preserve the architectural design of the proposed residence while maximizing open space, staff has concerns that allowing such work to proceed could, over time, have the effect of eroding the unique character and quality of Trousdale Estates. Although the applicant asserts that the Variance is required in order to maintain a reasonable amount of open yard space, it is important to note that the amount of yard space provided on a given property is

often a function of the square footage of a house and its architectural design. In Trousdale Estates, property owners are allowed to construct a maximum floor area equal to 1,500 square feet plus 40% of the total lot area. Because the level pads of properties in Trousdale Estates often occupy only a portion of the lot, and because construction is limited to 14' in height, it is staff's experience that many properties are unable to develop the maximum allowed square footage without building over the entire level pad and eliminating all open yard space. For this reason, most houses are not developed to the maximum allowed floor area, and each property owner must determine the appropriate architectural design and ratio of floor area to open yard space to suit his or her needs. In the case of the proposed project, the floor area is under the maximum allowed, but the layout could be modified in order to maintain a similar design and open space configuration without the need for building off the level pad. In addition, the overall shape and topography of the property is not substantially different from that of surrounding properties such that the owner is being deprived of privileges enjoyed by others.

**Potential Pros and Cons.** A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
<ul style="list-style-type: none"> <li>• Redevelopment of a vacant property</li> <li>• Total development is below the maximum allowed for the site</li> <li>• Designed to limit impacts on surrounding development</li> <li>• Second unit provides housing opportunities</li> <li>• Sufficient covered parking provided on-site</li> <li>• Preserves traditional pattern of development along Hillcrest Road</li> </ul>	<ul style="list-style-type: none"> <li>• Increased activity due to second unit</li> <li>• Alteration of existing slopes, and possible changes to character of Trousdale Estates</li> <li>• Construction off level pad may erode character and quality of Trousdale Estates</li> <li>• Accessory structures oriented toward Robert Lane</li> </ul>

**NEXT STEPS**

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the requested entitlements, with the exception of the Variance for grading and construction off the level pad.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the requested entitlements with modified findings or conditions of approval.
2. Deny the requested entitlements, or portions thereof, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:

  
 Ryan Goflich, Senior Planner

## ATTACHMENT A Required Findings

### REQUIRED FINDINGS

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#### Trousdale R-1 Permit

1. *The project will not materially impair the view or line of sight of neighboring homes;*
2. *The project will not materially change the scale, character or integrity of the area; and*
3. *The project will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.*

#### Second Unit Use Permit

1. *The Project will not have a substantial adverse impact on the scale and massing of the streetscape;*
2. *The Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;*
3. *The Project will not have a substantial adverse impact on the neighbor's access to light and air;*
4. *The Project will not have a substantial adverse impact on the neighbor's privacy;*
5. *The Project will not have a substantial adverse impact on the garden quality of the City; and*
6. *The Project will not have a substantial adverse impact on the adjacent properties of the public welfare.*

#### Variance

1. *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and*
2. *Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.*

**ATTACHMENT B**  
**DRAFT RESOLUTION**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A TROUSDALE R-1 PERMIT TO ALLOW TWO ACCESSORY STRUCTURES TO BE LOCATED WITHIN 100' OF A FRONT PROPERTY LINE, A SECOND UNIT USE PERMIT TO ALLOW AN ACCESSORY STRUCTURE TO CONTAIN INDEPENDENT LIVING FACILITIES, A VARIANCE TO ALLOW A SECOND UNIT TO BE LOCATED TO THE FRONT OF A PRIMARY RESIDENCE, AND DENYING A VARIANCE TO ALLOW GRADING AND CONSTRUCTION TO OCCUR OFF THE EXISTING LEVEL PAD ON THE PROPERTY LOCATED AT 911 HILLCREST ROAD.

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

Section 1. Arnold Rosenstein, applicant and property owner (the "Applicant"), has submitted an application for a Trousdale R-1 Permit to allow the construction of two accessory structures (a guest house and orchid house) within 100' of a front property line, a Second Unit Use Permit to allow the guest house to contain fully independent living facilities, a Variance to allow the second unit to be located toward the front of the primary residence, and a Variance to allow grading and construction to occur off the existing level pad on the property located at 911 Hillcrest Road in the Trousdale Estates Area of the City (the "Project"). The requested entitlements can be approved by the Planning Commission if specific findings can be made in support of the Project.

Section 2. The subject property is located in the Trousdale Estates Area of the City, which is primarily comprised of properties that were developed in the 1960s. The subject

property is located in the lower portion of Trousdale Estates, closer to Sunset Boulevard, and sits at the corner of Robert Lane and Hillcrest Road. Technically (according to Municipal Code standards), Robert Lane serves as the front of the property; however, historically and functionally Hillcrest Road serves as the front of the property, as that is where the access driveway is located. The majority of lots in the vicinity of the subject property are approximately one acre in size, and are surrounded by dense vegetation.

The proposed project includes redevelopment of the entire site with new structures, landscaping, and hardscape. Specifically, the proposed redevelopment includes the following components:

- New primary residence with basement and attached garage
  - 11,934 square foot residence (above-grade)
  - 2,738 square foot basement
  - 1,140 square foot garage
  - One story, 14' in height
- 1,058 square foot guest house
- 140 square foot orchid/green house

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3) of the Guidelines. Specifically, the proposed project involves the construction of a new single-family residence and associated accessory structures, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on March 31, 2014 to all property owners and residential occupants within a 300-foot radius of the property. Additionally, notice of the Project was published in two newspapers of local circulation, the *Beverly Hills Courier* and the *Beverly Hills Weekly*. On April 10, 2014 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Trousdale R-1 Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The project will not materially impair the view or line of sight of neighboring homes;
2. The project will not materially change the scale, character or integrity of the area; and
3. The project will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Trousdale R-1 Permit:

1. The Project is limited to a maximum height of 14', in compliance with standard Municipal Code requirements for projects in Trousdale Estates. In addition, the Project site is located toward the lower portion of Trousdale Estates, which is at a lower elevation than the majority of other properties in Trousdale Estates, and is surrounded by dense landscaping that largely obscures views of the

level pad from adjacent streets and surrounding properties. Based on the height of the structures, the Project's location within Trousdale Estates, and the existing dense vegetation, the Project will not materially impair the view or line of sight of neighboring homes.

2. The Project includes three structures, all of which would comply with the required height and setback standards for the subject property. Furthermore, the Project is consistent with the historical orientation of development on the subject property, and respects prevailing site design along Hillcrest Road. In addition to respecting prevailing site design, the Project site is surrounded by dense landscaping that helps to obscure views of any structures, thereby maintaining the garden quality that is typical throughout the neighborhood. Based on these Project characteristics, the Project will not materially change the scale, character or integrity of the area.

3. The Project includes three structures, all of which would comply with the required height and setback standards for the subject property. Furthermore, the Project is consistent with the historical orientation of development on the subject property, and respects prevailing site design along Hillcrest Road. In addition to respecting prevailing site design, the Project site is surrounded by dense landscaping that helps to obscure views of any structures, thereby maintaining the garden quality that is typical throughout the neighborhood. Based on these Project characteristics, the Project will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

Section 7. In reviewing the request for a Second Unit Use Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The Project will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;
3. The Project will not have a substantial adverse impact on the neighbor's access to light and air;
4. The Project will not have a substantial adverse impact on the neighbor's privacy;
5. The Project will not have a substantial adverse impact on the garden quality of the City; and
6. The Project will not have a substantial adverse impact on the adjacent properties of the public welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Second Unit Use Permit:

1. The Project is limited to a maximum height of 14', in compliance with standard Municipal Code requirements for projects in Trousdale Estates. In addition, the Project site is located toward the lower portion of Trousdale Estates, which is at a lower elevation than the majority of other properties in Trousdale Estates, and is surrounded by dense landscaping that largely obscures views of the

level pad from adjacent streets and surrounding properties. Based on the height of the second unit, the Project's location within Trousdale Estates, and the existing dense vegetation, the Project will not have a substantial adverse impact on the scale and massing of the streetscape.

2. The Project is limited to a maximum height of 14', in compliance with standard Municipal Code requirements for projects in Trousdale Estates. In addition, the Project site is located toward the lower portion of Trousdale Estates, which is at a lower elevation than the majority of other properties in Trousdale Estates, and is surrounded by dense landscaping that largely obscures views of the level pad from adjacent streets and surrounding properties. Based on the height of the second unit, the Project's location within Trousdale Estates, and the existing dense vegetation, the Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties.

3. The Project is limited to a maximum height of 14', in compliance with standard Municipal Code requirements for projects in Trousdale Estates. In addition, the second unit is located approximately 150' from the nearest residence, which is located across Robert Lane. Based on the height and location of the second unit, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

4. The Project is limited to a maximum height of 14', in compliance with standard Municipal Code requirements for projects in Trousdale Estates. In addition, the second unit is located approximately 150' from the nearest residence,

which is located across Robert Lane. Based on the height and location of the second unit, the Project will not have a substantial adverse impact on the neighbors' privacy.

5. The Project site is planned to be developed with a new single-family residence, the proposed second unit, and an orchid house. A landscape plan has been provided in conjunction with the proposed development of the site. The landscape plan proposes to maintain a number of existing mature trees on the site, and includes new plantings throughout the project site. Since some of the existing mature landscaping will be maintained and new landscaping will be planted, the Project will not have a substantial adverse impact on the garden quality of the City.

6. The second unit is limited to a size of approximately 1,058 square feet, will have a maximum height of 14', and will be located a minimum of 150' from the nearest adjacent residence located across Robert Lane. For these reasons, as well as the reasons documented in findings 1-5 above, the Project will not have a substantial adverse impact on the adjacent properties or the public welfare.

Section 9. In considering the request for a Variance, the Planning Commission considered whether it could make the following findings in support of the Project:

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Variance:

1. With respect to the Variance for the siting of the second unit, the shape, orientation, and topography of the property constrain the property such that Hillcrest Road serves as the front of the property since Hillcrest Road is the only location that vehicular access is provided to the property. This configuration is consistent with historical development patterns on the lot and respects prevailing site design along Hillcrest Road, but this configuration makes it difficult and impractical to construct a second unit to the rear of the primary residence without significantly altering the site's configuration and development potential, as achieving compliance with the locational requirement to site the second unit to the rear of the primary residence would mean siting the second unit between the primary residence and Hillcrest Road, thereby impacting site access and design. Siting the second unit in such a code-compliant manner would be impractical to the extent that it would deprive the property owner of the ability to construct a detached second unit, and would have the potential to result in greater impacts than those that could result from the proposed siting of the second unit. For these reasons, the Variance for the siting of the second unit can be made in support of the Project.

With respect to the Variance to allow grading and construction off the existing level pad, the Applicant asserts that the Variance is required in order to maintain a reasonable amount of open yard space; however, the amount of yard space provided on a given property is a function of the square footage of a house and its architectural design. In Trousdale Estates, property owners are allowed to construct a maximum floor area equal to 1,500 square feet plus 40% of the total lot area. Because the level pads of properties in Trousdale Estates often occupy only a portion of the lot, and because construction is limited to 14' in height, many properties are unable to develop the maximum allowed square footage without building over the entire level pad and eliminating all open yard space. For this reason, many houses are not developed to the maximum allowed floor area, and each property owner must determine the appropriate architectural design and ratio of floor area to open yard space to suit his or her needs. In the case of the Project, the floor area is under the maximum allowed, but the layout could be modified in order to maintain a similar design and open space configuration without the need for building off the level pad. In addition, the overall shape and topography of the property is not substantially different from that of surrounding properties such that the owner is being deprived of privileges enjoyed by others. For these reasons, the Variance to allow grading and construction off the level pad cannot be supported.

2. As discussed above, the shape, orientation, and topography of the property cause the subject property to be subject to unique circumstances with respect to the siting of a second unit. Because the subject property exhibits these unique circumstances, the granting of a Variance to allow a second unit to be located toward

the front of the primary residence will not constitute a grant of special privileges, but will instead allow the subject property to contain a second unit in a manner similar to that of surrounding properties. However, allowing grading and construction off the existing level pad would be a grant of special privileges since no other property in Trousdale Estates is allowed to conduct grading or construction off the level pad. Project-specific conditions outlined in this resolution authorize the siting of the second unit and deny grading and construction off the existing level pad, ensuring that no special privileges are granted.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Trousdale R-1 Permit, Second Unit Use Permit, and Variance, subject to the following conditions:

1. No grading or construction shall be permitted off the level pad.
2. The Project shall be modified to eliminate grading and construction off the level pad, and the revised design shall be subject to review and approval by the Director of Community Development. In the event that the Director determines that the Project has been modified in a manner that is inconsistent with the findings and approvals granted herein, the Director shall have the authority to return the Project to the Planning Commission for consideration of Project revisions.

3. Except as modified by the conditions of approval set forth herein, the Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on April 10, 2014.

4. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

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

6. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

7. RECORDATION. The resolution approving the Trousdale R-1 Permit, Second Unit Use Permit, and Variance shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all

fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

8. EXPIRATION. Trousdale R-1 Permit, Second Unit Use Permit, and Variance: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

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

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

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

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

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

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

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

17. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

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

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

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

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

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

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

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

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

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

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: April 10, 2014

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Brian Rosenstein  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner



# **ATTACHMENT C**

## **PUBLIC NOTICE**



## **NOTICE OF PUBLIC HEARING**

**DATE:** April 10, 2014  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, April 10, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider a request to construct a new single-family residence and two accessory structures on the property located at **911 Hillcrest Road**. The Planning Commission will consider the following entitlements in reviewing the project:

**Trousdale R-1 Permit.** A request for a Trousdale R-1 Permit to allow two accessory structures (a 1,058 square foot guest house and a 140 square foot orchid house) to be located within 100' of a front property line. Current code standards require accessory structures to be set back at least 100' from the front property line unless a Trousdale R-1 Permit is granted by the Planning Commission. In the case of the proposed project, the guest house would be located approximately 35' from the front property line (Robert Lane serves as the front property line), and the proposed orchid house would be located approximately 70' from the front property line. Therefore, a Trousdale R-1 Permit is requested to allow the proposed accessory structures;

**Second Unit Use Permit.** A request for a Second Unit Use Permit to allow the proposed 1,058 square foot guest house to contain fully independent living facilities, including a kitchen, bathroom, bedroom, and living quarters. Guest houses are not otherwise permitted to contain fully independent living facilities without the approval of a Second Unit Use Permit; and

**Variance.** A request for a variance to allow grading and construction off the existing level pad on the subject property. As proposed, portions of the primary residence, as well as retaining walls, would be constructed off the existing level pad. Under current code standards for Trousdale Estates, grading and construction are not permitted to occur off the existing level pad, therefore the applicant has requested a variance in conjunction with the proposed project. In addition to grading and construction off the level pad, the applicant requests a variance to allow the proposed second unit (guest house) to be located in front of the primary residence, whereas current code standards require second units to be located to the rear of the primary residence.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption for the construction of a single-family residence and accessory structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org). Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:

  
Ryan Gohlich, Senior Planner

Mailed March 27, 2014

**ATTACHMENT D**  
**ARCHITECTURAL PLANS**  
**(PROVIDED AS A SEPARATE ATTACHMENT)**