



Planning Commission Report

Meeting Date: December 13, 2012

Subject: **619 Doheny Road**
Hillside R-1 Permit

Request for a Hillside R-1 Permit to allow the construction of a new two-story single-family residence, a new two-story detached accessory structure, walls, fences (gates), and hedges within front and street side yard areas, and landform alternations in conjunction with the proposed structures.

PROJECT APPLICANT: Jason Somers

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
 2. Adopt the attached resolution conditionally approving the requested Hillside R-1 Permit.
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REPORT SUMMARY

The proposed project involves the construction of a new two-story single-family residence, a new two-story detached accessory structure, walls, fences (gates), and hedges within front and street side yard areas, and landform alterations resulting in the removal of more than 3,000 cubic yards of earth material. The proposed project does not meet the by-right development standards set forth for single-family residences, detached accessory structures, and walls, fences (gates) and hedges, and therefore requires discretionary review by the Planning Commission.

This report analyzes the proposed project, with specific analysis of the floor area and massing proposed on the site, the height of the accessory structure, the height and design of proposed walls, fences (gates), and hedges, and the landform alterations proposed in conjunction with the project. Staff's analysis concludes that with the proposed configuration of the site, as well as the existing character of the surrounding neighborhood, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the requested entitlements that are required to construct the proposed single-family residence, accessory structure, and walls and hedges.

Attachment(s):

- A. Zoning Compliance Table
- B. Staff Recommended Findings and Conditions of Approval
- C. Public Notice
- D. Draft Resolution
- E. Architectural Plans

Report Author and Contact Information:

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BACKGROUND

File Date	8/23/2012
Application Complete	11/8/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	1/7/2013 without extension request from applicant

Applicant(s)	Jason Somers, Crest Real Estate
Owner(s)	Allied Golden Properties
Representative(s)	Jason Somers, Crest Real Estate

Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	619 Doheny Road
Legal Description	Beverly Hills Lot 28 Blk 118
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 59,585 SF (1.36 acres)
Year Built	1972
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.X – Single-family residential
South	R-1.X – Single-family residential
East	R-1.X – Single-family residential
West	R-1.X – Single-family residential

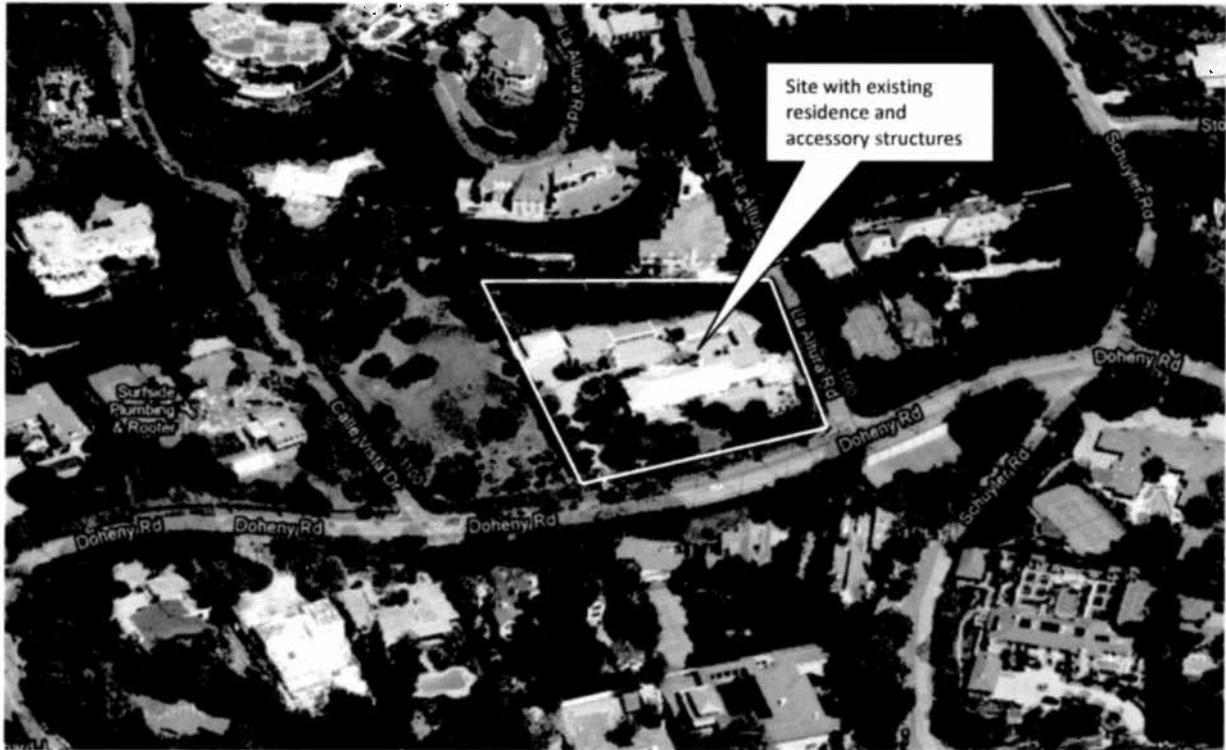
Circulation and Parking

Adjacent Street(s)	Doheny Road and La Altura Road
Adjacent Alleys	None
Parkways & Sidewalks	10'-0" southern parkway, 6'-0" eastern parkway
Parking Restrictions	Doheny Road – overnight parking is prohibited; La Altura Road – overnight parking is prohibited on the east side of the street.
Nearest Intersection	Doheny Road and La Altura Road
Circulation Element	Local

Neighborhood Character

The subject property is located in the Hillside Area of the City and slopes upward from Doheny Road. The subject property has a total site area of 59,585 SF and is currently developed with one-story single-family residence and accessory structures totaling 6,940 square feet. The existing single-story residence and accessory structure were constructed in 1972. The existing residence is orientated perpendicular to Doheny Road and contains driveway access to the site from both Doheny Road and La Altura Road.

The surrounding neighborhood consists primarily of two-story single-family properties. The surrounding properties vary in configuration and size but are generally considered to be estate lots (greater than 24,000 SF). Extensive, mature landscaping is maintained along a majority of the La Altura Road and Doheny Road streetscapes, both on the public right-of-way and on the surrounding residential properties.



PROJECT DESCRIPTION

The proposed project consists of a new two-story residence, a detached pool house, and walls and hedges within the front setback area. The proposed two-story residence would be located near the center of the lot and would be orientated toward Doheny Road. As proposed, the residence would be 30'-0" in height, would contain 13,282 square feet of floor area on the first and second levels, and 7,286 square feet of floor area in the basement level. Access to the residence is to be provided via driveways from both Doheny Road and La Altura Road. A detached accessory structure is proposed to be located northwest of the new residence and would contain 950 square feet of floor area on the first and second levels, and a 1,020 square foot basement to be used for storage and electrical equipment. The accessory structure would be located entirely within the principal building area of the site; however, the stairway to access the second level of the structure would encroach into the required rear yard setback and would exceed the standard 14'-0" height limit by approximately 6 inches. In conjunction with the new residence and accessory structure, new walls, fences (gates), and hedges are proposed within the front yard area along La Altura Road and the street side yard area along Doheny Road. The walls, fences, and hedges are proposed to be 6'-0" in height and would be solid in design. Additionally, with the proposed site improvements, landform alterations would result in the export of 4,666 cubic yards of earth material.

Requested Permits

The entitlements requested as part of the proposed project are as follows:

Hillside R-1 Permit.

- A request to allow the cumulative floor area on the site, inclusive of basements, to exceed 15,000 square feet. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2502(B)¹, a Hillside R-1 Permit may be issued to allow the cumulative floor area on a site to exceed 15,000 square feet. The total floor area proposed on the site, including all basements, is 22,539 square feet, which exceeds the 15,000 square foot threshold.
- A request to allow a portion of the proposed accessory structure, which is located within the rear yard setback, to exceed 14'-0" in height by 6 inches. According to BHMC §10-3-2512², approval of a Hillside R-1 Permit would allow a detached accessory structure, or portion thereof, to exceed 14'-0" in height when located in a rear yard setback.
- A Hillside R-1 Permit to allow walls, fences (gates), and hedges located within the required front and street side setbacks up to 6'-0" in height and to be solid in design. Pursuant to BHMC §10-3-2516(C)³, walls, fences, and hedges located within the required front and street side yard areas must maintain a 3'-0" setback from the property line, be limited to 3'-0" in height, and must be designed to be open to public view unless otherwise permitted by a Hillside R-1 Permit. The proposed walls, fences (gates), and hedges are proposed to be located in the required front yard area along La Altura Road and the required street side yard area along Doheny Road. The walls, fences, and hedges would be 6'-0" in height and would not meet the open to public view requirements, thus necessitating a Hillside R-1 Permit.
- A request for a Hillside R-1 Permit to allow landform alterations resulting in the export of more than 3,000 cubic yards of earth material. Pursuant to BHMC §10-3-2521⁴, no more than 3,000 cubic yards of earth material may be exported from a site unless permitted by a Hillside R-1 Permit. The project proposes to export 4,666 cubic yards of earth material and therefore requires a Hillside R-1 Permit.

¹ BHMC §10-3-2502(B) Floor Area: The cumulative floor area developed on any one site area, in combination with the floor area of all basements constructed on that site, shall not exceed fifteen thousand (15,000) square feet unless permitted by a Hillside R-1 permit issued. Provided, however, that up to one thousand six hundred (1,600) square feet of basement garage area and up to three hundred (300) square feet of basement mechanical area shall not be included within the calculation of the floor area of a basement for the purposes of this paragraph.

² BHMC §10-3-2512 Rear Setback Encroachment: Accessory buildings that do not exceed fourteen feet (14') in height may be constructed within a rear yard provided that such buildings are set back five feet (5') from all property lines. Except as otherwise permitted by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter, no accessory building may be constructed within five feet (5') of a property line and accessory buildings in excess of fourteen feet (14') in height must be constructed within the principal building area and shall be governed by the height restrictions for that area

³ BHMC §10-3-2516(C)(1) Walls, Fences and Hedges: Notwithstanding the provisions of this subsection C, a reviewing authority may issue a Hillside R-1 permit to permit a wall of no more than six feet (6') in height to encroach into a front yard or street side yard without otherwise complying with the requirements of this subsection C.

⁴ BHMC §10-3-2521 Landform Alterations: Within any five (5) year period, no more than three thousand (3,000) cubic yards of earth material may be imported or exported from a site in the Hillside Area. The limitations set forth in this section may be modified by a Hillside R-1 permit issued pursuant to article 25.5 of this chapter.

ZONING CODE⁵ COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is 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.

Agency Review⁶

In reviewing the proposed project, City staff consulted with the Plan Review Engineer Supervisor in the Building and Safety Division to identify potential building and safety issues that should be addressed prior to Planning Commission review. At the time of review, no building and safety issues were identified that would result in the need for a modified project design.

GENERAL PLAN⁷ POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission'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 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines⁸, and the environmental regulations of the City. Upon staff's initial review of the application, the existing structures were believed to have potential historic value, as City records indicated that the project had originally been designed by master architect, Roland E. Coate, in 1939. Pursuant to CEQA Guidelines, categorical exemptions cannot be used for a project which may cause a substantial adverse change to the significance of a historical resource. Consequently, the applicant team conducted a historic analysis of the existing structures to verify whether the existing structures on the site qualify as historic resources. The historic analysis concluded that the original house and accessory structures had been largely destroyed by fire in 1972. As a result, the original structures were demolished and the existing

⁵ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

⁶ Recommended conditions of approval by other departments are provided in the Analysis section of this report.

⁷ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

⁸ The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

structures were built. As the existing structures were not designed by a master architect, they do not qualify as historic resources. Therefore, the project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a) and Class 3 (e)) of the Guidelines for the construction of a single-family residence and accessory structures in a residential zone.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	12/7/12	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	12/3/12	12/3/12	10 Days
Property Posting	10 days	12/3/12	12/3/12	10 days
Website	N/A	N/A	12/7/12	6 Days

Public Comment

As of the writing of this report the City has not received any comments regarding this project.

ANALYSIS⁹

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission’s deliberation of the subject project.

Summary

In reviewing the requested entitlements, specific findings must be made with regard to the scale and character of the area, neighbors’ privacy and access to light and air, the streetscape, the garden quality of the city, and overall impacts to adjacent properties or the public welfare. The proposed project has been designed with the above criteria in mind and balances the potential development of the subject property and the preservation of the surrounding single-family neighborhood, and the proposed project maintains sufficient setbacks from the neighboring properties. As a result, staff recommends approval of the project. Key issues related to the requested entitlements are discussed as follows:

Floor Area. Pursuant to Beverly Hills Municipal Code, sites which contain a cumulative floor area of more than 15,000 square feet require approval of a Hillside R-1 Permit. The proposed project includes a new two-story single-family residence with basement and a new two-story accessory structure with basement. The total cumulative floor area proposed is 22,539 square feet. Of the total floor area, 8,307 square feet will be located in the subterranean basements below the new single-family residence and the accessory structure. The remaining 14,232 square feet will be located in the first and second levels of the new single-family residence and

⁹ The analysis provided in this section is based on draft findings 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 modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

accessory structure. While the BHMC requires review for cumulative floor area of more than 15,000 square feet, the Code also regulates the maximum above-grade floor area permitted for the site (BHMC §10-3-2502(B)(2d)¹⁰). For the subject site, the maximum above-grade floor area permitted is 14,281 square feet. As proposed, the project complies with this code requirement, as the above-grade floor area proposed is 14,232 square feet. Furthermore, the project appears to be in keeping with the scale of other properties in the area that contain one- and two-story single-family residences and accessory structures on lots of a comparable size. Examples of the properties comparable in scale within the neighborhood include 624 Doheny Road, which contains approximately 10,600 square feet of floor area, 603 Doheny Road, which contains approximately 14,200 square feet of floor area, and 1119 Calle Vista Drive, which contains approximately 11,400 square feet of floor area¹¹.

As proposed, the single-family residence is to be set back a significant distance from all property lines. The structure is set back 54'-0" from La Altura Road, 75'-0" from Doheny Road, 92'-4" from the north property line, and 36'-7" from the west property line. The accessory structure is also proposed to maintain generous setbacks. The accessory structure is proposed to be set back approximately 184'-0" from La Altura Road, 183'-0" from Doheny Road, 77'-0" from the north property line, and 5'-11" from the west property line. While both structures would have the smallest setback from the west, the lot located directly to the west is owned by the same property owner as the subject property and is proposed to remain as undeveloped open space, thus there will not be an adverse impact to any neighbors along this side of the proposed development. As the proposed floor area is consistent with the scale of other properties in the area and the project contains substantial setbacks from all neighboring properties, it is anticipated that the proposed project will not adversely impact the scale, integrity, or character of the area, or have a negative impact on the privacy of any neighboring properties. Therefore, staff recommends approval of the Hillside R-1 Permit to allow the cumulative floor area to exceed 15,000 square feet.

Accessory Structure. The project proposes the development of a new two-story accessory structure to be located toward the northwestern corner of the site. Beverly Hills Municipal Code requires accessory structures to be set back at least 100'-0" from the front property line and a minimum of 5'-0" from side and rear property lines. As proposed, the accessory structure meets these minimum requirements as it is set back 184'-0" from the front property line along La Altura Road, 183'-0" from the side property line along Doheny Road, 77'-0" from the northern side property line, and 5'-11" from the western rear property line. While the structure complies with the setback requirements, it is not compliant with the height restrictions for accessory structures. The majority of the proposed accessory structure is located within the principal building area, which means it complies with the setback requirements for the primary residence. Within the principal building area, the accessory structure is allowed to be built up to the same maximum height as the main residence, which for the subject project would be 30'-0".

¹⁰ BHMC §10-5-2502(B)(2d): If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope. Floor area is defined by BHMC 10-3-100, 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 and up to four hundred (400) square feet of garage area.

¹¹ The floor area comparison data was compiled using the City's permitting records for the properties mentioned.

As proposed, within the principal building area the accessory structure is proposed to extend up to 24'-2". While the BHMC allows for this height in the principal building area, it restricts the height of accessory structures located outside the principal building area to 14'-0" unless otherwise permitted by a Hillside R-1 Permit. Along the western elevation of the accessory structure an exterior staircase is proposed. This staircase would extend up to 14'-6" so as to provide access to the second level of the proposed accessory structure. This extension exceeds the maximum height permitted in this area by 6". The area of the stairs that would exceed the maximum height permitted would be located directly adjacent to the entry of the accessory structure and would be set back approximately 24'-0" from the western rear property line. Furthermore, the lot to the west of the subject site is owned by the same property owner as the subject property and is undeveloped open space. As the area of stairs with the increased height is set back significantly from the rear property line, the site to the west of the property is undeveloped open space, and the accessory structure is set back significantly from all other property lines, it is not anticipated that approval of the Hillside R-1 Permit to allow a maximum height of 14'-6" within the rear yard area would result in substantial adverse impacts to the scale or character of the area, the privacy of neighboring properties, the neighbors' access to light and air, or the streetscape. Therefore, staff recommends approval of the Hillside R-1 Permit to allow an accessory structure to exceed 14'-0" when located in a rear yard area.

Walls, Fences, and Hedges. The project proposes new walls, fences, and hedges in the front yard and street side yard areas. The BHMC requires walls, fences, and hedges located within the required front and street side yard areas to be set back a minimum of 3'-0" from the property line, be limited to 3'-0" in height, and must be designed to be open to public view unless otherwise permitted by a Hillside R-1 Permit. The walls, fences (gates), and hedges are proposed to traverse through the required front yard and street side yard areas. They would range from being located at the property line to being set back up to 15'-0" from the property line. The proposed walls, fences (gates), and hedges would be a maximum of 6'-0" in height and would be solid in design so as to not allow visibility through. This configuration of 6'-0" solid walls, fences (gates), and hedges is consistent with the existing site conditions as well as with other properties in the area along Doheny Road, La Altura Road, and Calle Vista Drive. Furthermore, as the proposed walls, fences (gates), and hedges are consistent in material, location, and scale as those on adjacent properties, and are not anticipated to result in adverse impacts to the pedestrian or vehicular traffic in the neighborhood. Therefore, the proposed 6'-0" solid walls, fences (gates), and hedges are not expected to have a substantial impact on the scale and massing of the streetscape of the garden quality of the City. Accordingly, staff recommends approval of the Hillside R-1 Permit to allow solid 6'-0" walls, fences (gates), and hedges within the front and street side yard areas.

Landform Alteration. The proposed project would require landform alterations resulting in the export of 4,666 cubic yards of earth material. The BHMC requires a Hillside R-1 Permit to allow the export of more than 3,000 cubic yards of earth material. The majority of this earth material will be removed to allow for the 9,186 square foot basement below the proposed two-story single-family residence and the 1,021 square foot basement below the proposed two-story accessory structure. Because the majority of the lot is fairly flat (shallow sloping up from Doheny), it is not anticipated that the proposed alterations would have an adverse impact on the stability of the hillside, nor would it create a substantial adverse impact on the character of the surrounding neighborhood. Consequently, staff recommends approval of the Hillside R-1

Permit to allow the export of more than 3,000 cubic yards of earth material.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Hillside R-1 Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

Ryan Gohlich, Senior Planner

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ATTACHMENT A
Zoning Compliance Table

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Main Residence			
Height	30'-0"	30'-0"	
Lot Coverage/Floor Area	Above Grade: 14,281 SF	Above Grade: 13,282 SF (14,232 SF total onsite) Cumulative on site: 22,539 SF	Requires Hillside R-1 Permit for cumulative over 15,000 SF
Front Setback (La Altura Road)	20'-0"	54'-0"	
Street Side Setback (Doheny Road)	75'-0"	75'-0"	
North Setback (side)	31'-0"	92'-4"	
West Setback (rear)	30'-6"	36'-7"	
Bedrooms	No limit	8	
Parking Spaces	4	6+	
Accessory Structure			
Height	Outside Setbacks: 30'-0" Within Rear Setbacks: 14'-0"	Outside Setbacks: 24'-2" Within Rear Setbacks: 14'-6"	Requires Hillside R-1 Permit to exceed 14'-0" in height when within the required rear yard setback
Lot Coverage / Floor Area	Above Grade: 14,281 SF	Above Grade: 950 SF (14,232 total onsite) Cumulative on site: 22,539 SF	Requires Hillside R-1 Permit for cumulative over 15,000 SF
Front Setback (La Altura Road)	100'-0"	184'-0"	
Street Side Setback (Doheny Road)	75'-0"	183'-0"	
North Setback (side)	5'-0"	77'-0"	
West Setback (rear)	5'-0"	5'-11"	
Bedrooms	No limit	1	
Parking Spaces	None required	1+	
Walls, Fences & Hedges			
Height	6'-0" – Open to Public View (within the front and street side setbacks)	6'-0" – Solid (not Open to Public View)	Requires Hillside R-1 Permit to allow walls, fences, and hedges located within the setbacks to be 6'-0" in height and solid in design
Landform Alterations			
Removal of earth materials	3,000 cubic yards	4,666 cubic yards	Requires Hillside R-1 Permit to allow more than 3,000 cubic yards of earth material to be removed from a site

ATTACHMENT B
Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Hillside R-1 Permit

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

The proposed project is located within a neighborhood that contains properties which are developed primarily with two-story single-family residences and accessory structures. The proposed project is in keeping with the scale of other residences and accessory structures in the area. The residence and accessory structure are set back significantly from neighboring properties and from both Doheny Road and La Altura Road. The landform alterations proposed in conjunction with the project are largely due to the removal of earth material to allow for the subterranean basements below the residence and the accessory structure. As the lot is gradually sloping up from Doheny Road, it is not anticipated that the landform alterations would compromise the stability of the hillside in this area, negatively impact the neighbors' properties, nor result in significant changes to the general character of the neighborhood topography. The proposed walls, fences (gates), and hedges proposed in the front yard area are consistent in location and height with walls, fences (gates), and hedges found on surrounding properties. Because the proposed project includes development that is consistent with other properties in the area, it is not anticipated that the project would have an adverse impact on the scale and character of the area.

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

The proposed single-family residence and accessory structure are both set back a significant distance from the northern, eastern (La Altura Road), and southern (Doheny Road) property lines. Specifically, the proposed structures are located a minimum of 5'-11" from the western property line, 77'-0" from the northern property line, 183'-0" from the street site property line (Doheny Road), and 184'-0" from the front property line along La Altura Road. La Altura Road and Doheny Road serve to further buffer the project from neighboring properties to the east and south. Along the northern side of the property, the existing lush vegetation will remain, thus maintaining the privacy buffer between the subject site and the property to the north. The setbacks for the accessory structure and main residence are not as substantial along the western property line, however, the adjacent site to the west is owned by the same property owner as the subject property, and is maintained as undeveloped open space. As the project contains substantial setbacks from all neighboring properties and lush landscaping along the northern property line, it is not anticipated that the project would have an adverse impact on the privacy of neighboring properties.

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

The proposed single-family residence and accessory structure are both setback a significant distance from the northern, eastern (La Altura Road), and southern (Doheny Road) property lines. Specifically, the proposed structures are located a minimum of 5'-11" from the western property line, 77'-0" from the northern property line, 183'-0" from the street site property line (Doheny Road), and 184'-0" from the front property line along La Altura Road. La Altura Road and Doheny Road serve to further buffer the project from neighboring properties to the east

and south. Along the northern side of the property, the existing lush vegetation will remain, thus maintaining the existing conditions as it relates to the neighbors' access to light and air, between the subject site and the property to the north. The setbacks for the accessory structure and main residence are not as substantial along the western property line, however, the adjacent site to the west is owned by the same property owner as the subject property, and is maintained as undeveloped open space. As the project contains substantial setbacks from all neighboring properties and maintenance of the existing landscaping along the northern property line, it is not anticipated that the project would have an adverse impact on the neighbors' access to light and air.

4. *The structure will not have a substantial adverse impact on the garden quality of the city.*

The properties along Doheny Road and La Altura Road are landscaped with mature vegetation, which contributes to the garden quality of the city in the neighborhood. The hedges and mature trees proposed throughout the site and specifically along both the eastern (La Altura Road) property line and southern (Doheny Road) property line will be consistent with the existing landscaping along the roadways and contribute to the garden quality of the city. Furthermore, while the construction of the proposed residence and accessory structure will require relocation and removal of some plant materials, formal landscaped gardens are proposed throughout the site. Consequently, it is not anticipated that the proposed project will adversely impact the garden quality of the city.

DRAFT CONDITIONS

Project Specific Conditions

1. Prior to the issuance of a building permit, the Applicant shall prepare a construction management and parking plan to the satisfaction of the Director of Community Development and the Director of Engineering and Transportation.
2. To the extent feasible, all construction-related parking shall be accommodated on-site and shall be in accordance with the approved construction management and parking plan.
3. All hauling activities shall be in accordance with the approved construction management and parking plan, which shall include a hauling plan approved by the Director of Community Development and the Director of Engineering and Transportation. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.
4. No heavy hauling or export of earth material shall occur outside the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.

Standard Conditions

5. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 13, 2012.
6. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.
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 and General Plan Policies is required prior to the issuance of a building permit.
9. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
10. RECORDATION. The resolution approving the the Hillside R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.
11. EXPIRATION. Hillside R-1 Permit: 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 these conditions of approval may result in termination of the entitlements granted herein.

ATTACHMENT C

Public Notice



NOTICE OF PUBLIC HEARING

DATE: December 13, 2012
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, December 13, 2012, 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 the construction of a new single-family residence and detached accessory structure on the property located at 619 Doheny Road. The following entitlements have been requested in association with the project:

A Hillside R-1 Permit to allow the total floor area on the site to exceed 15,000 square feet. In the Hillside Area, the cumulative floor area for all structures on a site, including the area of all basements on that site, may not exceed 15,000 square feet without the approval of a Hillside R-1 Permit. The proposed single-family residence and pool house would contain a cumulative floor area of approximately 24,000 square feet, and therefore requires a Hillside R-1 Permit to be constructed.

A Hillside R-1 Permit to allow walls and hedges to reach a maximum height of 6'-0" and to be solid in design. The walls and hedges would be located along the front and street side property lines abutting Doheny Road and La Altura Road. In the Hillside Area, walls and hedges located within the front and street side yards are limited to 6'-0" in height, and must be designed so that there is visibility through the top 3'-0" of wall or hedges, unless otherwise authorized by a Hillside R-1 Permit. The proposed walls and hedges would reach a maximum of 6'-0" in height and would be solid, and therefore a Hillside R-1 Permit is required.

A Hillside R-1 Permit to allow an accessory structure to be located in a required rear yard setback to exceed 14'-0" in height. Accessory structures in the Hillside Area, when located within a required rear yard setback are limited to 14'-0" in height unless otherwise permitted by a Hillside R-1 Permit. The proposed accessory structure (pool house) contains a stairway that is located within the required rear yard setback. As proposed, the stairway railing would exceed the 14'-0" height restriction by 6". Therefore, a Hillside R-1 Permit is requested.

A Hillside R-1 Permit to allow the import/export of earth material to exceed 3,000 cubic yards. The importing or exporting of earth material in the Hillside Area are limited to a maximum of 3,000 cubic yards of earth material during any 5 year period unless otherwise permitted by a Hillside R-1 Permit. The project proposes to export approximately 4,666 cubic yards of earth material and therefore requires a Hillside R-1 Permit.

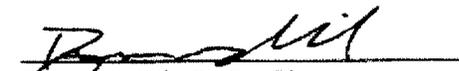
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption for the construction of a single-family residence and related accessory structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at 310.285.1192, or by email at srojemann@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption 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.

Approved as to form:


Ryan Gohlich, Senior Planner

Mailed: December 3, 2012

ATTACHMENT D
Draft Approval Resolution

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TWO-STORY SINGLE-FAMILY RESIDENCE, A NEW TWO-STORY DETACHED ACCESSORY STRUCTURE, WALLS, FENCES (GATES), AND HEDGES WITHIN FRONT AND STREET SIDE YARD AREAS, AND LANDFORM ALTERATIONS IN CONJUNCTION WITH THE PROPOSED STRUCTURES ON THE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 619 DOHENY ROAD.

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

Section 1. Jason Somers, agent on behalf of Allied Golden Properties (collectively the “Applicant”), has submitted an application for a Hillside R-1 Permit to allow the construction of a new two-story single-family residence and a new two-story accessory structure that exceed 15,000 square feet of cumulative floor area, to allow the proposed accessory structure to exceed 14’-0” in height within a rear yard area, to allow walls, fences (gates), and hedges up to 6’-0” in height within a front yard and street side yard areas, and to allow landform alterations to export more than 3,000 cubic yards of earth material on the property located at 619 Doheny Road located in the Hillside Area of the City (the “Project”). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Hillside R-1 Permit.

Section 2. The Project site is located in the Hillside Area of the City, along the north side of Doheny Road. The surrounding neighborhood consists entirely of single-family

residences with varying lot sizes and configurations; the properties are primarily developed with two-story single family residences. Surrounding properties are generally considered to be estate lots as they are greater than 24,000 square feet in land area. Mature landscaping is maintained along Doheny Road, Calle Vista Drive, and La Altura Road, both on the public right-of-way and on the surrounding residential properties. The Project site slopes upward from Doheny Road toward the rear of the property, and is currently developed with a one-story single-family residence and detached accessory structure. The proposed two-story residence will be located near the center of the lot and will be orientated toward Doheny Road. The residence will be a maximum of 30'-0" in height, will contain approximately 13,282 square feet of floor area on the first and second levels, and approximately 7,286 square feet of floor area in the basement level. Access to the residence will be provided via driveways from Doheny Road and La Altura Road. A detached accessory structure will be located northwest of the new residence and will contain approximately 950 square feet of floor area on the first and second levels, and an approximately 1,020 square foot basement for storage and electrical equipment. The accessory structure will be located entirely within the principal building area of the site; however, the stairway to access the second level of the structure will encroach into the required rear yard setback area. In conjunction with the new residence and accessory structure, new walls, fences (gates), and hedges will be located within the front yard area along La Altura Road and the street side yard area along Doheny Road. The walls, fences (gates), and hedges are proposed to be 6'-0" in height and would be solid in design. Additionally, landform alterations made in conjunction with the Project will result in the export of approximately 4,666 cubic yards of earth material.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. Upon staff’s initial review of the application, the existing structures were believed to have potential historic value, as City records indicated that the existing residence had originally been designed by Master Architect, Roland E. Coate, in 1939. Pursuant to CEQA Guidelines, categorical exemptions cannot be used for a project which may cause a substantial adverse change to the significance of a historical resource. Consequently, the Applicant conducted an historic analysis of the existing structures to verify whether the existing structures on the site qualify as an historic resource. The historic analysis concluded that the original house and accessory structures had been largely destroyed by fire in 1972. As a result, the original structures were demolished and the existing structures were built. As the existing structures were not designed by a Master Architect, they do not qualify as historic resources. Therefore, the Project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a) and Class 3 (e)) of the Guidelines for construction of a single-family residence and accessory structures in a residential zone.

Section 4. Notice of the Project and public hearing was mailed on December 3, 2012 to all property owners and residential occupants within a 300-foot radius of the property. On December 13, 2012 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In considering the request for a Hillside R-1 Permit, the Planning Commission was required to make the following findings:

1. The structure will not have a substantial adverse impact on the scale or character of the area;
2. The structure will not have a substantial adverse impact on the privacy of neighboring properties;
3. The structure will not have a substantial adverse impact on the neighbors' access to light and air; and
4. The structure will not have a substantial adverse impact on the garden quality of the city.

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

1. The proposed Project is located within a neighborhood that contains properties which are developed primarily with two-story single-family residences and accessory structures. The proposed Project is in keeping with the scale of other residences and accessory structures in the area. The residence and accessory structure are set back significantly from neighboring properties and from both Doheny Road and La Altura Road. The landform alterations proposed in conjunction with the Project are largely due to the removal of earth material to allow for the subterranean basements below the residence and the accessory structure. As the lot is gradually sloping up from Doheny Road, it is not anticipated that the landform alterations would compromise the stability of the hillside in this area,

negatively impact the neighbors' properties, nor result in significant changes to the general character of the neighborhood topography. The proposed walls, fences (gates), and hedges proposed in the front yard area are consistent in location and height with walls, fences (gates), and hedges found on surrounding properties. Because the proposed Project includes development that is consistent with other properties in the area, it is not anticipated that the Project would have an adverse impact on the scale and character of the area.

2. The proposed single-family residence and accessory structure are both set back a significant distance from the northern, eastern (La Altura Road), and southern (Doheny Road) property lines. Specifically, the proposed structures are located a minimum of 5'-11" from the western property line, 77'-0" from the northern property line, 183'-0" from the street site property line (Doheny Road), and 184'-0" from the front property line along La Altura Road. La Altura Road and Doheny Road serve to further buffer the Project from neighboring properties to the east and south. Along the northern side of the property, the existing lush vegetation will remain, thus maintaining the privacy buffer between the subject site and the property to the north. The setbacks for the accessory structure and main residence are not as substantial along the western property line, however, the adjacent site to the west is owned by the same property owner as the subject property, and is maintained as undeveloped open space. As the Project contains substantial setbacks from all neighboring properties and lush landscaping along the northern property line, it is not anticipated that the Project would have an adverse impact on the privacy of neighboring properties.

3. The proposed single-family residence and accessory structure are both setback a significant distance from the northern, eastern (La Altura Road), and southern (Doheny Road) property lines. Specifically, the proposed structures are located a minimum of 5'-11" from the western property line, 77'-0" from the northern property line, 183'-0" from the street site property line (Doheny Road), and 184'-0" from the front property line along La Altura Road. La Altura Road and Doheny Road serve to further buffer the Project from neighboring properties to the east and south. Along the northern side of the property, the existing lush vegetation will remain, thus maintaining the existing conditions as it relates to the neighbors' access to light and air, between the subject site and the property to the north. The setbacks for the accessory structure and main residence are not as substantial along the western property line, however, the adjacent site to the west is owned by the same property owner as the subject property, and is maintained as undeveloped open space. As the Project contains substantial setbacks from all neighboring properties and maintenance of the existing landscaping along the northern property line, it is not anticipated that the Project would have an adverse impact on the neighbors' access to light and air.

4. The properties along Doheny Road and La Altura Road are landscaped with mature vegetation, which contributes to the garden quality of the city in the neighborhood. The hedges and mature trees proposed throughout the site and specifically along both the eastern (La Altura Road) property line and southern (Doheny Road) property line will be consistent with the existing landscaping along the roadways and contribute to the garden quality of the city. Furthermore, while the construction of the proposed residence and accessory structure will require relocation

and removal of some plant materials, formal landscaped gardens are proposed throughout the site. Consequently, it is not anticipated that the proposed Project will adversely impact the garden quality of the city.

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

1. Prior to the issuance of a building permit, the Applicant shall prepare a construction management and parking plan to the satisfaction of the Director of Community Development and the Director of Engineering and Transportation.

2. To the extent feasible, all construction-related parking shall be accommodated on-site and shall be in accordance with the approved construction management and parking plan.

3. All hauling activities shall be in accordance with the approved construction management and parking plan, which shall include a hauling plan approved by the Director of Community Development and the Director of Engineering and Transportation. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

4. No heavy hauling or export of earth material shall occur outside the hours of 10:00 a.m. to 4:00 p.m., Monday through Friday.

5. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 13, 2012.

6. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

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 and General Plan Policies is required prior to the issuance of a building permit.

9. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

10. RECORDATION. The resolution approving the Hillside R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the

conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

11. EXPIRATION. Hillside R-1 Permit: 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 these conditions of approval may result in termination of the entitlements granted herein.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: December 13, 2012

Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

ATTACHMENT E
Architectural Plans

Begins on following page.