



# Planning Commission Report

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**Meeting Date:** October 24, 2013

**Subject:** **1021 North Roxbury Drive**  
**Central R-1 Permit**

Request to construct a single-story accessory structure with a maximum height of 19' within a required side and rear setback.

PROJECT APPLICANT: Steve and Kathy Needleman

**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 one-story, 19' tall accessory structure. The proposed exceeds the otherwise allowable maximum height of 14' and encroaches into the required side and rear setbacks for the main residence, and therefore requires discretionary review by the Planning Commission to allow the additional height above the standard 14' height limit.

This report analyzes the proposed project, with specific analysis of the project's scale and massing, neighbors' access to light and air, and neighbors' privacy. Staff's analysis concludes that as a result of the proposed siting and architectural design of the structure, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, the recommendation in this report is for approval of the proposed structure.

**Attachment(s):**

- A. Zoning Compliance Table
- B. Draft Resolution
- C. Public Notice
- D. Architectural Plans (Provided as a Separate Attachment)

**Report Author and Contact Information:**

Ryan Gohlich, Senior Planner  
(310) 285-1194

[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	9/18/2013
Application Complete	10/14/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	12/24/2013 without extension request from applicant

Applicant(s)	Steve and Kathy Needleman
Owner(s)	Steve and Kathy Needleman
Representative(s)	Becky Stern of Landry Design Group

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	1021 North Roxbury Drive
Legal Description	Beverly Hills Tract, Block 170, Lot 10
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	121.4' (average width) x 269.1' (average depth) – 31,180 SF or 0.72 acres
Year Built	N/A – Vacant Lot
Historic Resource	N/A – Vacant Lot
Protected Trees/Grove	None

### Adjacent Zoning and Land Uses

North	R-1.X – Single-family residential
South	R-1.X – Single-family residential
East	R-1.X – Single-family residential
West	R-1.X – Single-family residential

### Circulation and Parking

Adjacent Street(s)	North Roxbury Drive
Adjacent Alleys	20' wide alley along rear of property
Parkways & Sidewalks	17'6" parkway along North Roxbury Drive
Parking Restrictions	Overnight parking is prohibited
Nearest Intersection	North Roxbury Drive and North Canon Drive
Circulation Element	Local Street

### Neighborhood Character

The subject property is located along the 1000 block of North Roxbury Drive in the Central Area of the City, north of Santa Monica Boulevard. Properties in the vicinity of the subject site tend to be larger in size (most are just under one acre) with larger, two-story homes. The subject property is currently vacant, as the prior residence and accessory structure have been demolished, and plans for a new residence are currently under review by the Community Development Department for issuance of building permits.



Project Site Looking North (prior to demolition)

## PROJECT DESCRIPTION

The proposed project consists of a new one-story accessory structure that will have a maximum height of 19' to the top ridge of its sloped roof. The proposed structure would be located toward the northwest corner of the subject property, and contain approximately 1,169 square feet, which is comprised of a three-car garage, storage space, and a shower and bathroom to serve the pool area. The structure is proposed to be set back 8'5" from the north property line, 10'8" from the rear property line along the alley, and 80' from the south property line.

### Requested Permits

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

#### **Central R-1 Permit.**

A request to allow an accessory structure over 14' in height to be located within a required side and rear setback. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2414(F), a Central R-1 Permit may be issued to allow an accessory structure to exceed 14' in height when located within both a required side and rear setback.

## ZONING CODE<sup>1</sup> COMPLIANCE

A detailed review of the proposed project's consistency with applicable zoning standards is provided in [Attachment A](#). As conditioned, 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.

## GENERAL PLAN<sup>2</sup> POLICIES

The General Plan includes goals and policies intended to guide development in the City. Some of the goals and policies relevant to the Planning Commission's review of the project are set forth below.

- **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.

## 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 Guidelines, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, the proposed project involves the construction of a residential accessory structure, and is therefore exempt from further review under the provisions of CEQA.

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<sup>1</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>2</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

**PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	10/17/2013	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	10/14/2013	10/14/2013	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	10/17/2013	7 Days

Public Comment

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

**ANALYSIS<sup>3</sup>**

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.

**Height.** The proposed structure would be one-story, but have a maximum height of 19’, which is 5’ (or 36%) above the otherwise allowable height for accessory structures. Although the structure exceeds the by-right height provisions, the additional height is the result of a sloped roof on a Cape Cod-style structure. As a result of the structure’s architecture, the height is well modulated and appropriately incorporated into the design. Based on the structure’s design and location on the property, it will be adjacent to the neighboring property’s tennis court fencing and a storage shed, preventing visual impacts on the adjacent property. Consequently, staff believes that the additional height can be supported.

**Proximity to Adjacent Properties.** One of the primary concerns associated with the construction of accessory structures is their potential to impact neighboring properties. In the case of the proposed project, the accessory structure would be located approximately 8’5” from the closest adjacent property line to the north. Although the proposed structure is within the required 17’3” side setback for structures over 14’ in height, the structure’s 8’5” side setback is approximately double the 4’ setback that is typically required for accessory structures that are under 14’ in height. The 8’5” setback therefore provides greater separation between the proposed structure and the adjacent property to the north than would otherwise be achieved with a 14’ tall accessory structure. Additionally, the adjacent property to the north is developed with a tennis court and storage shed in the rear yard area adjacent to the proposed structure. While the proposed project does not include landscaping in the area immediately between the structure and the property to the north, staff believes that the structure’s design and siting is sufficient to preclude the need for landscaping, and that impacts to the neighboring property to the north will not result from the proposed project. Additionally, the project is well

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<sup>3</sup> 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.

modulated with sloped rooflines that will prevent the project from appearing massive from the adjacent property, and there are no windows above the ground floor facing the adjacent property to the north.<sup>4</sup>

With respect to the rear property line, the proposed structure provides a 10'8" setback, which is in addition to the 20' alley that separates the subject property from the westerly property across the alley. Furthermore, the property across the alley is developed with a two-story accessory structure and mature landscaping that substantially screen any potential views of the proposed structure. Finally, the proposed structure's primary function is as a garage, and no windows from habitable spaces would provide views into adjacent properties. Therefore, the proposed structure is not anticipated to impact properties across the alley.

### **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:



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Jonathan Lait, AICP, City Planner

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<sup>4</sup> The north elevation of the project contains one door and one window at the ground floor, both of which are connected to the garage area only, and not to habitable spaces.

**ATTACHMENT A**  
**Zoning Compliance Table**

REGULATIONS	ALLOWED / REQUIRED	PROPOSED Structure	NOTES
<b>Accessory Structure</b>			
Height	14'	19'	Central R-1 Permit Required
Floor Area	14,047 SF	Accessory Structure: 1,169 SF Main Residence: 10,437 SF Garage Credit: 400 SF Total: 11,206 SF	
Front Setback	100'	207'	
Side Setback (North)	17'3"	8'5"	A 4' setback is required for structures under 14' in height
Side Setback (South)	11'7"	80'	A 4' setback is required for structures under 14' in height
Rear Setback	71'9"	10'8"	Zero setback is required for structures under 14' in height
Parking	4 spaces	3 spaces within structure, plus multiple uncovered spaces on driveway along north property line	

**ATTACHMENT B**  
**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 ONE-STORY, 19' TALL ACCESSORY STRUCTURE WITHIN THE OTHERWISE REQUIRED SIDE AND REAR SETBACKS ON A PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 1021 NORTH ROXBURY DRIVE.

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

Section 1. Steve and Kathy Needleman, applicants and property owners (the "Applicant"), have submitted an application for a Central R-1 Permit to allow the construction of a one-story, 19' tall accessory structure within the otherwise required side and rear setbacks for a property located at 1021 North Roxbury 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 consists of a new one-story accessory structure that will have a maximum height of 19' to the top ridge of its sloped roof. The proposed structure would be located toward the northwest corner of the subject property, and contain approximately 1,169 square feet, which is comprised of a three-car garage, storage space, and a shower and bathroom to serve the pool area. The structure is proposed to be set back 8'5" from the north property line, 10'8" from the rear property line along the alley, and 80' from the south property line.

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 15303 (Class 3(e)) of the Guidelines. Specifically, the proposed project involves the construction of a residential accessory structure, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on October 14, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On October 24, 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 neighbors’ privacy;

4. The structure will not 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; and

6. The structure will not have a substantial adverse impact on 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 Project is located approximately 207' from the front property line of the subject property, beyond the primary residence that fronts on North Roxbury Drive. The primary residence will obscure views of the Project, and the Project will therefore not result in a substantial adverse impact on the scale and massing of the streetscape.

2. The Project is 19' in height, with the maximum height occurring at the top ridge of its sloped roof. Additionally, the Project is located a minimum of 30' from the nearest residential structure, which is located across the alley to the west of the Project. Furthermore, the Project is located a minimum of 8'5" from the residential property to the north, which contains only a storage shed and tennis court in the vicinity of the Project. Based on the Project's siting and separation from adjacent properties and structures, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

3. The Project is a single-story accessory structure that contains no windows that offer views into adjacent properties. Consequently, the Project will not have a substantial adverse impact on the neighbors' privacy.

4. The Project is being developed in conjunction with full redevelopment of the Project site, which includes an extensive landscaping plan consisting of trees, shrubs, flowers, groundcover, and grass, all of which will help to enhance the property and contribute to the garden quality of the city. Consequently, the Project will not have a substantial adverse impact on the garden quality of the city.

5. Although the Project exceeds the otherwise permitted maximum height of 14' for accessory structures located within a required side and rear setback, the Project has been thoughtfully designed in a Cape Cod architectural style, which utilizes high-quality details and ample modulation. Additionally, the Project includes appropriate separation from neighboring properties, and does not include any windows that offer views into neighboring properties. As a result of the Project's design and siting, the Project will not have a substantial adverse impact on adjacent properties.

6. Although the Project exceeds the otherwise permitted maximum height of 14' for accessory structures located within a required side and rear setback, the Project has been thoughtfully designed in a Cape Cod architectural style, which utilizes high-quality details and ample modulation. Additionally, the Project includes appropriate separation from neighboring properties, is set back approximately 207' from the front property line, and does not include any windows that offer views into

neighboring properties. As a result of the Project's design and siting, the Project will not have a substantial adverse impact on 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 October 24, 2013.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. VIOLATION OF CONDITIONS: A violation of any 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: October 24, 2013

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Howard Fisher  
Acting Chair of the Planning Commission of  
the City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

# **ATTACHMENT C**

## **PUBLIC NOTICE**



### NOTICE OF PUBLIC HEARING

**DATE:** October 24, 2013

**TIME:** 1:30 PM

**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, October 24, 2013, will hold a public hearing beginning at or after **1:30 PM** to consider:

A request for a Central R-1 Permit to allow the construction of a new 1,169 square foot, one-story accessory structure, for a property located in the Central Area of the City at 1021 North Roxbury Drive. The proposed accessory structure would be located toward the northwest corner of the subject property and have a maximum height of approximately 19' (to the top ridge of its sloped roof). The proposed structure includes a three-car garage, storage space, and a shower and bathroom to serve the pool area. The structure is proposed to be set back 8'5" from the north property line, 10'8" from the rear property line along the alley, and 80' from the south property line. The Central R-1 Permit is required to allow the structure's proposed height within the required side and rear setbacks for the property (up to 14' in height is allowed without discretionary review).

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(e) Categorical Exemption for new construction of residential accessory structures, and 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 **Ryan Gohlich, Senior Planner** in the Planning Division at 310.285.1194, or by email at [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org). Copies of the project plans and associated application materials 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.

Sincerely:

  
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Ryan Gohlich, Senior Planner

Mailed October 14, 2013

**ATTACHMENT D**  
**ARCHITECTURAL PLANS**  
**(PROVIDED AS A SEPARATE ATTACHMENT)**