



Planning Commission Report

Meeting Date: April 9, 2015

Subject: **1146 Tower Road
Hillside R-1 Permit**

Request for a Hillside R-1 Permit to allow cumulative floor area exceeding 15,000 square feet, allow an accessory structure within the front yard to exceed 14' in height, and to allow a solid wall/gate with a height of 6' in the front yard setback on the property located at 1146 Tower Road.

PROJECT APPLICANT: Dominic Filosa

Recommendation: That the Planning Commission:

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

A request has been made for a Hillside R-1 Permit to allow additions to an existing single-family home at 1146 Tower Road resulting in cumulative floor area exceeding 15,000 square feet. The project also consists of new roof and decorative elements to an existing gate house that would cause it to exceed 14' in height, and new decorative elements to an existing wall in the front setback. This report provides a detailed description of the project and provides analysis on key issues relating to the findings for the requested entitlements. Specifically, this report highlights considerations for privacy of neighboring properties, the scale and massing of the proposed additions, and how the project would affect the streetscape along Tower Road. Analysis was also conducted regarding potential view impacts to neighboring properties, and based on this analysis, site visits, and discussions with neighbors, a determination was made that no substantial view impacts would occur as a result of this project. Based on the analysis, the recommendation in this report is for project approval.

Attachment(s):

- A. Required Findings
- B. Public Notice
- C. Draft Resolution
- D. Architectural Plans

Report Author and Contact Information:

Andre Sahakian
(310) 285-1127

asahakian@beverlyhills.org

BACKGROUND

File Date	11/4/2014
Application Complete	12/4/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Categorical Exemption
Permit Streamlining	5/1/2015

Applicant(s)	Dominic Filosa
Owner(s)	Timothy Corrigan
Representative(s)	Dominic Filosa

Prior PC Action	None
Prior Council Action	None
CHC Review	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1146 Tower Road
Assessor's Parcel No.	4348-016-033
Zoning District	R-1.X
General Plan	One-Family Residential
Existing Land Use(s)	One-Family Residential
Lot Dimensions & Area	Irregular Lot – approximately 77,625 square feet (1.78 acres)
Year Built	1927
Historic Resource	Ineligible per Director's Determination.
Protected Trees/Grove	None.

Adjacent Zoning and Land Uses

North	R-1.X – Single Family Residential
East	R-1.X – Single Family Residential
South	R-1.X – Single Family Residential
West	R-1.X – Single Family Residential

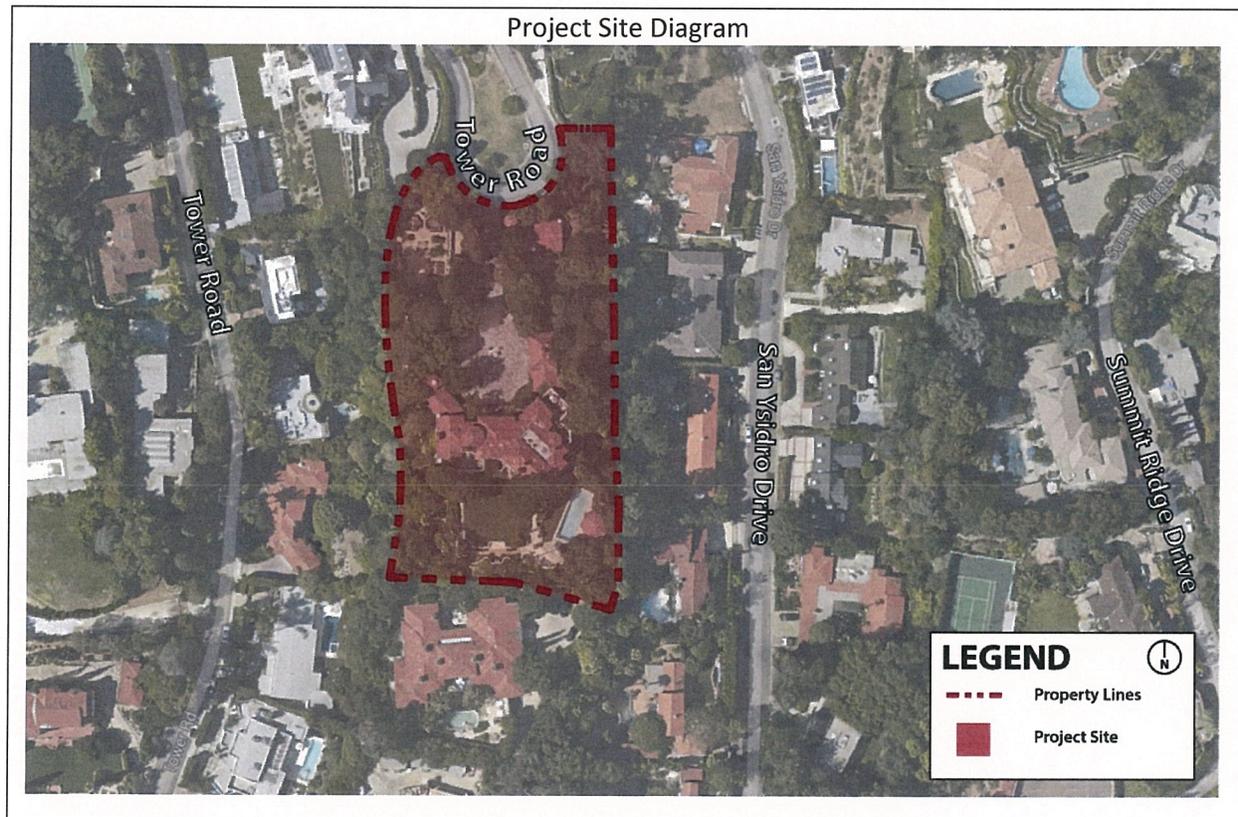
Circulation and Parking

Adjacent Street(s)	Tower Lane to the northwest, Tower Road to the west, San Ysidro Drive to the east, Benedict Canyon Drive to the south
Traffic Volume	Tower Road: Unknown Benedict Canyon Drive: 11,030 average daily volume
Adjacent Alleys	None
Parkways & Sidewalks	Tower Road: 30' total right of way with 22' street width and varying parkway widths.

Neighborhood Character

The subject property is located in the Hillside Area of the City at the peak of a narrow hill formed by slopes reaching uphill from Tower Road and San Ysidro Drive, located to the east and west, respectively, of the subject property. It is completely bordered by single-family residential properties. The subject property fronts on a sharp curvature of Tower Road, and consists of a large lot that is approximately 1.5 to 3 times larger than the abutting lots. Existing homes in the vicinity of the subject property are typically one- and two-story structures on regularly and irregularly shaped hillside lots. Tower Road is a single lane residential street that continues past the City's northern boundary into Los Angeles. Tower Road is accessed from Benedict Canyon Drive, which is a busy travel corridor with moderately high traffic volumes.

Project Site Diagram





PROJECT DESCRIPTION

The proposed project involves additions to an existing single-family residence, minor architectural improvements to an existing accessory structure, and enclosing the open portions of an existing wall/gate that are currently open to public view, located in the front yard of the property. The site contains an existing single-family residence consisting of two stories and a basement. The additions consist of expansion to an existing bedroom and addition of a new bedroom on the west wing of the main house, as well as a new, attached two-story pool house below the basement level on the east wing of the main house. The additions would result in 4,470 square feet of additional cumulative floor area, bringing the total cumulative floor area on the property to approximately 19,463 square feet. The project also includes ornamental changes to the roof of the gate house located near the front property line, which would increase the existing height of 14'-1" to 15'-2", an increase in height of 1'-1". Additionally, the project consists of modifying the existing 6' tall wall/gate at the front property line into a solid wall that is not open to public view.

Required Entitlements. As proposed, the project requires the following entitlements:

- **Hillside R-1 Permit**
 - BHMC §10-3-2502(B) requires a Hillside R-1 Permit for projects in the Hillside Area of the City that result in a cumulative floor area over 15,000 square feet.
 - BHMC §10-3-2550 allows accessory structures located in a yard area to exceed 14' in height if the second story meets the side setback requirements through the issuance of a Hillside R-1 permit.
 - BHMC §10-3-2516(C)1 requires a Hillside R-1 Permit to allow solid walls/gates with a height of 6' to encroach into the front yard setback without meeting the requirement that a portion of the wall be open to public view.

GENERAL PLAN¹ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission’s review of the project include:

- **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 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City’s distinctive image and complement existing development.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, 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 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice (agenda)	N/A	N/A	3/19/2014	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 500' Radius)	10 Days	3/31/2014	3/20/2014	20 Days
Property Posting	10 Days	3/31/2014	3/17/2014	23 Days
Website	N/A	N/A	4/2/2014	7 Days

Public Comment

Staff received inquiries from neighboring property owners regarding the size of the proposed additions and potential construction-period impacts. Staff discussed the project and potential view impacts with two neighboring property owners uphill from the subject property. Staff met with neighbors on one of these properties and had a telephone conversation with another property owner to assess potential view impacts. The two neighboring property owners expressed no concern about view impacts resulting from the project. There was general concern from neighbors regarding construction vehicle parking and traffic, and as a result, staff has included conditions of approval in the draft resolution to address these concerns.

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

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, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301 (Class 1(e)) of the Guidelines. Specifically, the proposed project involves an addition to an existing residential structure, and is therefore exempt from further review under the provisions of CEQA.

ANALYSIS

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Scale, Mass, and Privacy. The subject property is 1.78 acres, located in the Hillside Area of the City, and is surrounded by two-story single family homes with property sizes ranging from 0.3 to 1.2 acres along Tower Road and San Ysidro Drive. The proposed project consists of adding floor area to the existing single-family residence. On the west side of the property, there will be an addition of approximately 2,077 square feet to accommodate an additional guest bedroom. This addition will be made to the main level as well as the level below, over the slope, and will not increase the total height of the existing building. There will also be an addition of an approximately 2,003 square foot pool house on the east wing of the residence. This addition will be made to the basement level and the level below over the slope, and will also not increase the total height of the building. The subject site is substantially larger than nearby lots, and is uphill from most of Tower Road and all of San Ysidro Drive. As a result, the proposed additions would be substantially screened from view from the public street. Additionally, there is a significant amount of mature landscaping, including tall trees that screen the main residence from nearby properties and from the street. The existing residence currently has 14,993 square feet of cumulative floor area; the proposed project would increase that amount to a total of approximately 19,463 square feet. Almost all of the additions are above grade, with an 81 square foot portion considered basement area below grade. While some portions of the additions will be visible from nearby properties, they are within the required side yard setbacks, and existing landscaping along the side setbacks will substantially screen the structures from neighboring properties and will not create direct views into neighboring properties.

Streetscape Considerations. The proposed project includes two components that may potentially affect the streetscape along Tower Road. These include the proposed increase in height to the existing gate house and the proposal to modify the existing wall/gate into a solid wall/gate that is not open to public view. The proposed changes to the gate house are intended to make the gate house more consistent with the architectural style of the main residence. Such additions would result in an increase in height of 1'-1". The increase primarily results from the addition of an ornamental element to the top of the existing gate house structure, and as such, the volume of the gate house will not increase. This slight increase in height will not result in a perceivable change to the streetscape, and thus will not result in adverse impacts to the streetscape. The request to change the existing wall/gate to a solid wall/gate that is not open to public view may result in a less welcoming appearance from the street; however, the 19' length of the gate that is proposed to be solid along the street frontage is relatively short and is flanked on either side by the gate house and

existing landscaping. The proposed gate design is not significantly different than the existing gate design, and would be compatible with the design of the existing gate house and residence.

View Preservation. The Beverly Hills Municipal Code includes provisions that are intended to preserve views of the Los Angeles basin from the Hillside Area of the City. These provisions require a Hillside R-1 Permit to allow any structures to be constructed to a height in excess of 14' if the portion of the building in excess of 14' would disrupt a view of the Los Angeles basin from the level pad of a property within 300' of the subject property. As part of the project review, staff analyzed the view preservation diagrams provided by the applicants, which indicate the properties that are uphill from the subject property and the associated view lines from the level pads of those properties. Additionally, staff visited a neighboring uphill property to determine if any existing views would be substantially affected by the proposed additions. After reviewing the plans, visiting the neighboring property, and talking with neighbors uphill from the subject property, staff determined that there would be no substantial disruption to any views from neighboring properties per the provisions of the view preservation standards set forth in the BHMC. Thus, a Hillside R-1 Permit is not required for view preservation.

Staff Recommendations. The proposed project's floor area without basements would be 17,618 square feet, which is within the allowable floor area for the site, which will be 18,391 square feet once the project is completed. The existing residence currently has a cumulative floor area of 14,993 square feet, and the proposed project would result in a cumulative floor area of 19,463 square feet. Taking into account the size of the subject property, the significant front yard setback, compliance with the required side yard setbacks, and existing mature landscaping throughout the property, this increase will not result in a substantial adverse impact to the scale, mass, or integrity of the streetscape, nor will it result in privacy impacts to neighboring properties. Therefore, staff recommends conditional approval of the Hillside R-1 Permit with respect to cumulative floor area over 15,000 square feet.

The request to increase the height of the existing gate house by 1'-1" to a total height of 15'-2" is the result of the addition of ornamental features intended to maintain a consistent architectural design between the accessory structure and the main house. The gate house is not large enough to be used as a livable area and the ornamental additions will not make the existing structure appear more massive or out of scale with the streetscape. For these reasons, the improvements to the gate house structure in the front setback will not result in substantial adverse impacts to the scale or character of the area, on the privacy of neighboring properties, on the neighbors' access to light and air, or on the streetscape. Therefore, staff recommends conditional approval of the Hillside R-1 Permit with respect to the accessory structure within the front yard to exceed 14' in height.

The changes that are proposed to the existing wall/gate in the front yard adjacent to the gate house will not result in increased height, and the design will be compatible with the existing gate and the structures on the property. The existing landscaping will also remain unchanged as a result of the proposed new wall/gate. Thus, the proposed 6' tall solid wall/gate will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city. Therefore, staff recommends conditional approval of the Hillside R-1 Permit with respect to the solid wall/gate with a height of 6' in the front yard setback.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
<ul style="list-style-type: none">• Proposed additions to main residence will not be visible from the street• Proposed additions comply with all setback requirements and do not result in increased height to the main residence• Existing mature landscaping screens majority of proposed additions from neighboring properties• Resulting project will not be perceived as massive due to distance from the front property line and relative size of the property	<ul style="list-style-type: none">• Solid wall/gate may be perceived as less welcoming• While existing landscaping provides screening, it is possible that some landscaping could be removed in the future

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving a Hillside R-1 Permit for cumulative floor area in excess of 15,000 square feet, an accessory structure within the front yard to exceed 14' in height, and construction of a wall within the front yard setback.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:



Andre Sahakian, Associate Planner

ATTACHMENT A
REQUIRED FINDINGS

ATTACHMENT A

Required Findings

Hillside R-1 Findings. The Planning Commission may grant a Hillside R-1 Permit provided that the following findings are made:

- 1) With respect to cumulative floor area in excess of 15,000 square feet:
 - a. The reviewing authority may issue a Hillside R-1 permit to allow the total of the cumulative floor area developed on a site, in combination with the floor area of all basements on that site as measured pursuant to subsection 10-3-2502B of this chapter, to exceed fifteen thousand (15,000) square feet if the floor area ratio formula set forth in Beverly Hills Municipal Code (BHMC) subsection 10-3-2502B would so permit and the reviewing authority finds that the development will not have a substantial adverse impact on the scale, integrity, or character of the area or on the privacy of neighboring properties. The reviewing authority may require the applicant to submit such information and reports as the reviewing authority deems appropriate to determine the nature and extent of impacts on the scale, integrity and character of the area and on the privacy of neighboring properties.

- 2) With respect to accessory structures exceeding 14' in height:
 - a. The reviewing authority may issue a Hillside R-1 permit to allow an accessory structure located in a yard area to exceed fourteen feet (14') in height if the second story meets the side setback required for the primary building on the site, and if the reviewing authority finds that the structure will not have a substantial adverse impact on the scale or character of the area, on the privacy of neighboring properties, on the neighbors' access to light and air, or on the streetscape. However, no more than one accessory structure that exceeds fourteen feet (14') in height shall be permitted in the side or rear yard areas.

- 3) With respect to walls up to 6' in the front yard:
 - a. The reviewing authority may issue a Hillside R-1 permit to allow a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of BHMC subsection 10-3-2516C if the reviewing authority finds that the wall will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city.

ATTACHMENT B

PUBLIC NOTICE



REVISED NOTICE OF PUBLIC HEARING

DATE: April 9, 2015

Note: This notice is a revision to a previous notice mailed on March 16, 2015 regarding the same project. The hearing date has been revised in this updated notice.

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, April 9, 2015, 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 additions to an existing single-family home located at **1146 Tower Road**. Construction of the proposed project requires the following entitlements:

Hillside R-1 Permit:

Cumulative Floor Area. A Hillside R-1 Permit is required for projects in the Hillside Area of the City that result in a cumulative floor area over 15,000 square feet. The subject property currently has a cumulative floor area of approximately 14,993 square feet, including all basement areas. The proposed additions would bring the total cumulative floor area to approximately 19,462. The proposed additions would comply with the required height restrictions and setbacks.

View Preservation. A Hillside R-1 Permit is required to establish a maximum building height in excess of 14' in order to ensure that the additions will not substantially disrupt a view of the Los Angeles area basin from the level pad containing residential buildings within a 300' radius of the subject property. While the additions to the subject property are within the maximum height allowed by code, a Hillside R-1 Permit is required to ensure that those portions of the addition that exceed 14' will not substantially disrupt views from neighboring properties.

Accessory Structure. A Hillside R-1 Permit is required to allow an accessory structure that exceeds 14' in height within the front yard setback. The proposed project would increase the height of an existing gate house from 14'-1" to 15'-6". The gate house is currently located approximately 7'-10" from the front property line and complies with the required side yard setbacks.

Wall Height in Front Yard. A Hillside R-1 Permit is required to allow a solid wall/gate with a height of 6' to encroach into the front yard setback near the front property line. The property currently has an existing wall/gate in the same location with openings in the upper areas of the wall/gate. The proposal is to close the openings in the existing wall to create a solid wall/gate.

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 Class 1 Categorical Exemption (15301(e)). This exemption is applicable to projects that consist of minor additions to existing structures, 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 **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@beverlyhills.org. Copies of the project plans and associated application materials 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:



Andre Sahakian, Associate Planner

Mailed: March 20, 2015



NOTICE OF PUBLIC HEARING

DATE: March 26, 2015

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, March 26, 2015, 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 additions to an existing single-family home located at **1146 Tower Road**. Construction of the proposed project requires the following entitlements:

Hillside R-1 Permit:

Cumulative Floor Area. A Hillside R-1 Permit is required for projects in the Hillside Area of the City that result in a cumulative floor area over 15,000 square feet. The subject property currently has a cumulative floor area of approximately 14,993 square feet, including all basement areas. The proposed additions would bring the total cumulative floor area to approximately 19,762. The proposed additions would comply with the required height restrictions and setbacks.

View Preservation. A Hillside R-1 Permit is required to establish a maximum building height in excess of 14' in order to ensure that the additions will not substantially disrupt a view of the Los Angeles area basin from the level pad containing residential buildings within a 300' radius of the subject property. While the additions to the subject property are within the maximum height allowed by code, a Hillside R-1 Permit is required to ensure that those portions of the addition that exceed 14' will not substantially disrupt views from neighboring properties.

Accessory Structure. A Hillside R-1 Permit is required to allow an accessory structure that exceeds 14' in height within the front yard setback. The proposed project would increase the height of an existing gate house from 14'-1" to 15'-6". The gate house is currently located approximately 7'-10" from the front property line and complies with the required side yard setbacks.

Wall Height in Front Yard. A Hillside R-1 Permit is required to allow a solid wall/gate with a height of 6' to encroach into the front yard setback near the front property line. The property currently has an existing wall/gate in the same location with openings in the upper areas of the wall/gate. The proposal is to close the openings in the existing wall to create a solid wall/gate.

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 Class 1 Categorical Exemption (15301(e)). This exemption is applicable to projects that consist of minor additions to existing structures, 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 **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@beverlyhills.org. Copies of the project plans and associated application materials 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:



Andre Sahakian, Associate Planner

Mailed: March 16, 2015

ATTACHMENT C
DRAFT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW CUMULATIVE FLOOR AREA TO EXCEED FIFTEEN THOUSAND SQUARE FEET ALLOW AN ACCESSORY STRUCTURE WITHIN THE FRONT YARD TO EXCEED 14' IN HEIGHT, AND TO ALLOW A SOLID WALL/GATE WITH A HEIGHT OF 6' IN THE FRONT YARD SETBACK ON A PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1146 TOWER ROAD.

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

Section 1. Dominic Filosa, representative of Timothy Corrigan (the "Applicant"), has submitted an application for a Hillside R-1 Permit to allow the construction of additions to an existing single-family home on the property located at 1146 Tower Road 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.

Section 2. The Project consists of additions to an existing single-family residence, the addition of ornamental improvements to an accessory structure, and the enclosure of the open portions of an existing wall/gate located in the front yard of the property. The site contains an existing single-family residence consisting of two stories and a basement. The additions consist of an expansion to an existing bedroom and addition of a new bedroom to the west wing of the main house, as well as a new, attached two-story pool house below the

basement level on the east wing of the main house. The project would result in the addition of 4,470 square feet of cumulative floor area, bringing the total cumulative floor area on the property to approximately 19,463 square feet. The project's above-grade floor area would be 17,618 square feet of floor area. The project also includes changes to the roof of the gate house located near the front property line, which would increase the existing height of 14'-1" to 15'-2", representing an increase in height of approximately 1'-1". Additionally, the project consists of changing the existing wall/gate at the front property line into a solid wall that is not open to public view for its full height of 6'.

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(e)) of the Guidelines. Specifically, the proposed project involves an addition to an existing residential structure. The project has been determined not to have a significant environmental impact and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on March 20, 2015 to all property owners and residential occupants within a 500-foot radius of the property. On April 9, 2015 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 Hillside R-1 permit to allow cumulative floor area to exceed fifteen thousand square feet, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The floor area formula set forth in Beverly Hills Municipal Code section 10-3-2502B would so permit;
2. The development will not have a substantial adverse impact on the scale, integrity, or character of the area; and
3. The development will not have a substantial adverse impact on the privacy of 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 to allow cumulative floor area to exceed fifteen thousand square feet:

1. The subject property is allowed a maximum floor area of 18,391 square feet. The proposed project would have a floor area of 17,618 square feet. Thus, the proposed project complies with the floor area requirements set forth by the Beverly Hills Municipal Code.
2. While the proposed residence would have a cumulative floor area of 19,463 square feet including basement area, the size of the property is relatively large compared with properties in the area, the residence is substantially set back from the front property line, the project complies with the minimum side yard requirements, and the property has mature landscaping throughout. Therefore, the

development will not have a substantial adverse impact on the scale, integrity, or character of the area.

3. The proposed additions on the west side of the subject property are screened by mature landscaping, and due to the topography of the area, are located substantially above the adjacent property to the west. These conditions will prevent any direct views into neighboring properties to the west. The proposed additions on the east side of the subject property are also screened by mature landscaping, and are also located substantially above the adjacent property to the east, and no direct views will be available into the adjacent property to the east as a result of the project. Thus, the proposed project will not result in a substantial adverse impact on the privacy neighboring properties.

Section 7. In reviewing the request for a Hillside R-1 Permit to allow an accessory structure located in a yard area to exceed fourteen feet (14') in height, the Planning Commission considered whether it could make the following findings in support of the Project:

1. That the structure will not have a substantial adverse impact on the scale or character of the area;
2. That the structure will not have a substantial adverse impact on the privacy of neighboring properties;
3. That the structure will not have a substantial adverse impact on the neighbors' access to light and air; and
4. That the structure will not have a substantial adverse impact on the streetscape.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit to allow an accessory structure located in a yard area to exceed fourteen feet (14') in height:

1. The proposed changes to the existing gate house are ornamental in nature and will not result in any change to the volume of the structure. Since the gate house is existing, the height increase of 1'-1" is nominal, and the increase in height is due to architectural features and not an increase to the volume of the structure, the structure will not have a substantial adverse impact on the scale or character of the area.

2. The existing gate house contains 40 square feet of floor area, and is not a substantially habitable area. The proposed increase in height would result in a total height of 15'-2", a height that will not allow any views into neighboring properties. For these reasons, the structure will not have a substantial adverse impact on the privacy of neighboring properties.

3. The proposed gate house will have a total height of 15'-2", and is not located close enough to any other nearby properties such that it would cast any shadows on neighboring properties. Thus, the structure will not have a substantial adverse impact neighbors' access to light and air.

4. The existing gate house is located along the front property line and is fully visible from the street. The proposed changes will result in an architectural design that is more compatible with the main house, and will not result in a significant increase in height. Existing landscaping around the gate house and along

the front property line is to remain in place. Thus, the structure will not have a substantial adverse impact on the streetscape.

Section 9. In reviewing the request for a Hillside R-1 Permit to allow solid walls/gates with a height of 6' to encroach into the front yard setback without meeting the requirement that a portion of the wall be open to public view, the Planning Commission considered whether it could make the following findings in support of the Project:

1. That the wall will not have a substantial adverse impact on the scale and massing of the streetscape; and
2. That the wall will not have a substantial adverse impact on the garden quality of the city.

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit to allow solid walls/gates with a height of 6' to encroach into the front yard setback without meeting the requirement that a portion of the wall be open to public view:

1. The proposed changes to the existing wall/gate in the front yard adjacent to the gate house will not result in an increase in height, and the design will be compatible with the existing gate and the structures on the property. The existing landscaping will also remain unchanged as a result of the proposed new wall/gate. Thus, the proposed 6' tall solid wall/gate will not have a substantial adverse impact on the scale and massing of the streetscape.

2. The proposed changes to the existing wall/gate in the front yard adjacent to the gate house will not result in the removal of any vegetation or landscaping, and will not substantially block views of vegetation that would have been visible with the existing gate. Thus, the proposed 6' tall solid wall/gate will not have a substantial adverse impact on the scale and massing of the streetscape.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit and Tree Removal Permit subject to the following conditions:

1. All construction-related parking shall be accommodated on-site or at an off-site designated parking location approved by the Director of Community Development or his/her designee and shall be in accordance with the approved Construction Management and Parking Plan. No construction-related parking shall be permitted on nearby residential streets, including without limitation Tower Road and Tower Lane. Material deliveries and food service vehicles shall park on-site in accordance with the approved construction management and parking plan.

2. Flagmen shall be stationed along Tower Road and Tower Lane as necessary to manage traffic flow and ensure safety of residents, visitors, and pedestrians during all construction material deliveries, hauling truck trips, or large construction vehicle trips. All flagmen shall be radio-equipped and on-duty from 8:00am to 6:00pm during heavy hauling activities and construction-related deliveries. Residents and visitors shall be granted priority access at all times.

3. Staging Area. To reduce noise levels associated with idling construction equipment and to minimize off-site transportation of heavy construction

equipment, the applicant shall design staging areas to be as far as possible from adjacent single-family residents.

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. 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. 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. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

8. 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.

9. EXPIRATION. The exercise of rights granted in such approval 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.

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Section 12. 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 9, 2015

Howard S. Fisher
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary
Michele McGrath
Principal Planner

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

City Planner

ATTACHMENT D

ARCHITECTURAL PLANS

(PROVIDED AS A SEPARATE ATTACHMENT)