



STAFF REPORT  
CITY OF BEVERLY HILLS

For the Design Review Commission  
Meeting of October 1, 2009  
050010811 / PL0934736

**TO:** Design Review Commission

**FROM:** Ivy Nguyen, Assistant Planner

**SUBJECT:** A request for a modification of a previously approved R-1 Design Review Permit for modifications to previously approved landscaping plan for a new two-story single-family residence, located in the Central Area of the City, north of Santa Monica Boulevard at 800 North Linden Drive. (PL 093 4736)

*Item Continued from the September 3, 2009 Commission Meeting.*

**EXECUTIVE SUMMARY**

This project was originally submitted on August 11, 2005 as an application for a new residence at 800 North Linden Drive. After several modifications to the proposed design, staff approved this two-story single-family residence as a Track 1, character based review in that the design was found to substantially adhere to a pure "Italianate" architectural style.

At a City Council meeting on January 17, 2006, a project neighbor voiced concerns over the design. The City Council subsequently directed the Design Review Commission to review the project and provide the Council with an advisory recommendation as to whether the project qualified under the Track 1 design criteria.

The Design Review Commission considered the matter at a Special Meeting on January 30, 2006 and determined that the proposed design did *not* meet Track 1 standards for pure architectural style. The applicant was advised to modify the design.

On February 7, 2006, the City Council heard the matter and directed the applicant to revise to the design to meet the Track 1 approval criteria. The applicant re-submitted plans (including landscape plans) and the project was approved by the Design Review Commission on June 12, 2006.

Presently, the applicant, Kim Fung, is requesting a modification of the previously approved landscaping plan.

#### Reason for Review by the Commission

According to the Beverly Hills Municipal Code, Section 10-3-4410(E)(7), one of the items required for review of a new residence is "a conceptual landscaping plan". The applicant has made significant modifications to the approved landscaping plan, and staff is therefore bringing this matter for review before the Commission to provide direction on these revisions.

#### Additional Information: Utility Pole/Structure

A utility transformer and enclosure wall at the rear of the property was also added during the construction of this project. The structure measures 15'-3" tall and is visible from the street side (Lomas Avenue) and alley at Linden (see attached photos in landscape booklet, Attachment 1).

In consultation with the City Attorney, staff has determined that accessory structures do not fall under the purview of Design Review (see Code section below). However, given the visibility of the structure, the applicant is amenable to:

1. Lowering the structure/poles to a maximum 14 feet (the maximum allowable height for an accessory structure); and
2. Providing landscaping to screen the structure. Italian cypress trees have been suggested, but the applicant is open to other suggestions.

The Code section used for staff's determination is as follows:

Section 10.3-4408 states that "no **single-family residence** located in the Central R-1 zone shall be erected, constructed, altered or remodeled unless the elevations and plans for the exterior portions and areas visible from the street have been first reviewed and approved by the director of planning and community development ('the director') or the design review commission, as appropriate). (Emphasis added)

#### Adherence to Zoning Code

The main house and walls meet all required zoning standards including height, setbacks, parking, and floor area requirements.

<b>GENERAL INFORMATION</b>	
<b>Applicant</b>	Kim Fung
<b>Project Owner</b>	Capricorn 3 Development, LLC
<b>Zoning District</b>	Central R-1 Area – North of Santa Monica Boulevard
<b>Parcel Size</b>	17,920 square feet
<b>Listed in City's Historic Survey</b>	No

**SITE AND AREA CHARACTERISTICS**

The project site is a trapezoidal-shaped lot that is approximately 134'-0" wide at the front of the property (along Linden Drive) by 117'-0" long at the street side (Lomas Avenue), located on east side of the 800 block of North Linden Drive. The project site is a corner lot at the intersection of Linden Drive and Lomas Avenue. The proposed project is a two-story residence with basement garage. The abutting property at the north property line is developed with a two-story single-family residence, at the south property line is Lomas Avenue.

**PROJECT DESCRIPTION**

Landscape Design

The approved landscape plan identifying the quantity and species from 2006 (hereafter "Approved 2006 Plan") is attached. The Approved 2006 Plan identifies each landscaped area as a "section" and an explanation of the modifications from the approved plan has been supplied by the applicant in booklet form (Attachment 1).

The applicant states in a fax dated June 24, 2009 (included in Attachment 1) that modifications were made to the approved plans to provide higher quality plant materials and species that would better suit the architectural style of the residence, and to avoid damage to existing trees at the abutting neighbor's property (at the north property line).

Further details are provided in the following chart, along with staff recommendations:

<b>Section</b>	<b>Approved Quantity &amp; Plant Species</b>	<b>Current Plant Species</b>	<b>Rationale for Change</b>
A	(1) Jacaranda Tree (2) 12" girth Washingtonia Robusta Palm Shrubs & groundcover	(3) 15 gallon flax shrubs Ground cover	To avoid potential damage to neighbor's existing mature trees & to provide a lower profile of greenery.

			<p><i>Staff consulted with the City Arborist and was advised that a Jacaranda Tree or Olive tree would have created a maintenance problem for the parkway (ie, purple flowers or olives littering public right-of-way). It was suggested that a small, non-fruit bearing palm tree might be appropriate for this area as the root system may be less intrusive to the adjacent neighbor's existing mature trees.</i></p>
B	<p>(3) 12" girth Washingtonia Robusta Palm  (3) 15 gallon "Bird of Paradise"  (11) 5 gallon rose iceberg Annual color &amp; grass groundcover</p>	<p>(1) 48" girth Phoenix Palm  (5) 15 gallon "Bird of Paradise"  (1) 15 gallon flax  Annual colors – Azaleas &amp; begonias  (4) 15 gallon lavender shrubs  Grass groundcover</p>	<p>Upgrade to larger palm tree and position adjacent to residence to create symmetry with façade. Other plants modified for aesthetic reasons.</p>
C	<p>(3) 12" girth Washingtonia Robusta Palm  (4) 15 gallon "Bird of Paradise"  (10) 5 gallon rose iceberg Annual color &amp; grass groundcover</p>	<p>(1) 48" girth Phoenix Palm  (4) 15 gallon "Bird of Paradise"  (1) 15 gallon flax  Annual colors – Azeleas &amp; begonias  (4) 15 gallon lavender shrubs  Grass groundcover</p>	<p>Upgrade to larger palm tree and position adjacent to residence to create symmetry with façade. Other plants modified for aesthetic reasons. (Layout similar to Section C)</p>
D	<p>(3) 60" box Jacaranda Tree  (17) 1 gallon Lavender  (21) 5 gallon rose iceberg  (40) 1 gallon Tibouchina Princess Flower  (9) 5 gallon Rosa "Belle Story"  Annual color &amp; grass groundcover</p>	<p>(1) 60" box Jacaranda Tree  (9) 1 gallon Lavender  Begonias  (16) 5 gallon azeleas  (5) 15 gallon flax  (4) 15 gallon Yellow Bird of Paradise  Annual color &amp; grass groundcover</p>	<p>To provide better visibility of the residence and prevent overcrowding, three trees were reduced to one Jacaranda Tree.</p> <p><b>Staff recommends adding several trees at this location to soften the appearance of the vast expansive open space at this corner.</b></p>
E	<p>No landscaping proposed around fountain.  Grass groundcover at front property.</p>	<p>Fountain was not constructed.  (2) 48" box sago  Begonias  Grass groundcover.</p>	<p>Fountain eliminated to maximize driveway at front entrance. Additional landscaping provided to provide "curb appeal"</p>
F	<p>60" olive trees (Note: 3 trees identified in chart; 7 trees shown on plans)</p>	<p>Grass groundcover  Stone pavers added for walking path</p>	<p>Olive trees eliminated as it interfered with functionality of sliding gate. Ficus Benjamina</p>

	Grass groundcover Ficus Benjamina hedges	Texana (Ligustrum Sinese) hedges	hedges removed to expose side yard wall along Lomitas Avenue.  <i>Per Section 10-3-2420(D), the wall along the street side yard (Lomitas Avenue) requires landscaping on the wall. Staff recommends that more mature landscaping be provided to promote the garden quality of the City.</i>  <i>Staff recommends that two non-fruiting olive trees be provided per the approved plans.</i>
G	(3) 5 gallon Golden Arbovitae (5) 15 gallon "Bird of Paradise" (7) 5 gallon Japanese Boxwood	(4) 5 gallon Japanese Boxwood	Planter areas removed.
H	60" olive trees (Note: 3 trees identified in chart; 7 trees shown on plans) (3) 12" girth Washingtonia Robusta Palm (14) 5 gallon Golden Arbovitae Grass groundcover	Texana (Ligustrum Sinese) hedges (3) 24" gallon lemon and orange fruit trees	Applicant states that olive trees did not complement overall landscaping at the site.  <i>Staff recommends that five non-fruiting olive trees be provided per the approved plans.</i>
I	Japanese Boxwood shrubs	Japanese Boxwood shrubs Begonias evenly spaced between shrubs	Landscaping along perimeter wall to add to "curb appeal".
J	(3) 12" girth Washingtonia Robusta Palm (4) 5 gallon Golden Arbovitae Grass groundcover	New location of pool, trellis and Jacuzzi eliminated space for landscaping.	Revision to plans from Building and Safety approved the installation of a trellis at this location. The trellis conforms to Code. Revised plans are attached as "Attachment 2".

## PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on August 24, 2009 to all property owners and residential tenants within a 100-foot radius from the exterior boundaries of the property as required by Code. As of the preparation of the report, staff has received comment from a neighbor concerning the deviations of the landscaping

plan from the approved plans. Additionally, the neighbor had concerns in regards to the screening of the utility structure.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed to be in compliance with the California Environmental Quality Act (CEQA) and the City's environmental guidelines, and a Categorical Exemption of Class 3(a) has been issued (construction of a single-family residence in a residential zone).

### **RECOMMENDATION**

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing, as well as Design Review Commission deliberations, staff recommends the Design Review Commission either provide the applicant with further direction and return the item for restudy, or approve the project with the following conditions and any other conditions the Commission may wish to add:

1. The applicant agrees to voluntarily provide screening around the utility structure to obstruct the view of the utility structure as seen from the street. The screening shall provide 3'-0" clearance as required by Southern California Edison.
2. The applicant shall verify with Southern California Edison if clearance along the alley can be met from the utility structure to the main electrical source if the structure was reduced in height. The utility structure shall be lowered to 14'-0" to conform to the standards set forth for accessory structures in the Beverly Hills Municipal Code.
3. If the utility structure cannot be lowered to 14'-0" in height, the applicant shall submit an application for a Minor Accommodation permit to request additional height or otherwise revise the structure to meet Code requirements. Any approval shall consider the method of screening.
4. Trees shall be provided on the subject site, at the following locations:
  - a. Section A: A low-growing, mature palm tree shall be located at the northern property line, adjacent to the abutting neighbor. Additionally, groundcover shall be provided as per the approved plans dated July 27, 2006.

- b. Section F: Mature plant materials be provided and maintained along the street side yard wall (along Lomitas).
  - c. Sections F and H: Seven non-fruiting olive trees shall be provided along the southern property line to provide additional landscaping along the street side (Lomitas Avenue), as specified in the approved plans dated July 27, 2006. Alternatively, another plant species may be substituted, provided it is a 60" box, as proposed.
5. Final landscape plans shall return to the Commission for review and approval.

  
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IVY NGUYEN  
Assistant Planner

Attachments:

- Attachment 1: Landscape plans/package from applicant
- Attachment 2: Revised "Section J" including trellis and relocated pool/jacuzzi
- Attachment 3: Drawing of utility structure
- Attachment 4: Site plan indicating modified sections of the previously approved July 27, 2006 landscaping plan
- Attachment 5: Agenda Report & Minutes - City Council Meeting of January 17, 2006
- Attachment 6: Staff Report & Minutes - Design Review Commission of January 30, 2006
- Attachment 7: Agenda Report & Minutes - City Council Meeting of February 7, 2006