



# Planning Commission Report

**Meeting Date:** February 26, 2015

**Subject:** **507 North Hillcrest Road**  
**Central R-1 Permit**

A request for a Central R-1 Permit to allow a one-story accessory structure on the property located at 507 Hillcrest Road to encroach into the required height envelope for accessory structures located in a side yard. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.

PROJECT APPLICANT: Schuyler Hewes, Property Owner

**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 one-story accessory structure with basement, having a maximum height of 14'. The proposed accessory structure is currently under construction and is within the 14' height limitation for accessory structures; however, the requested Central R-1 Permit would allow the roof of the accessory structure to encroach approximately 3' into the height envelope required for accessory structures. The Central R-1 Permit requires discretionary review by the Planning Commission to allow the encroachment into the otherwise required height envelope.

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 project's limited height, 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:**

Alek Miller  
(310) 285-1196  
[amiller@beverlyhills.org](mailto:amiller@beverlyhills.org)

**BACKGROUND**

File Date 2/11/2015  
Application Complete 2/17/2015  
Subdivision Deadline N/A  
CEQA Deadline 60 days from CEQA Determination  
CEQA Determination Class 3 categorical exemption for new construction of accessory structures.  
Permit Streamlining 4/20/2015

Applicant(s) Schuyler Hewes  
Owner(s) Schuyler Hewes  
Representative(s) Schuyler Hewes / Michael Trifunovich

Prior PC Action Planning Commission Resolution No. 1518, approved June 26, 2008. This resolution approved a two-story accessory structure within the required side and rear setbacks. The approval has since expired and the structure approved by the resolution was not constructed.

Prior Council Action None  
CC/PC Liaison None  
CHC Review None

**PROPERTY AND NEIGHBORHOOD SETTING**

Property Information

Address 507 North Hillcrest Road, Beverly Hills, CA 90210  
Assessor's Parcel No. 4341-010-027  
Zoning District R-1.X  
General Plan Single Family Residential  
Existing Land Use(s) Single Family Home  
Lot Dimensions & Area Approximately 165' x 69' – approximately 12,117 square feet  
Year Built 1928  
Historic Resource Primary structure designed by Master Architect, James Dickason  
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, 20' wide alley along south side of the property  
Parkways & Sidewalks North Hillcrest Road – 15' parkway on the east side of the property

**ZONING ANALYSIS**

REGULATIONS	ALLOWED / REQUIRED	PROPOSED STRUCTURE	NOTES
<b>Accessory Structure</b>			
Height	14'	14'	Central R-1 Permit Required for encroachment into otherwise applicable height envelope
Floor Area	12,117 * 0.4 = 4,847 + 1,500  6,347 SF ALLOWED	Accessory Structure Garage and Cabana: 690 SF Accessory Basement: 899 SF* Main Residence: 5,807 SF Garage Credit: -400 SF Total: 6,097 SF	*Accessory basement not counted as floor area since basement is completely below grade.
Front Setback	35'	92'	
Side Setback (North)	4'	4' minimum	A 4' setback is required for structures under 14' in height
Side Setback (South)	4'	43.5'	A 4' setback is required for structures under 14' in height
Rear Setback	0'	5'	Zero setback is required for structures under 14' in height
Parking	4 spaces, including 1 reserved for second unit	2 spaces within structure, plus two uncovered spaces on driveway along north property line	

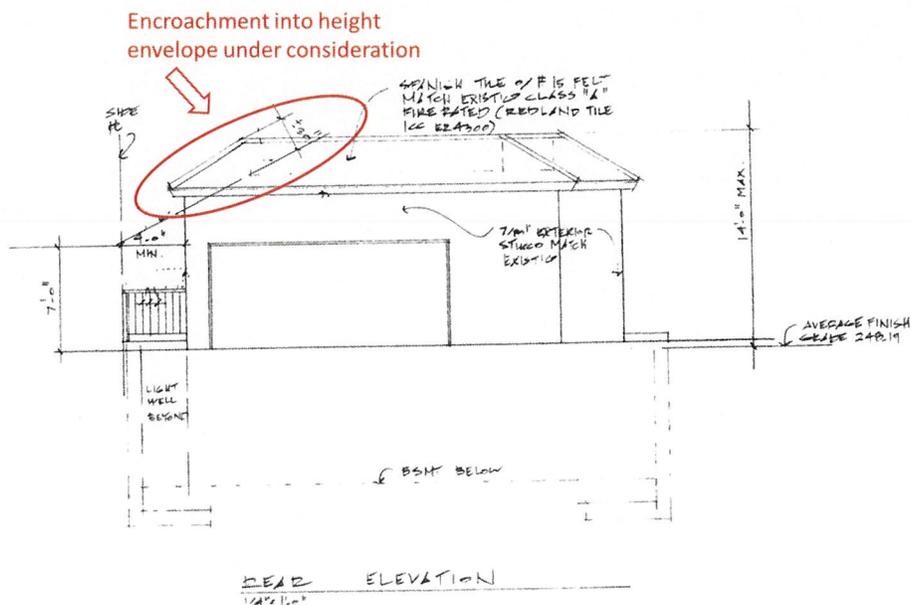
**Neighborhood Context**

The property is located on the west side of the 500 block of North Hillcrest Road in the Central Area of the City, north of Santa Monica Boulevard and south of Sunset Boulevard, adjacent to two alleys to the west and south. The property is developed with a two-story single-family residence and a new one-story accessory structure that is under construction, replacing a previous one-story accessory structure. The subject property is surrounded by residential development, characterized by one- and two-story residences similar in mass and scale to the existing single-family residence on the project site. Many properties in the vicinity of the subject site also include one-story and two-story accessory structures along the rear alleys with rear setbacks ranging from 0' to approximately 4'. The new accessory structure will include a cabana and construction of a new subterranean basement with full cooking facilities, thereby creating a second unit that was previously approved by permit #PL1431618.



**PROJECT DESCRIPTION**

The proposed project consists of a new one-story accessory structure that will have a maximum height of 14' to the top of its mansard-style roof. The proposed structure will be located at the northwest corner of the subject property, and would be made up of an approximately 500 square foot garage with a 188 square foot cabana at grade and an 898 square foot subterranean second unit. Accessory structures up to 14' in height are normally allowed by-right; under consideration is the portion of the roof that is proposed to encroach into the required height envelope by approximately 3' in the north side yard. The proposed encroachment is shown in the diagram below:



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

- **Central R-1 Permit:** Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2414(F), a Central R-1 Permit may be issued to allow the construction of an accessory structure that does not meet the by-right provisions regarding height in side setbacks in the Central area of the City.

### **GENERAL PLAN<sup>1</sup> 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.

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<sup>1</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	2/19/2015	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Occupants - 500' Radius)	10 Days	2/13/2015	2/13/2015	12 Days
Property Posting	10 Days	2/16/2015	2/13/2015	12 Days
Website	N/A	N/A	2/19/2015	7 Days

**Public Comment**

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

**ANALYSIS<sup>2</sup>**

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 have a maximum height of 14’, the maximum allowable height for accessory structures without additional discretionary review. Although the project complies with the 14’ height limitation, a portion of the roof will intersect the required height envelope, which is a plane commencing 7’ in height, measured at the side lot line, and extending at a slope of two horizontal to one vertical toward the interior of the site area. At maximum, the height of the proposed accessory structure encroaches into the height envelope by approximately 3’.

The accessory structure is designed to match the Spanish style of the primary residence and it is located 4’ from the north side property line. It will be adjacent to the neighboring property’s one-story accessory structure. There are also one- and two-story accessory structures on the properties lining the alley between North Hillcrest Road and North Palm Drive, most with little to no setback. The proposed structure would have a height consistent with the surrounding structures.

The owners of this property were previously approved for a Central R-1 Permit to develop a two-story accessory structure, to a maximum of 21’ in height, in the same location as the proposed structure. The approval was granted in 2008 and has since expired. The proposed one-story structure that encroaches into the required height envelope will have a less substantial effect on

<sup>2</sup> 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.

neighboring properties than the previously approved two-story structure. Consequently, the request for additional height appears appropriate given the property's surroundings and the limited scope of the project.

**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 4' from the closest adjacent property line to the north, and approximately 4.75' from the nearest neighboring accessory structure to the north (a garage).

The proposed accessory structure will be located a minimum of 30' from the nearest primary residential structure, which is on the adjacent property to the north at 509 Hillcrest Road. With respect to the rear property line, the proposed structure provides a 5' setback, which is in addition to the 20' alley that separates the subject property from the westerly 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 surrounding properties.

#### **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:

  
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Ryan Gohlich, Senior Planner

**ATTACHMENT A**  
**REQUIRED FINDINGS**

## ATTACHMENT A Required Findings

### REQUIRED FINDINGS

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Central R-1 Permit Findings: The Planning Commission may approve a Central R-1 Permit if the Commission finds that the project will not have a substantial adverse impact on the following:

1. *The scale and massing of the streetscape;*
2. *Neighbors' access to light and air;*
3. *Neighbors' privacy;*
4. *The garden quality of the city, and;*
5. *Adjacent properties or the public welfare.*

**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 14' TALL ACCESSORY STRUCTURE WITHIN THE OTHERWISE REQUIRED HEIGHT ENVELOPE IN A SIDE SETBACK ON A PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 507 NORTH HILLCREST ROAD.

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

Section 1. Schuyler Hewes, applicant and property owner (the "Applicant"), has submitted an application for a Central R-1 Permit to allow the construction of a one-story, 14' tall accessory structure within the otherwise required height envelope in the side setback for a property located at 507 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 one-story accessory structure plus basement that will have a maximum height of 14' to the top of its mansard-style roof. The proposed structure will be located at the northwest corner of the subject property, and would be made up of an approximately 500 square foot garage with a 188 square foot cabana at grade and an 898 square foot subterranean second unit that was previously approved by permit #PL1431618. The structure is proposed to be set back a minimum of 4' from the north property line, 5' from the rear property line along the alley, and 43'6" from the south property line. The

Central R-1 Permit is required to allow the roof of the structure to encroach into the otherwise required height envelope by approximately 3' in the north side setback.

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 the Planning Commission hereby finds that the Project is exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on February 13, 2015 to all property owners and residential occupants within a 500-foot radius of the property, extended out to the nearest block-face. On February 26, 2015 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; and

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

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Central R-1 Permit:

1. The Project is located approximately 130' from the front property line of the subject property, beyond the primary residence that fronts on North Hillcrest 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 14' in height, with the maximum height occurring at the top of its mansard-style roof. Additionally, the Project is located a minimum of 30' from the nearest primary residential structure, which is on the adjacent property to the north of the Project at 509 Hillcrest Road. Furthermore, the Project is located a minimum of 25' from the residential property to the west, which contains a swimming pool in the vicinity of the Project, with an accessory structure located approximately 35' from the proposed Project. Based on the Project's height, 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 one-story accessory structure with a basement that contains windows that will not offer views into adjacent properties. Consequently, the Project will not have a substantial adverse impact on the neighbors' privacy.

4. The Project site includes extensive, existing landscaping consisting of trees, shrubs, and grass, all of which help to enhance the property and contribute to the garden quality of the city. As conditioned, said landscaping will be maintained throughout construction and operation of the project. 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 envelope for accessory structures located within a required side setback, the Project has been thoughtfully designed in such a way that utilizes high quality details and complements the primary residential structure. Additionally, the Project includes appropriate separation from neighboring properties and is set back approximately 130' 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 adjacent properties or the public welfare.

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

1. Except in the location of the basement lightwell, existing landscaping along the north side property line shall be maintained throughout the life of the Project.

2. Existing landscaping at the rear property line along the alley shall be maintained, and new landscaping shall be included in areas along the west 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 Director of Community Development or his or her designee, and shall be maintained for the life of the Project.

3. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on February 26, 2015.

4. The project shall operate at all times in compliance with municipal requirements prohibiting the use of alleys for construction vehicle parking and operations.

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: February 26, 2015

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Howard S. Fisher  
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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Jay Trevino, AICP  
Interim City Planner

A.M.

**ATTACHMENT C**  
**PUBLIC NOTICE**



## NOTICE OF PUBLIC HEARING

**DATE:** February 26, 2015

**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, February 26, 2015, 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 one-story accessory structure on the property located at 507 Hillcrest Road to encroach into the required height envelope for accessory structures located in a side yard. The proposed accessory structure is currently under construction and is within the 14' height limitation for accessory structures; however, the requested Central R-1 Permit would allow the roof of the accessory structure to encroach approximately 2.5' into the height envelope required for accessory structures. The height envelope normally requires accessory structures to start at 9' in height adjacent to a side property line and gradually increase to 14' in height, whereas the proposed structure would start at 11.5' in height adjacent to the side property line. The request is being made pursuant to Beverly Hills Municipal Code §10-3-2450.

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 construction of an accessory structure, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

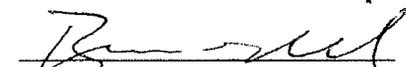
Any interested person may attend the meeting and be heard or present written comments to the Commission.

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 **Alek Miller, Assistant Planner** in the Planning Division at (310) 285-1196, or by email at [amiller@beverlyhills.org](mailto:amiller@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,

  
Ryan Gohlich, Senior Planner

Mailed: February 13, 2014

**ATTACHMENT D**  
**ARCHITECTURAL PLANS**