



Planning Commission Report

Meeting Date: July 24, 2014

Subject: **622 North Hillcrest Road**
Central R-1 Permit

Request for a Central R-1 Permit to allow construction of a new two-story accessory structure plus basement in the side and rear setbacks on a property located in the Central Area of the City.

PROJECT APPLICANT: Paul Williger

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
 2. Adopt the attached resolution conditionally approving a Central R-1 permit to allow construction of the proposed accessory structure.
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REPORT SUMMARY

The proposed project involves the construction of a 22' tall, two-story accessory structure plus basement. The proposed structure 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 within the required setbacks.

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. Required Findings
- B. Draft Resolution
- C. Public Notice
- D. Architectural Plans

Report Author and Contact Information:

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(310) 285-1127
asahakian@beverlyhills.org

BACKGROUND

File Date	6/19/2014
Application Complete	7/14/2014
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 3 categorical exemption for new construction or conversion of small structures.
Permit Streamlining	9/22/2014
Applicant(s)	Paul Williger
Owner(s)	Jeff Shell, Laura Shell
Representative(s)	Paul Williger
Prior PC Action	None
Prior Council Action	None
CC/PC Liaison	None
CHC Review	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	622 North Hillcrest Road, Beverly Hills, CA 90210
Assessor's Parcel No.	4341-008-011
Zoning District	R-1.X
General Plan	Single Family Residential
Existing Land Use(s)	Single Family Home
Lot Dimensions & Area	Approximately 200' x 90' – approximately 18,000 square feet
Year Built	1926
Historic Resource	No
Protected Trees/Grove	No

Adjacent Zoning and Land Uses

North	R-1.X Single Family Residential
East	R-1.X Single Family Residential
South	R-1.X Single Family Residential
West	R-1.X Single Family Residential

Circulation and Parking

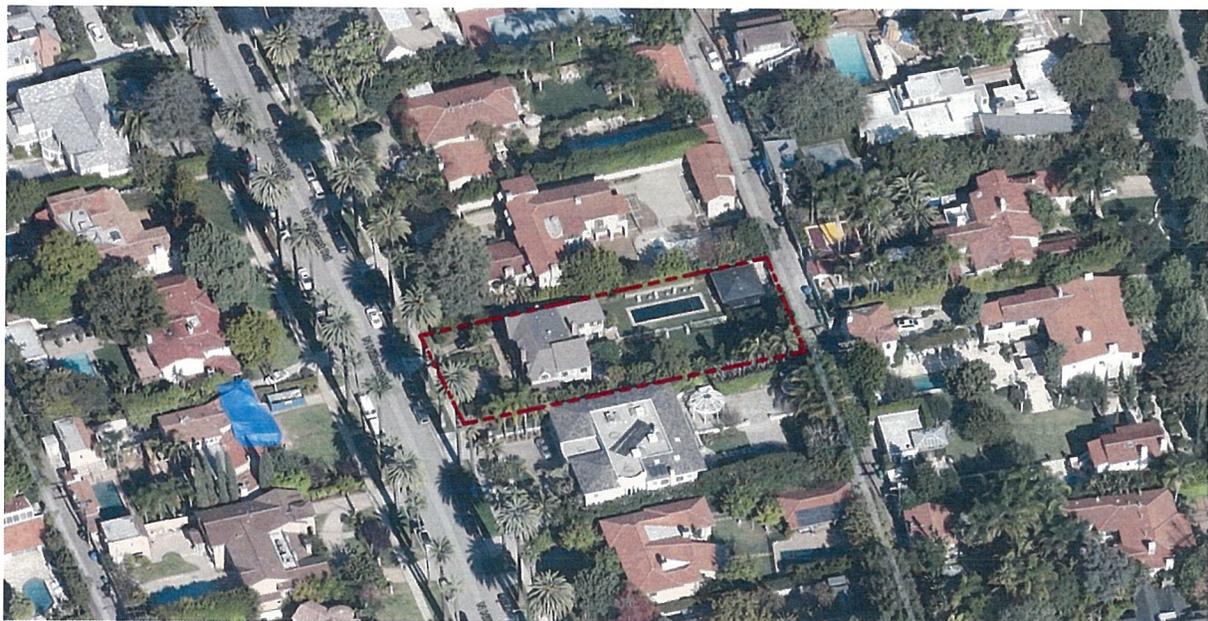
Adjacent Street(s)	North Hillcrest Road
Adjacent Alleys	20' wide alley along rear of the property
Parkways & Sidewalks	North Hillcrest Road – 17.5' parkway on the east side of the street right-of-way

ZONING ANALYSIS

REGULATIONS	ALLOWED / REQUIRED	PROPOSED STRUCTURE	NOTES
Accessory Structure			
Height	14'	22'	Central R-1 Permit Required
Floor Area	8,758 SF	Accessory Structure: 1,162 SF Accessory Basement: 1,033 SF* Main Residence: 4,405 SF Garage Credit: -400 SF Total: 5,167 SF	*Accessory basement not counted as floor area since basement is completely below grade.
Front Setback	40'	92'	
Side Setback (North)	7'	6' minimum	A 4' setback is required for structures under 14' in height
Side Setback (South)	7'	53'6"	A 4' setback is required for structures under 14' in height
Rear Setback	51'	4'	Zero setback is required for structures under 14' in height
Parking	4 spaces	2 spaces within structure, plus multiple uncovered spaces on driveway along north property line	

Neighborhood Character

The project site is located along the 600 block of North Hillcrest Road in the Central Area of the City, north of Santa Monica Boulevard and south of Sunset Boulevard. The surrounding area is characterized by two-story single-family residences of similar lot dimensions situated along either side of North Hillcrest Road. Adjoining properties have floor area ratios, mass and scale that are compatible with the single family residence that currently exists on the project site. Some properties in the vicinity of the subject site contain two-story accessory structures along the rear alleys with rear setbacks ranging from 0' to approximately 4'.



Project Site Looking North (prior to demolition of existing accessory structure)

PROJECT DESCRIPTION

The proposed project consists of a new two-story accessory structure that will have a maximum height of 22' to the top ridge of its sloped roof. The proposed structure would be located toward the northeast corner of the subject property, and contains approximately 1,162 square feet of floor area above grade and a 1,033 square foot basement. The uses of the accessory structure are comprised of a theater, wine cellar, and storage in the basement, a two-car garage and bathroom on the ground floor, and a guest house with bathroom on the second story. The structure is proposed to be set back a minimum of 6' from the north side property line, 4' from the rear property line along the alley, and 53'6" from the south side property line.

Requested Entitlements. As proposed, the project requires the following entitlement in order to be constructed:

- **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

GENERAL PLAN¹ POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some policies relevant to the Planning Commission's review of the project include:

- **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 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.
- **Policy LU 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.
- **Policy LU 6.3 Housing Scale and Mass.** Regulate renovations of and additions to single-family housing to ensure that they do not adversely alter the contextual scale, mass, and design qualities of existing structures.

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.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	7/17/2014	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 300' Radius)	10 Days	7/14/2014	7/14/2014	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/17/2014	7 Days

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

Public Comment

As of the writing of this report, staff had not received any public comments regarding the project.

ANALYSIS²

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report, and may be used to guide the Planning Commission's deliberation of the subject project.

In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Height. The proposed structure would be two-stories and have a maximum height of 22', which is 8' (or 57%) above the otherwise allowable height for accessory structures. Although the structure exceeds the by-right height provisions, the additional height consists of a sloped roof. The point of exceedance of the 14' required height limit is set back from the rear alley by approximately 11'. As a result of the structure's architecture, the height is well modulated, appropriately incorporated into the design, and consistent with the architecture of the main residence. Based on the structure's design and location on the property, it will be adjacent to the neighboring property's pool. However, the owner of the subject property currently maintains mature trees along the north side property line, which would block any potential views into the adjacent property. The alley between North Hillcrest Road and North Arden Drive also contains a number of one- and two-story accessory structures at the rear property line, most with little to no setback. The proposed structure, although two stories, would have a height consistent with some of the surrounding structures. Consequently, staff supports the request for additional height with conditions that regulate the type of glass and opening on the window located on the second story of the north elevation of the accessory structure in order to prevent views into the adjacent property.

It should also be noted that owners of the adjacent property at 624 North Hillcrest Road have submitted an application for a Minor Accommodation for a proposed second story addition to an existing accessory structure which would result in a 22' tall accessory structure at the rear alley.

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 6' from the closest adjacent property line to the north. Although the proposed structure is within the required 7' side setback for structures over 14' in height, the structure's 6' side setback is more than the 4' setback that is typically required for accessory structures that are less than 14' in height. The 6' 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. The proposed accessory

² The information provided in this section is based on analysis 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 make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

structure will be located a minimum of 30' from the nearest residential accessory structure, which is located across the alley to the east of the Project at 621 N. Arden Drive. Furthermore, the residential property to the north contains a swimming pool along the side property line, with an accessory structure located approximately 50' from the proposed project, making it unlikely that privacy, light, or air impacts on any habitable structures on the neighboring property would occur. Additionally, the owner of the subject property currently maintains mature trees along the north side property line, which would block any potential views into the adjacent property. The proposed project does not include any change in existing landscaping in the area immediately between the structure and the property to the north, and staff believes that the existing landscaping is sufficient, and that impacts to the neighboring property to the north will not result from the proposed project. Additionally, the project is well modulated with sloped rooflines that will prevent the project from appearing massive from the adjacent property. While there is one window above the ground floor facing the adjacent property to the north, conditions are recommended that would require translucent glass and that the window either be inoperable or awning style with a maximum 25 degree opening.

With respect to the rear property line, the proposed structure provides a 4' setback, which is in addition to the 20' alley that separates the subject property from the easterly property across the alley. While landscaping along the entire rear elevation is not feasible due to the driveway apron, conditions are recommended to maintain any existing landscaping or add landscaping in areas that would not affect the driveway along the rear alley. Based on this analysis and the recommended conditions, 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 a resolution conditionally approving the proposed project.

Alternatively, the Planning Commission may consider the following actions:

1. Deny the project, or portions of the project, based on specific findings.
2. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines.

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A
Required Findings

REQUIRED FINDINGS

Central R-1 Permit Findings: The reviewing authority shall not issue a Central R-1 permit unless the reviewing authority finds that the proposed development will not have a substantial adverse impact on:

1. *The scale and massing of the streetscape*
2. *Neighbors' access to light and air*
3. *Neighbors' privacy, and*
4. *The garden quality of the city*

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 TWO-STORY, 22' TALL ACCESSORY STRUCTURE WITHIN THE OTHERWISE REQUIRED SIDE AND REAR SETBACKS ON A PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 622 NORTH HILLCREST ROAD.

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

Section 1. Jeff and Laura Shell, applicants and property owners (the "Applicant"), have submitted an application for a Central R-1 Permit to allow the construction of a two-story, 22' tall accessory structure within the otherwise required side and rear setbacks for a property located at 622 North Hillcrest Road 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 two-story accessory structure plus basement that will have a maximum height of 22' to the top ridge of its sloped roof. The proposed structure would be located toward the northeast corner of the subject property, and contain approximately 1,162 square feet of floor area, which is comprised of a screening room, wine cellar, two-car garage, storage space, and a guest house with bathroom. The structure is proposed to be set back a minimum of 6' from the north property line, 4' from the rear property line along the alley, and 53'6" 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 July 14, 2014 to all property owners and residential occupants within a 300-foot radius of the property. On July 24, 2014 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 it could make the following findings in support of the Project:

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 92' 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 22' 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 accessory structure, which is located across the alley to the east of the Project. Furthermore, the Project is located a minimum of 6' from the residential property to the north, which contains a swimming pool in the vicinity of the Project, with an accessory structure located approximately 50' from the proposed 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 two-story accessory structure with basement that contains windows that potentially offer views into adjacent properties. However, the

potential views would be blocked by mature trees and landscaping that is owned and maintained by the owners of the subject property. Consequently, the Project will not have a substantial adverse impact on the neighbors' privacy.

4. The Project site includes extensive landscaping consisting of trees, shrubs, flowers, groundcover, and grass, all of which 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 such a way that utilizes high-quality details and ample modulation. Additionally, the Project includes appropriate separation from neighboring properties and is set back approximately 92' from the front property line. 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. Any window located over 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°).

2. Existing landscaping along the north side property line shall remain and be maintained by the owner of the subject property for the life of the Project.

3. Existing landscaping at the rear property line along the alley shall be maintained, and new landscaping shall be included in areas along the east elevation of the accessory structure that would not affect the driveway at the alley. The landscaping shall be subject to review and approval by the Community Development Director or his or her designee, and shall be maintained for the life of the Project.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on July 24, 2013.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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: July 24, 2014

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 *A.S.*
City Planner

ATTACHMENT C

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: July 24, 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, July 24, 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 for a Central R-1 Permit to allow a new 1,162 square foot, two-story accessory structure plus basement in the side and rear setbacks on a property located in the Central Area of the City at **622 Hillcrest Road**. The proposed structure would be located at the northeast corner of the subject property and have a maximum height of 22 feet. The proposed addition provides a minimum 6' setback from the north side property line and a 4' setback from the alley.

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 (New Construction or Conversion of Small Structures) in accordance with the requirements of Section 15303 of the Guidelines for the "construction of an accessory structure appurtenant to the primary dwelling unit in a residential zone," 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 **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at asahakian@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:

A handwritten signature in black ink, appearing to be 'AS', written over a horizontal line.

Andre Sahakian, Associate Planner

Mailed: July 14, 2014

ATTACHMENT D
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)