



Planning Commission Report

Meeting Date: August 25, 2016

Subject: **1011 Lexington Road
Zone Text Amendment**

Request for a Zone Text Amendment to allow the construction of decks that cover portions of driveways that lead to subterranean parking to be located in required side yards, street side yards, pad edge setbacks, and rear yards at single-family residences located in the Hillside Area of the City. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider adoption of a Categorical Exemption for this project.

Project Applicant: Soraiya Hanasab
Representative: Harouni-Hafco & Associates

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 adopt a Zone Text Amendment.

REPORT SUMMARY

The applicant requests a Zone Text Amendment to allow the construction of an at-grade deck that covers a portion of a driveway that leads to subterranean parking to be located in a required side yard at a single-family residential property at 1011 Lexington Road. Currently, the Beverly Hills Municipal Code (BHMC) allows these types of decks as a permissible encroachment in the Central Area of the City, but does not afford the same opportunity in the Hillside Area. Thus, the applicant has requested a Zone Text Amendment to amend BHMC §10-3-2509 in order to allow said decks as permissible encroachments in side yards, street side yards, pad edge setbacks, and rear yards in the Hillside Area of the City. Additionally, BHMC §10-3-2409 (regarding these types of decks in the Central Area) would be amended to ensure consistency with the language proposed for the Hillside Area of the City. Lastly the Floor Area definition applicable to a single-family residential zone in BHMC §10-3-100 would be clarified to exempt the space created below the proposed decks from being counted as floor area. This report analyzes key project components including scale and mass, privacy, landscaping, and the merits of the proposed zone text amendment. Based on the analysis contained in this report, the proposed amendments are not anticipated to result in any significantly adverse impacts, and the recommendation in this report is for approval of the amendments.

Attachment(s):

- A. Required Findings
- B. Draft Resolution and Ordinance
- C. Public Notice
- D. Architectural Plans (Provided as a Separate Attachment)

Report Author and Contact Information:

Cynthia de la Torre
(310) 285-1195
cdelatorre@beverlyhills.org



BACKGROUND

File Date	9/1/2015
Application Complete	10/1/2015
Subdivision	N/A
Deadline	
CEQA Deadline	60 days from CEQA Determination
CEQA Determination	Class 3 Categorical Exemption for construction of new, small structures accessory to a residence and a Class 5 Categorical Exemption for amendments resulting in minor changes in land use limitations pertaining to decks that cover portions of driveways that lead to subterranean parking in areas with an average slope of less than 20%, which do not result in any changes to land use or density.
Permit Streamlining	Take action on project within 60 days of CEQA determination
Applicant(s)	Soraiya Hanasab
Owner(s)	Soraiya Hanasab Trust
Representative(s)	Harouni-Hafco & Associates
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1011 Lexington Road
Assessor's Parcel No.	4350-011-012
Zoning District	R-1.X
General Plan	Low Density Single-Family Residential
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly-shaped lot with a site area of approximately 29,620 square feet
Year Built	New single-family residence is under construction
Historic Resource Protected	None
Trees/Grove	None that will be affected by the project

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

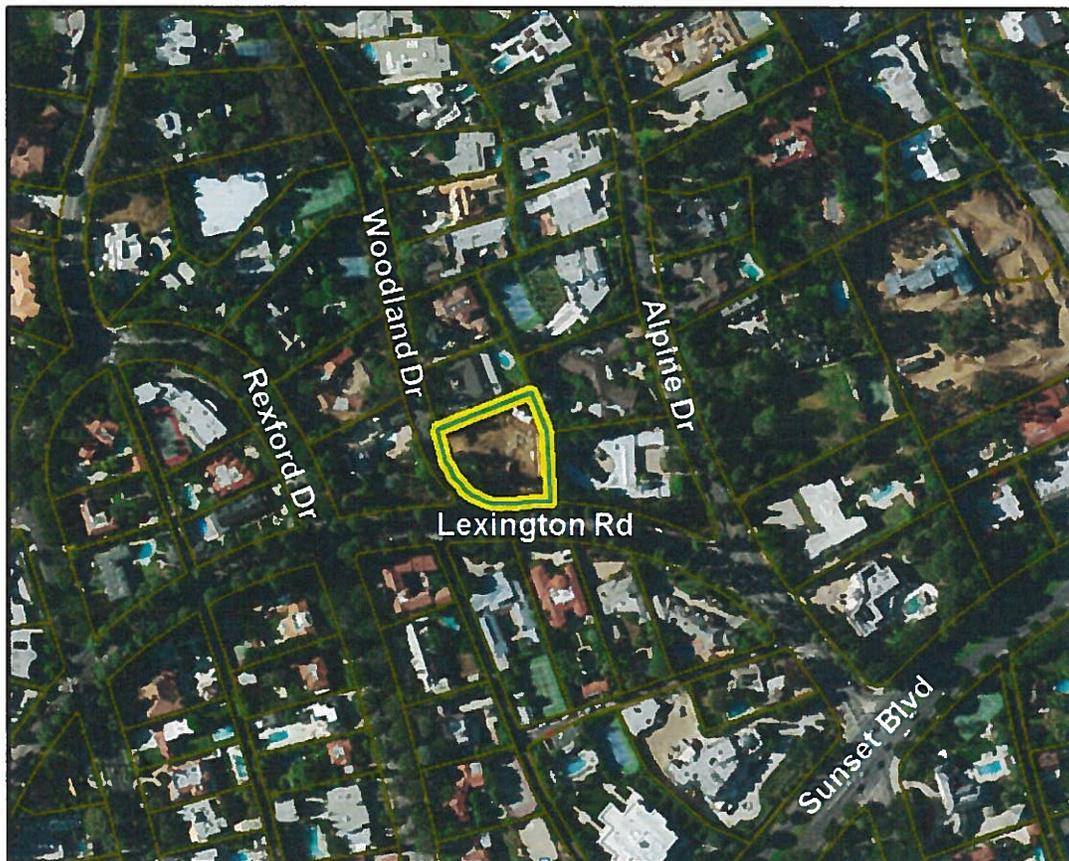
Adjacent Street(s)	On the corner of Lexington Road and Woodland Drive
Adjacent Alleys	None



Parkways & Sidewalks	Lexington Road – North Parkway: 14'; Woodland Drive – West Parkway: 2.5'
Parking Restrictions	Overnight parking is prohibited; no daytime parking restrictions on Lexington Road or Woodland Drive
Nearest Intersection	Lexington Road and Woodland Drive

Neighborhood Character

The project site is located on Lexington Road, at the corner of Lexington Road and Woodland Drive, just above the line of demarcation between the Hillside and Central areas of the City. The site's front property line is along Lexington Road and Woodland Drive. The site is surrounded by one- and two-story single-family homes and measures 29,620 square feet. Due to its size, the property is considered an estate property. The site is currently being developed with a two-story single-family residence with a basement. Construction of the new residence is almost complete.



Project Site Looking North



PROJECT DESCRIPTION

The proposed project consists of allowing the construction of a deck located at the finished first floor level of a residence that covers portions of a driveway that leads to subterranean parking to encroach in a required side yard. The deck would act as an extension of the finished first floor level of the main residence. Said decks are currently allowed in the Central Area of the City, and approval of the zone text amendment would allow these types of decks in the Hillside Area as well. The project would not add any additional floor area to the site—the floor area definition applicable to single-family residential zones would be clarified to expressly exempt the subterranean space created below the proposed decks from counting as floor area. A summary of relevant development standards is provided in the table below:

REGULATIONS	ALLOWED/ REQUIRED	APPROVED
Height	30'	27.5'
Front Setback	25'	36'-6"
Side Setback (West)	17'-2"	17'-2"
Side Setback (East)	17'-2"	22'
Rear Setback	20'	65'
Bedrooms	N/A	6
Parking	4 spaces	6 spaces in the basement; 2 spaces in 2- car garage

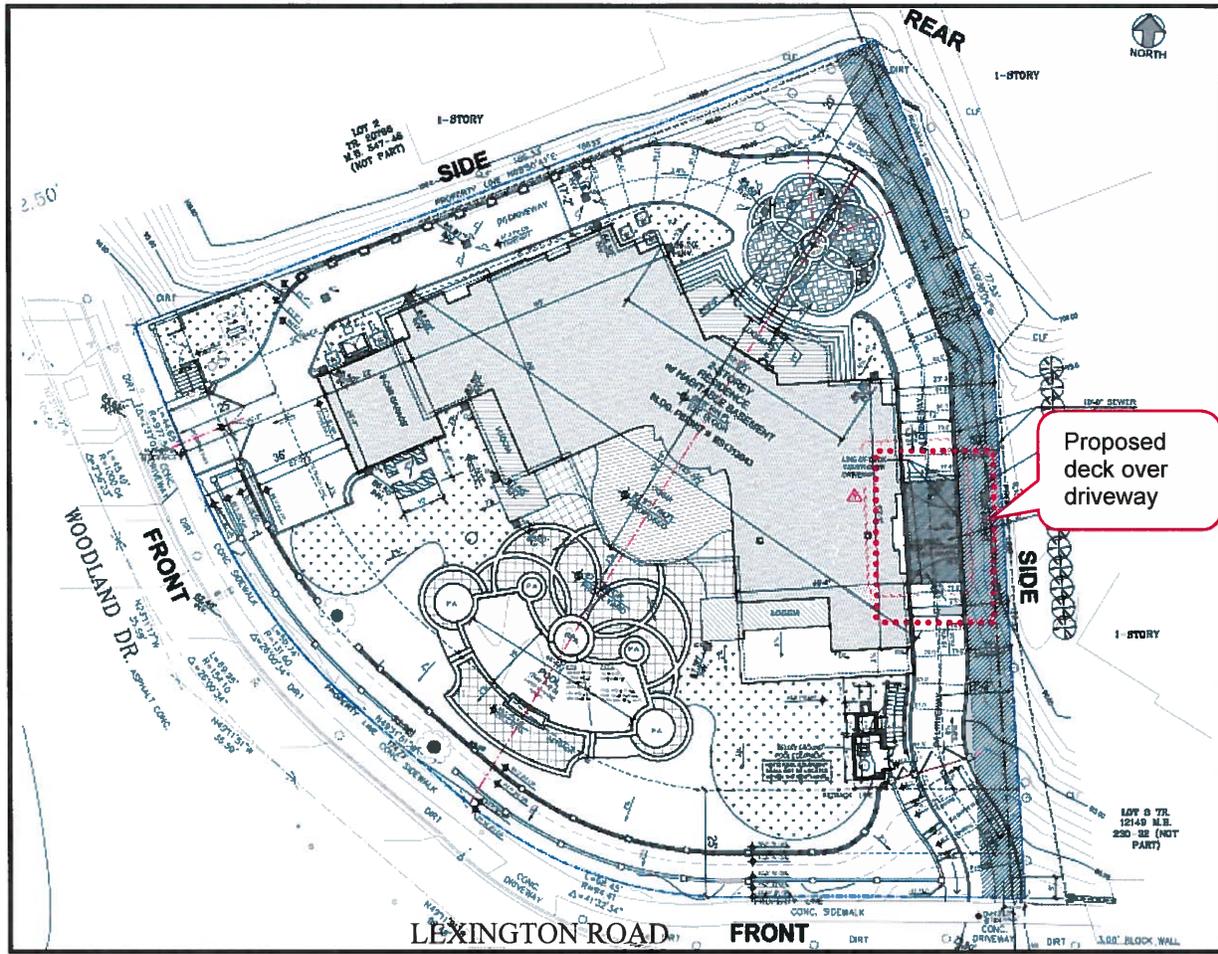


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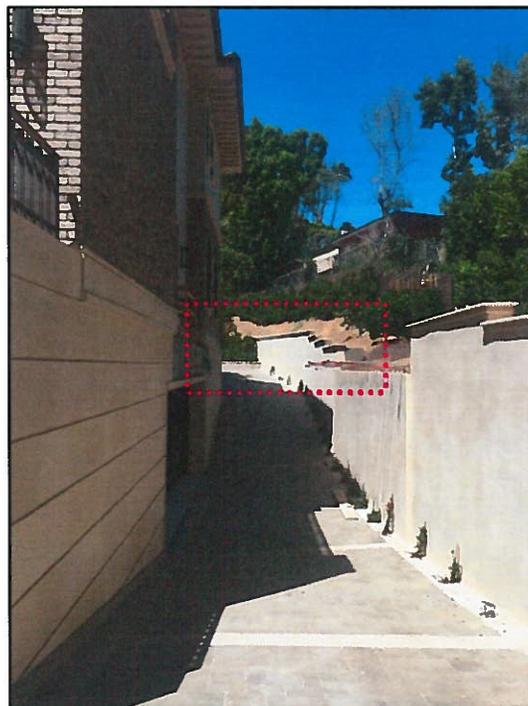
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Site Plan



Location of Proposed Deck over Driveway



Required Approvals. As proposed, the project requires the following approvals in order to be established:

- **Zone Text Amendment:** The zoning code currently does not contain a provision to allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards on single-family residences located in the Hillside Area of the City. This request would amend BHMC §10-3-2509 to allow said decks as an encroachment in the Hillside Area of the City. BHMC §10-3-2409, which is applicable to single-family residences in the Central Area, would also be amended to ensure consistency with the language proposed for the Hillside. Lastly, the floor area definition applicable to a single-family residential zone in BHMC §10-3-100 would be clarified to expressly exempt the subterranean space created below the proposed decks from counting as floor area.

GENERAL PLAN¹ POLICIES

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

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.
- **Policy LU 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 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.
- **Policy LU 6.3 Housing Scale and Mass.** Regulate renovations of and additions to single-family housing to ensure that they do not adversely alter the contextual scale, mass, and design qualities of existing structures.

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



ENVIRONMENTAL ASSESSMENT

The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000, *et seq.*), 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 pursuant to Section 15303 (New Construction or Conversion of Small Structures) and a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations). The exemptions are applicable to projects characterized as construction of new, small structures accessory to a residence, as well as minor changes in land use limitations such as the amendment to the zoning code to allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards in the Hillside Area of the City. Furthermore, allowing such decks in the Hillside would not result in additional grading as driveways that lead to subterranean parking are currently allowed structures in the Hillside, and the proposed decks would be covering the already-approved driveway structures. Therefore, the project has been determined not to have a significant environmental impact and could qualify for the exemptions from the provisions of CEQA as noted above.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice (agenda)	3 Days	8/22/2016	8/18/2016	7 Days
Newspaper Notice	10 Days	8/12/2016	8/12/2016 (Beverly Hills Courier) 8/18/2016 (The Weekly)	13 Days
Mailed Notice (Owners & Occupants - 500' Radius + block-face for the properties in the Central Area)	10 Days	8/15/2016	8/15/2016	10 Days
Property Posting	10 Days	8/15/2016	8/15/2016	10 Days
Website	N/A	N/A	8/18/2016	7 Days

Public Comment

As of the writing of this report, staff received a call from a neighbor at 1010 Woodland Drive who requested additional information about the proposal.



ANALYSIS²

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

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

Zone Text Amendment. The proposed zone text amendment would create a provision in the code that would allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards in the Hillside Area of the City.

Zoning regulations currently do not have any provisions to allow these decks on single-family properties in the Hillside Area of the City. These types of decks became allowed in the Central Area when the development standards for single-family properties in the Central Area of the City were amended in 2014 to address issues related to bulk and mass. The amendment to allow such decks was approved to allow property owners to cover portions of driveways and provide hardscape or landscaping on this area, with the aim of creating a better appearance as viewed from the street and a better experience for the adjacent neighbor who would no longer be directly adjacent to a concrete trench and ramp leading to the neighbor's basement.

The zone text amendment would allow such decks, which are already allowed structures in the Central Area of the City, to be allowed in the Hillside Area of the City. The proposed zone text amendment would create a provision that would allow such decks to constitute permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards of a single-family home, thereby allowing the decks to be built by-right, without requiring a discretionary entitlement. Additionally, to ensure consistency with the language for the Hillside, staff recommends that the existing language for the Central Area be amended to match the proposed language for the Hillside Area. The language proposed for the Hillside was formulated after discussions with the City's plan checkers, who have worked on such deck applications in the Central Area. The proposed language for both areas represents language that was fine-tuned even further after staff had had experience with such deck projects since the adoption of the Central Area single-family development standards two years ago. Staff also recommends that the floor area definition be clarified to exempt the subterranean space created below the proposed decks from counting as floor area in order to incentivize the decks that are more aesthetically pleasing to be built as a way to mitigate the trench created by a driveway ramp that leads to subterranean parking.

² The information provided in this section is based on analysis prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to make alternate findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.



Based on this analysis, staff believes that the proposed zone text amendment will provide consistency between the regulations pertaining to single-family properties located in the Central Area and to those pertaining to single-family properties in the Hillside Area, as well as the potential for improved aesthetics through hardscape or landscape design to screen unsightly trenches created by driveways to subterranean parking.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt a resolution recommending City Council approval of the proposed zone text amendment.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

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



Planning Commission Report

1011 Lexington Road
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Attachment A
Required Findings

Zone Text Amendment Findings:

10-3-3908: DECISION OF THE PLANNING COMMISSION:

If, from the facts presented at the public hearing, or by investigation by or at the instance of the planning commission, the planning commission finds that the public interest, health, safety, morals, peace, comfort, convenience, or general welfare requires the reclassification of the property involved or the reclassification of any portion of the property, the planning commission shall so recommend to the council.



Planning Commission Report

1011 Lexington Road

August 25, 2016

Attachment B

Draft Resolution and Ordinance

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS 10-3-2509, 10-3-2409, AND 10-3-100 REGARDING DECKS THAT COVER PORTIONS OF DRIVEWAYS THAT LEAD TO SUBTERRANEAN PARKING AS PERMISSIBLE ENCROACHMENTS IN REQUIRED SIDE YARDS, STREET SIDE YARDS, PAD EDGE SETBACKS, AND REAR YARDS IN THE HILLSIDE AREA OF THE CITY.

WHEREAS, the Planning Commission has considered the proposed amendment to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the “Amendment”); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 25, 2016, at which time it received oral and documentary evidence relative to the proposed Amendment; and

WHEREAS, the Planning Commission finds that the proposed Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan.

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

Section 1. The Amendment has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. (“CEQA”)), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq. (hereafter the “Guidelines”)), and the environmental regulations of the City. The Planning Commission finds that adoption of the Amendment will not have a significant environmental impact and is exempt from CEQA pursuant to Sections 15305 (Class 5) and 15303 (Class 3) of Title 14 of the California Code of Regulations. The Class 5 exemption is applicable to the Amendment because the Amendment results in minor changes in land use limitations and applies to properties with an average slope not exceeding 20%. Additionally, the Class 3 exemption is applicable to the Amendment because the project involves the construction of new, small structures accessory to a residence. Thus, the Planning Commission hereby finds that the Amendment is exempt from CEQA pursuant to CEQA Guidelines Sections 15305 and 15303.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment is intended to apply a development standard approved to address issues of bulk and mass in the Central Area to single-family residential properties in the Hillside Area by allowing decks that can include landscaping to cover portions of driveways that lead to subterranean parking as permissible encroachments in a side yard, street side yard, pad edge setback, and rear yard. This is accomplished by allowing building permits to be issued for said decks located in the Hillside Area of the City. For these reasons, the Amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of the public.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: August 25, 2016

Farshid Joe Shooshani
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Ryan Gohlich, AICP
Secretary of the Planning Commission

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

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

EXHIBIT A

[DRAFT] ORDINANCE NO. 16-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTIONS §10-3-2509, §10-3-2409, AND §10-3-100 TO ALLOW DECKS LOCATED AT FINISHED FIRST FLOOR LEVEL THAT COVER PORTIONS OF DRIVEWAYS THAT LEAD TO SUBTERRANEAN PARKING AS PERMISSIBLE ENCROACHMENTS IN REQUIRED SIDE YARDS, STREET SIDE YARDS, PAD EDGE SETBACKS, AND REAR YARDS IN THE HILLSIDE AREA OF THE CITY, TO ENSURE THAT THE EXISTING LANGUAGE APPLICABLE TO SAID DECKS IN THE CENTRAL AREA OF THE CITY IS CONSISTENT WITH THE LANGUAGE ADOPTED FOR THE HILLSIDE, AND TO EXPRESSLY EXEMPT THE SUBTERRANEAN SPACE CREATED BELOW THE DECKS FROM COUNTING AS FLOOR AREA.

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. On August 25, 2016, the Planning Commission held a duly noticed public hearing after which it adopted Resolution No. _____, recommending that the City Council amend portions of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code to include provisions related to allowing decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards in the Hillside Area of the City, to ensure consistency with the existing provision that allows said decks in the Central Area of the City, and to exempt the subterranean space created below the decks from counting as floor area (collectively, the “Amendments”). On _____, the City Council held a duly noticed public hearing, received public testimony, and thereafter introduced this Ordinance.

Section 2. This Ordinance and the Amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Amendments would allow the construction of new, small structures accessory to a residence, as well as minor changes in land use limitations such as the amendment to the zoning code to allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards, street side yards, pad edge setbacks, and rear yards in the Hillside Area of the City. Furthermore, allowing such decks in the Hillside would not result in additional grading as driveways that lead to subterranean parking are currently allowed structures in the Hillside, and the proposed decks would be covering the already-approved driveway structures. Therefore, the City Council finds that the Amendments are exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations).

Section 3. The Amendments are consistent with the objectives, principles, and standards of the General Plan. General Plan Policy Land Use “2.1 City Places: Neighborhoods, Districts, and Corridors” encourages the maintenance and enhancement of the character, distribution, built form, scale, and aesthetic qualities of the City’s distinctive residential neighborhoods, business districts, corridors, and open spaces. General Plan Policy Land Use “2.3 Hillside Development” requires that natural landforms that define the City be maintained and that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape. Furthermore, General Plan Policy Land Use “2.4 Architectural and Site Design” requires 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. Additionally, General Plan Policy Land Use “6.2 Housing Character and Design” requires 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. Lastly, General Plan Policy Land Use “6.3 Housing Scale and Mass” encourages the regulation of renovations and additions to single-family housing to ensure that they do not adversely alter the contextual scale, mass, and design qualities of existing structures.

Section 4. The City Council hereby amends Section 10-3-2509 of Article 25 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by adding one new permissible encroachment with all other permissible encroachments listed in the section remaining unchanged. The term “Decks located at finished first floor level, covering portions of a driveway that leads directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty two inches (42”) above the deck floor level and that the width of the deck shall be limited to 24’ or the opening of the driveway, whichever is less” is added between “Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty two inches (42”) above the first floor level” and “Gas and electric meter enclosures projecting no more than eighteen inches (18”) into such yards” as they presently appear in Section 10-3-2509, to read as follows:

“10-3-2509: PERMISSIBLE ENCROACHMENTS IN SIDE YARDS, STREET SIDE YARDS, PAD EDGE SETBACKS, AND REAR YARDS

- C. Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the first floor level;
- D. Decks located at finished first floor level, covering portions of a driveway that leads directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the deck floor level and that the width of the deck shall be limited to 24' or the opening of the driveway, whichever is less;
- E. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;"

Section 5. The City Council hereby amends Section 10-3-2409 of Article 24 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“D. Decks located at finished first floor level, covering portions of a driveway ramps that leads directly to subterranean parking for residences, provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the deck floor level and that the width of the deck shall be limited to 24' or the opening of the driveway, whichever is less.”

Section 6. The City Council hereby amends Section 10-3-100 of Article 1 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code by clarifying that the subterranean space

created below the proposed decks is exempt from counting as floor area. Additionally, the City Council also amends this section by listing the floor area exemptions under the single-family residential zone floor area definition. All other definitions in the section remain unchanged.

The Floor Area definition applicable to the single-family residential zone is amended to read as follows:

“B. Single-family residential zone: "Floor area" shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces, up to four hundred (400) square feet of garage area, and **the space created below a deck located at the finished first floor level of a residence that extends over a driveway that leads to subterranean parking.**”

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 8. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 9. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

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

ATTEST:

_____ (SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

MAHDI ALUZRI
City Manager

SUSAN HEALY KEENE
Director of Community Development



Planning Commission Report

1011 Lexington Road

August 25, 2016

Attachment C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: August 25, 2016

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

LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, August 25, 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 to allow the construction of a deck that covers a portion of a driveway that leads to subterranean parking to be located in a required side yard at the residential property located at 1011 Lexington Road. The subject site is located in the Hillside Area of the City. Construction of the proposed project requires the following entitlements:

Zone Text Amendment:

The proposed Zone Text Amendment would amend BHMC §10-3-2509 (Permissible Encroachments in Side Yards, Street Side Yards, Pad Edge Setbacks, and Rear Yards) to allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards in the Hillside Area of the City. Said decks are currently allowed as permissible encroachments in the Central Area of the City. Additionally, BHMC §10-3-2409 would be amended to ensure consistency with the language proposed for the Hillside. Lastly, the Floor Area definition applicable to a single-family residential zone in BHMC §10-3-100 would be clarified to expressly exempt the subterranean space created below the proposed decks from counting as floor area.

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the environmental regulations of the City. The

project appears to qualify for a Class 3 Categorical Exemption pursuant to Section 15303 (New Construction or Conversion of Small Structures) and a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations). The exemptions are applicable to projects characterized as construction of new, small structures accessory to a residence, as well as minor changes in land use limitations such as the amendment to the zoning code to allow decks located at finished first floor level that cover portions of driveways that lead to subterranean parking as permissible encroachments in required side yards in the Hillside Area of the City. Furthermore, allowing such decks in the Hillside would not result in additional grading as driveways that lead to subterranean parking are currently allowed structures in the Hillside, and the proposed decks would be covering the already-approved driveway structures. Therefore, the project has been determined not to have a significant environmental impact and the Planning Commission will consider exemptions from the provisions of CEQA as noted above.

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

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Cynthia de la Torre, Assistant Planner** in the Planning Division at (310) 285-1195, or by email at cdelatorre@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:



Cynthia de la Torre, Assistant Planner



Planning Commission Report

1011 Lexington Road

August 25, 2016

Attachment D

Architectural Plans (Provided as a Separate Attachment)