



# Planning Commission Report

**Meeting Date:** July 25, 2013

**Subject:** **1506 Lexington Road**  
**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, allow an accessory structure over fourteen feet (14') in height, and to allow a porch/deck more than three feet (3') above grade on an accessory structure on an estate property. 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: Hamid Gabbay

PROJECT OWNER: Hsieh Ming

**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 property is currently developed with a single-family residential building, a guest house, a pool and a tennis court to the rear of the main residential building. The tennis court is located approximately seven feet lower in elevation than the garden and pool area of the site. The proposed project involves the removal of the tennis court to allow for the construction of a new 6,704 square foot subterranean basement parking garage with parking for approximately nineteen cars; 864 square foot basement mezzanine with bathrooms (also below grade); and, a 468 square foot above-grade outdoor cabana that has BBQ areas and rooftop terrace on the cabana. The basement will be constructed below the existing grade of the tennis court with a portion of the excavated material utilized on-site on top of the basement to level out the yard area to be even with the existing backyard area which contains a pool and guest house.

The project site is considered to be an estate lot (greater than 24,000 square feet) and is a total of 67,047 square feet in area. The project complies with required zoning such as maximum allowable floor area for the site 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. In addition, the cabana accessory structure requires review under the Hillside R-1 Permit process for location within a required side yard setback,

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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total height over 14 feet, and a deck on the cabana structure located more than 3 feet above grade (deck is 11' above grade).

This report analyzes the proposed project, with specific analysis of the floor area and massing proposed on the site, and the height and location of the cabana accessory structure including the roof terrace deck on the structure. 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 cabana accessory structure and subterranean basement garage.



## **BACKGROUND**

File Date	05/13/2013
Application Complete	06/12/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	09/14/2013 without extension request from applicant

Applicant(s)	Hamid Gabbay, Architect
Owner(s)	Hsieh Ming
Representative(s)	Hamid Gabbay

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

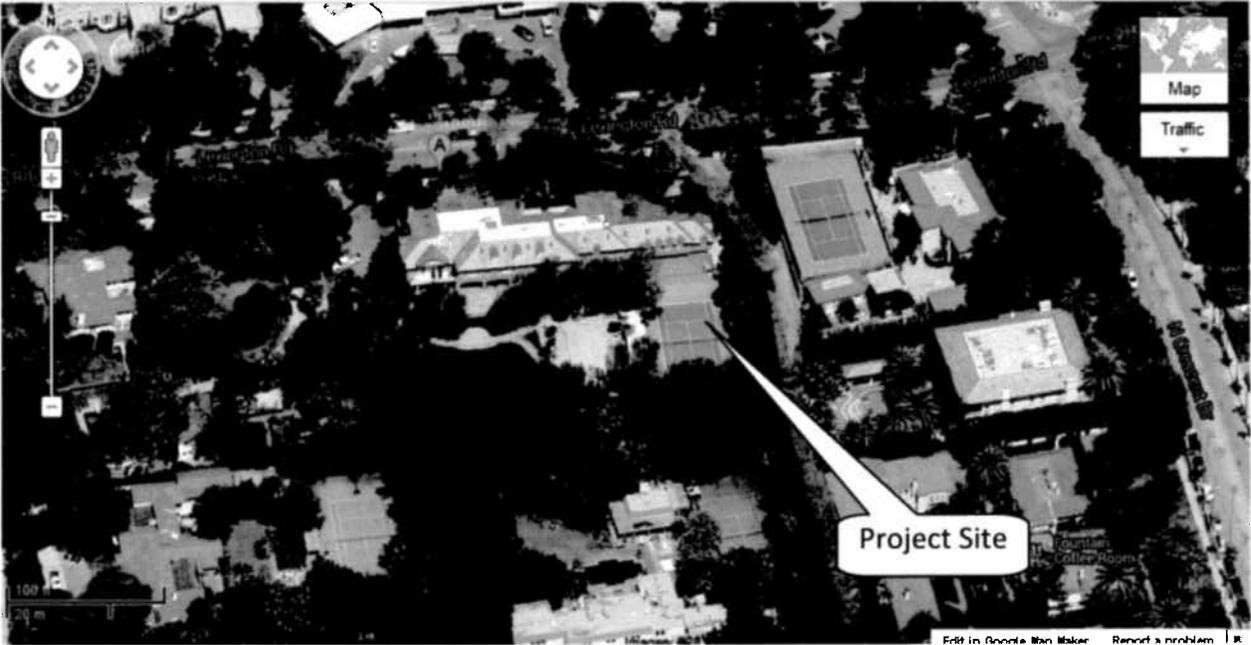
Address	1506 Lexington Road
Legal Description	BEVERLY HILLS LOT 16 AND E 87.5 FT MEAS ON S LINE OF LOT 17
Zoning District	R-1.X - Hillside
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	67,047 S.F. (1.54 acres)
Year Built	1979/1985
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)	Lexington Road – Street Width – 42 feet
Adjacent Alleys	20 feet - Alley to the East
Parkways & Sidewalks	14-foot parkway
Parking Restrictions	None
Nearest Intersection	Lexington Road and North Crescent Drive
Circulation Element	Local Street



Neighborhood Character

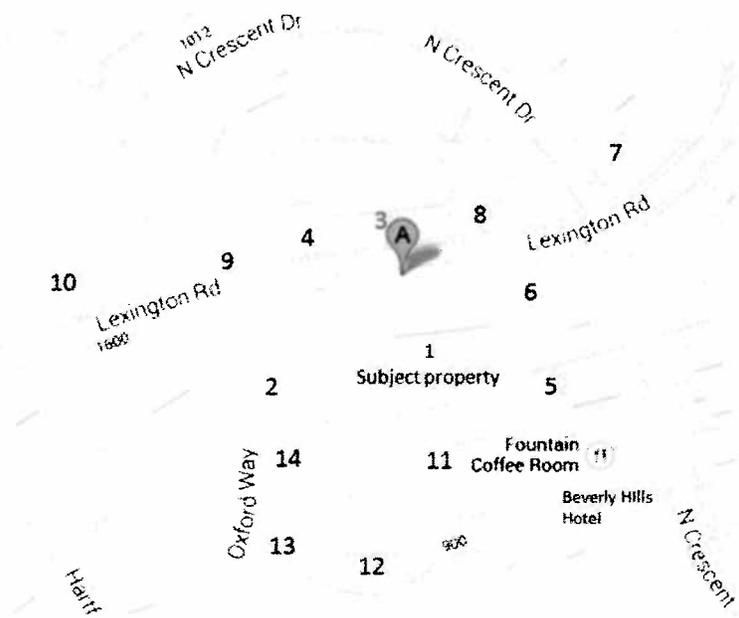
The subject property is located in the Hillside Area, north of Sunset Boulevard on the south side of Lexington Road, to the west of North Crescent Drive. The immediate surrounding area on Lexington Road, Oxford Way, Glen Way and North Crescent Drive is characterized by a range of property sizes from lots of 20,640 square feet to large estate lots of greater than 24,000 square feet with the largest lots in the neighborhood a lot at 1000 Cove Way (approximately 185,566 square feet), 1000 North Crescent Drive (87,770 square feet) and the adjacent lot to the south at 904 Glen Way (71,140 square feet). The average lot size in the neighborhood of 1506 Lexington Road is 54,734 square feet (see table below). The majority of the residences are two stories with above grade square footages of the residences ranging from 3,924 square feet to 21,425 square feet. The overall character is defined as large, heavily landscaped lots with a variety of architectural styles. The majority of the lots in the neighborhood have front yard walls/fences with large hedges and extensive mature landscaping providing privacy and screening from the street.

The subject property is a roughly square shaped lot with a site area of 67,047 square feet and is currently developed with a two-story single-family residence with attached garage, a guest house, pool, and tennis court. The existing structures on-site include the main residence with 14,071 square feet above grade and 4,032 square feet below garage (basement of main residence) and the guest house of 1,128 square feet. The total existing cumulative floor area on the site is 19,231 square feet. The existing residence was originally constructed in 1979 with a major addition made in 1985. All structures on the property would be maintained but the tennis court is proposed for demolition to make room for the new subterranean basement garage and new cabana accessory structure.

### ADJACENT NEIGHBORHOOD FLOOR AREA PER SITE

Map #	Address	Site Area*	Floor Area*	Percentage of Floor Area to Site Area	Year Built
<u>1.</u>	1506 Lexington Road (Subject Property)	67,047 square feet	15,667 square feet	23.4%	1979/1985
<u>2.</u>	1510 Lexington Road	66,400 square feet	6,690 square feet	10%	1924/1933
<u>3.</u>	1521 Lexington Road	32,640 square feet	5,370 square feet	16.5%	1956
<u>4.</u>	1545 Lexington Road	35,284 square feet	5,777 square feet	16.4%	1955/1958
<u>5.</u>	917 North Crescent Drive	23,138 square feet	10,525 square feet	45.5%	1992
<u>6.</u>	919 North Crescent Drive	36,789 square feet	6,817 square feet	18.5%	1924/1952
<u>7.</u>	1000 North Crescent Drive	87,770 square feet	14,055 square feet	16%	1929/1948
<u>8.</u>	1001 North Crescent Drive	40,903 square feet	5,389 square feet	13.2%	1955/1962
<u>9.</u>	1025 North Crescent Drive	37,854 square feet	5,819 square feet	15.4%	1955/1957
<u>10.</u>	1000 Cove Way	185,566 square feet (4.26 acres)	21,425 square feet	11.5%	1913/1975/1984
<u>11.</u>	904 Glen Way	71,140 square feet	10,706 square feet	15%	1979/1985
<u>12.</u>	908 Glen Way	21,940 square feet	3,924 square feet	18%	1956/1959
<u>13.</u>	912 Oxford Way	20,640 square feet	4,534 square feet	22%	1956
<u>14.</u>	916 Oxford Way	39,160 square feet	5,484 square feet	14%	1949/1963

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



## PROJECT DESCRIPTION

The proposed project involves the construction of a new 6,704 square foot subterranean basement parking garage with parking for approximately nineteen cars (parking for a car collection), an 864 square foot basement mezzanine level with bathrooms, and a 468 square foot above grade outdoor cabana with BBQ areas and rooftop terrace on a site located within the Hillside Area. The proposal includes the removal of the existing tennis court on the southeast corner of the site with excavation to create the basement which is located below and extends beyond the perimeter of a proposed new accessory structure cabana at grade. Vehicular access to the basement garage area would be from a driveway accessed from the alley along the south side of the eastern property line which is adjacent to a 20 foot wide North/South alley. The structures will be located to the rear of the main residential building on the lot. As proposed, the parking basement garage will be constructed below the existing grade of the tennis court with a portion of the excavated material utilized on-site on top of the basement to level out the yard area to be even with the existing backyard area which contains a pool and guest house. Currently the tennis court is located at an elevation approximately seven feet lower than the upper yard creating a stepped down elevation to the alley to the east of the subject property. The proposal will level out the yard to the edge of the new cabana structure with a slope down to the alley to the east. A new 7' tall retaining wall will be located along the eastern side property line abutting the alley. Landscaping is proposed on the slope area above the retaining wall to provide additional privacy for both the subject property and the neighboring properties to the east. The remaining excavated material, approximately 2,648 cubic yards, is proposed to be exported from the site.

### 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>1</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 new above grade floor area proposed is 468 square feet which, when combined with the existing above grade floor area of 15,199 square feet results in a new total above grade floor area on the site of 15,667 square feet. In addition, 7,568 square feet of new basement area is proposed, in addition to the existing basement area of 4,032 square feet for the main residence. The cumulative floor area on the site, including the basement area, (pursuant to the Code, 1,600 square feet basement garage, and 300 square feet of basement mechanical area are not counted) totals 25,367 square feet, which exceeds the 15,000 square foot threshold.

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<sup>1</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.

- A request to allow the proposed cabana accessory structure, a portion of which is within the required side yard setback along the alley, to exceed 14'-0" in height. The total height of the proposed accessory structure is 24 feet. According to BHMC §10-3-2550(H)<sup>2</sup>, approval of a Hillside R-1 Permit would allow a detached accessory structure, to exceed 14'-0" in height when located in a required yard area if the portion exceeding 14' in height is outside the required side yard setback for the main building on the site.
- A request to allow an accessory structure porch or deck, more than three feet (3') above the finished grade, on an estate residential site (site exceeds 24,000 square feet in area).

### **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

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>4</sup> POLICIES**

The General Plan includes 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)
- **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.

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<sup>2</sup> BHMC §10-3-2550(H) Accessory Buildings: Accessory buildings located within a yard area may be allowed to exceed fourteen feet (14') in height if the structure is located on a site area that equals or exceeds forty thousand (40,000) square feet in area and the reviewing authority makes the appropriate findings.

<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> 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 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>5</sup>, and the environmental regulations of the City. The Project qualifies for a categorical exemption pursuant to Section 15303 (Class 3)(e) of the Guidelines. Specifically, the proposed Project is the construction of a new accessory structure with a basement garage at a 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	07/19/2013	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	July 15, 2013	July 12, 2013	13 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	07/19/2013	6 Days

### Public Comment

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

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<sup>5</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

## **ANALYSIS<sup>6</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/Massing.** Of the total new floor area proposed, 7,568 square feet (94 percent) will be located in the subterranean basement below the new cabana accessory structure. The 468 square feet of the above grade cabana accessory structure represents 6 percent of the new floor area proposed.

The proposed 15,667 square feet of above grade floor area on the site is one of the larger in the area in both overall amount and percentage of floor area to site, however the project appears to be generally in keeping with the scale of other properties in the area that contain two-story residences and accessory structures on lots of a comparable size. As the majority of the new floor area proposed is subterranean and located to the rear of the main structure, it will not represent additional visible scale and mass to the neighborhood. The proposed cabana structure will largely be screened from the street by the main residence and from the neighbors to the east and south by existing and proposed landscaping on the site, and as such it is not anticipated to add the appearance of additional scale to the area in a manner that would be detrimental to the scale, integrity, or character of the area.

### **Height of Accessory Structure/Privacy of Neighbors.**

The proposed cabana accessory structure is a total of 24' in height with second floor level being a roof terrace with enclosed stairs and elevator shafts and a partial roof covering the deck. The Beverly Hills Municipal Code restricts the height of accessory structures to 14' and restricts any porches and decks to no more than 3' above grade unless authorized by a Hillside R-1 Permit. A Hillside R-1 Permit may be requested for the height of the structure over 14' (structure is proposed at 24') and located within a required side yard setback if the portion of the structure exceeding 14' is located outside the required side yard setback. The portion of the structure within the 32.1' side yard setback is a maximum of 14' in height in compliance with the code. In addition, for estate lots greater than 24,000 square feet, a Hillside R-1 Permit may be granted to allow porches or decks more than 3' above grade. The roof terrace deck is proposed at 11' above grade. It is anticipated that the new roof terrace deck will introduce the potential for additional activity on the site within the side setback area with an associated potential for additional noise. However, the City has regulations pertaining to noise which would be in place to prevent potential noise impacts during sensitive hours.

Accessory structures in the Hillside Area by right may be located 5' from the closest side and rear property lines if the structure is a maximum height of 14'. For structures over 14' in height,

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<sup>6</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.

they may be located within the principal building area, up to the maximum height of the main residence. The structure is proposed to be a total height of 24' and located within the required 32'-1" side yard setback for the main building; therefore it requires a Hillside R-1 Permit. As proposed, the structure is located 16'-9" from the closest adjacent property line on the east with the portion of the structure exceeding 14' located outside the 32'-1" side setback. The eastern property line adjoins a 20' wide alley that runs North/South and separates the subject property from the rear property lines of the residential properties on the 900 block of North Crescent Drive. The proposed cabana structure is set back approximately 36 feet from the closest adjacent neighbor's property line (16'9" setback plus the 20' wide alley) to the east and greater than 95' to the rear property line. The immediate adjacent neighbors to the east, across the alley, have a tennis court and two story accessory structures along the alley along with extensive mature landscaping. The distance serves to buffer the proposed cabana structure from the neighbors and protect the neighbors' privacy and is in keeping with the character of the adjacent area.

**Landform Alteration/Export of Earth Material.** For the proposed site improvements, the overall landform alterations would result in the export of 2,648 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.** 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 existing garage located within the main residence provides four covered parking spaces which meet the code required parking for the site. The project provides an additional nineteen (19) subterranean parking spaces which are anticipated to be utilized to store a car collection on-site in the proposed new basement garage. The site provides a large amount of parking on the site, therefore parking is not an anticipated issue for the property.

### **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:



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Michele McGrath, Principal Planner

## ATTACHMENT A

### Zoning Compliance Table

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
<b>Site Area</b>	Total = 67,047 square feet 60,176 square feet (level pad) 6,871 square feet (slope)	Total = 67,047 square feet 60,176 square feet (level pad) 6,871 square feet (slope)	
<b>Height</b>			
<b>Main Residence</b>	32'-0" (Existing)	No Change	
<b>Proposed Cabana Accessory Structure</b>	Up to height of main residence (if authorized by a Hillside R-1 Permit)	24'-0"	
<b>Floor Area</b>			
<b>Main Residence</b>	(All Existing) 1 <sup>st</sup> Floor - 6,266 s.f. 2 <sup>nd</sup> Floor - 7,805 s.f. Basement – 4,032 s.f. Above Grade - 14,071 sq. ft.	No Change	
<b>Guest House</b>	1,128 square feet (Existing)	No Change	
<b>Cabana Accessory Structure (above grade)</b>		468 square feet	
<b>Subterranean (Garage)</b>		6,704 square feet (Car Gallery) 864 square feet (Mezzanine) Total Below Grade – 7,568 square feet	
<b>Total Floor Area On-Site</b>	Maximum allowable floor area on-site = 19,342 square feet (above grade)	Above Grade = 15,667 square feet Below Grade = 11,600 square feet  Total Floor Area On-Site (for cumulative purposes) 25,367 square feet *	*Requires Hillside R-1 Permit for cumulative over 15,000 SF  * (Cumulative Floor area calculations are after deduction of 1,600 square feet of basement garage and 300 square feet of mechanical basement)
<b>Accessory Structure Setbacks</b>			
<b>Front Setback</b>	100' (unless authorized by a Hillside R-1 Permit)	110'	
<b>Side Setbacks</b>	5'-0" (Main Residence Required Side Setback = 32.10')	16'-9" (East) Approximately 180' (West)	Portion of accessory structure exceeding 14' in height is outside the required east side yard setback
<b>Rear (South) Setback</b>	5'-0" (Main Residence Required Rear Setback = 37.5')	29'-0"	
<b>Parking Spaces</b>	4 (existing)	19 (new in basement garage) Total 23 spaces	
<b>Landform Alterations</b>			
<b>Removal of earth materials</b>	3,000 cubic yards max. may be imported or exported unless authorized by a Hillside R-1 Permit	2,648 cubic yards	

## ATTACHMENT B

### Staff Recommended Findings and Conditions of Approval

#### DRAFT FINDINGS

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##### 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 has character defined by properties developed with primarily two-story, single-family residences with accessory structures and tennis courts on larger estate properties. The proposed total floor area on the property is one of the larger figures in the area in overall area and percentage of floor area to site area; however the majority of new floor area being proposed is subterranean and will not contribute additional scale and mass to the area as it will not be visible above grade. With the 468 square foot additional floor area proposed above grade, the total above grade floor area on the site, 15,667 square feet, is less than the maximum allowable above grade floor area of 19,342 square feet. In addition, the project is located to the rear of the existing main residence and is not visible from the adjacent public street.

The project has been conditioned to require the Applicant to plant and maintain new trees and landscaping on the slope to serve as screening for the new above grade cabana to soften the appearance of additional scale and mass from neighboring properties, and maintain the existing 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 above grade accessory structure is in the southeast corner of the site; substantial setbacks separate the structure, including the roof top terrace, from neighboring properties. The proposed cabana accessory structure is set back 16'-9" to the closest side property line to the east. An additional 20' wide alley then separates the subject property to the adjacent properties to the east for a total distance of 36'-9" from the cabana structure to the neighboring properties to the east which has a large tennis court wall/fence along the rear property line on one neighbor's lot with the other neighbor having a large two-story accessory structure along their rear property line. The property line for the closest neighbor to the south is located more than 90' from the above grade portion of the cabana and additionally, extensive mature landscaping exists both on the subject property and the property to the south. The setbacks serve to provide a privacy buffer to the neighbors. In addition, the project site has existing lush, mature landscaping along the east and south perimeter of the property. The existing landscaping in the area between the tennis court and the eastern side property line will need to be removed to construct the project. However, the project has been conditioned to require the Applicant to plant and maintain trees and landscaping on the eastern side of the proposed structure to further buffer the project from neighboring properties. As the project contains substantial setbacks from all neighboring properties, mature landscaping is present along the neighboring property lines and the project has been conditioned to provide additional

landscaping on the slope adjacent to the cabana structure; the project is not anticipated to have an adverse impact on the privacy of neighboring properties.

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

As stated in the privacy finding above, the structure is located in the southeast portion of the site with substantial setbacks separating it from the closest adjacent properties to the south and to the east. The setbacks provide adequate separation to prevent any adverse impact to the neighbors' access to light and air. Additionally, any shadows cast by the above grade cabana structure would be cast to the north onto the subject property.

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

The proposed cabana accessory structure and associated subterranean basement garage will not have any substantial adverse impact on the streetscape of Lexington Road as both are located behind the existing main residence which will serve to largely block any view of the above grade cabana accessory structure.

## **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.
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. 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 Applicant shall plant and maintain new trees, with a minimum box size of 48 inches, to provide screening at the time of planting, of the cabana structure from the properties to the east, within the 16'-9" eastern side setback. A landscape plan showing the new trees shall be provided to the Director of Community Development for review and approval prior to the issuance of building permits for the project.

### Standard Conditions

See attached Resolution

**ATTACHMENT C**  
**Public Notice**



## **NOTICE OF PUBLIC HEARING**

**DATE:** July 25, 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, July 25, 2013, 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 468 square foot, above grade cabana accessory structure, with a 7,568 square foot subterranean basement garage at an existing single-family residence on the property located at 1506 Lexington 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 new accessory structure with its basement, combined with the existing single-family residence with basement and guest house, would contain a cumulative floor area of approximately 25,350 square feet, and therefore requires a Hillside R-1 Permit to be constructed.

A Hillside R-1 Permit to allow an accessory structure to be located in a required side yard setback to exceed 14'-0" in height and to allow a porch/deck more than 3' above grade on an estate property. Accessory structures in the Hillside Area, when located within a required side yard setback are limited to 14'-0" in height unless otherwise permitted by a Hillside R-1 Permit. The proposed accessory structure (cabana) would have a maximum height of 24' and be located 16'-10" from the eastern side property line and have an outdoor terrace deck on the second floor. Therefore, a Hillside R-1 Permit is requested.

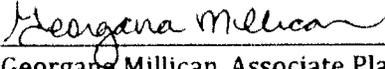
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3(e) Categorical Exemption for the construction of a new accessory structure with a basement garage at 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:

  
\_\_\_\_\_  
Georgana Millican, Associate Planner

Mailed: July 15, 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 TOTAL CUMULATIVE FLOOR AREA ON THE SITE TO EXCEED 15,000 SQUARE FEET, TO ALLOW AN ACCESSORY STRUCTURE OVER FOURTEEN FEET (14') IN HEIGHT, AND TO ALLOW A PORCH/DECK MORE THAN THREE FEET (3') ABOVE GRADE ON AN ACCESSORY STRUCTURE ON AN ESTATE PROPERTY LOCATED AT 1506 LEXINGTON ROAD.

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

Section 1. Gabbay Architects, applicant on behalf of the property owners of 1506 Lexington Road (collectively the "Applicant"), submitted an application for a Hillside R-1 Permit to allow the construction of a new 6,704 square foot subterranean basement parking garage with parking for approximately nineteen cars; 864 square foot basement mezzanine with bathrooms; and, a 468 square foot above-grade outdoor cabana that has BBQ areas and a rooftop terrace on a site located within the Hillside Area. The basement will be constructed below the existing grade of the tennis court. A portion of the excavated material will be utilized on-site on top of the basement to level out the yard area to be even with the existing backyard area which contains a pool and guest house ("the Project").

Section 2. The subject property is located in the Hillside Area, north of Sunset Boulevard on the south side of Lexington Road to the west of North Crescent Drive. The immediate surrounding area on Lexington Road, Oxford Way, Glen Way and North Crescent Drive is characterized by a range of property sizes from lots of 20,640 square feet to large estate

lots of greater than 24,000 square feet with the largest lots in the neighborhood a lot at 1000 Cove Way (approximately 185,566 square feet), 1000 North Crescent Drive (87,770 square feet) and the adjacent lot to the south at 904 Glen Way (71,140 square feet). The average lot size in the neighborhood is 54,734 square feet. The majority of the residences are two stories with above grade square footages of the residences ranging from 3,924 square feet to 21,425 square feet. The overall character is defined as large, heavily landscaped lots with a variety of architectural styles. The majority of the lots in the neighborhood have front yard walls/fences with large hedges and extensive mature landscaping providing privacy and screening from the street.

The subject property is a roughly square shaped lot with a site area of 67,047 square feet and is currently developed with a two-story single-family residence with attached garage, a detached guest house, pool, and tennis court. The existing structures on-site include the main residence with 14,071 square feet above grade, a 4,032 square feet below garage (basement of main residence), and the guest house of 1,128 square feet. The existing residence was originally constructed in 1979/1985. All structures on the property would be maintained but the tennis court is proposed for demolition to make room for the new subterranean basement garage and new cabana accessory structure.

Section 3. The proposed project involves the construction of a new 6,704 square foot subterranean basement parking garage with parking for approximately nineteen cars, an 864 square foot basement mezzanine level with bathrooms, and a 468 square foot above grade outdoor cabana with BBQ areas and rooftop terrace on a site located within the Hillside Area. The proposal includes the removal of the existing tennis court on the southeast corner of the site with excavation to create the basement which is located below and extends beyond the perimeter

of a proposed new cabana accessory structure at grade. Vehicular access to the basement garage area would be from a driveway accessed from the alley along the south side of the eastern property line which is adjacent to a 20 foot wide North/South alley. The structures will be located to the rear of the main residential building on the lot. As proposed, the basement garage will be constructed below the existing grade of the tennis court with a portion of the excavated material utilized on-site on top of the basement to level out the yard area to be even with the existing backyard area which contains a pool and guest house. Currently the tennis court is located at an elevation approximately seven feet lower than the upper yard creating a stepped down elevation to the alley to the east of the subject property. The proposal will level out the yard to the edge of the new cabana structure with a slope down to the alley to the east. A new 7' tall retaining wall will be located along the eastern side property line abutting the alley. Landscaping is proposed on the slope area above the retaining wall to provide additional privacy for both the subject property and the neighboring properties to the east. The remaining excavated material, approximately 2,648 cubic yards, is proposed to be exported from the site.

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

1. Hillside R-1 Permit 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>1</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 new above grade floor area proposed is 468 square feet which when combined with the existing above grade floor area of 15,199 square feet results in a new total above grade floor area on the site of 15,667 square feet. In addition, 7,568 square feet of new basement area is proposed, in addition to the existing basement area of 4,032 square feet for the main residence. The cumulative floor area on the site, including the basement area, (pursuant to the Code, 1,600 square feet basement garage, and 300 square feet of basement mechanical area are not counted) totals 25,367 square feet, which exceeds the 15,000 square foot threshold.

2. Hillside R-1 Permit to allow the proposed cabana accessory structure, a portion of which is within the required side yard setback along the alley, to exceed 14'-0" in height. The total height of the proposed accessory structure is 24 feet. According to BHMC §10-3-2550(H)<sup>2</sup>, approval of a Hillside R-1 Permit would allow a detached accessory structure, to exceed 14'-0" in height when located in a required yard area if the portion exceeding 14' in height is outside the required side yard setback for the main building on the site.

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<sup>1</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>2</sup> BHMC §10-3-2550(H) Accessory Buildings: Accessory buildings located within a yard area may be allowed to exceed fourteen feet (14') in height if the structure is located on a site area that equals or exceeds forty thousand (40,000) square feet in area and the reviewing authority makes the appropriate findings.

3. A request to allow an accessory structure porch or deck, more than three feet (3') above the finished grade, on an estate residential site (site exceeds 24,000 square feet in area).

Section 5. 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>3</sup>, and the environmental regulations of the City. The Project qualifies for a categorical exemption pursuant to Section 15303 (Class 3) (e) of the Guidelines. Specifically, the proposed Project is the construction of a new accessory structure with a basement garage at a single family residence with no change in land use or density and is therefore exempt from further review under the provisions of CEQA.

Section 6. Notice of the Project and public hearing was mailed on July 15, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On July 25, 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, 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;

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<sup>3</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

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;

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

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 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 has character defined by properties developed with primarily two-story, single-family residences with accessory structures and tennis courts on larger estate properties. The proposed total floor area on the property is one of the larger figures in the area in overall area and percentage of floor area to site area; however the majority of new floor area being proposed is subterranean and will not contribute additional scale and mass to the area as it will not be visible above grade. With the 468 square foot additional floor area proposed above grade, the total above grade floor area on the site, 15,667 square feet, is less than the maximum allowable above grade floor area of 19,342 square feet. In addition, the project is located to the rear of the existing main residence and is not visible from the adjacent public street.

The project has been conditioned to require the Applicant to plant and maintain new trees and landscaping on the slope to serve as screening for the new above grade cabana to soften the appearance of additional scale and mass from neighboring properties, and maintain the existing 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 above grade accessory structure is in the southeast corner of the site; substantial setbacks separate the structure, including the roof top terrace, from neighboring properties. The proposed cabana accessory structure is set back 16'-9" to the closest side property line to the east. An additional 20' wide alley then separates the subject property to the adjacent properties to the east for a total distance of 36'-9" from the cabana structure to the neighboring properties to the east which has a large tennis court wall/fence along the rear property line on one neighbor's lot with the other neighbor having a large two-story accessory structure along their rear property line. The property line for the closest neighbor to the south is located more than 90' from the above grade portion of the cabana and additionally, extensive mature landscaping exists both on the subject property and the property to the south. The setbacks serve to provide a privacy buffer to the neighbors. In addition, the project site has existing lush, mature landscaping along the east and south perimeter of the property. The existing landscaping in the area between the tennis court and the eastern side property line will need to be removed to construct the project. However, the project has been conditioned to require the Applicant to plant and maintain trees and landscaping on the eastern side of the proposed structure to further buffer the project from neighboring properties. As the project

contains substantial setbacks from all neighboring properties, mature landscaping is present along the neighboring property lines and the project has been conditioned to provide additional landscaping on the slope adjacent to the cabana structure; the project is not anticipated to have an adverse impact on the privacy of neighboring properties.

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

As stated in the privacy finding above, the structure is located in the southeast portion of the site with substantial setbacks separating it from the closest adjacent properties to the south and to the east. The setbacks provide adequate separation to prevent any adverse impact to the neighbors' access to light and air. Additionally, any shadows cast by the above grade cabana structure would be cast to the north onto the subject property.

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

The proposed cabana accessory structure and associated subterranean basement garage will not have any substantial adverse impact on the streetscape of Lexington Road as both are located behind the existing main residence which will serve to largely block any view of the above grade cabana accessory structure.

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. This approval is for those plans submitted to the Planning Commission on July 25, 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.

2. 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.

3. 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.

4. 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. The hauling plan shall take into consideration vehicle size and the limitations of adjacent residential streets with respect to size and width.

5. 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.

6. The Applicant shall plant and maintain new trees within the 16'-9" eastern side setback, with a minimum box size of 48 inches, to provide screening at the time of planting, of the cabana structure from the properties to the east. A landscape plan showing the new trees

shall be provided to the Director of Community Development for review and approval prior to the issuance of building permits for the project.

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. An appeal fee is required.

8. RECORDATION. This 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.

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. 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.

12. 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.

13. 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.

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

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

16. 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.

17. 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.

18. 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: July 25, 2013

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Brian Rosenstein  
Chair of the Planning Commission of the  
City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

Approved as to content:

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David M. Snow  
Assistant City Attorney

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Jonathan Lait, AICP  
City Planner

**ATTACHMENT E**  
**Architectural Plans**

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