



Planning Commission Report

Meeting Date: February 13, 2014

Subject: **1821 Loma Vista Drive**
Trousdale R-1 Permit

Request for a Trousdale R-1 Permit to allow a guardrail and staircase associated with a roof deck to exceed 14' in height and have a maximum height of 15'5" on the property located at 1821 Loma Vista Drive.

PROJECT APPLICANT: Dudley and Hedva Danoff

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
 2. Adopt the attached resolution conditionally approving a Trousdale R-1 Permit.
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REPORT SUMMARY

The proposed project involves the installation of a guardrail and staircase (to serve a roof deck) that would exceed the otherwise allowable 14' maximum height limit in Trousdale Estates. A maximum height of 15'5" is proposed for the guardrail and staircase, and pursuant to BHMC §10-3-2605 the Planning Commission may issue a Trousdale R-1 Permit to allow an addition to an existing structure to exceed 14' in height provided that the existing residence lawfully exceeds 14' in height and the addition would not exceed the existing building's height. In the case of the proposed project, the 15'5" guardrail and staircase would not exceed the existing height of the residence, which is 20'5". This report outlines the characteristics of the proposed project in relation to the existing residence and surrounding neighborhood, and specifically analyzes whether the proposed project will result in adverse impacts to the neighborhood or the disruption of views from adjacent properties. Staff's analysis concludes that the guardrail and staircase will not result in adverse impacts to the neighborhood, and the recommendation in this report is for project approval.

Attachment(s):

- A. Required Findings
- B. Draft Resolution
- C. Letter From Property Owner
- D. Public Notice
- E. Architectural Plans

Report Author and Contact Information:

Ryan Gohlich
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

File Date	1/10/2014
Application Complete	2/5/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	4/13/2014 without extension request from applicant

Applicant(s)	Dudley and Hedva Danoff
Owner(s)	Dudley and Hedva Danoff
Representative(s)	Haya Noff

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

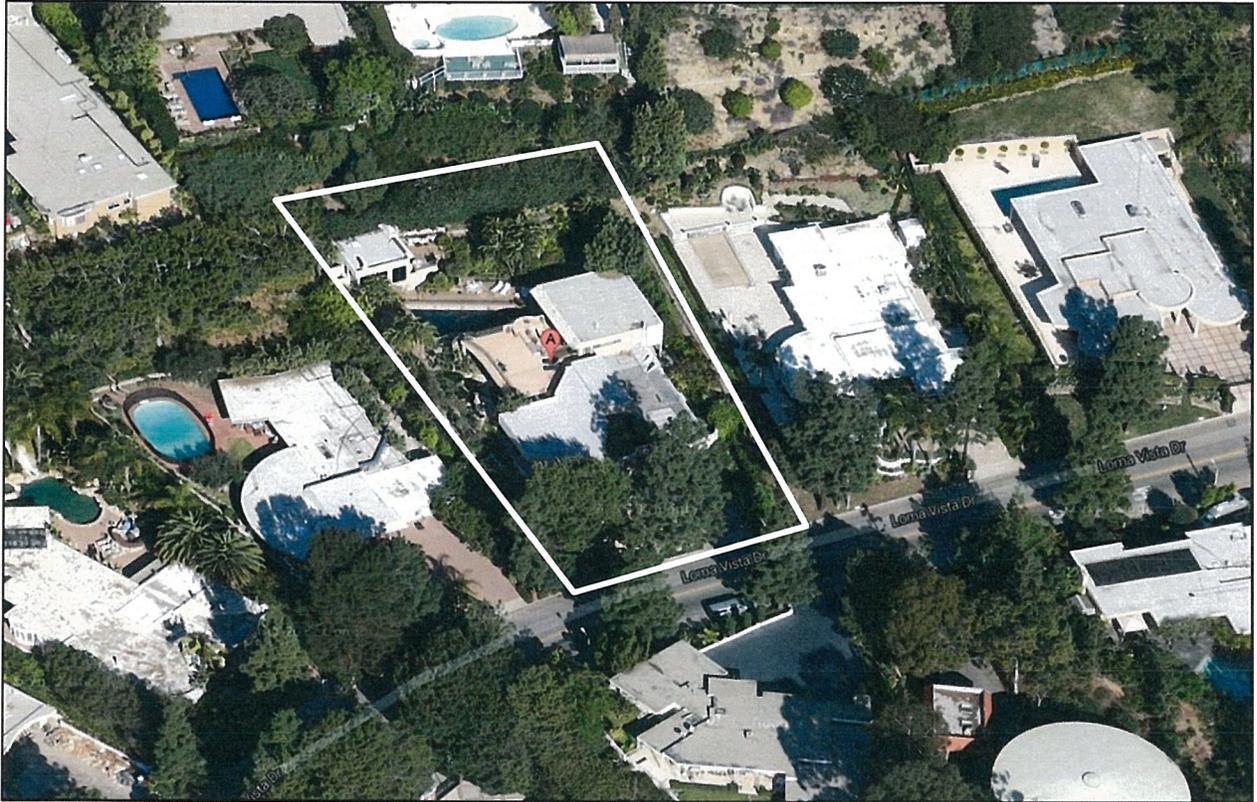
Address	1821 Loma Vista Drive
APN	4391-008-003
Zoning District	R-1
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	105.93' (average width) x 189.76' (average depth) = 19,860 square feet
Year Built	1962
Historic Resource	N/A
Protected Trees/Grove	N/A

Adjacent Zoning and Land Uses

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

Neighborhood Character

The subject property is located in the Trousdale Estates Area of the City, which is primarily comprised of properties that were developed in the 1960s. The majority of lots are oriented to have views of the Los Angeles basin, and although Trousdale Estates contains some two-story residences, most residences are limited to one story in height in order to preserve views from the properties. The subject property is located toward the northern portion of Trousdale Estates on the west side of the 1800 block of Loma Vista Drive. The existing residence is two stories in height, and the residences immediately north and south of the subject property are one story in height.



Project Site

PROJECT DESCRIPTION

The existing residence on the subject property was constructed in 1962 and contains approximately 5,600 square feet of floor area split between two stories. In 2012 the property owners initiated remodel work at the property, a component of which included modifying the first floor of the house to eliminate a step-down situation between rooms. In order to eliminate the step-down, a portion of the home's first floor height was increased, which resulted in a level first floor that is more accessible for the property owners. In order to accommodate the increased floor height, the corresponding ceiling height was increased to offset the change in floor height. The result of increasing the ceiling height was that a previously existing roof deck (above the area where the floor and ceiling height was modified) was also increased in height, and the increase caused the roof deck's guardrail and staircase to have a maximum height of 15'5", exceeding the otherwise required 14' height limit for structures in Trousdale Estates. Without a guardrail and staircase, the property owners would lose the ability to maintain the previously existing roof deck. Consequently, the property owners are seeking approval of a Trousdale R-1 Permit to allow the guardrail and staircase for the roof deck to have a maximum height of 15'5". The proposed guardrail would be constructed of clear glass, and the staircase would be constructed of tubular metal.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed Project to applicable zoning standards has been performed. 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 Review²

The City's Development Services Program, which includes Building and Safety, Planning, Engineering, and Fire has reviewed the proposal and determined that there are no substantial code issues that would prevent the project from being carried out in the manner proposed. Specifically, the proposed guardrail and staircase would allow the roof deck to comply with applicable codes and be utilized by the property owners.

GENERAL PLAN³ POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of the goals and polices applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

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

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 Guidelines⁴, and the environmental regulations of the City. The Project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed Project would result in limited modifications to an existing single-family home, and is therefore exempt from further review under the provisions of CEQA.

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

² Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

⁴ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	2/6/2014	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 300' Radius)	10 Days	2/3/2014	2/3/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	2/6/2014	7 Days

Public Comment

As of the writing of this report, the City has not received any public comments regarding this Project.

ANALYSIS⁵

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. The following analysis is provided to assist the Planning Commission in making a decision regarding the Trousdale R-1 Permit.

Scale and Massing of Neighborhood. The existing residence is two stories in height, and is generally taller than surrounding properties; however, the additional building height is located away from the street, and the existing residence has the appearance of a one-story home as viewed from the street. The proposed project is limited to the installation of a clear glass guardrail and staircase constructed of tubular metal. The guardrail and staircase would be located toward the interior of the property, and would generally be screened by the existing two-story portions of the residence. Moreover, the proposed guardrail and staircase would be located in substantially the same location as a previously existing guardrail and staircase that had a maximum height of 14’, with the proposed project resulting in a negligible increase in height of approximately 1’5”.

Neighbor’s Privacy. The proposed guardrail and staircase would enable the use of a roof deck located above the first floor of the existing residence. The subject roof deck previously existed at the subject property prior to the renovations discussed in the Project Description section of this report; however, the height of the new roof deck (with approval of the guardrail and staircase) would be approximately 1’5” taller than the previous condition. While the height of the roof deck would be increased, the increase is negligible when compared to the previous roof deck, and impacts to the neighbor’s privacy are not expected to result from the limited change. Additionally, the roof deck is located approximately 30’ from the neighboring property to the south, which, in conjunction with existing landscaping, helps to preserve privacy.

⁵ 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.

Views From Neighboring Properties. Due to the proposed guardrail and staircase being located toward the interior of the subject property, they are largely blocked from view by existing two-story portions of the residence. There is an approximately 5' wide corridor between elements of the residence that would allow some limited views of the guardrail, but the staircase would not be visible from the neighboring property to the north/east. Although approximately 5' of the guardrail would be visible from the neighboring property, the guardrail is proposed to be constructed of clear glass in order to prevent any impacts to the neighboring property. Based on the proposed location, design, and materials of the guardrail and staircase, views from neighboring properties are not anticipated to be impacted by the project.

NEXT STEPS

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A
Required Findings

REQUIRED FINDINGS

Trousdale R-1 Permit

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.*

ATTACHMENT B
DRAFT RESOLUTION

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 GUARDRAIL AND STAIRCASE ASSOCIATED WITH A ROOF DECK TO EXCEED 14' IN HEIGHT AND HAVE A MAXIMUM HEIGHT OF 15'5" ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 1821 LOMA VISTA DRIVE.

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

Section 1. Dudley and Hedva Danoff, applicants and property owners (the "Applicant"), have submitted an application for a Trousdale R-1 Permit to allow the construction of a guardrail and staircase associated with a roof deck to exceed 14' in height and have a maximum height of 15'5" on the existing two-story single-family residence located at 1821 Loma Vista Drive in the Trousdale Estates Area of the City (the "Project"). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Trousdale R-1 Permit.

Section 2. The existing residence on the subject property was constructed in 1962 and contains approximately 5,600 square feet of floor area split between two stories. In 2012 the property owners initiated remodel work at the property, a component of which included modifying the first floor of the house to eliminate a step-down situation between rooms. In order to eliminate the step-down, a portion of the home's first floor height was increased, which resulted in a level first floor that is more accessible for the property owners. In order to

accommodate the increased floor height, the corresponding ceiling height was increased to offset the change in floor height. The result of increasing the ceiling height was that a previously existing roof deck (above the area where the floor and ceiling height was modified) was also increased in height, and the increase caused the roof deck's guardrail and staircase to have a maximum height of 15'5", exceeding the otherwise required 14' height limit for structures in Trousdale Estates. Without a guardrail and staircase, the property owners would lose the ability to maintain the previously existing roof deck. Consequently, a Trousdale R-1 Permit is required to allow the guardrail and staircase for the roof deck to have a maximum height of 15'5". The proposed guardrail would be constructed of clear glass, and the staircase would be constructed of tubular metal.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1) of the Guidelines. Specifically, the proposed project involves a minor addition to an existing single-family residence, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on February 3, 2014 to all property owners and residential occupants within a 300-foot radius of the property. On February 13, 2014 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

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

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.

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

1. The proposed 15'5" tall guardrail and staircase are located toward the interior of the subject property, and the existing two-story residence largely screens the guardrail and staircase. While an approximately 5' wide portion of the guardrail may be visible from the upslope, adjacent property, the guardrail will be constructed of clear glass and will be a negligible height increase relative to the previously existing 14' tall guardrail that the Project will replace. Based on the location, configuration, and design of the guardrail and staircase, the Project is not anticipated to materially impair the view or line of sight of neighboring homes.

2. The proposed 15'5" tall guardrail and fence are located toward the interior of the subject property, and are intended to replace a previously existing 14' tall guardrail and staircase. The Project will not be visible from the street, as it is screened from view by the existing residence, and the limited change of increasing

the height of the guardrail and staircase to 15'5" will not materially change the scale, character or integrity of the area.

3. The proposed guardrail and staircase are limited in scope, and are intended to replace a previously existing guardrail and staircase that had a maximum height of approximately 14'. Additionally, the Project will not be visible from the street, and will not materially impair the view or line of sight of neighboring homes. Therefore, the Project is not anticipated to adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

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

1. The guardrail shall be constructed of clear glass.
2. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on February 13, 2014.
3. 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.
4. 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.
5. 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.

6. 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.

7. RECORDATION. The resolution approving the 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 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.

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

9. 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: February 13, 2014

Brian Rosenstein
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



ATTACHMENT C
LETTER FROM PROPERTY OWNER

Dudley Seth Danoff, MD
Hedva Amrani Danoff
1821 Loma Vista Drive, Beverly Hills, CA 90210
dudleydanoff@gmail.com hedvaamrani@gmail.com
310.274.0193 Home Phone 310.399.7585 Mobile Phone

To Commission Staff For R-1 Permit

Dudley S. Danoff 76 years old
Hedva A. Danoff 70 years old
Residing on 1821 Loma Vista Drive Beverly Hills CA 90210

We live in this same house for over 40 years, (purchased in 1974). We have been in our current construction now for over 3 years, improving different parts of our home: Fish pond, Swimming pool, Guest house and Kitchen, all with full signed permits from the city building department.

We are now at the beginning of reconstructing our main house, for which we have already obtained a permit from the city. We love our home and hope to live in it until the day we die. over the past 40 years, we have been continuously improving our house and the property at considerable expense. We have an unusual two story house. The first floor has a large new kitchen, dining room, family room, bar and a large living room. We always had a problem with the way all these rooms connected to each other.

The entrance hall leads to the living room with a 6" step down, the dining room leads to the living room with a 6" step down, and the family room as well leads to the living room with a 6" step down. The area is wide open and it has always been a hazard zone. We have had multiple accidents over the years with people tripping over and hurting themselves. We even have been sued in the past by a visitor. Now that we are getting older in age and more fragile, we want to protect ourselves by turning the floor into one level.

We decided to raise the floors of the living room by 6" in order to level the whole area and make it easy and safer to move around. By doing this we faced a situation of having a 7'-5" ceiling in this beautiful living room area. As we all know, in our days no body builds a 7'-5" in a new house. Therefore we decided to raise the ceiling, and we came up with 1'-5" higher than the original one that was of 8'.

We presented the plans of raising the ceiling to the city and we got the permit to go ahead with our plan, only now we found ourselves with a new issue, presented to us by the building department.

As mentioned above we have a second floor since 1987, almost 30 years. This part of the house consists of a master bedroom, two baths, a reading room and a beautiful deck with a beautiful view. The deck had a metal guard rail until three months ago when we started construction on the main house. We love this part of our house mostly for the view, and this was the only reason why we bought the house in Trousdale estate 40 years ago. Even today people buy a house in Trousdale for the view.

Raising the floors of the living room area led us to raise the ceiling by 1'-5" meaning that the new guard rail for the deck above will be 1'-5" higher than the currant metal guard rail, and yet 5 feet lower than the height of our second floor, which has been 20'-5" since 1987 and approved by the city.

We have submitted 12 sets of plans for R-1 approval, of this new clear glass guard rail around the perimeter of the already approved new roof deck. By doing so, we exceed the allowable height by 1'-5" on the already approved roof deck. The new see through glass guard rail will be 15'-5" above the living room area, instead of 14'-0.

The height of the the existing dwelling (since 1987) is 20'-5". This makes the new glass guard rail a full 5' lower than the existing height of the dwelling. In no way does it interfere with any neighbor's view.

Without approval of the R-1 permit we will be unable to utilize the beautiful roof deck that we have enjoyed for almost 30 years and the whole new construction of the house will be a loss, we will end up with less than what we had. We have spent substantial resources in developing and upgrading this space in a way that would greatly enhance the value of our property without interfering in any way with our neighbor's view.

We have been over the last 40 years good residence of the city of Beverly Hills and have supported multiple charities for the city: the Police and Fire department, The Schools, the Arts the Parks and any special cause that was on the table.

We appreciate the efforts of the R-1 permit commission staff in helping us achieve our goal in the completion of this worthy project.

Respectfully

Dudley S. Danoff

Hedva A. Danoff

A handwritten signature in black ink that reads "Hedva A. Danoff". The signature is written in a cursive style with a large, prominent initial "H" and "D".

ATTACHMENT D

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: February 13, 2014

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, February 13, 2014, 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 Trousdale R-1 Permit to allow a guardrail and staircase associated with a roof deck to exceed 14' in height on the property located at 1821 Loma Vista Drive. The proposed guardrail and staircase would have a maximum height of 15'5", and are associated with an existing roof deck.

Pursuant to BHMC §10-3-2605, if an existing building in Trousdale Estates lawfully exceeds the standard 14' maximum height for buildings, then an addition to the existing building may exceed 14' in height if approved by the Planning Commission pursuant to the issuance of a Trousdale R-1 Permit. In the case of the subject property, the existing building has a maximum height of 20'5", and the addition (guardrail and staircase) would have a maximum height of 15'5". The proposed guardrail would be constructed of clear glass, and the proposed staircase would be constructed of tubular metal.

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 City has determined that the Project will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15301 (Class 1) of Title 14 of the California Code of Regulations, as the project involves minor alterations to an existing single-family residence.

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 **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at rgohlich@beverlyhills.org. Copies of the plans and associated project documents are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely,


Ryan Gohlich, Senior Planner

Mailed: February 3, 2014

ATTACHMENT E

ARCHITECTURAL PLANS

(PROVIDED AS A SEPARATE ATTACHMENT)