



Planning Commission Report

Meeting Date: January 14, 2016

Subject: **815 Whittier Drive
Central R-1 Permit (PL1510626)**

Request for a Central R-1 Permit to allow 665-square-feet of a two-story addition to exceed fourteen feet (14') in height within the required rear yard, and for a deck to be located more than three feet (3') above natural grade within the required rear yard, on a single-family residential property located in the Central Area of the City. 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: Kip Kelly, Nest Architecture Inc.

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 the construction of the proposed addition.

REPORT SUMMARY

The proposed project consists of a 2,892-square-foot addition to an existing two-story single-family residence in the Central Area of the City. The property is a corner lot and the residence is in the shape of an "L" facing the front and street sides of the property (Whittier Dr. and Greenway Dr. respectively). The proposed project would primarily alter the wing of the residence along Greenway Dr.

The existing attached garage encroaches into the required rear yard; the required rear setback is 49'-8" and the garage has a legally nonconforming rear setback of 18'. The project would add a second story above the garage, approximately 665 square feet of which would fall within the required rear yard. The project would also add a deck at the second story level, approximately 170 square feet of which would fall within the required rear yard. Both the second story addition and the new deck would maintain the 18' existing rear setback. A Central R-1 Permit is required for this extension of the legally nonconforming rear setback due to the height of the addition and deck.

This report analyzes the proposed project, with specific analysis of the project's height and potential impacts to neighbors' access to light, air, and privacy. Staff's analysis concludes that, as a result of the project's location, design, and surrounding context, the project is not

Attachment(s):

- A. Zoning Compliance Table
- B. Required Findings
- C. Public Notice
- D. Memorandum: Pending Alteration of a Master Architect Building
- E. Draft Resolution
- F. Architectural Plans (provided as a separate attachment)

Report Author and Contact Information:
Emily Gable, Assistant Planner
(310) 285-1192
egable@beverlyhills.org



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anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the requested Central R-1 Permit.



Subject Property looking North



BACKGROUND

File Date	7/21/2015
Application Complete	11/4/2015
Subdivision Deadline	N/A
CEQA Determination	Class 1 categorical exemption for minor additions to existing structures.
Permit Streamlining	Take action on project within 60 days of CEQA determination.
Applicant(s)	Kip Kelly
Owner(s)	Anthony Scotti
Representative(s)	Kip Kelly, Nest Architecture Inc.
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	815 Whittier Drive, Beverly Hills CA 90210
Assessor's Parcel No.	4345034007
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Approximately 146' x 192' (avg. width x avg. depth) = 28,776 sq. ft.
Year Built	1948
Historic Resource	Historic Clearance: The 1948 English/Tudor revival-style residence designed by Master Architect W. Asa Hudson was posted with a Notice of Pending Alteration for 30 days (pursuant to BHMC §10-3-3218). No call ups were received during this period, which ended on December 31, 2015. Furthermore, the City has not identified any information to suggest that the subject property would be eligible as a State or National resource. The property is therefore cleared for alteration or demolition, and no further hold or historic review is required.
Protected Trees/Grove	None proposed for removal.

Adjacent Zoning and Land Uses

North	R-1.X Single Family Residential
East	R-1.X Single Family Residential (across Whittier Drive)
South	R-1.X Single Family Residential (across Greenway Drive)
West	R-1.X Single Family Residential (across rear alley)



Circulation and Parking

Adjacent Street(s)	Whittier Drive, Greenway Drive
Adjacent Alleys	15' wide alley along rear of property, running north-south between Whittier Dr. and Greenway Dr.
Parkways & Sidewalks	Approximately 20' parkway and sidewalk along Whittier Dr.; Approximately 15' parkway and sidewalk along Greenway Dr.

Neighborhood Character

The project site is located on the west side of the 800 block of Whittier Dr., on the northwest corner of the intersection with Greenway Dr. The rear of the subject property adjoins an alley that runs north-south in the middle of the block between Whittier Dr. and Greenway Dr. The south side of the property faces Greenway Dr., and the north side of the subject property adjoins a neighboring property of a similar size.

The built environment surrounding the project site consists of single-family homes that are typically two stories in height. Other properties on the west side of Whittier Dr. are somewhat larger (ranging from 33,000 SF to 52,000 SF) while properties on the east side of Greenway Dr. (across the rear alley) are more comparably-sized (ranging from 22,000 SF to 37,000 SF). Other residences in these blocks were built in many different decades and architectural styles. A small number appear to have nonconforming rear setbacks.



**Existing East (Front)
Façade, view from
Whittier Drive**



**Existing South (Side)
Façade, view from
Greenway Drive**



PROJECT DESCRIPTION

The proposed project would consist of the following (refer to Site Plan on page 6):

- Add 2,892 square feet to the existing 6,705-square-foot primary residence, including:
 - First floor: add 822 square feet to expand the living room, add a dining room, and enclose a portion of the open-air laundry yard.
 - Second floor: add 2,070 square feet to accommodate new bedroom suites and a gym.
 - Approximately 665 square feet of the second floor addition would be both more than 14' in height and within the required rear setback. It therefore requires a Central R-1 Permit.
- Extend the existing legally nonconforming 18' rear setback of the attached garage vertically to construct a new second story over the existing garage. The existing footprint of the garage would not change.
- The height of the roof ridgeline would increase to 32'-8". However, because the existing cupola on top of the garage would be removed, the maximum height of the residence would decrease by approximately 10".
- A new deck located in the rear yard at the second floor level, accessible via stairs in the rear yard and from the bedroom located above the attached garage. The deck (not including stairs) would be approximately 190 square feet total, with approximately 170 square feet located in the required rear yard. Due to its height above natural grade, this proposed deck requires a Central R-1 Permit.
- New bay windows and redesigned dormer windows along both street-facing façades.
- A new 653-square-foot pool house located in the northwest corner of the property. As proposed it could be built by right and does not require review by the Planning Commission.
- A total proposed floor area (primary residence + pool house) of 10,250 square feet, on a site that allows up to 13,010 square feet.
- The addition of two bedrooms on the property requires two additional parking spaces, resulting in a total of six (6) required parking spaces.

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

- **Central R-1 Permit:** An addition to a primary residence is allowed to extend (or match) an existing legally nonconforming rear setback as long as it meets certain requirements. The proposed project meets all the specific requirements except that it will exceed 14' in height and will include a deck that exceeds 3' in height above natural grade (see table in Attachment A). However, a Central R-1 Permit may allow an addition in the rear setback to exceed 14' in height and a deck to exceed 3' in height.¹

ZONING CODE² COMPLIANCE

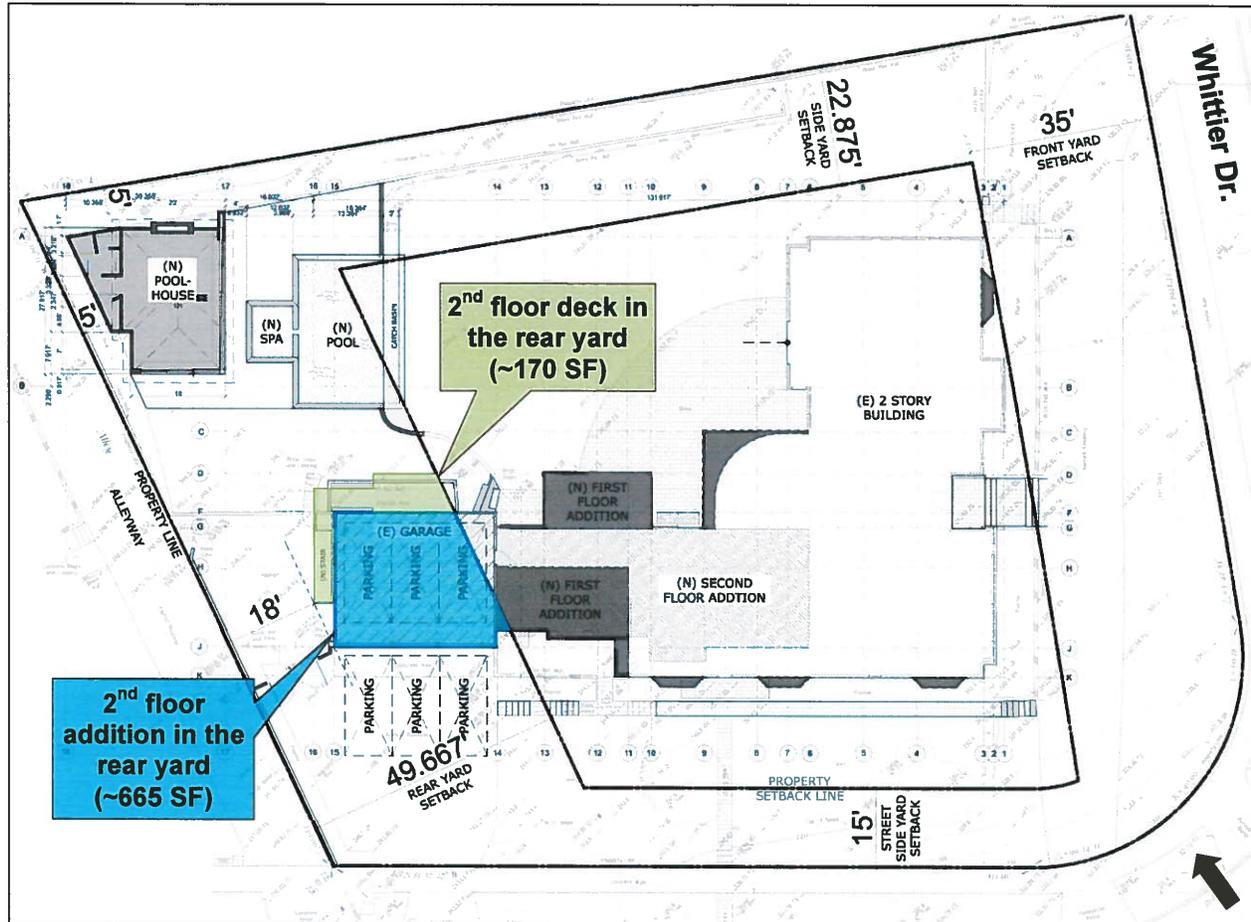
A detailed review of the proposed project's consistency with applicable zoning standards has been performed. A summary table is provided in Attachment A. The proposed project complies

¹ Pursuant to Beverly Hills Municipal Code §10-3-2405(C) and §10-3-2450

² Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466



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.



Site Plan

GENERAL PLAN³ 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.

³ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>



- **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.
- **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.

ENVIRONMENTAL ASSESSMENT

The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (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 Class 1 Categorical Exemption (§15301(e)) for additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if:

- A. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
- B. The area in which the project is located is not environmentally sensitive.

The proposed project would add 2,892 square feet of floor area to the existing 6,705-square-foot residence. It would be located in a developed neighborhood that is not environmentally sensitive and where the available public services and facilities would allow for the maximum permissible development. Therefore, it is eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	1/7/2016	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residential Occupants - 500' radius + block-face)	10 Days	1/4/2016	1/4/2016	10 Days
Property Posting	10 Days	1/4/2016	1/4/2016	10 Days
Website	N/A	N/A	1/7/2016	7 Days

Public Comment

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



ANALYSIS⁴

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

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

Massing and the Streetscape. The existing residence is shaped like an "L," with the two wings positioned along Whittier Dr. and Greenway Dr. The proposed project includes limited modifications to dormers and windows on the Whittier Dr. (front) façade. The additions to the Greenway Dr. wing of the residence would be minimally visible from Whittier Dr. Due to the small extent of the changes to the front façade, the proposed project would not affect the scale and massing of the streetscape as viewed from Whittier Dr.

The project proposes more significant changes to the Greenway Dr. façade. Due to the addition of a second story along the entire wing, much of the roof height would increase to be approximately one foot (1') lower than the existing peak near the front of the house. To accommodate the new second story, the peaked roof over the existing garage would be raised approximately 5'. The shape and slope of the garage roof would generally be maintained, with the addition of dormer windows and the removal of the cupola. The code-defined maximum roof height would decrease by approximately 10" because the existing cupola would not be replaced. The new maximum roof height would be 32'-8" at the top of the peak above the garage.

The proposed project would add height and mass to the Greenway Dr. façade of the residence. However, a number of conditions would reduce the appearance of mass as viewed from Greenway Dr., including:

- The proposed plate and roof heights would be lower than the allowed maximums (see Zoning Analysis table in Attachment A).
- The street side setback, at 34' wide, would be significantly larger than the required setback of 15', and the garage would remain more than 41' from the street side property line.
- The prominent sloping roof would place the maximum height of the residence at least 54' from the street side property line.
- Mature trees would remain in the street side yard, shielding some views of the addition.

In addition, the proposed project is generally in line with the size and height of surrounding properties. Due to the shape and style of the addition, its distance from the street side

⁴ 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.



property line, the existing landscaping to remain, and the neighborhood context, the proposed project is not anticipated to adversely affect the scale and massing of the streetscape as viewed from Greenway Dr.

Height and Proximity to Adjacent Properties. The majority of the proposed project can be built by right, since it would be within required height limits and would not encroach in required setbacks. The second story addition within the rear yard (above the existing garage and new laundry room) and the new deck that would wrap around this new second story are the portions of the project that require a Central R-1 Permit and are the focus of this analysis.

The existing attached garage and proposed addition above it are located more than 130' from the front property line and more than 41' from the street side property line. Due to these distances and the additional separation provided by the public streets, the project would not result in impacts to privacy or access to light and air for neighbors to the east or south of the subject property.

The garage, proposed addition above it, and attached deck would be located more than 61' from the north side property line. The majority of the proposed deck would face north. The deck would be approximately 190 square feet and located at the second story finished floor level, approximately 9' to 14' above natural grade due to differences in site topography. A dormer with windows and French doors would open onto the deck from the new second story bedroom. Based on the distance to the north side property line, the second story addition and new deck would not adversely affect the privacy or access to light and air of the neighboring property to the north.

The new second story and the new deck would maintain the legally nonconforming 18' rear setback of the existing garage. The alley at the rear of the property provides an additional 15' separation between the subject property and 814 Greenway Dr., which is across the alley to the west. The pad of the primary residence at 814 Greenway Dr. is at least 7' higher than the alley elevation. The separation between buildings and difference in elevation would prevent the proposed project from overshadowing the neighboring property. 814 Greenway Dr. also has significant mature landscaping adjacent to the alley such that views to the subject property are limited. Therefore the proposed project is not anticipated to adversely affect the privacy or access to light and air of the neighboring property to the west.

Landscaping. Much of the existing landscaping and screening on the property is proposed to remain:

- Four existing trees in the street side yard would remain and shield some views of the new second story from Greenway Dr.
- Mature landscaping and 6' tall masonry walls exist along much of the north side and west (rear) property lines, and are proposed to remain.

The landscaping would shield the addition from adjacent properties to the north and west, reducing any potential privacy impacts and maintaining the garden quality of the city.



NEXT STEPS

Staff recommends that the Planning Commission conduct the public hearing and adopt a resolution conditionally approving the requested Central R-1 Permit for the proposed project.

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.

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Ryan Gehlich", written over a horizontal line.

Ryan Gehlich, AICP, Assistant Director of
Community Development / City Planner



Attachment A
Zoning Compliance Tables

Zoning Analysis

REGULATIONS	ALLOWED / REQUIRED	EXISTING CONDITIONS	PROPOSED PROJECT	NOTES
Floor Area	13,010.4 SF max.	6,705 SF	Primary residence: 9,597 SF Pool House: 653 SF Total: 10,250 SF	Lot Area: 28,776 SF 400 SF of garage are exempt
Plate Height	22'	17'-5"	20'-6"	
Building Height	34' building height 28' average roof height	30'-2" (E) to top of ridge 33'-6" (E) max. building height (top of cupola)	32'-8" max. building height to top of ridge	Existing residence and addition have a sloping roof with true ridgeline
Front Setback (East, Whittier Dr)	35'	35'-5"	35'-1" to new bay window	
Rear Setback (West)	49'-8"	18'	18' Addition in line with existing setback.	
Street Side Setback (South, Greenway Dr)	15'	36'	34'-3" to new bay window	
Side Setback (North)	22'-10"	31'-9"	31'-9" (67'-6" to closest part of addition)	
Bedrooms	N/A	8	10	
Parking	For a legally nonconforming property, add one (1) space for each new bedroom	4 spaces	6 spaces	All spaces are 9' x 19' per code



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Development requirements when extending a legally nonconforming rear setback are:

Code Section	Requirement	Project Complies?
§10-3-2405(C)(1)	Minimum rear setback of 15'	Yes, min. setback of 18'
§10-3-2405(C)(2)	Structures cover less than 50% of the rear yard area	Yes, structures cover approx. 19% of rear yard area.
§10-3-2405(C)(3)	The extension is the lesser of 1000 sq. ft. or 20% of the existing floor area	Yes, floor area of the extension in required yards, above 14' in height, is approximately 665 sq. ft.
§10-3-2405(C)(3)	The height of the addition within the rear yard does not exceed 14'	No, the addition exceeds 14' in height. Central R-1 Permit required.
§10-3-2405(C)(3)	The height of any porch or deck attached to a principal residential building and located within the rear setback is not more than three feet (3') above natural grade or higher than the finished floor of the first story, whichever is lower	No, the height of the deck is more than 3' above the natural grade. Central R-1 Permit required.



Attachment B
Required Findings

Central R-1 Permit Findings

The reviewing authority shall not issue a Central R-1 permit to allow an addition to extend the existing nonconforming rear setback where the extension is not less than fifteen feet (15') from the rear property line and:

- the extension exceeds fourteen feet (14') in height, or
- the height of any deck attached to the principal residential building and located within the rear setback is more than three feet (3') above natural grade,

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.*⁵

⁵ BHMC §10-3-2453



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Attachment C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: January 14, 2016

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, January 14, 2016**, 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 2,892 square foot, two-story addition to an existing single-family residence located in the Central Area of the City at **815 Whittier Drive**. The Central R-1 Permit is required to build an addition taller than 14' and a deck more than 3' above the natural grade within the required rear yard.

Approximately 695 square feet of the proposed addition would be located within the rear yard on a new second story above the existing garage. A deck of approximately 210 square feet is proposed to wrap around the west and north sides of the new second story. The addition would maintain the legally nonconforming 18' rear setback of the existing garage. The addition would have a sloped roof with a maximum height of approximately 32'-8". The request for a Central R-1 Permit is being made pursuant to Beverly Hills Municipal Code §10-3-2405(C) and §10-3-2450.

The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (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 Class 1 Categorical Exemption (§15301(e)) for "additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) the area in which the project is located is not environmentally sensitive," 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. Please note that any communication received by the City becomes part of the public record.

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 **Emily Gable, Assistant Planner** in the Planning Division at (310) 285-1192, or by email at egable@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 cursive script that reads "Emily Gable". The signature is written in black ink and is positioned above a horizontal line.

Emily Gable, Assistant Planner

Mailed: January 4, 2016



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Attachment D

Memorandum: Pending Alteration of a Master Architect Building



**CITY OF BEVERLY HILLS
COMMUNITY DEVELOPMENT DEPARTMENT
MEMORANDUM**

TO: Honorable Mayor Gold and City Council
Chair Greer and Cultural Heritage Commission

FROM: Ryan Gohlich, Assistant Director of Community Development / City Planner

DATE: December 2, 2015

SUBJECT: 815 Whittier Drive: Pending Alteration of a Master Architect Building

The Community Development Department is reviewing an application to alter the 1948 English/Tudor revival-style residence at 815 Whittier Drive in Beverly Hills, designed and by W. Asa Hudson and Gene H. Brockow, of whom Hudson is on the City's List of Master Architects. The proposed alterations generally maintain the architectural style of the existing residence, but are not consistent with the Secretary of the Interior's Standards for Rehabilitation.

Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-3218 and §9-1-104, 102.9 (ix), structures over 45 years old and designed by a party included on the City's List of Master Architects require a 30-day holding period prior to the issuance of a demolition or alteration permit. BHMC does not require the applicant provide a historic assessment report of the subject property as part of the application for demolition permit. However, both the City Council and the Cultural Heritage Commission are notified of pending alterations and demolitions of Master Architect-designed properties.

The alteration permit may be issued after the 30-day notice period. Issuance of the alteration permit may be placed on hold if a majority of the City Council or Cultural Heritage Commission initiates a landmark designation proceeding by **December 31, 2015**. If initiated, staff will prepare an analysis of the property and schedule a landmark designation public hearing before the Cultural Heritage Commission.

For further details, please contact: Reina Kapadia, AICP, Associate Planner
(310) 285-1129 or rkapadia@beverlyhills.org



815 Whittier Drive (view from Whittier)



Street side view from Greenway Drive

- C: Mahdi Aluzri, City Manager
Susan Healy Keene, Director of Community Development
Rajesh Patel, Building Official



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Attachment E
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 2,892-SQUARE-FOOT, TWO-STORY, 32'-8" TALL ADDITION TO AN EXISTING RESIDENCE THAT IS PARTIALLY LOCATED WITHIN THE REQUIRED REAR YARD AND INCLUDES A DECK AT THE SECOND STORY LEVEL IN THE REQUIRED REAR YARD ON A PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 815 WHITTIER DRIVE.

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

Section 1. Kip Kelly, AIA, representative of Anthony Scotti, property owner (collectively the "Applicant"), has submitted an application for a Central R-1 Permit to allow a 2,892-square-foot, two-story addition to an existing residence to extend the legally nonconforming rear setback, exceed fourteen feet (14') in height and be located within the required rear yard, and a deck to exceed three feet (3') in height above the natural grade and be located within the required rear yard, on the property located in the Central Area of the City at 815 Whittier Drive (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 2,892-square-foot addition to an existing 6,705-square-foot, two-story, single-family residence. The Project would add 822 square feet to the first floor and 2,070 square feet to the second floor. A new 653-square-foot accessory

structure is also proposed, which is not a part of the Central R-1 Permit and will be permitted separately.

The existing garage is attached to the primary residence and encroaches into the required rear yard; it has a legally nonconforming rear setback of 18'. The current Municipal Code requires a rear setback of 49'-8". Within the required rear yard, the Project would add approximately 665 square feet of floor area on the second floor, primarily above the existing garage. The Project would also add a deck at the second floor level within the required rear yard. The new second floor, deck, and deck stairs would all maintain the existing 18' rear setback. The Project would have a maximum height of 32'-8". The Project requires a Central R-1 Permit because it involves extending a legally nonconforming rear setback to accommodate an addition that exceeds 14' in height as well as a deck that is more than three feet (3') above natural grade (Beverly Hills Municipal Code §10-3-2405.C.3).

The addition to the primary residence and the new accessory structure would add two additional bedrooms on the property, resulting in a total of ten (10) bedrooms as defined by the Beverly Hills Municipal Code (BHMC). Because the property currently has four (4) parking spaces, which is a legally nonconforming quantity, one required parking space would be added for each new bedroom, resulting in a total of six (6) parking spaces.

Section 3. The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Project consists of a 2,892-square-foot addition to an existing 6,705-square-foot residence. The Project site is located in a developed neighborhood that is not environmentally sensitive and where the available public services and facilities would allow for the maximum permissible

development. The Planning Commission finds that the project is exempt from CEQA pursuant to Section 15301(e) of the CEQA Guidelines for “additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) the area in which the project is located is not environmentally sensitive.”

Section 4. Notice of the Project and public hearing was mailed on January 4, 2016 to all property owners and residential occupants within a 500-foot radius plus block-face of the property. Notices were also posted on both street frontages of the Project site on January 4, 2016. On January 14, 2016 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 Project will not have a substantial adverse impact on the scale and massing of the streetscape;
2. The Project will not have a substantial adverse impact on neighbors’ access to light and air;
3. The Project will not have a substantial adverse impact on neighbors’ privacy; and
4. The Project will not have a substantial adverse impact on the garden quality of the city.

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 involves limited modifications to dormers and windows on the Whittier Dr. (east / front) façade and the other portions of the Project will be minimally visible from Whittier Dr. As viewed from the Greenway Dr. side, the Project will increase the height of the steeply sloped roof to accommodate the second story additions. Within the rear yard, the peaked roof over the existing attached garage will be raised approximately 5'. The shape and slope of the roof over the garage will generally be maintained, with the addition of dormer windows and the removal of the cupola. The new maximum plate height of the residence will be 20'-6" (max. allowed is 22') and the new maximum roof height will be 32'-8" (max. allowed is 34'). The location of the maximum roof height after the Project will be the the peak above the garage, and it will be approximately 10" lower than the current height of the cupola. The proposed plate and roof heights are lower than the allowed maximums and the side setbacks (34' on the street side where 15' is required, and 31'-9" on the north side where 22'-10" is required) are larger than required, which will reduce the appearance of height and mass of the residence. The Project is in line with the size and height of neighboring residences, most of which are two stories. Due to the shape and style of the addition and its distance from the front and street side property lines, the Project will not result in a substantial adverse impact on the scale and massing of the streetscape.

2. The Project will have a sloping roof with true ridgeline with a maximum height of 32'-8". The existing attached garage and addition above it will be located more than 130' from the front property line and more than 41' from the street side property line. Whittier Drive and Greenway Drive provide additional separation between the Project and neighboring properties on the east and south sides. The portion of the Project in the rear yard will be located more than 61' from the north side property line, and most other alterations (besides changes to windows and dormers) are located even farther from the north side property line. The Project will extend, or match, the existing legally nonconforming rear setback of 18', resulting in a minimum separation of 33' between the Project and the neighboring property across the alley to the west. Due to these separations and the sloped roof shape, the Project will not result in a substantial adverse impact on the neighbors' access to light and air.

3. The Project includes windows, French doors, and a deck on the second story of the addition facing north (toward the side property line) and west (toward the rear property line). The substantial distances from the addition to each property line are discussed above. Existing mature landscaping along the north side and rear property lines will remain and will help obscure views into neighboring properties. In addition, the neighboring residence to the west (814 Greenway Dr.), which is the structure closest to the Project, is located slightly uphill from the subject property and has significant mature landscaping adjacent to the alley. Therefore, due to the location of the Project, the surrounding structures, and landscaping, the Project will not have a substantial adverse impact on neighbors' privacy.

4. Much of the existing landscaping on the property will remain. The four (4) existing trees in the street side yard will remain and shield some views of the new construction from Greenway Dr. The mature landscaping and 6' tall masonry walls that exist along much of the north side and rear (west) property lines will also remain. A condition of this approval will require that the landscaping be maintained or restored as needed to match the approved landscape plan after construction of the Project. Consequently, the Project will not have a substantial adverse impact on the garden quality of the City.

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

1. This approval allows a 2,892-square-foot, two-story addition to an existing residence to be constructed partially within the required rear yard on the property located at 815 Whittier Drive. This Central R-1 Permit allows the Project to extend the 18' legally nonconforming rear (west) setback of the existing attached garage to exceed 14' in height and add a deck that is more than 3' above natural grade within the required rear yard. Approximately 665 square feet of the second floor addition may exceed 14' in height and be located within the required rear yard. The deck and associated stairs may wrap around the west and north sides of the garage area, with approximately 170 square feet of the approximately 190-square-foot deck to be located in the rear yard. The deck may be located at the elevation of the second floor, placing it 9' to 14' above the natural grade due to changes in topography. The addition, deck, and stairs shall be constructed and maintained with a minimum rear

(west) setback of 18'. The Project shall have a maximum height of 32'-8". The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on January 14, 2016. Any minor changes to the Project, as determined by the Director of Community Development, shall be reviewed and approved by staff. Substantive changes, as determined by the Director of Community Development, shall be returned to the Planning Commission for review and approval.

2. The Project, including the accessory structure as currently proposed, will result in ten (10) bedrooms as defined by Beverly Hills Municipal Code §10-3-100. Six (6) code-compliant parking spaces shall be provided on the subject property as shown on the approved plans. All six (6) required parking spaces shall be located outside of the required front and street side yards and shall be maintained for parking at all times.

3. Any tree on the Project site that is a Protected Tree pursuant to the definitions and regulations set forth in Article 29 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code shall be protected accordingly during construction and shall not be removed without the appropriate tree removal permit.

4. Existing fences and landscaping at the north side and rear property lines shall be maintained or replaced as necessary after construction. The fences and 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.

5. If it is determined at any time that 50% or more of the existing building has been demolished, remodeled, or functionally replaced as defined in BHMC §10-3-4100.A.1, the entitlements granted by this Central R-1 Permit shall become invalid, and the existing building shall be brought into full compliance with current zoning and building codes.

6. 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.

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. This 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: *January 14, 2016*

Alan Robert Block
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
Interim City Attorney

Ryan Gohlich, AICP
Assistant Director of Community
Development / City Planner





Planning Commission Report

815 Whittier Drive

January 14, 2016

Attachment F
Architectural Plans

PROVIDED UNDER SEPARATE COVER