



Planning Commission Report

Meeting Date: April 23, 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

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.

The proposed 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. Other minor additions include storage on the second floor, enclosing a breezeway, and enclosing garage basement stairs below grade.

The Planning Commission conducted a public hearing on the project on April 9, 2015, at which the Commission heard public testimony and the public hearing was closed. The Planning Commission directed staff to return at the April 23, 2015 Planning Commission meeting with a resolution conditionally approving a Hillside R-1 Permit for the increased height for the gate house, enclosure of the open sections of the gate, the bedroom additions on the west side of the property, and the other minor additions. The pool house addition on the east side of the property was not supported by the Planning Commission, and staff was directed to draft the resolution denying that portion of the project.

Attachment(s):
A. Revised Draft Resolution

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NEXT STEPS

It is recommended that the Planning Commission 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.

Report Reviewed By:

Michele McGrath, Principal Planner

ATTACHMENT A
REVISED 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 FOR ADDITIONS TO THE WEST WING OF AN EXISTING RESIDENCE AND OTHER CERTAIN AREAS; 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; AND DENYING A HILLSIDE R-1 PERMIT TO ALLOW CUMULATIVE FLOOR AREA TO EXCEED FIFTEEN THOUSAND SQUARE FEET FOR AN ADDITION OF A POOL HOUSE ON THE EAST SLOPE OF THE 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 totaling 2,077 square feet, as well as a new, attached two-story pool house below the basement level on the east wing of the main house totaling 2,003 square feet. Other minor additions, including storage on the second floor, enclosing a breezeway, and enclosing garage basement stairs below grade, represent an additional 390 square feet. In total, 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 proposed additions to the bedroom on the west side of the existing building, the addition to the second floor storage, enclosure of the breezeway, and enclosure of the garage are substantially set back from the front property line, comply with the minimum side yard requirements, and are substantially screened with mature landscaping. Therefore, the development of these project components will not have a substantial adverse impact on the scale, integrity, or character of the area. The proposed pool house addition on the east side of the property also complies with the minimum side yard setback requirement, however the removal of existing landscaping as well as the height of the proposed pool house addition over the slope, combined with the height of the existing house on the level pad, will make the eastern elevation of the residence appear massive and out of scale with the area. Thus, the addition of the pool house on the eastern side of the existing residence will have a substantial adverse impact on the scale, integrity, and 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 to the second floor storage, enclosure of the breezeway, and enclosure of the garage basement stairs below grade are minor in size and their locations will not provide new views into adjacent properties. Thus, the proposed bedroom additions on the

west side of the property, as well as the second floor storage additions, enclosure of the breezeway, and enclosure of the garage basement stairs below grade will not result in substantial adverse impacts on the privacy of neighboring properties. The proposed additions on the east side of the subject property will result in loss of existing mature trees, and the proposed uses would allow views into the neighboring downslope property to the east.. Thus, the proposed pool house addition on the east side of the property will result in a substantial adverse impact on the privacy of 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 subject to the following conditions:

1. This approval shall only apply to the proposed bedroom addition on the west side of the property, the proposed addition to the second floor storage area, the proposed enclosure of the breezeway, and the proposed enclosure of the garage basement stairs below grade. This approval shall not apply to the proposed pool house addition on the east side of the property.

2. The subject property shall not exceed a total cumulative floor area of 17,460 square feet.

3. 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.

4. 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 10:00am to 2:00pm during heavy hauling activities and construction-related deliveries. Residents and visitors shall be granted priority access at all times.

5. No heavy hauling trips or deliveries of construction-related materials shall occur outside the hours of 10:00am to 2:00pm.

6. 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.

7. Landscaping shall be provided as shown on the landscape plan approved by the Planning Commission on April 23, 2015. In addition, for every tree removed on the property to accommodate the bedroom addition on the west side of the property, two replacement trees shall be planted on the property with a minimum box size of 36" to provide screening and privacy to neighboring properties.

8. The applicant shall construct and maintain the improvements on the property in substantial conformance with the plans submitted to and approved by the Planning Commission at its meeting of April 23, 2015. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. EXPIRATION. The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

III

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 23, 2015

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

Attest:

Secretary
Ryan Gohlich
City Planner

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Ryan Gohlich
City Planner