Beverly Hills
Planning Division
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Planning Commission Report

Meeting Date: October 23, 2014

Subject: **1000 North Crescent Drive**
Zone Text Amendment, Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation
Request for a Zone Text Amendment to create a new entitlement called a Historic Incentive Permit that would create incentives for property owners to landmark historic buildings; request for a Historic Incentive Permit, contingent upon approval of the Zone Text Amendment, to allow a proposed addition to the existing residence to encroach into the required front setback; request for a Minor Accommodation to allow the addition to be aligned with the existing nonconforming side setback for the residence; and a request for a Hillside R-1 Permit to allow cumulative floor area on the property in excess of 15,000 square feet on a site exceeding two acres in size. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.
PROJECT APPLICANT: Tom Levyn

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 Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation; and
3. Adopt the attached resolution recommending that the City Council adopt a Zone Text Amendment that establishes the Historic Incentive Permit

REPORT SUMMARY

This item consists of an applicant-initiated Zone Text Amendment that would create incentives for property owners to landmark properties that are considered to have historic significance by creating a new entitlement that would allow the Planning Commission to modify certain development standards that would otherwise apply to historic properties. This amendment is being proposed as a result of desired development on the property located at 1000 North Crescent Drive. The new entitlement, or Historic Incentive Permit, is also being requested along with a Hillside R-1 Permit and Minor Accommodation to allow an approximately 850 square foot addition to the existing house consisting of a garage on the ground floor and security office on the second floor that would encroach into the required side and front yard setbacks. This report provides analysis on the proposed zone text amendment and the merits of the project with respect to the requested entitlements. The recommendation in this report is for approval of the Zone Text Amendment and project entitlements, subject to certain conditions of approval.

Attachment(s):
A. Required Findings
B. Draft Resolution – Zone Text Amendment
C. Draft Resolution – Project Specific Entitlements
D. Architectural Plans

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BACKGROUND

File Date	5/13/2014
Application Complete	6/26/2014
Subdivision Deadline	N/A
CEQA Deadline	60 Days from CEQA determination
Permit Streamlining	12/23/2014
Applicant(s)	Robert Philpot as Trustee of the Lexington Trust
Owner(s)	Robert Philpot as Trustee of the Lexington Trust
Representative(s)	Thomas S. Levyn, Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP
Prior PC Action	On August 7, 2014, the Planning Commission held a study session on a proposed framework for providing development incentives for landmarked properties, accepted public comment, and provided direction to staff to draft a zone text amendment.
Prior Council Action	None.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1000 North Crescent Drive, Beverly Hills, CA 90210
Legal Description	Lots 27 and 28, Block 79 of the Beverly Hills Tract
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped: 88,996 SF (2.04 acres)
Year Built	Originally constructed in 1927
Historic Resource	The subject property was designated as a local landmark by the City Council on March 14, 2014 as the Harry Cohn Estate.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.X – Single-Family Residential
South	R-1.X – Single-Family Residential
East	R-1.X – Single-Family Residential
West	R-1.X – Single-Family Residential

Circulation and Parking

Adjacent Street(s)	Crescent Drive and Lexington Road
Adjacent Alleys	None
Parkways & Sidewalks	Crescent Drive – 12' Lexington Road – 14'
Parking Restrictions	Crescent Drive – 2 Hour Parking Lexington Road – None
Nearest Intersection	Crescent Drive and Lexington Road

ZONING ANALYSIS

REGULATIONS	ALLOWED/ REQUIRED	PROPOSED ADDITION	NOTES
Main Residence			
Height	26'	24'-8"	Existing house has height of 31'-8"
Floor Area	20,508 SF	850 SF	Cumulative floor area on the site including proposed addition is 29,184. Requires Hillside R-1 Permit.
Front Setback	40'	29'-11"	Existing house has front setback of 54'-2" from Crescent Drive. Encroachment requires Historic Incentive Permit
Side Setback (north)	34'	12'-5"	Existing house has north side setback of 11'-10". Requires Minor Accommodation
Side Setback (south – Lexington Road)	40'	273'-4"	Existing house has south side setback of 114'-2" from Lexington Road
Rear Setback	41'	185'-2"	Existing house has rear setback of 65'-1"
Parking	4	2	Total of 6 spaces provided on site, including 4 covered spaces. Parking requirements are being satisfied.

Neighborhood Character

The project site is located in the Hillside Area of the City on the northeast corner of Crescent Drive and Lexington Road, with main access and frontage on Crescent Drive. Surrounding properties are generally developed with one, two, and three-story homes and one- and two-story accessory structures. Based on the surrounding topography and previous subdivisions, many of the lots in the surrounding neighborhood are irregularly shaped, and are generally between one and two acres in size.

Requested Permits

The applicant is seeking approval of a Zone Text Amendment to modify restrictions on encroachments into the front yard setback. The proposed Zone Text Amendment, if approved, would establish a new Historic Incentive Permit that would be applicable to properties designated as local landmarks pursuant to the City's Historic Preservation Ordinance.

In addition to the application for the Zone Text Amendment, the applicant is seeking a Hillside R-1 Permit to allow floor area in excess of 15,000 square feet on a site with area exceeding two acres, as well as a minor accommodation for the extension of a legally nonconforming side setback.

GENERAL PLAN[1] POLICIES

The General Plan includes numerous goals and policies intended to 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.

- **Policy LU 2.6 City History**. Acknowledge the City's history of places and buildings, preserving historic sites, buildings, and districts that contribute to the City's identity while accommodating

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

renovations of existing buildings to maintain their economic viability, provided the new construction contextually "fits" and complements the site or building.

- **Policy LU 3.1 Conservation.** Conserve existing residential neighborhoods, and non-residential areas where new development builds on and enhances the viability of existing business sectors that are the City's strengths, promotes transit accessibility, is phased to coincide with infrastructure funding and construction, and designed to assure transitions and compatibility with adjoining residential neighborhoods.

- **Policy LU 5.1 Neighborhood Conservation**. Maintain the uses, densities, character, amenities, 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.

- **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.

- **Policy HP 1.4 Develop Incentives to Protect Significant Historic Resources**. Develop and fund financial and regulatory incentives to encourage the protection of historic buildings, districts, and public landmarks/monuments from demolition or significant alteration, which may include Mills Act contracts, waiver of fees, flexible development standards, conservation easements, transfer of development rights, and other incentive-based mechanisms to make preservation feasible for owners and developers.

- **Policy HP 1.5 Tiered Regulations for Residential and Non-Residential Historic Resources.** Consider a tiered approach for regulating non-residential, multi-family residential and single-family residential historic resources. A tiered approach to regulation may include standardized thresholds that trigger mandatory protections against demolition and/or financial and regulatory incentives to encourage preservation which may be different for each building type.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301

(Class 1(e)) of the Guidelines. Specifically, the proposed project involves an addition to an existing residential structure, and is therefore exempt from further review under 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	10/16/2014	7 Days
Newspaper Notice	10 Days	10/13/2014	10/10/2014	13 Days
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	10/13/2014	10/13/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	10/16/2014	7 Days

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

ANALYSIS[2]

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

Zone Text Amendment. As proposed, the Zone Text Amendment has been requested as part of an individual project on the property located at 1000 North Crescent Drive; however, the amendment would potentially apply to all properties in the city, creating a new entitlement that would incentivize the preservation of historically significant resources. Recognizing the broader applications of this Zone Text Amendment, staff analyzed a number of issues for the Planning Commission's consideration. These issues include the following:

Background
In 2012, the City Council adopted the City's first Historic Preservation Ordinance. Since the adoption of the Ordinance, the Cultural Heritage Commission along with staff have been presented with the challenge of encouraging property owners to designate their properties as local landmarks. In order to make it easier for owners of historically significant properties to preserve the City's historic resources, the adopted ordinance contains provisions for developing various types of incentives. Landmarked properties are subject to the same development standards as non-landmarked properties, and must also comply with the requirements of the Secretary of the Interior's Standards for Rehabilitating Historic Buildings in addition to the local zoning codes and development standards. As a result, property owners sometimes face difficulties when attempting to develop historic properties in a manner that preserves or enhances their historic value and meets the needs of the owners. Thus, certain incentives can be put in place to offer relief for historic properties while encouraging the preservation of a greater number of historic resources.

[2] The analysis provided in this section is based on preliminary research by the report author, and discussions with the applicant and other relevant staff. 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.

As part of the implementation of the City's Historic Preservation Program, Beverly Hills Municipal Code (BHMC) §10-3-3209 states that the City Council may "by resolution establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve city landmarks, historic districts, and contributing properties." On January 21, 2014, the City Council reviewed and consented to an overall historic preservation incentives strategy and phasing plan. A bonus or incentive zoning ordinance was envisioned as a potential incentive, but was identified in Phase Three of the strategy (targeted for Fiscal Year 2015 – 16 and beyond). However, the filing of the subject application has allowed the proposed incentive ordinance to be brought forward earlier than was previously anticipated.

To date, the most notable economic incentive that has been implemented is the City's participation in the Mills Act program, which provides property tax relief to owners of historic landmarks in exchange for the continued preservation of the property. Now, staff is seeking ways to provide additional incentives in the form of relief from certain local zoning requirements. These new development incentives are being proposed through a Zone Text Amendment that will create a new entitlement process allowing for waivers from development standards, including but not limited to encroachments into required setback areas, parking requirements, or others.

Staff sought input from the Planning Commission and members of the public at the regular meeting of the Planning Commission on August 7, 2014. Recognizing the complementary roles of the various City Commissions involved in this issue, staff also met with members of the Historic Incentive Subcommittee of the Cultural Heritage Commission to seek input on the proposed amendment. Staff met with the Subcommittee and presented their comments to the Planning Commission during the prior hearing on this matter.

<u>Incentive Examples</u>
A number of cities have established zoning incentives for the purpose of encouraging the protection and enhancement of historic resources. Common zoning incentives provide flexibility in development standards such as setbacks, density, FAR, parking standards, and others, or provide relief from bringing nonconforming properties into compliance with current codes. A handful of examples are briefly noted and discussed below in order to inform the discussion regarding the types of incentives that would be appropriate for achieving the goals of the City of Beverly Hills:

- *Eugene, OR:* Structures in the Historic Overlay zone are eligible for Adjustment Review, which allows adjustments to development standards in an efficient and effective manner. Any number of zoning regulations can be waived based on the needs of each project, and each project is considered on a case-by-case basis by a Historic Review Board. A prerequisite for Adjustment Review requires that the property be a designated historic landmark.

- *Seattle, WA:* The Director, in consultation with the Director of the Department of Neighborhoods, may waive or allow departures from standards for street level development, residential amenity areas, setbacks, floor area ratio limits, and screening and landscaping for designated landmark structures or for development within a Landmark District.

- *Santa Cruz, CA:* Historic Alteration Permit allows for modifications of district regulations for height, stories, parking, setbacks, projections into the required yards, open space, lot coverage, rear yard coverage, floor area limitations, accessory dwelling units, fence heights, slope regulations, yards, and parking requirements, as well as use variations to encourage adaptive reuse.

Historic Incentive Permit

Based on the unique context and needs of the City of Beverly Hills, input from the Planning Commission, Cultural Heritage Commission, and members of the public, as well as a review of best practices and alternatives, staff has developed a new permit process that would create the incentive discussed in this report. Case studies from other cities revealed three basic forms of historic incentive permits. Based on a study of examples and consideration of the unique needs of the City of Beverly Hills, staff believes the Eugene model may provide the most appropriate model.

The creation of a new Historic Incentive Permit would provide a vehicle for applicants to request deviations or waivers from development standards set forth in the zoning code. Rather than taking a prescriptive approach and defining precisely which development regulations are eligible for waiver, staff believes that it would be more appropriate to allow applicants to request any waivers or deviations from development standards that would specifically apply to their project, whatever they may be. While staff recognizes that certain waivers may not be appropriate in all instances, it was determined that at this time it would be difficult to anticipate what may be requested, and thus no restrictions have been placed on the types of waivers that may be requested. The proposed amendment does, however, differentiate between development standards and land use regulations, and does not allow requests for alteration or waiver from land use regulations (e.g. allowing a commercial use on a residentially-zoned property).

Review and Approval Procedure

As drafted, the amendment establishing the Historic Incentive Permit would have a review and approval procedure similar to that of the R-1 Permit procedures. Preliminary review would be conducted by staff to determine landmark status of a subject property, and whether the Historic Incentive Permit would be an appropriate vehicle toward achieving the desired project outcome. The reviewing authority for all Historic Incentive Permit applications would be the Planning Commission, and all Historic Incentive Permit applications would be subject to Planning Commission review and approval. Remaining consistent with the R-1 Permit procedures, public notice would be required as follows:

- In the Central Area, all owners and occupants of properties within a 500' radius of the subject property, plus the blockface of any property located within the 500' radius.
- In the Hillside and Trousdale Areas, all owners and occupants of properties within a 500' radius of the subject property.
- Notice posted on the subject property for at least 10 days.

Findings Required

Typical development entitlements, such as Minor Accommodations and R-1 Permits, require the reviewing authority to make certain findings in order to approve the project. These findings relate to impacts on the scale and massing of the streetscape, neighbors' access to light and air, neighbors'

privacy, and the garden quality of the city. In order to achieve its intended purpose, the Historic Incentive Permit will require additional findings that ensure the continued preservation of historic landmarks in the City. Below is a list of findings that are recommended for assessment of requests for Historic Incentive Permits:

The reviewing authority shall not issue a Historic Incentive Permit unless the reviewing authority makes the following findings:

1. The proposed project either:

    A. Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or
    B. Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; and

2. The proposed development will not have a substantial adverse impact on:

    A. The scale, massing, or character of the streetscape,
    B. The scale and massing of the property as viewed by neighboring properties,
    C. Neighbors' access to light and air,
    D. Neighbors' privacy,
    E. The garden quality of the city, and
    F. The public health, safety, or welfare

<u>Eligibility</u>
While the Zone Text Amendment was initiated in conjunction with development on a historically significant, single-family residential property, consideration was also given to whether there is a desire to incentivize preservation of other types of historically significant properties, including multi-family and commercial. The Planning Commission expressed no desire to limit eligibility to any particular land use or property type, and thus all landmarked properties will be eligible to apply for a Historic Incentive Permit, including single-family residential, multi-family residential, and commercial.

Historic Incentive Permit. Subject to City Council approval of the proposed Zone Text Amendment establishing the Historic Incentive Permit, the applicant has requested a waiver from Beverly Hills Municipal Code Section 10-3-2508 regarding permissible encroachments in a front yard. The applicant desires to replace an existing carport currently located in the front yard with a two-story addition to the existing residence containing a garage on the ground floor and a security office on the second story. As designed, the proposed addition would encroach into the front and side yard setbacks. While the Municipal Code contains provisions for requesting an extension of a legally nonconforming side yard setback through a Minor Accommodation, there is currently no provision in the Municipal Code that

allows an addition to an existing residence to encroach into the front yard setback. The only permissible encroachments in a front yard in the Hillside Area of the city include fences, gates walls, paving, roof eaves, one covered entry porch, and certain architectural projections limited to an encroachment of 6".

When landmark status was granted to the subject property by the City Council, the Council specifically found that the "extant carport structure on the west end of the northern wing of the residence and the western wall of the northern wing which the carport adjoins are not considered to be part of the character defining features of the residence." Subsequently, the owner has mostly demolished the carport under a demolition permit. Thus, replacing the existing carport with the proposed addition is not anticipated to result in a loss or deterioration of the integrity of the cultural resource.

The proposed addition will encroach into the front yard setback by approximately 10' and result in a total of approximately 312 square feet of floor area in the front yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Furthermore, due to the topography of the site, the portion of the property where the addition will be located is lower than the street level, making it consistent with the scale, massing, and character of the streetscape. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to adversely impact the scale and massing of the property as viewed by neighboring properties, neighbors' access to light and air, neighbors' privacy, the garden quality of the city, or the public health, safety, or welfare.

The Historic Incentive Permit is being requested in order to facilitate development on the property that meets the owner's needs and provides facilities that are better suited for modern-day luxury homes. The property has also already been designated as a local landmark pursuant to the Historic Preservation Ordinance. The requested waiver is consistent with the intent of the proposed Zone Text Amendment, which is to encourage and incentivize the preservation of architectural and cultural resources in the city by allowing landmarked properties to be updated in a manner that meets the needs of current property owners while maintaining the architectural and cultural integrity of the historic resource.

Hillside R-1 Permit. While the municipal code provides maximum floor areas for sites of varying sizes, the floor area limitations that would apply to this site also apply to any site with an area of 30,001 square feet or greater. The subject property is 88,996 square feet, or 2.04 acres. This site is more than twice as large as the highest floor area threshold contemplated by the code, and thus has resulted in more floor area being developed than would otherwise be allowed. In recognition of the tendency for larger sites to build more floor area, the Municipal Code includes a provision that allows the Planning Commission to establish a maximum cumulative floor area for all buildings and structures on a site in excess of that which would otherwise be allowed by right for properties that are at least 2 acres in size through the issuance of a Hillside R-1 permit. This provision requires that the Planning Commission find that the development of such floor area will not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties.

Currently, the existing development on the property has a cumulative floor area of 27,934, which exceeds the maximum allowable floor area of 20,509 square feet. The proposed project consists of the construction of a 1,250 square foot addition to the existing residence in the northwestern area of the property. This will result in a cumulative floor area of 29,184 square feet. The proposed addition will

encroach into the front and side yard setbacks by approximately 10' and 21'-7" respectively, and will result in a total of approximately 778 square feet of floor area in the front and side yard setbacks. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. View preservation diagrams provided by the applicant demonstrate that the proposed addition will not result in a view impact due to existing landscaping and the existing house. Thus, due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to result in adverse impacts to the scale and massing of the property as viewed by neighboring properties. Furthermore, due to the topography of the site, the portion of the property where the addition will be located is lower than street level, making it consistent with the scale, massing, and character of the streetscape.

Minor Accommodation. The Municipal Code provides the ability for property owners to request a Minor Accommodation in order to extend legally nonconforming side yard setbacks, provided that certain requirements are met. The existing north side yard setback for the main residence is 11'-10" (the code-required setback is 34 feet), and the proposed addition would have a north side yard setback of 12'-5". The amount of floor area that would encroach in the north side yard setback is approximately 466 square feet. The addition would include a 2-car garage on the ground floor and a security office on the second floor. The total height of the addition would be 24'-8" and one window would be located on the second floor facing the north side property line with the highest point at a height of 17'. However, the elevation difference between the location of the window and the property line reduces the effective height of the window by approximately 3.5', making the window less visible to the adjacent property. There are also several existing trees along the northern edge of the property between the addition and the north property line, which create an approximately 20' canopy. Furthermore, the Commission may impose conditions such as requiring any window on the second story of the addition be fixed or awning style with a maximum 25 degree opening and use translucent glass in order to provide further privacy to the neighboring property; however, staff is not recommending such a condition at this time.

Due to the topography of the site, the portion of the property where the addition will be located is lower than street level, making it consistent with the scale, massing, and character of the streetscape. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, staff does not anticipate any adverse impacts to the scale and massing of the property as viewed by neighboring properties, neighbors' access to light and air, neighbors' privacy, the garden quality of the city, or the public health, safety, or welfare.

Potential Pros and Cons.
In addition to the analysis provided above, a summary of the potential pros and cons that could result from the project are outlined below for consideration by the Commission.

Pros	Cons
Zone Text Amendment	
• Meets the intent of the Historic Preservation ordinance by creating incentives for property owners to willingly seek landmark status of significant resources. • Allows flexibility for property owners to request waivers or deviations that meet the specific needs of their projects without being limited by a prescriptive list of available incentives. • Gives discretion to the Planning Commission to make a determination on a case-by-case basis.	• Lack of defined incentives may create uncertainty for property owners in what can be approved. • Requiring Planning Commission review of every application may result in a high volume of new Planning Commission cases, putting a strain on existing resources and increasing wait times for other Planning Commission cases. • The subjective nature of the requests that may come up may result in unintended consequences that have not yet been foreseen.
Historic Incentive Permit	
• Meets intent of existing Historic Preservation ordinance and proposed zone text amendment by allowing a property owner to take advantage of incentives offered to historic properties.	• The proposed addition will result in the main residence being closer to the front property line than otherwise allowed.
Hillside R-1 Permit	
• Establishes a maximum floor area for the site that will be a reference point for all future development on the site.	• Site may appear to be over-developed due to the combined number and scale of structures on the property.
Minor Accommodation	
• Proposed addition has less amount of encroachment into side yard setback than the existing residence.	• May potentially be perceived as increasing the scale and mass of the north elevation as viewed from the neighbor's property.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing, and adopt resolutions conditionally approving the requested entitlements and recommending City Council adoption of the Zone Text Amendment.

Report Reviewed By:

Ryan Gohlich, Senior Planner

ATTACHMENT A

REQUIRED FINDINGS

ATTACHMENT A
Required Findings

REQUIRED FINDINGS

Zone Text Amendment: In considering the application for a Zone Text Amendment, the Planning Commission shall consider whether the Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.

Historic Incentive Permit: The reviewing authority shall not issue a Historic Incentive Permit unless the reviewing authority makes the following findings:

1. *The proposed project either:*

    a. *Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or*

    b. *Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; and*

2. *The proposed project will not have a substantial adverse impact on:*

    a. *The scale, massing, or character of the streetscape,*

    b. *The scale and massing of the property as viewed by neighboring properties,*

    c. *Neighbors' access to light and air,*

    d. *Neighbors' privacy,*

    e. *The garden quality of the city, and*

    f. *The public health, safety, or welfare*

ATTACHMENT A
Required Findings

Hillside R-1 Permit: For those sites that are at least two (2) acres in area, the reviewing authority may issue a Hillside R-1 permit that establishes a maximum permitted cumulative floor area for all buildings and structures on a site in excess of that which would be allowed pursuant to section 10-3-2502 of this chapter, if the reviewing authority finds that development of that floor area will not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties.

Minor Accommodation: If a legally constructed existing building does not conform to the setback requirements of this section, then the building may be enlarged through the extension of the existing, nonconforming, side setback. If the existing setback is not less than three feet (3') and the extension exceeds fourteen feet (14') in height, then the extension may be permitted by a minor accommodation permit issued pursuant to article 36 of this chapter provided that the floor area of the extension is less than one thousand (1,000) square feet and less than twenty percent (20%) of the existing floor area authorized by building permit as of September 2, 1988, and provided that the reviewing authority finds that the extension will not have an adverse impact on:

a. *the scale and massing of the streetscape,*

b. *neighbors' access to light and air,*

c. *neighbors' privacy, and*

d. *the garden quality of the city.*

ATTACHMENT B

DRAFT RESOLUTION

ZONE TEXT AMENDMENT

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS ADDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-32.5 ESTABLISHING THE HISTORIC INCENTIVE PERMIT.

WHEREAS, the Planning Commission has considered the proposed amendment to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendment"); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 23, 2014, at which times it received oral and documentary evidence relative to the proposed Amendment; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq.("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14,

Sections 15000, et seq.), and the City's Local CEQA Guidelines (hereafter the "Guidelines"). The Planning Commission finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The Planning Commission further finds that it can be seen with certainty that there is no possibility that the adoption and implementation of the Amendments may have a significant effect on the environment, because no specific development is authorized by the Amendments, which are strictly procedural in nature. Further, adopting this incentive for historic preservation in the City is an action to protect and preserve historic resources, and thus is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15331.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to incentivize the protection of significant historic resources by providing a process by which owners of locally designated historic landmarks may request waivers or deviations from certain development standards set forth in the Beverly Hills Municipal Code. This would be achieved by creating a new entitlement called a Historic Incentive Permit, which would be available only to those properties that are designated as a local historic landmark in the City of Beverly Hills pursuant to the provisions set forth in the Historic Preservation Ordinance, or those properties for which the Cultural Heritage Commission has issued a recommendation that City Council list the property on the City of Beverly Hills Local Register of Historic Places. Any application for a Historic Incentive Permit would be reviewed by the Planning Commission on a case-by-case basis to ensure that the proposed project would comply with the "Secretary of the Interior's Standards For The Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, restoring, and Reconstructing Historic

Buildings," or if the proposed project does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a contributing property. The Planning Commission would also review any application for a Historic Incentive Permit on a case-by-case basis to ensure that the proposed project would not have a substantial adverse impact on the scale, massing, or character of the streetscape; the scale and massing of the property as viewed by neighboring properties; neighbors' access to light and air; neighbors' privacy; the garden quality of the city; and the public health, safety, or welfare. For these reasons, the Amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. 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: October 23, 2014

Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jay Trevino A.G.
Acting City Planner

EXHIBIT A

[DRAFT]

[DRAFT] ORDINANCE NO. 14-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO ESTABLISH AN HISTORIC INCENTIVE PERMIT

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. On _____, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. ___, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to establish the Historic Incentive Permit (collectively, the "Amendments"). On _____, 2014, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City Council finds that adoption of the Amendments will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. The City Council further finds that it can be seen with certainty that there is no possibility that the adoption and implementation of the Amendments may have a significant effect on the environment, because no specific development is authorized by the Amendments, which are strictly procedural in nature. Further, adopting this incentive for historic preservation in the City

is an action to protect and preserve historic resources, and thus is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 and 15331.

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy "HP 1.4 – Develop Incentives to Protect Significant Historic Resources" calls for the development and funding of financial and regulatory incentives to encourage the protection of historic buildings, districts, and public landmarks/monuments from demolition or significant alteration, which may include flexible development standards and other incentive-based mechanisms to make preservation feasible for owners and developers.

Section 4. The City Council hereby adds a new Article 32.5 to Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"ARTICLE 32.5. HISTORIC INCENTIVE PERMIT

10-3-3250. Purpose. This Article is intended to incentivize the protection of significant historic resources by providing a process by which owners of locally designated historic landmarks may request waivers or deviations from certain development standards set forth in the Beverly Hills Municipal Code.

10-3-3251. Applicability. The Historic Incentive Permit shall be available only to:

(1) Those properties that are designated as a local historic landmark in the City of Beverly Hills pursuant to the provisions set forth in Article 32 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code, or

(2) Those properties for which the Cultural Heritage Commission has issued a recommendation that City Council list the property on the City of Beverly Hills Local Register of Historic Places.

10-3-3252. Historic Incentive Permit. In addition to any other provision of this code or ordinance of the City of Beverly Hills, waivers or deviations from any municipal code provisions may be permitted through the issuance of a Historic Incentive Permit approved pursuant to the provisions of this article.

10-3-3253. Historic Incentive Permit Authority. Upon application by a property owner, in a form satisfactory to the director of community development, the reviewing authority may, if it makes the necessary findings, issue a Historic Incentive Permit to waive or deviate from any development standard set forth in Chapter 3 of Title 10 of the Beverly Hills Municipal Code. No Certificate of Appropriateness shall be required for any project for which a Historic Incentive Permit is granted pursuant to the provisions of this article. Nothing in this section, however, shall be construed to permit any waiver or deviation from land use requirements or restrictions set forth in this Chapter.

10-3-3254. Reviewing Authority. The Planning Commission shall be the reviewing authority for all Historic Incentive Permit applications.

10-3-3255. Public Hearing and Notice.

A. The reviewing authority shall hold a public hearing concerning each application for a Historic Incentive Permit.

Notice of any hearing held pursuant to this section shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines. 10-3-3256.

Findings required to issue a Historic Incentive Permit. The reviewing authority shall not issue a Historic Incentive Permit unless the reviewing authority makes the following findings:

1. The proposed project either:
    A. Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or
    B. Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; and
2. The proposed development will not have a substantial adverse impact on:
    A. The scale, massing, or character of the streetscape,
    B. The scale and massing of the property as viewed by neighboring properties,
    C. Neighbors' access to light and air,
    D. Neighbors' privacy,
    E. The garden quality of the city, and
    F. The public health, safety, or welfare

10-3-3257. Restrictions and Conditions. In granting a Historic Incentive Permit, the reviewing authority may impose such restrictions or conditions as it deems necessary or proper to satisfy the required findings, including but not limited to requiring that the property become a designated landmark pursuant to Article 32 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code prior to exercise of the Historic Incentive Permit.

10-3-3258. Appeals from Decisions. The applicant or any person aggrieved by any decision of the Planning Commission regarding a Historic Incentive Permit, may appeal that decision to the City Council. The City Council shall have the authority to call such decisions for review pursuant to the provisions of Article 2 of Chapter 4 of Title 1 of this code.

10-3-3259. Time for Exercise of Rights. Unless otherwise provided in the resolution granting a Historic Incentive Permit, 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."

A. The City Council hereby amends Section 10-3-253 of Article 2.5 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

B. Standard Requirements:

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Architectural Review				
Director level projects can be processed administratively and include: minor landscape approvals, some commercial signs, and minor exterior changes to multi-family and commercial buildings (paint color changes, replacing like for like elements). These permits are generally processed at the planning counter.	Director	None	None	None

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
Commission level projects must be reviewed by the City's Architectural Commission (AC) and include: sign accommodations, most commercial signs, façade remodels for commercial and multifamily buildings, new construction of commercial and multifamily buildings, and landscaping for commercial and multifamily projects.	Commission	Only projects in Multi-Family Residential Zones	None	None
Cultural Heritage				
Director level projects can be processed administratively and include Certificate of Review for District Non-Contributor and Director's Determination of Ineligibility.	Director	None	None	None
Commission level applications include projects that are reviewed by the City's Cultural Heritage Commission (CHC). The CHC recommends to the City Council on Landmark or Historic District Designation* nominations and Mills Act Contracts. The CHC acts on Certificates of Appropriateness for Designated Landmarks and Contributing Properties*. * Special noticing requirements apply, See Table 10-3-253 (B)	Commission	None	None	Owner/Applicant
Design Review				
Director level projects can be processed administratively and include single family home remodels and new homes in the Central area of the City that are determined to be "Track 1".	Director	None	None	Owner/Applicant
Commission level applications include projects that are reviewed by the City's Design Review Commission (DRC) including Single Family Home façade remodels and New homes in the Central area of the City that are determined to be "Track 2".	Commission	Yes	None	Central Area: 100 ft. radius + block-face
Planning Review				
Director Level includes applications that can be reviewed and approved by staff. Commission/Council, however many of the applications may be referred to the Planning Commission Level applications are reviewed and approved by the Planning Commission or City Council. Applications include: • Amendment (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) • Conditional Use Permit • Common Interest Development* • Density Bonus Permit • Development Plan Review • Extended Hours Permit • Game Court Fence • Game Court Location • Historic Incentive Permit • In-Lieu Parking • Large Family Daycare Permit* • Lot Line Adjustment	Director Level	Yes	No	Hillside & Trousdale: 300 ft. radius Central Area: 100 ft. radius + block-face

Public Notice Requirements for Development Applications		On-Site Posted Notice 10- Day	Newspaper Notice 10-Day	Mailed Notice 10-Day
• Maps: Tentative and Parcel • Minor Accommodation • Open Air Dining • Overnight Stay Permit • Planned Development Review • Reasonable Accommodation* • Resolution of Public Convenience and Necessity* • R1: Hillside, Central and Trousdale • R4 Permit • Second Unit Use Permit • Specific Plan • Tree Removal Permit* • Variance • View Restoration* Underlined Applications are reviewed at the Commission/Council level only *Special noticing requirements apply, See 10-3-253(B)	Commission/Council Level	Yes	Amendments (General Plan, Streets Master Plan, Specific Plan, Zone Text, Zoning Code) Conditional Maps (Tentative, and Parcel) Specific Plan Use Permit Variance	Hillside & Trousdale: 500 ft. radius Central Area: 300 ft. radius + block-face

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 6. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

LILI BOSSE
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager

SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT C

DRAFT RESOLUTION

PROJECT SPECIFIC ENTITLEMENTS

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HISTORIC INCENTIVE PERMIT TO ALLOW AN ADDITION TO ENCROACH INTO THE FRONT YARD SETBACK, A HILLSIDE R-1 PERMIT TO ESTABLISH MAXIMUM CUMULATIVE FLOOR AREA ON A PROPERTY WITH SITE AREA EXCEEDING TWO ACRES, AND A MINOR ACCOMMODATION FOR EXTENSION OF A LEGALLY NONCONFORMING SIDE YARD SETBACK ON A PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1000 NORTH CRESCENT DRIVE.

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

Section 1. Thomas S. Levyn, representative of the Lexington Trust (the "Applicant"), has submitted an application for a Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation to allow the construction of a two-story, 24'-8" tall addition within the otherwise required front and side setbacks for the property located at 1000 North Crescent Drive in the Hillside Area of the City (the "Project"). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation.

Section 2. The Project consists of a new two-story addition that will have a maximum height of 24'-8". The proposed addition would be located toward the northeast corner of the subject property, and contain approximately 850 square feet of floor area, which is comprised of a two car garage on the first floor and a security office on the second floor. The

structure is proposed to be set back a minimum of 12'-5" from the north property line, 29'-11" from the front property line, and 273'-4" from the south property line.

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 15301 (Class 1(e)) of the Guidelines. Specifically, the proposed project involves an addition to an existing residential structure, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on October 13, 2014 to all property owners and residential occupants within a 500-foot radius of the property. On October 23, 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 Historic Incentive Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The proposed project either:

a. *Complies with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings"; or*

b. *Does not demonstrate strict compliance with the "Secretary Of The Interior's Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings", but nonetheless protects and preserves the historic and architectural qualities and the character defining features that make the property a landmark or contributing property; and*

2. The proposed project will not have a substantial impact on the scale, massing, or character of the streetscape,

3. The proposed project will not have a substantial adverse impact on the scale and massing of the property as viewed by neighboring properties,

4. The proposed project will not have a substantial adverse impact on neighbors' access to light and air,

5. The proposed project will not have a substantial adverse impact on neighbors' privacy,

6. The proposed project will not have a substantial adverse impact on the garden quality of the city, and

7. The proposed project will not have a substantial adverse impact on the public health, safety, or welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Historic Incentive Permit:

1. When the subject property received landmark status, it was found that with regard to the primary street facing façade, the extant carport structure on the west end of the northern wing of the residence and the western wall of the

northern wing which the carport adjoins were not considered to be part of the character defining features of the residence. The proposed addition is intended to replace the former extant carport and reflect the character defining architecture of the rest of the residence. Therefore, the proposed project complies with the "Secretary Of The Interior's Standards For The Treatment of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings."

2. The proposed addition will encroach into the front yard setback by approximately 10' and result in a total of approximately 312 square feet of floor area in the front yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Furthermore, due to the topography of the site, the portion of the property where the addition will be located is lower than the street level, making it consistent with the scale, massing, and character of the streetscape. Therefore, the proposed project will not have a substantial impact on the scale, massing, or character of the streetscape.

3. The proposed addition will encroach into the front yard setback by approximately 10' and result in a total of approximately 312 square feet of floor area in the front yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Furthermore, due to the topography of the site, the portion of the property where

the addition will be located is lower than the street level. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to adversely impact the scale and massing of the property as viewed by neighboring properties.

4. The proposed addition will encroach into the front yard setback by approximately 10' and result in a total of approximately 312 square feet of floor area in the front yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Furthermore, due to the topography of the site, the portion of the property where the addition will be located is lower than the street level. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to have a substantially adverse impact on neighbors' access to light and air.

5. The proposed addition is located toward the street and away from neighboring structures, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Furthermore, the addition consists of limited uses including a garage and security office. Therefore, as conditioned, the proposed project will not have a substantial adverse impact on neighbors' privacy.

6. There are several existing trees along the northern edge of the property between the addition and the north property line, which create an approximately 20' canopy. Existing landscaping will remain, and no protected trees will be

removed as part of the project. Therefore, the proposed project will not have a substantial adverse impact on the garden quality of the city.

7. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the proposed project will not have a substantial adverse impact on the public health, safety, or welfare.

Section 7. In reviewing the request for a Hillside R-1 Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The development of the permitted cumulative floor area will not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit:

1. Currently, the existing development on the property has a cumulative floor area of 27,934, which exceeds the otherwise allowable maximum floor area of 20,509 square feet. The proposed project consists of the construction of a 1,250 square foot addition to the existing residence in the northwestern area of the property. This will result in a cumulative floor area of 29,184 square feet. The proposed addition will encroach into the front and side yard setbacks by approximately 10' and 21'-7" respectively, and will result in a total of approximately 778 square feet of floor area in the front and side yard setbacks. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will

be mostly shielded from outside views by large trees on the north and west sides of the property. View preservation diagrams provided by the applicant demonstrate that the proposed addition will not result in a view impact due to existing landscaping and the existing house. Due to the topography of the site, the portion of the property where the addition will be located is lower than street level, making it consistent with the scale, massing, and character of the streetscape. Thus, the development of the permitted cumulative floor area will not create a substantial adverse impact on the visual character of the area as viewed from the streets and neighboring properties

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

1. The extension will not have an adverse impact on the scale and massing of the streetscape,

2. The extension will not have an adverse impact on neighbors' access to light and air,

3. The extension will not have an adverse impact on neighbors' privacy, and

4. The extension will not have an adverse impact on the garden quality of the city.

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

1. Due to the topography of the site, the portion of the property where the addition will be located is lower than street level. Existing landscaping along the front property line will also provide additional screening from the street. Thus, the extension will not have an adverse impact on the scale and massing of the streetscape.

2. The proposed addition will have a side yard setback of 12'-5" and result in a total additional encroachment of approximately 466 square feet of floor area into the side yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to have a substantially adverse impact on neighbors' access to light and air.

3. The proposed addition will have a side yard setback of 12'-5" and result in a total additional encroachment of approximately 466 square feet of floor area into the side yard setback. The height of the addition will be 24'-8", which is lower than the existing house, and the addition will be mostly shielded from outside views by large trees on the north and west sides of the property. Due to the location, size, and design of the proposed addition, along with the existing landscaping on the property, the project is not anticipated to have a substantially adverse impact on neighbors' privacy.

4. There are several existing trees along the northern edge of the property between the addition and the north property line, which create an approximately 20' canopy. Existing landscaping will remain, and no protected trees

will be removed as part of the project. Therefore, the proposed project will not have a substantial adverse impact on the garden quality of the city.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation subject to the following conditions:

1. The Historic Incentive Permit shall not become effective unless and until an ordinance is adopted by the City Council approving a Zone Text Amendment establishing such permit.

2. Existing landscaping along the north side property line shall remain and be maintained by the owner of the subject property for the life of the Project.

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on October 23, 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. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

6. 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.

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

8. RECORDATION. The resolution approving the Historic Incentive Permit, Hillside R-1 Permit, and Minor Accommodation shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

9. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

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: October 23, 2014

_____
Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

_____
Secretary

Approved as to form:

_____
David M. Snow
Assistant City Attorney

Approved as to content:

_____
Jay Trevino AG.
Acting City Planner

ATTACHMENT D

ARCHITECTURAL PLANS

(PROVIDED AS A SEPARATE ATTACHMENT)