



Planning Commission Report

Meeting Date: April 10, 2014

Subject: **1801 Angelo Drive**
Request for a Hillside R-1 Permit to allow the total floor area on the project site to exceed 15,000 square feet and a Variance to allow a new two-story accessory structure exceeding 14' in height to be located within a required side yard setback.
PROJECT APPLICANT: David Geffen, Property Owner
PROJECT AGENT: Jason Somers, Crest Real Estate LLC

Recommendation: That the Planning Commission:
1. Adopt a resolution conditionally approving the project.

REPORT SUMMARY

The proposed project involves the construction of a two-story, 2,276 square foot accessory structure on top of an existing garage on the property located at 1801 Angelo Drive. The proposed project requires a Hillside R-1 Permit and a Variance, and was reviewed by the Planning Commission at a duly noticed public hearing on March 27, 2014. At that meeting the Planning Commission directed staff to prepare a resolution conditionally approving the project. Accordingly, a draft resolution memorializing the Commission's findings is provided as Attachment A for the Commission's consideration.

NEXT STEPS

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the project.

Report Reviewed By:



Ryan Gohlich, Senior Planner

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Attachment(s):
A. Draft Resolution

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ATTACHMENT A
Draft Resolution

Begins on the 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 TOTAL FLOOR AREA TO EXCEED 15,000 SQUARE FEET AND A VARIANCE TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY ACCESSORY STRUCTURE EXCEEDING 14'-0" IN HEIGHT TO BE LOCATED WITHIN A REQUIRED SIDE YARD SETBACK ON A PROPERTY IN THE HILLSIDE AREA OF THE CITY AT 1801 ANGELO DRIVE.

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

Section 1. Jason Somers, representative on behalf of property owner David Geffen (the "Applicant"), has submitted an application for a Hillside R-1 Permit to allow the floor area on the project site to exceed 15,000 square feet, and a Variance to allow the construction of a new two-story accessory structure exceeding 14' in height located within the side yard setback on a property located in the Hillside 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 Hillside R-1 Permit and Variance.

Section 2. The Project site is located in the Hillside Area of the City and has frontage along Angelo Drive. The property has a site area of 9.68 acres and is currently developed with a three-story single-family residence, a one-story guest house, a two-story accessory structure for employees, and two one-story garages. The existing structures contain a

cumulative floor area of 32,632 square feet. The existing three-story single-family residence, single-story garage (located in the northwestern corner of the property), and two-story accessory structure utilized by employees (located along the northern property line) were originally designed by architect Roland E. Coate (listed on City's Master Architect List) in 1936. The second one-story garage and one-story guest house were developed in 1996.

The proposed project consists of a new two-story accessory structure located on top of the existing one-story garage structure that was constructed in 1996. The new structure will include the following elements:

- 2,276 square feet of floor area;
- The structure would have a maximum height of 30’;
- An exercise area;
- A bathroom with steam shower;
- A locker room (with toilets and showers);
- An office; and
- A staff room.

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 15332 (Class 3) of the Guidelines. Specifically, a Class 3 Categorical Exemption for the construction of a new accessory structure appurtenant to a single-family residence.

Section 4. Notice of the Project and public hearing was mailed on March 14, 2014 to all property owners and residential occupants within a 300-foot radius of the property. Additionally, notice was published in two newspapers of local circulation. On March 27, 2014 the Planning Commission considered the application at a duly noticed public hearing and directed staff to prepare a resolution conditionally approving the Project. On April 10, 2014 the Planning Commission considered the application and adopted the approval resolution. Evidence, both written and oral, was presented at the meetings.

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

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

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 proposed accessory structure is located within a neighborhood that contains properties which are developed primarily with one- and two-story single-family residences and one- and two-story accessory structures. As positioned on the site, the accessory structure will be not be visible from Angelo Drive as it will be blocked from view by the main residence. The structure will be minimally visible from adjacent properties as a result of the existing lush landscaping along the western and northern property lines, as well as the large setbacks provided from the eastern and southern property lines. Due to the location of the structure on the Project site and the existing site conditions, the Project is not anticipated to have an adverse impact on the scale and character of the area.

2. The proposed two-story accessory structure will be set back 76'-6" from the northern property line, 15' from the western property line, 635' from the eastern property line, and 290' from the southern property line. Existing landscaping surrounds the property and, as conditioned, shall be maintained. As the Project is set back from all neighboring properties and is conditioned to maintain the landscaping that surrounds the property, the Project is not anticipated to have an adverse impact on the neighbors' access to light and air.

3. The proposed two-story accessory structure will be set back 76'-6" from the northern property line, 15' from the western property line, 635' from the eastern property line, and 290' from the southern property line. Existing landscaping surrounds the property and, as conditioned, shall be maintained. As the Project is set back from all neighboring properties and is conditioned to maintain the existing

landscaping that surrounds the property, the Project is not anticipated to have an adverse impact on the privacy of neighboring properties.

4. The Project site contains tall hedges and mature trees around the perimeter and throughout the interior of the property. The new accessory structure will be constructed in the northwestern portion of the property above an existing one-story garage. Consequently, construction of the accessory structure will not negatively impact any existing landscaping within the northwestern portion of the property. Furthermore, as conditioned, the existing tall hedges and mature trees will be maintained around the perimeter and throughout the interior of the property. Since the existing landscaping on the property will be maintained, the Project is not anticipated to have a substantial adverse impact on the garden quality of the city.

Section 7. In reviewing the request for a Variance, the Planning Commission considered whether it could make the following findings in support of the Project:

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provision of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges in the vicinity and zone in which the subject property is situated.

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

1. The Project site, which has a total site area of 9.68 acres, is one of the largest privately owned single-family residential properties in the City of Beverly Hills. Due to the size of the property the required side yard setback is 70'-5", which exceeds the average side yard setbacks which are approximately 15', for other properties in the surrounding single-family residential zones. Additionally, the structures and landscaping on the property have been determined to be potentially eligible for landmark designation. Consequently, locating the new accessory structure elsewhere on the property could affect the potentially historic landscaping. Since the property is substantially larger than other properties in the same zone and the potentially historic nature of the property restricts development locations onsite, the strict application of the zoning regulations for properties in the Hillside Area would deprive the property owner of development options that are enjoyed by other properties under identical zone classification.

2. The Project site is one of the largest single-family residential properties in the City of Beverly Hills and is larger than most of the other properties under the same zone. Additionally, the structures and landscaping on the property have been determined to be potentially eligible for landmark designation. Since the property is larger than the majority of other residential properties and the property is potentially eligible for landmark designation, the property is unique from the majority of other properties in the Hillside Area of the City. Consequently, strict application of the development standards for the Hillside Area would prohibit development on

the site that may be permitted on other properties in the same zone. Therefore, granting the Variance would not constitute a granting of special privileges in the vicinity and zone, but rather, would permit the property owner to develop the Project site in a manner similar to other properties in the Hillside Area.

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

1. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on April 10, 2014.
2. The existing landscaping that surrounds the property shall be maintained.
3. All construction-related parking shall be accommodated on the Project site or at an off-site location. Construction related parking shall not occur on Angelo Drive or any other public streets. The construction parking plan shall be included in the construction management plan.
4. 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.
5. 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.

6. 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.

7. 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. An appeal fee is required.

8. RECORDATION. The resolution approving the Hillside R-1 Permit and Variance 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.

9. EXPIRATION. Hillside R-1 Permit and Variance: Pursuant to Beverly Hills Municipal Code §10-3-207, the exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution.

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

Section 10. 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: April 10, 2014

Brian Rosenstein
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
City Planner

