



STAFF REPORT
CITY OF BEVERLY HILLS

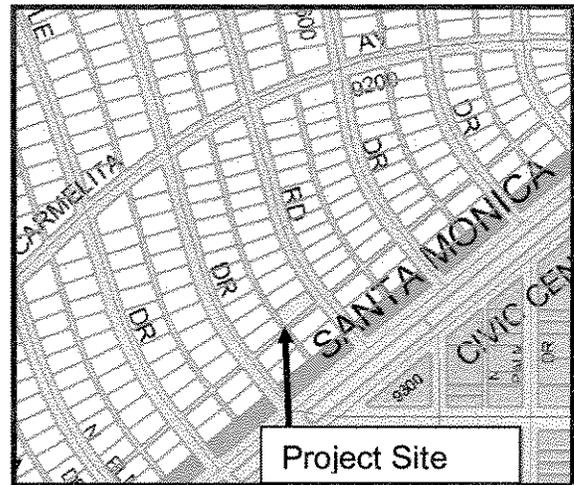
FOR THE PLANNING COMMISSION
MEETING OF JUNE 12, 2008

TO: Planning Commission

FROM: Heather Waldstein, Contract Planner *HW*

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

SUBJECT: Consideration of a Central R-1 Permit for the construction of a new accessory structure, for a property located at 507 Hillcrest Road.



RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution (Attachment 1) conditionally approving a Central R-1 Permit to allow the construction of a new accessory structure.

EXECUTIVE SUMMARY

An application for a Central R-1 Permit has been submitted by Mike Baron, for the construction of a 1,604 sq.ft 21' high 2-story accessory structure located in the required rear and side yards, on a property within the Single-Family Residential Zone (R-1) at 507 Hillcrest Road.

Pursuant to BHMC Section 10-3-2414 regarding Accessory Buildings and 10-3-2402 regarding Floor Area, a Central R-1 Permit is required for an accessory structure to exceed 14' when located within the required rear and side yards; and to exceed the total floor area of 1,500 square feet plus 40% of the site area for all buildings on site. The proposed accessory structure is 21' in height and located within the rear and side yard setback areas. The proposed accessory structure is 1,604 square feet in size, which is greater than the sum of 1,500 plus 40% of the lot size. The project lot size is 12,120 square feet and built with an existing 5,087 square foot main building.

GENERAL INFORMATION	
Applicant	Mike Baron
Project Owner	Schuyler Hewes
Zoning District	R-1 Single Family Residential Zone
Parcel Size	12,120 sq.ft.
Permit Streamlining Act Deadline	June 28, 2008

PROJECT DESCRIPTION

The project involves the construction of a new accessory structure. The property is located north of Santa Monica Boulevard along the west side of Hillcrest Road. The project site is 12,120 square feet in size. The proposed structure is 1,604 square feet, 21' and two stories in height, located in the rear and side yard setbacks.

The accessory structure will match the style, materials and color of the existing single story house on the project site. The first floor of the accessory structure will include a 2-car garage with access from the alley, a pool accessory storage room and bathroom. An interior stairway will provide access to the recreation room and bathroom on the second floor of the accessory structure.

Pursuant to BHMC section 10-3-2402 the cumulative floor area of all buildings located on a single site area in a single-family residential zone in the Central Area of the city shall not exceed one thousand five hundred (1,500) square feet plus forty percent (40%) of the site area on which those buildings are built. The proposed accessory structure is 1,604 square feet in size, which is greater than the sum of 1,500 plus 40% of the lot size. The project lot size is 12,120 square feet and built with an existing 5,087 square foot main building.

PROJECT DATA SUMMARY

Regulation	Existing/Proposed	Required/Allowed by Code	Compliance
Site Area	12,120 sq.ft.	N/A	N/A
Floor Area	5,087 sq.ft./1,604 sq.ft.	1,500 sq.ft. + 40% = 1,261 sq.ft. (accessory structure)	R-1 Permit

Regulation	Existing/Proposed	Required/Allowed by Code	Compliance
		(BHMC 10-3-2402)	
Height	21'	14' (BHMC 10-3-2414)	R-1 Permit
Setbacks			
Side	4'	7.5' (BHMC 10-3-2406)	R-1 Permit
Rear	4'	40.5' (BHMC 10-3-2405)	R-1 Permit

AREA CHARACTERISTICS

The project site is located north of Santa Monica Boulevard along Oakhurst Drive between Doheny and Sierra Drives. The area is characterized by single family residences of varying heights, sizes and styles.

GENERAL PLAN AND ZONING ANALYSIS

The General Plan land use designation for the subject property is Single Family Residential – Medium Density and identifies a maximum density of 4 DU/Acre. The project proposes an accessory structure. Therefore, the project is consistent with the land use designation of the property called for in the General Plan.

The project site is located within the R-1 Single Family Residential Zone – Central Area, which allows accessory structures to be located on site subject to the Beverly Hills Municipal Code Section 10-3-2414. The project proposes a 1,604 square foot 21' in height two-story accessory structure to be located within the required rear and side yards. As indicated in the Project Data Summary table and explained below, the project will require approval of a Central R-1 Permit.

Pursuant to BHMC 10-3-2414 Accessory Buildings and 10-3-2402 Floor Area, a Central R-1 Permit is required for an accessory structure to exceed the height limitation of 14'; and be located within the required rear and side yards; and to exceed the total cumulative floor area for all buildings on site. The proposed accessory structure is 21' in height and located within the rear and side yard setback areas. The proposed 1,604 square feet structure combined with the square footage of the main structure would be greater than the sum of 1,500 plus 40% of the lot size. The project lot size is 12,120 square feet with an existing 5,087 square foot main building. Under this requirement, a 1,261 square foot accessory structure would be allowed, and any structure exceeding

that square footage requires an R-1 Permit, when added to the cumulative square footage of the site.

In addition, BHMC Section 10-3.2414 states the building height shall be no more than 14' in height and extend at a slope of two horizontal to one vertical (2:1) toward the interior of the site area. The permit may be granted provided the reviewing authority finds that the structure will not have a substantial adverse impact on:

1. The scale or character of the area;
2. Privacy of neighboring properties;
3. Neighbors' access to light and air, and
4. The streetscape.

The scale and character of the area. The proposed accessory structure would be located along the north and west property lines at the rear of the project site. As proposed, the two-story structure will be 21' in height. Direct visibility of the proposed accessory structure will be from the neighbor to the north; however this view is partially obstructed by an existing 12' high detached garage located on the neighboring property. Additionally, the proposed structure will be seen from the alleys located along both the south and west property lines. On the south side of the project site, the 20' wide alley abuts a property with an existing 9' high residence. However, the distance between the existing residence on the neighboring property to the south and the proposed accessory structure is greater than 50' in length. On the west side of the project site, the 20' wide alley abuts the rear of another property and the proposed accessory structure would be further buffered by mature vegetation. The two-story 21' in height proposed accessory structure is in keeping with the scale and character of the area as it does not exceed the height of the main building on the project site. Therefore, the accessory structure is not anticipated to have a substantial adverse impact.

Privacy of neighboring properties. The accessory structure is a two-story structure and would not be utilized as a dwelling. In addition, the accessory structure is proposed in the northwest corner of the property along the rear property line. There are no windows proposed along the north or west property lines, which would be the most visible sides of the neighboring properties to the north and west. Windows are proposed along the east and south sides of the structure, however they are not likely to affect the privacy of the neighbor to the south as there is a greater than 50' distance between the main building to the south and the proposed structure. Therefore, the proposed accessory structure is not anticipated to have a substantial adverse impact.

Neighbors' access to light and air. The distance between the proposed accessory structure and the closest neighboring main residence is in excess of 50 feet. Further, the property to the north has an existing accessory structure located adjacent to the

proposed structures. No substantial adverse impact to the neighbors' access to light and air is anticipated to result from the accessory structure.

The streetscape. The proposed accessory structure will be located in the rear yard of the existing subject; thus no substantial adverse impact to the streetscape is anticipated.

Pursuant to the Beverly Hills Municipal Code Section 10-3-2414, in addition to the findings required by Section 10-3-2453 for a Central R-1 Permit and stated above, the Planning Commission may consider a request for a Central R-1 Permit to allow an accessory structure to exceed fourteen feet (14') in height if the Planning Commission additionally finds that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare based on the following factors:

A. The impact of the accessory structure on the scale and massing as viewed from adjacent properties.

The proposed accessory structure would be located along the north and west property lines at the rear of the project site. As proposed, the two-story structure will be 21' in height. Direct visibility of the proposed accessory structure will be from the neighbor to the north; however this view is partially obstructed by an existing 12' high accessory structure located on the neighboring property. Additionally, the proposed structure will be seen from the alleys located along both the south and west property lines. On the south side of the project site, the 20' wide alley abuts a property with an existing 9' high residence. However, the distance between the existing residence on the neighboring property to the south and the proposed accessory structure is greater than 50' in length. On the west side of the project site, the 20' wide alley abuts the rear of another property and the proposed accessory structure would be further buffered by mature vegetation. The two-story 21' in height proposed accessory structure is in keeping with the scale and character of the area as it does not exceed the height of the main building on the project site. Therefore, the accessory structure is not anticipated to have a substantial adverse impact.

B. The impact of the accessory structure on available light in neighboring yards.

The proposed accessory structure is located in the northwest corner of the project site which is in the rear yard area. The proposed height of the two-story structure is 21'. The project site is bound by a 20' wide alley on both the south and west sides of the project site. The neighboring property to the north of the project site has a 12' high garage structure located in the rear yard and is adjacent to the proposed project's accessory structure. Therefore, although the proposed accessory structure is two-story and 21' in height, it will not adversely affect the neighboring yards to the west and south due to the 20' wide alley. As for the neighboring yard to

the north, a 12' high detached garage is located adjacent to the location of the proposed accessory structure. In addition, existing and anticipated uses in the vicinity are similarly residential in nature. Therefore, as conditioned, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

C. The cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity.

As proposed, the 21' high two-story accessory structure is located in the rear of the project along the north and west property lines. The west property line abuts a 20' wide alley physically separating the project site from properties to the west and thereby lessening the cumulative impact that would be realized with a combination of accessory structures in the vicinity. The north property line abuts an existing 12' high one-story accessory structure on the neighboring property. However, there is a difference of 8' in height between the proposed and existing accessory structures. Further, at this time there are no other existing accessory structure in the vicinity that would contribute to the cumulative impact on adjacent properties. Therefore, it is not anticipated that that the Project will generate an adverse cumulative impact on neighboring properties.

PUBLIC NOTICE AND COMMENTS

Notice of the project and public hearing was published in the Beverly Hills Courier and on June 2, 2008 and mailed to all property owners within 300' and residential tenants within a 500' radius of the property. As of the date of the preparation of this report, no correspondence or calls were received.

ENVIRONMENTAL DETERMINATION

The proposed project has been assessed in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15303 (e), New Construction of an accessory structure has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Attachments:

1. Resolution
2. Plans

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT FOR AN ACCESSORY STRUCTURE TO EXCEED THE HEIGHT REQUIREMENT AND MAXIMUM FLOOR AREA FOR AN ACCESSORY STRUCTURE THAT IS LOCATED IN THE REQUIRED SIDE AND REAR YARD SETBACKS FOR A PROPERTY LOCATED AT 507 HILLCREST ROAD.

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

Section 1. Mike Baron, on behalf of the property owner (collectively the "Applicant"), has submitted an application for a Central R-1 Permit to allow construction of an accessory structure to exceed the height requirement, maximum floor area, and be located in the required side and rear yard setbacks of a property located at 507 Hillcrest Road (the "Project").

Beverly Hills Municipal Code Section 10-3-2414 allows accessory structures to exceed the height and floor area requirements provided that the accessory structure meets the required findings.

Section 2. The project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's environmental guidelines, and a Categorical

Exemption has been issued pursuant to Section 15303 (e) of the Guidelines (Class 3 – New Construction), because the project consists of construction of a new small accessory structure.

Section 3. The subject site is located within the Central area on a site of approximately 12,120 square feet in area located north of Santa Monica Boulevard. The proposed two-story accessory structure will be twenty-one feet in height and 1,604 square feet in size, located along the side and rear property lines.

Section 4. On June 12, 2008, the Planning Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing.

Section 5. Pursuant to Beverly Hills Municipal Code Section 10-3-2425, the Planning Commission may issue a Central R-1 Permit to modify the height limitation, maximum floor area and location within the required side and rear yard areas for an accessory structure if the commission finds the project will not have a substantial adverse impact on the following:

- 1) The scale or character of the area;
- 2) Privacy of neighboring properties;
- 3) Neighbors' access to light and air; and
- 4) The streetscape.

to the south and the proposed structure. Therefore, the proposed accessory structure is not anticipated to have a substantial adverse impact.

6.3 The distance between the proposed accessory structure and the closest neighboring main residence is in excess of 50 feet. Further, the property to the north has an existing accessory structure located adjacent to the proposed structures. No substantial adverse impact to the neighbors' access to light and air is anticipated to result from the accessory structure.

6.4 The proposed accessory structure will be located in the rear yard of the existing subject; thus no substantial adverse impact to the streetscape is anticipated.

Section 7. Pursuant to the Beverly Hills Municipal Code Section 10-3-2414, in addition to the findings required by Section 10-3-2453 for a Central R-1 Permit and stated above, the Planning Commission may consider a request for a Central R-1 Permit to allow an accessory structure to exceed fourteen feet (14') in height if the Planning Commission additionally finds that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare based on the following factors:

7.1 The impact of the accessory structure on the scale and massing as viewed from adjacent properties. The proposed accessory structure would be located along the north and west property lines at the rear of the project site. As proposed, the two-story structure will be 21' in height. Direct visibility of the proposed accessory structure will be from the neighbor to the north; however this view is partially obstructed by an existing 12' high accessory structure located on the neighboring property. Additionally, the proposed structure will be seen from the alleys located along both the south and west property lines. On the south side of the project site, the 20' wide alley abuts a

property with an existing 9' high residence. However, the distance between the existing residence on the neighboring property to the south and the proposed accessory structure is greater than 50' in length. On the west side of the project site, the 20' wide alley abuts the rear of another property and the proposed accessory structure would be further buffered by mature vegetation. The two-story 21' in height proposed accessory structure is in keeping with the scale and character of the area as it does not exceed the height of the main building on the project site. Therefore, the accessory structure is not anticipated to have a substantial adverse impact.

7.2 The impact of the accessory structure on available light in neighboring yards. The proposed accessory structure is located in the northwest corner of the project site which is in the rear yard area. The proposed height of the two-story structure is 21'. The project site is bound by a 20' wide alley on both the south and west sides of the project site. The neighboring property to the north of the project site has a 12' high garage structure located in the rear yard and is adjacent to the proposed project's accessory structure. Therefore, although the proposed accessory structure is two-story and 21' in height, it will not adversely affect the neighboring yards to the west and south due to the 20' wide alley. As for the neighboring yard to the north, a 12' high detached garage is located adjacent to the location of the proposed accessory structure. In addition, existing and anticipated uses in the vicinity are similarly residential in nature. Therefore, as conditioned, the Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area.

7.3 The cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity. As proposed, the 21' high two-story accessory structure is located in the rear of the project along the north and west

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 Central R-1 Permit shall be **null and void and of no further effect**. Notwithstanding the foregoing, the Director of Planning and 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 will affect the City's ability to approve Central R-1 Permit.

Section 9. 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:

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

ATTEST:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
City Planner