



STAFF REPORT
CITY OF BEVERLY HILLS

**For the Planning
Commission Meeting of
February 11, 2010**

TO: Planning Commission

FROM: Rita Naziri, Senior Planner

THROUGH: Jonathan Lait, AICP, and City Planner

SUBJECT: A request for a Central R-1 Permit, for a proposed two-story, accessory structure for the property located at 624 North Maple Drive.



RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution, conditionally approving a Central R-1 Permit.

EXECUTIVE SUMMARY

An application for a Central R-1 Permit has been submitted by Gabbay Architects, for the construction of a 957 sq.ft. 25'3" 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 624 North Maple Drive. The accessory structure as proposed would be set back four feet from the northerly property line and zero to two feet two inches from rear the rear property line. The applicant is proposing to plant a row of Ficus trees within the northerly side yard for screening purposes.

Pursuant to BHMC Section 10-3-2414 (F) regarding Accessory Buildings, a Central R-1 Permit is required for an accessory structure to exceed 14' when located within the required rear and side yards. The proposed accessory structure is 25'3" in height and located within the rear and side yard setback areas.

GENERAL INFORMATION	
Applicant	Gabbay Architect
Project Owner	Mr. & Mrs. Khorshad
Zoning District	Single-Family Residential (R-1.X) – Central Area
Parcel Size	16,640 square feet

PROJECT DESCRIPTION AND AREA CHARACTERISTICS

The subject site is located on the east side of the 600 block of Maple Drive, between Carmelita and Elevado Avenues. The project is surrounded by single-family residential development, characterized by one and two-story homes along both sides of the block. The property is currently developed with a two-story residence which is planned to be remodeled. The existing two-car garage accessory structure is located on the side and rear, northeast corner of the property, with vehicle access from a side driveway entered from Maple Drive and the alley. The existing garage will be demolished and replaced with the proposed two-story accessory structure.

The proposed two-story accessory structure will include 482 square feet of garage on the first floor with two parking spaces and a stairway to second floor and 475 square feet of area as a studio on the second floor. Vehicular access to the new garage is provided via a driveway from Maple Drive. No garage access is provided through the rear alley. The proposed maximum height of the accessory structure would be twenty-five feet, three inches (25'-3").

The proposed accessory structure will be located at the rear of the property, approximately one hundred sixty five feet (165') from the front property line (along Maple Drive), fifty nine feet (59') from the south side property line, four feet (4') from the north side property line with new landscaping and zero to two feet 2 inches from the rear property line.

PROJECT DESCRIPTION CHART

624 North Maple Drive				
Zoning District		Single –Family Residential (R-1) Central Area (North of Santa Monica Boulevard)		
Parcel Size		16,640 sq.ft.		
General Development Standards for Accessory Structures North of Santa Monica Boulevard				
Category		Existing	Proposed	Required/Allowed
Height		House: 27'11" Accessory Structure: 11'6" (to be demolished)	House: 27'11" Proposed Accessory Structure: 25'3"	House: 32' Max. Accessory Structure: 32' maximum in height (with a Central R-1 Permit)
Category		Existing	Proposed	Required/Allowed
Accessory Structure square footage		468 sq.ft. including 93 sq.ft. storage	957 sq.ft. (400 sq.ft. of garage is excluded from floor area calculation)	8,156 sq.ft. Total allowable on-site floor area including accessory structure and garage
Total Floor Area		House: 4,083 sq. ft. Accessory Structure (not including 375 sq.ft. garage): 93 sq.ft. Total: 4,176 sq.ft.	House: 5,289 sq. ft. Accessory Structure (not including 400 sq.ft. of garage): 557 sq.ft. Total: 5,846 sq.ft. (Including the addition to the main residence and new accessory structure (not including the garage))	8,156 sq.ft. Total allowable on-site floor area
Setbacks	Front	140'	165'6"	Pursuant to BHMC 10-3-2410: Accessory buildings shall be set back a minimum of 100' from the front property line.
	Rear	17'	0'-2'2"	None required, except when the garage is accessed from the alley
	Side	0' north side 64' south side	4' North side 59'3" South side	Minimum 4 feet from each side property line ¹ .

¹ Minimum required side yard setback for the main residence is 10'.

BACKGROUND INFORMATION

In June 2009, a proposal for an accessory structure within the rear setback area was reviewed by staff under Minor Accommodation Permit. At that time, staff received several letters and phone calls during the comment period. Due to a number of objection letters and phone calls received during the project comment period, staff conducted a Facilitation Meeting on August 5, 2009 to clarify the project issues and allow the applicant to hear neighbors concerns.

In order to accommodate the neighbors, the applicant submitted revised plans which included a minimum of four foot rear setback for the accessory structure with Ficus trees to be planted on the northerly side and rear property lines to screen the proposed accessory structure.

On December 18, 2009, the applicant returned with revised plans that would place the accessory structure within the side and rear setbacks which will require approval of a Central R-1 Permit.

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 (F) and 10-3-2450 (B). The project proposes a 957 square foot 25'3" 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 (F) Accessory Buildings, 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. The proposed accessory structure is 25'3" in height and located within the rear and side yard setback areas. The proposed 957 square feet structure combined with the square footage of the main structure would be well below the allowable square footage.

The Central R-1 Permit may be granted provided the reviewing authority finds that the structure will not 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

The scale and massing of the streetscape.

The surrounding residential neighborhood is comprised of two-story residences of a similar size and scale as the subject property. Many of the properties contain one- and two-story accessory structures in the rear that are not visible from the street. The proposed accessory structure would be located approximately 165' from the front property line. Additionally, the proposed structure's height is 25'3" which is lower than the existing two-story single-family residence which would shield the structure from the street. The height of the existing main residence is 27'11" with a porte cochere extending on the northern portion of the residence to the northern property line. Further, the proposed structure would be designed with a compatible color, material, and architectural style of the primary residence. Given the distance of the proposed accessory structure, and height of main residence and porte cochere, the proposed accessory structure would not have a negative impact on the scale and massing of the current streetscape.

Neighbors' access to light and air.

The proposed accessory building will be located within of the required side and rear setbacks. The building would also have a minimum of four foot setback at the northerly side property line with a row of Ficus trees to be planted for screening purposes and zero setback at the rear which abuts a 20-foot alley. The maximum height of the accessory structure would be 25 feet, three inches (25'-3") to the top of the sloped roof, below the maximum height. Therefore, the proposed accessory structure is not anticipated to have a substantial impact on the neighbors' access to light and air.

Neighbors' privacy.

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 northeast corner of the property along the rear property line. There are no windows proposed along the north or east property lines, which would be the most visible sides of the neighboring properties to the north and east. A 20-foot alley abuts the east property line of the Project site and

provides a buffer between the proposed accessory structure and the existing properties to the east of the alley. Windows are proposed along the west 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 to the neighbor's privacy.

The garden quality of the city.

With the removal of the existing one-story accessory structure and subsequent construction of the new two-story structure, a four-foot setback would exist between the structure and the adjacent northern property line. The applicant is proposing to plant Ficus trees in this area to add additional screening between the structure and the adjacent neighbor. The accessory structure as proposed would not have a substantial adverse impact on the garden quality of the City.

Pursuant to the Beverly Hills Municipal Code Section 10-3-2414 (F), 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 east property lines at the rear of the project site. As proposed, the two-story structure will be 25'3" in height. Direct visibility of the proposed accessory structure will be from the neighbor to the north; however this view will partially be obstructed by proposed trees on the project site. Additionally, the proposed structure will be seen from the alley located along the east property line. On the east side of the project site, the 20' wide alley abuts the rear of another property which provides a buffer between the proposed accessory structure and the existing properties to the east of the alley. The two-story 25'3" 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 northeast corner of the project site which is in the rear yard area. The proposed height of the two-story structure is

25'3". The project site is bound by a 20' wide alley on the east side and four foot setback on the north side of the project site. The neighboring property to the north of the project site will be screened by proposed trees along the northerly property line. As for the neighboring yard to the north, the applicant is proposing to plant a series of large trees along the northerly side. In addition, existing and anticipated uses in the vicinity are similarly residential in nature. Therefore, 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.

The proposed Project will not create a cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity or the public welfare. A variety of one-story and two-story accessory buildings, tennis courts and swimming pools are located along the rear alley of the subject block, and are generally distributed with a variety of distances between accessory structures. Therefore, the proposed two-story accessory is consistent with existing development in the vicinity and no impact to the public welfare is anticipated with the proposed accessory structure.

PUBLIC NOTICE AND COMMENTS

A Notice of public hearing was mailed on February 2, 2010 to all property owners and residential occupants within 300 hundred feet (300') of the exterior boundaries of the project site.

As mentioned before, a proposal for an accessory structure within the rear setback area was reviewed by staff in 2009. At that time, staff received several letters and phone calls during the comment period. Due to a number of objection letters and phone calls received during the project comment period, staff conducted a Facilitation Meeting on August 5, 2009 to clarify the project issues and allow the applicant to hear neighbors concerns.

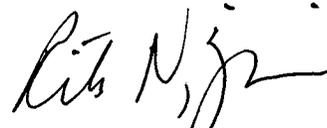
ENVIRONMENTAL DETERMINATION

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. Staff has determined that the proposed project qualifies for a Categorical Exemption (Sec. 15303) Class 3(e) "new construction of an accessory structure in a residential zone" under the authority provided by the CEQA Guidelines, and no significant environmental impacts are anticipated.

RECOMMENDATION

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing and Planning Commission deliberations, staff recommends that the Planning Commission approve the request subject to the following conditions:

1. The project shall be built in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its 2/11/2010 meeting.
2. The project applicant shall provide a landscape plan prior to issuance of building permit.



Rita Naziri, Senior Planner

Attachment - Draft Resolution

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 THAT IS LOCATED IN THE REQUIRED SIDE- AND REAR-YARD SETBACKS FOR A PROPERTY LOCATED AT 624 NORTH MAPLE DRIVE.

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

Section 1. Gabbay Architects, 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 that exceeds the height limit and would be located in the required side- and rear-yard setbacks of a property located at 624 North Maple Drive (the "Project").

Beverly Hills Municipal Code Section 10-3-2414 (F) and 10-3-2450(B) authorizes the Planning Commission to issue a Central R-1 Permit to allow a modification of the height limit for accessory structures, provided that certain findings can be made.

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 accessory structure.

Section 3. The subject site is approximately 16,640 square in area and located on the east side of the 600 block of Maple Drive, between Carmelita and Elevado Avenues. The project is surrounded by single-family residential development, characterized by one and two-story homes along both sides of the block. The property is currently developed with a two-story residence which is planned to be remodeled. The existing two-car garage accessory structure is located on the side and rear, northeast corner of the property, with vehicle access from a side driveway entered from Maple Drive and the alley. The existing garage will be demolished and replaced with the proposed two-story accessory structure.

The proposed two-story accessory structure will include 482 square feet of garage on the first floor with two parking spaces and a stairway to second floor and 475 square feet of area as a studio on the second floor. Vehicular access to the new garage is provided via a driveway from Maple Drive. No garage access is provided through the rear alley. The proposed maximum height of the accessory structure would be twenty-five feet, three inches (25'-3").

The proposed accessory structure will be located at the rear of the property, approximately one hundred sixty five feet (165') from the front property line (along Maple Drive), fifty nine feet (59') from the south side property line, four feet (4') from the north side property line and zero to two feet 2 inches from the rear property line.

Section 4. On February 11, 2010, 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 10-3-2414 (F) and 10-3-2450(B), the Planning Commission may issue a Central R-1 Permit to modify the height limitation, 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 and massing of the streetscape;
- 2) Neighbors' access to light and air;
- 3) Neighbors' privacy;
- 4) The garden quality of the City;
- 5) That the height of the accessory structure in excess of fourteen feet will not have a substantial adverse impact on adjacent properties or the public welfare.

Section 6. Based upon the evidence presented at the hearing, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to Central R-1 Permit:

6.1 As proposed, the Project will not have a substantial adverse impact on the scale and massing of the streetscape. The surrounding residential neighborhood is comprised of two-story residences of a similar size and scale as the subject property. Many of the properties contain one- and two-story accessory structures in the rear that are not visible from the street. The proposed

accessory structure would be located approximately 165' from the front property line. Additionally, the proposed structure's height is 25'3" which is lower than the existing two-story single-family residence which would shield the structure from the street. The height of the existing main residence is 27'11" with a porte cochere extending on the northern portion of the residence to the northern property line. Further, the proposed structure would be designed with a compatible color, material, and architectural style of the primary residence. Given the distance of the proposed accessory structure, and height of main residence and porte cochere, the proposed accessory structure would not have a negative impact on the scale and massing of the current streetscape.

6.2 As proposed, the Project will not substantially impact the neighbors' access to light and air. As proposed, the accessory building will be located within the required side and rear setbacks. The building would also have a minimum of four foot setback at the northerly side property line and zero setback at the rear. The project site is bound by a 20' wide alley on the east side. The maximum height of the accessory structure would be 25 feet, three inches (25'-3") to the top of the sloped roof, below the maximum height. Therefore, the proposed accessory structure is not anticipated to have a substantial impact on the neighbors' access to light and air.

6.3 As proposed, the Project will not have substantially impact the neighbor's privacy. In addition, the accessory structure is proposed in the northeast corner of the property along the rear property line. There are no windows proposed along the north or east property lines, which would be the most visible sides of the neighboring properties to the north and east. A 20-foot alley abuts the east property line of the Project site and provides a buffer between the proposed accessory structure and the existing properties to the east of the alley. Windows are proposed along the west 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 to the neighbor's privacy.

6.4 As proposed, the Project will not adversely affect the garden quality of the city. The applicant will provide a landscape plan to include a series of trees to be planted within northerly side of the proposed accessory structure. In addition, the main house is planned to be remodeled and the applicant is required to provide a detailed landscape plan which will help to enhance the garden quality of the city. Therefore, as conditioned, the proposed project and its associated landscaping would be a harmonious addition to the residential neighborhood and would contribute to the garden quality of the city.

6.5 As proposed, the Project will not create a cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity or the public welfare. A variety of one-story and two-story accessory buildings, tennis courts and swimming pools are located along the rear alley of the subject block, and are generally distributed with a variety of distances between accessory structures. Pursuant to proposed conditions, the proposed two-story accessory is consistent with existing development in the vicinity and no impact to the public welfare is anticipated with the proposed accessory structure.

Section 7. Based upon the foregoing findings, the Planning Commission hereby approves a Central R-1 Permit, for the construction of an accessory structure to exceed the height and

floor area requirement located in the required side and rear yard setbacks on a property, subject to the following conditions:

1. The project shall be built in substantial conformance to the plans submitted to and reviewed by the Planning Commission at its 2/11/2010 meeting.
2. The project applicant shall provide a landscape plan prior to issuance of building permit.
3. These conditions of approval shall run with the land and shall remain in force for the duration of the life of this Permit. This resolution approving Central R-1 Permit, for the construction of an accessory structure to exceed the height requirement located in the required side and rear yard setbacks of the property, 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 and 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 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 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: February 11, 2010

Nanette H. Cole
Chairman of the Planning Commission
of the City of Beverly Hills

ATTEST:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner