



Planning Commission Report

Meeting Date: October 28, 2010

Subject: **1140 Tower Road (Hillside R-1 Permit)**
Request for a Hillside R-1 Permit to allow a proposed 350 square foot, 13-foot, 8-inch single story detached pool cabana structure to be located within 100-feet of the front property line on an estate property.
PROJECT APPLICANT: Jason H. Somers

Recommendation: It is recommended that the Planning Commission adopt the resolution for the requested Hillside R-1 Permit

REPORT SUMMARY

Accessory buildings are required to be setback at least 100 feet from the front lot line. However, with the approval of a Hillside R-1 Permit, the Code allows accessory structures on properties over 24,000 square feet in area, to be located anywhere on the site, if the appropriate findings can be made by the Planning Commission. The subject site is approximately 59,525 square feet in area, with the new detached pool cabana and pool deck that is proposed 68 feet from the closest front property line and a trellis that is proposed to be added to the existing guest house located 27' from the closest front property line.

Due to the location of the proposed structures, the recommended conditions of approval and the location of adjacent residences, it does not appear that the proposed accessory structures would have any impact to the neighboring properties.

Attachment(s):

- A. [Zoning Compliance Table](#)
- B. [Staff Recommended Findings and Conditions of Approval](#)
- C. [Public Notice](#)
- D. Architectural Plans
- E. Site Photos
- F. Applicant Letter

Report Author and Contact Information:

Rita Naziri, Senior Planner
(310) 285-1136
rnaziri@beverlyhills.org

BACKGROUND

File Date 7/21/2010
Application Complete 8/21/2010
Subdivision Deadline N/A
Permit Streamlining 10/19/2010 (A time extension letter was received from the applicant extending the time limit to 1/19/2011)

Applicant(s) Pacific Crest/Jason H. Somers
Owner(s) Tower Road Property, LLC
Representative(s) Jason H. Somers

Prior PC Action

- Hillside R-1 Permit and Lot Tie covenant to merge two lots into one lot and to allow one of the residences to remain an accessory structure within 100 feet of a front property line (Planning Commission Resolution NO. 1474, Adopted July 12, 2007)
- Hillside R-1 Permit to allow construction of a one-story gazebo structure less than 100 feet from a front property line (Planning Commission Resolution NO. 1417, Adopted March 9, 2006)

Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address 1140 Tower Road
Legal Description TRACT # 6770 LOT 1
Zoning District R-1.X One-Family Residential Zone
General Plan Low Density Single Family Residential
Existing Land Use(s) Single Family Residence
Lot Dimensions & Area Irregularly Shaped lot, 59,524 square feet
Year Built 1934
Historic Resource The property is not listed on any local, state or federal inventory
Protected Trees/Grove The proposed project includes removal of 37 trees within the subject property. However, based on the letter received from the applicant, none of these trees are considered protected trees or heritage trees¹. Because there are more than fifty trees on the property at this time, in order to determine if the existing trees are considered an urban grove², an arborist report is required to be provided by the applicant. The applicant is proposing a new landscape design which includes a variety of trees and planting materials.

¹ BHMC Section 10-3-2900 defines; NATIVE TREE: A tree listed on the city's official list of local native trees, and which has a primary trunk circumference of twenty four inches (24") or more, measured at a height of four feet six inches (4'6") above natural grade. HERITAGE TREE: Any tree not listed on the city's official list of native trees with a primary trunk circumference of forty eight inches (48") or more, measured at a height of four feet six inches (4'6") above natural grade.

² BHMC Section 10-3-2900 defines urban groves as fifty (50) or more trees where the branches of each tree are within six feet (6') of the branches of one of the other trees in the grove. Individual trees in an urban grove may be of any size and are not subject to any circumference limitations.

Adjacent Zoning and Land Uses

North	Single Family Residence across Tower Road
South	Single Family Residence across Tower Road
East	Single Family Residence across the intersection of Tower Lane, Tower Road and Tower Grove
West	Single Family Residence

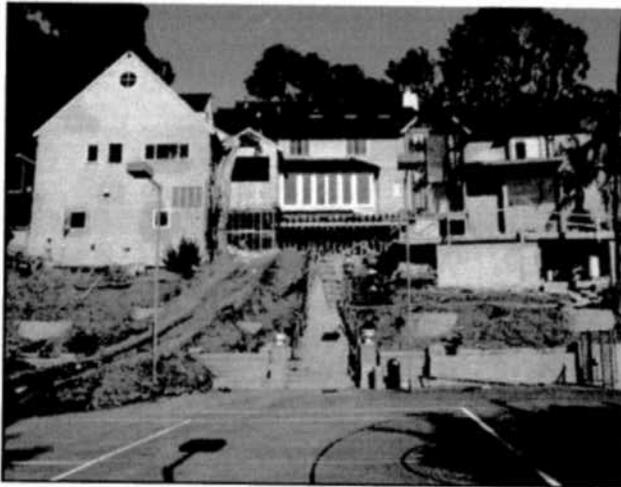
Circulation and Parking

Adjacent Street(s)	Tower Road
Adjacent Alleys	None
Parkways & Sidewalks	<ul style="list-style-type: none">• Public Right Of Way: 30'• Street width:22'
Parking Restrictions	No Parking any time
Nearest Intersection	Benedict Canyon and Tower Road
Circulation Element	Tower Road: Local Street
Estimated Daily Trips	Benedict Canyon Drive: southbound 9,000, northbound 8,900 daily trips Tower Road: 200 trips per day

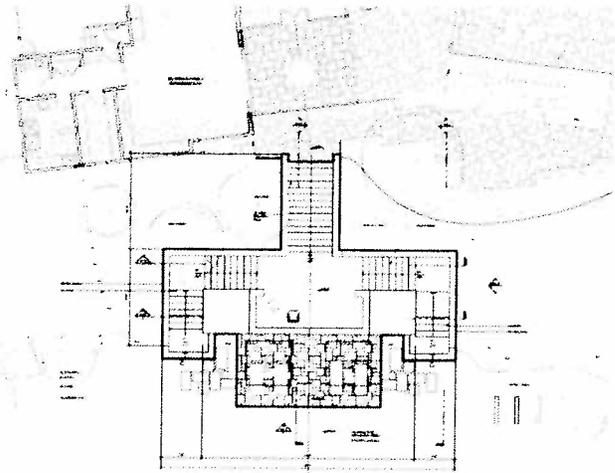
Neighborhood Character

The subject property is located in the Hillside area of the City. The Hillside area is an approximately 540 acre area which comprises the northermost portion of the City of Beverly Hills. The subject site is located at the south side of the Tower Road, Tower Grove Place and Tower Lane, on a curved section of Tower Road. The turn in the road creates a peninsula shaped area northern portion of the lot which is surrounded on three sides by Tower Road. The easterly portion of lot is at the City of Beverly Hills border line adjacent to the City of Los Angeles and is surrounded by single family properties.





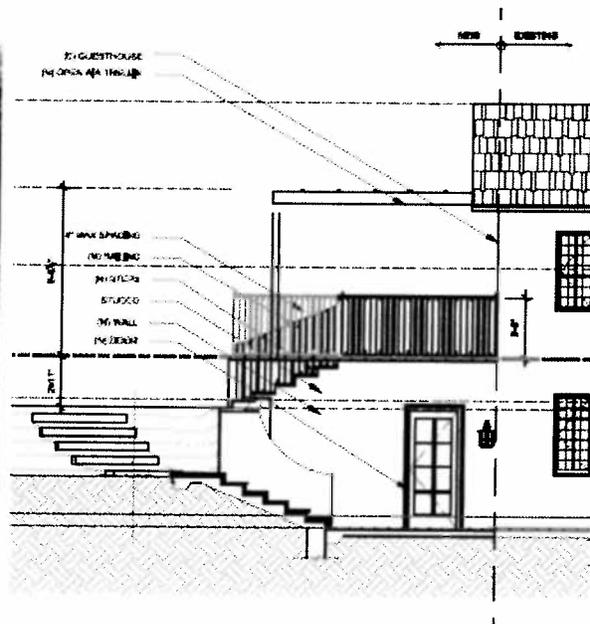
Location of proposed Pool Cabana and Pool deck



Proposed Pool Cabana



Existing Guest House



Proposed Trellis

Additional photos are provided as attachment E.

PROJECT DESCRIPTION

The project site area includes two main level pads, one in the upper portion of Tower Road where the main residence is located, with a steep slope down to the second level pad which contains a game court and two-story accessory structure.

The existing residence at 1140 Tower Road is under renovation. The entire yard is proposed to be reconfigured. The applicant is proposing to relocate the existing pool to the lower pad and is proposing

of a residential site equals or exceeds 24,000 square feet, accessory buildings to a residence may be located on any part of the site if authorized by a Hillside R-1 permit.

Accessory Building Deck

The guest house would be modified to include a deck and a trellis above. Pursuant to BHMC Section 10-3-2513.5, no accessory structure shall have a deck located more than 3' above the finished grade. The proposed plans show the proposed deck will be located three feet above the finished grade.

Tree removal

The applicant is proposing to remove and replace large number of trees on the project site. BHMC Section 10-3-2901, no person shall remove any protected tree on a property without a tree removal permit, including:

1. Any native or heritage tree that is located within the front yard or in the area of the site between a line within a site area parallel to the front lot line and located at a distance from the front lot line equal to the shortest distance between front lot line and the existing or proposed primary residence on a single-family residential property, if that shortest distance is greater than the front setback.
2. Any native or heritage tree that is located within the street side yard or in the area of the site between a line within a site area parallel to the street side lot line and located at a distance from the street side lot line equal to the shortest distance between street side lot line and the existing or proposed primary residence on a single-family residential property, if that shortest distance is greater than the street side setback.
3. An urban grove anywhere on a single-family residential property.

Applicant notes that none of the trees proposed to be removed are considered as native or heritage trees. Because there are more than 50 trees on-site, an arborist report is required.

Agency Review⁵

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION. Transportation Division reviewed the proposed project and noted that due to low volume of hauling activities no impact is anticipated. However, the applicant shall provide a hauling plan for review approval by the Transportation Division.
- CIVIL ENGINEERING. Civil Engineering Division reviewed the project and provided conditions of approval, if the project is approved. These conditions are provided under Attachment B, Project Specific Conditions and Public Works Conditions.
- BUILDING AND SAFETY. Building & Safety Division reviewed the project and no specific requirements were noted.
- FIRE DEPARTMENT. No concerns were raised by the Fire Department regarding this project.
- POLICE DEPARTMENT. Police Department evaluated the proposed project on October 19, 2010 and no concerns were noted about the proposed project.

⁵ Recommended conditions of approval by other departments are provided in the Analysis section of this report.

- **COMMUNITY SERVICES.** Community Services reviewed the project and no concerns were raised about the proposed project.

GENERAL PLAN⁶ POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission’s review of the project include:

- **Policy 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

ENVIRONMENTAL ASSESSMENT

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 Section 15304 (Class 4) Categorical Exemption for minor alterations to land, Section 15303 (Class 3(e)) Categorical Exemption for construction of a new accessory structure and Section 15301 (Class 1(e)) Categorical Exemption for an addition to existing structure and the project has been determined not to have a significant environmental impact and is therefore exempt from the provisions of CEQA. The proposed pool cabana is a total of 350 square feet which will require minor land alteration to be built. The proposed trellis would be constructed over an existing structure with minor modifications to the structure.

PUBLIC OUTREACH AND NOTIFICATION

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 - 300' Radius)	N/A	10 days	October 18, 2010	11 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	October 20, 2010	9 days

Applicant Outreach Efforts

No information has been provided by the applicant.

Public Comment

As of the time of this report, no correspondence has been received by Planning Division regarding this request.

⁶ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ANALYSIS⁷

Summary

The proposal does not appear to result in any impacts to neighbors because of the location of adjacent residences, the orientation of the adjacent properties and the siting and scale of the proposed additions. The subject property is surrounded by a 6-foot high wrought iron fence and hedges largely obscuring the view of the lot from the street. The property is surrounded by streets on three sides within a residentially zoned area. The proposed 350 square foot pool cabana and addition of trellis to an existing guest house would be located outside of required setback and would be built facing the new pool that is planned to be built in the property. The pool cabana would be constructed on the lower pad in the middle of the property approximately 68 feet from the closest front property line. The proposed trellis which would be added above the existing storage area of the guest house would be 27' from the front property line. The applicant is also proposing to renovate the existing landscaping which entails removal of several existing trees. Because several trees are proposed to be removed, staff is recommending an arborist report to be provided for review and approval by the Building and Safety Division. As conditioned, the proposed structures comply with the zoning codes.

Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment B):

Project Specific Conditions

1. **Approval.** This condition is recommended to specify the proposal See Attachment B, Condition 1).
2. **Construction Management Plan.** A construction management plan is required to ensure the proposed project would not have any impact on the adjacent streets (See Attachment B, Condition 2).
3. **Construction Related Parking.** The applicant is required to provide construction related parking on-site to reduce any impact to the adjacent streets and neighboring properties (See Attachment B, Condition 3).
4. **Hauling Activities.** The applicant is required to provide a hauling plan prior to commencement of the proposed construction as required by Public Works, Transportation and Engineering Division (See Attachment B, Condition 4).
5. **Protection of Existing Trees.** Due to number of existing trees on site, the applicant is required protect all existing trees on site in good health See Attachment B, Condition 5).

⁷ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

6. **Basic erosion control plan.** To prevent erosion and limit the water run-off, the applicant is required to provide a basic erosion control plan during the construction period.
7. **Arborist Report.** An arborist report is required to ensure the existing trees on site could be considered as an urban grove (See Attachment B, Condition 6).

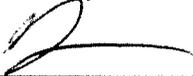
NEXT STEPS

That the Planning Commission adopt the resolution for the requested overnight stay 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, and at applicant's request or consent.

Report Reviewed By:



David Reyes, Principal Planner

ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Primary Building			
Height	[BHMC 10-3-2503] 30'	No Change	3-stories, 44' (legal non-conforming, all new construction is 30')
Lot Coverage / Floor Area	[BHMC 10-3-2502] 14,631 sq.ft.	12,809 sq.ft	This square footage includes the guest house and pool cabana
Front Setback	[BHMC 10-3-2504] 25'	25'	
Rear Setback	[BHMC 10-3-2505] 10'	72'	
Side Setback	[BHMC 10-3-2506] 26' (No northerly side property line))	70'(No northerly side property line))	
Street Side Setback	N/A	N/A	
Modulation	N/A	N/A	
Open Space	N/A	N/A	
Accessory Structure			
Accessory Building (living)	BHMC 10-3-2510 100 feet minimum setback from the front lot line or within 50 feet of the rear lot line, unless authorized by a Hillside R-1 permit	Existing guest house: 3,299 sq.ft. within 100 feet of front lot line. Proposed Pool Cabana: 350 sq.ft. within 100' of front line	The existing guest house was authorized by the Planning Commission Resolution NO. 1474. Pool Cabana and guest house trellis if authorized by Hillside R-1 Permit.
Accessory Garage			
Fences/Walls	[BHMC 10-3-2516] 6'	6'	The applicant has submitted a minor accommodation application for new gate and front walls. The application is under review by staff.
Hedges	[BHMC 10-3-2516] 6'	None proposed	
Parking & Circulation			
Parking Spaces	[BHMC 10-3-2515] 4	5	Parking is provided
Loading Zones	N/A	N/A	
Aisle Width	N/A	N/A	
Vertical Clearance	N/A	N/A	
Vehicle Access	N/A	N/A	

Landscaping			
Front Yard Paving	[BHMC 10-3-2518] No more than 33% of the area of a front yard shall be paved.	N/A	Not part of this application. Plans for paving are submitted for plan check.
Light Wells			
Excavation	[BHMC 10-3-2521] Within 5 years period, no more than 3,000 cubic yards of earth materials may be imported or exported.	182 cubic yards of earth for construction of pool cabana which is well under the allowable amount.	

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Hillside R-1 Permit

A Hillside R-1 Permit may be granted if each of the following findings can be made: the structure will not have a substantial adverse impact on the scale or character of the area, on the privacy of neighboring properties, on the neighbors' access to light and air, or on the streetscape.

1. The structure will not have a substantial adverse impact on the scale or character of the area.

The proposed pool cabana and deck structure would be located on the middle portion of the lot with a distance of approximately 68 feet from the closest front lot line. As proposed the structure is 13.6 feet in height. The existing guest house would be modified to include a deck and trellis to have the view of the new pool which is planned to be constructed in front of the guest house. Visibility of the proposed accessory structures would be largely obscured from Tower Road by the existing fence and landscaping. The structure is in keeping with the scale and character of the area and is not anticipated to have a substantial adverse impact.

2. The structure will not have a substantial adverse impact on Privacy of neighboring properties.

The proposed pool house and pool deck is one-story to maximum height of 13.6' which is proposed to be located 68 feet from the closest property line. In addition, the proposed deck and trellis for the guest house is located towards the interior of property and is located 27 from the closest property line. The applicant is proposing to remove and replace the existing trees within the site which would screen this property from the adjacent properties. By maintaining the existing trees and adding additional greenery to the site, no substantial adverse impact to the neighbors' privacy is anticipated with the approval of the request.

3. The structure will not have a substantial adverse impact on *Neighbors' access to light and air*

The distance between the accessory structures and the neighboring main residences is in excess of 50 feet and the properties are at a higher elevation and separated from the subject site by the street which surrounds the property on three sides. Therefore, no adverse impact to the neighbors' access to light and air would result from the proposed accessory structures.

4. The structure will not have a substantial adverse impact on the streetscape

The properties along Tower Road are lined with mature trees and landscaping which contribute to the garden character of the area. The subject property is proposed to be extensively landscaped with lush mature landscaping. The property has been vacant for a while and not maintained at its best in the recent years, however, the applicant submitted a landscape plan which calls for mature and lavish landscaping throughout the property. The construction of the pool house and maintenance of the property would require the removal of several trees in the interior of the subject site but would not require removal of landscaping along Tower Road. However, the landscape plan indicates that more trees will be planted within the project site. As such, the proposed structure would not have a substantial adverse impact on the streetscape.

DRAFT CONDITIONS

Project Specific Conditions

1. **Approval.** This approval is for construction of a new pool deck and addition of a trellis to the existing guest house.
2. **Construction Management Plan.** A construction management plan shall be submitted to the City prior to issuance of building permit.
3. **Construction Related Parking.** All construction related parking shall be parked on-site and shall not be permitted on residential streets.
4. **Hauling Activities.** All hauling activities shall be in accordance with the hauling plan which is subject to review and approval by the Department of Public Works and Transportation, Engineering Division.
5. **Protection of Existing Trees.** All trees to be retained on the property shall be adequately protected during grading and construction activities and maintained in good health.
6. **Arborist Report.** The applicant shall submit an arborist report for the removal of the existing trees within the property.
7. **Basic erosion control plan.** The applicant shall provide a basic erosion control plan for review and approval by the Public Works Division during construction period.

Standard Conditions

8. **Substantial compliance.** The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of September 23, 2010.
9. **Zoning Compliance.** The project is required to comply with all applicable zoning regulations for the Single-Family Residential Development for the Hillside Area of the City (set forth in BHMC Article 25).
10. **Appeals.** The following are appeal procedures from the planning commission determination:

Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.
11. **Recorded Covenant.** The resolution approving the Hillside 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.

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: October 28, 2010
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Council 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, October 28, 2010, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider:

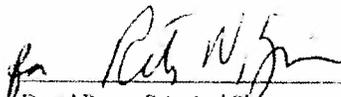
A request for a Hillside R-1 Permit for a proposed 350 square foot, 13-foot 8-inches high, single-story detached pool cabana structure and open-air trellis attached to existing guest house to be located within 100 feet of the front property line on an estate property located at **1140 Tower Road**. Pursuant to Code Section 10-3-2526, if the area of a residential site equals or exceeds 24,000 square feet, accessory buildings to a residence may be located on any part of the site if authorized by a Hillside R-1 permit.

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 4 Categorical Exemption for minor alterations to land, a Class 3(c) Categorical Exemption for construction of a new accessory structure and a Class 1(e) Categorical Exemption for an addition to existing structure and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Rita Naziri, Senior Planner** in the Planning Division at 310.285.1136, or by email at rnaziri@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption 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.



David Reyes, Principal Planner

Mailed: October 18, 2010

City of Beverly Hills 455 N. Rexford Drive Beverly Hills, California 90210 p (310) 285-1141 f (310) 858-5966 BeverlyHills.org

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW CONSTRUCTION OF SINGLE-STORY POOL CABANA AND ADDITION OF A TRELIS TO AN EXISTING GUESTHOUSE WITHIN 100 FEET OF A FRONT PROPERTY LINE ON AN ESTATE PROPERTY LOCATED AT 1140 TOWER ROAD.

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

Section 1. Jason Somers, applicant, on behalf of 1140 Tower Property LLC, property owners (collectively the “Applicant”), has submitted an application for a Hillside R-1 Permit to allow construction of a new pool cabana and addition of a trellis to the existing guest house to be located within 100 feet from a front property line on an estate property located at 1140 Tower Road, in the Hillside Area of the City (the “Project”).

Pursuant to Beverly Hills Municipal Code Section 10-3-2526, with the approval of a Hillside R-1 Permit, the Code allows accessory structures on properties over 24,000 square feet in area, to be located anywhere on the site, if the appropriate findings can be made by the Planning Commission.

Section 2. 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 Section 15304 (Class 4) Categorical Exemption for minor alterations to land, Section 15303 (Class 3(e)) Categorical Exemption for construction of a new accessory structure and Section 15301 (Class 1(e)) Categorical Exemption for an addition to existing structure and the project has been determined

not to have a significant environmental impact and is therefore exempt from the provisions of CEQA. The proposed pool cabana is a total of 350 square feet which will require minor land alteration to be built. The proposed trellis would be constructed over an existing structure with minor modifications to the structure.

Section 3. The subject property is located in the Hillside area of the City . The Hillside area is an approximately 540 acre area which comprises the northermost portion of the City of Beverly Hills. The subject site is located at the south side of the Tower Road, Tower Grove Place and Tower Lane, on a curve section of Tower Road. The turn in the road creates a peninsula shaped area of the northern portion of the lot which is surrounded on three sides by Tower Road. The easterly portion of lot is at the City of Beverly Hills border line adjacent to the City of Los Angeles and is surrounded by single family properties.

The project site area includes two main level pads, one in the upper portion of Tower Road where the main residence is located , with a steep slope down to the second level pad which contains a game court and two-story accessory structure. The existing residence at 1140 Tower Road is under major renovation. The entire yard is proposed to be reconfigured. The applicant is proposing to relocate the existing pool to the lower pad and is proposing to construct a new pool cabana and deck. The single-story pool cabana would be 350 square feet in area, 13'8" high and would be located a minimum of 68 feet from the closest front property line. In addition, the project includes modification of the existing guest house by creating a new deck facing the new pool. The guest house deck would have a trellis attached to the guest house be located 27' from the closest front property line. The proposed trellis would be 9'6" from the closest front property line.

Section 4. On October 28, 2010, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing, and the hearing was closed.

Section 5. Pursuant to BHMC Section 10-3.2526, the Planning Commission may issue a Hillside R-1 Permit to allow an accessory structure to be located on any part of the lot if the site area equals or exceeds 24,000 square feet in area, provided the reviewing authority finds that the structure will not have a substantial adverse impact on the following:

1. The structure will not have a substantial adverse impact on the scale or character of the area,
2. The structure will not have a substantial adverse impact on Privacy of neighboring properties,
3. The structure will not have a substantial adverse impact on Neighbors' access to light and air, and
4. The structure will not have a substantial adverse impact on the streetscape.

Section 6. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the request for a Hillside R-1 permit to allow to allow an accessory structure to be located on any part of the lot:

6.1. The proposed Project will not have an adverse impact on the scale or character of the area. The proposed pool cabana and deck structure would be located on the middle portion of the lot with a distance of approximately 68 feet from the closest front lot line. As proposed the structure is 13.6 feet in height. The existing guest house would be modified to include a deck and trellis to have the view of the new pool which is planned to be constructed in front of the guest house. Visibility of the proposed accessory structures would be largely

obscured from Tower Road by the existing fence and landscaping. The structure is in keeping with the scale and character of the area and is not anticipated to have a substantial adverse impact.

6.2. The proposed Project will not have an adverse impact on the neighbors' privacy. The proposed pool house and pool deck is one-story to maximum height of 13.6' which is proposed to be located 68 feet from the closest property line. In addition, the proposed deck and trellis for the guest house is located towards the interior of property and is located 27 feet from the closest property line. The applicant is proposing to remove and replace the existing trees within the site which would screen this property from the adjacent properties. By maintaining the existing trees and adding additional greenery to the site, no substantial adverse impact to the neighbors' privacy is anticipated with the approval of the request.

6.3. The proposed Project will not have an adverse impact on the neighbors' access to light and air. The distance between the accessory structures and the neighboring main residences is in excess of 50 feet and the properties are at a higher elevation and separated from the subject site by the street which surrounds the property on three sides. Therefore, no adverse impact to the neighbors' access to light and air would result from the proposed accessory structures.

6.4. The proposed Project will not have an adverse impact on the streetscape. The properties along Tower Road are lined with mature trees and landscaping which contribute to the garden character of the area. The subject property is proposed to be extensively landscaped with lush mature landscaping. The property has been vacant for a while and not maintained at its best in the recent years, however, the applicant submitted a landscape plan which calls for mature and lavish landscaping throughout the property. The construction of

the pool house and maintenance of the property would require the removal of several trees in the interior of the subject site but would not require removal of landscaping along Tower Road. However, the landscape plan indicates that more trees will be planted within the project site. As such, the proposed structure would not have a substantial adverse impact on the streetscape.

Section 7. Based upon the foregoing, the Planning Commission hereby approves the Hillside R-1 Permit and Lot Tie Covenant request, subject to the following conditions:

Project Specific Conditions

1. **Approval.** This approval is for construction of a new pool deck and addition of a trellis to the existing guest house.
2. **Construction Management Plan.** A construction management plan shall be submitted to the City prior to issuance of building permit.
3. **Construction Related Parking.** All construction related parking shall be parked on-site and shall not be permitted on residential streets.
4. **Hauling Activities.** All hauling activities shall be in accordance with the hauling plan which is subject to review and approval by the Department of Public Works and Transportation, Engineering Division.
5. **Protection of Existing Trees.** All trees to be retained on the property shall be adequately protected during grading and construction activities and maintained in good health.
6. **Arborist Report.** The applicant shall submit an arborist report for the removal of the existing trees within the property.

7. **Guest House deck.** The guest house deck shall not be more than three feet above the finished grade.

Standard Conditions

8. **Substantial compliance.** The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of September 23, 2010.
9. **Zoning Compliance.** The project is required to comply with all applicable zoning regulations for the Single-Family Residential Development for the Hillside Area of the City (set forth in BHMC Article 25).
10. **Appeals.** The following are appeal procedures from the planning commission determination:

Any appeal petition from the Planning Commission decision shall be filed with the city clerk within fourteen (14) calendar days after the date of the decision.

11. **Recorded Covenant.** The resolution approving the Hillside 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.

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: October 28, 2010

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

ATTEST

Secretary

APPROVED AS TO FORM:

David M. Snow
Assistant City Attorney

APPROVED AS TO CONTENT

Jonathan Lait
City Planner