



AGENDA REPORT

Meeting Date: October 27, 2009
Item Number: F-6
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Community Development Director
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING ARCHITECTURAL DESIGN MODIFICATIONS TO A PREVIOUSLY APPROVED 13-UNIT CONDOMINIUM BUILDING LOCATED AT 155 NORTH HAMILTON DRIVE.
Attachments: 1. Resolution

INTRODUCTION

On September 15, 2009, the City Council held a public hearing to consider an appeal of the Architectural Commission's denial of the owner's request for design modification to a previously approved condominium project. The City Council directed staff to prepare a resolution approving certain aspects of the requested architectural revisions along with the imposition of additional conditions of approval, which have the general effect of upholding the Architectural Commission's prior direction to the applicant regarding the requested revisions.

RECOMMENDATION

Adopt the resolution as presented.

Susan Healy Keene, AICP
Approved By

RESOLUTION NO. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS CONDITIONALLY APPROVING
ARCHITECTURAL DESIGN MODIFICATIONS TO A
PREVIOUSLY APPROVED 13-UNIT CONDOMINIUM
BUILDING LOCATED AT 155 NORTH HAMILTON DRIVE.**

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

Section 1. The property owner of 155 North Hamilton Drive, 155 Hamilton Development LLC, (the "Applicant") has requested approval of architectural revisions to a previously approved 13-unit condominium building located at 155 North Hamilton Drive (the "Project") after the construction had largely been completed. The Project is five stories and 55 feet in height. The Project was originally approved by the Architectural Commission on February 9, 2005. This approval was the result of three Architectural Commission meetings and numerous design changes. However, the as-built project is not consistent with the Architectural Commission's 2005 approval. In an attempt to secure approval of the as-built Project, the Applicant submitted an application to revise the plans originally approved by the Architectural Commission (the "Revisions"). Because the as-built Project deviated from the approved plans and lacked specific architectural details that were part of the original approval, the Architectural Commission was not able to make the required findings in support of the Revisions. Additionally, the Architectural Commission identified ways to address concerns related to the Revisions, but the Applicant did not agree to those measures, therefore, the Commission denied the request.

Section 2. On January 21, March 18, April 22, and May 20, 2009, the Architectural Commission held duly noticed public hearings to consider the application for the Revisions to the architectural design of a 13-unit condominium building on behalf of the Applicant. Evidence, both written and oral, was presented at said hearings. Based upon the evidence contained in the record on this matter, the Architectural Commission denied the request for revisions because specific findings required for project approval could not be made.

Section 3. The Applicant, represented by James Mortensen, submitted a timely appeal of the Architectural Commission decision denying the Revisions.

Section 4. On September 15, 2009, the City Council held a duly noticed public hearing to consider the Applicant's appeal. Evidence, both written and oral, including staff reports and supporting documentation, was presented at said hearing.

Section 5. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines, and a Negative Declaration has been adopted in accordance with Section 15074 of the State CEQA Guidelines. The requested Revisions, if approved, would not result in any change in the potential for environmental impacts, and is thus within the scope of the Project for which the Negative Declaration was approved. There have not been substantial changes in the Project or circumstances surrounding the project that warrant further environmental review at this time.

Section 6. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-3010, in reviewing the application for the Revisions to the approved Architectural Review Permit, the City Council considered the following criteria:

6.1 The plan for the proposed building or structure is in conformity with good taste and good design and, in general, contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;

6.2 The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable;

6.3 The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value;

6.4 The proposed building or structure is in harmony with the proposed developments on land in the general area, with the general plan for Beverly Hills, and with any precise plans adopted pursuant to the general plan; and

6.5 The proposed development is in conformity with the standards of this code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

Section 7. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the City Council hereby finds as follows with respect to the request for the Revisions to the Architectural Review Permit:

7.1 The Project as constructed lacks architectural details, including window and door surrounds, faux vents on the central tower, a trellis structure along the central portion of the building, and decorative molding. Each of these missing elements is important to the overall architectural theme of the Project. Further, quality building materials that were previously a component of the Project's design have been replaced with lesser-quality materials. Specifically, a smaller-than-approved fountain was installed, wood windows were changed to aluminum windows, a large metal grille was installed above the garage entrance, and the primary entry to building was reduced in size. However, as conditioned to include additional architectural detailing such as window moldings, faux vents, security grille modification and pre-cast detailing, the Project with revisions will result in a more cohesive Project by creating additional articulation and a more consistent design theme. Therefore, Council finds that the Project, as conditioned, represents a comprehensive design that utilizes quality materials and unifying colors that will contribute to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.

7.2 The Project, as originally approved, was found to be reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable. The Revisions do not alter the way in which the Project is reasonably protected against external and internal noise, vibrations, and other factors, thus this finding can be made.

7.3 The Project as constructed lacks previously approved architectural details that were integral to the design of the Project and helped to enhance the building's aesthetic value while reducing its appearance of scale and mass. Additionally, several previously approved building materials were changed to lesser-quality materials that have negatively impacted the project's design and appearance. However, as conditioned, additional architectural detailing such as window moldings, faux vents, security grille modification and pre-cast detailing would be added to the Project. The additional detailing will result in a higher quality project that is beneficial to, and more consistent with, the surrounding environment, as compared to the Project as constructed. Therefore, the City Council finds that the Project, as conditioned, will utilize materials that appear to be of good quality and execution. Further, the Revisions, as conditioned, would not cause any depreciation of the local environment in terms of appearance and value.

7.4 The Project with the Revisions, as conditioned, is consistent with the General Plan and designated land uses established for the subject site insofar as its use, density, and height. There are no precise plans established in the vicinity of the Project site that would be in conflict with the Project or Revisions. As proposed, specific architectural details were eliminated or modified, which diminished the Project's ability to reduce its appearance of scale and mass. Controlling the building's appearance of scale and mass is important because the Project is five stories in height and surrounding development is generally two to three stories in height. In order to control the Project's scale and mass, specific conditions of approval have been added, which require the installation of two faux vents on the elevator tower, and the installation of window moldings and pre-cast detailing. Therefore, the Council has determined that the Project with Revisions and as conditioned, represents an appropriate scale and mass for

the area, and that the Project with Revisions is consistent with all aspects of the General Plan and Municipal Code, and is in harmony with existing and proposed developments located on land in the general vicinity of the Project site.

7.5 The Project with Revisions and as conditioned is in conformity with the development standards of the Beverly Hills Municipal Code, and as conditioned, complies with Section 10-3-30 (Architectural Commission, Architectural Review, And Procedure) of the Beverly Hills Municipal Code insofar as meeting the required findings for approval. Therefore, Council has determined that the Project with requested Revisions, as conditioned, is in conformance with the standards of the Beverly Hills Municipal Code and other applicable laws insofar as the location and appearance of the buildings and structures involved.

Section 8. Based on the foregoing, the City Council hereby approves the Revisions to the Architectural Review Permit, subject to the following conditions:

1. Two faux vents, each measuring 4'6" x 3'6", shall be installed on the upper portion of the elevator tower. The top of each vent shall be located approximately 4'6" below the eave line of the elevator tower.
2. The central bridge located above the fourth floor shall be finished with pre-cast molding to match that used on the building's balconies.
3. The top half of all of the balconies on the second, third, and fourth floors shall be painted to match the ground floor of the building.
4. The security grille over the garage shall be replaced with either a stucco wall or a non-clear, non-breakable glass panel, subject to approval by the Community Development Director.

5. Window moldings shall be added to the front and side facades, and the building shall be painted (rusticated) subject to approval from the Community Development Director and a subcommittee of the Architectural Commission.

6. A sign shall be added above the entryway and painted in a rustified manner. The size and placement of the sign shall be consistent with the originally approved plans dated February 9, 2005.

Section 9. The City Council hereby rejects the grounds for the Applicant's appeal for the reasons set forth in the Staff Report for the September 15, 2009 City Council meeting, and the reasons articulated during the public hearing on the appeal.

Section 10. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

NANCY KRASNE
Mayor of the City of Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

Approved as to form:

Approved as to content:



LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD, ICMA - CM
City Manager



SUSAN HEALY KEENE, AICP
Director of Community Development