



Planning Commission Report

Meeting Date: July 17, 2014

Subject: **1297 Monte Cielo Drive
Variance**

Request for a variance to allow the construction of an accessory structure on a property without a main residence, and to allow the accessory structure to be located within 100' of a front property line on a non-estate property.

PROJECT APPLICANT: Murray D. Fischer

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 variance to allow construction of the proposed accessory structure.

REPORT SUMMARY

A request has been made for a variance to allow an accessory structure (pool house) to be built on a property that does not contain a main residence, and to allow the pool house to be located less than 100' from the front property line. The subject property is located in the Hillside Area at 1297 Monte Cielo Drive, at the intersection of Monte Cielo Drive and Monte Cielo Court near the border between the Cities of Beverly Hills and Los Angeles. On June 26, 2014, the Planning Commission conducted a site visit of the subject property during its regularly scheduled public meeting. Due to an unexpected cancellation of the public meeting resulting from an emergency evacuation of City Hall, this item was re-noticed for consideration at a special meeting of the Planning Commission on July 17, 2014.

The site's topography, which is characterized by steep slopes on either side of a long and narrow level pad, has prohibited development of a main residence on the subject property because of setback requirements, as well as the costs and risks associated with extending the level pad into the hillside. Furthermore, the subject property is currently inaccessible except from the adjacent property at 1721 Monte Cielo Court located in the City of Los Angeles. Both properties are held under the same ownership, and if approved, would function as a single site, with the pool house being accessory to the main residence at 1721 Monte Cielo Court. The variance request would enable development on the subject property that would otherwise not be feasible due to these site constraints.

This report analyzes key project components including site constraints due to topography, access to the site, and setback considerations, and includes a summary of the potential pros and cons associated with the project. Based on the analysis contained in this report, staff concludes that the subject property is

Attachment(s):

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

Report Author and Contact Information:

Andre Sahakian
(310) 285-1127
asahakian@beverlyhills.org

unique with regard to shape and topography, and that these features deprive the subject property from developing a principal building comparable to other properties in the vicinity and under identical zone classification. Based on this conclusion, the recommendation in this report is for project approval.

BACKGROUND

File Date	4/3/2014
Application Complete	5/5/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 3 categorical exemption for new construction or conversion of small structures.
Permit Streamlining	9/15/2014
Applicant(s)	Jay Landers
Owner(s)	Jay Landers
Representative(s)	Murray D. Fischer
Prior PC Action	None
Prior Council Action	None
CC/PC Liaison	None
CHC Review	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1297 Monte Cielo Drive, Beverly Hills, CA 90210
Assessor's Parcel No.	4350-018-044
Zoning District	R-1.X
General Plan	Single Family Residential
Existing Land Use(s)	Vacant
Lot Dimensions & Area	Approximately 149.5' x 178' (average width and depth) – approximately 23,111 square feet
Year Built	N/A
Historic Resource	No
Protected Trees/Grove	No

Adjacent Zoning and Land Uses

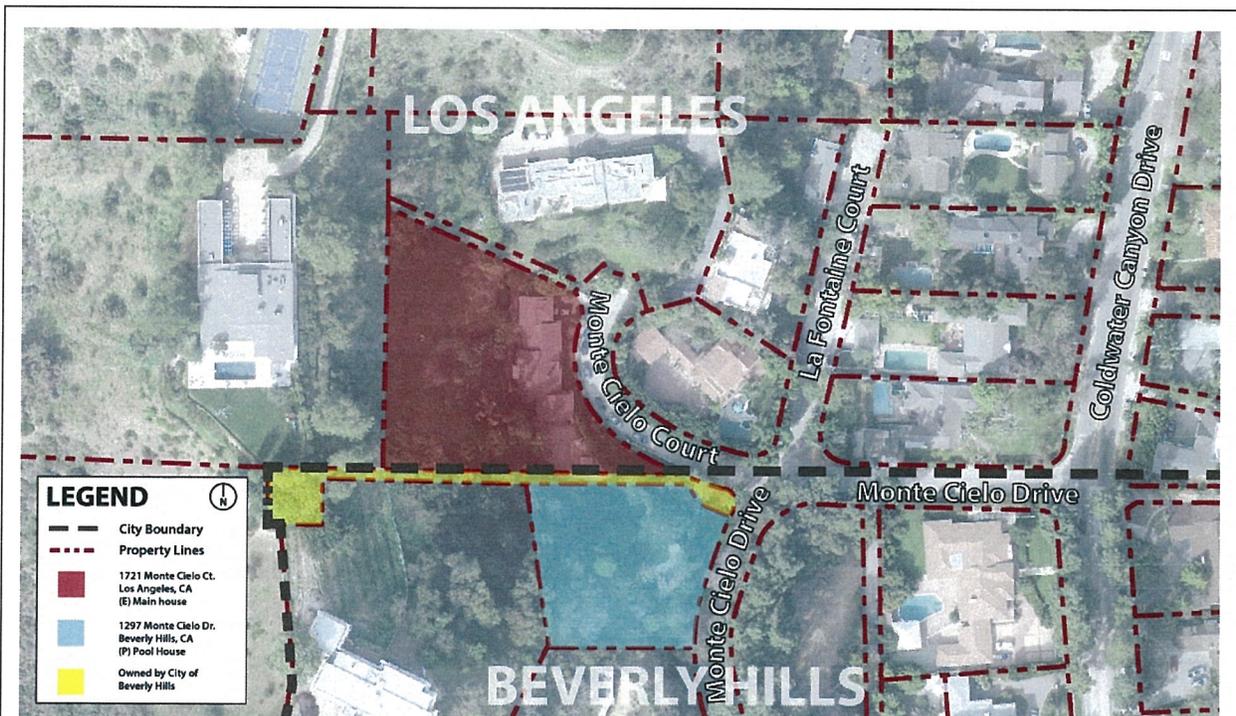
North	Single Family Residential (City of Los Angeles)
East	R-1.X Single Family Residential
South	R-1.X Single Family Residential
West	R-1.X Single Family Residential

Circulation and Parking

Adjacent Street(s)	Monte Cielo Drive; Monte Cielo Court
Adjacent Alleys	None
Parkways & Sidewalks	Monte Cielo Drive – 6.5' parkways on either side of the street right-of-way

Neighborhood Character

The project site is located in the Hillside area of the City of Beverly Hills, near the City's northern border with the City of Los Angeles. The property that is located within the City of Beverly Hills, and is the subject of this variance request, is located on Monte Cielo Drive. The surrounding area is characterized by single-family residences of varying sizes and lot configurations situated along the edge of a steeply sloped canyon. Adjoining properties have floor area ratios, mass and scale that are compatible with the single family residence that the proposed project would be accessory to. Properties in the vicinity have a median lot size of approximately 50,647 square feet, with one nearby lot as large as 74,795 square feet. The main access road to the project site is a cul-de-sac, located just off of Coldwater Canyon Drive, which has moderate northbound traffic and heavy southbound traffic.



Project Site with Property Line Boundaries



Project Site Viewed from corner of Monte Cielo Drive and Monte Cielo Court

PROJECT DESCRIPTION

The proposed project consists of the construction of an 850 square foot, one-story pool house on a lot with no primary/main residence. The structure would have a height of 14' and be set back a minimum of 5' from the nearest property line. The property that would contain the proposed accessory structure is owned by the same owners as the adjacent property located at 1721 Monte Cielo Drive in the City of Los Angeles; however the two properties are separated by a 10' wide lot owned by the City of Beverly Hills, which contains a subterranean City water main.

Setbacks will be provided as follows:

Front property line (east):	64'
Rear property line (west):	71' (10' from proposed retaining wall)
Side property line (south):	98'
Side property line (north):	5'

There is currently no driveway access to the property, and the only available access is through the adjacent property located at 1729 Monte Cielo Court in the City of Los Angeles. The lot is currently vacant with no built structures. The property slopes steeply upward to the west from the public roads to the rear of the property. The front yard slope ascends from Monte Cielo Court approximately 30 feet at a 1.5:1 gradient to a graded level pad. West of the level pad, the slope ascends to the west approximately 135 feet to an offsite ridge at an average gradient of 36 degrees.

As a result of the topography, the flat pad on the property is in a long and narrow shape with a maximum width of approximately 40' and length of approximately 157.5'. Due to the steep topography of the lot and the limitations created as a result of the pad configuration, the applicant has designed and integrated new retaining walls that would accommodate the proposed structure.

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

- **Variance:** BHMC §10-3-2510 requires accessory buildings to be set back at least 100' from the front lot line, or all elements of the accessory building to be located within 50' of the rear lot line of the site area. The proposed accessory building will be located 64' from the front lot line and 71' from the rear lot line. Additionally, BHMC §10-3-2721 prohibits construction of outbuildings (accessory structures) unless they are built simultaneously with, or after the construction of, the principal building on the same lot. The proposed accessory building would be built without a principal building on the same lot.

GENERAL PLAN¹ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- **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.

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

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **Policy LU 5.2 Infill and Replacement Housing.** Accommodate new and renovated housing within existing neighborhoods that is consistent with contextual parcel sizes, densities, built form and scale.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- **Policy LU 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.
- **Policy LU 6.3 Housing Scale and Mass.** Regulate renovations of and additions to single-family housing to ensure that they do not adversely alter the contextual scale, mass, and design qualities of existing structures.

ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) in accordance with the requirements of Section 15303 of the Guidelines for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone.", and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	6/19/2014	7 Days
			7/10/2014	7 Days
Newspaper Notice	10 Days	6/16/2014	6/12/2014	15 Days
		7/7/2014	7/3/2014	14 Days
Mailed Notice (Owners & Occupants - 300' Radius)	5 Days	6/21/2014	6/13/2014	14 Days
		7/12/2014	7/3/2014	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	6/19/2014	7 Days
			7/10/2014	7 Days

Public Comment

As of the writing of this report, staff had not received any public comments regarding the project.

ANALYSIS²

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission's deliberation of the subject project.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Site Topography. The subject property consists of a long and narrow flat building pad that is surrounded by steep hillside slopes. At its maximum width, the buildable area is approximately 40' wide without accounting for required side setbacks. Thus, constructing a principal residence within the required setbacks would be infeasible without cutting into the slope and constructing retaining walls, which would pose a significant cost burden and potential safety risks. Other nearby properties in the hillside area have flat pads that are wide enough to accommodate the required setbacks, while the subject property is significantly narrower. One comparable example is the property located at 1293 Monte Cielo Drive, which is similarly long and narrow in shape, is surrounded by steep hillside slopes, and is approximately 70' at its widest point. Recent development of a single family residence on this site was made feasible through the construction of an extensive system of retaining walls, which required the granting of a variance in order to be built high enough to safely construct the building. Building and Safety staff have reviewed the provided soils report and confirmed that the proposed accessory structure can be safely built with the inclusion of the proposed 7' retaining and debris wall (both of which would be code compliant). Any larger buildings, such as a main residence, would likely be infeasible without a more extensive retaining wall system and hillside grading.

Site Access. While the subject property for the variance is located in the City of Beverly Hills, the main residence to which the proposed accessory structure would be appurtenant is located in the City of Los Angeles. There is currently no driveway that provides direct access to the subject property, and the only way to access it is to enter through the main residence via Monte Cielo Court, a street that is maintained by the City of Los Angeles. The steepness of the hills that are adjacent to the public streets make a direct access road to the subject property either infeasible or prohibitively expensive. These conditions make it likely that the property would not function as an independent site with its own main residence, and is dependent upon the adjacent property for access. Thus, the property owner has been deprived of the ability to develop a fully independent main residence on this property.

² The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Building Setbacks. The location of the flat pad in relation to the slopes and the required setbacks has made it infeasible to construct a main residence or accessory structure on the site. The Beverly Hills Municipal Code requires that accessory buildings be set back at least 100' from the front lot line or be completely located within 50' of the rear property line. Due to the shape and topography of this site, any structure built with a 100' front setback would be significantly limited in floor area because of the amount of sloped hillside between the property lines and edges of the flat pad. If a structure were to be built with a 100' front setback, it would require significant grading into the hillside in order to provide enough level pad to construct a habitable structure. Furthermore, the entire area that is within 50' of the rear property line is outside of the flat buildable area, and would require significant grading and alteration of the hillside in order to create a flat building pad that could accommodate any structures.

City Owned Property. A 10' wide strip of city-owned property currently separates the subject property and the adjacent property with the main residence. This property contains an abandoned underground water main that follows the upwards slope, and a pump station at the corner of Monte Cielo Drive and Monte Cielo Court that is no longer in use. Since the pipe is fully underground and not in use, the city-owned property has been used to access the subject property from the main residence. In order to facilitate access to the subject property and enable use of the accessory structure, staff recommends an encroachment agreement or similar instrument to allow the property owners to cross through the City's property and to limit the City's liability. Such an agreement would be drafted by the City Attorney's office, and would be processed by the Public Works Department.

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">• Enabling development on a property within the City that has otherwise remained vacant thus far due to site topography and constraints.• Proposed development is small in scale and will not result in significant alteration of the hillside or view impacts to neighboring properties	<ul style="list-style-type: none">• Site access would only be available through property located outside of City of Beverly Hills' boundaries.

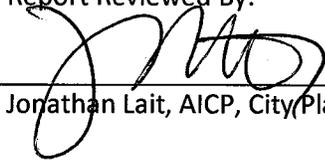
NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving the proposed project.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:



Jonathan Lait, AICP, City Planner

ATTACHMENT A
REQUIRED FINDINGS

ATTACHMENT A

Required Findings

Variance Findings. The Planning Commission may grant a variance from the provisions of Title 10 Chapter 3 of the Beverly Hills Municipal code with respect to particular property, provided that the following findings are made:

- 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.
- 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 VARIANCE TO ALLOW AN ACCESSORY STRUCTURE ON A PROPERTY WITH NO PRINCIPAL BUILDING, AND TO ALLOW THE ACCESSORY STRUCTURE TO BE LOCATED LESS THAN 100 FEET FROM THE FRONT PROPERTY LINE ON THE PROPERTY LOCATED AT 1297 MONTE CIELO ROAD.

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

Section 1. Murray Fischer, representative of Jay Landers (the "Applicant"), has submitted an application for a variance to allow the construction of an accessory structure (pool house) within 100' of a front property line, and to allow the accessory structure to be constructed on a property with no principal building located at 1297 Monte Cielo Drive in the Hillside Area of the City (the "Project"). The variance can be granted by the Planning Commission if specific findings can be made.

Section 2. The subject property is located in the Hillside Area of the City of Beverly Hills, near the City's northern border with the City of Los Angeles. The property that is located within the City of Beverly Hills, and is the subject of this variance request, is located on Monte Cielo Drive. The surrounding area is characterized by single-family residences of varying sizes and lot configurations situated along the edge of a steeply sloped canyon. Adjoining properties have floor area ratios, mass and scale that are compatible with the single family residence to which the proposed project would be accessory.

The proposed project consists of the construction of an 850 square foot, one-story pool house on a lot with no primary residence. Although the subject lot does not contain a primary residence, the accessory structure would serve a primary residence located on a separate lot in the City of Los Angeles located at 1721 Monte Cielo Court. The proposed pool house includes the following specifications:

- One story, 14' in height
- 64' setback from the front (east) property line
- 71' setback from the rear (west) property line (10' setback from a proposed retaining wall)
- 98' setback from the south side property line
- 5' setback from the north side property line

Section 3. The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act [Public Resources Code Sections 21000, et seq. (CEQA)], the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.) and the City's Local CEQA Guidelines. The project qualifies for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) in accordance with the requirements of Section 15303 of the Guidelines for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone", and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on June 13 and July 3, 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 June 26, 2014, the Planning Commission conducted a site visit of the subject property during its duly noticed, regularly scheduled public meeting. Due to an unexpected cancellation of the public meeting resulting from an emergency evacuation of City Hall, the application was duly re-noticed for consideration at a special meeting of the Planning Commission on July 17, 2014. On July 17, 2014 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meetings.

Section 5. The subject property that would contain the proposed accessory structure is held under the same ownership as the property located at 1721 Monte Cielo Drive in the City of Los Angeles; however, the two properties are separated by a 10' wide lot owned by the City of Beverly Hills, which contains a subterranean City water main. There is currently no vehicular access to the property, and the only available access is through the property located at 1729 Monte Cielo Court in the City of Los Angeles. The lot is currently vacant with no built structures. The property slopes steeply upward to the west from the public roads to the rear of the property. The flat building area on the property is long and narrow in shape, and due to the steep topography of the lot and the limitations created as a result of the pad configuration, the applicant has proposed new retaining walls that would accommodate the proposed structure.

Section 6. In reviewing 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 7. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Variance:

1. The subject property is subject to special circumstances pertaining to topography and shape. The steepness of the slopes surrounding the property prevents direct driveway access from a public road onto the site, which deprives the owners of the ability to construct a primary residence on the site. Additionally, the existing level pad is shaped in such a way as to make it prohibitively expensive to construct the accessory structure within the required setbacks, since complying with the applicable setbacks would require extensive grading of the hillside. Therefore, for the reasons outlined above, the strict application of the zoning code would prevent the construction of any accessory structures on the subject property, which would deprive the subject property of the privilege of constructing an accessory structure in a manner enjoyed by other properties in the vicinity and under identical zone classifications.

2. Conditions will be placed on the variance that will prohibit the sale of the subject property separate from the property with the main residence to which

the proposed accessory structure would be appurtenant. This will ensure that the variance does not constitute special privileges that are not available to other properties in the vicinity and zone of the subject property.

Section 8. Based on the foregoing, the Planning Commission hereby grants the requested Variance, subject to the following conditions:

1. Prior to the issuance of building permits for the accessory structure, the Applicant shall record covenants against the properties located at 1297 Monte Cielo Drive, Beverly Hills, CA 90210 (subject property) and 1721 Monte Cielo Court, Los Angeles, CA 90210 (main residence) that would require both properties to be held under a single ownership unless the accessory structure on the subject property is demolished or brought into conformance with all applicable codes prior to separation of the properties.

2. This approval shall not become effective unless and until the Applicant enters into an encroachment agreement with the City of Beverly Hills outlining provisions for access through the property owned by the City, as well as placement of any utilities or hardscape materials within the City-owned property. Said agreement shall be satisfactory in form and content to the City Attorney, and shall include provisions whereby the applicant will indemnify and hold harmless for incidents that may occur related to the use of the City property.

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 June 26, 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 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. 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 9. 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: July 17, 2014

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

Attest:

Jonathan Lait, AICP
Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

ATTACHMENT C

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: July 17, 2014

TIME: 1:00 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 a SPECIAL meeting on Thursday, July 17, 2014, will hold a public hearing beginning at **1:00 PM**, or as soon thereafter as the matter may be heard to consider:

A request for a variance to allow an accessory structure (pool house) to be built on a property without a main residence, and to allow the pool house to be located less than 100' from the front property line. The subject property is located in the hillside area at **1297 Monte Cielo Drive**, at the intersection of Monte Cielo Drive and Monte Cielo Court near the border between the Cities of Beverly Hills and Los Angeles. The proposed one-story pool house would include approximately 850 square feet of floor area, have a height of 14', and be set back a minimum of 5' from the nearest property line. The subject property is currently inaccessible except from the adjacent property at 1721 Monte Cielo Court located in the City of Los Angeles. Both properties are held under the same ownership, and if approved would function as a single site, with the pool house being accessory to the main residence at 1721 Monte Cielo Court.

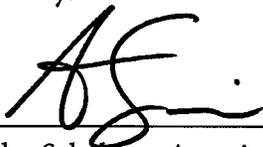
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption (New Construction or Conversion of Small Structures) in accordance with the requirements of Section 15303 of the Guidelines for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone.", 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 **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@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:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Andre Sahakian, Associate Planner

Mailed: July 3, 2014



NOTICE OF PUBLIC HEARING

DATE: June 26, 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, June 26, 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 for a variance to allow an accessory structure (pool house) to be built on a property without a main residence, and to allow the pool house to be located less than 100' from the front property line. The subject property is located in the hillside area at **1297 Monte Cielo Drive**, at the intersection of Monte Cielo Drive and Monte Cielo Court near the border between the Cities of Beverly Hills and Los Angeles. The proposed one-story pool house would include approximately 850 square feet of floor area, have a height of 14', and be set back a minimum of 5' from the nearest property line. The subject property is currently inaccessible except from the adjacent property at 1721 Monte Cielo Court located in the City of Los Angeles. Both properties are held under the same ownership, and if approved would function as a single site, with the pool house being accessory to the main residence at 1721 Monte Cielo Court.

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 (New Construction or Conversion of Small Structures) in accordance with the requirements of Section 15303 of the Guidelines for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone.", 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 **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@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:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Andre Sahakian, Associate Planner

Mailed: June 13, 2014

ATTACHMENT D

PROVIDED AS A SEPARATE ATTACHMENT