



Planning Commission Report

Meeting Date: July 25, 2013

Subject: **801 Alpine Drive**
Central R-1 Permit

Request for a Central R-1 Permit to allow the construction of a new two-story accessory structure exceeding 14'-0" in height and located within a required side and rear setback on a property in the Central Area of the City, north of Santa Monica Boulevard. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.

PROJECT APPLICANT: Sasoon Sunny M&HR/TR

PROJECT OWNER: Sasoon Sunny M&HR/TR

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.
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REPORT SUMMARY

The proposed project involves the construction of a two-story accessory structure on a corner lot with frontage along North Alpine Drive and Lomitas Avenue. The proposed structure, which is located within a required side and rear setback, exceeds fourteen feet (14'-0") in height and therefore requires discretionary review by the Planning Commission.

This report analyzes the proposed project, with specific analysis of the scale and massing of the proposed accessory structure, neighbors' access to light and air, neighbors' privacy, garden quality of the city, and impacts on adjacent properties or the public welfare. Staff's analysis concludes that the proposed accessory structure is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the new two-story accessory structure.

Attachment(s):

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

Report Author and Contact Information:

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BACKGROUND

File Date	5/20/2013
Application Complete	6/19/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	9/23/2013 without extension request from applicant

Applicant(s)	Sassoon Sunny M&HR/TR
Owner(s)	Sassoon Sunny M&HR/TR
Representative(s)	Tim Barber, Tim Barber Limited

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	801 North Alpine Drive
Legal Description	BEVERLY HILLS LOT 15 BLK 84
Zoning District	R-1.5X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	120 ft. x 304.16 ft. – 36,499 SF
Year Built	1924
Historic Resource	The existing single-family residence was originally designed by Marshall Wilkinson, who is listed on the City of Beverly Hills' List of Master Architects. In January 2013, a historic analysis was conducted and peer reviewed by the City's Urban Designer. It was determined that the residence is not a historic resource as the original historic characteristics have been modified.
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)	Alpine Drive and Lomitas Avenue
Adjacent Alleys	Along rear of property
Parkways & Sidewalks	16'-0" parkway at Alpine Drive, 14'-0" parkway at Lomitas Avenue
Parking Restrictions	Alpine Drive – overnight parking is prohibited; Lomitas Avenue – overnight parking is prohibited
Nearest Intersection	Alpine Drive and Lomitas Avenue
Circulation Element	Local Street

Neighborhood Character

The subject property is located on a corner lot in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along Alpine Drive and Lomitas Avenue. The property has a site area of 36,499 square feet and is currently developed with a two-story single-family residence with three car garage, a game court, a pool, and a cabana. The existing residence was originally constructed in 1924, while the pool and game court were constructed in the late 1970s.

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 site contains extensive mature landscaping along the north property line, along both Alpine Drive and Lomitas Avenue, and throughout the interior of the site. As proposed, the existing landscaping would be maintained.



PROJECT DESCRIPTION

The proposed project consists of a new two-story accessory structure to be located along the rear property line. The structure would abut the rear property line (alley), would be set back approximately four feet (4'-0") from the northern side property line, and set back approximately thirty eight feet eleven inches (38'-11") from the southern side property line along Lomitas Avenue. As proposed, the structure would contain a guest bedroom, a recreation room, a covered patio, and three (3) bathrooms. The total floor area of the structure would be approximately 1,278 square feet and the structure would extend to a maximum height of approximately twenty-two feet (22'-0"), one foot (1'-0") below the height of the existing single-family residence at approximately twenty three feet (23'-0").

Requested Permits

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

Central R-1 Permit.

A request to allow the construction of a new two-story accessory structure located within a required side and rear yard to exceed fourteen feet (14'-0") in height. Pursuant to Beverly Hills Municipal

Code (BHMC) §10-3-2414, an accessory structure may be located within required side and rear yard setbacks established for the primary residence¹ so long as the structure does not exceed 14'-0" in height and complies with the required height envelope². Accessory structures proposed to be located within required side or rear setbacks that exceed the maximum 14'-0" height and do not adhere to the required height envelope require approval of a Central R-1 Permit. The Central R-1 Permit may be issued to allow an accessory structure to exceed fourteen feet (14'-0") in height; however, under no circumstances shall the height of the accessory structure be permitted to exceed the maximum height allowed in the principal building area. The maximum height permitted in the principal building area of the subject property is twenty-eight feet (28'-0"). The proposed accessory structure would be a maximum of approximately twenty-two feet (22'-0") in height.

ZONING CODE³ 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 Review

In reviewing the proposed project, City staff consulted with the Urban Designer and the Development Services Program, which includes the Building & Safety Division, the Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. At the time of review, no issues were identified that would result in the need for significant project modifications.

GENERAL PLAN⁴ POLICIES

The General Plan includes 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.

¹ Pursuant to BHMC §10-3-2405, the required rear setback for the primary residence on the subject property would be 82'-3". Pursuant to BHMC and §10-3-2406 the required side yard setback would be 15'-0" along both the north and south side property lines.

² Pursuant to BHMC §10-3-2414, accessory structures located within a required rear or side yard setback established for the primary residence must comply with a maximum height of 14'-0". Portions of the structure located within the required rear or side setback must comply with a height envelope which commences at 7'-0" measured at the property line (rear or side depending on the setback in which the structure is located) and extends at a slope of two horizontal to one vertical (2:1) toward the interior of the site area. Furthermore, structures located within a required side yard(s) that is not abutting an alley must maintain a minimum 4'-0" side setback.

³ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

⁴ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **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.

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 Guidelines⁵, and the environmental regulations of the City. The project qualifies for a Categorical Exemption pursuant to Section 15332 (Class 3) of the Guidelines; specifically, a Class 3 Categorical Exemption for the construction of a new accessory structure appurtenant to a single-family residence.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	7/19/13	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	7/15/13	7/12/13	13 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/19/13	6 Days

Public Comment

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

ANALYSIS⁶

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

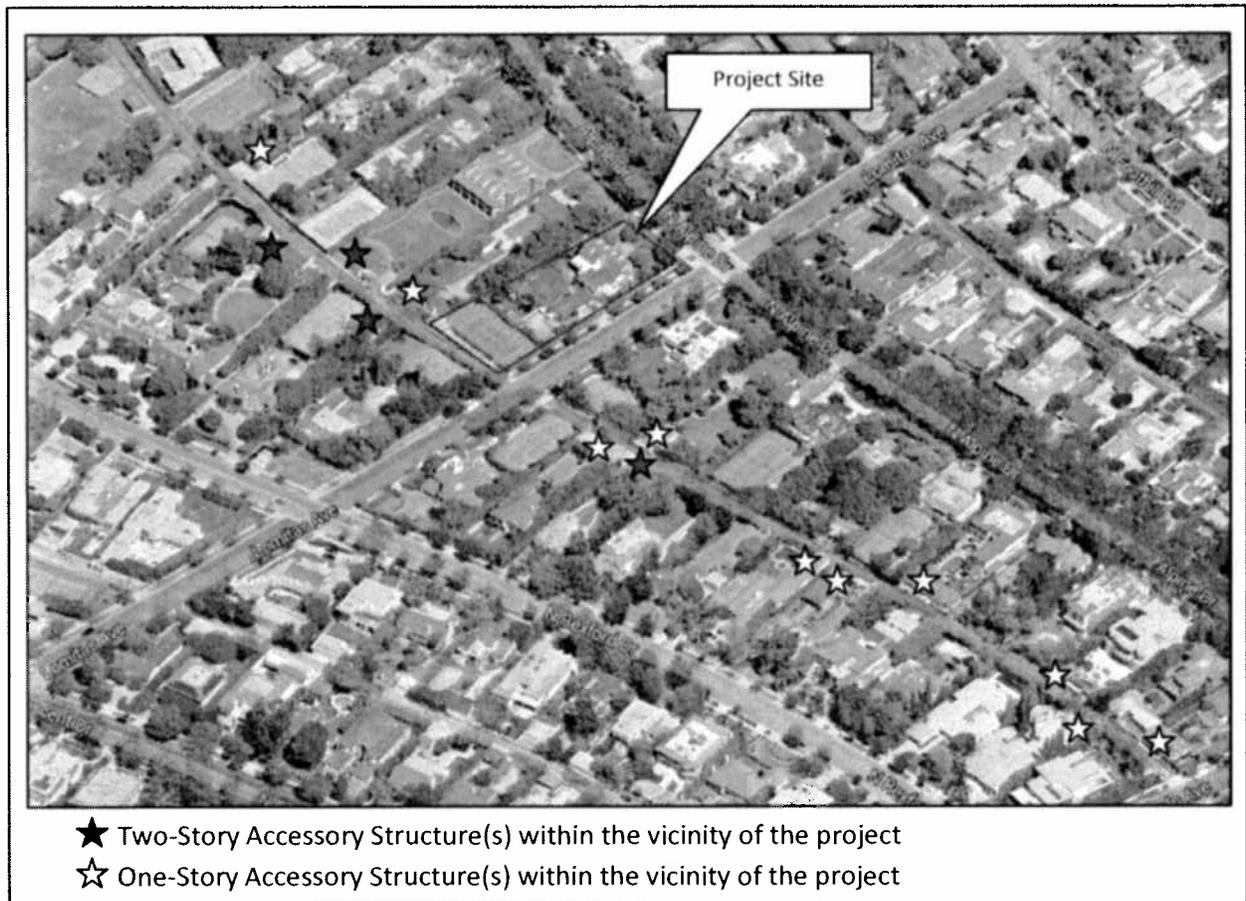
In reviewing the Central R-1 Permit request, specific findings must be made with regard to the scale and character of the area, neighbors' privacy and access to light and air, the streetscape, and the garden quality of the city. Pursuant to BHMC §10-3-2414 the Planning Commission shall additionally find that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare. After reviewing the project against the required findings, staff has drafted recommended conditions of approval for the Commission's consideration. These conditions have been outlined in the sections below and in Attachment B of this report.

⁵ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

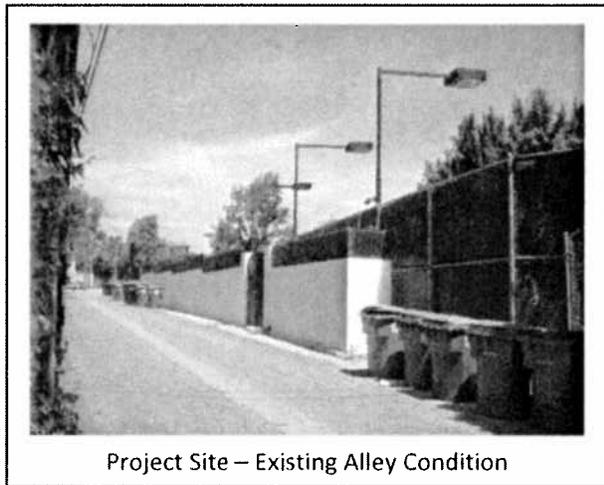
⁶ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose 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.

Scale and Character of the Neighborhood

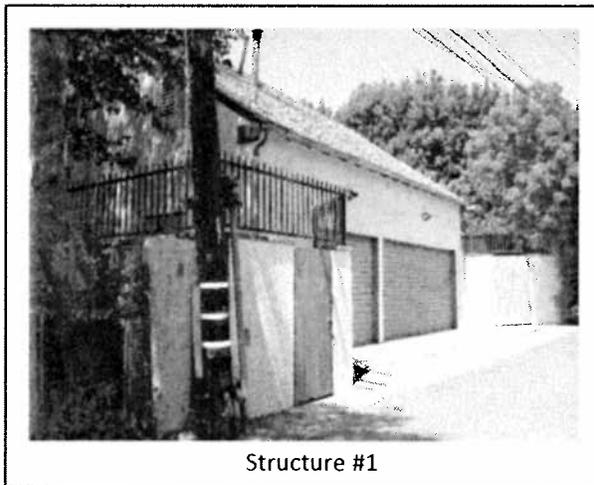
The proposed accessory structure is consistent with the scale and character of other accessory structures in the area, which are generally one and two stories in height and are located near or abutting the rear property line. The aerial image below illustrates one-story and two-story accessory structures within the general vicinity of the project site.



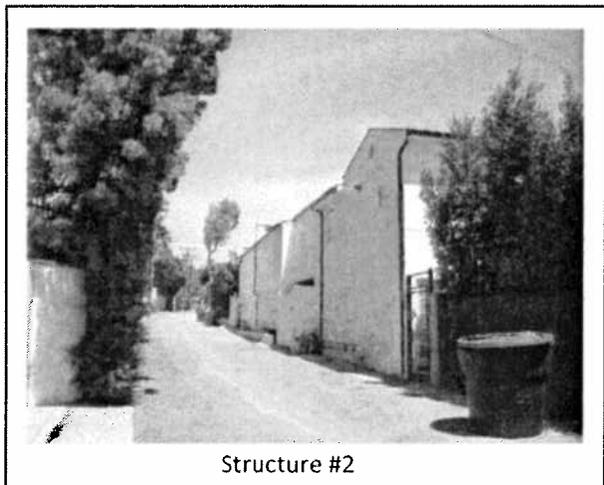
To the north of the project site there exist three (3) two-story accessory structures which abut the alley. As proposed, the new two-story accessory structure will be consistent in scale and character with the existing two-story accessory structures that exist on the alley (see images on the following page).



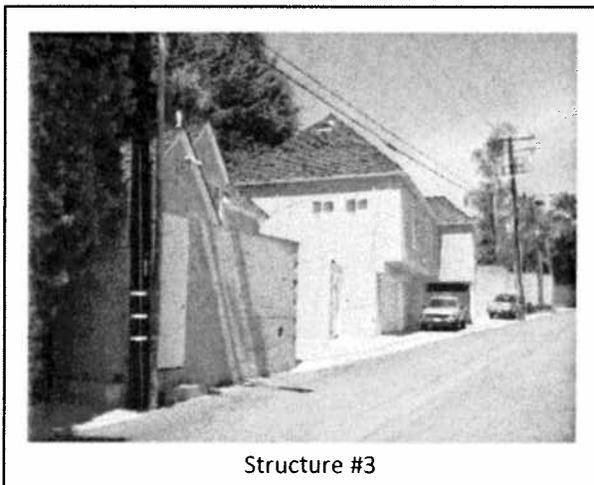
Project Site – Existing Alley Condition



Structure #1



Structure #2



Structure #3

Neighbor's Privacy and Access to Light and Air

As proposed, the structure would extend up to a maximum of 22'-0" in height, would be set back 4'-0" from the northern property line (approximately 10'-0" from the northern neighboring accessory structure), and would be set back 38'-11" from the southern property line (Lomas Avenue). The rear alley would provide a 20'-0" buffer between the proposed accessory structure and the neighboring properties to the west. As designed, only a portion of the structure will be two stories in height. The second story would abut the rear property line and would be set back 4'-0" from the northern property line and 69'-4" from the southern property line (Lomas Avenue). The existing alley and proposed setbacks from Lomas Avenue will provide a buffer between the structure and neighboring properties to the east and south. The 4'-0" setback along the north side of the structure will help to buffer the structure from the neighboring property to the north, however, the setback in this area is not as substantial as the setbacks along the other sides of the structure. Consequently, staff recommends a condition of approval that would require lush mature landscaping to be located within the 4'-0" setback between the structure and the northern property line to provide additional privacy.

The building is oriented so that the majority of the windows and doors face east toward the interior of the subject property. Two small windows are proposed at the second story facing the alley and one window is proposed at the second story along the southern elevation facing Lomas Avenue. Staff has included a recommended condition of approval that would require the alley facing windows to be fixed and to contain translucent glass⁷. The setback from Lomas Avenue (38'-11") is sufficient that the second-story window facing Lomas Avenue is not expected to impact neighbors' privacy or access to light and air.

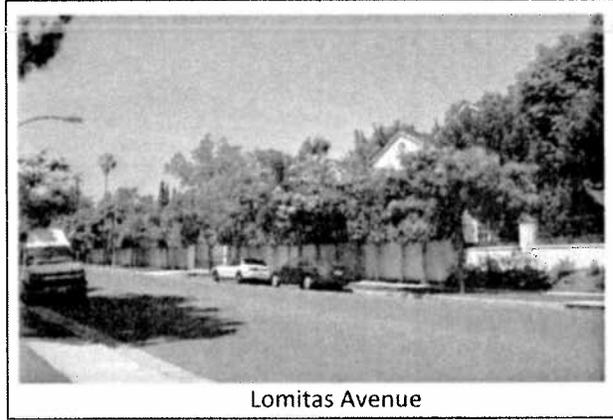
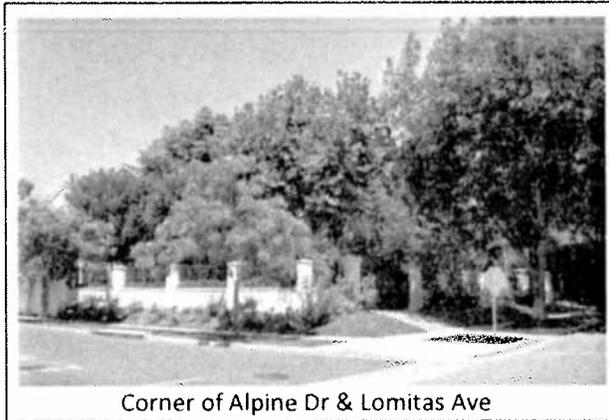
As designed, the accessory structure appears to contain a rooftop space that could be utilized as an outdoor deck. Within the Central Area of the City, an accessory structure deck located more than three feet (3'-0") above grade would require approval of a Central R-1 Permit⁸. Since the deck is not part of the request currently before the Commission, if the property owner wishes to utilize the rooftop area as a deck in the future, a request for a Central R-1 Permit must be made to the Planning Commission. Staff has included a condition of approval which would prohibit a deck on the structure unless otherwise authorized by a Central R-1 Permit. Due to the proposed setbacks of the accessory structure and the recommended conditions of approval, no adverse impacts on the neighbors' privacy or access to light and are anticipated.

Streetscape and Garden Quality of the City

The streetscape along Alpine Drive will remain unchanged as the existing single-family residence will block the view of the accessory structure from the street. Along Lomas Avenue the streetscape will remain generally unaffected due to the existing lush landscaping that currently exists on the project site and the neighboring property to the west (see images on the next page). Staff recommends a condition of approval that would require maintenance of existing mature landscaping on the project site along Lomas Avenue. Notwithstanding the mature landscaping, as proposed the accessory structure would be set back a minimum of 38'-11" from the southern property line (Lomas Avenue). Due to the

⁷ The proposed condition requiring the alley windows to be fixed and to contain translucent glass is consistent with conditions imposed on other entitlements approving two-story accessory structures with windows/doors along an alley.

⁸ *BHMC §10-3-2412 Accessory Building Porches and Decks* states that no accessory building shall have a porch or deck located more than three feet (3'-0") above the finished grade unless approved by the Planning Commission through a Central R-1 Permit. Only properties that are equal to or more than twenty four thousand (24,000) square feet in area are eligible to make the request.



existing development on the site, the existing mature landscaping on the site, the proposed setbacks for the accessory structure, and the recommended conditions, it is anticipated that the proposed structure would be minimally visible from Lomas Avenue and Alpine Drive. Consequently, it is not anticipated that the project will adversely impact the streetscape or the garden quality of the City. Therefore, staff recommends approval of the Central R-1 Permit to allow construction of the two-story accessory structure.

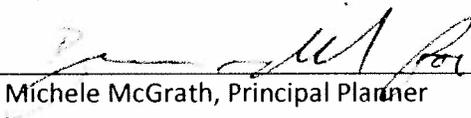
NEXT STEPS

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

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ATTACHMENT A

Zoning Compliance Table

REGULATIONS	ALLOWED / REQUIRED	EXISTING CONDITIONS	PROPOSED	NOTES
Accessory Structure				
Height	14'-0"	-	22'-0"	Requires a Central R-1 Permit to allow the height to exceed 14'-0" when located within required side and/or rear setbacks
Floor Area	16,099 SF maximum permitted for the project site	6,947 SF – main residence 136 SF – garage	New structure: 1,278 SF Total Site: 8,361 SF	Excludes 400 SF for existing garage
Front Setback (Alpine Drive)	100'-0"	-	294'-4"	
Street Side Setback (Lomitas Avenue)	15'-0" setback for the primary residence	-	38'-11"	
	4'-0" minimum for accessory structures located in a required side yard that comply with a minimum 14'-0" height and the height envelope requirements			
North Setback (neighbor side)	15'-0" setback for the primary residence	-	4'-0"	Requires a Central R-1 Permit to allow the height to exceed 14'-0" when located within a required side yard setback and does not comply with the height envelope requirements
	4'-0" minimum for accessory structures located in a required side yard that comply with a minimum 14'-0" height and the height envelope requirements			
West Setback (rear at alley)	82"-3 setback for the primary residence	-	0'-0"	Requires a Central R-1 Permit to allow the height to exceed 14'-0" when located within a required side yard setback
	0'-0" for accessory structures located in a required rear yard (abuts an alley) and complies with the minimum 14'-0" height standard			
Bedrooms	No limit	8 bedrooms – main residence	New: 1 bedroom Total: 9 bedrooms	
Parking Spaces	4 spaces (for 6 or more bedrooms)	3 spaces	New: 1 space Total: 4 spaces	

ATTACHMENT A

Zoning Compliance Table

Entitlement Analysis

Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2414, accessory buildings located on sites north of Santa Monica Boulevard must comply with the required development standards for height and setbacks. In the event that an accessory building does not comply, the Code identifies two entitlement options that an applicant may apply for: a Minor Accommodation Permit or a Central R-1 Permit. To qualify for a Minor Accommodation Permit, the project must meet all of the following development criteria (BHMC §10-3-2414[G]):

- The accessory structure shall not exceed a height of twenty two feet (22');
- The total length of the accessory structure, including the combined length of an existing structure and any proposed addition thereto, along the closest side property line shall not exceed a length of twenty four feet (24');
- The accessory structure is located entirely within thirty feet (30') of the rear lot line;
- Any window located over fourteen feet (14') above grade on an elevation facing an alley or the closest adjacent side property line shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°);
- A detailed landscaping plan shall be submitted to and approved by the director of planning and community development as part of the application for a minor accommodation. The landscaping plan shall include landscaping of an appropriate height and density to soften the appearance of the accessory structure from adjacent properties.

While the proposed project conforms to the majority of the criteria listed above, the project does not comply with the landscape criteria that requires landscaping be provided that would 'soften the appearance of the accessory structure from adjacent properties'. The proposed project does not contain landscaping along the alley elevation and therefore, this criterion cannot be met. Consequently, the applicant has submitted an application for a Central R-1 Permit.

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 accessory structure 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 accessory structures in the area. As positioned on the site the accessory structure will be not be visible from Alpine Drive as it will be blocked from view by the main residence. The structure will be minimally visible from Lomitas Avenue as a result of the existing lush landscaping along the southern property. As conditioned, the existing landscaping will remain along Lomitas Avenue. Furthermore, the structure is set back a significant distance from both Alpine Drive and Lomitas Avenue. Due to the location of the structure on the project site and the existing site conditions, 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 neighbors' access to light and air;*

The proposed two-story accessory structure will abut the rear property line which is separated from properties to the east by a 20'-0" wide alley, will be set back 38'-11" from the southern property line (Lomitas Avenue), and will be set back 4'-0" from the northern property line. As conditioned, lush mature landscaping will be provided within the 4'-0" setback area. As the project is set back from all neighboring properties and is conditioned to contain mature landscaping, it is not anticipated that the project would have an adverse impact on the neighbors' access to light and air.

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

The proposed two-story accessory structure, located at the rear property line, abuts a 20'-0" wide alley providing privacy for the neighboring property to the rear. The rear elevation of the building will, as conditioned, contain small windows that will be fixed and contain translucent glass. The structure will be set back 4'-0" from the northern property line and, as conditioned, mature landscaping will be provided within the 4'-0" setback area. The structure will be set back 38'-11" from the southern property line (Lomitas Avenue) and, as conditioned, the existing mature landscaping along the southern property line will be maintained. In addition, as conditioned, the rooftop area above the single-story section of the structure shall be prohibited from being used as a deck. As the project contains substantial setbacks from properties to the south and east and the project has been substantially conditioned to eliminate privacy concerns, it is not anticipated that the project would have an adverse impact on the privacy of neighboring properties.

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 Lomitas Avenue that, as conditioned, will be maintained. The existing vegetation in this area will not be altered as a result of the new accessory structure. As conditioned, mature landscaping will be

provided along the northern elevation of the accessory structure. Since the existing mature plants and vegetation along Lomitas Avenue will be maintained and mature landscaping will be provided along the northern side of the structure, it is not anticipated that the addition will have a substantial adverse impact on the garden quality of the city.

5. *The structure will not have a substantial adverse impact on adjacent properties or the public welfare.*

The proposed two-story accessory structure will be located at the rear property line which abuts a 20'-0" wide alley, will be set back 4'-0" from the northern property line, and will be set back 38'-11" from the southern property line (Lomitas Avenue). The rear elevation of the building will contain small windows that will be fixed and contain translucent glass. There are no windows or door openings proposed on the northern elevation. In addition, as conditioned, the rooftop area above the single-story section of the structure shall be prohibited from being used as a deck. As the project contains substantial setbacks from all neighboring properties and has been conditioned to limit visibility from the second floor windows along the alley and a second story deck is prohibited, it is not anticipated that the project would have an adverse impact on the privacy of adjacent properties or the public welfare.

DRAFT CONDITIONS

Project Specific Conditions

1. The existing lush landscaping along Lomitas Avenue shall be maintained.
2. The window openings along the west façade (alley elevation) of the accessory structure shall be fixed (cannot be opened) and shall contain translucent glass (allows light to pass through but objects are not visible through the glass).
3. The accessory structure shall not contain a deck located more than three feet (3'-0") above grade unless authorized by a Central R-1 Permit. Specifically, the rooftop area located above the first floor of the accessory structure shall not be utilized as a deck area unless a Central R-1 Permit application is submitted to the City and approved by the Planning Commission.
4. Lush landscaping shall be provided within the northern setback (4'-0") between the accessory structure and the northern property line. The landscaping shall help to buffer the view of the accessory structure from the neighboring properties to the north. The proposed landscape plan shall be subject to review and approval by the City's Urban Designer.

Standard Conditions

See the attached Draft Resolution in Attachment C.

ATTACHMENT C
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY ACCESSORY STRUCTURE EXCEEDING 14'-0" IN HEIGHT AND LOCATED WITHIN A REQUIRED SIDE AND REAR SETBACK ON A PROPERTY IN THE CENTRAL AREA OF THE CITY, NORTH OF SANTA MONICA BOULEVARD AT 801 ALPINE DRIVE.

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

Section 1. Sunny Sassoon M&HR/TR, applicant and property owner (the "Applicant"), has submitted an application for a Central R-1 Permit to allow the construction of a new two-story accessory structure exceeding 14'-0" in height and located within a required side and rear setback on a property in the Central Area of City, north of Santa Monica Boulevard at 801 Alpine Drive (the "Project"). The Project does not meet all by-right development standards, and therefore requires an entitlement 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, north of Santa Monica Boulevard, and has frontage along Alpine Drive and Lomas Avenue. The property has a site area of 36,499 square feet and is currently developed with a two-story single-family residence with three car garage, a game court, a pool, and a cabana. The existing residence was originally constructed in 1924, while the pool and game court were constructed in the late 1970s. 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 site contains extensive mature landscaping along the north property line, along both Alpine Drive and Lomas Avenue, and throughout the interior of the site.

The proposed project consists of a new two-story accessory structure to be located along the rear property line. The structure would abut the rear property line (alley), would be set back approximately four feet (4'-0") from the northern side property line, and set back approximately thirty eight feet eleven inches (38'-11") from the southern side property line along Lomas Avenue. As proposed, the structure would contain a guest bedroom, a recreation room, a covered patio, and three (3) bathrooms. The total floor area of the structure would be approximately 1,278 square feet and the structure would extend to a maximum height of approximately twenty-two feet (22'-0"), one foot (1'-0") below the height of the existing single-family residence at approximately twenty three feet (23'-0").

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. The project qualifies for a Categorical Exemption pursuant to Section 15332 (Class 3) of the Guidelines. Specifically, a Class 3 Categorical Exemption for the construction of a new accessory structure appurtenant to a single-family residence.

Section 4. Notice of the Project and public hearing was mailed on July 12, 2013 to all property owners and residential occupants within a 300-foot radius of the property.

On July 25, 2013 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 reviewing the request for a Central R-1 Permit, the Planning Commission considered whether the Project would have a substantial adverse impact on the following:

1. The structure will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The structure will not have a substantial adverse impact on the neighbors' access to light and air;
3. The structure will not have a substantial adverse impact on the privacy of neighboring properties;
4. The structure will not have a substantial adverse impact on the garden quality of the city; and
5. The structure will not have a substantial adverse impact on adjacent properties or the public welfare.

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 accessory structure 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 accessory structures in the area. As

positioned on the site the accessory structure will be not be visible from Alpine Drive as it will be blocked from view by the main residence. The structure will be minimally visible from Lomas Avenue as a result of the existing lush landscaping along the southern property. As conditioned, the existing landscaping will remain along Lomas Avenue. Furthermore, the structure is set back a significant distance from both Alpine Drive and Lomas Avenue. Due to the location of the structure on the project site and the existing site conditions, 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 accessory structure will abut the rear property line which is separated from properties to the east by a 20'-0" wide alley, will be set back 38'-11" from the southern property line (Lomas Avenue), and will be set back 4'-0" from the northern property line. As conditioned, lush mature landscaping will be provided within the 4'-0" setback area. As the project is set back from all neighboring properties and is conditioned to contain mature landscaping, it is not anticipated that the project would have an adverse impact on the neighbors' access to light and air.

3. The proposed two-story accessory structure, located at the rear property line, abuts a 20'-0" wide alley providing privacy for the neighboring property to the rear. The rear elevation of the building will, as conditioned, contain small windows that will be fixed and contain translucent glass. The structure will be set back 4'-0" from the northern property line and, as conditioned, mature landscaping will be provided within the 4'-0" setback area. The structure will be set back 38'-11" from the southern property line (Lomas Avenue) and, as conditioned,

the existing mature landscaping along the southern property line will be maintained. In addition, as conditioned, the rooftop area above the single-story section of the structure shall be prohibited from being used as a deck. As the project contains substantial setbacks from properties to the south and east and the project has been substantially conditioned to eliminate privacy concerns, it is not anticipated that the project would have an adverse impact on the privacy of neighboring properties.

4. The existing property contains an abundance of mature plants and vegetation along Lomas Avenue that, as conditioned, will be maintained. The existing vegetation in this area will not be altered as a result of the new accessory structure. As conditioned, mature landscaping will be provided along the northern elevation of the accessory structure. Since the existing mature plants and vegetation along Lomas Avenue will be maintained and mature landscaping will be provided along the northern side of the structure, it is not anticipated that the addition will have a substantial adverse impact on the garden quality of the city.

5. The proposed two-story accessory structure will be located at the rear property line which abuts a 20'-0" wide alley, will be set back 4'-0" from the northern property line, and will be set back 38'-11" from the southern property line (Lomas Avenue). The rear elevation of the building will contain small windows that will be fixed and contain translucent glass. There are no windows or door openings proposed on the northern elevation. In addition, as conditioned, the rooftop area above the single-story section of the structure shall be prohibited from being used as a deck. As the project contains substantial setbacks from all neighboring properties, has been conditioned to limit visibility from the second floor windows along the

alley, and a second story deck is prohibited, it is not anticipated that the project would have an adverse impact on the privacy of adjacent properties or the public welfare.

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

1. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on July 25, 2013.

2. The existing lush landscaping along Lomitas Avenue shall be maintained.

3. The window openings along the west façade (alley elevation) of the accessory structure shall be fixed (cannot be opened) and shall contain translucent glass (allows light to pass through but objects are not visible through the glass).

4. The accessory structure shall not contain a deck located more than three feet (3'-0") above grade unless authorized by a Central R-1 Permit. Specifically, the rooftop area located above the first floor of the accessory structure shall not be utilized as a deck area unless a Central R-1 Permit application is submitted to the City and approved by the Planning Commission.

5. Lush landscaping shall be provided within the northern setback (4'-0") between the accessory structure and the northern property line. The landscaping shall help to buffer the view of the accessory structure from the neighboring properties to the north. The proposed landscape shall be subject to

review and approval by the City's Urban Designer.

6. 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.

7. 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.

8. 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.

9. 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. An appeal fee is required.

10. RECORDATION. The resolution approving the Central 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.

11. EXPIRATION. Central R-1 Permit: Pursuant to Beverly Hills Municipal Code §10-3-207, the exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution.

12. 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: July 25, 2013

Brian Rosenstein
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

ATTACHMENT D
Public Notice



NOTICE OF PUBLIC HEARING

DATE: July 25, 2013
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, July 25, 2013, 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 accessory structure located at **801 North Alpine Drive**. The following entitlement has been requested in association with the project:

A Central R-1 Permit to allow for the construction of a new two-story accessory structure located on a corner lot with frontage along North Alpine Drive and Lomitas Avenue. The proposed structure would be located along the rear property line of the site and would extend up to twenty-two feet (22'-0") in height. A Central R-1 Permit is required to allow the structure to exceed fourteen feet (14'-0") in height.

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 3 Categorical Exemption for the construction of a new accessory (appurtenant) structure, 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:

A handwritten signature in cursive script, appearing to read "Michele McGrath".

Michele McGrath, Principal Planner

Mailed: July 12, 2013

ATTACHMENT E
Architectural Plans

Begins on following page.