



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

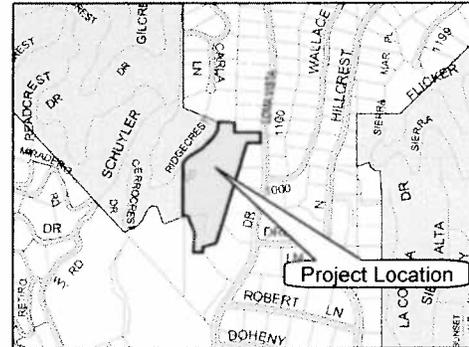
**For the Planning Commission  
Meeting of April 22, 2010**

**TO:** Planning Commission

**FROM:** Ryan Gohlich,  
Associate Planner

**THROUGH:** Jonathan Lait, AICP,  
City Planner

**SUBJECT:** A request for a Zone Text Amendment to Sections 10-3-2605 and 10-3-2650 of the Beverly Hills Municipal Code regarding the height of structures in Trousdale Estates, and a request for a Trousdale R-1 Permit to allow the construction of a new single-family residence that exceeds 14 feet in height, for the property located in the Trousdale Estates Area of the City at **1025 Loma Vista Drive**.



**RECOMMENDATION**

It is recommended that the Planning Commission recommend adoption of the Zone Text Amendment to City Council, and approve the Trousdale R-1 Permit, subject to conditions.

**EXECUTIVE SUMMARY**

The applicant requests a Zone Text Amendment to Sections 10-3-2605: Height of Structures and 10-3-2650: Trousdale R-1 Permit (see Attachment 4 for complete code provisions) of the Beverly Hills Municipal code regarding the height of structures in Trousdale Estates. The current code provisions restrict building heights to a maximum of 14 feet, but allow for existing structures that exceeded 14 feet in height on October 15, 1987 to be rebuilt so long as the new structure does not exceed the height or envelope (i.e. building footprint and siting) of the previously existing structure. The purpose of the Zone Text Amendment is to allow a new residence to be built up to the maximum height of the previously existing structure without otherwise conforming to the exact envelope of the previous structure. The result of the requested amendment would be a code provision allowing the new structure's footprint and siting to be modified to be different from the previous structure, but would still require the height of the new structure to be the same or lower than that of the previous structure. The staff-recommended amendment would require the issuance of a Trousdale R-1 Permit issued by the Planning Commission to allow a structure to be rebuilt outside its existing

envelope. Additionally, the recommended language is very narrow in scope and applies only to properties that exceed 5 acres in size and have a level building pad of at least 1.5 acres.

In conjunction with the abovementioned Zone Text Amendment, the applicant also requests approval of a Trousdale R-1 Permit to allow for the construction of a new single-family residence that would be as tall as the previously existing structure, but would not conform to the exact building envelope of the previous structure. Based on current code provisions the proposed project could not be approved; however, if the Zone Text Amendment is approved the proposed project would be possible through the issuance of the Trousdale R-1 Permit.

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Tom Levyn
<b>Project Owner</b>	Loma Vista Trust
<b>Zoning District</b>	Residential (R-1)
<b>Permit Streamlining Act Deadline</b>	Not applicable to legislative actions

### **AREA CHARACTERISTICS AND PROJECT DESCRIPTION**

The subject site is located on the west side of Loma Vista Drive in the Trousdale Estates, and is currently developed with an approximately 8,850 square foot residence. The total area of the subject property is approximately 302,350 square feet, or approximately 6.94 acres in size. The site is surrounded by residential properties developed with single-family homes. A sampling of 25 properties in the vicinity of the subject site identified an average property size of approximately one acre, and an average residence size of approximately 6,692 square feet. There are properties in the area that do not conform to these averages; however, the vast majority of properties do not exceed two acres in size, and residences generally do not exceed 10,000 square feet of floor area.

The property owner proposes to demolish the existing residence, and construct a new one-story (with basement) residence at a different location on the building pad. The new residence would consist of approximately 10,615 square feet of above-ground development and approximately 7,065 square feet of below-ground development. The existing residence is 20'5" in height, and the proposed structure would be approximately 19'11" in height.

As proposed, the new structure would be approximately the same height of the existing residence, would be an approximately 20% increase in floor area as compared to the

existing residence, and would be turned on a slightly different axis and constructed in a different architectural style. Modifying the siting of the residence and utilizing a different architectural style results in the project not conforming to the building envelope of the previously existing structure. Because the project does not conform to the building envelope of the existing structure it would not be allowed under the provisions of Code Section 10-3-2605, which state that a structure exceeding 14 feet in height may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987<sup>1</sup>.

The property owner has requested a Zone Text Amendment and Trousdale R-1 Permit (which would need to be approved pursuant to the language recommended by staff) that would allow for a new residence to be constructed up to the maximum height of the previously existing structure in areas outside of the previously existing building envelope. The proposed amendment is narrow in scope, and would only apply to properties that are larger than 5 acres in size as subdivided on April 22, 2010 and are developed with an existing residential structure that exceeds 14 feet in height. The complete Zone Text Amendment, as proposed by the applicant is provided in Attachment 1. The text amendment proposed by staff is included as Exhibit A of Attachment 2.

<b>Zoning Information</b>		
	<b>Proposed</b>	<b>Permitted/Required</b>
<b>Use</b>	Single-Family Residential	Single-Family Residential
<b>Cumulative Floor Area</b>	10,615 square feet	122,439 square feet
<b>Height</b>	19 feet 11 inches	14 feet (without Trousdale R-1 Permit)
<b>Front Setback</b>	340 feet	15 feet minimum
<b>Side Setbacks</b>	70 feet minimum	45 feet
<b>Rear Setback</b>	102 feet minimum	15 feet

## **BACKGROUND**

The City of Beverly Hills annexed Trousdale Estates on July 26, 1955. Trousdale Estates was subdivided and then developed as individual view-lots during the 1960s and 1970s. Trousdale has 402 acres developed as a cut and fill, stepped, hillside community that required major grading to create 596 single family residential lots with flat building pads and slopes. The developer, Paul W. Trousdale, placed deed restrictions in the form of a Codes, Covenants and Restrictions document (CC&Rs) on the area beginning in 1955, with a different set of CC&Rs for each tract, many or most of which expired in 2000. Although many of the CC&Rs have expired, much of their content and intent was carried over to the City's codes that are currently in effect.

<sup>1</sup> 10-3-2605: Height of Structures: Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987.

The CC&Rs originally provided separate height restrictions for Upper and Lower Trousdale (maximum 14-foot height in Upper Trousdale and 22-foot height in Lower Trousdale). These standards were codified by the City in 1985 and later revised in 1987 to provide a standard height restriction of 14 feet for all properties in Trousdale. As a result, many structures built in Lower Trousdale prior to 1987 exceed 14 feet in height (the subject property is an example). The intent of this height restriction was to preserve views and maintain the unique character of the area; however, a provision of the code allows structures that exceeded 14 feet in height prior to 1987 to be rebuilt within the same height and envelope. Staff reports at the time indicate that this provision for rebuilding was allowed since a majority of existing homes had been reviewed by an Architectural Committee composed of Trousdale homeowners, which resulted in existing height and building envelopes that were likely to be consistent with the intent of the original Trousdale CC&Rs.

To date, the only significant amendments to the height regulations for Trousdale have consisted of the following provisions:

1. Reducing the maximum height of structures within Lower Trousdale from 22 feet to 14 feet;
2. Allowing structures that previously exceeded 14 feet in height to be rebuilt within the same envelope; and
3. Allowing additions to structures that exceed 14 feet in height through the issuance of a Trousdale R-1 Permit.

## **ANALYSIS**

### **Zone Text Amendment**

The current language set forth within the height restrictions for properties located in Trousdale Estates allows structures to be replaced up to their previously existing height, but only as long as the new structure does not exceed the envelope of the previously existing structure. The applicant suggests that the existing code provisions regarding reconstruction of buildings may not always be appropriate for some of the very large properties within Trousdale Estates and is therefore requesting amendments to Sections 10-3-2605 (Height of Structures) and 10-3-2650 (Trousdale R-1 Permit) of the Beverly Hills Municipal Code. The requested amendment to Section 10-3-2605 would allow a structure that exceeds 14 feet in height to be re-built outside its existing envelope through the issuance of a Trousdale R-1 Permit, and the requested amendment to Section 10-3-2650 sets forth the standards and findings by which the Trousdale R-1 Permit could be approved. Because the amendments are interconnected and do not function independently of one another, the discussion below addresses both amendments without separating the individual code sections.

In reviewing the proposed text amendment submitted by the applicant, staff determined that although the proposed language was specific to the project, subtle modifications could be incorporated into the text amendment language in order to provide maximum protections for the residents of Trousdale Estates without necessitating alterations to the design of the proposed residence. The modifications made by staff narrowed the scope of the language to prevent a broader applicability, and eliminated unnecessary definitions that could result in confusion if applied to other sections of the code. The result is a very narrow scope that achieves the goals of the applicant without materially altering the unique character of Trousdale Estates. The applicant's proposed language, as well as staff's recommended language is provided in Attachments 1A and 1B, respectively, for comparison purposes. The basis for supporting the staff-recommended amendment is outlined below.

The reason that existing height provisions may not always be appropriate is that a very large property can much more easily accommodate additional building height and mass without causing any substantial impacts to the surrounding neighborhood. More specifically, a larger building pad generally creates more opportunities for siting buildings without adversely impacting the views and general enjoyment of neighboring properties. For comparison purposes, the subject property is approximately 700% larger than average properties within its vicinity, while the proposed floor area of the project is only 50% larger than the average floor area of residences in the area. As a result, the applicant has proposed new code language, which through the issuance of a Trousdale R-1 Permit, would allow a structure to be built up to the maximum height of a previously existing structure without otherwise conforming to the previously existing building envelope.

In reviewing the requested Zone Text Amendment, staff considered whether the proposed language would be detrimental to the surrounding area and result in a substantial change to the existing, unique character of Trousdale Estates, and whether the proposed amendment will benefit the public interest, health, safety, morals, peace, comfort, convenience, or general welfare. Upon this review staff determined that there may be instances in which structures on very large properties could be rebuilt beyond an existing building envelope without materially impacting the surrounding neighborhood. Further, allowing such projects to be built outside the previously existing building envelope may actually be beneficial to the surrounding area if such construction results in a property owner choosing to build over less of a lot's surface area as a result of being able to construct a building that exceeds 14 feet in height without conforming to the previously existing building envelope. The reason that a rebuilt structure that exceeds 14 feet in height has the potential to result in less lot coverage than a 14 foot tall structure is that the proposed text amendment would limit such new construction that exceeds 14 feet in height to a maximum 20% increase in floor area over the existing structure, while a 14 foot tall structure would have no such restriction. An example of this, while extreme, is the subject property: if the subject property was developed pursuant to current code restrictions with a maximum height of 14 feet, the maximum allowed (by-right) floor area would be 122,439 square feet;

however, if developed pursuant to the proposed text amendment with a maximum 20% increase in floor area, the maximum allowed floor area would instead be limited to approximately 10,615 square feet (equal to what is proposed by the applicant).

### **Trousdale R-1 Permit**

The requested Trousdale R-1 Permit is based on the language contained in the staff-recommended Zone Text Amendment as outlined above, and is therefore contingent on the City Council adopting the proposed amendment. If adopted, the Trousdale R-1 Permit sets forth findings and development standards that must be met to allow for a structure to be built to the maximum height of a previously existing structure without otherwise conforming to the previous building envelope.

The proposed project is located on a site that is nearly 7 acres in size and is capable of supporting a larger structure. The proposed project is slightly lower in height than the existing structure, is approximately 20% larger in terms of floor area than the existing structure, and would not adversely impact existing views from neighboring properties (view diagrams were prepared by the applicant and story poles were installed for analysis purposes). Because the project is substantially similar to the existing residence in terms of height, size and massing, the project is not expected to materially impact the surrounding neighborhood. Further, the proposed project is far smaller in scale and lot coverage than the maximum allowed by the code (up to 122,439 square feet of floor area could be developed on the subject property).

### **FINDINGS**

The Planning Commission may recommend that the City Council approve the proposed Zone Text Amendment if the Commission is able to find that the amendment will result in a benefit to the following:

- 1) The public interest, health, safety, morals, peace, comfort, convenience, or general welfare.***

The proposed Zone Text Amendment is intended to serve properties larger than 5 acres in size in Trousdale Estates. Properties that are larger than 5 acres in size are capable of accommodating larger, taller structures without materially impacting the scale, character, or integrity of the area, whereas the more typical sized properties in Trousdale Estates may not be as capable of accommodating such development. Additionally, the language of the amendment limits property owners to building structures that are no more than 20% larger in floor area than the previously existing structure. This provision creates an incentive to allow property owners to rebuild structures that may exceed 14 feet in height, but are not substantially larger than any previous structure, thereby helping to maintain the previously established character and massing of the area. Because the amendment

is narrow in scope, requires review of projects on a case-by-case basis through the public hearing process, and will help to preserve the character and massing of Trousdale Estates, the amendment will serve as a benefit to the public interest, health, safety, morals, peace, comfort, convenience, and general welfare.

The Planning Commission may approve the requested Trousdale R-1 Permit, contingent upon the text amendments taking effect, if the Commission is able to find that the project:

- 1) Will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987;**

The existing residence is approximately 8,850 square feet in area, and the proposed project is approximately 10,615 square feet in area. This results in the proposed project being approximately 20% larger than the existing residence, which is in compliance with limitation that the new structure not exceed the 120% threshold.

- 2) Will not materially impair the view or line of sight of neighboring homes;**

The proposed project will be sited in a manner that is substantially similar to the existing residence. Additionally, a view preservation study has been prepared by the applicant, which identifies the substantial differences in topography between the subject site and surrounding properties. Although the project will be visible from various properties throughout the neighborhood, based on the view preservation analysis (provided in the submitted plans) and field inspections the project is not anticipated to materially impair the views or lines of sight from neighboring homes.

- 3) Will not materially change the scale, character, or integrity of the area;**

The proposed project is approximately 20% larger than the existing residence, but will be marginally lower in height than the existing residence and sited in a substantially similar configuration as compared to the existing house. Because the proposed project results in only minor changes to floor area, height and siting, it is not anticipated to materially change the scale, character, or integrity of the area.

- 4) Will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.**

The proposed project will be substantially similar to the existing residence in terms of floor area, height, and siting. As a result, neighboring properties and the surrounding neighborhood will experience the subject property in a

manner that is similar to how the property is currently experienced, and a significant change that could affect the utility of neighboring properties or the general welfare of the neighborhood is not anticipated.

### **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was posted in two newspapers of local circulation and was mailed on April 9, 2010 to all property owners and residential tenants within a 300-foot radius of the property. As of the date of preparation of this staff report, no comments have been received in regard to the proposed project; however, staff has met with representatives from the Trousdale Homeowners Association to discuss the Zone Text Amendment.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15302, replacement or reconstruction, and Section 15305, minor alterations in land use limitations, the project qualifies for a Class 2 and Class 5 Categorical Exemption, and is not anticipated to have a significant environmental impact. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

### **RECOMMENDATION**

Based on the foregoing analysis staff recommends that the Planning Commission adopt the attached resolution recommending City Council approval of the proposed Zone Text Amendment and approving the requested Trousdale R-1 Permit, subject to the following project-specific conditions of approval:

1. The Trousdale R-1 Permit shall not become effective unless and until the proposed Zone Text Amendment regarding the height of structures in Trousdale Estates has been adopted by the City Council and has taken effect.
2. The total floor area of the project shall not exceed 120% of the floor area of the existing residence.
3. The project shall be built in substantial conformance with the plans approved by the Planning Commission on April 22, 2010.

4. This approval is for a Trousdale R-1 Permit only. The project shall be subject to all other development standards set forth in the Beverly Hills Municipal Code.

  
Ryan Gohlich  
Associate Planner

Attachments:

- 1A. Applicant Proposed Text Amendment
- 1B. Staff Proposed Text Amendment
2. Draft Planning Commission Resolution - Zone Text Amendment
3. Draft Planning Commission Resolution - Trousdale R-1 Permit
4. Beverly Hills Municipal Code Sections 10-3-2605 and 10-3-2650

# **Attachment 1A**

**Applicant Proposed Text Amendment**

**ATTACHMENT 1A**  
**APPLICANT PROPOSED TEXT AMENDMENT**

"The following proposed text amendments add language to the second paragraph of Section 10-3-2605 as well as a new subparagraph C. to Section 10-3-2650 of the Beverly Hills Municipal Code.

10-3-2605: HEIGHT OF STRUCTURES:

"Notwithstanding any other provision of this code, structures in Trousdale Estate which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987, unless permitted by Section 10-3-2650 C. For purposes of this section, the term "rebuilt" shall mean the construction of a new single family residence.

10-3-2650: TROUSDALE R-1 PERMIT:

C. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates which is located on a site larger than five (5) acres, which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence which existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence. Provided, however, sites may not be combined by any one applicant in order to comply with this subparagraph C. For purposes of this section, the term "rebuilt" shall mean the construction of a new single family residence.

In reviewing a request for a R-1 Permit under this subsection C., the reviewing authority shall approve the request if it finds the newly constructed single family residence (1) will not exceed twenty percent (20%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood."

# **Attachment 1B**

**Staff Proposed Text Amendment**

## **ATTACHMENT 1B**

### **STAFF-RECOMMENDED DRAFT ORDINANCE**

The following proposed **text amendments** add language to the third paragraph of Section 10-3-2605 as well as a new subparagraph B. to Section 10-3-2650 of the Beverly Hills Municipal Code.

#### **10-3-2605: HEIGHT OF STRUCTURES:**

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987, **unless permitted by a Trousdale R-1 Permit issued pursuant to Section 10-3-2650 B of this chapter.**

#### **10-3-2650: TROUSDALE R-1 PERMIT:**

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

- A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.
- B. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates that is located on a site in existence on April 22, 2010 that is larger than five (5) acres and contains a level building pad of at least one and one-half (1.5)**

**acres, which residence lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence that existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence.**

**In reviewing a request for a R-1 Permit under this subsection B, the reviewing authority shall approve the request if it finds the newly constructed single family residence (1) will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of one or more neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.**

- BC.** Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter.

# **Attachment 2**

**Draft Planning Commission 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 AMENDING REGULATIONS APPLICABLE TO HEIGHT RESTRICTIONS IN TROUSDALE ESTATES.

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

WHEREAS, the Planning Commission conducted a duly noticed public hearing on April 22, 2010, at which times it received oral and documentary evidence relative to the proposed Amendments; and

WHEREAS, the Planning Commission finds that the proposed Amendments is required for the public health, safety, and general welfare, and that such Amendments are 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 Amendments have 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"), and the City's environmental guidelines, and a Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15305 of the Guidelines to allow minor alterations in land use limitations. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of re-built homes in a particular area of the City. Existing regulations that apply to these properties limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to serve existing properties that are larger than 5 acres in size in Trousdale Estates. Properties that are larger than 5 acres in size are capable of accommodating larger, taller structures without materially impacting the scale, character, or integrity of the area, whereas typical sized properties in Trousdale Estates are two acres or less in size and are less capable of accommodating such development. Additionally, the Amendments limit building sizes to no more than a 20% increase in floor area than the previously existing structure, or a maximum structure size of 120% of what previously existed. This provision creates an incentive to allow property owners to rebuild structures that may exceed 14 feet in height, but are not substantially larger than any previous structure, thereby helping to maintain the previously established character and massing of the area. Because the Amendments are narrow in scope, require review of projects on a case-by-case basis through the public hearing process, and will help to preserve the character and massing of Trousdale Estates, the

Amendments will serve to further the public interest, health, safety, morals, peace, comfort, convenience, and general welfare.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendments 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:

\_\_\_\_\_  
Lili Bosse  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

\_\_\_\_\_  
Secretary

Approved as to form:

Approved as to content:

\_\_\_\_\_  
David M. Snow  
Assistant City Attorney

\_\_\_\_\_  
Jonathan Lait, AICP  
City Planner

## EXHIBIT A – DRAFT ORDINANCE

### **10-3-2605: HEIGHT OF STRUCTURES:**

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987, **unless permitted by a Trousdale R-1 Permit issued pursuant to Section 10-3-2650 B of this chapter.**

### **10-3-2650: TROUSDALE R-1 PERMIT:**

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

- A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.
  
- B. Estates Larger Than 5 Acres: A single family residence in Trousdale Estates that is located on a site in existence on April 22, 2010 that is larger than five (5) acres and contains a level building pad of at least one and one-half (1.5) acres, which residence lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled up to the maximum height of the single family residence that existed on such site as of October 15, 1987, without otherwise conforming to the envelope of such single family residence.**

**In reviewing a request for a R-1 Permit under this subsection B, the reviewing authority shall approve the request if it finds the newly**

**constructed single family residence (1) will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987; (2) will not materially impair the view or line of sight of one or more neighboring homes; (3) will not materially change the scale, character or integrity of the area; and (4) will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.**

**BC.** Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter.

# **Attachment 3**

**Draft Planning Commission Resolution**

**Trousdale R-1 Permit**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A TROUSDALE R-1 PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE ON THE PROPERTY LOCATED IN THE TROUSDALE ESTATES AREA OF THE CITY AT 1025 LOMA VISTA DRIVE.

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

Section 1. Loma Vista Trust, (the Property Owner), through its agent Tom Levyn, has submitted an application for a Trousdale R-1 Permit to allow for the construction of a new single-family residence that would exceed 14 feet in height and be as tall as the previously existing structure, but would not conform to the building envelope of the previous structure on the property located in the Trousdale Estates Area of the City at 1025 Loma Vista Drive (the “Project”).

Approval of the Project requires amendment of the City’s Zoning Code to allow for the issuance of a Trousdale R-1 Permit to allow an existing structure to be rebuilt up to its previous height in excess of 14 feet without otherwise conforming to the original envelope of the structure. Concurrently with review of the Project, the Planning Commission considered Applicant-initiated amendments to Sections 10-3-2605 and 10-3-2650 of the Municipal Code to allow existing properties in Trousdale Estates that are larger than 5 acres in size and have a level pad of at least 1.5 acres to construct a new house up to the maximum height of the previously existing structure without conforming to the envelope (building footprint and siting) of the previous structure (the “Amendments”). Pursuant to Planning Commission Resolution No.

\_\_\_\_\_, the Planning Commission has recommended that the City Council adopt the proposed Zone Text Amendment.

Section 2. The subject site is located on the west side of Loma Vista Drive in the Trousdale Estates, and is currently developed with an approximately 8,850 square foot residence. The total area of the subject property is approximately 302,350 square feet, or approximately 6.94 acres in size. The site is surrounded by residential properties developed with single-family homes. A sampling of 25 properties in the vicinity of the subject site identified an average property size of approximately one acre, and an average residence size of approximately 6,692 square feet. There are properties in the area that do not conform to these averages; however, the vast majority of properties do not exceed two acres in size, and residences generally do not exceed 10,000 square feet of floor area.

Section 3. The Property Owner proposes to demolish the existing residence, and construct a new one-story (with basement) residence at a different location on the building pad. The new residence would consist of approximately 10,615 square feet of above-ground development and approximately 7,065 square feet of below-ground development. The existing residence is 20'5" in height, and the proposed structure would be approximately 19'11" in height.

As proposed, the new structure would be approximately the same height of the existing residence, would be an approximately 20% increase in floor area as compared to the existing residence, and would be turned on a slightly different axis and constructed in a different

architectural style. Modifying the siting of the residence and utilizing a different architectural style results in construction that is outside of the building envelope of the existing structure. Because the Project does not conform to the building envelope of the existing structure it would not be allowed under the current provisions of Code Section 10-3-2605. If, however, the code is amended to enable the Property Owner to seek approval of the Project through a Trousdale R-1 Permit, as recommended by the Planning Commission, the Project could be approved. The Applicant has requested approval of a Trousdale R-1 Permit to allow construction of the Project, which is processed concurrently with the proposed Amendments, but any approval of the Trousdale R-1 Permit would be expressly contingent upon the City Council adopting the proposed ordinance amending Sections 10-3-2605 and 10-3-2650 of the Municipal Code, and those Amendments taking effect.

Section 4. 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 City’s Local CEQA Guidelines (hereafter the “Guidelines”), and the City’s environmental guidelines, and a Class 2 and Class 5 Categorical Exemption has been issued in accordance with the requirements of Section 15302 and 15305 of the Guidelines for the replacement of a structure and to allow minor alterations in land use limitations. The Class 5 exemption is limited to areas that have an average slope of less than 20%. The proposed text amendment would slightly alter existing regulations regarding the allowable height of rebuilt homes in a particular area of the City. Existing regulations that apply to these properties

limit construction to areas that have a slope of less than 5% and the proposed ordinance would not change this limitation.

Section 5. The requested Trousdale R-1 Permit is based on the provisions contained in the concurrently reviewed Amendment, and the following analysis applies the standards as though the Amendments had been adopted and become effective. The proposed Trousdale R-1 Permit regulations set forth findings and development standards that must be followed to allow for a structure to be built to the maximum height of a previously existing structure without otherwise conforming to the previous building envelope.

The Project is located on a site that is nearly 7 acres in size, which is capable of supporting a larger structure. The Project is slightly lower in height than the existing structure, is approximately 20% larger in terms of floor area than the existing structure, and would not adversely impact existing views from neighboring properties (view diagrams were prepared by the applicant and story poles were installed for analysis purposes). Because the Project is substantially similar to the existing residence in terms of height, size and massing, the Project is not expected to materially impact the surrounding neighborhood. Further, the Project is far smaller in scale and lot coverage than the maximum otherwise allowed by the code (up to 122,439 square feet of floor area could be developed on the subject property if the Project was reduced to 14 feet in height).

Section 6. Notice of the Project and public hearing was posted in two newspapers of local circulation and was mailed on April 9, 2010 to all property owners and residential tenants within a 300-foot radius of the property. Additionally, staff has met with

representatives from the Trousdale Homeowners Association to discuss the Trousdale R-1 Permit and Zone Text Amendment.

Section 7. In considering the request for a Trousdale R-1 Permit pursuant to Municipal Code and the Amendments, the Planning Commission shall approve the Trousdale R-1 Permit if the Commission finds that the Project:

1. Will not exceed one hundred and twenty percent (120%) of the existing floor area of the single family residence as it existed on October 15, 1987;
2. Will not materially impair the views or lines of sight of one or more neighboring homes;
3. Will not materially change the scale, character, or integrity of the area; and
4. Will not adversely affect the utility of neighboring properties or the general welfare of the neighborhood.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The existing residence is approximately 8,850 square feet in area, and the Project is approximately 10,615 square feet in area. This results in the Project being approximately 20% larger than the existing residence, which is in compliance with the 120% maximum structure size threshold.
2. The Project will be sited in a manner that is substantially similar to the existing residence. Additionally, a view preservation study has been prepared by

the Property Owner, which identifies the substantial differences in topography between the subject site and surrounding properties. Although the Project will be visible from various properties throughout the neighborhood, based on the view preservation analysis and field inspections the Project is not anticipated to materially impair the view or line of sight of neighboring homes.

3. The Project is approximately 20% larger than the existing residence, but will be marginally lower in height than the existing residence and sited in a substantially similar configuration as compared to the existing house. Because the Project results in only minor changes to floor area, height and siting, it is not anticipated to materially change the scale, character, or integrity of the area.

4. The Project will be substantially similar to the existing residence in terms of floor area, height, and siting. As a result, neighboring properties and the surrounding neighborhood will experience the subject property in a manner that is similar to how the property is currently experienced, and a significant change that could affect the utility of neighboring properties or the general welfare of the neighborhood is not anticipated.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Trousdale R-1 Permit, subject to the following conditions:

1. The Trousdale R-1 Permit shall not become effective unless and until the proposed Zone Text Amendment regarding the height of structures in Trousdale Estates has been adopted by the City Council and has taken effect.

2. The total floor area of the Project shall not exceed a 120% of the floor area of the existing residence.

3. The Project shall be built in substantial conformance with the plans approved by the Planning Commission on April 22, 2010.

4. This approval is for a Trousdale R-1 Permit only. The Project shall be subject to all other development standards set forth in the Beverly Hills Municipal Code.

5. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

6. This resolution granting the requested Trousdale 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 this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development **within 60 days** of the any City Council approval of the Amendments. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner 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 Planning & Community Development may, upon a request by the Property Owner, 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.

Section 11. 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:

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Lili Bosse  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

# **Attachment 4**

**Beverly Hills Municipal Code Section**

**10-3-2605 and 10-3-2650**

### **10-3-2605: HEIGHT OF STRUCTURES:**

The maximum height of any structure in Trousdale Estates shall be fourteen feet (14').

However, notwithstanding the provisions of subsection 10-3-203C of this chapter, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit issued pursuant to article 26.5 of this chapter.

Notwithstanding any other provision of this code, structures in Trousdale Estates which lawfully exceeded fourteen feet (14') in height on October 15, 1987, may be rebuilt or remodeled but shall not exceed the height or envelope of the building as it existed on October 15, 1987. (Ord. 85-O-1953, eff. 7-4-1985; amd. Ord. 87-O-2004, eff. 10-15-1987; Ord. 91-O-2114, eff. 4-19-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995)

### **10-3-2650: TROUSDALE R-1 PERMIT:**

Notwithstanding any other provision of this chapter, upon application by a property owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a Trousdale R-1 permit to establish the following standards in accordance with the following criteria in Trousdale Estates:

- A. Height Of Additions: The reviewing authority may issue a Trousdale R-1 permit that allows an addition to a building, including a side setback prolongation, to exceed fourteen feet (14') in height if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987, the addition will not exceed the height of the building, the addition will not exceed twenty percent (20%) of the existing floor area, and the reviewing authority finds that: 1) the addition will not materially impair the view or line of sight of neighboring homes, 2) the addition will not materially change the scale, character or integrity of the area, and 3) the addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.
- B. Game Court Fences And Lighting Standards: The reviewing authority may issue a Trousdale R-1 permit to establish the height of a game court fence or game court lighting standard within five feet (5') of a property line in excess of the height allowed pursuant to subsection 10-3-2617C of this article if the reviewing authority finds that the game court fence or lighting standard will not have a substantial adverse impact on: 1) access to light and air by neighboring properties, or 2) the visual character of the area as viewed from streets and neighboring properties. However, in no case shall the reviewing authority allow any game court fence to exceed twelve feet (12') in height nor shall the reviewing authority allow any lighting standard to exceed twenty two feet (22') in height.

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible.

Except as explicitly provided in this section, no Trousdale R-1 permit shall be construed as a waiver of any requirement of this chapter. (Ord. 80-O-1771, eff. 10-16-1980; amd. Ord. 85-O-1953, eff. 7-4-1985; Ord. 87-O-2004, eff. 10-15-1987; Ord. 91-O-2114, eff. 4-19-1991; Ord. 92-O-2147, eff. 9-4-1992; Ord. 93-O-2187, eff. 1-14-1994; Ord. 95-O-2239, eff. 7-7-1995)