



Planning Commission Report

Meeting Date: December 13, 2012

Subject: **300 South Bedford Drive**
Central R-1 Permit

Request for a Central R-1 Permit to allow the reduction of a rear setback for an addition to an existing single-family residence located on a corner lot.

PROJECT APPLICANT: Jacob Manaster

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested Central R-1 Permit.

REPORT SUMMARY

The proposed project involves the construction of a two-story addition to an existing two-story single-family residence located on a corner lot in the Central Area of the City, south of Santa Monica Boulevard. The proposed addition encroaches into the otherwise required rear setback and therefore requires discretionary review by the Planning Commission.

This report analyzes the proposed project, with specific analysis of the scale and massing, neighbors' access to light and air, neighbors' privacy, and garden quality of the city. Staff's analysis concludes that as a result of the proposed configuration of the addition, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the addition to the existing single-family residence.

Attachment(s):

- A. Zoning Compliance Table
- B. Staff Recommended Findings and Conditions of Approval
- C. Public Notice
- D. Draft Resolution

Report Author and Contact Information:

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BACKGROUND

File Date	11/5/2012
Application Complete	12/5/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	2/4/2013 without extension request from applicant

Applicant(s)	Jacob Manaster
Owner(s)	Jacob Manaster
Representative(s)	Jacob Manaster

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	300 South Bedford Drive
Legal Description	TRACT # 7710 LOT 325
Zoning District	R-1.5X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	61.6 ft. x 127.5 ft. – 7,854 SF
Year Built	1928
Historic Resource	Listed as potential contributor to a district
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.5X – Single-family residential
South	R-1.5X – Single-family residential
East	R-1.5X – Single-family residential
West	R-1.5X – Single-family residential

Circulation and Parking

Adjacent Street(s)	Bedford Drive and Gregory Way
Adjacent Alleys	Along rear of property
Parkways & Sidewalks	12'-6" parkway at Bedford Drive, 12'-6" parkway at Gregory Way
Parking Restrictions	Bedford Drive – overnight parking is prohibited, permit parking from 8:00 AM to 3:30 PM; Gregory Way – overnight parking is prohibited, permit parking Monday – Saturday from 8:00 AM to 6:00 PM
Nearest Intersection	Bedford Drive and Gregory Way
Circulation Element	Local Street

Neighborhood Character

The subject property is located on a corner lot in the Central Area of the City, south of Santa Monica Boulevard, and has frontage along Gregory Way and South Bedford Drive. The property has a site area of 7,854 square feet and is currently developed with a two-story single-family residence and detached garage totaling 3,306 square feet. The existing residence and detached garage were originally

constructed in 1928. Later, in 1984 and 1996, two additions were made to the main residence along the northern elevation facing Gregory Way. The existing detached garage is accessed from Gregory Way.

The existing residence is consistent with the surrounding area which is characterized by one- and two-story residences with one- and two-story accessory structures similar in size and scale to the subject site. The properties in the area are of a comparable size in both width and depth, and are similar in site design to the subject property. The existing house is in a Spanish Colonial architectural style which is a style characterized in part by low-pitched, tiled roofs, recessed openings, a substantial setback of at least part of the facade at the street (front) and asymmetry in the placement of rooflines. This style is also intended to reflect traditional Spanish architecture with the use of local building materials such as stucco, decorative ironwork and gardens. A majority of homes in the neighborhood are in the Spanish Colonial style.



PROJECT DESCRIPTION

The proposed project consists of a new two-story addition to an existing two-story single family residence. The existing detached garage would be demolished and a new two-story addition to the main residence would be constructed in the area where the garage currently sits. The proposed addition would add 1,036 square feet of floor area to the existing residence, bringing the total floor area on the site to 4,342 square feet. The proposed addition would be set back two (2) inches from the rear property line (alley), 5'-0" from the street side property line along Gregory Way, and approximately 30'-9" from the southern side property line adjacent to the neighboring property. The maximum height of the addition would be 22'-8", just below the height of the existing residence at 23'-2".

Requested Permits

The entitlement requested to allow the proposed project is as follows:

Central R-1 Permit.

A request to allow the reduction of a rear setback for an addition to an existing two-story single-family residence located on a corner lot. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2418(D), a Central R-1 Permit may be issued to allow the rear setback to be reduced so long as the project satisfies the required criteria. The criteria are further explained in the Analysis portion of this staff report.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project's consistency with applicable zoning standards is provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Agency Review²

In reviewing the proposed project, City staff consulted with the Plan Review Engineer Supervisor in the Building and Safety Division to identify potential building and safety issues that should be addressed prior to Planning Commission review. At the time of review, no building and safety issues were identified that would result in the need for a modified project design.

GENERAL PLAN³ POLICIES

The General Plan includes several goals and policies relevant to the Planning Commission's review of the project, including:

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

² Recommended conditions of approval by other departments are provided in the Analysis section of this report.

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines⁴, and the environmental regulations of the City. Upon staff's initial review of the application, staff found the existing residence was identified on the City's 1985-1986 Historic Resource Survey as a potential contributor to the historic district defined as Tract 7710 Residential Grouping. Pursuant to CEQA Guidelines, categorical exemptions cannot be issued for a project that may cause a substantial adverse change to the significance of a historical resource. Consequently, staff conducted research to verify whether the existing residence is a historical resource, and to determine if the proposed project would cause substantial adverse change to a historical resource.

Staff found that there were two additions to the main residence in 1984 and 1996. These additions, which added floor area to both the first and second floors, were located along the northern (Gregory Way) elevation toward the rear of the residence. The City's Urban Designer determined that these additions have not changed the residence's status as a potential contributor to a historic district; therefore the residence is considered a historical resource.

Staff next considered whether the proposed project would impact the potential for the residence to be considered as a contributor to a historic district. This determination was made based on whether the proposed addition would comply with the Secretary of the Interior's Standards for Rehabilitation. The Standards allow greater flexibility in design for portions of structures where previous additions have already modified the historic integrity of the structure. Since the addition would mainly affect the Gregory Way elevation and that façade has already been substantially modified, the City's Urban Designer concluded that the proposed design, which is in a Spanish Colonial style consistent with the existing house, is in compliance with the Secretary of the Interior's Standards. Consequently, the project as proposed does not cause substantial adverse change to the significance of a historical resource. With that determination made, the proposed project qualifies for a Categorical Exemption from CEQA for the construction of an addition less than 2,500 square feet and less than fifty percent (50%) of the existing floor area of the residence, pursuant to Section 15301 (Class 1(e)) of the CEQA Guidelines.

⁴ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	12/7/12	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	12/3/12	12/3/12	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	12/7/12	6 Days

Public Comment

As of the writing of this report the City has not received any comments regarding this project.

ANALYSIS⁵

Project approval, conditional approval, or denial is based upon specific findings for the discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

Summary

In reviewing the Central R-1 Permit request, specific findings must be made with regard to the scale and character of the area, neighbors' privacy and access to light and air, the streetscape, and the garden quality of the city. The proposed addition is consistent with the scale and character of the area, as it is designed in the Spanish Colonial style of the existing residence, a style that is predominant in the area and defines the neighborhood's character. The proposed addition is well modulated, with the facade stepped forward and back at different depths, breaking up the scale and massing of the addition area. Adverse impacts on neighbors' privacy or neighbors' access to light and air is not anticipated: 1. the addition will abut the rear alley but the alley provides a 15 foot separation between the addition and the property to the rear and the rear facade of the addition will have no window openings; and 2. the addition will be located approximately 26'-9" from the neighboring property to the south with a relatively small balcony (depth of four feet), which is not a big enough area for large social gatherings. The streetscape along Bedford Drive will remain unchanged and the addition on Gregory Way will be consistent with the neighborhood's character, resulting in no adverse impact to the streetscape. Finally, the proposed addition is in the location of an existing garage and no mature landscaping will be removed for the project. The proposed project balances the potential development of the subject property and the preservation of the surrounding single-family neighborhood. As a result, staff recommends approval of the project.

⁵ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Central R-1 Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



Michele McGrath, Principal Planner

ATTACHMENT A Zoning Compliance Table

REGULATIONS	ALLOWED / REQUIRED	EXISTING CONDITIONS	PROPOSED ADDITION	NOTES
Main Residence				
Height	30'-0"	23'-2"	22'-8"	
Floor Area	4,642 SF	3,306 SF	Addition: 1,036 SF Total: 4,342 SF	Excludes 400 SF for garage in existing and in addition
Front Setback (South Bedford Drive)	25'-0"	25'-0"	No change	
Street Side Setback (Gregory Way)	5'-0"	7'-0"	5'-0"	
South Setback (neighbor side)	7'-3"	4'-6"	30'-9"	(26'-9" to second floor balcony)
West Setback (rear at alley)	29'-3"	29'-6"	2 inches	Requires Central R-1 Permit for reduction of a rear yard setback
Bedrooms	No limit	4	Addition: 1 Total: 5	
Parking Spaces	3 spaces (for 5 bedrooms)	2	Addition: 1 Total: 3	

Compliance with Zoning Code Criteria

In order to consider the requested Central R-1 Permit allowing the reduction in the rear yard setback, specific criteria must be met pursuant to BHMC Section 10-3-2418(D):

1. *Location: The corner lot in question is located south of Santa Monica Boulevard.*
The subject project is located on a corner lot, south of Santa Monica Boulevard, on the southeast corner of South Bedford Drive and Gregory Way.
2. *Rear Lot Line: The rear lot line of the corner lot is located along an alley.*
The rear lot line of the subject property abuts an alley.
3. *Corner Lot Width: The corner lot has a minimum width of fifty four feet (54').*
The subject project has a lot width of 61.6 feet.
4. *Minimum Street Side Setback: A minimum five foot (5') street side setback is provided by the existing principal residential building and the proposed addition.*
The existing residence and proposed addition both have a minimum street side setback of 5'-0".

5. *Height of Principal Building: The height of the existing principal residential building on the corner lot complies with the maximum building height requirements set forth in BHMC §10-3-2403(B).*

The BHMC §10-3-2403(B)⁶ permits structures, with sloped roofs, located on lots South of Santa Monica within the principal building area to extend to a maximum roof height of 30'-0". The existing residence is 23'-2" in height, less than the maximum 30'-0" permitted.

6. *Height of Addition: The height of the addition does not exceed the height of the existing principal residential building.*

The BHMC §10-3-2403(B) permits structures, with sloped roofs, located on lots South of Santa Monica within the principal building area to extend to a maximum roof height of 30'-0". The proposed addition would extend up to 22'-8", less than the maximum 23'-2" height of the existing two-story residence.

7. *Coverage: The existing principal residential building and the addition do not cover more than fifty percent (50%) of the required rear yard area, excluding porches and decks that are attached to the building and constructed in accordance with BHMC §10-3-2409(C)⁷ of this chapter.*

The required rear yard area for the subject property is 1,801.8 square feet (width of rear yard, 61.6', multiplied by the depth of 29.25'). The proposed addition, inclusive of the second story balcony, will cover 736.8 square feet, which equates to 40.8% coverage of the rear yard area, less than the maximum 50% coverage permitted.

8. *Rear Setback: For the first floor or up to fourteen feet (14') in height the proposed addition maintains a minimum eight foot (8') rear setback, unless the addition contains a two (2) car garage at a minimum that is not accessed from the alley, in which case no rear setback shall be required. The second floor or any portion of the addition over fourteen feet (14') in height shall be well modulated with stepbacks or architectural details or a combination thereof, unless the planning commission finds that the modulation would be inconsistent with the architectural style of the primary residential building and is not necessary to maintain privacy.*

The proposed addition contains a three (3) car garage which is accessed from Gregory Way (not the alley) and, therefore, the addition is exempt from the 8'-0" rear yard setback requirement.

Pursuant to this criterion, the second story addition has been modulated through a combination of stepbacks and architectural details. As viewed from Gregory Way, the portion of the second story addition located directly over the ground floor garage cantilevers out 2'-0" from the lower level garage facade, while the portion of the second story addition located just to the west of that is stepped back 7'-6" from the cantilevered facade. This stepping in the facade creates three separate planes of modulation along the Gregory Way elevation. Along the alley elevation, also visible from Gregory Way, the second story is set back approximately 1'-6" from the facade along the ground floor. The architectural style of the primary residential building has been identified as Spanish Colonial style architecture and the proposed stepbacks and architectural details along both the Gregory Way and the alley facades appear to be consistent

⁶ BHMC §10-3-2403(B) Height in the Principal Building Area for Lots South of Santa Monica Boulevard: Structures, with a sloped roof, located in the principal building area are restricted to a maximum roof height of 30'-0".

⁷ BHMC §10-3-2409(C): Porches and decks located at or below the first level

with the Spanish Colonial style, exhibiting defining features such as asymmetry in the placement of rooflines as well as recessed windows, resulting in a well-modulated addition.

As proposed, the addition is substantially set back from the southerly neighbor (26'-9"), is located 15 feet (width of the alley) from the property to the rear and has the required five foot setback at Gregory Way, resulting in minimal privacy impacts with or without additional modulation of the proposed addition. There are no window openings proposed along the alley elevation, further ensuring that the project as designed does not require additional modulation to maintain privacy.

9. *Street Side Modulation Requirement: In addition to the street side setback and rear setback required by this section, the street side facade of the proposed addition shall be well modulated with stepbacks or architectural details or a combination thereof, unless the planning commission finds that the modulation would be inconsistent with the architectural style of the primary residential building.*

The street side façade of the addition is along Gregory Way and the addition is proposed to be well modulated and consistent with the architectural style of the existing residence which is Spanish Colonial Revival. The Gregory Way façade will have three main planes of modulation in keeping with the stepping pattern of the existing residence. This design breaks up the massing of the two story addition and blends in cohesively with the existing residence.

ATTACHMENT B
Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Central R-1 Permit

1. *The project will not have a substantial adverse impact on the scale or massing of the streetscape;*

The proposed project is located within a neighborhood that contains properties which are developed primarily with one- and two-story single-family residences and one- and two-story accessory structures. The proposed project is in keeping with the scale of other residences and accessory structures in the area. The addition contains multiple planes of modulation which break up the scale and massing as viewed from Gregory Way and from the alley along the rear of the property. Furthermore, the addition is designed in a manner that is cohesive, in both modulation and materials, with the existing residence and the Spanish Mission Style of architecture, which is a common style found throughout the neighborhood. As the project proposes multiple planes of modulation, which will break up the massing of the façade as viewed from Gregory Way and the alley, and the design is consistent with the architectural style of the existing residence, it is not anticipated that the project would have an adverse impact on the scale and massing of the streetscape.

2. *The structure will not have a substantial adverse impact on the privacy of neighboring properties;*

The proposed two-story addition will extend to within 2 inches of the rear property, will be set back 5'-0" from the street side property line (along Gregory Way), and will be set back 26'-9" from the southern property line. The street side elevation contains the garage entrance on the ground floor and three windows along the second story. This elevation is set back approximately 60'-0" from the neighboring properties across the Gregory Way. The rear of the property line abuts an alley, which is 15'-0" in width, thus the addition will be 15'-2" from the neighboring property to the east. The rear façade of the addition, which faces the alley, has been designed absent of any windows or doors. The southern elevation contains two French doors at the second story and a balcony. The balcony will extend 4'-0" from the building façade and is set back 6'-6" from the rear property line. As such, the balcony would be set back 21'-6" from the property to the east across the alley and 26'-9" from the southern property. As the project contains substantial setbacks from all neighboring properties, it is not anticipated that the project would have an adverse impact on the privacy of neighboring properties.

3. *The structure will not have a substantial adverse impact on the neighbors' access to light and air; and*

The proposed two-story addition will extend to within 2 inches of the rear property, will be set back 5'-0" from the street side property line (along Gregory Way), and will be set back 26'-9" from the southern property line. The Gregory Way elevation is set back approximately 60'-0" from the neighboring properties across the street. The rear property line of the subject site abuts an alley, which is 15'-0" in width, thus the addition will be 15'-2" from the neighboring property to the east. The rear façade of the addition, which faces the alley, has been designed absent of any windows or doors. The balcony will extend 4'-0" from the building façade and is set back 6'-6" from the rear property line. As such, the balcony would be set back 21'-6" from

the property to the east across the alley and 26'-9" from the southern property line. As the project contains substantial setbacks from all neighboring properties, it is not anticipated that the project would have an adverse impact on the neighbors' access to light and air.

4. *The structure will not have a substantial adverse impact on the garden quality of the city.*

The existing property contains an abundance of mature plants and vegetation along South Bedford Drive and Gregory Way. The existing vegetation in these areas will remain and will not be altered as a result of the addition. Currently on the site, in the proposed location of the addition, sits a one-story detached garage. The garage has an existing driveway accessed from Gregory Way. This existing driveway prevents the locating of landscaping directly adjacent to the garage along Gregory Way. The proposed addition and three car garage would require maintaining the existing driveway. As such, there will be no change to the vegetation within this area of the site. Since the existing mature plants and vegetation along South Bedford Drive and Gregory Way will remain intact, and the proposed addition will maintain the existing driveway access from Gregory Way, it is not anticipated that the addition will have a substantial adverse impact on the garden quality of the city.

DRAFT CONDITIONS

Project Specific Conditions

1. The Project shall comply with the Secretary of the Interior's Standards for Historic Preservation.
2. No window or door openings shall be permitted on the rear (east) façade of the addition except for fixed windows (cannot be opened) that are translucent (allows light to pass through but objects are not visible through the glass).

Standard Conditions

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 13, 2012.
4. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
5. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
6. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.
7. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps

must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

8. **RECORDATION.** The resolution approving the Variance, the Second Unit Use Permit, and 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 the 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 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.
9. **EXPIRATION.** Central R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.
10. **VIOLATION OF CONDITIONS:** A violation of these conditions of approval may result in termination of the entitlements granted herein.

ATTACHMENT C

Public Notice



NOTICE OF PUBLIC HEARING

DATE: December 13, 2012
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, December 13, 2012, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for the construction of a two-story addition to an existing two-story single-family residence located at 300 South Bedford Drive. The following entitlement has been requested in association with the project:

A Central R-1 Permit to allow for the construction of a two-story addition to an existing single-family residence located on a corner lot with frontage along South Bedford Drive and Gregory Way. The proposed project would include the demolition of an existing two car garage currently located at the rear of the residence, facing Gregory Way. In the same vicinity, a two-story addition is proposed to extend from the existing residence. The addition would extend to the rear property line, encroaching into the required rear yard setback and therefore a Central R-1 Permit is required.

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. The project qualifies for a Class 1 Categorical Exemption for the construction of an addition of less than 50% of the existing floor area of the residence, and therefore the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Shena Rojemann, Associate Planner in the Planning Division at 310.285.1192, or by email at srojemann@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:


Ryan Gohlich, Senior Planner

Mailed: December 3, 2012

ATTACHMENT D
Draft Approval Resolution

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW THE REDUCTION OF A REAR SETBACK FOR AN ADDITION TO AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON A CORNER LOT IN THE CENTRAL AREA OF THE CITY AT 300 SOUTH BEDFORD DRIVE.

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

Section 1. Jacob Manaster, the property owner (the "Applicant"), has submitted an application for a Central R-1 Permit to allow the reduction of a rear yard setback for an addition to an existing two-story single-family residence located at 300 South Bedford Drive in the Central Area of the City (the "Project"). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Central R-1 Permit.

Section 2. The Project site is located in the Central Area of the City, along the east side of South Bedford Drive. Surrounding development is characterized by one- and two-story residences with one- and two-story accessory structures similar in size and scale to the subject site. The properties in the area are of a comparable size in both width and depth, and are similar in site design to the subject property. The existing house is in a Spanish Colonial architectural style which is a style characterized in part by low-pitched, tiled roofs, recessed openings, a substantial setback of at least part of the facade at the street (front) and asymmetry in the placement of rooflines. The proposed project consists of a new two-story addition to an

existing two-story single family residence. The existing detached garage would be demolished and a new two-story addition to the main residence would be constructed in the area where the garage currently sits. The proposed addition would add 1,036 square feet of floor area to the existing residence, bringing the total floor area on the site to 4,342 square feet. The proposed addition would be set back two (2) inches from the rear property line (alley), 5'-0" from the street side property line along Gregory Way, and approximately 26'-9" from the southern side property line adjacent to the neighboring property. The maximum height of the addition would be 22'-8", just below the height of the existing residence at 23'-2".

Section 3. 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 environmental regulations of the City. Upon staff's initial review of the application, staff found the existing residence was identified on the City's 1985-1986 Historic Resource Survey as a potential contributor to the historic district defined as Tract 7710 Residential Grouping. Pursuant to CEQA Guidelines, categorical exemptions cannot be issued for a project that may cause a substantial adverse change to the significance of a historical resource. Consequently, staff conducted research to verify whether the existing residence is a historical resource, and to determine if the proposed project would cause substantial adverse change to a historical resource.

Staff found that there were two additions to the main residence in 1984 and 1996. These additions, which added floor area to both the first and second floors, were located along the northern (Gregory Way) elevation toward the rear of the residence. The City's Urban Designer determined that these additions have not changed the residence's status as a potential contributor

to a historic district; therefore the residence is considered a historical resource.

Staff next considered whether the proposed project would impact the potential for the residence to be considered as a contributor to a historic district. This determination was made based on whether the proposed addition would comply with the Secretary of the Interior's Standards for Rehabilitation. The Standards allow greater flexibility in design for portions of structures where previous additions have already modified the historic integrity of the structure. Since the addition would mainly affect the Gregory Way elevation and that façade has already been substantially modified, the City's Urban Designer concluded that the proposed design, which is in a Spanish Colonial style consistent with the existing house, is in compliance with the Secretary of the Interior's Standards. Consequently, the project as proposed does not cause substantial adverse change to the significance of a historical resource. With that determination made, the proposed project qualifies for a Categorical Exemption from CEQA for the construction of an addition less than 2,500 square feet and less than fifty percent (50%) of the existing floor area of the residence, pursuant to Section 15301 (Class 1(e)) of the CEQA Guidelines.

Section 4. Notice of the Project and public hearing was mailed on December 3, 2012 to all property owners and residential occupants within a 300-foot radius of the property. On December 13, 2012 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Central R-1 Permit, the Planning Commission was required to make the following findings:

1. The structure will not have a substantial adverse impact on the scale or character of the area;

2. The structure will not have a substantial adverse impact on the privacy of neighboring properties;

3. The structure will not have a substantial adverse impact on the neighbors' access to light and air; and

4. The structure will not have a substantial adverse impact on the garden quality of the city.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Central R-1 Permit:

1. The proposed Project is located within a neighborhood that contains properties which are developed primarily with one- and two-story single-family residences and one- and two-story accessory structures. The proposed Project is in keeping with the scale of other residences and accessory structures in the area. The addition contains multiple plains of modulation which break up the scale and massing as viewed from Gregory Way and from the alley along the rear of the property. Furthermore, the addition is designed in a manner that is cohesive, in both modulation and materials, with the existing residence and the Spanish Mission Style of architecture, which is a common style found throughout the neighborhood. As the Project proposes multiple plains of modulation, which will break up the massing of the façade as viewed from Gregory Way and the alley, and the design is consistent

with the architectural style of the existing residence, it is not anticipated that the Project would have an adverse impact on the scale and massing of the streetscape.

2. The proposed two-story addition will extend to within 2 inches of the rear property, will be set back 5'-0" from the street side property line (along Gregory Way), and will be set back 26'-9" from the southern property line. The street side elevation contains the garage entrance on the ground floor and three windows along the second story. This elevation is set back approximately 60'-0" from the neighboring properties across the Gregory Way. The rear of the property line abuts an alley, which is 15'-0" in width, thus the addition will be 15'-2" from the neighboring property to the east. The rear façade of the addition, which faces the alley, has been designed absent of any windows or doors. The southern elevation contains two French doors at the second story and a balcony. The balcony will extend 4'-0" from the building façade and is set back 6'-6" from the rear property line. As such, the balcony would be set back 21'-6" from the property to the east across the alley and 26'-9" from the southern property. As the project contains substantial setbacks from all neighboring properties, it is not anticipated that the project would have an adverse impact on the privacy of neighboring properties.

3. The proposed two-story addition will extend to within 2 inches of the rear property, will be set back 5'-0" from the street side property line (along Gregory Way), and will be set back 26'-9" from the southern property line. The Gregory Way elevation is set back approximately 60'-0" from the neighboring properties across the street. The rear property line of the subject site abuts an alley, which is 15'-0" in width, thus the addition will be 15'-2" from the neighboring

property to the east. The rear façade of the addition, which faces the alley, has been designed absent of any windows or doors. The balcony will extend 4'-0" from the building façade and is set back 6'-6" from the rear property line. As such, the balcony would be set back 21'-6" from the property to the east across the alley and 26'-9" from the southern property line. As the project contains substantial setbacks from all neighboring properties, it is not anticipated that the project would have an adverse impact on the neighbors' access to light and air.

4. The existing property contains an abundance of mature plants and vegetation along South Bedford Drive and Gregory Way. The existing vegetation in these areas will remain and will not be altered as a result of the addition. Currently on the site, in the proposed location of the addition, sits a one-story detached garage. The garage has an existing driveway accessed from Gregory Way. This existing driveway prevents the locating of landscaping directly adjacent to the garage along Gregory Way. The proposed addition and three car garage would require maintaining the existing driveway. As such, there will be no change to the vegetation within this area of the site. Since the existing mature plants and vegetation along South Bedford Drive and Gregory Way will remain intact, and the proposed addition will maintain the existing driveway access from Gregory Way, it is not anticipated that the addition will have a substantial adverse impact on the garden quality of the city.

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

1. The Project shall comply with the Secretary of the Interior's Standards for Historic Preservation.

2. No window or door openings shall be permitted on the rear (east) façade of the addition except for fixed windows (cannot be opened) that are translucent (allows light to pass through but objects are not visible through the glass).

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 13, 2012.

4. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

5. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

6. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

7. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in

the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

8. RECORDATION. The 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 the 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 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.

9. EXPIRATION. Central R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

10. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in termination of the entitlements granted herein.

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

Adopted: December 13, 2012

Craig Corman
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

Jonathan Lait, AICP
City Planner