



STAFF REPORT
CITY OF BEVERLY HILLS

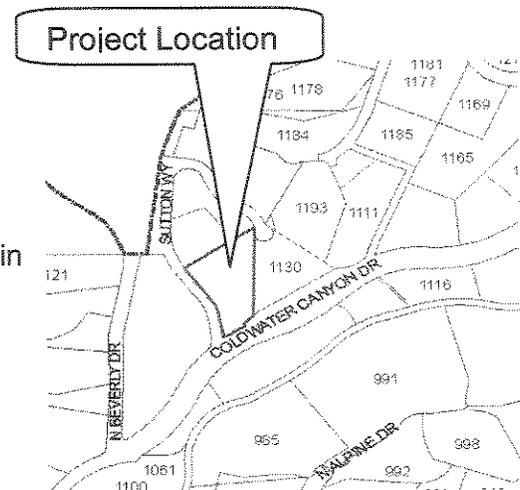
For the Planning Commission
Meeting of
January 14, 2010

TO: Planning Commission

FROM: Georgana Millican,
Associate Planner

THROUGH: David Reyes,
Acting City Planner

SUBJECT: Application for a Hillside R-1 Permit
(PL0954192) to allow a solid wall six feet in
height within a required front yard
setback for the property located at
1100 Sutton Way.



RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution conditionally approving the request for a Hillside R-1 Permit.

EXECUTIVE SUMMARY

The subject property is located on a lot with frontage along both Sutton Way and Coldwater Canyon Drive (it should be noted that the assessor's map above shows Sutton Way as connecting through to Coldwater Canyon Drive when in actuality it dead ends at a cul de sac right before Coldwater Canyon). The Applicant is requesting to build a solid six-foot high plastered wall in the required front yard setback along the Coldwater Canyon Drive property line. The Sutton Way property line is currently improved with a seven-foot solid wall and gate. The proposed solid plastered wall would be setback two feet from the front property line, in the same style of the wall on the Sutton Way side property line.

The subject property is located within the Single-Family Residential Zone, in the Hillside Area of the City, north of Sunset Boulevard.

GENERAL INFORMATION	
Applicant	Gabbay Architects
Project Owner	John Safi
Zoning District	Single Family Residential - Hillside Area – North of Sunset Boulevard
Parcel Size	35,533.5 square feet

PROJECT DESCRIPTION

The subject property is 35,533.5 square foot in area and is improved with a new, 9,297 square-foot, two-story, single family residence. The residence fronts on Sutton Way, however the front property line of the subject lot is considered to be on Coldwater Canyon Drive with Sutton Way considered a side property line. Sutton Way is accessed off of North Beverly Drive and dead ends in a turn-around in front of the subject property.

The current request is to allow the Applicant to build a six-foot solid plastered wall along the front property line on Coldwater Canyon Drive to securely enclose the property and match the style and color of the existing wall along the Sutton Way property line. As proposed the wall would be set back two feet from the property line with a maximum height of six feet with the plaster and finish to match the existing Sutton Way side property wall.

AREA CHARACTERISTICS

The subject property is located across Sutton Way from the Coldwater Canyon Park and across Coldwater Canyon Drive from the City's fire station. The area is characterized by large estates similar in size to the subject property many of which have front yard fences of approximately six feet in height (some legally non-conforming and higher in height) for security and privacy reasons.

ANALYSIS

The City's development regulations allow fences of six feet in height to be located in the front yard setback area, provided they are setback at least ten feet (10') from the front property line and "open to public view" on the portion over three feet (3') in height. Solid six-foot walls are allowed within the front yard setback area provided they are authorized by the Planning Commission through the Hillside R-1 review process. A discretionary review is required to ensure that such fences do not negatively impact the scale and massing of the streetscape or the garden quality of the City.

The existing streetscape is characterized by single family residences which are similar in size and scale as the subject property. As the street that the residence is located on (Coldwater Canyon Drive) serves a heavy traffic volume, many of the residences in the area have front yard fences of approximately six feet in height for security and privacy reasons. Some of the existing fences are legally non-conforming as to the "open to public view" provision of the code and the

current maximum heights. As proposed, the wall would fit in the surrounding area and is lower in height than the existing side property wall on the property. Further, as conditioned, low landscaping would be placed in the two foot (2') area between the property line and the wall to further enhance the garden quality of the City.

Hillside R-1 Permit

Pursuant to Beverly Hills Municipal Code 10-3-2516 (C), for those site areas located in the Hillside, a wall or fence within a required front yard setback may not be located within three feet of a front property line and are restricted to a maximum height of three feet, unless authorized by a Hillside R-1 Permit. The reviewing authority may issue a Hillside R-1 Permit to allow a solid wall or fence of no more than six feet in height to encroach into a front or street side yard, if the reviewing authority finds that the wall will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the city.

The Scale and Massing of the Streetscape.

The existing streetscape is characterized by single family residences which are similar in size and scale as the subject property. As the street that the residence is located on is winding and has a very heavy traffic volume, many of the residences in the area are improved with solid fences of approximately six feet in height located in the front yard setback area for security and privacy reasons, similar to the proposed project. Therefore the wall is designed in such a way that it is not anticipated that it would represent a substantial adverse impact on the scale and massing of the streetscape.

The Garden Quality of the City.

The subject property exhibits lush landscaping within the property and various low scale landscaping plantings in front of the existing wall on Sutton Way. A condition of approval has been added to require the planting and maintenance of low level landscaping in front of the proposed wall along the front (Coldwater Canyon Drive) property line to match that along Sutton Way. As conditioned, the proposed project will add to the garden quality of the City.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on January 4, 2010 to all property owners and residential tenants within a 300-foot radius of the property from the exterior boundaries of the property. As of the date of the preparation of this report, no correspondence has been received regarding this request for a Hillside R-1 Permit.

ENVIRONMENTAL DETERMINATION

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and it has been determined that the project is exempt from CEQA regulations pursuant to Section 15301 (e) of the State CEQA Guidelines in that the

project involves the construction of a new small structure, specifically a fence, which is categorically exempt per a Class 3(e) (New Construction or Conversion of Small Structures).

RECOMMENDATION

Based on the foregoing analysis staff believes the required findings can be made to support the issuance of a Hillside R-1 Permit to allow a solid wall, up to a maximum six feet in height, to be located two feet from a front property line, subject to the following conditions of approval, and adopt the attached resolution memorializing this action.

Conditions of Approval:

1. The wall shall be a maximum of six feet in height, as measured from the side closest to the property line, per BHM Section 10-3-100 (Height of Walls) and be built in substantial conformance with the plans submitted to and reviewed by the Planning Commission at its January 14, 2010 hearing.
2. The wall shall be plastered and finished to match the existing wall along the Sutton Way side property line.
3. The hedges along the property lines, including the Sutton Way side property line, shall be trimmed to meet Code requirements.
4. The Applicant shall plant and maintain low scale landscaping on the street side of the front yard wall (Coldwater Canyon Drive elevation) consistent with the existing landscaping along the Sutton Way property line, to soften the appearance of the solid wall and add to the garden quality of the City.



Georgana Millican, Associate Planner

Attachments:

1. Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY GRANTING A REQUEST FOR A HILLSIDE R-1 PERMIT TO ALLOW A SOLID WALL SIX FEET IN HEIGHT WITHIN A REQUIRED FRONT YARD SETBACK FOR THE PROPERTY LOCATED AT 1100 SUTTON WAY IN THE HILLSIDE AREA OF THE CITY

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

Section 1. Gabbay Architects, Applicant, on behalf of John Safi, property owner (collectively the "Applicant") has submitted an application for a Hillside R-1 Permit to allow the Applicant to build a six-foot solid wall along the front property line on Coldwater Canyon Drive to securely enclose the property and to match the style and color of the existing wall along the Sutton Way property line. As proposed, the wall would be set back two feet from the property line, with a maximum height of six feet with the plaster and finish to match the existing wall on the Sutton Way side line.

Pursuant to BHMC Section 10-3-2516 (C), for those site areas located in the Hillside, a wall or fence within a required front yard setback may not be located within three feet of a front property line and are restricted to a maximum height of three feet, unless authorized by a Hillside R-1 Permit. The reviewing authority may issue a Hillside R-1 Permit to allow a solid wall or fence of no more than six feet in height to encroach into a front or street side yard, if the reviewing authority finds that the wall will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the City.

Section 2. The subject property is 35,533.5 square foot in area and is improved with a new, 9,297 square-foot, two-story, single family residence. The residence fronts on Sutton Way, however the front property line of the subject lot is considered to be on Coldwater Canyon Drive with Sutton Way considered a side property line. Sutton Way is accessed off of North Beverly Drive and dead ends in a turn-around in front of the subject property.

The current request is to allow the Applicant to build a six-foot solid plastered wall along the front property line on Coldwater Canyon Drive to securely enclose the property and match the style and color of the existing wall along the Sutton Way property line. As proposed, the wall would be set back two feet from the property line with a maximum height of six feet with the plaster and finish to match the existing wall on the Sutton Way side property line.

Section 3. The subject property is located across Sutton Way from the Coldwater Canyon Park and across Coldwater Canyon Drive from the City's fire station. The area is characterized by large estates similar in size to the subject property many of which have front yard fences of approximately six feet in height (some legally non-conforming and higher in height) for security and privacy reasons.

Section 4. The City's development regulations allow fences of six feet in height to be located in the front yard setback area, provided they are setback at least ten feet (10') from the front property line and "open to public view" on the portion over three feet (3') in height. Solid six-foot walls are allowed within the front yard setback area provided they are authorized by the Planning Commission through the Hillside R-1 review process. A

discretionary review is required to ensure that such fences do not negatively impact the scale and massing of the streetscape or the garden quality of the City.

The existing streetscape is characterized by single family residences which are similar in size and scale as the subject property. As the street that the residence is located on (Coldwater Canyon Drive) serves a heavy traffic volume, many of the residences in the area have front yard fences of approximately six feet in height for security and privacy reasons. Some of the existing fences are legally non-conforming as to the “open to public view” provision of the code and the current maximum heights. As proposed, the wall would fit in with the streetscape of the surrounding area and is lower in height than the existing wall on the side property line on the Sutton Way side of the property. Further, as conditioned, low landscaping would be placed in the two foot (2’) area between the property line and the wall to further enhance the garden quality of the City.

Section 5. The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and it has been determined that the project is exempt from CEQA regulations pursuant to Section 15301 (e) of the State CEQA Guidelines in that the project involves the construction of a new small structure, specifically a fence, which is categorically exempt per a Class 3(e) (New Construction or Conversion of Small Structures).

Section 6. Pursuant to Beverly Hills Municipal Code 10-3-2516 (C), for those site areas located in the Hillside, a wall or fence within a required front yard setback may not be located within three feet of a front property line and are restricted to a maximum height of three feet, unless authorized by a Hillside R-1 Permit. The reviewing authority may issue a Hillside R-

1 Permit to allow a solid wall or fence of no more than six feet in height to encroach into a front or street side yard, if the reviewing authority finds that the wall will not have a substantial adverse impact on the scale and massing of the streetscape or the garden quality of the City.

Section 7. Notice of the proposed project and public hearing was mailed on January 4, 2010 to all property owners and residential tenants within a 300-foot radius of the property from the exterior boundaries of the property. As of the date of the preparation of this report, no correspondence has been received regarding this request for a Hillside R-1 Permit.

On January 14, 2010 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 8. In considering the request for the Hillside R-1 Permit, the Planning Commission considered the following criteria:

1. The Scale and Massing of the Streetscape.
2. The Garden Quality of the City

Section 9. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Scale and Massing of the Streetscape.

The existing streetscape is characterized by single family residences which are similar in size and scale as the subject property. As the street that the residence is located on is winding and has a very heavy traffic volume, many of the residences in the area are improved with solid fences of approximately six feet in height located in the front yard setback area for security and privacy reasons, similar to the proposed project. Therefore the wall is designed in

such as way that it is not anticipated that it would represent a substantial adverse impact on the scale and massing of the streetscape.

2. The Garden Quality of the City.

The subject property exhibits lush landscaping within the property and various low scale landscaping plantings in front of the existing wall on Sutton Way. A condition of approval has been added to require the planting and maintenance of low level landscaping in front of the proposed wall along the front (Coldwater Canyon Drive) property line to match that along Sutton Way. As conditioned, the proposed project will add to the garden quality of the City.

Section 10. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit, subject to the following conditions:

1. The wall shall be a maximum of six feet in height, as measured from the side closest to the property line, per BHMC Section 10-3-100 (Height of Walls) and be built in substantial conformance with the plans submitted to and reviewed by the Planning Commission at its January 14, 2010 hearing.

2. The wall shall be plastered and finished to match the existing wall along the Sutton Way side property line.

3. The hedges along the property lines, including the Sutton Way side property line, shall be trimmed to meet Code requirements.

4. The Applicant shall plant and maintain low scale landscaping on the street side of the front yard wall (Coldwater Canyon Drive elevation) consistent with the existing

landscaping along the Sutton Way property line, to soften the appearance of the solid wall and add to the garden quality of the City.

5. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

6. This resolution granting the requested 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 Planning & 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.

Section 11. 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: January 14, 2010

Nanette H. Cole
Chair 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

David Reyes *DM*
Acting City Planner