



Planning Commission Report

Meeting Date: March 27, 2014

Subject: **1801 Angelo Drive**

Request for a Hillside R-1 Permit to allow the total floor area on the project site to exceed 15,000 square feet and a Variance to allow a new two-story accessory structure exceeding 14' in height to be located within a required side yard setback.

PROJECT APPLICANT: David Geffen, Property Owner

PROJECT AGENT: Jason Somers, Crest Real Estate LLC

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Direct staff to prepare a resolution memorializing the Planning Commission's findings.

REPORT SUMMARY

The proposed project involves the construction of a two-story accessory structure on top of an existing garage on the property located at 1801 Angelo Drive. The proposed structure would be located within the northwestern portion of the project site near the western property line. As proposed, the structure would have a maximum height of 30' and would increase the floor area by 2,276 square feet.

The project site is currently developed with a three-story single-family residence, a one-story guest house, a two-story accessory structure for employees, and two one-story garages. The existing structures contain a cumulative floor area of 32,632 square feet. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2502(B), the cumulative floor area of all structures on a property may not exceed 15,000 square feet without the approval of a Hillside R-1 Permit. A Hillside R-1 Permit was previously issued to allow the floor area on the property to exceed 15,000 square feet and the applicant is requesting an amendment to that permit. The proposed accessory structure would increase the cumulative floor area on the property to 34,908 square feet, which would be less than the otherwise allowable maximum floor area for the project site which is 67,849 square feet.

As proposed, the new structure would be set back 15' from the western side property line. In this location the structure would be located entirely within the required side setback, which is 70'-5". Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2550(H), in the Hillside Area, no more than one accessory structure that exceeds 14' in height may be permitted within a required rear or side setback. Since an existing two-story accessory structure is located within the required rear setback on the project site, a Variance is being requested to allow a second two-story accessory structure to be located within the required side setback.

Attachment(s):

- A. Required Findings
- B. Applicant Prepared Analysis of the Requested Entitlements
- C. Public Notice
- D. Architectural Plans

Report Author and Contact Information:

Shena Rojemanñ, Associate Planner

(310) 285-1192

srojemann@beverlyhills.org

This report analyzes the proposed project, with specific analysis of the floor area and massing of the proposed accessory structure, location of the proposed accessory structure on the site, the size of the project site, and the development standards for other residential properties in the neighborhood surrounding the project site. Staff's analysis concludes that the required finding cannot be made to support the Variance.

BACKGROUND

File Date	12/11/2013
Application Complete	1/10/2014
Subdivision Deadline	N/A
CEQA Determination	Class 3 Categorical Exemption
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	5/26/2014 without extension request from applicant

Applicant(s)	David Geffen
Owner(s)	David Geffen
Representative(s)	Jason Somers, Crest Real Estate LLC

Prior PC Action Resolution No. 935 (June 28, 1995) – Variance granted to allow: 1) an accessory structure building to be 90' from the front property line; 2) tennis court lights to exceed 22'; and 3) various retaining and garden walls, fences, and hedges exceeding height.

Resolution No. 936 (June 28, 1995) – Hillside R-1 Permit granted to allow the cumulative floor area to exceed 15,000 square feet (construction of a pool house, upper and lower maintenance buildings, a gardener's building, a greenhouse, and garage) and to allow game court and lights to exceed 7' in height.

Resolution No. 1010 (May 28, 1997) – Modifications to a Variance and Hillside R-1 Permit conditionally approving walls and fences to be between 8' and 16' in height, and allow hedges to be up to 20' in height.

Resolution No. 1043 (February 25, 1998) – Variance to permit walls up to 10' in height in the Hillside Area.

Resolution No. 1081 (September 23, 1998) – Modifications to a Variance and Hillside R-1 Permit to allow the reconfiguration of the lower motor court, including replacing the front gate and adjacent walls, and extension of the fence and formal landscaping. Approval of a Tree Removal Permit.

Prior Council Action None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1801 Angelo Drive
Legal Description	LOT 2 OF TRACT NO. 9062, AS PER MAP RECORDED IN BOOK 126 PAGES 47 AND 48 OF MAPS AND ALL OF TRACT NO. 10943, AS PER RECORDED BOOK 193 PAGES 2 AND 3 OF MAPS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY.
Zoning District	R-1.X One-Family Residential Zone
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 421,586 SF (9.68 acres)
Historic Resource	The existing three-story single-family residence, single-story garage (located in the northwestern corner of the property), and two-story accessory structure utilized by employees (located along the northern property line) were originally designed by architect Roland E. Coate who is listed on the City's Master Architect List. Furthermore, the property is also one of the largest properties remaining in the City today and is significant for its association with Jack L. Warner, who was a prominent member of the entertainment industry and exemplified the lifestyle associated with major members of that industry. Consequently, the property has been determined to be eligible for local landmark designation.
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 (City of Los Angeles)	RE40-1 – Residential Estate Zone (lots within Los Angeles that are greater than 80' in width and 40,000 square feet in area)

Circulation and Parking

Adjacent Street(s)	Angelo Drive
Adjacent Alleys	There are no alleys adjacent to the project site.
Parkways & Sidewalks	5' parkway along Angelo Drive
Parking Restrictions	Angelo Drive – overnight parking prohibited
Nearest Intersection	Angelo Drive and Bridle Lane
Circulation Element	Local Streets

Zoning Compliance Table

DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES				
ZONING REGULATIONS	ALLOWED/ REQUIRED	EXISTING CONDITION	PROPOSED	NOTES
Height	14' when located within a required side or rear setback	14'	30'	Only one two-story accessory structure may be permitted within a required rear or side setback
Floor Area	67,849 SF	32,632 SF	34,908 SF (addition of a 2,276 SF accessory structure)	A Hillside R-1 Permit is required to allow the maximum floor area on the project site to exceed 15,000 square feet
North Setback	70'-4"	61'-6" (measured from the existing garage)	No change/ 76'-6" (measured from the proposed addition)	A portion of the existing garage is located within the required rear setback; however the proposed accessory structure which would be placed on top of the garage would be located entirely outside the rear setback.
South (front) Setback (Angelo Drive)	100' from the front property line	277'-6" (measured from the existing garage)	No change/ 290' (measured from the proposed addition)	
West Setback	70'-5"	27' (measure to from the existing garage structure)	0' (The proposed accessory structure contains an elevated metal platform that extends from the structure to the site property line, thereby creating a 0' setback ¹ ; however, the majority of the new accessory structure would be set back 15' from the site property line)	The existing garage structure is a maximum of 14' in height. Accessory structures that do not exceed 14' may be constructed within a required side setback. The proposed accessory structure addition will exceed 14' in height.

¹ According to the applicant, the owner of the project site has an agreement with the owner of the property to the west which allows for utilization and maintenance of a portion of the neighbors' property. The owner of the project site currently maintains a vegetable garden on the property to the west and the proposed elevated metal platform would provide access to the neighboring site so that the garden can be maintained.

Zoning Compliance Table Continued

ZONING REGULATIONS	ALLOWED/ REQUIRED	EXISTING CONDITION	PROPOSED	NOTES
East Setback	70'-5"	Approximately 600'	Approximately 635'	The existing garage is set back approximately 600' from the setback; however the proposed accessory structure which would be placed on top of the garage and would have a greater east side setback.
Parking Spaces	8 spaces required	9+ spaces	9+ spaces	The existing garages onsite provide a minimum of 9 parking spaces

Neighborhood Character

The subject property is located along the 1800 block of Angelo Drive in the Hillside Area of the City. Development in the vicinity of the project site consists of single-family residential properties to the north, south, and east within the City of Beverly Hills and single-family residential properties to the west within the City of Los Angeles. The surrounding development ranges from one to two-stories in height. The project site is currently developed with a three-story single-family residence, a one-story detached guest house, a pergola, two one-story garage structures, and a two-story accessory structure that is utilized by employees. The new accessory structure is proposed to be constructed over an existing garage located within the northwestern portion of the project site (highlighted in yellow on the aerial image provided on the following page.)

An aerial image of the project site and surrounding development is provided on the following page.



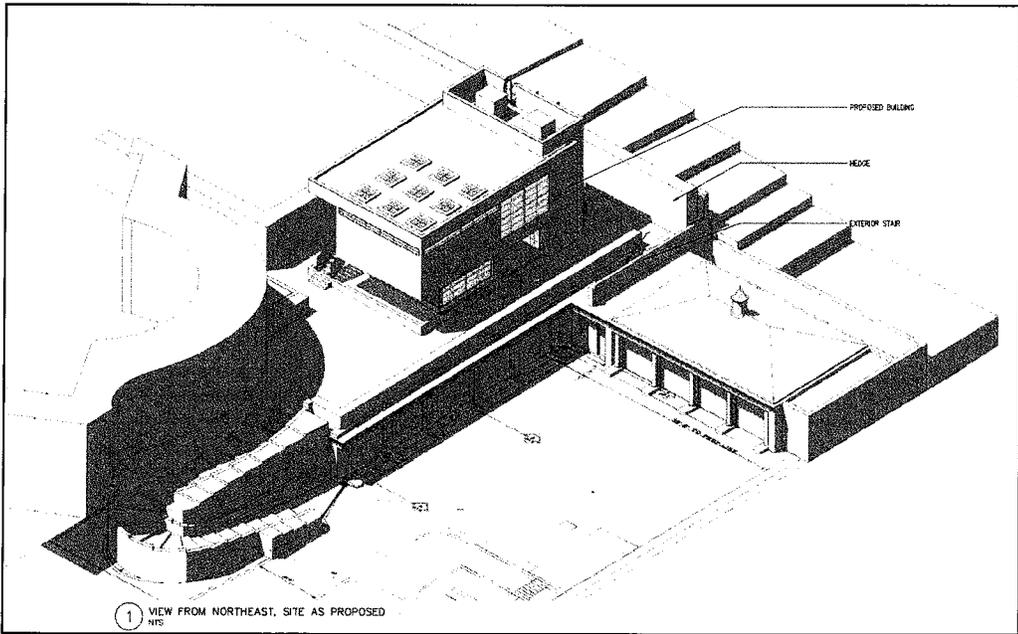
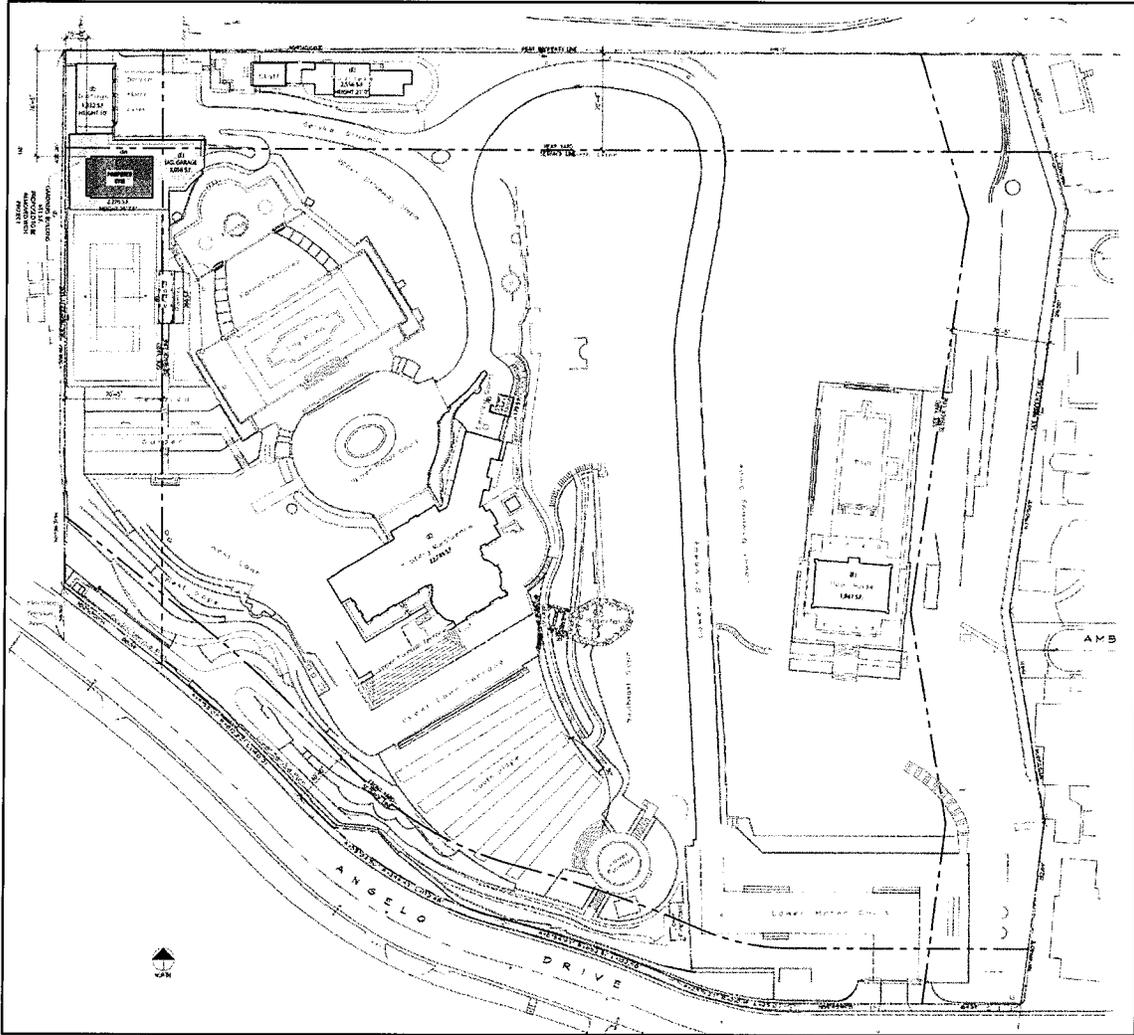
PROJECT DESCRIPTION

The proposed project consists of a new accessory structure located on top of an existing garage structure. The proposed accessory structure would include the following elements:

- Two-story, 2,276 square foot two-story structure above the existing garage²;
- The structure would have a maximum height of 30’;
- An exercise area;
- A bathroom with a steam shower;
- A locker room (with toilets and showers);
- A office; and
- A staff room.

Site plan and rendering of the proposed project are provided on the following page.

² The existing garage contains approximately 3,056 square feet of floor area.



ZONING CODE³ COMPLIANCE

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 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 intended to help guide development in the City. Some of the goals and policies applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **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.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	3/20/14	7 days
Newspaper Notice	10 Days	3/17/14	3/14/14	13 days
Mailed Notice (Residential Owners- 500’ Radius & Owners - 300’ Radius)	10 Days	3/17/14	3/14/14	13 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	3/20/14	7 Days

Public Comment

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

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

ANALYSIS⁵

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings are included with this report in Attachment A and may be used to guide the Planning Commission's deliberation of the subject project. Key issues related to the requested entitlements are discussed as follows:

Variance. The project site, which has a total site area of 9.68 acres, is one of the largest privately owned single-family residential property in the City of Beverly Hills. Existing development on the site includes a three-story single-family residence, a one-story detached guest house, a pergola, two one-story garage structures, and a two-story accessory structure that is utilized by employees. The applicant is requesting to construct a two-story accessory structure on top of an existing semi-subterranean garage that is located within the northwestern portion of the project site. The new structure would contain a total of 2,276 square feet, would have a maximum height of 30', and would be located entirely within the required side yard setback. Pursuant to the Beverly Hills Municipal Code⁶, only one accessory structure that exceeds 14' in height may be permitted within a required side or rear setback. Since the property already contains a two-story accessory structure located within the required rear setback, the applicant is requesting a Variance to allow the proposed new structure to be located within the side setback.

Pursuant to the Beverly Hills Municipal Code §10-3-3700, a Variance may be granted if the Planning Commission determines that:

- *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provision of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The applicant prepared analysis of the requested Variance (see Attachment B) indicates that a Variance is appropriate for the reasons outlined below. Staff has provided some analysis on each suggestion.

1. *An accessory structure cannot be added to the main residence due to the historic nature of the property.*

The City of Beverly Hills follows the Secretary of the Interior's Standards for the Treatment of Historic Properties. These standards provided guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic buildings. While these guidelines would dictate the most appropriate manner in which to construct an addition to a historic building, the guidelines would not prohibit additions. Consequently, the historic nature of the main residence would not disallow the construction of an addition to the structure.

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.

⁶ Pursuant to BHMC §10-3-2550(H), in the Hillside Area, no more than one accessory that exceeds 14' in height may be permitted within a required side or rear setback.

The applicant provided analysis also discusses the existing two-story accessory structure on the project site which is located within the rear setback. This structure was part of the original development on the project site along with the three-story single-family residence. Consequently, this structure is considered to be potentially historic as well and would ideally be maintained. However, similarly to the primary residence, the historic nature of the existing accessory structure would not prohibit any additions to the accessory structure, so long as the additions complied with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Furthermore, the applicant states that the accessory structure has been proposed within the required side setback so that existing trees and other natural vegetation on the project site (including some expansive lawns) may be maintained. The applicant implies that the existing trees and other vegetation are part of the historic fabric of the project site and therefore should be maintained. While landscapes can be determined to be historic, City records indicate that the landscaping on the site has been greatly altered overtime. These alterations have included removing trees, building new retaining walls to create landscaped terraces throughout the property, removing original retaining walls and terraces, and grading to allow for the construction of the accessory structure and pool located in the southeastern portion of the property. Although some of the original trees and landscape features remain onsite and are being preserved, in many areas of the property the landscaping has been altered. Consequently, it is not anticipated that the potential historic nature of the landscape onsite would prevent the development of an accessory structure in an alternative location than is proposed by the applicant.

2. *Development on the project site utilizes substantially less site area than is allowed based on maximum floor area permitted.*

The applicant states that the maximum floor area permitted on the project site is 67,849 and the property would contain a maximum of 34,908 square feet if the proposed accessory structure is approved. The applicant also positions that by constructing almost 50% less floor area on the project site than is allowed pursuant to Code, the property owner is avoiding excessive new construction on the site while maintaining the historic landscape. According to the applicant, if the Variance were not approved, the property owner may be forced to construct the structure on a portion of the lot dedicated to the historic landscape. Although the property owner may be required to construct the structure in a different location, staff believes that there are alternative locations on the project site that would not result in detrimental impacts to the potential historic integrity of the structures and landscaping that exist on the property.

3. *The Planning Commission has approved a number of Variances for the project site in the past.*

The applicant argues that since variances have been granted for the project site in the past as a result of the property size and topography (terrain), that a Variance is appropriate for the proposed project as well. In reviewing the previous Variances granted for the project site the majority of the Variances were granted to allow walls to exceed the maximum height permitted by Code. When approved, it was determined that many of the walls (in excess of 7') were required to maintain existing

improvements already on the project site prior to the adoption of the wall height regulations outline in the Municipal Code. One Variance granted for the project site (Resolution No. 935 granted on June 28, 1995) allowed for an accessory structure to be located within 90' of the front property line stating the topography on the site limited construction locations. At that time, the Municipal Code required that an accessory structure be set back a minimum of 100' from the front property line or be located entirely within 50' of the rear property. Since that time, a Code amendment was approved that would allow for a similar request to be granted through a Hillside R-1 Permit today (on estate lots equal to or greater than 24,000 square feet in area). Notwithstanding the granting of previous Variances, the Planning Commission in its review will consider the Variance finding as it specifically relates to the proposed project. Staff does not support the conclusion that the issuance of a prior Variance(s) automatically warrants approval of the subject Variance.

4. *Due to the size of the property, the side setbacks far exceed those required for other properties in same zone.*

The applicant proposes side setback for the new structure to be 15', which, according to the applicant, is consistent with the side setback requirements other properties in the area⁷. The applicant claims that the Code required 70'-5" side setback for the project site deprives the property owner of the same side setback privileges enjoyed by other properties. While it is true that the side setbacks are larger for the project site, it should also be considered that the project site is vastly larger than the majority of other properties in the area which range in size from approximately 7,500 square feet to 6 acres, and have an average lot size of approximately 20,563 square feet (.54 acres)⁸. Due to the size of the project site, the side setbacks, which are calculated based on the average lot width of a site⁹, are directly proportionate to the lot size. This is consistent with how the side setbacks are established for all properties in the Hillside Area. While the side setback is larger, this development standard does not deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning.

Although the project site is unique in size and topography when compared to other properties in the same zone classification and is potentially eligible for landmark designation, staff's analysis concludes that the proposed accessory structure could be located in alternative locations on the project site. Consequently, staff is unable to support the finding required to approve the requested Variance.

Floor Area. The project site is 9.68 acres in area and allows for a maximum floor area on the site of 67,849 square feet. Existing development on the site contains a total of 32,632 square feet.

⁷ Staff researched this data and is able to confirm that 15' is an accurate estimate of the average side setbacks for properties in the surrounding neighborhood. This information was determined using an approximate average of the lot widths obtained from the Los Angeles County Assessor's data.

⁸ The lot size range and average lot area data was collect by staff using the Los Angeles County Assessor data. A total of 60 properties were surveyed, the majority of which were located within the City of Beverly Hills and are in the same R-1.X One-Family Residential Zone as the project site.

⁹ Pursuant to Beverly Hills Municipal Code §10-3-2506, side setbacks in the Hillside Area shall be 10' or 12% of the average lot width for each setback, whichever is greater.

The proposed accessory structure would increase the total floor area on the site to 34,809 square feet, which is well under the total maximum allowed for the project site. The proposed structure is intended to be utilized as a private gym and office.

As proposed, the new accessory structure would be set back approximately 15' from the western (side) property line, 76'-6" from the northern (rear) property line, approximately 635' from the eastern (side) property line, and approximately 290' from the southern (front) property line along Angelo Drive. Due to the large setbacks from the northern, eastern, and southern property lines, the proposed accessory structure is not anticipated to impact the privacy or access to light and air of the neighboring properties to the north, east, or south. While the proposed structure would be set back just 15' with an elevated metal platform extending to the western property line, the closest structure on the neighboring property to the west would be an accessory structure that is located approximately 390' from the proposed accessory structure location. Furthermore, the project site is surrounded by lush, mature landscaping which will be maintained on site. Due to the size of the project site, location of the proposed accessory structure on the project site, and the existing lush landscaping that will be maintained on site the proposed accessory structure is not anticipated to result in substantial adverse impacts on the scale and character of the area, the privacy of neighboring properties, the neighbor's access to light and air, or the garden quality of the city. While, as proposed, it is not anticipated that the increased floor area would result in substantial adverse impacts, without the approval of a Variance the new floor area will not be constructed in the proposed location.

Zoning Amendment for Landmarked Properties. The project site has been determined to be eligible for Landmark Designation. The Cultural Heritage Commission is currently working with staff to explore amendments to the City's Historic Preservation Ordinance that would create development incentives for locally landmarked properties. Additionally, a property owner, not associated with the project, is currently working on an application for a zone text amendment to grant modifications to development standards for locally landmarked buildings. If filed and approved, this may present another alternative to the Variance application.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare a resolution memorializing the Commission’s findings.

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:



Jonathan Lait, City Planner/Assistant Director of
Community Development

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ATTACHMENT A

Required Findings

HILLSIDE R-1 PERMIT

1. *The project 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.*

VARIANCE

1. *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provision of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

ATTACHMENT B
Applicant Prepared Analysis of the
Requested Entitlements

Begins on the following page.

APPLICATION FOR VARIANCE and REQUEST FOR HILLSIDE R-1 PERMIT

BETWEEN: **The Planning Commission of the City of Beverly Hills** (the Commission). Whose address is: 4555 North Rexford Drive, Beverly Hills, CA 90210. (310) 285-1123.

AND: **Mr. Jason Somers**, a representative of the owners who resides at 1801 Angelo Dr. Beverly Hills, CA 90210. (310) 344-8474.

1. STATEMENT OF OWNERSHIP AND INTEREST

- a. The Applicant is the owner of the property located at 1801 Angelo Dr. Beverly Hills, CA 90210 (the subject property).
- b. The Applicant is the owner of the subject property as evidenced by a copy of a grant deed (Exhibit "A").
- c. Legal Description of the subject property:
 - APN Number – 4348020011
 - Tract – 10943

2. REQUESTS

- I. The Applicant requests that the Commission grant a variance to allow for a second detached accessory structure of greater than 14 feet in height to be located within a required setback. The Code allows for one accessory structure greater than 14 feet in height on an estate lot to be located within a required rear or front-yard setback. The Applicant desires to construct a two-story gym facility of 2,276 square feet in area and 25 feet, 8 inches in height on a 9.42-acre estate lot. The proposed structure would result in a required side-yard setback of 15 feet. The required side yard setback is 70 feet and 5 inches and as proposed the new accessory structure would be setback 15 feet. The Applicant's request should be approved because the proposed project meets the spirit and intent of the Beverly Hills Municipal Code and strict application of the provisions of the Code would deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classification.

- II. The Applicant requests that the Commission grant a Hillside R-1 Permit to allow the addition of 2,276 square feet of floor area to a site, which exceeds 15,000 square feet of cumulative floor area on a site. The Applicant desires to construct a new 2,276 square feet detached two-story accessory structure to be used as a gym facility. Resulting cumulative floor area is 34,908 square feet, which is less than the maximum allowable floor area for the site, which is 67,849 square feet.

3. WHY A VARIANCE IS APPROPRIATE (Request I)

AN ACCESSORY STRUCTURE CANNOT BE ADDED TO THE MAIN BUILDING DUE TO THE HISTORICAL NATURE OF THE PROPERTY.

The subject property is on a 9.42-acre lot zoned for single-family residential use. The property is deemed an "estate lot" as the lot is greater than 24,000 square feet in area. Per Section 10-3-409(A)(5)(B) a restriction on the number of accessory structures does not apply to estate lots. Thus, the subject property is allowed to have more than one detached accessory structure on site. However, the code mandates that only one detached accessory structure greater than 14 feet in height can exist within a required rear or side-yard setback. The proposed structure is 25 feet 8 inches in height, and would be within the 70'5" required side-yard setback. The property currently has one detached accessory structure greater than 14 feet in height located within a rear setback, thus creating the need for a variance for the proposed structure. The current structure greater than 14 feet in height is used as living quarters for full-time staff. The only portion of this structure that is in excess of 14 feet in height is for aesthetic purposed only. This structure cannot easily be removed due to its historical nature.

The lot currently contains one single-family dwelling, a pool with pool-house and living quarters for full-time staff. These structures only encompass a small portion of the 9.42-acre lot. The remainder of the lot is detailed landscape, which includes a number of protected trees. Only the main house and the pool house are located in the main building area. The location of the proposed structure is in an area of the lot where the Applicant has intended to place such structures in an effort to protect existing trees, other natural vegetation and the historical nature of the site. This is evidenced in the Project Site Map (Exhibit "B"), which shows the proposed structure in the rear of the lot in an area away from protect trees and other landscaped areas. The location of the proposed structure is consistent with the historic planning strategy for this extremely large lot.

The subject property is one of the oldest and largest lots in Beverly Hills. Its history dates back to 1937. Jack Warner of Warner Brothers once owned the property. The Applicant has attempted to maintain the historical nature of the property by avoiding construction on the main building area of the lot, although permitted to do so. Allowing the proposed structure to be located outside of the main building area is consistent with this design strategy and will protect trees and other natural

vegetation and allow the Applicant to continue maintaining the historical nature of the property.

THE PARCEL USES SUBSNATIALLY LESS BUILDING AREA THAN THE ALLOWABLE MAXIMUM BASED ON FLOOR AREA RATIO.

The maximum building area based on Floor Area Ratio (FAR) is 67,849 square feet. The parcel currently uses only 32,632 square feet. The proposed structure will only increase the amount of floor area to 34,908. This amount is almost 50 percent less than the allowable maximum. The Applicant has avoided excessive construction at the site in an effort to maintain its historical nature and preserve its natural vegetation. The Applicant desires to maintain an uncluttered property and keep construction to a minimum. If a variance is not approved the Applicant may be forced to construct the structure on a portion of the lot dedicated to landscape and natural design.

THE PLANNING COMMISSION HAS APPROVED A NUMBER OF VARIANCES TO THE SUBJECT PARCEL IN THE PAST.

There are special circumstances applicable to the subject property that warrants the granting of a variance. The subject property is substantially larger than all of the surrounding properties and occupies a unique terrain. The Planning Commission has approved multiple variances for the subject property due to its size, location and historical nature. The Planning Commission has approved variances for: wall height and location, tree removal, location of accessory structures, location of the tennis court, and has provided discretionary approval of various garden and retaining walls. For example, a variance was granted permitting hedges up to 20 feet in height.

The proposed location of the structure will not encroach on the side-yard setback in a manner that is not consistent with surrounding properties. The proposed side-yard setback is 15 feet from the property line and provides ample space for fire access and neighbor privacy. The existing side-yard setback is 70'5" and is based on the unique size of the property. This setback significantly exceeds other setbacks in the vicinity and goes beyond the intent of the Code.

The proposed location of the accessory structure will not affect neighbor's access to light or air. The project will not result in the removal of any protected trees. The subject property will satisfy all required parking ratios. The property that abuts the affected setback is undeveloped.

To conclude, a variance is appropriate because of the historical nature of the subject property, its unique size, and because strict application of the Code would deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classification.

4. R-1 PERMIT (Request II)

CUMULATIVE FLOOR-AREA IN EXCESS OF 15,000 SQUARE FEET.

The Applicant requests permission to increase the cumulative floor area, which is already in excess of 15,000 square feet. Pursuant to BHMC Section 10-3-2502(B), a Hillside R-1 Permit may be issued to allow the cumulative floor area on site to exceed 15,000 square feet. The allowable floor area of the proposed project under this section is 67,849 square feet. The existing total built floor area is 32,632 square feet. The addition of a 2,276 square foot detached accessory structure maintains the cumulative floor area over the 15,000 square foot threshold at 35,632 square feet, thus necessitating the application for an R-1 permit. The subject property maintains a 650 square foot "Gardner's building" which was approved by an R-1 Permit in 1995. This structure will be replaced by the proposed structure resulting in a net-increase of 1,626 square feet. In comparison to the allowable 35,217 square feet of floor area, the proposed structure is a minor addition.

A) The project will not have a substantial adverse impact on the scale or character of the area.

The proposed project is located within a neighborhood that primarily contains two-story single-family residences and accessory structures. The proposed project is in keeping with the scale of other residences and accessory structures in the area. The proposed addition and existing structures are set back significantly from neighboring properties and from Angelo Drive. The addition of the accessory structure will not result in any significant change to the general character of the neighborhood topography. Because the proposed project envisions development that is consistent with other properties in the area, it is not anticipated that the project would have an adverse impact on the scale and character of the area.

B) The project will not have a substantial adverse impact on the privacy of neighboring properties.

The proposed two-story accessory structure is significantly set back from Angelo Drive and all property lines. Specifically, the proposed structure is setback 76'6" from the rear property line and 15' from the side-yard property line. The portion of the project that is located near the side-yard abuts a vacant parcel that is completely

undeveloped. All property lines surrounding the subject property have been developed with lush landscaping.

The proposed location of the accessory structure will not affect neighbor's access to light or air. The subject property will satisfy all required parking ratios. As the project contains substantial setbacks from all neighboring properties and lush landscaping along all property lines, it is not anticipated that the project would have an adverse impact on the privacy of neighbors.

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

The existing buildings on the site are not readily visible from the surrounding streets and properties. Furthermore, the properties along Angelo Drive are landscaped with mature vegetation, which contributes to the garden quality of the neighborhood. The character of the subject property is consistent with the surrounding garden quality and the proposed project will have no impact on how the property is viewed from the street or any neighboring property. The subject property maintains and formal landscaping and there is no intent to remove any plant materials or gardens visible to the public. Consequently, it is not anticipated that the proposed project will adversely impact the garden quality of the city.

The proposed project is requesting an R-1 Permit for floor area in excess of 15,000 square feet. The request should be approved because the project is well within the allowable floor area for the site and will not have an adverse impact on neighbor privacy, the character of the neighborhood, or the garden quality of the city.

Please contact Jason Somers (310) 344-8474, Jason@CrestRealEstate.com of Crest Real Estate, LLC with questions or concerns related to this application.

Report Prepared by:

Jason H. Somers | President
Crest Real Estate, LLC
(310) 344-8474
10960 Wilshire Blvd., Suite 1510
Los Angeles, CA 90024
www.CrestRealEstate.com
Jason@CrestRealEstate.com

"Trusted through our Knowledge, Hard Work & Dedication"

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: March 27, 2014

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, March 27, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider a request to construct a 2,276 square foot, two-story accessory structure on the property located at 1801 Angelo Drive. The project requires the following entitlements:

Hillside R-1 Permit to allow the cumulative floor area on the site to exceed 15,000 square feet. In the Hillside Area, the cumulative floor area for all structures on a site, including the area of all basements on that site, may not exceed 15,000 square feet without the approval of a Hillside R-1 Permit. The existing structures on the site contain a total cumulative floor area of 32,632 square feet. The proposed accessory structure would contain a total of 2,276 square feet. If approved, the total cumulative floor area on the site would be approximately 34,908 square feet, exceeding the 15,000 square foot threshold triggering review by the Planning Commission, but less than the otherwise allowable maximum floor area permitted for the project site, which is 67,849 square feet.

Variance to allow more than one accessory structure that exceeds 14' in height to be constructed within a required side or rear setback. The project site currently contains an existing two-story accessory structure (21' in height) that is located with the required rear setback. In the Hillside Area, only one accessory that exceeds 14' in height may be permitted in a required side or rear setback. Since there is an existing two-story accessory structure located within the required rear setback, a Variance has been requested to allow a second two-story accessory structure within the required side setback. The proposed two-story structure would be located in the northwestern portion of the project site along the western property line. The required west side setback for the project site is 70'-5". The proposed structure would be located entirely within the required side setback and would be set back approximately 15' from the west side property line. The structure is proposed to have a maximum height of 30'.

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 within a residential zone. Therefore the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

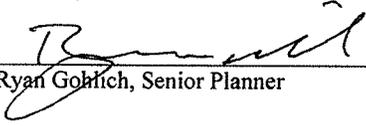
Any interested person may attend the meeting and be heard or present written comments to the Commission.

ATTACHMENT C
Public Notice

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. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Ryan Gohlich, Senior Planner

Mailed: March 14, 2014

ATTACHMENT D
Architectural Plans

Begins on the following page.