



Planning Commission Report

Meeting Date: January 22, 2015

Subject: 1506 Lexington Road
Hillside R-1 Permit

Request to amend a previously approved Hillside R-1 Permit to allow the total cumulative floor area on the site to exceed 15,000 square feet, allow a porch/deck more than three feet (3') above grade on an accessory structure on an estate property, and to allow the export of more than 3,000 cubic yards of earth material from the subject 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. On July 25, 2013, the Planning Commission reviewed and approved a project that 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; an 864 square foot basement mezzanine with bathrooms (also below grade); and, a 468 square foot above-grade outdoor cabana. As approved, 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 containing a pool and guest house.

Subsequent to approval of the project, the applicant has made several revisions resulting in an increase to the size of the basement, which necessitates additional export of earth material. The total amount of earth material proposed to be exported is 3,930 cubic yards, which exceeds the City's 3,000 cubic yard threshold that triggers the need for a Hillside R-1 Permit and review by the Planning Commission. Previously, the export totaled 2,648 cubic yards and did not require a Hillside R-1 Permit.

Attachment(s):

- A. Planning Commission Resolution No. 1687
- B. Draft Resolution
- C. Architectural Plans

Report Author and Contact Information:

Ryan Gohlich, Senior Planner
(310) 285-1194

rgohlich@beverlyhills.org

This report analyzes the proposed amendments to the project, with specific analysis of the key differences between the approved project and the proposed project. Staff's analysis concludes that the proposed amendments to not materially change the project, and are therefore not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Accordingly, the recommendation in this report is for project approval.

BACKGROUND

File Date	12/12/2014
Application Complete	1/12/2015
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	3/22/2015
Applicant(s)	Hamid Gabbay, Architect
Owner(s)	Hsieh Ming
Representative(s)	Hamid Gabbay
Prior PC Action	Resolution No. 1687 approving a Hillside R-1 Permit
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

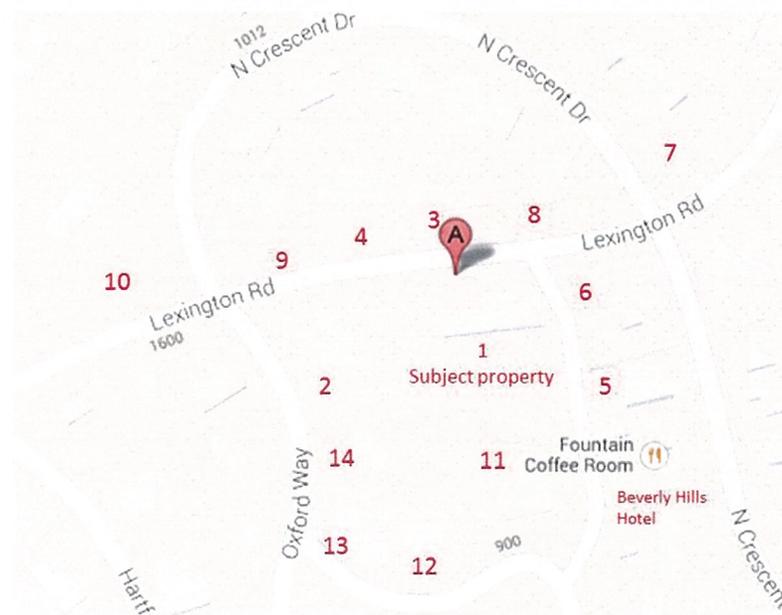
The subject property is located in the Hillside Area, north of Sunset Boulevard on the south side of Lexington Road, to the west of North Crescent Drive. The immediate surrounding area on Lexington Road, Oxford Way, Glen Way and North Crescent Drive is characterized by a range of property sizes from lots of 20,640 square feet to large estates several acres in size, with the largest lots in the neighborhood located 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 vicinity of 1506 Lexington Road is 54,734 square feet (see table on following page). 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 cabana above.

ADJACENT NEIGHBORHOOD STATISTICS

Map #	Addresss	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

Approved Project. The project previously approved by the Planning Commission includes the following components:

- 6,704 square foot subterranean parking garage
- Parking for 19 cars
- 864 square foot mezzanine within the subterranean garage
- 468 square foot above-grade cabana located within the required side setback
- Vehicular access to the subterranean parking garage provided via a driveway accessed from the alley along the eastern property line
- New 7' tall retaining wall located along the eastern side property line abutting the alley
- New landscaping on the sloped area above the retaining wall
- 2,648 cubic yards of earth material to be exported from the site

Amended Project. The currently proposed project includes the following components:

- 7,275 square foot subterranean parking garage
- Parking for 18 cars (although fewer spaces are delineated, the overall area is larger, with increased spacing provided between parking spaces)
- 1,005 square foot mezzanine within the subterranean garage
- 1,086 square foot above-grade cabana located entirely within the principal building area
- Vehicular access to the subterranean parking garage provided via a driveway accessed from the alley along the eastern property line
- New 7' tall retaining wall located along the eastern side property line abutting the alley
- New landscaping on the sloped area above the retaining wall
- 3,930 cubic yards of earth material to be exported from the site

Net Differences Between Approved and Proposed. Overall, the proposed amendments to the project result in the following net differences:

- 571 square foot increase in subterranean parking garage size
- 1 fewer parking spaces
- 141 square foot increase in mezzanine size
- 618 square foot increase in size of above-grade cabana; however, cabana is no longer in required side setback
- 1,282 additional cubic yards of earth export

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)¹, a Hillside R-1 Permit may be issued to allow the cumulative floor area on a site to exceed 15,000 square feet. As proposed, the cumulative on-site floor area would total 26,777 square feet.
- 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).
- A request to allow the export of 3,930 cubic yards of earth material from the site, which exceeds the 3,000 cubic yard threshold that triggers Planning Commission review by 930 cubic yards.

ZONING CODE² COMPLIANCE

A detailed review of the proposed project's consistency with applicable zoning standards has been performed. 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, staff consulted with the Development Services Division to identify issues that should be addressed prior to Planning Commission review. 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 PLAN³ 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.

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

² Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 2.3 Hillside Development.** Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, 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 Guidelines⁴, 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 results in the construction of a new accessory structure with a basement garage on a single family residential property 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	1/15/2015	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residential Occupants – 500’ Radius)	10 Days	January 12, 2015	January 12, 2015	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	1/15/2015	7 Days

Public Comment

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

⁴ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

ANALYSIS⁵

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, 8,280 square feet (88%) will be located in the subterranean basement below the new cabana. 1,166 square feet of above-grade development consists of an 80 square foot elevator, and a 1,086 square foot cabana (the cabana is open on all sides, and does not count as habitable floor area).

With 88% of the project being located below grade, its impact on the floor area and massing at the subject property will be negligible, and is considered to be an appropriate way to add amenities to the subject property without adversely impacting the character of the neighborhood. The proposed project amendments represent an approximately 17% increase in the overall square footage of the project when compared to the approved project; however, the subterranean nature of the project, as well as modifications to the cabana to relocate it outside of the required side setback, cause the amended project to be no more impactful than the project previously approved by the Commission.

Landform Alteration/Export of Earth Material. The overall landform alterations for the project would result in the export of 3,930 cubic yards of earth material from the site. The Hillside Code was adopted in 1995 and sets the maximum by-right amount of import/export of earth material within a five year period at 3,000 cubic yards. The 3,000 cubic threshold was considered to be a reasonable amount of grading, with projects above the threshold requiring additional review for potential impacts to the neighboring area. The project's export exceeds the by-right threshold by 930 cubic yards. While the proposal exceeds the 3,000 cubic yard threshold by 31%, the site is ideally located at the intersection of Lexington Road and an adjacent alley. Lexington Road is a wide, signalized street that does not have steep grades or sharp turns, and is therefore appropriate for hauling activities. Additionally, Lexington Road provides easy access to Sunset Boulevard, one of the City's main heavy hauling routes. Finally, the increased export of earth material allows for the bulk of the project to remain underground, helping to preserve the character of the neighborhood.

Parking. One of the concerns related to large estate properties is availability of on-site parking. In the Hillside area, the Code-required number of parking spaces is four parking spaces (two covered) for houses larger than 6,000 square feet, and three parking spaces (two covered) for houses smaller than 6,000 square feet. The existing garage located within the main residence provides four covered parking spaces, which satisfies the code required parking for the site. The project provides an additional 18 subterranean parking spaces, which are anticipated to be

⁵ 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.

utilized to store a car collection on site. The site provides a large amount of parking on the site, therefore parking is not an anticipated issue for the property.

Recommendation. Based on the foregoing information, the proposed project amendments generally appear to be negligible in comparison to the project previously approved by the Commission. In fact, the amendments eliminate the cabana's encroachment into the required side setback, which will help to control the appearance of mass and scale, and will also allow for additional buffering of the property with landscaping. Furthermore, the previously imposed conditions of approval would continue to be imposed on the project, ensuring adequate landscaping and screening of the project to ensure neighborhood compatibility. Accordingly, staff recommends approval of the proposed amendments.

NEXT STEPS

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

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:



Ryan Gohlich, Senior Planner

ATTACHMENT A

PLANNING COMMISSION RESOLUTION No. 1687

RESOLUTION NO. 1687

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)¹, a Hillside R-1 Permit may be issued to allow the cumulative floor area on a site to exceed 15,000 square feet.

The 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)², 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.

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

² BHMC §10-3-2550(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 Guidelines³, 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;

³ 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. If any privacy impacts are identified in the future, the Director of Community Development may impose additional landscape conditions to mitigate the privacy impacts, or the Director of Community Development, at his or her sole discretion, may refer the matter to the Planning Commission for review.

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



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

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP *JL*
City Planner

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1687 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 25, 2013, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Block, Corman, Yukelson, Chair Rosenstein.

NOES: None.

ABSTAIN: None.

ABSENT: Vice Chair Fisher.



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

ATTACHMENT B
DRAFT RESOLUTION

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, EXPORT OF EARTH MATERIAL IN EXCESS OF 3,000 CUBIC YARDS, 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, representative on behalf of the property owners of 1506 Lexington Road (the "Applicant"), submitted an application for a Hillside R-1 Permit to allow the construction of a new 7,275 square foot subterranean parking garage with parking for approximately 18 cars; a 1,005 square foot basement mezzanine; and a 1,086 square foot above-grade cabana. 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 estates several acres in size, with the largest lots in the neighborhood located 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 vicinity of 1506 Lexington Road 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 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 cabana above.

Section 3. On July 25, 2013, the Planning Commission adopted Resolution No. 1687, which approved a Hillside R-1 Permit authorizing the following:

- 6,704 square foot subterranean parking garage
- Parking for 19 cars
- 864 square foot mezzanine within the subterranean garage

- 468 square foot above-grade cabana located within the required side setback
- Vehicular access to the subterranean parking garage provided via a driveway accessed from the alley along the eastern property line
- New 7' tall retaining wall located along the eastern side property line abutting the alley
- New landscaping on the sloped area above the retaining wall
- 2,648 cubic yards of earth material to be exported from the site

On December 12, 2014, the City received an application to amend certain components of the approved project. The amended project consists of the following:

- 7,275 square foot subterranean parking garage
- Parking for 18 cars (although fewer spaces are delineated, the overall area is larger, with increased spacing provided between parking spaces)
- 1,005 square foot mezzanine within the subterranean garage
- 1,086 square foot above-grade cabana located entirely within the principal building area
- Vehicular access to the subterranean parking garage provided via a driveway accessed from the alley along the eastern property line
- New 7' tall retaining wall located along the eastern side property line abutting the alley
- New landscaping on the sloped area above the retaining wall
- 3,930 cubic yards of earth material to be exported from the site

Section 4. The amended 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), a Hillside R-1 Permit may be issued to allow the cumulative floor area on a site to exceed 15,000 square feet. As proposed, the cumulative on-site floor area would total 26,777 square feet.

2. Hillside R-1 Permit 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).

3. Hillside R-1 Permit to allow more than 3,000 cubic yards of earth material to be exported from the subject property. The Project would result in 3,930 cubic yards being exported from the subject property.

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, 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 the Planning Commission hereby finds that the Project is exempt from further review under the provisions of CEQA.

Section 6. Notice of the Project and public hearing was mailed on January 12, 2015 to all property owners and residential occupants within a 500-foot radius of the property. On January 22, 2015, 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 in support of the Project:

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;
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.
5. The import or export of earth material will not create a substantial adverse impact on the surrounding neighborhood.

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 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 subject property is greater than many of the properties in the vicinity; however the majority of the Project (88%) is subterranean and will not alter the scale and mass of the area, as the basement will not be visible above grade. The proposed project amendments represent an approximately 17% increase in the overall square footage of the project when compared to the previously approved project; however, the subterranean nature of the project, as well as modifications to the cabana to relocate it outside of the required side setback, cause the amended project to be no more impactful than the project previously approved by the Commission. Accordingly, the Project, as conditioned, will not have a substantial adverse impact on the scale, integrity, or character of the area.

2. The proposed deck on top of the basement accessory structure will function as finished grade, and will be located at the same level as other portions of the existing yard area. These design aspects cause the deck to be indistinguishable from the existing yard, and the deck will not be perceived as a deck from surrounding properties. In addition, a 20' wide alley separates the subject property from the adjacent properties to the east, one of which has a large tennis court wall/fence along the rear property line, with the other neighboring property having a two-story accessory structure along their rear property line and adjacent to the alley. Extensive landscaping exists both on the subject property and on surrounding properties, and the Project has been conditioned to require the planting and maintenance of trees and landscaping on the eastern side of the proposed structure to further buffer the project

from neighboring properties. Based on the foregoing, the Project will not have an adverse impact on the privacy of neighboring properties.

3. The Project will be constructed almost entirely below grade, with all above-grade portions to be located within the principal building area of the subject property. Based on the Project's below-grade construction, as well as substantial setbacks for all above-grade components of the Project, the Project will not have an adverse impact on the neighbors' access to light and air.

4. The Project will not have a substantial adverse impact on the streetscape of Lexington Road, as all aspects of the Project are located behind the existing main residence, which will largely block any views of the above-grade cabana from the street.

5. The overall landform alterations for the Project would result in the export of 3,930 cubic yards of earth material from the site. The Project's export exceeds the by-right threshold by 930 cubic yards. While the proposal exceeds the 3,000 cubic yard threshold by 31%, the site is ideally located at the intersection of Lexington Road and an adjacent alley. Lexington Road is a wide, signalized street that does not have steep grades or sharp turns, and is therefore appropriate for hauling activities. Additionally, Lexington Road provides easy access to Sunset Boulevard, one of the City's main heavy hauling routes. Finally, the increased export of earth material allows for the bulk of the project to remain underground, helping to preserve the character of the neighborhood. Based on the foregoing, the import or export of earth material will not create a substantial adverse impact on the surrounding neighborhood.

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 Resolution supersedes Planning Commission Resolution No. 1687, and Planning Commission Resolution No. 1687 shall cease to be of any further force or effect as of the adoption date of this Resolution.

2. This approval is for those plans submitted to the Planning Commission on January 22, 2015, 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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. If any privacy impacts are identified in the future, the Director of Community Development may impose additional landscape conditions to mitigate the privacy impacts, or the Director of Community Development, at his or her sole discretion, may refer the matter to the Planning Commission for review.

Standard Conditions

8. 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.

9. 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.

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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: January 22, 2014

Howard S. Fisher
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

Jay Trevino, AICP *JT*
Interim City Planner

ATTACHMENT C
ARCHITECTURAL PLANS
(PROVIDED AS A SEPARATE ATTACHMENT)