



Planning Commission Report

Meeting Date: May 26, 2016

Subject: **625 Mountain Drive
Hillside R-1 Permit and Minor Accommodation (PL1531014)**
A request from the City Council of the City of Beverly Hills to provide a recommendation regarding a request for a Hillside R-1 Permit for game court location; height of game court walls, fences and hedges in front, side, and rear yards; height of an accessory structure; and a Minor Accommodation for height of a fence in the front yard; associated with the construction of a new single-family residence, accessory structure, tennis court, and associated walls and fences on a single-family residential property located in the Hillside Area of the City. The Planning Commission will also consider recommending a Class 3 Categorical Exemption for the Project.

Project Applicant: Stephen P. Webb

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the Project; and
2. Adopt the attached resolution recommending that the City Council conditionally approve a Hillside R-1 Permit and Minor Accommodation to allow the construction of the proposed project.

REPORT SUMMARY

The applicant seeks to construct a new, two-story residence with basement, garage accessory structure, tennis court, and associated walls and fences on the single-family property located at 625 Mountain Drive. If all discretionary permit requests are approved as presented, the tennis court would be located on the southern portion of the site, between the house and the front setback line, and partially within the required front yard. The retaining wall, fence, and hedge surrounding the tennis court would be a maximum of six feet (6') in height in the front yard and 12' in height in the side and rear yards. Lighting standards for the tennis court would be a maximum of 22' in height in the side and rear yards. A sliding gate across the driveway would be located in the required front yard.

Attachment(s):

- A. Zoning Compliance Table
- B. Required Findings
- C. Photographs from 630 Doheny Drive
- D. Public Notices (for Planning Commission Public Hearing on 5/26/16, City Council Public Hearing on 4/19/16, View Preservation Analysis (story poles))
- E. Draft Resolution for Planning Commission
Exhibit 1. Draft Resolution for City Council
- F. City Council Agenda Report for meeting on 4/19/2016 (without attachments)
- G. Architectural Plans (provided as a separate attachment)

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The new primary residence would be two stories with a maximum height of 30' and would be situated on the northern half of the subject property. It would comply with all required setbacks. A detached garage 14' in height above an approximately six feet (6') retaining wall would be located in the rear yard, near the western property line.

The cumulative floor area (including basements) of the project would be 14,992 square feet, which is allowed by right. Grading and excavation on the site would result in export of approximately 2,995 cubic yards of earth material, which is also allowed by right.

Pursuant to the Municipal Code, a Hillside R-1 Permit for a game court and game court fence located in a front yard (and/or between a primary residence and the front setback line) always requires City Council review and approval.¹ As a result, the Municipal Code requires that the other Hillside R-1 Permit requests and the Minor Accommodation request associated with the project must also be reviewed by the City Council.² Although final decision-making authority rests with the City Council, the City Council, at its April 19, 2016 public hearing on the matter, directed the Planning Commission to review the proposed project and provide a recommendation. The basis of the City Council's direction is that the Planning Commission is generally responsible for advising the City Council on land use issues.

This report analyzes the proposed project, with specific analysis of the potential impacts of the proposed tennis court location, the height of walls, fences, and hedges, and the height of the garage accessory structure on the visual character of the surrounding neighborhood, access to light and air, and scale and massing of the streetscape. Staff's analysis concludes that, as a result of the project's location, design, and surrounding context, and a proposed condition of approval regarding landscaping, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends that the Planning Commission forward a recommendation for conditional approval of the requested Hillside R-1 Permit and Minor Accommodation to the City Council.

A draft resolution for the Planning Commission is included as Attachment E, which, if adopted, would recommend that the City Council adopt the draft resolution included as Exhibit 1.

¹ Beverly Hills Municipal Code (BHMC) §10-3-2517A: "No game court or game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety."

² BHMC §10-3-2551: "The reviewing authority for a Hillside R-1 permit application shall be the planning commission unless the application accompanies a separate application for a discretionary approval from the city council with regard to the same site area. In that case, the city council shall be the reviewing authority for the Hillside R-1 permit application." and BHMC §10-3-3601B: "If the application for a minor accommodation pursuant to subsection 10-3-3600C of this chapter accompanies an application for any other type of discretionary approval from the city council for the same project site, the city council shall be the reviewing authority for the application for the minor accommodation and shall conduct a noticed public hearing regarding the requested minor accommodation."



BACKGROUND

File Date	11/25/2015
Application Complete	1/29/2016
Subdivision Deadline	N/A
CEQA Determination	Class 3 Categorical Exemption for one single-family residence in a residential zone and an accessory structure.
Permit Streamlining	Take action on project within 60 days of CEQA determination.
Applicant(s)	Stephen P. Webb (not currently in City's legislative advocate registry for this project)
Owner(s)	Ezra & Lauren Kest
Architect(s)	Ruard Veltman Architecture Incorporated
Prior PC Action	None
Prior Council Action	On April 19, 2016, the City Council held the first public hearing on this project. The Council took public comment and decided to direct the Planning Commission to review the project and provide a recommendation on the requested entitlements. The applicant has made changes to the proposed project since it was reviewed by the City Council on April 19, 2016. These changes are noted at the end of the Project Description section below.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	625 Mountain Drive, Beverly Hills CA 90210
Assessor's Parcel No.	4350007019
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Approximately 322' x 172' (avg. width x avg. depth) = 53,360 sq. ft.
Year Built	N/A – Vacant site
Historic Resource	N/A – The former single-family residence on the site was demolished in late 2014 after the Cultural Heritage Commission did not recommend the subject property for landmark designation, as memorialized in Resolution No. CHC 45, adopted October 8, 2014.
Protected Trees/Grove	No protected trees are proposed for removal.

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)	Mountain Drive
Adjacent Alleys	None
Parkways & Sidewalks	Approximately 10' parkway and sidewalk along Mountain Dr.

Neighborhood Character

The project site is located on the west side of the western portion of Mountain Dr., between the intersections with Sunset Blvd. and Schuyler Rd. Only a small portion of the site in the southeast corner (approximately 120') fronts on Mountain Drive. All other property lines of the subject site adjoin other properties with addresses on Mountain Dr., Sunset Blvd., Foothill Rd., and Doheny Rd.

The built environment surrounding the project site consists of single-family homes that are one and two stories in height. Other properties in the area are of similar land areas. Accessory structures, tennis courts, and swimming pools are common. Mature landscaping on and between most properties blocks many views at this low point in the hills. Properties to the north (uphill) of the subject property have potential for views if vegetation were absent.



625 Mountain Drive outlined, with previous residence still on site. Image from Bing Maps.



PROJECT DESCRIPTION

The subject property is located on the west side of Mountain Drive, north of Sunset Boulevard in the Hillside Area of the City. The surrounding neighborhood is entirely single-family residences.

The project site consists of one parcel of land totaling 53,360 square feet, or 1.225 acres. Only a small portion of the site in the southeast corner (approximately 120') fronts on Mountain Drive. This 120' segment of property line is considered the front property line. The required front setback is 50', therefore the required front yard is approximately 120' wide (north-south) and 50' deep (east-west) in the southeast corner of the site. The rear property line is on the west. All other property lines are considered sides of the property.

The southeast corner is the lowest elevation on the property, and the site slopes uphill to the north. The total difference in elevation from lowest point to highest point is approximately 37'.

The former single-family residence on the site was demolished in late 2014. The original residence was located approximately in the middle of the site (see photo above). The original building permit from 1937 lists the height as 30', while the plans provided by the current applicant show a height of 25'. A garage and shed that still exist on the site would be demolished as part of the proposed project.



View of the subject site from Mountain Drive (looking northwest), before previous residence was demolished. Image from Google Street View, February 2014.



The proposed project consists of the following elements:

- New single-family residence (allowed by right)
 - Located primarily on the northern half of the site.
 - Two stories plus basement, maximum height of 30'.
 - Complies with all required setbacks.
 - Includes guest house that faces the tennis court. The guest house is considered part of the primary residence because it has a substantial connection via a porte cochere.
 - 11,250 square feet of above-grade floor area, including the attached guest house.
 - Cumulative floor area on the site (including accessory structure and basements) of 14,992 square feet (allowed by right).

- New tennis court and associated walls, fences, and lighting standards
 - Located in the southern portion of the site, cut into the hill. This area was previously a large circular driveway and motor court.
 - Located approximately 33' from the front property line and six feet (6') or more from the south (side) and west (rear) property lines. Encroaches approximately 16'-8" into the required front yard (requires Hillside R-1 Permit reviewed by City Council).
 - Maximum six foot (6') height of tennis court wall, fence, and surrounding hedge in the front yard (requires Hillside R-1 Permit).
 - Plantings, driveway, and low wall (less than three feet (3') in height) in the front yard separate the tennis court from the street.
 - Maximum 12' height of tennis court wall and fence in the side and rear yards³ (requires Hillside R-1 Permit). Fence is tallest in the far southwest corner of the property. Along much of the south side of the tennis court, the hedge and wall are seven feet (7') or less. Fence has a maximum 10'-9" height from the tennis court surface.
 - Maximum 22' height of the five (5) tennis court lighting standards located in the side and rear yards, as measured from the tennis court surface, or approximately 21' tall from the immediately surrounding site elevations (requires Hillside R-1 Permit).

- New detached garage
 - Located five feet (5') from the rear property line, on the west side of the site (complies with required setback for accessory structures).
 - Faces a motor court that is located between the tennis court and the primary residence.
 - The garage is a one story structure that will appear to be 14' in height. However, because the garage will be located within ten feet (10') of a retaining wall and will

³ Height of the tennis court wall and fence is measured on the side of the fence closest to the property line and, when the wall/fence is built over fill, includes the height of any retaining wall for that fill if such retaining wall is located within 10' of the tennis court wall/fence (BHMC §10-3-100: "Height of wall, fence or hedge" definition, and §10-3-2517G)



be built over fill, the approximately six foot (6') height of the adjacent retaining wall must also be accounted for (Beverly Hills Municipal Code (BHMC) §10-3-2503C). Therefore, portions of the garage within ten feet (10') of the retaining wall would technically be a maximum of 19'-6" tall (requires Hillside R-1 Permit, which can be requested because the project site is more than 40,000 square feet in area).

- New pool
 - Located north of the primary residence, partially within the side setback.
 - Fully code-compliant and requires no discretionary approvals.

- Site work & landscaping
 - Approximately 4,765 cubic yards of earth cut to excavate the basement and tennis court area.
 - Approximately 1,770 cubic yards of fill in other areas of the site.
 - Total landform alteration (cut + fill) of 6,535 cubic yards.
 - Total export of earth material of 2,995 cubic yards.
 - A number of retaining walls, all code-compliant at maximum seven feet (7') in height, will be constructed on the site. Some existing retaining walls, in particular near the north, east, and south property lines, will remain.
 - A driveway gate that is open to public view and a maximum of six feet (6') in height will be located more than three feet (3') but less than ten feet (10') from the front property line (requires Minor Accommodation).

As compared to the project presented to the City Council on April 19, 2016, the current proposal has:

- Reduced above-ground and cumulative floor area (to an amount less than the 15,000 square foot threshold that triggers discretionary review),
- Reduced grading and export of earth material (to an amount less than the 3,000 cubic yard threshold that triggers discretionary review),
- Reduced windows on the north façade of the primary residence, and
- Increased landscaping (new trees) between the primary residence and the north property line to shield views of the new residence from neighboring properties.

Requested Entitlements. As proposed, the project requires the following discretionary approvals from the City Council in order to be constructed:

1. Hillside R-1 Permit:

- a. To locate a tennis court and game court fence within a front yard, and between the primary residence and the front setback line (Beverly Hills Municipal Code (BHMC) §10-3-2517A);
- b. To establish the maximum allowed height of game court fencing and lighting standards in required side and rear yards (applicant proposes a maximum height of 12' for game court walls and fences and 22' for game court lighting standards) (BHMC §10-3-2550D);



- c. To allow a wall (tennis court wall, fence, and hedge) of no more than six feet (6') in height in a required front yard (BHMC §10-3-2550J);
- d. To allow an accessory structure (garage) to exceed 14' in height outside the principal building area, on a site that exceeds 40,000 square feet in area (applicant proposes a maximum height of 19'-6", due to the location of the 14' garage over fill and within 10' of a retaining wall) (BHMC §10-3-2550H);

2. Minor Accommodation:

- a. To allow a driveway gate of six feet (6') in height that is open to public view to be located in a front yard, between three feet (3') and ten feet (10') from the front property line (BHMC §10-3-3600M).

ZONING CODE⁴ COMPLIANCE

A detailed review of the proposed project's consistency with applicable zoning standards has been performed. Summary tables are provided in Attachment A. The proposed project complies with all applicable codes, or is seeking through the requested permits permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

GENERAL PLAN⁵ 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 and City Council's review of the project include:

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **Policy LU 2.4 Architectural and Site Design.** Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.
- **Policy LU 6.2 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.

⁴ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

⁵ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>



- **Policy CIR 3.1 Neighborhood Traffic Control Measures.** Incorporate traffic control measures in residential neighborhoods as part of proposed roadway improvement or development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on quality of life. Require development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on residential roadways.

ENVIRONMENTAL ASSESSMENT

This 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 3 Categorical Exemption (§15303 of the Guidelines) which applies to projects that consist of the construction of “one single-family residence in a residential zone” and “accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.” The project has been determined not to have a significant environmental impact and is exempt from 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	5/19/2016	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residential Occupants - 500' radius + block-face)	10 Days	5/16/2016	5/16/2016	10 Days
Property Posting	10 Days	5/16/2016	5/16/2016	10 Days
Website	N/A	N/A	5/19/2016	7 Days

Public Comment

Prior to the City Council hearing, a notice of public hearing was mailed on April 8, 2016 to all property owners and residential occupants within a 500' radius of the project site. A public hearing notice was also posted on-site on April 8, 2016. Staff did not receive any written comments regarding the project. On April 12, 2016, staff received a call from the owner of 630 Doheny Road and visited that property, which is located directly north of the subject property. The neighbor expressed concern about the height, mass, and visibility of the proposed residence from his property, its effect on his view and access to light and air, and proximity to his property. The owner of 630 Doheny Road and his son gave public comment at the City Council hearing on April 19, 2016. At that time they raised the issue of the new residence at 625 Mountain Dr. blocking nighttime views of currently visible city lights. Staff conducted a follow-up nighttime visit on May 3, 2016. Additional information regarding staff's visits to 630 Doheny Road, including photographs, is located below in the Analysis section.



In addition, the City conducted a view preservation analysis associated with the proposed project at 625 Mountain Drive. Poles and flags (“story poles”) were installed on the subject property identifying the outline and height of the proposed residence and detached garage. A “Notice of View Preservation Analysis” was mailed on April 8, 2016 to the owners and residential occupants of the eight (8) properties that staff determined have the potential to have protected views through the 625 Mountain Drive property. As mentioned above, staff visited 630 Doheny Road twice (once in the daytime and once in the evening) to inspect the visibility of the story poles from that property. Based on the surrounding topography, arrangement of structures, and mature landscaping, the view diagrams provided in the attached plan set and staff’s visits to 630 Doheny Road indicate that the proposed structure with a maximum height of 30’ would not create a substantial disruption of a view of the Los Angeles area basin that would not otherwise be caused by a 14’ structure (as viewed from the level pad which contains the primary residence for any property within 300’ of the subject property).

On May 16, 2016, a notice of public hearing was duly mailed and posted on-site for the current May 26, 2016 Planning Commission meeting. As of the writing of this report, staff has not received comments from any other neighbors.

CITY COUNCIL REVIEW

A Hillside R-1 Permit for a game court and fence in a front yard, or between a primary residence and the front setback line, requires City Council approval. As a result, all other entitlement requests associated with the proposed project must be reviewed by the City Council. At the City Council public hearing on April 19, 2016, the City Council directed the Planning Commission to review the project and provide a recommendation on the requested entitlements. At that time, the City Councilmembers specifically asked that the Planning Commission consider:

- The relationship between the location of the tennis court and the location of the new residence.
- The cumulative effect of three sets of tennis court lights in close proximity to each other.
- How well the tennis court would be shielded from view from the street by the natural grade of the site and landscaping.
- The landscaping plan, especially along the north side of the property.
- The view at night from the neighboring property at 630 Doheny Road.
- Working out a reasonable compromise between the owner of the subject property and neighbor(s) to mitigate potential impacts of the project.

The City Council indicated support for conditions of approval relating to:

- Landscaping to include large trees to shield views of the new residence.
- Shielding the tennis court lights.
- Containing construction activity on-site.
- Prohibiting food trucks from parking in the street to serve construction workers.
- Revising the haul route as proposed in staff report (this has been done).

Draft text of these conditions can be found in the draft resolution for City Council, included as Exhibit 1 in Attachment E.



ANALYSIS⁶

Project approval, conditional approval, or denial is based upon specific findings for the discretionary entitlements 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 Exhibit 1 of Attachment E contains draft language for findings that may be used to guide the Planning Commission's deliberation on the subject project and recommendation to the City Council.

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

View Preservation

In accordance with BHMC §10-3-2522, structures that exceed 14' in height in the Hillside Area are subject to the City's view preservation ordinance. The Municipal Code allows a structure taller than 14' if the additional height would not substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on a property within 300' of the subject property.

Staff requested that story poles be installed on the subject property to assist in visualizing the height and shape of the proposed residence's roofline. Upon installation of the story poles, staff sent notices to owners and occupants of the eight (8) potentially affected properties. The neighbor to the north, at 630 Doheny Road, invited staff to view the story poles from his property during the day and at night (see photos in Attachment C).

The northernmost wing of the proposed residence would have a roof ridgeline running east to west at 30' above finished grade. As viewed from 630 Doheny Drive, the height and mass of the structure would be substantial. In addition, it is possible that some of the second-floor, north-facing windows could be visible above the existing vegetation.

The existing view from 630 Doheny Road is of vegetation and sky, and some city lights at night, but does not include a defined view corridor to the Los Angeles area basin. Although the proposed residence would not substantially disrupt a view of the Los Angeles area basin, it would have the potential to adversely affect the openness, light, and air currently enjoyed by this neighboring property.

Primary Residence

The primary residence is proposed to be two stories with a pitched roof and a maximum height of 30'. It complies with all required setbacks, thus it would be located at least 50' from the front property line (on Mountain Drive), 25'-10" from the west (rear) property line, and 38'-7" from all other (side) property lines. Due to the limited street frontage of the subject property (approximately 120' of the 322' width of the property is along the street), much of the proposed development would be minimally visible from the public right-of-way. The

⁶ 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.



primary residence's location, height, and floor area do not require discretionary permits. Therefore, the primary residence could be constructed as currently proposed by right.

Based on the size of the site and proposed level pad, the allowed above-ground floor area is 14,677 square feet. The proposed above-ground floor area is less than the maximum allowed, at 11,638 square feet. The project's cumulative floor area, which includes basements, is 14,992 square feet. The proposed cumulative floor area is less than the 15,000-square-foot cumulative floor area threshold that requires a Hillside R-1 Permit, and therefore is allowed by right.

The reviewing authority may consider the design and location of the residence to the extent that it is related to the findings for the requested entitlements, for instance whether the location of the tennis court and fence between the primary residence and the front setback line will have a substantial adverse visual impact on the surrounding neighborhood.

Game Court Location and Height of Walls, Fences, Hedges, and Lighting Standards

The surrounding neighborhood is composed of single-family properties just north of Sunset Boulevard, in the lower elevations of the Hillside Area of the City. The majority of homes in the area are two stories, and many have accessory structures and swimming pools. Some have tennis courts. Mature landscaping is prominent, creating a very green neighborhood with properties that are well-screened from each other.

BHMC §10-3-2517 prohibits game courts and game court fences from being located in a required front yard, or between a principal residence and a front setback line, unless the City Council finds that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety. Findings related to scale and massing, access to light and air, and the garden quality of the city apply to the requested walls, fences, hedges, and game court lighting standards (see Attachment B for specific findings).

Visual Impacts on the Surrounding Neighborhood

The proposed tennis court would be located in the southwest portion of the site and would encroach approximately 17' into the 50' front setback. It would be cut into the hillside and therefore would be partially shielded from view from Mountain Drive by the natural grade. The two properties to the south (631 Mountain Drive) and southwest (9521 Sunset Boulevard) have tennis courts located in their northern corners. Thus the proposed site configuration at 625 Mountain Drive would place the new tennis court adjacent to these two existing tennis courts as well as a sloping, landscaped portion of the property at 910 Foothill Road.

The location of the tennis court in the southern portion of the site causes the primary residence to be located in the northern portion of the site. This may increase the visual impacts of the Project on 630 Doheny Road, however it should be noted that the original residence was also located in the middle and northern portion of the site.



The tennis court fence (a game court fence atop a retaining wall), would reach a maximum height of six feet (6') above the adjacent natural grade in the front yard. Both the court and fence would be located more than 33' from the front property line, with landscaping, the driveway, a low wall along the driveway, and additional plantings separating them from the street. However, both the top of the fence and the 22'-tall lighting standards (five (5) light poles total, with three (3) additional lights attached to the guest house) would be visible from the street.

The proposed project includes a sliding gate across the driveway constructed of iron bars with stucco pillars on each side. The gate and pillars would be a maximum of six feet (6') tall. A low (2'-6" tall) stucco wall, trees, and low shrubs would complete the landscaping near the street; a fence or wall along the entire front property line is not proposed.

The project proposes to retain the one (1) existing tree in the front yard area, and will not disturb the three (3) trees in the public right-of-way adjacent to the front property line. New landscaping would be planted in the front yard as well. Landscaping along the sides and rear of the property would either be retained or planted new depending on the location. Hedges are subject to the same height restrictions as fences and walls, and the project plans note that where plantings form hedges, they shall comply with the applicable height regulations.

The requested maximum height for the game court fence in the side and rear yard is 12', where a seven foot (7') wall or fence would otherwise be allowed by right. The requested height for the lighting standards is 22'. One lighting standard in the southwest corner would be approximately eight feet (8') from the south side property line, which is adjacent to one of the other tennis courts. All other lighting standards would be at least 20' from the nearest property line. Landscaping is proposed between the tennis court wall/fencing and all property lines.

In general, the proposed configuration of the site places the development away from structures on neighboring properties and places the tennis court near existing game courts on adjacent properties. The addition of a new court in close proximity to two existing tennis courts is not anticipated to create a significantly greater light impact, especially as conditioned with appropriate shielding on the tennis court lighting. While the tennis court surface would not be visible from Mountain Drive, some portions of the game court fence and lighting standards would be visible from the street. The proposed walls, fences, and hedges are not anticipated to create adverse impacts related to scale and massing or neighbors' access to light and air.

Although the primary residence would be farther away from 630 Doheny Road if the locations of the residence and tennis court were switched, the residence itself meets all applicable development standards and could be built in the proposed location with the proposed height and floor area by right. Revised or additional landscaping may be required as a condition of approval to reduce the impacts of the Project on neighboring properties.



Noise & Public Safety

As described above, the proposed tennis court would encroach approximately 17' into the required 50' front yard setback. It would be located directly adjacent to tennis courts on two other properties and at least 60' from the nearest primary residence on a neighboring site (9521 Sunset Boulevard). The location of the tennis court is not anticipated to generate unusual or disruptive noise. In addition, the court would be located more than 33' from the front property line. Due to this distance and the height of the surrounding fencing, the tennis court is not expected to cause an adverse impact on public safety.

Accessory Structure

The proposed garage would be located along the west (rear) property line. Because the garage would be built over fill and would be located only five feet (5') from the nearest adjacent retaining wall, the code-defined height of the garage would be 19'-6". Therefore it requires a Hillside R-1 Permit for height of an accessory structure over 14' in a required rear yard. However, the garage would be a maximum of 14' tall as measured from the immediately adjacent finished grade.

Because it would be located at the rear of the property, the proposed garage would not be visible from the street. The closest building on a neighboring property would be an accessory structure at the rear of the property at 910 Foothill Road, approximately 20' away. A significant amount of mature landscaping would shield views of the garage from 910 Foothill Road as well as other nearby properties. Although it would be built close to an approximately six foot (6') tall retaining wall, on top of fill, the structure would be relatively small with no windows and is not anticipated to cause adverse impacts to neighbors' privacy or access to light and air.

Construction Hauling and Traffic

Construction of the proposed project is anticipated to occur over approximately 24 months. The contractor proposes construction hours of 8am to 4:30pm.

Approximately 2,995 cubic yards of earth material would need to be exported from the site. This amount is less than the 3,000 cubic yards of export that are allowed by right.

The applicant predicts hauling would occur over a period of 17 days, between 9am and 3:30pm each day. Typical 10 cubic yard dump trucks would be used; therefore this export would require approximately 300 round trips by trucks, or an average of 18 round trips a day (average of three (3) round trips per hour). Flagmen would be staged outside the gates of the property on Mountain Drive to direct all trucks in and out and allow public traffic to safely pass. Cones and warning signs would also be placed near the construction site and along Mountain Drive.

The City does not have existing traffic counts for Mountain Drive. However, based on traffic counts on surrounding streets (Schuyler Road and the southern portion of Loma Vista Drive), the City's Traffic Engineer estimates that approximately 550 vehicles per day use



Mountain Drive. The proposed earth material export would result in an approximately 3% increase in daily trips on Mountain Drive for 17 days.

The proposed haul route has been revised from the initial proposal based on staff's recommendation. It can be seen on Sheet C201 of the architectural plans (Attachment G). Although specific hauling routes would ultimately be finalized through issuance of building permits based on circumstances at the time of construction, the current proposed route would utilize Sunset Boulevard (to the east) or Sunset Boulevard and North Beverly Drive (to the west) in order to provide the shortest distance out of the City on the largest roads. North of Sunset Boulevard, the proposed route would make a loop on Foothill Road, Doheny Road, Schuyler Road, and Mountain Drive. All of these streets north of Sunset are 30'-40' wide. This clockwise loop allows hauling trucks to make a series of right turns, to enter and exit the subject property without crossing traffic on Mountain Drive, and to utilize the traffic light at Foothill Road and Sunset Boulevard. Staff supports this proposed hauling route.

NEXT STEPS

Staff recommends that the Planning Commission conduct the public hearing and adopt a resolution recommending conditional approval of the Hillside R-1 Permit and Minor Accommodation.

Alternatively, the Planning Commission may consider the following actions:

1. Recommend approval of the project with modified findings or conditions of approval.
2. Recommend denial of 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 Gohlich", written over a horizontal line.

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



Attachment A
Zoning Compliance Tables

Zoning Analysis

A summary of the allowed development standards and the proposed project follows:

REGULATIONS	ALLOWED / REQUIRED BY RIGHT (without Hillside R-1 Permit)	PROPOSED PROJECT	NOTES
Floor Area (all structures, above-grade only)	14,677 SF	11,638 SF	Allowed by right
Cumulative Floor Area (all structures, including basements)	15,000 SF	14,992 SF	Allowed by right
Building Height	14', or up to 30' if no substantial disruption to view of LA basin	30' for main residence, 19'-6" for garage	No substantial disruption to view of LA basin, allowed by right
Front Setback (East, Mountain Dr.)	50'	50' for structures, 33'-4" for tennis court	Tennis court location requires Hillside R-1 Permit with City Council review
Rear Setback (West)	25'-10" for main residence, 5' for 14' tall accessory structure	25'-10" for main residence, 5' for garage	19'-6" tall garage with 5' setback requires Hillside R-1 Permit
Side Setback (East)	38'-7"	38'-7"	
Side Setback (South)	38'-7"	approx. 75'	
Side Setback (North)	38'-7"	38'-7"	
Bedrooms	No limit	8	
Parking	4	4+	
Landform Alteration	30,011 cubic yards	6,535 cubic yards	Allowed by right
Import / Export of Earth Material	3,000 cubic yards	2,995 cubic yards (net export)	Allowed by right



Planning Commission Report

625 Mountain Drive

May 26, 2016

A summary of the regulations and proposed conditions for the walls, fences, and game court lighting standards is as follows:

REGULATIONS	MAXIMUM ALLOWED HEIGHT	PROPOSED PROJECT	NOTES
Walls / Fences not in the Front Yard	7'	7'	Excluding game court walls & fences
Front Yard Fence (between 3' and 10' from Front Property Line)	3' by right 6' with Minor Accommodation	6' for proposed driveway gate	Must be open to public view
Front Yard Wall / Fence / Hedge (more than 10' from Front Property Line)	3' by right 6' with Hillside R-1 Permit	6' max. game court wall + fence and hedge	
Game Court Wall / Fence in Side & Rear Yards	7' by right 12' with Hillside R-1 Permit	12' max.	See footnote 3 in body of report for information on measuring height
Game Court Lighting Standards in Side & Rear Yards	7' by right 22' with Hillside R-1 Permit	22'	Measured from the tennis court surface

The basic site conditions are as follows:

SITE CONDITIONS	EXISTING CONDITIONS	PROPOSED PROJECT	NOTES
Average Lot Width	321.6'	No change	Average north-south dimension
Average Lot Depth	172.26'	No change	Average east-west dimension
Site Area	53,360 SF	No change	
Level Pad Area (<5% slope)	29,410 SF	44,485 SF	Existing Condition figures are an estimate of level pad and slope before demolition of the previous house. Proposed Project figures reflect the level pad and slope after grading.
Sloped Area (>5% slope)	23,950 SF	8,875 SF	



Attachment B
Required Findings

Hillside R-1 Permit Findings

For the purposes of this section, a "substantial adverse impact" shall mean an adverse impact that is material and readily perceptible. The City Council may grant a Hillside R-1 Permit provided that the following findings are made:

- a. With respect to locating a game court and game court fence within a front yard and between a principal residence and a front setback line (BHMC §10-3-2517A), the reviewing authority must find that the court and fence will not:
 - Have a substantial adverse visual impact on the surrounding neighborhood,
 - Create an unusual noise impact,
 - Have an adverse impact on the public safety.
- b. With respect to the height of game court fencing and lighting standards in required side and rear yards (BHMC §10-3-2550D), the reviewing authority must find that it will not have a substantial adverse impact on:
 - Access to light and air by neighboring properties,
 - The visual character of the area as viewed from streets and neighboring properties.
- c. With respect to wall height (tennis court wall & fence & hedge) in a front yard (BHMC §10-3-2550J), the reviewing authority must find that it will not have a substantial adverse impact on:
 - The scale and massing of the streetscape,
 - The garden quality of the city.
- d. With respect to an accessory structure (garage) exceeding fourteen feet (14') in height outside the principal building area (BHMC §10-3-2550H), the reviewing authority must find that the structure will not have a substantial adverse impact on:
 - The scale or character of the area,
 - The privacy of neighboring properties,
 - The neighbors' access to light and air,
 - The streetscape.

Minor Accommodation Findings

The City Council may grant a Minor Accommodation provided that the following findings are made:

- a. With respect to fence height in a front yard (BHMC §10-3-3600M, §10-3-2516C.2), the reviewing authority must find the fence will not have a substantial adverse impact on:
 - The scale and massing of the streetscape,
 - The garden quality of the city.



Attachment C

Photographs from 630 Doheny Road

The following photographs are views looking south toward 625 Mountain Drive from 630 Doheny Road.

Daytime View:



*Story poles at 625 Mountain Drive, as viewed by looking south from 630 Doheny Road.
Photo by E.Gable, 4/12/2016.*



Planning Commission Report

625 Mountain Drive

May 26, 2016

Nighttime Views (approximately 8:30pm):
Photos by A.Sahakian, 5/3/2016.



View from center of patio.



Zoomed-in view from center of patio (see box on above photo).



Planning Commission Report

625 Mountain Drive

May 26, 2016



View from west portion of patio.



Zoomed-in view from west portion of patio (see box on above photo).



Planning Commission Report

625 Mountain Drive

May 26, 2016

Attachment D

Public Notices:

Notice of Public Hearing for Planning Commission hearing on 5/26/16, mailed on 5/16/2016

Notice of Public Hearing for City Council hearing on 4/19/16, mailed on 4/8/2016

Notice of View Preservation Analysis (story poles), mailed on 4/8/2016



NOTICE OF PUBLIC HEARING

DATE: May 26, 2016

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall (2nd Floor)
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its **REGULAR** meeting on **Thursday, May 26, 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 Hillside R-1 Permit and Minor Accommodation allow a tennis court, detached garage, and walls, fences, and hedges to be constructed in conjunction with a new, two-story, maximum 30'-tall residence on the single-family property at **625 Mountain Drive**. The tennis court would be located on the southern portion of the site, partially within the required front yard. The primary residence would be situated on the northern half of the subject property and would comply with all required setbacks.

The City previously sent a notice to this address informing you that the City Council would hold a public hearing on this project at their meeting on April 19, 2016. At that meeting, the City Council referred the project to the Planning Commission to provide a recommendation on the requested Hillside R-1 Permit and Minor Accommodation. Since that time, the applicant has made modifications to the size of the basement and floor area of the proposed project as well as changes to proposed landscaping along the northern property line. As currently proposed, the project requires approval of the following discretionary permits:

- Hillside R-1 Permit including:
 - To locate a tennis court and game court fence within a front yard, and between the primary residence and the front property line (Beverly Hills Municipal Code (BHMC) §10-3-2517A);
 - To allow a maximum height of 12' for game court fencing and 22' for game court lighting standards in required side and rear yards (BHMC §10-3-2550D);
 - To allow a wall (tennis court wall, fence, and hedge) of no more than six feet (6') in height in a required front yard (BHMC §10-3-2550J);
 - To allow an accessory structure (garage) to exceed 14' in height outside the principal building area (21'-6" in height proposed, due to a 14' structure being built over fill) (BHMC §10-3-2550H);

- **Minor Accommodation:** To allow a driveway gate of six feet (6') in height that is open to public view to be located in a front yard, between three feet (3') and ten feet (10') from the front property line (BHMC §10-3-3600M).

At the meeting on May 26, the Planning Commission will hear public testimony and adopt a resolution making a recommendation on the project. The City Council will make a final decision on the requested entitlements at a future meeting (date to be determined).

This 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 3 Categorical Exemption (§15303 new construction or conversion of small structures) for the construction of "one single-family residence in a residential zone" and "accessory (appurtenant structures including garages, carports, patios, swimming pools, and fences," 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:



Emily Gable, Assistant Planner

Mailed: May 16, 2016



City Clerk's Office

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Council of the City of Beverly Hills, at its meeting to be held on **Tuesday, April 19, 2016 at 7:00 p.m.**, or as soon thereafter as the matter may be heard, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, CA 90210, will hold a public hearing to consider:

A REQUEST FOR A HILLSIDE R-1 PERMIT AND MINOR ACCOMMODATION FOR FLOOR AREA, EXPORT OF EARTH MATERIAL, GAME COURT LOCATION, HEIGHT OF AN ACCESSORY STRUCTURE, AND HEIGHT OF WALLS, FENCES, AND GAME COURT LIGHTING TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES, TENNIS COURT, AND ASSOCIATED WALLS AND FENCES ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 625 MOUNTAIN DRIVE.

The proposed project consists of a new two-story single-family home situated on the northern half of 625 Mountain Drive with a tennis court located on the southern portion of the site, partially within the required front yard. The proposal also includes a new pool, pool house, and detached garage. If approved, the project would consist of 12,918 square feet of above-grade floor area (19,376 square feet cumulative floor area including basements) and the primary residence would reach a maximum of 30' in height. The primary residence would comply with all required setbacks and would be at least 25' from the rear (west) property line and at least 38' from all other property lines. As proposed, the project requires approval of the following discretionary permits:

- Hillside R-1 Permit including:
 - To locate a game court and game court fence within a front yard (Beverly Hills Municipal Code (BHMC) §10-3-2517A);
 - To establish the height of game court fencing and lighting standards in required side and rear yards (BHMC §10-3-2550D);
 - To allow a wall (tennis court wall & fence) of no more than six feet (6') in height to encroach into a front yard (BHMC §10-3-2550J);
 - To allow the cumulative floor area of the project to exceed 15,000 square feet (BHMC §10-3-2550E);
 - To allow the import and export of earth material in excess of 3,000 cubic yards (4,300 cubic yards export proposed) (BHMC §10-3-2550A);
 - To allow an accessory structure (garage) to exceed fourteen feet (14') in height outside the principal building area (16.5' in height proposed) (BHMC §10-3-2550H);

- **Minor Accommodation:** To allow a driveway gate of six feet (6') in height that is open to public view to be located in a front yard, at least three feet (3') from the front property line (BHMC §10-3-3600M).

The Hillside R-1 Permit for a game court and game court fence located in a front yard requires City Council review and approval. As a result, the other associated Hillside R-1 Permit requests and the Minor Accommodation request must also be reviewed by the City Council.

Please note that the City is currently conducting a view preservation analysis associated with the proposed project at 625 Mountain Drive. The analysis will be conducted in accordance with Beverly Hills Municipal Code §10-3-2522. Poles and flags have been installed at 625 Mountain Drive to show the outline and height of the proposed residence and detached garage. If staff determines there is a substantial disruption of views of the Los Angeles area basin, then the City Council will also consider the view impacts associated with the proposed project.

This 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 3 Categorical Exemption (§15303 new construction or conversion of small structures) for the construction of "one single-family residence in a residential zone" and "accessory (appurtenant structures including garages, carports, patios, swimming pools, and fences," and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

At the public hearing, the City Council will hear and consider all comments. All interested persons are invited to attend and speak on this matter. Written comments may also be submitted and should be addressed to the City Council, c/o City Clerk, 455 N. Rexford Drive, Beverly Hills, CA 90210. The comments should be received prior to the hearing date. Please note that any communication received by the City becomes part of the public record.

Please note that if you challenge the Council's action in regards to this matter in court, you may be limited to raising only those issues you or someone else raised at a 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 Beverly Hills Community Development Department, 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.



BYRON POPE, MMC
City Clerk



NOTICE OF VIEW PRESERVATION ANALYSIS

Location: 625 Mountain Drive

Notice Date: April 8, 2016

Subject: View preservation analysis associated with the construction of a new two-story residence on the property located at 625 Mountain Drive.

This is to give notice that the City will be conducting a view preservation analysis associated with the proposed construction of a new two-story residence on the property located at 625 Mountain Drive. The analysis will be conducted in accordance with Beverly Hills Municipal Code §10-3-2522. Poles and flags have been installed at 625 Mountain Drive to show the outline and height of the proposed residence and detached garage. A map identifying the subject property is provided on the back of this notice for your reference.

A preliminary staff analysis indicates that your property has potential to have views through the 625 Mountain Drive property. If you believe that the proposed project (which is currently outlined with poles and flags at the subject property) will disrupt views from your property, please contact the City.

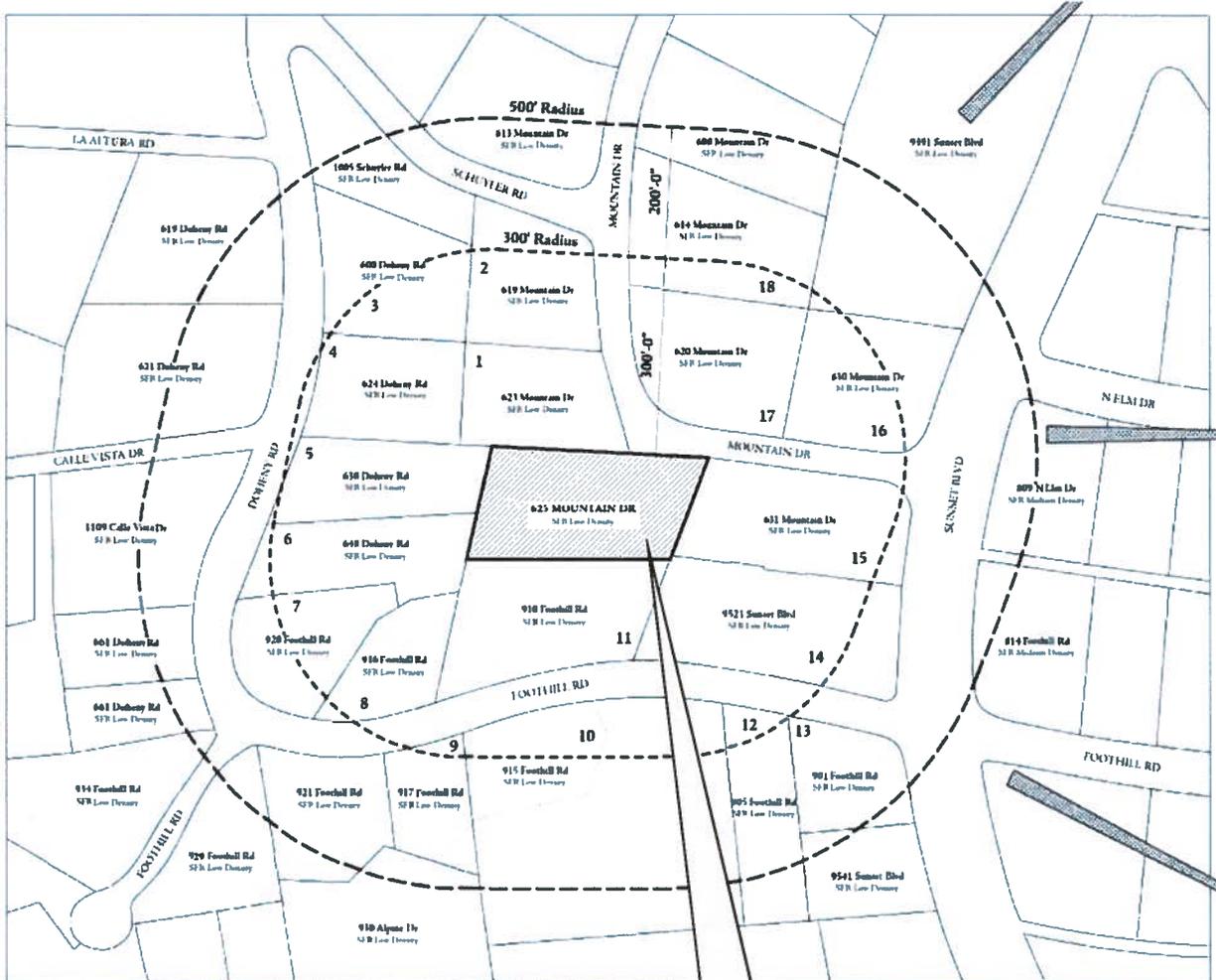
If you are interested in providing the City with access to your property for the purpose of assessing view impacts, or have any questions regarding this notice, please contact **Emily Gable, Assistant Planner** at (310) 285-1192, or by email at egable@beverlyhills.org.

Staff is currently processing an application for Hillside R-1 and Minor Accommodation Permits related to cumulative floor area, export of materials, tennis court location, and height of walls, fences, hedges, and structures. A public hearing on the project will be held at a City Council meeting in the near future. A separate public notice will be mailed to you 10 days in advance of that hearing.

Please note that you must contact this department if you are interested in having the City assess views from your property as they relate to the proposed project.

Sincerely,


Emily Gable, Assistant Planner



Project Site

1 RADIUS MAP
1:1 Mile



Planning Commission Report

625 Mountain Drive

May 26, 2016

Attachment E

Draft Resolution for Planning Commission

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING CONDITIONAL APPROVAL OF A HILLSIDE R-1 PERMIT FOR GAME COURT LOCATION, HEIGHT OF AN ACCESSORY STRUCTURE, AND HEIGHT OF WALLS, FENCES, HEDGES, AND GAME COURT LIGHTING, AND A MINOR ACCOMMODATION FOR FENCE HEIGHT IN A FRONT YARD, AND RECOMMENDING ADOPTION OF A CLASS 3 CATEGORICAL EXEMPTION, ASSOCIATED WITH THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURE, TENNIS COURT, AND ASSOCIATED WALLS AND FENCES ON THE PROPERTY LOCATED AT 625 MOUNTAIN DRIVE.

WHEREAS, Stephen P. Webb, representative of Ezra and Lauren Kest, property owners (collectively the “Applicant”), has submitted an application for a Hillside R-1 Permit and a Minor Accommodation to allow a tennis court and game court fence to be located within the front yard and between the primary residence and the front setback line; walls, fences, hedges, and game court lighting standards to exceed the heights allowed by-right in front, side, and rear yards; a six-foot (6’) tall driveway gate in the front yard; and a garage accessory structure to exceed 14’ in height in the required rear yard; all in conjunction with development of a new single-family home on the property located in the Hillside Area of the City at 625 Mountain Drive (the “Project”); and

WHEREAS, the City Council is the reviewing authority for all requests to locate a game court in a required front yard or between a primary residence and the front setback line on single-family properties in the Hillside Area of the City; and

WHEREAS, the Project does not meet all by-right development standards and therefore requires entitlements that can be granted by the City Council pursuant to the issuance of a Hillside R-1 Permit and Minor Accommodation; and

WHEREAS, the City Council conducted a duly noticed public hearing on April 19, 2016, at which time it received oral and documentary evidence relative to the proposed project at 625 Mountain Drive, at which time the City Council directed the Planning Commission to review the Project and make a recommendation regarding the requested entitlements; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on May 26, 2016, at which time it conducted a site visit to 625 Mountain Drive and 630 Doheny Road and received oral and documentary evidence relative to the proposed Hillside R-1 Permit and Minor Accommodation;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Planning Commission finds that the Hillside R-1 Permit and Minor Accommodation have 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, and the Project is eligible for a Class 3 Categorical Exemption. This exemption is applicable to projects that consist of the construction of "one

single-family residence in a residential zone” and “accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences;” therefore, the Planning Commission recommends that the City Council find that the Hillside R-1 Permit and Minor Accommodation will not have a significant environmental impact and does hereby recommend that the City Council find the Project exempt from the provisions of CEQA.

Section 2. The Planning Commission does hereby recommend to the City Council the adoption of the resolution attached herein as Exhibit 1, conditionally approving a Hillside R-1 Permit and Minor Accommodation to allow the proposed Project on the property located at 625 Mountain Drive.

Adopted: May 26, 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
Assistant City Attorney

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

EXHIBIT 1

19 pages excluding this cover

RESOLUTION NO. 16-R-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT FOR GAME COURT LOCATION, HEIGHT OF AN ACCESSORY STRUCTURE, AND HEIGHT OF WALLS, FENCES, HEDGES, AND GAME COURT LIGHTING, AND A MINOR ACCOMMODATION FOR FENCE HEIGHT IN A FRONT YARD, AND ADOPTING A CLASS 3 CATEGORICAL EXEMPTION TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURE, TENNIS COURT, AND ASSOCIATED WALLS AND FENCES ON THE PROPERTY LOCATED AT 625 MOUNTAIN DRIVE.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY FINDS, RESOLVES, AND DETERMINES AS FOLLOWS:

Section 1. Stephen P. Webb, representative of Ezra and Lauren Kest, property owners (collectively the “Applicant”), has submitted an application for a Hillside R-1 Permit and a Minor Accommodation to allow a tennis court and game court fence to be located within the front yard and between the primary residence and the front setback line; walls, fences, hedges, and game court lighting standards to exceed the heights allowed by-right in front, side, and rear yards; a six-foot (6’) tall driveway gate in the front yard; and a garage accessory structure to exceed 14’ in height in the required rear yard; all in conjunction with development of a new single-family home on the property located in the Hillside Area of the City at 625 Mountain Drive (the “Project”). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the City Council pursuant to the issuance of a Hillside R-1 Permit and Minor Accommodation.

Section 2. The Project consists of a new single-family residence with connected guest house, detached garage, tennis court, swimming pool, and associated walls, fences, hedges, game court lighting standards, and landscaping. The primary residence is two stories with a maximum height of 30' and is located primarily on the northern half of the subject site. The primary residence includes a guest house that is considered part of the same structure because the two parts have a substantial connection via a porte cochere. Including all proposed structures, the floor area of the Project (above-grade only) is less than the allowed limit of 14,667 square feet and the cumulative floor area (including basements) is less than the 15,000 square feet that would require a Hillside R-1 Permit for cumulative floor area.

The tennis court is located in the southern portion of the site, a minimum of 33'-4" from the front property line. Therefore the tennis court encroaches 16'-8" into the 50' required front yard. The tennis court is sunken into the hillside. In the required front yard, a wall, fence, and hedge surrounding the tennis court are a maximum of six feet (6') in height. In the required side and rear yards, the wall and fence surrounding the tennis court are a maximum of 12' in height. Five (5) game court lighting standards with a maximum height of 22' are located in a side or rear yard. A sliding driveway gate with a maximum height of six feet (6') is also located in the front yard.

The detached garage is located five feet (5') from the rear (west) property line. The structure is a maximum of 14' in height as measured from the immediately-adjacent finished grade. However, it is built on fill and therefore the portions of the structure located less than 10' from a retaining wall must factor in the height of that retaining wall. Therefore the maximum code-defined height of the structure is 19'-6".

The Project also includes grading, export of less than 3,000 cubic yards of earth material, and a number of retaining walls with a maximum height of seven feet (7'), all of which may be permitted by right.

In order to be constructed as proposed, the project requests the following entitlements:

Hillside R-1 Permit:

- a. To locate a tennis court and game court fence within a front yard, and between the primary residence and the front setback line (Beverly Hills Municipal Code (BHMC) §10-3-2517A);
- b. To establish the maximum allowed height of game court fencing and lighting standards in required side and rear yards. Applicant proposes a maximum height of 12' for game court walls and fences and 22' for game court lighting standards (BHMC §10-3-2550D);
- c. To allow a wall (tennis court wall, fence, and hedge) of no more than six feet (6') in height in a required front yard (BHMC §10-3-2550J);
- d. To allow an accessory structure (garage) to exceed 14' in height outside the principal building area on a site that exceeds 40,000 square feet in area. Applicant proposes a maximum height of 19'-6", due to the location of the 14' garage over fill and within 10' of a retaining wall (BHMC §10-3-2550H);

Minor Accommodation:

- a. To allow a driveway gate of six feet (6') in height that is open to public view to be located in a front yard, between three feet (3') and ten feet (10') from the front property line (BHMC §10-3-3600M).

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 new single-family residence and appurtenant structures in a residential zone. The City Council finds that the project is exempt from CEQA pursuant to Section 15303 of the CEQA Guidelines which applies to projects that consist of the construction of "one single-family residence in a residential zone" and "accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences."

Section 4. At the request of City staff, the Applicant installed poles and flags ("story poles") on the subject property identifying the outline and height of the proposed residence and detached garage. The installation was certified by a licensed land surveyor. A Notice of View Preservation Analysis was mailed on April 8, 2016 to the property owners and residential occupants within a 300-foot radius of the property with the potential to have protected views through the subject property.

One neighbor, located at 630 Doheny Road, invited staff to observe the story poles from their property during the day and at night. Staff determined that 630 Doheny Road does not have a defined view corridor through 625 Mountain Drive and the Project would not create a substantial disruption of a view of the Los Angeles area basin that would not otherwise

be caused by a 14' structure. Therefore, the primary residence is may be constructed to the maximum height allowed by Section 10-3-2503 of the Beverly Hills Municipal Code.

Section 5. On April 19, 2016, the City Council considered the application at a duly noticed public hearing. The City Council requested the Planning Commission review the Project and provide a recommendation regarding the requested entitlements.

On May 26, 2016, the Planning Commission considered the application at a duly noticed public hearing. The public hearing included a visit to 625 Mountain Drive and 630 Doheny Road. The Planning Commission adopted Resolution No. ____ recommending conditional approval of the requested entitlements.

Section 6. Notice of the Project and public hearing was mailed on ____, 2016 to all property owners and residential occupants within a 500-foot radius of the property. Notice was also posted on the street frontage of the Project site on ____, 2016. On ____, 2016, the City Council considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 7. In reviewing the request for a Hillside R-1 Permit to locate a game court and game court fence within a front yard and between a principal residence and a front setback line, the City Council considered whether it could make the following findings in support of the Project:

1. The game court and game court fence will not have a substantial adverse visual impact on the surrounding neighborhood;

2. The game court and game court fence will not create an unusual noise impact; and

3. The game court and game court fence will not have an adverse impact on the public safety.

Section 8. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Hillside R-1 Permit for the game court and game court fence within the front yard and between the primary residence and the front setback line:

1. The tennis court would be located in the southwest corner of the subject site and the primary residence would be located to the north, placing the tennis court between the primary residence and the front yard of the property, which is in the southeast corner of the site. The required front yard is 50' deep from the front property line along Mountain Drive, and the tennis court would be located 33'-4" from the front property line. The tennis court would be cut into the hill such that the court surface would not be visible from the street and the wall, fence, and hedge surrounding the court within the front yard would not exceed six feet (6') in height as measured on the side closest to the property line. The two neighboring properties to the south have existing tennis courts located nearby the proposed location of the new tennis court, and the addition of a third tennis court would not significantly increase any impacts of the existing courts. Because all portions of the court except for the lighting standards would be hidden from view from the street due to the natural grade and a hedge around the game court fence, and the court would be adjacent to other courts and landscaped areas on neighboring properties, the location of the game court

and game court fence would not have a substantial adverse visual impact on the surrounding neighborhood.

2. The proposed tennis court would be located directly adjacent to tennis courts on two neighboring properties and at least 60' from the nearest primary residence on a neighboring site. The location of the tennis court would not generate unusual or disruptive noise, and would not create an adverse impact on neighboring properties.

3. The proposed tennis court would be located 33'-4" from the front property line. The fencing surrounding the court would rise 10'-9" above the surface of the court, although the code-defined height of the court walls and fences will vary based on the finished grade outside the walls of the sunken court. Due to the distance of the court from the public right-of-way and the height of the surrounding fencing, the tennis court will not cause an adverse impact on public safety.

Section 9. In reviewing the request for a Hillside R-1 Permit to establish the height of a game court fence and lighting standards in required side and rear yards, the City Council considered whether it could make the following findings in support of the Project:

1. The game court fence and lighting standards will not have a substantial adverse impact on access to light and air by neighboring properties; and

2. The game court fence and lighting standards will not have a substantial adverse impact on the visual character of the area as viewed from streets and neighboring properties.

Section 10. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Hillside R-1 Permit for the height of the game court fence and lighting standards:

1. The tennis court would be surrounded by a fence atop a retaining wall. At no point would the retaining wall exceed seven feet (7') in height. The tennis court wall and fence is proposed to be located a minimum of five feet (5') from the side and rear property lines in the southwestern corner of the site. The maximum code-defined height of the wall and fence (measured on the side of the wall closest to the property line, and, when built over fill, including the height of any retaining wall that is less than 10' away) would be 12'. The portion of the court wall and fence that would exceed the by-right height of seven feet (7') would be limited to the southwestern corner of the site, which is adjacent to two other tennis courts and a heavily vegetated portion of another site. Five (5) lighting standards of 22' in height would be located in the side and rear yards, again mostly adjacent to the other existing courts. Significant mature landscaping separates the subject property from its neighbors. The height of the tennis court wall, fence, and lighting standards in the side and rear yards will not cause a substantial adverse impact on access to light and air by neighboring properties.

2. As described above, the tennis court wall, fence, and lighting standards would be minimally visible from neighboring properties, and two of the three closest neighbors already have tennis courts adjacent to the proposed court location. Landscaping is proposed between the tennis court wall and fence and all property lines. The court wall and fence in the side and rear yards will be located

away from the front property line and would be shielded by other landscaping and fences in the front yard area. At 22' tall, the lighting standards would be visible from the public right-of-way. However, all lights are at least 50' from the front property line, three (3) of the eight (8) lights are attached to structures that face the tennis court rather than located on poles (these three (3) lights are also located within the principal building area), and a condition of approval requires that the lighting be appropriately shielded to avoid light pollution of the area. As conditioned, the height of the tennis court wall, fence, and lighting standards will not have a substantial adverse impact on the visual character of the area.

Section 11. In reviewing the request for a Hillside R-1 Permit to allow a wall (tennis court wall, fence, and hedge) with a maximum height of six feet (6') within a front yard, the City Council considered whether it could make the following findings in support of the Project:

1. The wall will not have a substantial adverse impact on the scale and massing of the streetscape; and
2. The wall will not have a substantial adverse impact on the garden quality of the city.

Section 12. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Hillside R-1 Permit for the tennis court wall, fence, and hedge within the front yard:

1. The tennis court wall with fence atop it in the required front yard would be a maximum of six feet (6') tall and would be located approximately 32' from the front property line. A hedge would wrap around the fence to shield views of the fence and court. From the front property line, the property slopes uphill, so the hedge would rise above the viewer. However, the sweeping design of the driveway and a low wall between the driveway and the tennis court wall, fence, and hedge would serve to lessen the visual impact of the height. Consequently, the wall, fence, and hedge surrounding the tennis court within the front yard will not have a substantial adverse impact on the scale and massing of the streetscape.

2. The wall and fence located around the tennis court in the required front yard would have a hedge planted immediately in front of it. Additional landscaping, including several new trees and low groundcovers, would occupy the available space around the driveway, between the front property line and the tennis court. Therefore the height of the wall, fence, and hedge would not create a substantial adverse impact on the garden quality of the city.

Section 13. In reviewing the request for a Hillside R-1 Permit to allow an accessory structure (detached garage) located within a required yard on a site that is more than 40,000 square feet in area to exceed 14' in height, the City Council considered whether it could make the following findings in support of the Project:

1. The accessory structure will not have a substantial adverse impact on the scale or character of the area;

2. The accessory structure will not have a substantial adverse impact on the privacy of neighboring properties;

3. The accessory structure will not have a substantial adverse impact on the neighbors' access to light and air; and

4. The accessory structure will not have a substantial adverse impact on the streetscape.

Section 14. Based on the foregoing, the City Council hereby finds and determines that the subject site exceeds forty thousand (40,000) square feet in area and that only one accessory structure over 14' in height is proposed to be located in a side or rear yard, and hereby finds and determines as follows with respect to the Hillside R-1 Permit for the garage accessory structure:

1. The proposed detached garage accessory structure would be located a minimum of five feet (5') from the west (rear) property line, more than 100' from the south (side) property line, and more than 160' from the north (side) property line. The garage would be located five feet (5') from the edge of the level pad. A retaining wall on the edge of the property would be approximately six feet (6') tall, causing the subject property to step uphill to the level of the motor court and finished grade of the garage. Because the garage would be constructed on top of fill and less than 10' away from the retaining wall, the height of the retaining wall is added to the height of the accessory structure. Therefore, the garage would have a maximum height of 19'-6". However, as measured from the finished grade at the west (rear) side of the garage, the structure would appear to be 13'-9" in height and as measured from

the finished grade of the motor court at the east (front) of the garage, the structure would appear to be 14' in height. The accessory structure would not be abnormally large and would not be visible from the public right-of-way. Therefore, it would not create a substantial adverse impact to the scale or character of the area.

2. The proposed garage would not have any windows on the west (rear) of the structure, which is the only side that faces a nearby neighboring property. The garage is not anticipated to generate extensive disruptive activities and would not have a substantial adverse impact on the privacy of neighboring properties.

3. The rear yard of a property that fronts on Foothill Road abuts the location of the proposed garage. As currently developed, significant mature landscaping occupies the adjacent portion of that neighboring property. The garage would be 36' wide along the property line. At 19'-6" in height, this accessory structure would not create a substantial adverse impact to the neighbors' access to light and air.

4. The garage would be located more than 140' from the front property line. The new attached guest house and tennis court would block views of the garage from the public right-of-way. Because it will not be seen, the garage would not adversely affect the streetscape.

Section 15. In reviewing the request for a Minor Accommodation to allow a fence (sliding driveway gate) that is open to public view with a maximum height of six feet (6') to be located within the front yard between three feet (3') and ten feet (10') from the front

property line, the City Council considered whether it could make the following findings in support of the Project:

1. The fence will not have a substantial adverse impact on the scale and massing of the streetscape; and
2. The fence will not have a substantial adverse impact on the garden quality of the city.

Section 16. Based on the foregoing, the City Council hereby finds and determines as follows with respect to the Minor Accommodation for a fence in the front yard:

1. The proposed driveway gate would be constructed of iron bars with stucco pillars on each side. The gate and pillars would be a maximum of six feet (6') tall and the gate would be approximately 11' in width. The gate would be open to public view. Gates of this type are typical in the neighborhood and the height of the driveway gate would not have a substantial adverse impact on the scale and massing of the streetscape.
2. The driveway gate would be open to public view and a low wall of 2'-6" in height would extend south from one pillar of the gate. Landscaping including trees and low shrubs would be located both in front of and behind the proposed driveway gate and wall. A fence or wall along the entire front property line is not proposed. Due to the proposed landscaping and ability to see through and around the driveway gate, the fence will not have a substantial adverse impact on the garden quality of the city.

Section 17. Based on the foregoing, the City Council hereby grants the requested Hillside R-1 Permit and Minor Accommodation, subject to the following conditions:

1. This approval allows a tennis court and game court fence within a front yard, establishes the allowed height of game court fencing and lighting standards in front, side, and rear yards, allows an accessory structure to exceed 14' in height in the required rear yard, and allows a driveway gate in the front yard in conjunction with the construction of a new single-family residence. Specifically:

- a. The tennis court and game court fence may be located within a front yard and between the primary residence and the front setback line. The court shall be a minimum of 33'-4" from the front property line, and a minimum of six feet (6') from side and rear property lines. The court shall be cut into the hillside to minimize its visibility from the street and neighboring properties.
- b. The game court fence shall be constructed of a retaining wall of no more than seven feet (7') as measured from the surface of the court with a fence on top to a maximum height of 10'-9" as measured from the surface of the court. As measured on the side closest to the property line, and including the height of retaining walls within 10' when constructed over fill, the game court wall/fence shall not exceed 12' in height at any point. The game court wall/fence shall be shielded from neighboring properties by a hedge and additional landscaping as allowed by

the Municipal Code. Five (5) game court lighting standards located in the side and rear yards shall have a maximum height of 22' as measured from the surface of the court. All lighting standards shall be located a minimum of eight feet (8') from the nearest property line.

- c. The game court wall/fence and adjacent hedge located in the front yard shall be immediately adjacent to the tennis court. The wall/fence and the hedge shall have a maximum height of six feet (6'). The wall, fence, and hedge need not be "open to public view."
- d. All portions of the detached garage accessory structure that are within 10' of the nearby retaining wall on the western property line shall have a maximum height of 19'-6" (including the height of the retaining wall). All portions of the garage that are more than 10' from the subject retaining wall shall have a maximum height of 14'. At all points around the structure the garage shall be a maximum of 14' tall as measured from the immediately-adjacent finished grade. No other accessory structure that exceeds 14' in height shall be permitted in the side or rear yard areas unless this detached garage is demolished.

- e. A driveway gate that is open to public view shall be a maximum of six feet (6') in height. It shall be located no less than three feet (3') from the front property line.

The Project shall be constructed in substantial compliance with the plans and specifications approved by the City Council on _____, 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 City Council for review and approval.

2. The tennis court lighting shall be adequately shielded to prevent light spillover onto adjacent properties and the public right-of-way.

3. Installed landscaping shall be in substantial compliance with the plans as approved by the City Council on _____. Landscaping installed to the north of the primary residence shall be selected and designed to screen the new structure from view from neighboring properties. Wherever possible, mature plants and/or fast-growing species shall be installed.

4. Windows on the second story of the north façade of the primary residence shall be limited in number and size to those openings shown in the Project plans as approved by the City Council on _____.

5. All construction trips shall be in accordance with an approved Construction Management and Parking Plan ("Construction Plan") approved by the Director of Community Development and the Director of Engineering and Transportation. The Construction Plan shall include a Heavy Vehicle Trip Plan that

shall utilize approved heavy hauling routes to exit the City safely, quickly, and with as few impacts to residential neighborhoods as possible. The Construction Plan shall require that flagmen be staged outside the gates of the property on Mountain Drive to direct all heavy vehicles in and out of the site and allow public traffic to safely pass.

6. All construction-related parking shall be accommodated on-site or at a designated off-site parking location approved by the Director of Community Development or his/her designee and shall be in accordance with the approved Construction Plan. No construction-related parking shall be permitted on nearby residential streets. Material deliveries and food service vehicles shall park on-site in accordance with the approved Construction Plan.

7. 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.

8. 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 provisions is required prior to the issuance of a building permit.

9. APPROVAL RUNS WITH LAND. The conditions set forth in this resolution shall run with the land and shall remain in full force for the duration of the life of the Project.

10. RECORDATION. This resolution approving the Hillside R-1 Permit and Minor Accommodation 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 City Council 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.

11. EXPIRATION. Hillside R-1 Permit and Minor Accommodation: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

12. VIOLATION OF CONDITIONS: A violation of any of these conditions of approval may result in termination of the entitlements granted herein.

Section 18. The City Clerk 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 City Council of the City.

Adopted:

JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager

SUSAN HEALY KEENE AICP
Director of Community Development



Planning Commission Report

625 Mountain Drive

May 26, 2016

Attachment F

City Council Agenda Report for meeting on 4/19/2016 (without attachments)



AGENDA REPORT

Meeting Date: April 19, 2016

Item Number: E-2

To: Honorable Mayor & City Council

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

Subject: A REQUEST FOR A HILLSIDE R-1 PERMIT AND MINOR ACCOMMODATION FOR FLOOR AREA, EXPORT OF EARTH MATERIAL, GAME COURT LOCATION, HEIGHT OF AN ACCESSORY STRUCTURE, AND HEIGHT OF WALLS, FENCES, AND GAME COURT LIGHTING TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, ACCESSORY STRUCTURES, TENNIS COURT, AND ASSOCIATED WALLS AND FENCES ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 625 MOUNTAIN DRIVE.

Attachments:

1. Required Findings
2. Notice of Public Hearing
3. Notice of View Preservation Analysis (story poles)
4. Story Pole Plan with certification of installation
5. Architectural Plans

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing on the proposed project and requested entitlements and direct staff to prepare a resolution memorializing the Council's findings. Alternatively, the City Council may direct staff to present the proposed project to the Planning Commission for input on the requested entitlements before the project returns to the City Council for consideration.

INTRODUCTION

The applicant seeks to construct a new, two-story residence with basement, accessory structures, tennis court, and associated walls and fences on the single-family property located at 625 Mountain Drive. If all discretionary permit requests are approved as presented, the proposed project would consist of 19,376 square feet of cumulative floor area (including

basements). The primary residence would be situated on the northern half of the subject property. A detached garage 14' in height above an approximately 6' retaining wall would be located near the western property line, and a pool house would be located at the northern edge of the property. Grading and excavation on the site would result in export of approximately 4,300 cubic yards of earth material. The tennis court would be located on the southern portion of the site, between the house and the front setback, and partially within the required front yard. The retaining wall and fence surrounding the tennis court would be a maximum of 6' in height in the front yard and 12' in height in the side and rear yards. Lighting standards for the tennis court would be a maximum of 22' in height. Finally, a sliding gate across the driveway would be located in the required front yard.

Pursuant to the Municipal Code, a Hillside R-1 Permit for a game court and game court fence located in a front yard (and/or between a primary residence and the front setback) always requires City Council review and approval.¹ As a result, the Municipal Code requires that the other Hillside R-1 Permit requests and the Minor Accommodation request associated with the project must also be reviewed by the City Council.² Although final review authority rests with the City Council, the City Council may wish to seek feedback and a recommendation from the Planning Commission on the matter prior to taking action, as the Planning Commission is generally responsible for advising the City Council on land use issues.

BACKGROUND

Applicant Information

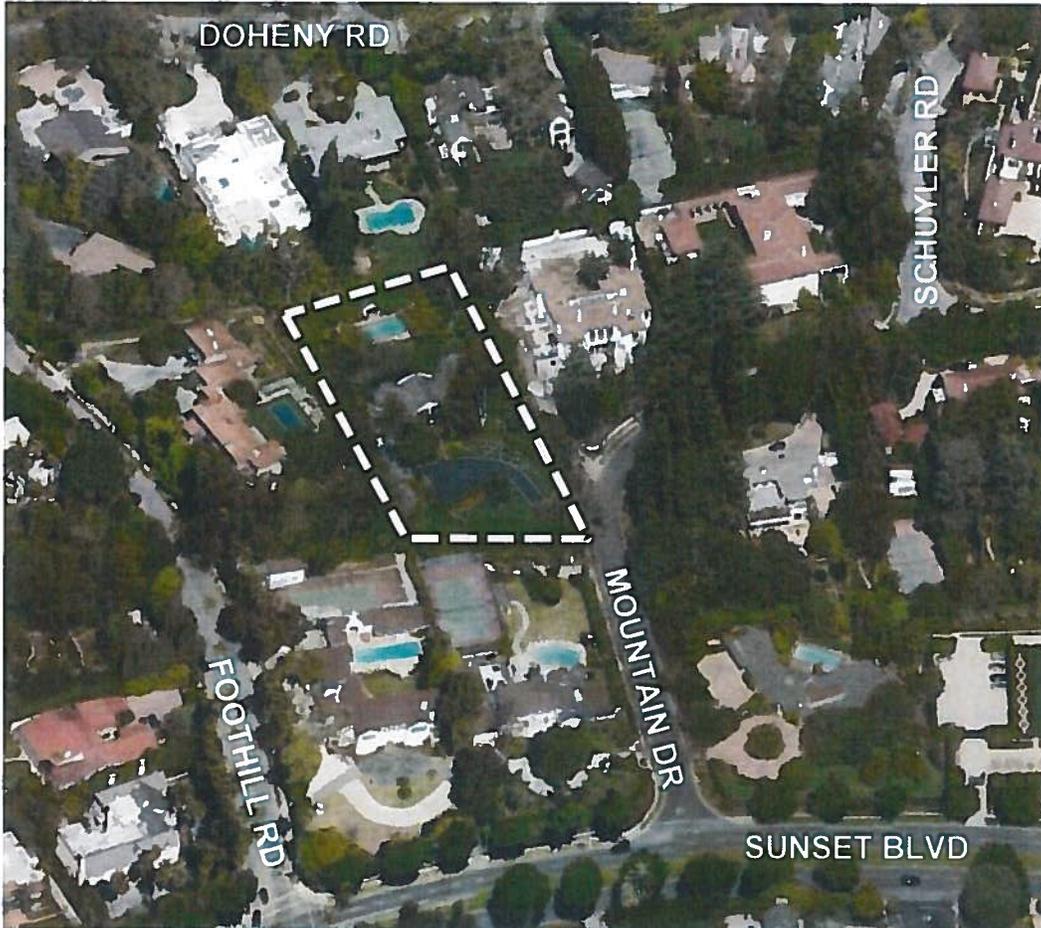
Property Owner:	Ezra & Lauren Kest
Project Representative / Lobbyist:	Stephen P. Webb
Project Architect:	Ruard Veltman Architecture Incorporated

Project Description

The subject property is located on the west side of Mountain Drive, north of Sunset Boulevard in the Hillside Area of the City. The surrounding neighborhood is entirely single-family residences.

¹ Beverly Hills Municipal Code (BHMC) §10-3-2517A: "No game court or game court fence shall be located on a through lot, within a front yard, between a principal residence and a front setback line, or over or on top of any building or structure unless the city council finds, after notice and a hearing pursuant to the procedures set forth in article 25.5 of this chapter, that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety."

² BHMC §10-3-2551: "The reviewing authority for a Hillside R-1 permit application shall be the planning commission unless the application accompanies a separate application for a discretionary approval from the city council with regard to the same site area. In that case, the city council shall be the reviewing authority for the Hillside R-1 permit application." and
BHMC §10-3-3601B: "If the application for a minor accommodation pursuant to subsection 10-3-3600C of this chapter accompanies an application for any other type of discretionary approval from the city council for the same project site, the city council shall be the reviewing authority for the application for the minor accommodation and shall conduct a noticed public hearing regarding the requested minor accommodation."



625 Mountain Drive outlined, with previous residence still on site. Image from Bing Maps.

The project site consists of one parcel of land totaling 53,360 square feet, or 1.225 acres. The basic site conditions are as follows:

SITE CONDITIONS	EXISTING CONDITIONS	PROPOSED PROJECT	NOTES
Average Lot Width	321.6'	No change	Average north-south dimension
Average Lot Depth	172.26'	No change	Average east-west dimension
Site Area	53,360 SF	No change	
Level Pad Area (<5% slope)	29,410 SF	45,067 SF	Existing Condition figures are an estimate of level pad and slope before demolition of the previous house. Proposed Project figures reflect the level pad and slope after grading.
Sloped Area (>5% slope)	23,950 SF	8,293 SF	

Only a small portion of the site in the southeast corner (approximately 120') fronts on Mountain Drive. This 120' segment of property line is considered the front property line. The required front setback is 50', therefore the required front yard is approximately 120' wide (north-south) and 50' deep (east-west) in the southeast corner of the site. The rear property line is on the west. All other property lines are considered sides of the property.

The southeast corner is the lowest elevation on the property, and the site slopes uphill to the north. The total difference in elevation from lowest point to highest point is approximately 37'.

The former single-family residence on the site was demolished in late 2014. The original residence was located approximately in the middle of the site. A garage and shed that still exist on the site would be demolished as part of the proposed project.



View of the subject site from Mountain Drive (looking northwest), before previous residence was demolished. Image from Google Street View, February 2014.

The project consists of the following elements:

- **New single-family residence**
 - Located primarily on the northern half of the site.
 - Two stories plus basement, maximum height of 30'.
 - Includes guest house that faces the tennis court. The guest house is considered part of the primary residence because it is connected via a porte cochere and basement.
 - 12,282 square feet of above-grade floor area, including the attached guest house.

- **New tennis court and associated walls, fences, and lighting standards**
 - Located in the southern portion of the site, cut into the hill. This area was previously a large circular driveway and motor court.
 - Located more than 33' from the front property line and six feet (6') or more from the south (side) and west (rear) property lines. Encroaches approximately 16'-8" into the required front yard (requires Hillside R-1 Permit reviewed by City Council).
 - Maximum 6' height of tennis court wall, fence, and surrounding hedge in the front yard (requires Hillside R-1 Permit).

- Plantings, driveway, and low wall (less than 3' in height) in the front yard separate the tennis court from the street.
- Maximum 12' height of tennis court wall and fence in the side and rear yards³ (requires Hillside R-1 Permit). Fence is tallest in the far southwest corner of the property. Along much of the south side of the tennis court, the hedge and wall are 7' or less. Fence has a maximum 10'-9" height from the tennis court surface.
- Maximum 22' height of the five (5) tennis court lighting standards located in the side and rear yards, as measured from the tennis court surface, or no more than 21' tall from the immediately surrounding site elevations (requires Hillside R-1 Permit).

- New detached garage
 - Located 5' from the rear property line, on the west side of the site (complies with required setback for accessory structures).
 - Faces a motor court that is located between the tennis court and the primary residence.
 - The garage is a one story structure that will appear to be 14' in height. However, because the garage will be located within ten feet (10') of a retaining wall and will be built over fill, the six-foot (6') height of the adjacent retaining wall must also be accounted for (Beverly Hills Municipal Code (BHMC) §10-3-2503C). Therefore, portions of the garage within ten feet (10') of the retaining wall would technically be a maximum of 21'-6" tall.

- New detached pool house and pool
 - Located 5' from the north side property line (complies with required setback for accessory structures).
 - Ten feet (10') tall.
 - Pool is located north of the primary residence, between the residence and the pool house.
 - Fully code compliant and requires no discretionary approvals.

- Site work & landscaping
 - Total landform alteration (cut + fill) of 8,040 cubic yards.
 - Total export of earth material of 4,300 cubic yards (requires Hillside R-1 Permit).
 - A number of retaining walls, all code-compliant at maximum 7' in height, will be constructed on the site. Some existing retaining walls, in particular near the north, east, and south property lines, will remain.
 - A driveway gate that is open to public view and a maximum of 6' in height will be located more than 3' but less than 10' from the front property line (requires Minor Accommodation).

³ Height of the tennis court wall and fence is measured on the side of the fence closest to the property line and, when the wall/fence is built over fill, includes the height of any retaining wall for that fill if such retaining wall is located within 10' of the tennis court wall/fence (BHMC §10-3-100: "Height of wall, fence or hedge" definition, and §10-3-2517G)

Zoning Table

A summary of the allowed development standards and the proposed project follows:

REGULATIONS	ALLOWED / REQUIRED BY RIGHT (without Hillside R-1 Permit)	PROPOSED PROJECT	NOTES
Floor Area (all structures, above-grade only)	14,799 SF	12,918 SF	
Cumulative Floor Area (all structures, including basements)	15,000 SF	19,376 SF	Requires Hillside R-1 Permit
Building Height	14', or up to 30' if no substantial disruption to view of LA basin	30' for main residence, 21'-6" for garage	No substantial disruption to view of LA basin
Front Setback (East, Mountain Dr.)	50'	50' for structures, 33'-4" for tennis court	Tennis court location requires Hillside R-1 Permit with City Council review
Rear Setback (West)	25'-10" for main residence, 5' for 14' tall accessory structure	25'-10" for main residence, 5' for garage	21'-6" tall garage with 5' setback requires Hillside R-1 Permit
Side Setback (East)	38'-7"	38'-7"	
Side Setback (South)	38'-7"	approx. 75'	
Side Setback (North)	38'-7" for main residence, 5' for accessory structure	38'-7" for main residence, 5' for pool house	
Bedrooms	No limit	8	
Parking	4	4+	
Landform Alteration	30,011 cubic yards	8,040 cubic yards	
Import / Export of Earth Material	3,000 cubic yards	4,300 cubic yards (net export)	Requires Hillside R-1 Permit

A summary of the regulations and proposed conditions for the walls, fences, and game court lighting standards is as follows:

REGULATIONS	MAXIMUM ALLOWED HEIGHT	PROPOSED PROJECT	NOTES
Walls / Fences not in the Front Yard	7'	7'	Excluding game court walls & fences
Front Yard Fence (between 3' and 10' from Front Property Line)	3' by right 6' with Minor Accommodation	6' for proposed driveway gate	Must be open to public view
Front Yard Wall / Fence / Hedge (more than 10' from Front Property Line)	3' by right 6' with Hillside R-1 Permit	6' max. game court wall + fence and hedge	
Game Court Wall / Fence in Side & Rear Yards	7' by right 12' with Hillside R-1 Permit	12' max.	See footnote 3 for information on measuring height
Game Court Lighting Standards in Side & Rear Yards	7' by right 22' with Hillside R-1 Permit	22'	Measured from the tennis court surface

Required Entitlements

The Project requires the following discretionary approvals from the City Council in order to be developed as proposed:

1. Hillside R-1 Permit including:
 - a. To locate a game court and game court fence within a front yard (BHMC §10-3-2517A);
 - b. To establish the height of game court fencing and lighting standards in required side and rear yards (BHMC §10-3-2550D);
 - c. To allow a wall (the tennis court wall & fence & hedge) of no more than six feet (6') in height to encroach into a front yard (BHMC §10-3-2550J);
 - d. To allow the cumulative floor area of the project to exceed 15,000 square feet (BHMC §10-3-2550E);
 - e. To allow the import and export of earth material in excess of 3,000 cubic yards (BHMC §10-3-2550A);
 - f. To allow an accessory structure (garage) to exceed fourteen feet (14') in height outside the principal building area (BHMC §10-3-2550H);

2. Minor Accommodation:
 - a. To allow a driveway gate of six feet (6') in height that is open to public view to be located in a front yard, at least three feet (3') from the front property line (BHMC §10-3-3600M).

Planning Commission Review

The proposed project includes a game court and game court fence located in a front yard, which must be reviewed by the City Council. In addition, pursuant to BHMC §10-3-2551 and §10-3-3601B, when the City Council is the reviewing authority for one portion of a project the City Council shall also be the reviewing authority for the other Hillside R-1 and Minor Accommodation requests. Therefore, the Planning Commission has not reviewed this project.

However, the City Council may wish to direct staff to present the proposed project to the Planning Commission at a duly noticed public hearing to receive the Commission's input on the requested entitlements. After such hearing, staff would return to the City Council with a resolution prepared based on the Planning Commission's recommendations.

General Plan⁴ Policies

The General Plan includes numerous goals and policies intended to guide development in the City. Some of the goals and policies relevant to the City Council's review of the Project, include:

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

Policy LU 2.4 Architectural and Site Design. Require that new construction and renovation of existing buildings and properties exhibit a high level of excellence in site planning, architectural design, building materials, use of sustainable design and construction practices, landscaping, and amenities that contribute to the City's distinctive image and complement existing development.

Policy LU 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.

Policy LU 6.2 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 CIR 3.1 Neighborhood Traffic Control Measures. Incorporate traffic control measures in residential neighborhoods as part of proposed roadway improvement or development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on quality of life. Require development projects to mitigate traffic impacts to residents and reduce the negative impacts of motor vehicle traffic on residential roadways.

⁴ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/generalplandocument/>

ENVIRONMENTAL ASSESSMENT

This 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 3 Categorical Exemption (§15303 of the Guidelines) which applies to projects that consist of the construction of “one single-family residence in a residential zone” and “accessory (appurtenant structures including garages, carports, patios, swimming pools, and fences.” The project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

ANALYSIS

The following section focuses on key information and issues relevant to the project, and serves to assist the City Council in its assessment of the project and required findings.

Neighboring Properties – Integrity of Surrounding Area, Privacy, Access to Light and Air.

The surrounding neighborhood is composed of single-family properties just north of Sunset Boulevard, in the lower elevations of the Hillside Area of the City. The majority of homes in the area are two stories, and many have accessory structures and swimming pools. Some have tennis courts. Mature landscaping is prominent, creating a very green neighborhood with properties that are well-screened from each other.

The primary residence is proposed to be two stories with a pitched roof and a maximum height of 30'. It complies with all required setbacks, thus it would be located at least 50' from the front property line (on Mountain Drive), 25'-10" from the west (rear) property line, and 38'-7" from all other (side) property lines.

The owner of 630 Doheny Drive, the property immediately north of the subject property, responded to the public notice and invited staff to visit his property to view the story poles that were erected to outline the roof of the proposed residence (see additional discussion of story poles in View Preservation section, below). The northernmost wing of the proposed residence would have a roof ridge line running east to west at 30' above finished grade. As viewed from 630 Doheny Drive, the height and mass of the structure would be substantial. In addition, many of the second-floor, north-facing windows would be visible above the existing vegetation, and could pose a potential privacy impact.

The proposed swimming pool and pool house would be located to the north of the primary residence. The pool house would be 10' tall and located 5' from the north (side) property line, therefore it would comply with the by-right requirements for accessory structures.

The proposed garage is located along the west (rear) property line. Because the garage would be built over fill and would be located only 5' from the pertinent retaining wall, the code-defined height of the garage would be 21'-6". Therefore it requires a Hillside R-1 Permit for height over 14' of an accessory structure in a required rear yard. However, the garage would be a maximum of 14' tall as measured from the adjacent finished grade. The closest building on a neighboring property would be an accessory structure at the rear of the property at 910 Foothill Road, approximately 20' away.

The allowed above-ground floor area is 14,799 square feet based on the size of the site and proposed level pad. The proposed above-ground floor area is less than the maximum allowed, at 12,918 square feet. The project's cumulative floor area, which includes basements in floor area calculations, is 19,376 square feet. The proposed cumulative floor area exceeds the 15,000-square-foot cumulative floor area threshold that requires approval of a Hillside R-1 Permit.

The proposed tennis court would be located in the southwest portion of the site. The two properties to the south (631 Mountain Drive) and southwest (9521 Sunset Boulevard) have tennis courts located in their northern corners. Thus the proposed site configuration at 625 Mountain Drive would place the new tennis court adjacent to these two existing tennis courts as well as a sloping, landscaped portion of the property at 910 Foothill Road. The requested maximum height for the game court fence in the side and rear yard is 12', where a 7' wall or fence would otherwise be allowed by right. The requested height for the lighting standards is 22'. One lighting standard in the southwest corner would be approximately 8' from the south side property line, which is adjacent to one of the other tennis courts. All other lighting standards would be at least 20' from the nearest property line. Landscaping is proposed between the tennis court wall/fencing and all property lines.

In general, the proposed configuration of the site places the development away from structures on neighboring properties and places the tennis court near existing game courts on adjacent properties. However, the story poles illustrate that the proposed residence would nonetheless be prominent when viewed from 630 Doheny Road (the property immediately to the north) and many of the second-floor, north-facing windows would be visible.

Neighboring Properties – View Preservation.

In accordance with BHMC §10-3-2522, structures that exceed 14' in height in the Hillside Area are subject to the City's view preservation ordinance. The Municipal Code allows a structure taller than 14' if the additional height would not substantially disrupt a view of the Los Angeles area basin from the level pad which contains the primary residential building on a property within 300' of the subject property.

Staff requested story poles (poles with flags strung between them) be installed on the subject property to assist in visualizing the height and shape of the proposed residence's roofline. Upon installation of the story poles, staff sent notices to owners and occupants of the eight (8) potentially affected properties. The neighbor to the north, at 630 Doheny Road, invited staff to view the story poles from his property (photo below). The existing view from 630 Doheny Road is of vegetation and sky, but does not include views of the Los Angeles area basin (buildings, city lights, the ocean/horizon). Although the proposed structure would not substantially disrupt a view of the Los Angeles area basin, it would, as noted above, have potential to impact the openness, light, and air currently enjoyed by this neighboring property.



*Story poles at 625 Mountain Drive, as viewed by looking south from 630 Doheny Road.
Photo by E.Gable, 4/12/2016.*

Public Realm – Scale and Massing of the Streetscape, Garden Quality of the City.

Due to the limited street frontage of the subject property (approximately 120' of the 322' width of the property is along the street), much of the proposed development would be minimally visible from the public right-of-way. The proposed guest house would be the building closest to the street; it would be located 50' from the front property line and approximately 85' from where the driveway enters the property. The peak of the guest house roof would be 30' above the tennis court surface, however, from the street it would appear to rise approximately 20' above the adjacent grade.

BHMC §10-3-2517 prohibits game courts and game court fences from being located in a required front yard, or between a principal residence and a front setback line, unless the City Council finds that such court or fence will not have a substantial adverse visual impact on the surrounding neighborhood, will not create an unusual noise impact, and will not have an adverse impact on the public safety (the latter two issues are addressed further below). In this case, the proposed tennis court in the southern portion of the site would be cut into the hillside and therefore would be partially shielded from view from Mountain Drive by the natural grade. The tennis court fence (a game court fence atop a retaining wall), would reach a maximum height of 6' above the adjacent natural grade in the front yard. Both the court and fence would be located more than 33' from the front property line, with landscaping, the driveway, a low wall

along the driveway, and additional plantings separating them from the street. However, both the top of the fence and the 22'-tall lighting standards (five light poles total, with three additional lights attached to the guest house) would be visible from the street.

The project proposes to retain the one existing tree in the front yard area, and will not disturb the three trees in the public right-of-way adjacent to the front property line. New landscaping would be planted in the front yard as well. Landscaping along the sides and rear of the property would either be retained or planted new depending on the location. Hedges are subject to the same height restrictions as fences and walls, and the project plans note that where plantings form hedges, they shall comply with the applicable height regulations.

The proposed project includes a sliding gate across the driveway constructed of iron bars with stucco pillars on each side. The gate and pillars would be a maximum of 6' tall. A low (2'-6" tall) stucco wall, trees, and low shrubs would complete the landscaping near the street; a fence or wall along the entire front property line is not proposed.

Noise and Public Safety.

As described above, the proposed tennis court would encroach approximately 17' into the required 50' front yard setback. It would be located directly adjacent to tennis courts on two other properties and at least 60' from the nearest primary residence on a neighboring site (9521 Sunset Boulevard). The location of the tennis court is not anticipated to generate unusual or disruptive noise. In addition, the court would be located more than 33' from the front property line. Due to this distance and the height of the surrounding fencing, the tennis court is not expected to cause an adverse impact on public safety.

Construction Hauling and Traffic.

Construction of the proposed project is anticipated to occur over approximately 24 months. Grading to excavate the basement for the residence and the tennis court area would result in approximately 6,170 cubic yards of cut. Approximately 1,870 cubic yards of that would be used as fill in other areas of the site. As a result, approximately 4,300 cubic yards of earth material would need to be exported from the site. This amount exceeds the 3,000 cubic yards of export that would be allowed by right.

The applicant predicts hauling would occur over a period of 22 days. Typical 10 cubic yard dump trucks would be used; therefore this export would require approximately 430 round trips by trucks, or an average of 20 round trips a day (average of three (3) round trips per hour). This would be an increase of 130 total round trips, or an average increase of 6 round trips per day, over what would be allowed by right (if the work was performed over the same 22-day period).

The City does not have existing traffic counts for Mountain Drive. However, based on traffic counts on surrounding streets (Schuyler Road and the southern portion of Loma Vista Drive), staff estimates that approximately 550 vehicles per day use Mountain Drive. The proposed earth material export would result in less than a 4% increase in daily trips on Mountain Drive for 22 days.

The contractor proposes construction hours of 8am to 4:30pm and hauling hours of 9am to 3:30pm. Flagmen would be staged outside the gates of the property on Mountain Drive to direct all trucks in and out and allow public traffic to safely pass. Cones and warning signs would also be placed near the construction site and along Mountain Drive.

The proposed haul route can be seen on Sheet C201 of the architectural plans (Attachment 4). The proposed route would utilize North Foothill Road to travel between Santa Monica Boulevard (a City-approved heavy haul route) and Sunset Boulevard. Although specific hauling routes would ultimately be finalized through issuance of building permits based on circumstances at the time of construction, staff's recommendation would be to utilize Sunset Boulevard (to the east) or Sunset Boulevard and North Beverly Drive (to the west) instead of North Foothill Road for hauling activities in order to provide the shortest distance out of the City on the largest roads.

North of Sunset Boulevard, the proposed route is anticipated to make a loop on Foothill Road, Doheny Road, Schuyler Road, and Mountain Drive. All of these streets north of Sunset are 30'-40' wide. This clockwise loop allows hauling trucks to make a series of right turns, to enter and exit the subject property without crossing traffic on Mountain Drive, and to utilize the traffic light at Foothill Road and Sunset Boulevard. Staff supports this portion of the proposed hauling route.

FISCAL IMPACT

No fiscal impact to the City is anticipated from a Council decision on this matter.

PUBLIC NOTICE AND COMMENTS

A public hearing notice was mailed on April 8, 2016 to all property owners and residential occupants within a 500' radius of the project site. A public hearing notice was also posted on-site on April 8, 2016. As of the writing of this report, staff has not received any written comments regarding the project. On April 12, 2016, staff received a call from the owner of 630 Doheny Road and visited that property, which is located directly north of the subject property. The neighbor expressed concern about the height, mass, and visibility of the proposed residence from his property, its effect on his view and access to light and air, and proximity to his property. Additional information regarding staff's site visit is located above in the Analysis section.

In addition, the City conducted a view preservation analysis associated with the proposed project at 625 Mountain Drive. Poles and flags were installed on the subject property identifying the outline and height of the proposed residence and detached garage. A "Notice of View Preservation Analysis" was mailed on April 8, 2016 to the owners and residential occupants of the eight (8) properties that staff determined have the potential to have protected views through the 625 Mountain Drive property. As mentioned above, staff visited 630 Doheny Drive to inspect the visibility of the story poles from that property. As of the writing of this report, staff has not received comments from any other neighbors. Based on the surrounding topography, arrangement of structures, and mature landscaping, the view diagrams provided in the attached plan set and staff's visit to 630 Doheny Road indicate that the proposed structure with a maximum height of 30' would not create a substantial disruption of a view of the Los Angeles area basin that would not otherwise be caused by a 14' structure (as viewed from the level pad which contains the primary residence for any property within 300' of the subject property).

RECOMMENDED MODIFICATIONS AND / OR CONDITIONS OF APPROVAL

In the event the City Council votes to move forward with project approval, staff recommends implementation of the following project-specific modifications/conditions in order to reduce the potential for adverse impacts:

- Revise the proposed heavy hauling route to utilize Sunset Boulevard if traveling to/from the east or Sunset Boulevard and North Beverly Drive if traveling to/from the west
- Explore options for reducing the quantity of exported earth material where practical
- Explore options to reduce the number of north-facing windows on the proposed primary residence
- Explore options to better modulate the roof ridgeline as viewed from the neighboring property to the north
- Incorporate appropriate shielding into game court lights to prevent lighting spillover
- Require all construction-related parking to be accommodated on-site (not on adjacent streets) or at an off-site location

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed project and requested entitlements and direct staff to prepare a resolution memorializing the Council's findings. Alternatively, the City Council may direct staff to present the proposed project to the Planning Commission for input on the requested entitlements before the project returns to the City Council for consideration.

Susan Healy Keene, AICP
Director of Community Development


Approved By



Planning Commission Report

625 Mountain Drive

May 26, 2016

Attachment G
Architectural Plans

PROVIDED UNDER SEPARATE COVER