



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

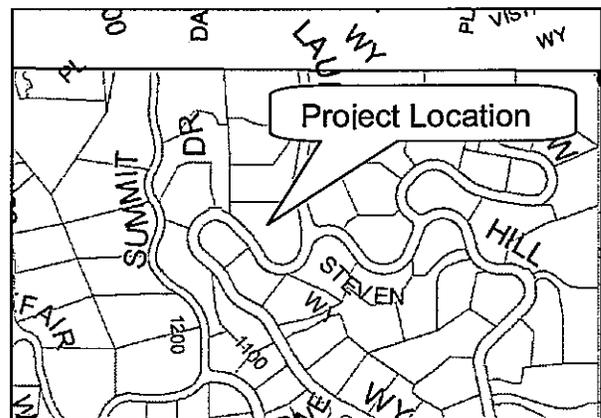
**For the Planning  
Commission Special  
Meeting of  
September 11, 2008**

**TO:** Planning Commission

**FROM:** Ryan Gohlich,  
Assistant Planner

**THROUGH:** Jonathan Lait, AICP  
City Planner

**SUBJECT:** Resolution denying a Hillside R-1 Permit (PL0826146) to allow accessory structures to be located within 100 feet of the front lot line on an estate property located at 1201 Laurel Way.



**SUMMARY**

On August 7, the Planning Commission reviewed a request for a Hillside R-1 Permit to allow the construction of accessory structures within 100 feet of the front property line on an estate property located at 1201 Laurel Way. The Commission reviewed the request, and determined that several of the required findings related to mass and scale, and the garden quality of the city could not be made. Because several of the required findings could not be made, the Commission voted to deny the project and directed staff to prepare a resolution of denial. The attached resolution formalizes the Commission's action with respect to the project by denying the request for a Hillside-R-1 Permit to allow the construction of accessory structures within 100 feet of the front property line.

  
Ryan Gohlich, Assistant Planner

Attachments:

1. Planning Commission Resolution

# **ATTACHMENT 1**

## **Planning Commission Resolution**

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS DENYING A HILLSIDE R-1 PERMIT TO ALLOW CONSTRUCTION OF A SWIMMING POOL, DECK, AND EQUIPMENT PLATFORM WITHIN 100 FEET OF THE FRONT PROPERTY LINE OF AN ESTATE PROPERTY LOCATED AT 1201 LAUREL WAY.

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

Section 1. Mauricio Duk, applicant on behalf of the property owner, Papcap LLC (collectively the "Applicant"), applied for a Hillside R-1 Permit to allow the construction of a swimming pool, deck, and equipment platform within 100 feet of the front property line for an estate property located at 1201 Laurel Way (the "Project"). The Project would be set back approximately 18 feet from the front property line.

Beverly Hills Municipal Code Section 10-3-2526 authorizes the Planning Commission to issue a Hillside R-1 Permit to allow accessory structures on properties over 24,000 square feet in area to be located anywhere on the site, provided the Commission makes certain findings.

Section 2. 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 City's Local CEQA Guidelines (hereafter the "Guidelines"), and the

City's environmental guidelines, and a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 3. The Planning Commission conducted a duly noticed public hearing on August 7, 2008, at which time oral and documentary evidence was received concerning the application.

Section 4. The Project site is located in the Hillside Area of the City on a curve on the north side of Laurel Way. The site has an area of 35,000 square feet. The site slopes steeply downhill to the east, west, and south, with the street approximately thirty-five feet lower in elevation than the level pad. The property is improved with a single-family residence and pool, with detached garage. The Project proposes to reconfigure the existing swimming pool, and install a deck and equipment platform. The Project would extend out over the existing slope, at least 20 feet, in conformance with the BHMC. The property is heavily landscaped, and a detailed landscaping plan was submitted in conjunction with the Project. The landscaping would consist of approximately 55 24" box ficus trees.

Section 5. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-2550, in reviewing the application for the Hillside R-1 Permit to allow accessory structures on properties over 24,000 square feet in area to be located anywhere on the site, the Planning Commission considered whether the proposed development will have a substantial adverse impact on:

- (1) The scale and massing of the streetscape;
- (2) Neighbors' access to light and air;
- (3) Neighbors' privacy; and
- (4) The garden quality of the city.

Section 6. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission, hereby finds as follows:

6.1. Due to its size and configuration, the Project would have a substantial adverse impact on the scale and massing of the streetscape. The proposed accessory structures are 20 feet in height when measured from the lowest point of natural grade, and would appear unduly large and out of character with the existing streetscape. Because the scale and massing of the Project is not consistent with the character of the neighborhood, the required finding could not be made to support the Project.

6.2. As proposed the Project would not substantially impact the neighbors' access to light and air. The accessory structures would be located on the southern portion of the property, surrounded by Laurel Way to the south, east, and west, and the existing single-family residence on the subject property to the north. The structures would be 20 feet in height when measured from the lowest point of natural grade and would be located approximately 60 feet from the closest neighboring property, which is across Laurel Way to the south. As proposed the Project would not have a substantial adverse impact on the neighbors' access to light and air.

6.3. As proposed the Project would not have a substantial adverse impact on neighbors' privacy. As discussed above, the proposed structures would be located on the

southern portion of the subject site, and are primarily surrounded by the adjacent street and mature landscaping. As proposed the structures would be approximately 60 feet from the closest neighboring property, which is located across Laurel Way to the south. Therefore, an adverse impact to the neighbor's privacy would not be expected.

6.4. The landscaping plan submitted in conjunction with the Project consists of numerous ficus trees that would surround the Project. Although the ficus trees would substantially screen the accessory structures, the landscaping plan is not consistent with the existing character of the surrounding neighborhood. The trees would create a barrier between the Project site and the street, and would therefore not be a harmonious addition to the neighborhood and would not promote the garden quality of the city. Because the landscaping plan is not consistent with the surrounding neighborhood and would not benefit the garden quality of the city, the finding cannot be made to support the Project.

Section 7. Based on the foregoing, the Planning Commission hereby denies the request for a Hillside R-1 Permit to allow the placement of accessory structures within 100 feet of the Project site's front property line.

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 certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Noah Furie  
Chairman of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP *RL*  
City Planner