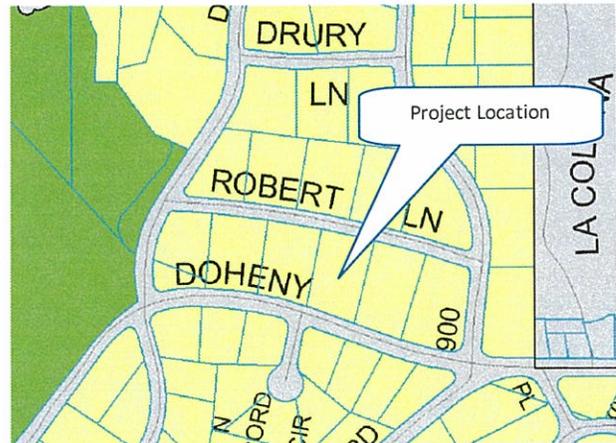




STAFF REPORT  
CITY OF BEVERLY HILLS

For the Planning  
Commission SPECIAL  
MEETING of  
September 18, 2008

**TO:** Planning Commission  
**FROM:** Shena Rojemann, Assistant  
Planner  
**THROUGH:** Jonathan Lait, AICP  
City Planner 



**SUBJECT:** A request for a Trousdale R-1 Permit to allow additions to an existing Single Family Residence to exceed 14 feet in height and to allow accessory structures to be located within 100 feet of the front lot line on an estate property located at **412 Robert Lane**

Application for a Trousdale R-1 Permit to allow:

- 1) An addition of approximately 95 square feet to the existing living room which shall be 17 feet 9 inches in height, not to exceed the maximum height permissible (22'-7");
- 2) An addition of a new shed dormer averaging 20 feet 6 inches in height to the second story, not to exceed the maximum height permissible (22'-7");
- 3) A new 341 square foot accessory structure (pool house) 12 feet in height, to be located between the main residence and the front property line (Doheny Road);
- 4) An addition of an accessory structure (arbor), to be located 26 feet from the front lot line (Doheny Road) between the main residence and the front yard on a property located at **412 Robert Lane**.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution approving a Trousdale R-1 Permit subject the conditions listed at the end of the staff report and any other conditions that the Commission deems necessary.

**EXECUTIVE SUMMARY**

The applicant proposes to make additions and renovations to the existing single-family residence as well as accessory structures located between the single family residence and the front lot line. As a part of the proposed project, the applicant has requested approval of a Trousdale R-1 Permit to allow additions which exceed 14 feet in height and to allow accessory structures to be located within 100 feet of the front lot line.

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

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Bonnie Barg
<b>Architect</b>	Bonnie Barg
<b>Project Owner</b>	Rick and Fabienne Guerin
<b>Zoning District</b>	One-Family Residential Zone (R-1)
<b>Parcel Size</b>	45,893 square feet (1.05 acres)
<b>Permit Streamlining Act Deadline</b>	October 15, 2008

**PROJECT DESCRIPTION**

The subject estate property is located in the on the south side of the 400 block of Robert Lane in the Trousdale Estates area of the City. The subject property is a through lot located between Doheny Road to the south and Robert Lane to the north, which means the property technically, has two front yards. The subject property is approximately 45,893 square feet in size and slightly slopes downhill, away from the Robert Lane, exhibiting an approximate 20 foot difference in elevation from Robert Lane to Doheny Road. The property is improved with an existing two-story, single-family residence, a guest house, a pool house, a swimming pool and a tennis court. The total existing floor area for the property is 14,140 square feet which is less than the 19,857 square feet allowed per the City of Beverly Hills Municipal Code §10-3-2602.

The floor area of the existing single-family residence is 10,427 square feet. The existing accessory structures on the property are the 297 square foot pool house and the 3,416 square foot guest house. The applicant intends to demolish the existing 297 square

foot pool house and to demolish approximately 47% of the wall and roof area of the existing single-family residence.

The proposed renovations to the existing single-family residence include the addition of a new shed dormer to transform the existing attic into livable space. The new shed dormer will average 20 feet 6 inches in height extending from the existing roof line at 22 feet 6 inches down to 18 feet 6 inches, not to exceed the maximum height permissible.<sup>1</sup>

The additions also include 95 square feet to the existing living room which are proposed to be 17 feet 9 inches in height, not to exceed the maximum height permissible.<sup>1</sup> Also, the applicant is proposing multiple additions to the existing residence (14 feet in height or less) which include the extension of the existing master bathroom, a new carport, the reduction of the existing entrance canopy, a new garage and new patios. The proposed single-family residence would be 10,898 square feet in floor area after all modifications, which is 471 square feet more than the existing 10,427 square feet.

The applicant is proposing to construct a new 341 square foot pool house, 12 feet in height, to be located approximately 80 feet from the front property line (Doheny Road) and approximately 14 feet from the proposed single family residence. Additionally, the applicant is proposing an arbor, 14 feet in height, to be located on the site approximately 27 feet from the front property line (Doheny Road) and approximately 52 feet from the proposed single family residence.<sup>2</sup>

The proposed project totals 14,394 square feet in floor area, which is 254 square feet greater than the existing floor area. As proposed, the project will maintain the existing driveways for access and the existing mature landscaping. The proposed project will provide a total of 5 parking spaces, more than required by the BHMC. The existing tennis court is being reduced in size, however would remain in the same area of the property. The existing pool would be demolished and replaced.

## **AREA CHARACTERISTICS**

The surrounding area is characterized by single-family residences of varying sizes and lot configurations due to the topography of the hillside. Adjoining properties have pads that are above and below the pad of the project site. The property adjacent to the south of the subject property is at a lower elevation than the subject property, while the property adjacent to the north is at a higher elevation. The existing landscaping on the site includes mature trees and shrubs throughout the property, particularly along the front, south side, and rear of the parcel.

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<sup>1</sup> Per BHMC §10-3-2605, if a building lawfully exceeded fourteen feet (14') in height on October 15, 1987, then an addition to that building may exceed fourteen feet (14') in height if permitted by a Trousdale R-1 permit.

<sup>2</sup> Per BHMC §10-3-2621, if the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contiguous lots or parcels which are owned by the same person and used as one site equals or exceeds twenty four thousand (24,000) square feet, accessory buildings to a residence may be located on any part of the site if authorized by the planning commission as part of a Trousdale R-1 permit.

**PROJECT DATA SUMMARY**

CATEGORY	MUNICIPAL CODE	PROJECT
Lot Size	1 acre (minimum lot size)	45,893 square feet (1.05 acres)
Floor Area:	(40% of site area + 1,500) = 40% of 45,893 + 1,500 = 19,857 square feet  (BHMC 10-3-2602)	14,394 S.F. (above ground)  400 S.F. (garage not counted toward project FAR)
Residence Height	22-feet 7-inches  (BHMC 10-3-2605)	22-feet,7-inches
Setbacks	Front (Doheny Road and Robert Lane): 15 feet  Side: 5 feet plus 10% of lot width greater than 100 feet = 12 feet 6 inches	Front (Robert Lane): 41 feet  Front (Doheny Lane): 86 feet  East Side: 10 feet 2 inches (existing)  West Side: 17 feet 2 inches
Parking Requirements	2 Parking Spaces  (BHMC 10-3-2615)	5 Parking Spaces
Setback/Accessory structures	Anywhere on Estate Property with Trousdale R-1 permit  (BHMC 10-3-2621)	Trousdale R-1 Permit

**ZONING ANALYSIS**

**TROUSDALE R-1 PERMIT**

***Additions Above 14 Feet in Height***

Pursuant to BHMC Section 10-3-2650, the Planning Commission may issue a Trousdale R-1 Permit to allow an addition to a building to exceed fourteen feet (14') if the building lawfully exceeded fourteen feet (14') in height on October 15, 1987; the addition will not exceed the height of the building; the addition will not exceed twenty percent (20%) of the existing floor area; and the following findings are made in the affirmative:

1. The addition will not materially impair the view or line of sight of neighboring homes;
2. The addition will not adversely change the scale, character or integrity of the area; and

3. The addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

The existing residence was built to its existing height of 22 feet 7 inches in 1960, prior to the 1987 date required to be eligible for the additional height above fourteen feet (14'). The height of the addition will not exceed the existing 22 foot 7 inch height of the structure. The existing residence is 10,427 square and the additional proposed floor area above 14 feet of 667 square feet represents 6.4% of the existing floor area, below the allowable 20% limit.

***The addition will not materially impair the view or line of sight of neighboring homes.***

Due to the topography, height and location of the proposed additions, the views of neighboring homes will not be altered. In addition, the proposed additions represent a modest increase in overall floor area compared to the existing residence. The additions will not exceed the height of the existing residence and are generally within its footprint. The additions will be located near the center and south side of the residence. The structure is in keeping with the scale and character of the area and is not anticipated to have a substantial adverse impact with regards to the view or line of sight of neighboring homes.

***The addition will not adversely change the scale, character or integrity of the area.***

As conditioned, the additions will be designed in a style and character consistent with the existing residence. The additions represent a modest increase in size (6.4%) and approval of this project results in a total of 14,394 square feet, less than the 19,857 square feet permitted by the Zoning Code. The addition will not exceed the height of the existing residence and is mainly within the existing building footprint. Due to the limited nature of the addition (667 square feet) an adverse change in scale, character or integrity of the area is not anticipated from the granting of the Trousdale R-1 Permit.

***The addition will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.***

As proposed, the portion of the addition which will be not be visible from the street. As conditioned, the design of this area will be consistent with the existing residence and will thus not detract from the overall appearance of the house nor adversely affect the value of neighboring properties. Due to the location of the proposed additions, they are not anticipated to impact the neighboring residences are therefore not anticipated to result in a substantial adverse impact to the streetscape.

### **Accessory Buildings on Estate Properties**

Pursuant to BHMC Section 10-3-2621, accessory buildings may be located anywhere on a residential site that contains at least 24,000 square feet if authorized by the Planning Commission as part of a Trousdale R-1 Permit. The Code further states that all accessory buildings approved pursuant to this section shall be immediately removed if the site is altered so that:

- A. The area of the site on which the accessory buildings are located is reduced below twenty four thousand (24,000) square feet, or
- B. The primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate.

As such, staff recommends that these restrictions be incorporated as conditions precedent to any approval of the subject application.

The proposed location of the accessory building represents a logical response to a through lot property. The new pool house is proposed to be located approximately 80 feet from the front property line (Doheny Road) and approximately 14 feet from the proposed single-family residence. The second accessory structure, an arbor, is to be located on the site approximately 27 feet from the front property line (Doheny Road) and approximately 52 feet from the proposed single family residence. No negative impacts are expected from the proposed placement of the accessory structures. Staff has reviewed the applicant's proposed site plan; due to sloping topography along the rear (south) side the accessory building locations are feasible.

## **GENERAL PLAN**

The subject property is designated for Single-Family Medium Density Residential Uses in the City's Land Use Element of the General Plan. Inasmuch as the proposed project contemplates additions to an existing single-family residence and construction of an accessory building, the project is consistent with the Land Use Element of the General Plan.

## **PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on September 8, 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 preparation of this staff report, no comments have 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. A Class 3(e) (15303) Categorical Exemption (New Construction or Conversion of Small Structures) has been issued in accordance with the requirements of Section 15062.

**RECOMMENDATION**

Based on the foregoing analysis staff believes the appropriate findings can be made to grant the Trousdale R-1 Permit to construct the proposed additions in excess of 14 feet and the proposed accessory buildings. Staff recommends that the Planning Commission adopt the attached resolution approving the Central R-1 Permit request subject to the following conditions:

1. The Project shall be constructed substantially in conformance with the plans submitted to and reviewed by the Planning Commission at its meeting of September 18, 2008.
2. The additions to the single-family residence will be designed in a style and character consistent with the existing residence.
3. The proposed accessory structure (arbor) shall be a maximum of 14 feet in height measured from the natural existing grade.
4. The proposed project must comply with all Standard Conditions of Approval (attached as part of the Planning Commission Resolution).
5. All accessory structures shall be immediately removed if the area of the site is reduced below twenty four thousand (24,000) square feet.
6. All accessory structures shall be immediately removed if the primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate.
7. Any additional conditions the Commission feels are necessary to approve the proposed project.

  
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Shena Rojemann, Assistant Planner

Attachments:

1. Planning Commission Resolution

**ATTACHMENT 1:**

**RESOLUTION**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A TROUSDALE R-1 PERMIT TO ALLOW ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE TO EXCEED 14 FEET IN HEIGHT AND TO ALLOW ACCESSORY STRUCTURES TO BE LOCATED WITHIN 100 FEET OF THE FRONT LOT LINE ON AN ESTATE PROPERTY LOCATED AT 412 ROBERT LANE.

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

Section 1. Fabienne and Rick Guerin, property owner, hereinafter referred to as the "Applicant," has applied for a Trousdale R-1 Permit to allow: the addition of approximately 95 square feet to the existing living room which shall be 17 feet 9 inches in height, not to exceed the maximum height permissible (22'-7"); an addition of a new shed dormer averaging 20 feet 6 inches in height to the second story, not to exceed the maximum height permissible (22'-7"); a new 341 square foot accessory structure (pool house) 12 feet in height, to be located between the main residence and the front property line (Doheny Road); and an addition of an accessory structure (arbor), to be located 26 feet from the front lot line (Doheny Road) between the main residence

Pursuant to Beverly Hills Municipal Code Section 10-3-2650, the Planning Commission may issue a Trousdale R-1 Permit to allow an addition to a building to exceed 14 feet in height if the building legally exceeded 14 feet in height on October 15, 1987, and the addition will not exceed twenty percent (20%) of the existing floor area, provided the Planning Commission makes certain findings. The existing residence was built to its existing height in

1960, the height of the addition will not exceed the existing 22-foot 7-inch height of the structure and the additional proposed floor area represents 6.4% of the existing floor area.

Pursuant to Beverly Hills Municipal Code Section 10-3-2621, if the area of a residential site equals or exceeds twenty four thousand (24,000) square feet, or if the area of two (2) or more contiguous lots or parcels which are owned by the same person and used as one site equals or exceeds twenty four thousand (24,000) square feet, accessory buildings to a residence may be located on any part of the site if authorized by the planning commission as part of a Trousdale R-1 permit. The subject site is one lot totaling 45,893 square feet.

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.* (“Guidelines”), and the City’s environmental guidelines, and a Categorical Exemption has been issued pursuant to Section 15301(e)(1) of the Guidelines, because the addition is less than 2,500 square feet.

Section 3. On September 18, 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 4. The subject estate property is located in the on the south side of the 400 block of Robert Lane in the Trousdale Estates area of the City. The subject property is a through lot located between Doheny Road to the south and Robert Lane to the north, which

means the property technically, has two front yards. The subject property is approximately 45,893 square feet in size and slightly slopes downhill, away from the Robert Lane, exhibiting an approximate 20 foot difference in elevation from Robert Lane to Doheny Road. The property is improved with an existing two-story, single-family residence, a guest house, a pool house, a swimming pool and a tennis court. The total existing floor area for the property is 14,140 square feet which is less than the 19,857 square feet allowed per the City of Beverly Hills Municipal Code §10-3-2602.

The surrounding area is characterized by single-family residences of varying sizes and lot configurations due to the topography of the hillside. Adjoining properties have pads that are above and below the pad of the project site. The property adjacent to the south of the subject property is at a lower elevation than the subject property, while the property adjacent to the north is at a higher elevation. The existing landscaping on the site includes mature trees and shrubs throughout the property, particularly along the front, south side, and rear of the parcel.

Section 6. In accordance with BHMC Section 10-3-2650, when reviewing the application for the Trousdale R-1 Permit to allow an addition to exceed fourteen feet (14') in height, the Planning Commission considered whether the Project will:

- a) Impair the view or line of sight of neighboring homes;
- b) Materially change the scale, character or integrity of the area; or
- c) Adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood.

Section 7. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission hereby finds:

7.1. As proposed and conditioned, the project will not substantially impair the view or line of sight of neighboring homes. Due to the topography, height and location of the proposed additions, the views of neighboring homes will not be altered. In addition, the proposed additions represent a modest increase in overall floor area compared to the existing residence. The additions will not exceed the height of the existing residence and are generally within its footprint. The additions will be located near the center and south side of the residence. The structure is in keeping with the scale and character of the area and is not anticipated to have a substantial adverse impact with regards to the view or line of sight of neighboring homes.

7.2. As proposed and conditioned, the project will not materially change the scale, character or integrity of the area. The additions will be designed in a style and character consistent with the existing residence. The additions represent a modest increase in size (6.4%) and approval of this project results in a total of 14,394 square feet, less than the 19,857 square feet permitted by the Zoning Code. The addition will not exceed the height of the existing residence and is mainly within the existing building footprint. Due to the limited nature of the addition (667 square feet) an adverse change in scale, character or integrity of the area is not anticipated from the granting of the Trousdale R-1 Permit.

7.3 As proposed and conditioned, the project will not adversely affect the utility and value of neighboring properties or the general welfare of the neighborhood. The proposed portion of the addition will be not be visible from the street. As conditioned, the design of this area will be consistent with the existing residence and will thus not detract from the overall appearance of the house nor adversely affect the value of neighboring properties. Due to the

location of the proposed additions, they are not anticipated to impact the neighboring residences are therefore not anticipated to result in a substantial adverse impact to the streetscape.

Section 8. Based upon the foregoing, the Planning Commission hereby grants the Trousdale R-1 Permit for the Project, subject to the following conditions:

1. The Project shall be constructed substantially in conformance with the plans submitted to and reviewed by the Planning Commission at its meeting of September 18, 2008.
2. The additions to the single-family residence will be designed in a style and character consistent with the existing residence.
3. The proposed accessory structure (arbor) shall be a maximum of 14 feet in height measured from the natural existing grade.
4. The proposed project must comply with all Standard Conditions of Approval (attached as part of the Planning Commission Resolution).
5. All accessory structures shall be immediately removed if the area of the site is reduced below twenty four thousand (24,000) square feet.
6. All accessory structures shall be immediately removed if the primary residential building is separated or removed from the site on which the accessory buildings are located so that the buildings or properties in question no longer function as one home or estate.
7. Any additional conditions the Commission feels are necessary to approve the proposed project.

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/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: August 23, 2007

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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  
City Planner