



Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: December 12, 2013

Subject: **Accessory Structure Height Limitations – South of Santa Monica Boulevard**
Planning Commission discussion of Municipal Code §10-3-2413 regarding the maximum allowable height of accessory structures located south of Santa Monica Boulevard.

Recommendation: Receive this report and provide direction to staff as appropriate.

REPORT SUMMARY

On November 21, 2013 Kelly Schulman submitted a letter to the Planning Commission requesting that the Commission discuss the City's development standards for the height of accessory structures south of Santa Monica Boulevard. Upon receiving Ms. Schulman's letter, the Planning Commission directed that a discussion item be added to the Commission's December 12, 2013 agenda to discuss the height of accessory structures south of Santa Monica Boulevard. This report provides a brief overview of Municipal Code development standards for accessory structures south of Santa Monica Boulevard, and seeks Planning Commission direction as to whether modifications to existing code provisions should be pursued.

BACKGROUND

Section 10-3-2413 of the City's Municipal Code contains specific provisions for the construction of accessory structures south of Santa Monica Boulevard. In particular, accessory structures are limited to a maximum height of 14', and when constructed adjacent to a shared side property line, must comply with a specified height envelope. The required height envelope starts at 7' above the side property line and slopes toward the interior of the property at a slope of one vertical foot for every two horizontal feet. The height envelope applies to any portion of the structure located within a required side setback, and is further explained in the diagram on the following page.

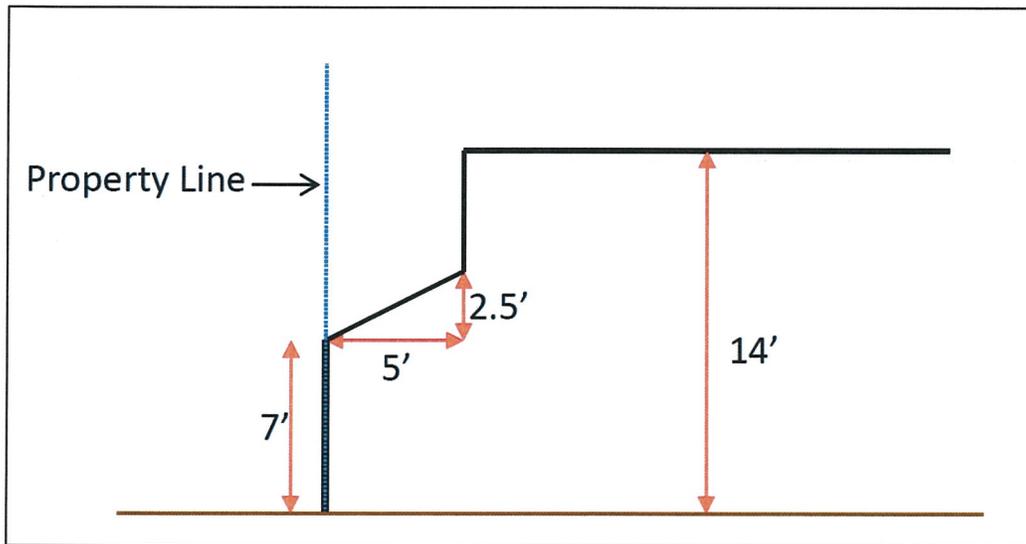
Attachment(s):

- A. Communication from Kelly Schulman
- B. BHMC §10-3-2413

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Except for properties located south of Olympic Boulevard and west of Roxbury Drive, the Municipal Code does not offer any relief (discretionary or otherwise) from the above height limitations. Ms. Schulman has raised concerns about the height limitations because she owns a Tudor style home with steeply pitched rooflines, but is unable to construct a garage with similar rooflines due to the height limitations currently in place. Consequently, Ms. Schulman's property contains a detached garage with a flat roof that does not match the architectural style of the primary residence. Ms. Schulman seeks changes to the Municipal Code to allow accessory structures to exceed current height limitations in order to allow the construction of accessory structures that are more architecturally compatible with the primary residences they are associated with.

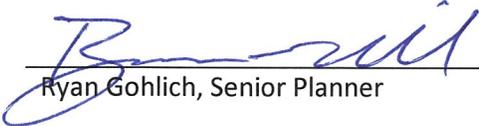
PLANNING COMMISSION DIRECTION

Staff seeks direction from the Planning Commission as to whether there is interest in further studying height limitations for accessory structures located south of Santa Monica Boulevard. In the event that the Planning Commission is interested in pursuing a City-initiated amendment, the Planning Commission would need to direct staff to prepare a memo to the City Council requesting that such a study be added to the Planning Division's work plan. Furthermore, any City-initiated study should be weighed against existing work plan priorities. In the event that the Planning Commission is not interested in pursuing a City-initiated amendment, Ms. Schulman would still be welcome to file an application for an applicant-initiated amendment.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report and a presentation from the applicant, and provide direction as appropriate.

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A

COMMUNICATION FROM KELLY SCHULMAN

November 21, 2013

Beverly Hills Planning Commission:

I wanted to attend today's meeting, but could not, due to my children being dismissed at 1:30pm from El Rodeo School for parent conferences. I am hoping that my letter will have just as much impact as if I was there in person.

I own a home at 214 S. McCarty Drive. My husband and I bought the home in 2009 and completely restored it from a decrepit state. We were careful to keep the Tudor style and architecture, which we loved and believed kept with the styles of other homes in our area. At the time we did construction, I looked into adding above my garage including a pitched roof to match the existing house. I was told I could not do so due to certain codes that are established. I want to revisit the idea of creating a roofline for the garage that would match the architecture of my home and am asking the planning commission to consider putting my request on the next agenda for discussion purposes.

The garage roofline does not flow with the style of the main house. It is visible from the street and I feel, is aesthetically unappealing. I believe adding the pitch to the garage would only better the look of our property and street. While asking about options, I was informed that I could possibly dig down into the floor of the garage and then start the roof line at a much lower height, making the garage look as if it was shortened/sunk from the outside. I feel that going this route would do the opposite of what we want to accomplish, which is creating a more appealing roofline and structure.

I am attaching photos for your review.

Thank you very much and I hope you are willing to discuss this matter further.

Sincerely,

Kelly Schulman





ATTACHMENT B
BHMC §10-3-2413

10-3-2413: DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS SOUTH OF SANTA MONICA BOULEVARD:

Accessory buildings located on site areas south of Santa Monica Boulevard shall comply with the following standards:

- A. Floor Area: Accessory buildings, including garages, located on site areas south of Santa Monica Boulevard shall not exceed a cumulative floor area of five hundred (500) square feet.
- B. Height: Accessory buildings located in the accessory structure area of site areas south of Santa Monica Boulevard shall not exceed a height of fourteen feet (14').
- C. Side Setback Encroachment: Notwithstanding any other provision of this chapter, an accessory building located on a site south of Santa Monica Boulevard may be erected within a required side yard if:
 - 1. The side lot line abuts an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14'); or
 - 2. The side lot line does not abut an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the side lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.
- D. Rear Setback Encroachment: Notwithstanding any other provision of this chapter, an accessory building located on a site south of Santa Monica Boulevard may be erected within a required rear yard if:
 - 1. The rear lot line abuts an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14'); or
 - 2. The rear lot line does not abut an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the rear lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.
- E. Central R-1 Permit: Notwithstanding any other provision of this section, for those lots located south of Olympic Boulevard and west of Roxbury Drive, the planning commission may modify the height limitation set forth in subsection B of this section, the limitations set forth in subsections C1 and C2 of this section, and the limitations set forth in subsections D1 and D2 of this section by a Central R-1 permit issued pursuant to article 24.5 of this chapter provided the rear lot line of the subject lot abuts an alley and provided further that the elevation of the subject lot slopes downhill from the front (street) lot line of the property to the rear (alley) lot line with a minimum difference in elevation of at least twenty feet (20') between the street and the alley. In addition to the findings required by section 10-3-2453 of this chapter, the planning commission shall not issue a Central R-1 permit to allow an accessory structure to exceed fourteen feet (14') in height unless the planning commission additionally finds that the proposed accessory structure will not have a substantial adverse impact on adjacent properties or the public welfare. In making this determination, the planning commission may look at such factors as the impact of the accessory structure on the scale and massing as viewed from adjacent properties, the impact of the

accessory structure on available light in neighboring yards, and the cumulative impact to adjacent properties from the proposed accessory structure in combination with existing accessory structures in the vicinity. Under no circumstances shall the height of an accessory structure be permitted to exceed the following:

1. Twelve feet (12') as measured from the lowest finished elevation along the perimeter of the primary structure; and
2. Twenty five feet (25') for a flat roof and thirty feet (30') for a sloped roof with a twenty two foot (22') plate height as measured from the lowest (alley side) existing grade. (Ord. 02-O-2403, eff. 9-3-2002; amd. Ord. 03-O-2431, eff. 11-21-2003)