



# Planning Commission Report

**Meeting Date:** June 13, 2013

**Subject:** **1006 Laurel Way**  
**Hillside R-1 Permit**

Request for a Hillside R-1 Permit to allow the total cumulative floor area on the site to exceed 15,000 square feet. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.

PROJECT APPLICANT: Pouya Payan

**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.

## REPORT SUMMARY

The proposed project involves the construction of a new two-story single-family residence with a basement garage and additional livable basement area on a site located within the Hillside Area. The proposal includes grading to create the basement which extends beyond the perimeter of the main building to the rear, and to level out the rear of the subject lot. The project complies with all required zoning such as floor area, height, setbacks, and landform alteration maximums. However, the total cumulative floor area on the site, which includes the basement area, exceeds the 15,000 square foot threshold, 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 and its compatibility with the neighboring area. 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. Based on this analysis, staff recommends approval of the project.

**Attachment(s):**

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

**Report Author and Contact Information:**

Georgana Millican, Associate Planner  
(310) 285-1121  
[gmillican@beverlyhills.org](mailto:gmillican@beverlyhills.org)

## **BACKGROUND**

File Date	04/17/2013
Application Complete	05/16/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	07/16/2013 without extension request from applicant

Applicant(s)	Pouya Payan, Designer
Owner(s)	Laurel Way Capital LLC/Safco Co.
Representative(s)	Pouya Payan

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

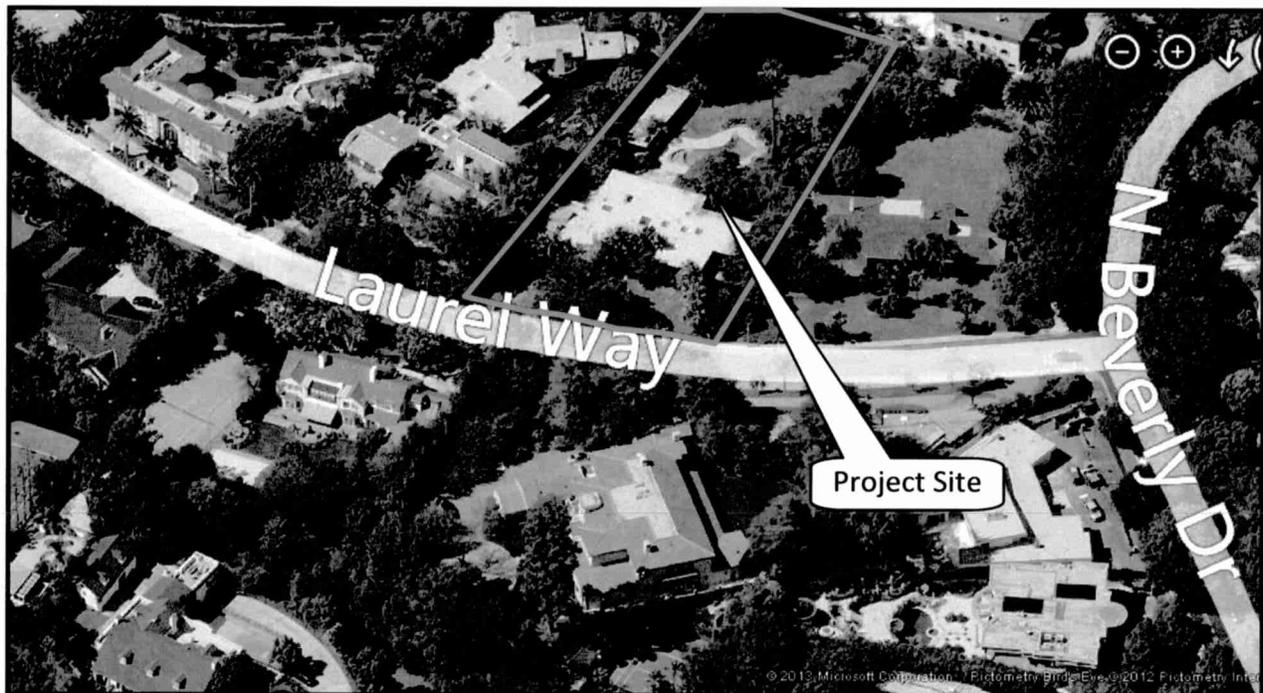
Address	1006 Laurel Way
Legal Description	TRACT #13472, Lot 2
Zoning District	R-1.X - Hillside
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	39,394 SF (.90 acres)
Year Built	1949/1952 (to be demolished)
Historic Resource	None
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)	Laurel Way – Street Width – 30 feet
Adjacent Alleys	None
Parkways & Sidewalks	5-foot parkway
Parking Restrictions	None
Nearest Intersection	Laurel Way and North Beverly Drive
Circulation Element	Local Street



#### Neighborhood Character

The subject property is located in the Hillside Area, north of Sunset Boulevard on the north side of Laurel Way to the west of North Beverly Drive. The immediate surrounding area on Laurel Way is characterized by a range of property sizes from smaller lots of 11,390 square feet to large estate lots of greater than 24,000 square feet with the largest lot on the block being 63,650 square feet. The average lot size in the immediate neighborhood of Laurel Way is 30,199 square feet (see table below). The above grade square footages of the residences (according to the Los Angeles County Assessor) range from 2,709 square feet to 15,404 square feet. The overall character is defined as large heavily landscaped lots with a variety of architectural styles.

The subject property is a rectangular shaped lot with a site area of 39,394 square feet and is currently developed with a one-story single-family residence, a pool house, pool and attached garage totaling 3,752 square feet. The existing residence was originally constructed in 1949/1952. All structures on the property would be demolished as part of the proposed project.

### ADJACENT NEIGHBORHOOD FLOOR AREA PER SITE

<b>Map #</b>	<b><u>Address</u></b>	<b><u>Site Area*</u></b>	<b><u>Floor Area*</u></b>	<b><u>Percentage of Floor Area to Site Area</u></b>	<b><u>Year Built</u></b>
<b><u>1.</u></b>	1000 Laurel Way	34,151 square feet	4,167 square feet	12.2%	1952
<b><u>2.</u></b>	1001 Laurel Way	13,100 square feet	3,613 square feet	27.6%	1960/1966
<b><u>3.</u></b>	1005 Laurel Way	63,650 square feet	15,404 square feet	24.2%	2000
<b><u>4.</u></b>	<b><u>1006 Laurel Way (Subject Property)</u></b>	<b>39,378 square feet</b>	<b>11,931 square feet</b>	<b>30.9%</b>	<b>Proposed</b>
<b><u>5.</u></b>	1009 Laurel Way	44,760 square feet	6,066 square feet	13.6%	1952/1960
<b><u>6.</u></b>	1010 Laurel Way	41,034 square feet	8,935 square feet	21.8%	1996
<b><u>7.</u></b>	1011 Laurel Way	13,310 square feet	3,610 square feet	27.1%	1955
<b><u>8.</u></b>	1013 Laurel Way	11,390 square feet	2,709 square feet	23.8%	1950/1960
<b><u>9.</u></b>	1014 Laurel Way	27,200 square feet	9,273 square feet	34.1%	2007
<b><u>10.</u></b>	1015 Laurel Way	32,350 square feet	8,210 square feet	25.4%	1976/1981
<b><u>11.</u></b>	1016 Laurel Way	23,200 square feet	4,698 square feet	20.3%	1967

\* Information taken from the Los Angeles County Recorder Records – Floor Area is generally above grade

#### PROJECT DESCRIPTION

The proposed project consists of a new two-story residence with a basement that includes an eight-car garage, theater, gym, maid’s room, storage, and a swimming pool. As proposed, the residence would be 30’-0” in height, would contain 11,931 square feet of floor area on the first and second levels, and 8,734 square feet of floor area in the basement<sup>1</sup>. The total allowable floor area on site (above grade) is 12,212 square feet and the proposed project is below this maximum with a total of 11,931 square feet above grade. The cumulative floor area on site, including the basement area is 20,664 square feet. Any proposed project with a cumulative floor area in excess of 15,000 square feet, including basement area, is subject to review by the Planning Commission under the Hillside R-1 Permit review process.

Access to the basement garage area would be from a driveway along the eastern side of the residence that extends from the existing circular driveway providing access to the property off of Laurel Way. The architectural style of the proposed residence is French with a well-modulated front elevation. The required front yard setback for the property is 50 feet, and the main residence exceeds the required setback by an additional 10 feet with a total 60 foot front yard setback provided.

---

<sup>1</sup> Basement area does not include 300 square feet of mechanical area and 1,600 square feet of basement garage, which is exempted from the cumulative total per Code.

### Requested Permits

The entitlement requested to allow the proposed project is 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)<sup>2</sup>, 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 above grade floor area proposed on the site is 11,931 square feet. The overall total floor area on the site, including the basement area minus 1,600 square feet basement garage, and 300 square feet mechanical, is 20,664 square feet, which exceeds the 15,000 square foot threshold.

### **ZONING CODE<sup>3</sup> COMPLIANCE**

A detailed review of the proposed project's consistency with 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 Review<sup>4</sup>

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. In addition, the City's Civil Engineer and Fire Plan Check Inspector reviewed the project plans. At the time of review, no substantial issues were identified that would result in the need for a modified project design or warrant any special conditions of approval.

### **GENERAL PLAN<sup>5</sup> POLICIES**

The General Plan includes several goals and policies relevant to the Planning Commission's review of the project, including:

- **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. (Imp. 2.1, 2.2)

---

<sup>2</sup> 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.

<sup>3</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>4</sup> Recommended conditions of approval by other departments are provided in the Analysis section of this report.

<sup>5</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

- **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 6.1 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 Guidelines<sup>6</sup>, and the environmental regulations of the City. The Project qualifies for a categorical exemption pursuant to Section 15303 (Class 3) of the Guidelines. Specifically, the proposed Project is the construction of a new single family residence with no change in land use or density and is therefore exempt from further review under 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	06/07/2013	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	June 3, 2013	June 3, 2013	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	06/07/2013	6 Days

Public Comment

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

---

<sup>6</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

## ANALYSIS<sup>7</sup>

Project approval, conditional approval, or denial is based upon specific findings for the 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. Key issues related to the requested entitlements are discussed as follows:

**Floor Area.** The floor area proposed for the site is under the maximum allowable floor area that can be built on the lot. However, when the Beverly Hills Municipal Code was revised in 1995, a code section was added that required Planning Commission review and approval of a Hillside R-1 Permit for any project that exceeds a cumulative floor area of 15,000 square feet (inclusive of basements). The proposed project includes a new two-story single-family residence with 11,931 square feet above grade and 8,734 square feet of below grade basement area for a total cumulative floor area of 20,664 square feet and as such requires a Hillside R-1 Permit.

Of the total floor area proposed, 8,734 square feet (42 percent) will be located in the subterranean basement below the new single-family residence. The remaining 11,931 square feet (58 percent) will be located in the first and second levels of the new single-family residence. 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)<sup>8</sup>). For the subject site, the maximum above-grade floor area permitted is 12,212 square feet. As proposed, the project complies with this code requirement. The project appears to be generally in keeping with the scale of other properties in the area that contain two-story residences developed over the years.

Many of the residences in the neighborhood rely on quality landscaping to work in tandem with the architecture to blend and soften the building. The project maintains a 60 foot front yard setback, which is well landscaped. The design for the single-family residence includes setbacks that exceed that required by the Code; 20'-6" from the east side and 25'-5" from the west side above grade (16'-10" is required for each side), and 111'-6" (required is 43'-4") from the rear property line. As the proposed floor area is generally consistent with the scale of other properties in the area and the project contains greater than the code required 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.

---

<sup>7</sup> 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.

<sup>8</sup> 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 as 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.

**Landform Alteration/Export of Earth Material.** The subject lot is largely flat with an upward slope toward the rear of the lot. The proposed project calls for the sloped area to be cut and retaining walls added along the rear to flatten out the lot along with areas of cut for the construction of the basement. With the proposed site improvements, the overall landform alterations would result in the export of 2,667 cubic yards of earth material. The Hillside Code was adopted in 1995 and sets the maximum amount of import/export of earth material within a five year period to 3,000 cubic yards. The 3,000 cubic yards maximum was considered to be a reasonable maximum for a project with import/export above that amount determined to need additional review and discretion for potential impacts to the neighboring area. As the project's export is under the 3,000 cubic yards permitted by the Code, it does not require discretionary approval. However the project will be required to submit a construction management plan for review and approval by the City, to comply with all regulations pertaining to dust management, and to utilize heavy haul routes established by the City, to lessen any potential impacts related to the export of earth material from the site.

**Parking Discussion.** One of the concerns related to large estate properties is parking on site. In the Hillside area, the Code required number of parking spaces is four parking spaces (two covered) for properties greater than 6,000 square feet and three parking spaces (two covered) for properties with less than 6,000 square feet. The project provides double what the code requires with a total of eight parking spaces, all of which are within the subterranean parking garage. Additionally, the project maintains the existing circular driveway configuration providing the ability to park additional cars on-site.

## **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:



---

Michele McGrath, Principal Planner

## ATTACHMENT A

### Zoning Compliance Table

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b>Site Area</b>	39,394 square feet	39,394 square feet	Maximum allowable floor area 12,212 sq.ft. (above grade)
<b>Main Residence</b>			
Height	30'-0"	30'-0"	
Lot Coverage/Floor Area	Above Grade: 12,212 sq.ft.	Above Grade: (11,930.8 SF total onsite) plus 10,633.6 basement Cumulative on site: 20,664.4 SF*	Requires Hillside R-1 Permit for cumulative over 15,000 SF
Front Setback	50'	60'	
Side (West) Setback	16'-10"	25'-5" (above grade) 16'-11" (below grade)	
Side (East) Setback	16'-10"	20'-6"	
Rear (North) Setback	43'-4"	112'-2"	
Bedrooms	No limit	7	
Parking Spaces	4	8	
<b>Landform Alterations</b>			
Removal of earth materials	3,000 cubic yards max. may be imported or exported unless authorized by a Hillside R-1 Permit	2,667 cubic yards	

\* Cumulative square footage is after 1,600 square foot garage basement and 300 square foot mechanical basement area is deducted.

#### DRAFT FINDINGS

##### Hillside R-1 Permit

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

The proposed project is located within a neighborhood that contains properties developed with one and two-story single-family residences. The character of the area is defined by many larger estate properties along with some smaller lots in the neighborhood, all of which contain lush mature landscaping. Many of the properties in the neighborhood were developed in the 1950's and 1960's with two additional properties that have been developed within the last 13 years. The proposed floor area on the property is in keeping with the majority of the properties in the

area that have development ranging from approximately 20 percent to 30 percent of the lot area. The Code requires discretionary review for any property with a cumulative floor area of greater than 15,000 square feet, including basement area. The proposal does exceed this threshold, however the actual above grade floor area contributing to the appearance of scale and mass of the neighborhood, is 11,931 square feet. The remaining floor area is subterranean and will not contribute additional scale and mass to the neighborhood.

The required front yard setback for the properties within the surrounding neighborhood ranges from 25 feet for smaller lots to 50 feet for the larger deeper lots. As the subject property is a deep lot with an average depth of 288 feet, it has a 50-foot required setback. As proposed the residence would be set back an additional ten feet (10') beyond the required 50-foot front yard setback (60 feet from the front property line). In addition, the façade of the building is well modulated and includes a variety of roof planes which serve to lessen the appearance of scale and mass. The proposal also calls for the existing mature trees within the front yard area to remain, which helps to soften the appearance of additional scale and mass and maintains the existing integrity and character of the area. The greater front setback, modulated design of the façade, and maintenance of the mature trees within the front setback all serve to reduce the appearance of scale and mass and to maintain the scale, integrity, and character of the area. Therefore, it is not anticipated that approval of the project will have a substantial adverse impact on the scale, integrity or 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 is set back a minimum of 20'-6" from the east side property line and 25'-6" from the west side property line (16'-11" below grade), which is greater than the code-required 16'-10" from the side property lines. The required rear yard setback is 43'-4" with the project providing 111'-6" from the rear property line which also exceeds the code requirement. The additional setbacks serve to provide a privacy buffer to the neighbors. In addition, the project includes lush, mature landscaping that helps to buffer the project from neighboring properties. As the project contains substantial setbacks from all neighboring properties and lush landscaping is present along the neighboring property lines, the project is not anticipated to have an adverse impact on the privacy of neighboring properties.

## **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 Public Works.
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 Public Works. 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 existing mature trees that are of heritage size as defined by the Beverly Hills Municipal Code, located within the front yard area, shall be protected during construction and maintained on the property upon the completion of the project. If the Applicant wishes to remove the trees for any reason prior to, during construction, and in the five years following the issuance of the certificate of occupancy, including if the tree is diseased or damaged, a Tree Removal Permit shall be applied for with the reviewing authority to be the Planning Commission.
6. The portion of the basement extending beyond the perimeter of the building shall be located entirely below existing natural grade so as to not be counted as floor area per the City's municipal code.

Standard Conditions

See attached Resolution

ATTACHMENT C  
Public Notice



NOTICE OF PUBLIC HEARING

**DATE:** June 13, 2013  
**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, June 13, 2013, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A proposal to construct a new single-family residence on the property located at 1006 Laurel Way. The following entitlements have been requested in association with the project:

A Hillside R-1 Permit to allow the cumulative 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 would contain 11,931 square feet above grade and 8,733 square feet below grade in a basement for a total cumulative of 20,664 square feet of floor area and thus, a Hillside R-1 Permit is requested.

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 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 Georgana Millican, Associate Planner in the Planning Division at 310.285.1121, or by email at [gmillican@beverlyhills.org](mailto:gmillican@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: June 3, 2013

**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 SINGLE FAMILY RESIDENCE WITH A CUMULATIVE FLOOR AREA EXCEEDING 15,000 SQUARE FEET ON THE PROPERTY LOCATED AT 1006 LAUREL WAY.

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

Section 1. Pouya Payan, applicant on behalf of the property owners of 1006 Laurel Way (collectively the “Applicant”), submitted an application for a Hillside R-1 Permit to allow the construction of a new single family residence with a total cumulative floor area on the site to exceed 15,000 square feet in the Hillside Area of the City at 1006 Laurel Way (the “Project”).

Section 2. The subject property is located in the Hillside Area, north of Sunset Boulevard on the north side of Laurel Way to the west of North Beverly Drive. The immediate surrounding area on Laurel Way is characterized by a range of property sizes from smaller lots of 11,390 square feet to large estate lots of greater than 24,000 square feet with the largest lot on the block being 63,650 square feet. The average lot size in the immediate neighborhood of Laurel Way is 30,199 square feet. The above grade square footages of the residences (according to the Los Angeles County Assessor) range from 2,709 square feet to 15,404 square feet. The overall character is defined as large heavily landscaped lots with a variety of architectural styles.

The subject property is a rectangular shaped lot with a site area of 39,394 square feet and is currently developed with a one-story single-family residence, a pool house, pool and attached garage totaling 3,752 square feet. The existing residence was originally constructed in 1949/1952. All structures on the property would be demolished as part of the proposed project.

Section 3. The proposed project consists of a new two-story residence with a basement that includes an eight-car garage, theater, gym, maid's room, storage, and a swimming pool. As proposed, the residence would be 30'-0" in height, would contain 11,931 square feet of floor area on the first and second levels, and 8,734 square feet of floor area in the basement<sup>1</sup>. The total allowable floor area on site (above grade) is 12,212 square feet and the proposed project is below this maximum with a total of 11,931 square feet above grade. The cumulative floor area on site, including the basement area is 20,664 square feet. Any proposed project with a cumulative floor area in excess of 15,000 square feet, including basement area, is subject to review by the Planning Commission under the Hillside R-1 Permit review process.

Access to the basement garage area would be from a driveway along the eastern side of the residence that extends from the existing circular driveway providing access to the property off of Laurel Way. The architectural style of the proposed residence is French with a well-modulated front elevation. The required front yard setback for the property is 50 feet, and the main residence exceeds the required setback by an additional 10 feet with a total 60 foot front yard setback provided.

---

<sup>1</sup> Basement area does not include 300 square feet of mechanical area and 1,600 square feet of basement garage, which is exempted from the cumulative total per Code.

Section 4. The Project requires the following entitlements in order to be constructed as proposed:

1. A Hillside R-1 Permit to allow the cumulative floor area on the site to exceed 15,000 square feet.

Section 5. 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 City’s Local CEQA Guidelines (hereafter the “Guidelines”), and a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303 of the Guidelines for the construction of a new single family residence, and is therefore exempt from further review under the provisions of CEQA.

Section 6. Notice of the Project and public hearing was mailed on June 3, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On June 13, 2013, the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 7. In considering the request for a Hillside R-1 Permit for the cumulative floor area on the site to exceed 15,000 square feet, the Planning Commission considered whether it could make the following findings:

1. The structure will not have a substantial adverse impact on the scale, integrity, or character of the area;
2. The structure will not have a substantial adverse impact on the privacy of neighboring properties.

Section 8. 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 developed with one and two-story single-family residences. The character of the area is defined by many larger estate properties along with some smaller lots in the neighborhood, all of which contain lush mature landscaping. Many of the properties in the neighborhood were developed in the 1950's and 1960's with two additional properties that have been developed within the last 13 years. The proposed floor area on the property is in keeping with the majority of the properties in the area that have development ranging from approximately 20 percent to 30 percent of the lot area. The Code requires discretionary review for any property with a cumulative floor area of greater than 15,000 square feet, including basement area. The proposal does exceed this threshold, however the actual above grade floor area contributing to the appearance of scale and mass of the neighborhood, is 11,931 square feet. The remaining floor area is subterranean and will not contribute additional scale and mass to the neighborhood.

The required front yard setback for the properties within the surrounding neighborhood ranges from 25 feet for smaller lots to 50 feet for the larger, deeper lots. As the subject property is a deep lot with an average depth of 288 feet, it has a 50-foot required setback. As proposed the residence would be set back an additional ten feet (10') beyond the required 50-

foot front yard setback (60 feet from the front property line). In addition, the façade of the building is well modulated and includes a variety of roof planes which serve to reduce the appearance of scale and mass. The proposal also calls for the existing mature trees within the front yard area to remain, which helps to soften the appearance of additional scale and mass and maintains the existing integrity and character of the area. The greater front setback, modulated design of the façade, and maintenance of the mature trees within the front setback all serve to reduce the appearance of scale and mass and to maintain the scale, integrity, and character of the area. Therefore, it is not anticipated that approval of the project will have a substantial adverse impact on the scale, integrity or character of the area.

2. The proposed single-family residence is set back a minimum of 20'-6" from the east side property line and 25'-6" from the west side property line (16'-11" below grade), which is greater than the code-required 16'-10" from the side property lines. The required rear yard setback is 43'-4" with the project providing 111'-6" from the rear property line which also exceeds the code requirement. The additional setbacks serve to provide a privacy buffer to the neighbors. In addition, the project includes lush, mature landscaping that helps to buffer the project from neighboring properties. As the project contains substantial setbacks from all neighboring properties and lush landscaping is present along the neighboring property lines, the project is not anticipated to have an adverse impact on the privacy of neighboring properties.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit, subject to the following 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 Public Works.
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 Public Works. 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 existing mature trees that are of heritage size as defined by the Beverly Hills Municipal Code, located within the front yard area, shall be protected during construction and maintained on the property upon the completion of the project. If the Applicant wishes to remove the trees for any reason prior to, during construction, and in the five years following the issuance of the certificate of occupancy, including if the tree is diseased or

damaged, a Tree Removal Permit shall be applied for with the reviewing authority to be the Planning Commission.

6. The portion of the basement extending beyond the perimeter of the building shall be located entirely below existing natural grade so as to not be counted as floor area per the City's municipal code.

Standard Conditions

7. 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.

8. RECORDATION. This Resolution 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.

9. EXPIRATION. Hillside R-1 Permit. The exercise of rights granted in this Resolution shall be commenced within three (3) years after the adoption of such Resolution (BHMC Section 10-3-207).

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

11. This approval is for those plans submitted to the Planning Commission on June 13, 2013, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

12. 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.

13. 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.

14. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

15. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

16. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of the Project.

17. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-of-way, and for use of the public right-of-way for staging and/or hauling certain equipment and materials related to the Project.

18. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during Project construction performed under any permits issued by the City.

19. During Project construction, all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

Section 10. 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: June 13, 2013

---

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.