



Planning Commission Report

Meeting Date: November 10, 2016

Subject: **472 South Spalding Drive**
Request for a Central R-1 Permit to allow a first-story 60 square foot addition, a second-story 151 square foot addition to an existing two-story accessory structure, and to allow a detached second unit to be located above the ground floor.

Project Applicant: Mark Palmer

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the request for a Central R-1 Permit.

REPORT SUMMARY

A request for a Central R-1 Permit to allow additions to an existing accessory structure and to convert the second story of the accessory structure into a second unit located within the rear yard setback of the property. The proposal includes a 60 square foot addition to the first story of the accessory structure. The proposal also includes a 151 square foot addition to the second story of the accessory structure and a request to convert the second story of the accessory structure into a second unit with independent living facilities. Pursuant to Beverly Hills Municipal Code Section 10-3-409 A.6.c., the Planning Commission may approve a Central R-1 permit on single family residential lots located south of Olympic Boulevard and west of Roxbury Drive to allow an accessory structure with a second unit located above the ground floor to exceed 14 feet in height.

This report includes analysis of the proposed project, with specific focus on the project's height, scale and massing, and impacts on adjacent properties. Staff's analysis concludes that as a result of the proposed location, site topography and architectural design of the structure, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, the recommendation in this report is for the approval of the proposed second unit.

Attachment(s):
A. Required Findings
B. Public Notice
C. Draft Resolution
D. Architectural Plans

Report Author and Contact Information:
Fernando Solis, Associate Planner
(310) 285-1107
fsolis@beverlyhills.org



BACKGROUND

File Date 02/26/2016
Application Complete 07/13/2016
Subdivision Deadline N/A
CEQA Determination Class 3 Categorical Exemption
CEQA Deadline 60 days from CEQA Determination

Applicant(s) Mark Palmer
Owner(s) Israel Lasry
Representative(s) Mark Palmer

Prior PC Action None
Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Address 472 S. Spalding Drive
Assessor's ID No. 4330-008-005
Zoning District R-1
General Plan Single-Family Residential – High Density
Existing Land Use(s) Single-Family Residential
Lot Dimensions & Area 60' x 182.5' – 11,124 SF (.25 acres)
Historic Resource None
Protected Trees/Grove None

Adjacent Zoning and Land Uses

North Open Space - Roxbury Park
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) S. Shirley Place and Hill Green Drive
Adjacent Alleys 25' alley at the rear of the property
Parkways & Sidewalks Spalding Drive 60' total right of way width

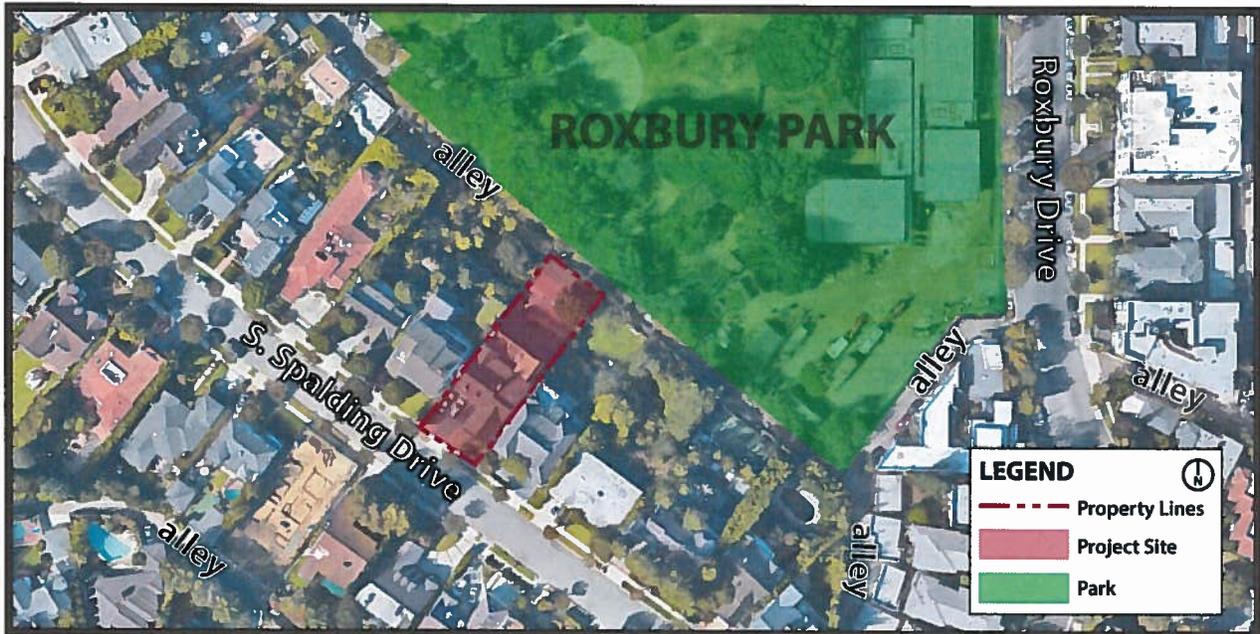
Neighborhood Character

The subject property is located on the north side of the 400 block of S. Spalding Drive, south of Olympic Boulevard in the Central Area of the City. The site fronts on S. Spalding Drive and abuts an alley to the north. The subject property is approximately 11,140 square feet (.25 acres) in area. The property is currently developed with a two-story residence with an additional



basement level. An attached two car garage is located at the front of the residence and a two-story accessory structure including a two car garage is located at the rear of the property.

The subject property and adjacent properties along S. Spalding Drive have a downhill slope from the front (street) property line to the rear (alley) lot line with a difference in elevation of at least twenty feet between the street and alley. The surrounding area is characterized by one- and two-story residences with one- and two-story accessory structures similar in size and scale to the subject site. However, the properties directly east and west are not improved with accessory structures.



Project Site

PROJECT DESCRIPTION

The proposed project will include additions to an existing accessory structure and convert the accessory structure into a second unit located within the rear yard setback of the property. The proposal includes the following elements:



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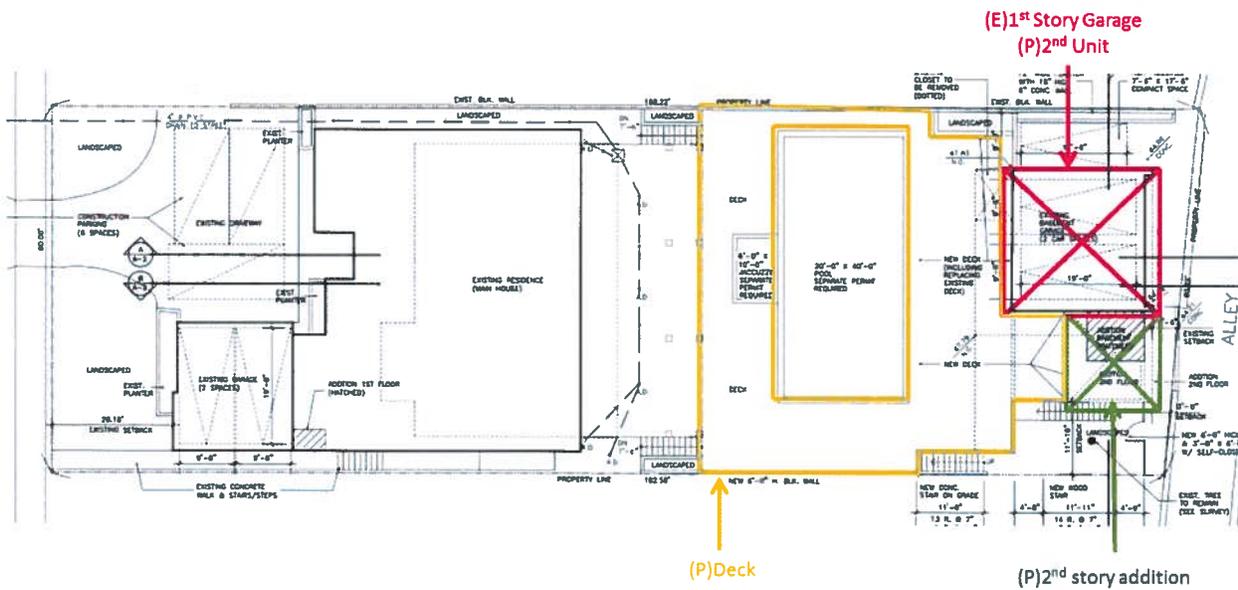
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- The proposed first story addition includes a restroom of approximately 60 square feet along the east elevation of the garage. The two existing enclosed parking spaces accessed from the alley will remain in place.
- The proposed second story addition includes a new 151 square foot bedroom and reconfiguration of the interior of the accessory structure into a second unit.
 - The proposed second unit will include a new bedroom, remodeled bathroom, remodeled kitchen and new deck.

The proposed site plan below identifies the locations of the proposed second unit and new deck. The new deck area is proposed to surround a new 20' by 40' pool.



Proposed site plan



The pictures below illustrate the existing condition of the primary dwelling and accessory structure.



Street Elevation – South Spalding Drive (Primary Dwelling)



Alley Elevation – (Accessory Structure)



Requested Permits

The proposed project requires approval of a Central R-1 Permit, which is required to allow the addition to exceed 14 feet in height, and to allow the structure to contain a second unit above the ground floor level.

Zoning Compliance and Table

The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Section 10-3-2413 B.1 of the Municipal Code restricts the height of accessory structures located in the Central Area of the City, south of Santa Monica Boulevard to 14 feet in height. However, in 2003 the City Council adopted a code amendment allowing accessory structures located south of Olympic Boulevard and west of Roxbury Drive to exceed 14 feet in height through the issuance of a Central R-1 Permit. This initial amendment was adopted in 2003 due to the unique topography of properties located south of Olympic Boulevard and west of Roxbury drive, but did not include provisions to allow a second unit to be located above the ground floor of an accessory structure. Subsequently, a 2010 code amendment was adopted allowing accessory structures located south of Olympic Boulevard and west of Roxbury Drive to contain a second unit located above a ground floor if approved through the issuance of a Central R-1 Permit.

A detailed review of the proposed project to applicable zoning standards is provided below.

REGULATIONS	ALLOWED / REQUIRED	EXISTING	PROPOSED	NOTES
Height	Main House:	3,780 SF	No change	
	Accessory Structure - Garage /Second Unit: 14'-0" maximum	1 st story Garage / 2 nd story Play Room 22'-6"	1 st story - Garage / 2 nd story - Second unit 22'-6"	Requires a Central R-1 Permit to allow a second unit located above the ground floor to exceed 14'-0" in height. An R-1 permit may allow a structure with a sloped roof to be up to 30' tall.



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Floor Area	Total Floor area shall not exceed 1,500 SF + 40% of the site area : 5,950 SF maximum	SFR: 3,780 SF Accessory structure: 427 SF - 1 st story 539 SF - 2 nd story Total Site: 4,746 SF (excludes 400 SF of garage area)	SFR: 3,780 SF Accessory structure: 500 SF - 1 st story Second Unit 650 SF - 2 nd story Total Site: 4,930 SF (excluded 400 SF of garage area)	Second units are restricted to a maximum floor area of 650 SF
Front Setback (Spalding Drive)	Detached second unit must be located to the rear of primary dwelling unit	158'	158' (no change)	
West Side Setback	6'-0" setback for the primary residence	3'-8"	10' setback for second unit (no change)	
	6'-0" for accessory structures	10'-0"		
East Side Setback	6'-0" setback for the primary residence	3'-6" setback for primary residence	11'-10" setback for second unit	
	6'-0" setback for accessory structures exceed 14'-0" in height	27'-0" setback for accessory structure		
Rear Setback (alley)	46'-7" setback for the primary residence	98'-10"	3'-0" from 2 nd story addition	Requires a Central R-1 Permit to allow the height to exceed 14'-0" when located above the ground floor and within a required rear yard setback
	Accessory structures shall be located in a required rear yard that abut an alley and comply with the minimum height standard of 14'-0"	5'-6"		



Bedrooms	Main House:	5 bedrooms	No change	
	No limit			
Parking Spaces	Existing single-family site that contain 5 or 6 bedrooms require 4 parking spaces	4 enclosed parking spaces	4 enclosed parking spaces plus 1 exterior parking space	
	1 parking space for Second Unit:	None		

GENERAL PLAN POLICIES

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

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- **Policy LU 6.4 Second Units.** Allow second units in single-family residential districts in accordance with State law.

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 Guidelines², and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a)) of the Guidelines. Specifically, a Class 3(a) Categorical Exemption allows for the construction or conversion of a structure into a second dwelling unit

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>



within a residential zone. The proposed project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

The public notice mailed October 31, 2016 incorrectly identified that both a Central R-1 Permit and a Second Unit Use Permit were necessary to approve the project. However, pursuant to BHMC Section 10-3-409 A.6.c., only authorization of the noticed Central R-1 Permit is required to approve a second story second unit at the project location.

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	10/31/16	10/31/16	10 Days
Property Posting	10 Days	10/31/16	10/31/16	10 Days
Website	N/A	N/A	11/4/16	6 Days

Public Comment

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

ANALYSIS

Project approval, conditional approval, or denial is based upon specific findings for the requested discretionary application. Draft findings are included with this report in Attachment C and may be used to guide the Planning Commission's deliberation on the subject project. Additionally, staff's analysis is provided below for the Commission's consideration.

Scale and Massing of the Streetscape and Neighborhood. The proposed accessory structure is located in the northeast corner of the project site and set back approximately 158' from the front property line. The subject site slopes downhill from the front (street) property line to the rear (alley) lot line with a difference in elevation of 36' between the street and alley. The proposed second unit will be completely blocked from views along S. Spalding Drive by a combination of site topography and the location of the existing two-story residence on the project site. The nearest neighboring buildings are approximately 65' away and sited on the up slope portion of the lot.

The addition has been designed with a 10'-0" setback to the west property line, and a 11'-10" setback from the east property line to provide adequate setback to neighboring



residents' located upslope of the proposed development. Therefore, the proposed structure provides sufficient setbacks from neighboring properties, has been designed to work with the topography of the lot, and will not have a substantial adverse impact on the scale and massing of the streetscape and neighborhood.

Neighbor's Privacy and Access to Light and Air.

The subject property is approximately 60' in width along the rear and abuts an alley. The proposed addition would be set back 3'-0" from the rear property line, 11'-10" from the east property line, 10'-0" from the west property line, and approximately 158' from the front property line along S. Spalding Drive. Additionally, the structure's height will be maintained at 22'-6". The approximate distance between the accessory structure and the neighboring main residences both to the east and to west is in excess of 65' with a difference of thirty feet (30') in elevation.

As part of the proposed remodel, the applicant is requesting to install operable clear windows along the north elevation facing the alley. The BHMC section 10-3-2415: Window Heights, allows windows above the second story with approval of a Central R-1 Permit. The proposed window locations along the north elevation are suitable because the view from the structure will face the alley and Roxbury Park. Due to the substantial setbacks provided for the proposed addition, window placement, and significant elevation changes, the project is not anticipated to impact the neighbors' privacy.

Garden Quality of the City. As proposed, the new second story addition and new deck will not require the relocation of the existing accessory structure. The proposed new deck will be located within the interior of the property. The proposed structure will measure 22'-6" in height and will be located directly adjacent to the alley. Views of the new deck area from the alley and Roxbury Park will be substantially blocked by the accessory structure. In addition, the limited existing landscaping located in the rear yard area, such as a mature tree located adjacent to the alley, will be maintained. Therefore, the project will not substantially modify the existing appearance of the site as viewed from Roxbury Park and adjacent alley. The proposed project is not anticipated to have a substantial adverse impact on the garden quality of the City.



NEXT STEPS

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Masa Alkire", with a long horizontal stroke extending to the right.

Masa Alkire, AICP, Principal Planner



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Attachment A
Required Findings



Central R-1 Permit Findings

In order to approve the requested Central R-1 Permit, all of the following findings must be made in support of the project:

- 1) The Project will not have a substantial adverse impact on the scale and massing of the streetscape;
- 2) The project will not have a substantial adverse impact on the neighbors' access to light and air;
- 3) The project will not have a substantial adverse impact on the neighbors' privacy;
- 4) The project will not have a substantial adverse impact on the garden quality of the City; and
- 5) The project will not have a substantial adverse impact on adjacent properties or the public welfare.



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Attachment B
Public Notice



NOTICE OF PUBLIC HEARING

DATE: November 10, 2016

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, November 10, 2016, 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 Central R-1 Permit to allow a second story addition that exceeds the height restriction of 14' to an existing accessory structure and a Second Unit Use Permit to convert the accessory structure into a second unit positioned within the rear yard setback of a single-family zoned property located in the Central Area of the City at 472 South Spalding Drive. The proposed second story addition is approximately 193 square feet and would be located at the eastern end of the subject property. The two story structure will have a maximum height of 22'-6". The proposed addition is setback 11'-10" from the south side property line and is 3' setback from the alley.

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." Upon review, the project appears to qualify for exemption from CEQA. Accordingly, the Planning Commission will consider a recommendation to find the project exempt from the environmental review requirements of CEQA as a Class 1

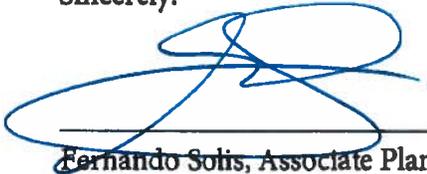
Categorical Exemption (minor alterations to an existing facility) pursuant to Sections 15301 of Title 14 of the California Code of Regulations.

Any interested person may attend the meeting and be heard or present written comments to the Commission. Please note that any comments received will become part of the public record.

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 **Fernando Solis, Associate Planner** in the Planning Division at (310) 285-1107, or by email at fsolis@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:



Fernando Solis, Associate Planner

Mailed: October 31, 2016



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Attachment C
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT TO ALLOW ADDITIONS TO AN EXISTING ACCESSORY STRUCTURE AND ALLOWING THE ACCESSORY STRUCTURE TO CONTAIN A SECOND UNIT LOCATED ABOVE THE GROUND FLOOR ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 472 S. SPALDING DRIVE.

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

Section 1. Mark Palmer, on behalf of the owner of property located at 472 South Spalding Drive, Israel Lasry (the "Applicant"), has submitted an application requesting a Central R-1 Permit to allow a 60 square-foot first story addition and 151 square-foot second story addition to an existing 22'-6" tall accessory structure and to convert the second story of the existing accessory structure to a second unit with independent living facilities (the "Project"). Beverly Hills Municipal Code Section 10-3-409 A.6.c. allows for accessory structures located in the Central Area of the City south of Olympic Boulevard and west of Roxbury Drive to exceed 14 feet in height and contain a second unit located above a ground floor if approved through the issuance of a Central R-1 Permit. As the Project does not meet all by-right development standards, the applicant requests a Central R-1 Permit to allow the Project to exceed 14 feet in height and to contain a second unit above the ground floor.

Section 2. The Project site is located in the Central Area of the City, south of Olympic Boulevard and west of Roxbury Drive, and has frontage along S. Spalding Drive. The project site is consistent with other properties in the neighborhood with respect to site area,

topography, and site configuration. Existing development on the project site consists of a two-story single-family residence with a basement at the front of the site and a two-story accessory structure at the rear of the site, adjacent to Roxbury Park. The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

The project consists of second story addition to the existing accessory structure located with the required rear yard setback. The remodeled structure would have a maximum height of 22'-6" and would contain a second dwelling unit with a total floor area of approximately 650 square feet. As designed, the remodeled accessory structure would be set back:

- 3'-0" from the rear property line, which abuts an alley;
- 10'-0" from the west side property line;
- 11'-10" from the east side property line; and
- 158'-0" from the front property line along S. Spalding Drive.

The total floor area of the second story second unit and first story garage would be approximately 1,150 square feet. The accessory structure would contain the following elements:

- A garage containing two (2) parking spaces and a restroom; and
- A second story second unit occupying approximately 650 square feet of floor area. The second unit would accommodate independent living facilities that include:
 - 1 bedroom;
 - 1 bathroom; and
 - A kitchen.

Section 3. The 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 15303 (Class 3(a) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for construction or conversion of a structure into a second dwelling unit within a residential zone. The proposed Project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

Section 4. Notice of the Project and public hearing was mailed on October 31, 2016 to all property owners and residential occupants within a 500-foot radius of the property, plus block face. On November 10, 2016 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

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

1. The Project will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The Project will not have a substantial adverse impact on the neighbors' access to light and air;
3. The Project will not have a substantial adverse impact on the neighbors' privacy;

4. The Project will not have a substantial adverse impact on the garden quality of the City; and

5. The Project will not have a substantial adverse impact on adjacent properties or the public welfare.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The proposed accessory structure is located in the northeast corner of the project site and set back approximately 158' from the front property line. The subject site slopes downhill from the front (street) property line to the rear (alley) lot line with a difference in elevation of 36' between the street and alley. The proposed second unit will be completely blocked from views along S. Spalding Drive by a combination of site topography and the location of the existing two-story residence on the project site. The nearest neighboring buildings are approximately 65' away and sited on the up slope portion of the lot. The addition has been designed with a 10'-0" setback to the west property line, and a 11'-10" setback from the east property line to provide adequate setback to neighboring residents' located upslope of the proposed development. Therefore, the proposed structure provides sufficient setbacks from neighboring properties, has been designed to work with the topography of the lot, and will not have a substantial adverse impact on the scale and massing of the streetscape and neighborhood.

2. The subject property is approximately 60' in width along the rear and abuts an alley. The proposed addition would be set back 3'-0" from the rear

property line, 11'-10" from the east property line, 10'-0" from the west property line, and approximately 158' from the front property line along S. Spalding Drive. Additionally, the structure's height will be maintained at 22'-6". The approximate distance between the accessory structure and the neighboring main residences both to the east and to west is in excess of 65' with a difference of thirty feet (30') in elevation. Due to the location, height of the structure on the site, distance between neighboring structures, and the condition regarding the architectural design of the proposed structure, the project will not have a substantial adverse impact on the neighbors' access to light and air.

3. The subject property is approximately 60' in width along the rear and abuts an alley. The proposed addition would be set back 3'-0" from the rear property line, 11'-10" from the east property line, 10'-0" from the west property line, and approximately 158' from the front property line along S. Spalding Drive. As part of the proposed remodel, the applicant is requesting to install operable clear windows along the north elevation facing the alley. The BHMC section 10-3-2415: Window Heights, allows windows above the second story with approval of a Central R-1 Permit. The proposed window locations along the north elevation are suitable because the view from the structure will face the alley and Roxbury Park. Due to the substantial setbacks provided for the proposed addition, window placement, and significant elevation changes, the project is not anticipated to impact the neighbors' privacy.

4. As proposed, the new second story addition and new deck will not require the relocation of the existing accessory structure. The proposed new deck will

be located within the interior of the property. The proposed structure will measure 22'-6" in height and will be located directly adjacent to the alley. Views of the new deck area from the alley and Roxbury Park will be substantially blocked by the accessory structure. In addition, the limited existing landscaping located in the rear yard area, such as a mature tree located adjacent to the alley, will be maintained. Therefore, the project will not substantially modify the existing appearance of the site as viewed from Roxbury Park and adjacent alley. The proposed project is not anticipated to have a substantial adverse impact on the garden quality of the City.

5. The proposed project provides substantial separation between new development and existing development, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. Additionally, the project is consistent with the scale and massing of surrounding development, and is located adjacent to an alley and public park. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Central R-1 Permit, subject to the following conditions:

1. Before building permit submittal, the Applicant shall obtain approval from the City's Urban Designer, and/or his/her designee, that the design of the second unit is architecturally compatible with the primary structure.

2. The project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on November 10, 2016 and conditioned herein.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. RECORDATION. This resolution approving the Central R-1 Permit 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.

11. EXPIRATION. Central R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

Section 8. 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: November 10, 2016

Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills

Attest:

Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Ryan Gohlich, AICP
Assistant Director / City Planner
Community Development Department



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Attachment D

Architectural Plans

(Provided as a Separate Attachment)