



# Planning Commission Report

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**Meeting Date:** June 13, 2013

**Subject:** **1111-1115 Coldwater Canyon Drive  
Hillside R-1 Permit**

Request for a Hillside R-1 Permit to allow the construction of a new game court fence and lights within a required side setback, accessory structure decks, balconies, elevated platform, and elevated walkway positioned more than three feet (3'-0") above grade, and to allow an accessory structure to be located within one hundred feet (100'-0") of the front property line. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.

PROJECT APPLICANT: Samuel Moon

**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 requested Hillside R-1 Permit.
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## REPORT SUMMARY

The proposed project involves the construction of a new game court fence and lights, and an accessory structure located within 100'-0" of the front property line containing decks positioned more than 3'-0" above grade. The proposed project does not meet the by-right development standards for location and height set forth for detached accessory structures and for game court fences and lighting, and therefore requires discretionary review by the Planning Commission.

This report analyzes the proposed project, with specific analysis of the height, design, and location of the proposed game court fence and lights, accessory structure, and accessory structure decks, balconies, elevated platform, and elevated walkway. Staff's analysis concludes that with the proposed configuration of the site, as well as the surrounding neighborhood, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the requested Hillside R-1 Permit.

**Attachment(s):**

- A. Zoning Compliance Table
- B. Staff Recommended Findings and Conditions of Approval
- C. Draft Resolution
- D. Public Notice
- E. Architectural Plans

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## **BACKGROUND**

File Date	4/18/2013
Application Complete	5/18/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	7/17/2013 without extension request from applicant

Applicant(s)	Samuel Moon
Owner(s)	Tom and Melanie Staggs
Representative(s)	Samuel Moon

Prior PC Action                    2/23/2012 – Planning Commission reviewed a proposed alley vacation for consistency with the City’s General Plan and recommended approval of the alley vacation to the City Council

Prior Council Action            3/6/2012 – City Council approved the alley vacation

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	1111-1115 Coldwater Canyon Drive
Legal Description	Lot 5 of Tract 13101 and Lot 39 of Tract 9347
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 1.69 acres (inclusive of vacated alley)
Historic Resource	None
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	R-1.X – Single-family residential
South	R-1.X – Single-family residential
East	R-1.X – Single-family residential
West	R-1.X – Single-family residential

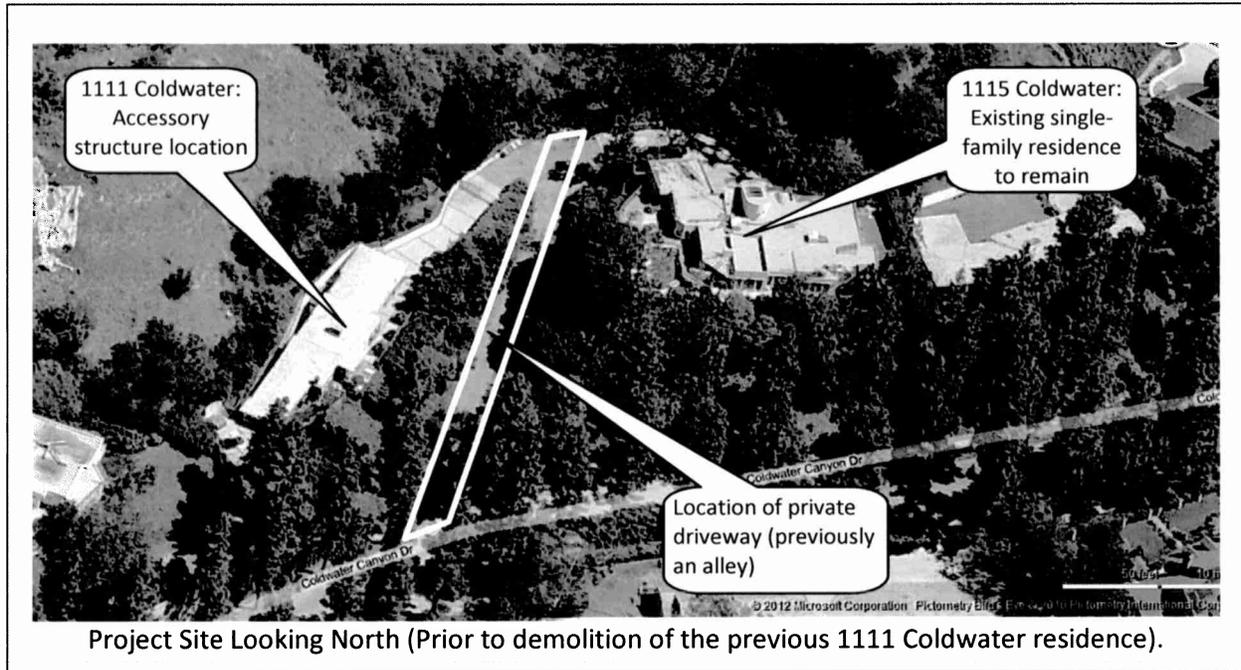
### Circulation and Parking

Adjacent Street(s)	Coldwater Canyon Drive
Adjacent Alleys	None
Parkways & Sidewalks	12.5’ parkway along Coldwater Canyon Drive
Parking Restrictions	No stopping anytime
Nearest Intersection	Coldwater Canyon Drive and Sutton Way
Circulation Element	Collector street
Estimated Daily Trips	Coldwater Canyon Drive carries approximately 23,200 daily trips.

### Neighborhood Character

The development surrounding the project site consists entirely of single-family homes that are typically one or two stories in height. The properties in the area are typically made up of irregular and rectangular shaped lots that generally average just less than one acre in size. Many homes are surrounded by dense

vegetation and are minimally visible from Coldwater Canyon Drive.



Project Site Looking North (Prior to demolition of the previous 1111 Coldwater residence).

## PROJECT BACKGROUND

In February 2012 the Planning Commission reviewed a request for the vacation of an alley located between the two subject properties (see map above). The Planning Commission recommended approval of the alley vacation to the City Council and in March 2012 the City Council approved the vacation of the alley. Since that approval, development has begun on the project site. The single-family residence that previously existed on the 1111 site has been demolished and in its place an accessory structure and game court are currently under construction. As permitted, the accessory structure and game court are both allowed by-right; however, some accessory elements of the structure and game court require review and approval by the Planning Commission. It should be noted that approval of the requested accessory elements is not required to construct the accessory structure and game court. The accessory elements proposed and associated entitlements are summarized in the Project Description section below.

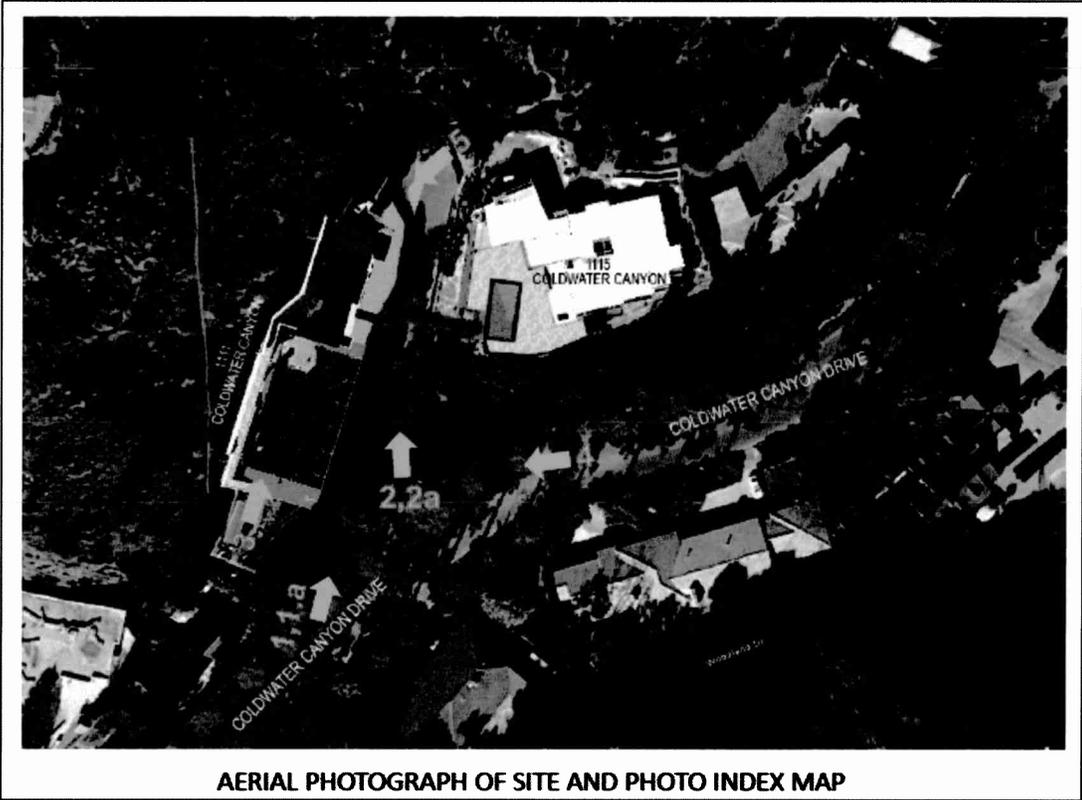
## PROJECT DESCRIPTION

The proposed project consists of a new game court fence and lights, and new decks, balconies, elevated platform, and elevated walkway attached to an accessory structure. The accessory elements are as follows:

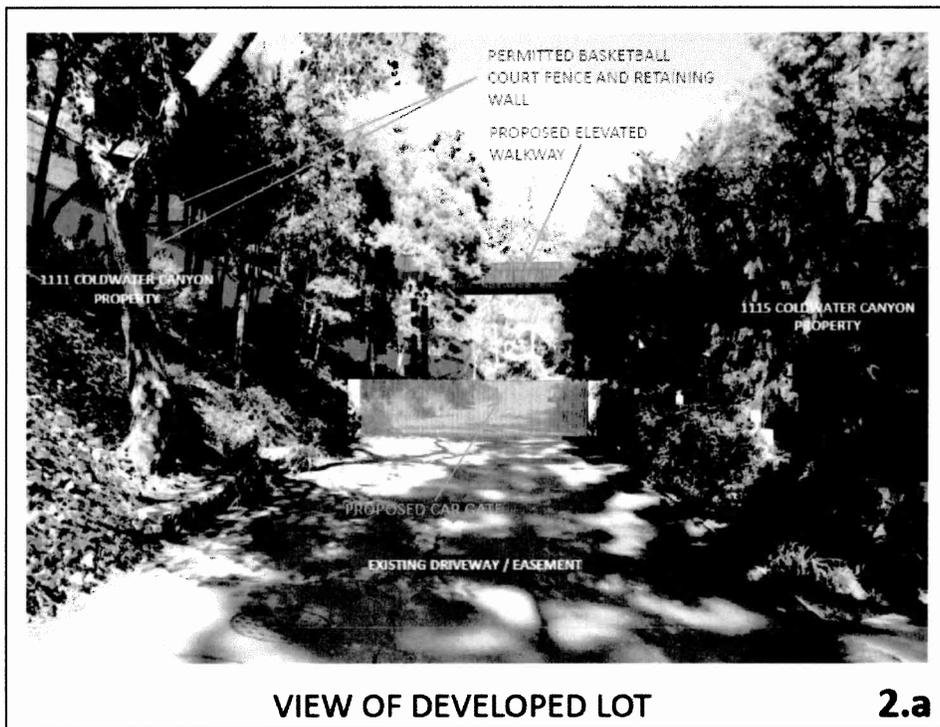
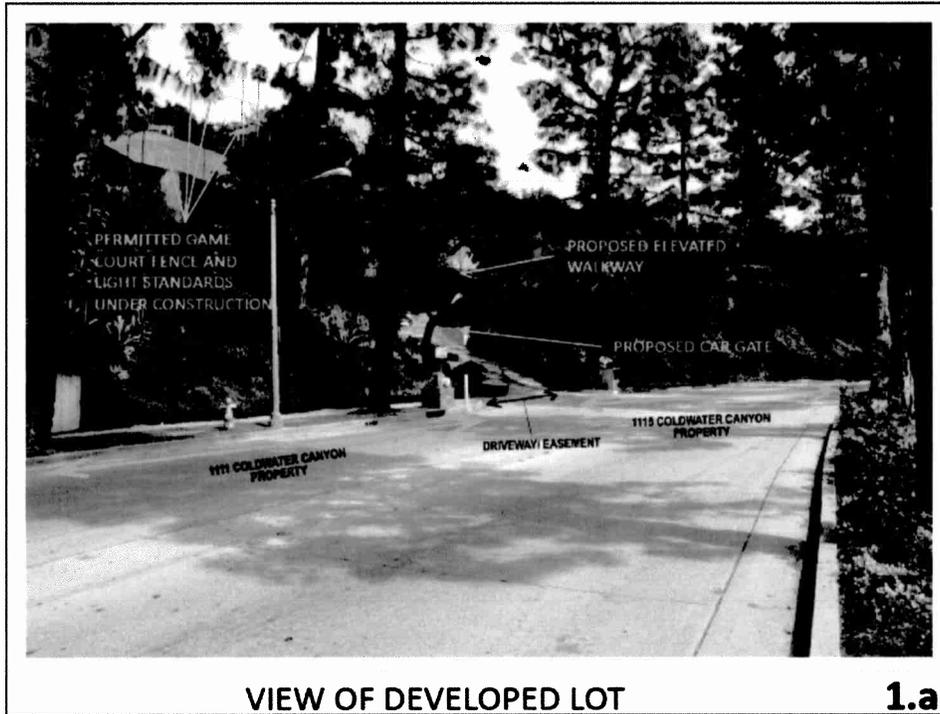
**Decks, Balconies, Elevated Platform, and Elevated Walkway.** The accessory structure is designed to contain multiple decks and balconies that would wrap around the second level of the structure. In addition, an elevated platform located adjacent to the game court and an elevated walkway extending from the accessory structure over the driveway toward the main residence are proposed. The elevated walkway would extend from the second level of the

accessory structure over the existing driveway toward, but not connected to, the main residence. Since the walkway extends directly from the second floor of the accessory structure it is considered an extension of the structure. As proposed, this extension would encroach into the required 100'-0" front yard setback for accessory structures and, therefore, a Hillside R-1 Permit is being requested to allow the encroachment into the required front yard setback. Furthermore, the proposed decks, balconies, elevated platform, and elevated walkway may be located no more than 3'-0" above grade unless authorized by a Hillside R-1 Permit. As proposed, the decks, balconies, elevated platform, and elevated walkway would range from approximately 7'-0" to 14'-0" above grade.

**Game Court Fence and Lights.** The project also contains a new game court with a game court fence and lights. The game court, as well as the majority of the game court fencing and lights, are permitted by-right as they are located within the principal building area<sup>1</sup>. However, six (6) game court lights and approximately 110'-0" linear feet of game court fencing is proposed to be located within the required side yard. Due to this encroachment, the fence and lights within the setback are restricted to a maximum of 7'-0" in height unless otherwise authorized by a Hillside R-1 Permit. The proposed fence and lights would reach a maximum height of approximately 10'-10".



<sup>1</sup> BHMC §10-3-2517 (C) allows game court fences located within the principal building area to extend to a maximum height of 12'-0". BHMC §10-3-2517 (D) allows game court lights located within the principal building area to extend up to 22'-0" in height. A Hillside R-1 Permit is required only for the game court fence and lights located within the required side yard to exceed 7'-0" in height.



### Requested Permits

The entitlements requested as part of the proposed project are as follows:

#### **Hillside R-1 Permit:**

- To allow a new game court fence and lights located within a required side yard to exceed 7'-0" in height. Pursuant to the Beverly Hills Municipal Code (BHMC) §10-3-2517(E) game court fences and game court lights located within a required side yard shall comply with the BHMC's standards for walls, fences, and hedges<sup>2</sup> unless otherwise permitted by a Hillside R-1 Permit approved by the Planning Commission. The proposed fence and lights would reach a maximum of 10'-10" in height.
- To allow accessory structure decks/balconies, an elevated platform, and elevated walkway to be positioned more than 3'-0" above grade. Pursuant to BHMC §10-3-2513.5 no accessory building shall have a deck or similar feature located more than 3'-0" above the finished grade unless authorized by a Hillside R-1 Permit. As proposed, the decks, balconies, platform, and walkway would vary between approximately 7'-0" to 14'-0" above grade.
- To allow an accessory structure to be located less than 100'-0" from the front property line. Pursuant to BHMC §10-3-2510, an accessory structure must be set back at least 100'-0" from the front property line, however, pursuant to BHMC §10-3-2526, this setback requirement may be modified for accessory buildings located on estate properties<sup>3</sup> if permitted by the approval of a Hillside R-1 Permit. As proposed, the elevated walkway, which is considered to be part of the accessory structure would be set back approximately 72'-0" from the front property line. Since the walkway is considered a part of the accessory structure a Hillside R-1 Permit is required to allow the walkway in the proposed location.

### **ZONING CODE<sup>4</sup> COMPLIANCE**

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

### Agency Review<sup>5</sup>

In reviewing the proposed project, City staff consulted with the Building & Safety Division, Fire Department, and Public Works Department to identify potential building and safety issues that should be addressed prior to Planning Commission review. At the time of review, no issues were identified that would result in the need for a modified project design.

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<sup>2</sup> BHMC §10-3-2516(D) limits walls, fences, and hedges located within a required side yard to a maximum of 7'-0" in height.

<sup>3</sup> The BHMC defines 'estate properties' as sites equal to or exceeding 24,000 square feet in area.

<sup>4</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

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

## GENERAL PLAN<sup>6</sup> POLICIES

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

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- **Policy OS 2.2 Manage and Enhance.** Continue to ensure that new construction incorporates trees where appropriate, and manages and cares for all publically owned trees, works to retain healthy trees, and encourages planting appropriate species in appropriate locations. Maintain Tree City USA accreditation on an annual basis.

## ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines<sup>7</sup>, and the environmental regulations of the City. The project qualifies for a Categorical Exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3(e) exemption allows for the construction of structures that are appurtenant to a single-family residence. The proposed project includes the development of an accessory structure and game court fence and lights that are subordinate to the main residence, and is therefore eligible for the exemption.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	6/7/2013	6 days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	6/3/13	5/30/13	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	6/7/13	6 Days

<sup>6</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>7</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

Public Comment

As of the writing of this report the City has not received any comments regarding this project.

**ANALYSIS<sup>8</sup>**

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project. Key issues related to the requested entitlements are discussed as follows:

**Game Court Fence and Lights.** Pursuant to the Beverly Hills Municipal Code, game court fences and lights are permitted to be located within a required side yard setback (of the main residence) if they do not exceed 7'-0" in height. For the subject property the required side yard setback is 25'-8". As proposed, a portion of the game court fence and lights would be set back approximately 5'-0" from the west side property line and would extend up to a maximum of 10'-10" above grade. Although the game court fence and lights would exceed the by-right height standards, as elaborated upon below, the design and location of the fence and lights will minimize the impacts on the surrounding neighborhood.

The project site is located in a valley and, as a result, the hillside slopes upward away from the site along the north, east, and west sides of the property. Consequently, the neighboring properties to the north, east, and west are located on a higher elevation than the project site. Along the south side of the site, the hillside slopes down toward Coldwater Canyon Drive. As a result the properties to the south are located at a lower elevation than the project site. The proposed game court fence and lights are to be located on the west side of the property and would be constructed along the up-sloping hillside. In this location, the sections of the game court fence and lights that requires the Central R-1 Permit would be setback 100'-0" from the southern (front) property line and would be located 5'-0" from the western side property line.

Although located at a higher elevation than the properties to the south, the existing landscaping on the project site between Coldwater Canyon Drive and the proposed game court fence and lights will minimize the view of the proposed elements from the southern properties. As conditioned, the existing lush landscaping in this area would be maintained. Despite this condition, some portions of the game court fence and lights may still be visible from Coldwater Canyon Drive. Consequently, an additional condition has been incorporated that would require the game court fence to be painted to blend in with the hillside and the game court lights to be designed to prevent glare toward adjacent properties.

The game court fence and lights are proposed to be located close to the western side property line, although the steep upward sloping hillside in this area prevents any residential development within close proximity of the fence and lights. The closest single-family residence would be located approximately 85'-0" from the game court fence and lights, and would be

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<sup>8</sup> 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.

obscured from view by the adjacent hilltop. As a result of this geographic condition, the proposed game court fence and lights are not anticipated to result in the obstruction of any views from the neighboring properties to the north, east, or west. As conditioned, the game court fence would blend in with the hillside and the game court lights would be designed to prevent glare toward adjacent properties. These conditions will help to reduce the visibility of the proposed game court fence and lights from the properties located to the north, east, and west.

Due to the location of the project site within a valley, the topography of the neighborhood, the lush landscaping on the site, and the proposed conditions of approval, staff recommends approval of the Hillside R-1 Permit to allow the game court fence and lights located within the required side yard to exceed 7'-0" in height.

**Accessory Structure Decks, Balconies, Elevated Platform, and Elevated Walkway.** The project proposes new decks, balconies, an elevated platform, and an elevated walkway in conjunction with the accessory structure. The BHMC limits all decks or similar features to a height not more than 3'-0" above grade. As proposed, the decks and balconies would wrap around the second floor of the proposed accessory structure. In addition, an elevated viewing platform is proposed adjacent to the game court, and an elevated walkway is proposed to extend from the accessory structure over the driveway to the main residence. The decks, balconies, elevated platform, and elevated walkway would be located between 7'-0" and 14'-0" above grade (measured to bottom of elements), therefore requiring a Hillside R-1 Permit.

The intent of the BHMC restriction on the location of decks and similar elements is to limit privacy impacts that these type elements could have on neighboring properties in the surrounding vicinity. For the subject property, the location of the accessory structure on the site as well as the site topography greatly reduces the potential for privacy concerns resulting from the location of the decks, balconies, elevated platform, and elevated walkway. As previously described in this report, the project site is located in a valley and, as a result, is located downhill from the adjacent sites along the north, east, and west sides of the property. As a result of those neighboring properties being located at a higher elevation, views from the proposed decks, balconies, platform, or walkway into those properties is unlikely. The properties located along the south side of the site, across Coldwater Canyon Drive are located at a lower elevation than the subject site. However, the decks, balconies, platform, and walkway are set back a minimum of 72'-0" from Coldwater Canyon Drive and with the dense landscaping that exists on the site within the setback area, views of the neighboring properties to the south would be largely obscured from the proposed decks, balconies, platform, and walkway. As conditioned, the mature landscaping within this area would be maintained. A portion of the proposed elevated walkway would be located directly above the driveway and consequently, would be visible from Coldwater Canyon Drive. As designed, the elevated walkway would be 5'-0" in width and would be open to the sky, with perforated metal guardrails. The walkway has been designed to serve as a passageway from the accessory structure to the main residence and would not serve as a gathering or viewing location. Due to the existing topography of the neighborhood, the mature landscaping on the site that is conditioned to be maintained, and the location and design of the proposed decks, balconies, platform, and walkway, staff recommends approval of the Hillside R-1 Permit to allow decks, balconies, an elevated platform, and elevated walkway to be located more than 3'-0" above grade.

**Accessory Structure Setback.** Since the proposed elevated walkway is attached directly to the accessory structure it is considered to be part of the structure. Consequently, the proposed accessory structure does not comply with the required 100'-0" front setback. As proposed, the elevated walkway would be set back approximately 72'-0" from the front lot line. As described in previous analysis sections of this report, the project site is located in a valley with the properties located to the north, east, and west located at a higher elevation than the subject property. As proposed, the walkway complies with the required setback standards along the north, east, and west sides of the property. In addition, due to the topographic condition, the walkway will not result in privacy concerns for the properties to the north, east, and west that located uphill from the project site. The properties located to the south would be only minimally visible from the accessory structure due to the lush landscaping on the project site. As conditioned, this existing landscaping would be required to be maintained. Furthermore, the section of the accessory structure that could be visible from Coldwater Canyon Drive and the neighboring properties to the south would be the elevated walkway, which is not designed to be utilized as gathering space, but rather, would serve as a walkway from the accessory structure toward the main residence. As designed, the elevated walkway would be 5'-0" in width, would be open to the sky, would have perforated metal guardrails, and would serve as a passageway from the accessory structure toward the main residence and not as a gathering or viewing location. Since the elevated walkway has been designed as a pathway only, privacy impacts on neighboring properties to the south are not anticipated. Due to the existing topography of the neighborhood, the mature landscaping on the site and along Coldwater Canyon Drive, and the design of the elevated walkway, staff recommends approval of the Hillside R-1 Permit to allow a reduced front yard setback for the proposed structure (elevated walkway).

## NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Hillside 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, and at applicant's request or consent.

Report Reviewed By:

  
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Ryan Gohlich, Senior Planner

## ATTACHMENT A

### Zoning Compliance Table

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b><u>Accessory Structure</u></b>			
Height	30'-0" (within principal building area)	29'-11"	
Floor Area	13,140.5 SF maximum for site	Existing: 8,975 SF (whole site) Proposed: 11,390 SF (whole site)	
Front (South) Setback (Coldwater Canyon Dr)	100'-0"	72'-0"	Requires Hillside R-1 Permit to allow for a reduced front yard setback
North (Rear) Setback	5'-0"	95'-8"	
West (Side) Setback	5'-0"	25'-8"	
East (side) Setback	5'-0"	183'-7"	
Bedrooms	No limit	2	
Parking Spaces	None required*	None provided*	
Decks/Balconies	Maximum of 3'-0" above grade	Varies between 7'-0" to 14'- 0" above grade	Requires a Hillside R-1 Permit to allow decks/balconies to be located more than 3'-0" above grade
<b><u>Game Court Fence &amp; Lights</u></b>			
Height	Maximum 7'-0" when located within a required side yard setback	Maximum of 10'-10" (located in a required side yard setback)	Requires Hillside R-1 Permit to allow game court fences and lights to exceed 7'-0" when located within a required side yard setback
* A total of four parking spaces have been provided at the main residence. No additional parking spaces are required in conjunction with the accessory structure.			

## ATTACHMENT B

### Staff Recommended Findings and Conditions of Approval

#### DRAFT FINDINGS

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##### Hillside R-1 Permit

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

The proposed project is located within a neighborhood that contains properties which are developed primarily with two-story single-family residences and accessory structures. The proposed project site is located within a valley and, as a result, the majority of the surrounding residences and roadways are located at a higher elevation than the proposed project. Due to the geographic condition, the proposed project will not obstruct the views from adjacent properties. In addition, the proposed project is set back a minimum 72'-0" from the front property line along Coldwater Canyon Drive. Within this setback area and surrounding the property, lush landscaping exists that will buffer the proposed project from the neighboring properties to the south. Because of the topography of the neighborhood and the lush landscaping that exists, the project is not anticipated to have an adverse impact on the scale and character of the area.

2. *The structure will not have a substantial adverse impact on the privacy of neighboring properties;*

The proposed accessory structure and game court fence and lights are set back a significant distance from the northern, eastern, and southern property lines. Specifically, the proposed structures are located a minimum of 95'-8" from the northern property line, 183'-7" from the eastern property line, and 72'-0" from the southern property line (Coldwater Canyon Drive). The proposed setback along the western property line would be 5'-0" to the game court fence and lights while the accessory structure (decks/balconies) would be set back 25'-8". Although the western setbacks are not as substantial as the other setbacks, the topography in this area of the site slopes steeply uphill. Consequently, development of neighboring buildings or structures within a close proximity to the game court fence and lights as well as the accessory structure is unlikely. Furthermore, lush landscaping exists throughout the site which will help to buffer the proposed game court fence and lights as well as the accessory structure. Due to the substantial setbacks, the existing topography, and the existing landscaping, the project is not anticipated to have an adverse impact on the privacy of the neighboring properties.

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

The proposed accessory structure and game court fence and lights are set back a significant distance from the northern (95'-8"), eastern (183'-7"), and southern property lines (Coldwater Canyon Drive – 72'-0"). Along the western side the proposed game court fence and lights and proposed elevated viewing platform would be set back 5'-0" from the western side property line. While the western setback is not as substantial as the northern, eastern, and southern setbacks, the topography of the site along the western setback is steeply sloped uphill. As a result of the topography and substantial setbacks, it is not anticipated that the proposed game court fence and lights and the accessory structure location nor decks/balconies will result in a substantial adverse impact on the neighbors' access to light and air.

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

The properties along Coldwater Canyon Drive are landscaped with mature vegetation, which contributes to the garden quality of the city in the neighborhood. The subject property specifically contains lush mature trees and other landscaping within the proposed 72'-0" front yard setback which will remain unaltered during and after construction of the proposed project. Consequently, it is not anticipated that the proposed project will adversely impact the streetscape.

5. *The game court fences and lighting shall not substantially impact the visual character of the area as viewed from the streets and neighboring properties.*

The proposed game court fence and lighting would be located along the western side of the property 5'-0" from the western side property line. This area of the site was previously developed with a single-family residence and pool. As proposed, the court fence and lights would be in keeping with the type of development and use (single-family) as previously existed on the site. In addition, the proposed game court will be set back further from the neighboring residence to the south than the previous residence and pool which will allow for more landscaping in the area and, therefore, is anticipated to result in a more pleasant visual character as viewed from the southern property owner. Furthermore, with the lush landscaping that exists and would be maintained around the entire proposed game court location, it is anticipated that the proposed game court fence and lighting would not be highly visible from neighboring properties or the street. Consequently, it is not anticipated that the proposed game court fence and lights will substantially impact the visual character of the area as viewed from the street and neighboring properties.

## **DRAFT CONDITIONS**

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### Project Specific Conditions

1. The existing mature landscaping located within the front yard area and surrounding the game court shall be maintained during and after construction.
2. The game court lights shall contain light guards that direct the light onto the game court only and prevent the light from spilling over onto or toward adjacent properties.
3. The game court fence shall be designed to blend in with its surroundings and shall be subject to the review and approval by the Director of Community Development.

### Standard Conditions

See attached Draft Resolution.

**ATTACHMENT C**  
**Draft Approval Resolution**

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW THE CONSTRUCTION OF A NEW GAME COURT FENCE AND LIGHTS WITHIN A REQUIRED SIDE SETBACK, ACCESSORY STRUCTURE DECKS, BALCONIES, ELEVATED PLATFORM, AND ELEVATED WALKWAY POSITIONED MORE THAN THREE FEET (3'-0") ABOVE GRADE, AND TO ALLOW AN ACCESSORY STRUCTURE TO BE LOCATED WITHIN ONE HUNDRED FEET (100'-0") OF THE FRONT PROPERTY LINE ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1111-1115 COLDWATER CANYON DRIVE.

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

Section 1. Samuel Moon, agent on behalf of Tom and Melanie Staggs (collectively the "Applicant"), has submitted an application for a Hillside R-1 Permit to allow the construction of a new game court fence and lights within a required side setback, accessory structure decks, balconies, elevated platform, and elevated walkway positioned more than three feet (3'-0") above grade, and to allow an accessory structure to be located within one hundred feet (100'-0") of the front property line on the property located at 1111-1115 Coldwater Canyon Drive located in the Hillside Area of the City (the "Project"). The Project does not meet all by-right development standards for location and height of the proposed elements, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Hillside R-1 Permit.

Section 2. The Project site is located in the Hillside Area of the City, along the north side of Coldwater Canyon Drive. The development surrounding the Project site consists entirely of single-family homes that are typically one or two stories in height. The properties in the area are typically made up of irregular and rectangular shaped lots that generally average just less than one acre in size. Many homes are surrounded by dense vegetation and are minimally visible from Coldwater Canyon Drive. The Project site is located in a valley, and, as a result, the hillside slopes upward away from the site along the north, east, and west sides of the property. Consequently, the properties to the north, east, and west of the project site are located on a higher elevation than the Project site. Along the south side of the site, the hillside slopes down toward Coldwater Canyon Drive and therefore, the properties to the south are located at a lower elevation than the Project site. The game court fence and lights will be located on the western side of the property within the required side yard. The game court fence and lights will be a maximum of 10'-10" in height. The accessory structure is designed to contain multiple decks and balconies that would wrap the second level of the structure. In addition, an elevated platform will be located adjacent to the game court and an elevated walkway will extend from the accessory structure over the driveway toward the main residence. The decks, balconies, elevated platform, and elevated walkway will be located between 7'-0" to 14'-0" above grade. The elevated walkway is considered an extension of the accessory structure and will be set back 72'-0" from the front lot line.

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(e)) of the Guidelines. Specifically, a Class 3(e) exemption allows for the construction of structures that are appurtenant to a single-family residence. The Project includes the development of accessory structure elements and game court fence and lights that are subordinate to the main residence, and is therefore eligible for the exemption.

Section 4. Notice of the Project and public hearing was mailed on May 30, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On June 13, 2013 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Hillside R-1 Permit, the Planning Commission was required to make the following findings:

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 the privacy of neighboring properties;
3. The structure will not have a substantial adverse impact on the neighbors' access to light and air;
4. The structure will not have a substantial adverse impact on the streetscape; and

5. The game court fence and lighting shall not substantially impact the visual character of the area as viewed from the street(s) and neighboring properties.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit:

1. The Project is located within a neighborhood that contains properties which are developed primarily with two-story single-family residences and accessory structures. The Project site is located within a valley and, as a result, the majority of the surrounding residences and roadways are located at a higher elevation than the proposed project. Due to the geographic condition, the Project will not obstruct the views from adjacent properties. In addition, the Project is set back a minimum 72'-0" from the front property line along Coldwater Canyon Drive. Within this setback area and surrounding the property, lush landscaping exists that will buffer the Project from the neighboring properties to the south. Because of the topography of the neighborhood and the lush landscaping that exists, the project is not anticipated to have an adverse impact on the scale and character of the area.

2. The accessory structure and game court fence and lights are set back a significant distance from the northern, eastern, and southern property lines. Specifically, the structures are located a minimum of 95'-8" from the northern property line, 183'-7" from the eastern property line, and 72'-0" from the southern property line (Coldwater Canyon Drive). The setback along the western property line would be 5'-0" to the game court fence and lights while the accessory structure

(decks/balconies) would be set back 25'-8". Although the western setbacks are not as substantial as the other setbacks, the topography in this area of the site slopes steeply uphill. Consequently, development of neighboring buildings or structures within a close proximity to the game court fence and lights, as well as the accessory structure, is unlikely. Furthermore, lush landscaping exists throughout the site which will help to buffer the game court fence and lights as well as the accessory structure. Due to the substantial setbacks, the existing topography, and the existing landscaping, the Project is not anticipated to have an adverse impact on the privacy of the neighboring properties.

3. The accessory structure and game court fence and lights are set back a significant distance from the northern (95'-8"), eastern (183'-7"), and southern property lines (Coldwater Canyon Drive – 72'-0"). Along the western side the game court fence and lights and elevated viewing platform would be set back 5'-0" from the western side property line. While the western setback is not as substantial as the northern, eastern, and southern setbacks, the topography of the site along the western setback is steeply sloped uphill. As a result of the topography and substantial setbacks, it is not anticipated that the game court fence and lights and the accessory structure location nor decks, balconies, and elevated platform will result in a substantial adverse impact on the neighbors' access to light and air.

4. The properties along Coldwater Canyon Drive are landscaped with mature vegetation, which contributes to the garden quality of the city in the neighborhood. The subject property specifically contains lush mature trees and other landscaping within the proposed 72'-0" front yard setback which will be remain

unaltered during and after construction of the proposed project. Consequently, it is not anticipated that the Project will adversely impact the streetscape.

5. The game court fence and lighting would be located along the western side of the property 5'-0" from the western side property line. This area of the site was previously developed with a single-family residence and pool. As proposed, the court fence and lights would be in keeping with the type of development and use (single-family) as previously existed on the site. In addition, the game court will be set back further from the neighboring residence to the south than the previous residence and pool which will allow for more landscaping in the area and, therefore, is anticipated to result in a more pleasant visual character as viewed from the southern property owner. Furthermore, with the lush landscaping that exists and would be maintained around the entire proposed game court location, it is anticipated that the proposed game court fence and lighting would not be highly visible from neighboring properties or the street. Consequently, it is not anticipated that the game court fence and lights will substantially impact the visual character of the area as viewed from the street and neighboring properties.

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

1. The existing mature landscaping located within the front yard area and surrounding the game court shall be maintained during and after construction.

2. The game court lights shall contain light guards that direct the light onto the game court only and prevent the light from spilling over onto or toward adjacent properties.

3. The game court fence shall be designed to blend in with its surroundings and shall be subject to the review and approval by the Director of Community Development.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on June 13, 2013.

5. 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.

6. 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.

7. 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.

8. 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.

9. RECORDATION. 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.

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

11. 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: June 13, 2013

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Craig Corman  
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 D**  
**Public Notice**



**NOTICE OF PUBLIC HEARING**

**DATE:** June 13, 2013  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its **REGULAR** meeting on Thursday, June 13, 2013, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request to allow site improvements including a new game court fence and lights within a required side yard setback, decks/balconies on an accessory structure located more than three feet (3'-0") above grade, and to allow an accessory structure to be located within 100'-0" of the front property line on the site located at 1111-1115 Coldwater Canyon Drive. The following entitlements have been requested in association with the project:

**Hillside R-1 Permit:**

A Hillside R-1 Permit to allow a new game court fence and lights located within a required side yard setback to exceed 7'-0" in height. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2517(E) game court fences and lights located within a required side yard are limited to 7'-0" in height unless otherwise permitted by approval of a Hillside R-1 Permit. As proposed, the game court fence and lights located within the required side yard setback would be a maximum of 10'-10" in height.

A Hillside R-1 Permit to allow accessory structure decks/balconies to be located more than 3'-0" above grade. Pursuant to BHMC §10-3-2513.5 no accessory building shall have a deck or similar feature located more than 3'-0" above the finished grade unless authorized by a Hillside R-1 Permit. The proposed accessory structure would contain multiple second story decks, an elevated viewing platform adjacent to the game court, and an elevated walkway that would extend from the accessory structure over the driveway to the main residence on the site. As proposed, the decks, platform, and walkway would vary between approximately 7'-0" to 14'-0" above grade.

A Hillside R-1 Permit to allow an accessory structure to be located less than 100'-0" from the front property line. Pursuant to BHMC §10-3-2510, an accessory structures must be set back at least 100'-0" from the front property line unless otherwise permitted by the approval of a Hillside R-1 Permit. While the majority of the accessory structure would meet this setback requirement, the elevated walkway proposed to extend over the driveway from the accessory structure to the main residence would be set back approximately 72'-0" from the front property line. Since this walkway is considered a part of the accessory structure a Hillside R-1 Permit is required to allow the walkway in the proposed location.

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 for the construction of accessory

structures related to a single-family residence 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 Shena Rojemann, Associate Planner in the Planning Division at 310.285.1192 or by email at [srojemann@beverlyhills.org](mailto:srojemann@beverlyhills.org). Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

  
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Ryan Gohllich, Senior Planner

Mailed: May 30, 2013

**ATTACHMENT E**  
**Architectural Plans**

Begins on following page.