



STAFF REPORT
CITY OF BEVERLY HILLS

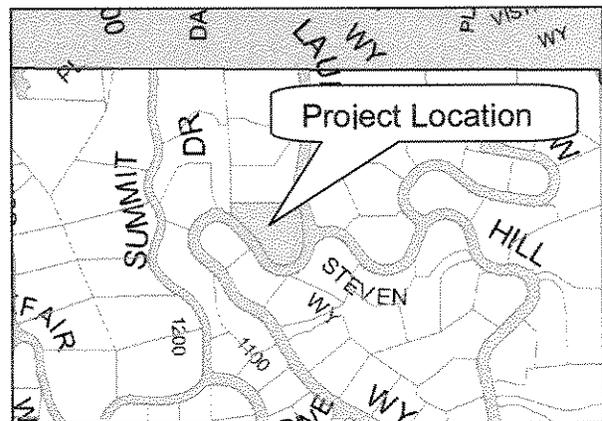
**For the Planning
Commission Special
Meeting of
August 7, 2008**

TO: Planning Commission

FROM: Ryan Gohlich,
Assistant Planner

THROUGH: Jonathan Lait, AICP *for*
City Planner

SUBJECT: Application for 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.



Application for a Hillside R-1 Permit to allow a swimming pool, deck, and equipment platform to be located within 100 feet of the front lot line on an estate property pursuant to Beverly Hills Municipal Code §10-3-2526: Accessory Buildings on Estate Properties.

RECOMMENDATION

It is recommended that the Planning Commission approve the Hillside R-1 Permit and its associated components subject to conditions listed in the staff report.

EXECUTIVE SUMMARY

The applicant, Mauricio Duk, requests approval of a Hillside R-1 Permit to construct an accessory structure, which consists of a pool, jacuzzi, deck, and equipment platform, within 100-feet of the property's front lot line. The subject property is considered an "estate property" and is currently developed with a one-story single-family residence consisting of approximately 4,300 square feet. The subject site is currently developed with a pool within 100 feet of the front property line, and the Hillside R-1 request calls for reconfiguring the pool's position and shape, and the addition of a deck, equipment platform, and jacuzzi.

The subject property is located within the Single-Family Residential (R-1.X) Zoning District in the Hillside Area of the City.

GENERAL INFORMATION	
Applicant	Mauricio Duk
Designer/Architect	Urban Networks Inc.
Project Owner	Papcap Laurel Way LLC.
Zoning District	One-Family Residential Zone (R-1.X)/ Hillside Area
Parcel Size	35,000 square feet (0.80 acres)
Permit Streamlining Act Deadline	August 28, 2008

PROJECT DESCRIPTION

The applicant proposes to construct the proposed pool and decks on the south portion of the subject property approximately 18 feet behind the front lot line, but beyond the required 15 foot front setback.

The proposed accessory structures will be heavily screened with mature vegetation along all sides of the property that are visible from the street.

The existing pool and deck will be demolished to accommodate the proposed project. The proposed pool and associated decks will be located in a location similar to the existing pool and deck; however, the proposed location will move the structures closer to the adjacent street. Although the proposed pool and deck will be closer to the adjacent street, the presence of landscaping, the unique configuration of the subject site, and the steeply sloped areas of the subject site, it is anticipated that the proposed project will be substantially screened and not visible from the street.

AREA CHARACTERISTICS

The subject property is located on the north side of Laurel Way within the R-1.X zoning district (Hillside Area, north of Santa Monica), fronting approximately 500-feet along Laurel Way (front yard). The subject site is surrounded by lush landscaping, and a detailed landscaping plan has been submitted in conjunction with the project to aid in screening of the proposed structures.

PROJECT DESCRIPTION CHART

1201 LAUREL WAY			
Zoning District	Single-Family Residential (R-1.X) Hillside Area		
Parcel Size	67,000 square feet		
Category	Existing	Proposed	Required/Allowed (Per BHMC)
General Development Standards			
Lot Size:	35,000 square feet or 0.8 acres	No Change	1 acre (minimum lot size)
Floor Area:	4,300 square feet (Main residence)	No Change	31% of the Level Pad Area + 10% of the sloped area (BHMC 10-3-2502)
Height of Proposed Accessory Structures:	N/A	20 feet when measured from lowest point of natural grade	26 feet (Measured from average grade)
Setbacks for Proposed Accessory Structures:	N/A	18 feet (from the front lot line)	100 feet (from the front lot line) (BHMC 10-3-2510)
Paving:	N/A	N/A	N/A
Landscaping:	N/A	A landscape plan has been submitted which complies with the BHMC regulations.	All unpaved portions of a front yard shall be improved and maintained with landscaping. (BHMC 10-3-2519)

Zoning Analysis

Hillside R-1

Accessory Structures:

Pursuant to Beverly Hills Municipal Code §10-3-2510, accessory structures are required to be located 100 feet behind the front lot line. The proposed accessory structures are located approximately 18 feet behind the front lot line between the main residence and the front lot line. However, BHMC §10-3-2526 allows accessory structures located on an estate property (24,000 square feet or greater) to be located on any part of the site if authorized by the Planning Commission as part of a Hillside R-1 permit.

Findings for Central R-1 Permit:

Pursuant to Beverly Hills Municipal Code Section 10-3-2550, the Planning Commission may issue a Hillside R-1 permit if it finds that the project will not have a substantial adverse impact on any of the following:

The scale and massing of the streetscape.

The pool and deck will be at grade along the level pad, and will extend out over the existing slope. The highest points of the pool and deck will sit approximately 20 feet above the adjacent grade, which slopes steeply downhill, and have been set back behind the required front yard setback (15 feet). The addition of mature vegetation will further shield the accessory structures from the roadways. Thus, the accessory structures shall have little or no affect on the scale and massing of the streetscape.

Neighbors' access to light and air.

The proposed accessory structures are 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, as proposed, are 20 feet in height when measured from the lowest point of natural grade and are located approximately 60 feet from the closest neighboring property, which is across Laurel Way to the south. As proposed the structures will not have a negative effect on the neighbors' access to light and air.

Neighbors' privacy.

As discussed above, the proposed structures are 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. Given the location of the proposed pool and deck, and the proposed landscaping, no adverse impact to the neighbors' privacy is expected.

The garden quality of the city.

The proposed accessory structures will be set back 18 feet from the front lot line. The applicant is proposing lush, mature landscaping within the front yard and around the structures, which will significantly screen the proposed project. The landscaping will ensure that that the project is a harmonious addition to the neighborhood and will help to enhance the garden quality of the city.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on July 24, 2008 to all property owners and residential tenants within a 300-foot radius of the property from the exterior boundaries of the property. In addition, notice of the hearing was posted on the subject property. As of the date of the preparation of this report, no correspondence has been received.

ENVIRONMENTAL DETERMINATION

The project has been 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 Local CEQA guidelines. Pursuant to the State CEQA Guidelines Section 15303 (e), new construction of accessory structures, a Class 3(e) Categorical Exemption has been issued, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

RECOMMENDATION

Based on the foregoing analysis staff believes the appropriate findings can be made to grant the Hillside R-1 Permit to construct the proposed accessory structures. Staff recommends that the Planning Commission adopt the attached resolution approving the Hillside R-1 Permit request, subject to the following conditions of approval:

1. Sufficient landscaping, in conformance with the landscaping plan submitted in conjunction with the proposed accessory structures, shall be installed and maintained through the life of the project.



Ryan Gohlich, Assistant Planner

Attachments:

1. Draft Planning Commission Resolution

ATTACHMENT 1

Draft Planning Commission Resolution

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING 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"), has 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 proposed structures will be set back a minimum of 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 subject 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 one-story 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 proposed pool and deck will extend out over the existing slope, at least 20 feet as required by the BHMC. The property is heavily landscaped, and a detailed landscaping plan has been submitted in conjunction with the proposed Project. The proposed landscaping will 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. As conditioned, the proposed Project will not 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 have been set back behind the required front yard setback (15 feet). The addition of mature vegetation will further shield the accessory structures from the roadways. Thus, the accessory structures shall have little or no affect on the scale and massing of the streetscape.

6.2. As conditioned, the proposed Project will not substantially impact the neighbors' access to light and air. The proposed accessory structures are 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, as proposed, are 20 feet in height when measured from the lowest point of natural grade and are located approximately 60 feet from the closest neighboring property, which is across Laurel Way to the

south. As proposed the structures will not have a negative effect on the neighbors' access to light and air.

6.3. As conditioned, the proposed Project will not have a substantial adverse impact on neighbors' privacy. As discussed above, the proposed structures are 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 is not expected.

6.4. As conditioned, the proposed Project will not adversely affect the garden quality of the city. The proposed accessory structures will be set back 18 feet from the front lot line. The applicant is proposing lush, mature landscaping within the front yard and around the structures, which will significantly screen the proposed project. The landscaping will ensure that that the project is a harmonious addition to the neighborhood and will help to enhance the garden quality of the city.

Section 7. Based on the foregoing, the Planning Commission hereby grants a Hillside R-1 Permit subject to the following conditions:

1. Sufficient landscaping, in conformance with the landscaping plan submitted in conjunction with the proposed accessory structures, shall be installed and maintained through the life of the project.
2. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of August 7, 2008.

3. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This 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 this 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 Hillside R-1 Permit 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 Hillside R-1 Permit.

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:

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

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP *RL*
City Planner