



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: January 5, 2010
To: Honorable Mayor & City Council
From: Susan Healy Keene, AICP, Director of Community Development *SHK*
Subject: City Council Consideration of an Order to Review the Design Review Commission Approval of an R-1 Design Review Permit for the Property Located at 264 South Rodeo Drive.

Attachments:

1. Municipal Code Excerpts BHMC Section 1-4-201, et seq.
2. Adopted Design Review Commission Resolution Approving Project Modifications
3. Original Project Approval - Design Review Commission Resolution No. DR-35-07

INTRODUCTION

The Design Review Commission approved a discretionary R-1 Design Review Permit application to allow modifications to a previously approved single-family residence. This approval was sought to remedy discrepancies between the originally approved project and the as-built project. A condition of the originally approved project (Condition 7 of Design Review Commission Resolution DR-35-07, attached) prohibited fencing within the subject property's front setback. Additionally, project modifications listed under Section 6, item 1, of Design Review Commission Resolution DR-35-07 required open-to-view wrought iron fencing along the street side yard. However, the as-built project contains fencing within the front setback and a solid block wall along its street side property line.

The amended R-1 Design Review Permit and Design Review Commission Resolution approved the requested modification, subject to several conditions of approval. A copy of the adopted Design Review Commission Resolution is attached hereto to provide a more detailed explanation of the history of this project and the Commission determination as to the fencing and walls. The amended Design Review Commission Resolution includes, but is not limited to, the following conditions of approval:

1. Fence, wall and hedge heights on the property shall be brought into conformance with all applicable Code requirements, including:
 - a. All 6-foot tall hedges abutting the wall parallel to the front property line shall be removed; and

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- b. The maximum wall/fence height within the front setback shall not exceed 36 inches, including any caps or lights on the top of each pilaster.
2. The 6-foot tall fence and gate along the entry walk shall be removed.

The Mayor has requested this item be placed on the City Council's agenda to determine if there is support among the Council to call the subject Design Review Commission decision for review by the City Council at a future formal meeting. If the Council orders the review this matter would be scheduled for consideration at a future public hearing.

DISCUSSION

Pursuant to Beverly Hills Municipal Code Section 1-4-201, et seq., the City Council may generally order a review of any decision made by any commission, board, or official of the City. The process to initiate this review and set a hearing is specifically set forth in the municipal code, and those provisions are attached for reference.

The City Council must order any review within 30 days of the final City action, which in this case was December 8, 2009, when the Design Review Commission approved the R-1 Design Review Permit with conditions. If a review is ordered, the effectiveness of the Design Review Commission's action will be stayed until the Council review is final.

The decision to order a review at the January 5, 2010 City Council Meeting shall be limited to the question of whether to call the item up for hearing before the City Council at a future formal meeting and shall not include any evaluation or assessment of the merits or circumstances of the case of the Design Review Commission's action. That discussion would take at a noticed public hearing at an upcoming City Council meeting.

FISCAL IMPACT

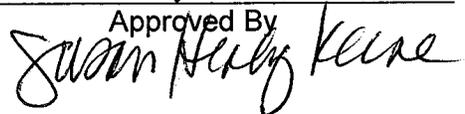
The recommendation in this report does not have any significant budget or fiscal impacts for the City. Any staff time dedicated to this effort can be managed within existing resources but will not be paid for by the applicant.

RECOMMENDATION

It is recommended that the City Council make a determination as to whether or not the subject Design Review Commission action will be ordered for review.

Susan Healy Keene, AICP

Approved By



ATTACHMENT 1

Municipal Code Excerpts BHMC Section 1-4-201, et seq.

Article 2. Council Ordered Review Of Administrative Decisions

1-4-201: RIGHT TO REVIEW:

The council may order a review of any decision made by any commission, board, or official of the city, except as otherwise provided in this code. Such review may be ordered by motion of the council duly adopted within thirty (30) calendar days after the issuance of the decision. If the council orders a review of a decision, the effectiveness of such decision shall be stayed until council review is final. (1962 Code § 1-6.201; amd. Ord. 94-O-2211, eff. 9-2-1994)

1-4-202: SETTING HEARINGS:

Upon the adoption of an order for a review of a decision, the mayor shall fix a time and place for the hearing. At least ten (10) days prior to the hearing, written notice shall be mailed to the applicant and such other persons who appeared and addressed the board, commission, or official at the previous hearing on the matter, and such other notice as required by law for the previous hearing shall also be given. (1962 Code § 1-6.202)

1-4-203: HEARINGS BY THE COUNCIL:

Unless otherwise ordered and noticed, hearings shall be held as a part of the regular meetings of the council. The hearings shall be do novo in that an independent reexamination of the matter shall be made. The council may decide the matter upon the record or may take additional evidence. Any oral or documentary evidence may be received, but the mayor shall exclude irrelevant, immaterial, or unduly repetitious evidence. It shall not be a ground for objection that the evidence is hearsay or secondary, but the council's decision shall be made upon substantial evidence. (1962 Code § 1-6.203)

1-4-204: DECISIONS AND FINDINGS:

The provisions of sections 1-4-107 and 1-4-108 of this chapter shall be applicable to the decisions of the council. (1962 Code § 1-6.204)

ATTACHMENT 2

***Adopted Design Review Commission Resolution Approving
Project Modifications***

RESOLUTION NO.

RESOLUTION OF THE DESIGN REVIEW COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN R-1 DESIGN REVIEW PERMIT TO ALLOW FENCE AND WALL REVISIONS TO A PREVIOUSLY APPROVED TWO STORY SINGLE-FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 264 SOUTH RODEO DRIVE.

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

Section 1. Hamid Gabbay, applicant on behalf of the property owner (the "Applicant"), has applied for an R-1 Design Review Permit to allow revisions to a previously approved two story single-family residence located in the Central Area of the City, south of Santa Monica Boulevard, at 264 South Rodeo Drive (the "Project"). The proposed revisions include adding fencing and walls within the front setback, and changing an "open-to-view" fence along the street side property line to a solid block wall.

The previously approved project was reviewed and approved by the Design Review Commission at its July 9, 2007 meeting, subject to numerous conditions of approval (Design Review Commission Resolution DR-35-07). Based on the original findings made by the Design Review Commission, and based on the previously adopted conditions of approval, the two-story residence was to be built with no fences or walls within the front setback. Additionally, the Project was required to provide an open-to-view wrought iron fence along its street side property line. Despite these requirements, the Applicant was able to obtain a building permit for fences and walls within the front setback, and for a solid block wall along the street side property line.

Although a building permit was issued by City staff, at the time of final inspections for the project it was discovered by staff that the fences and walls that were installed were not permitted per Design Review Commission Resolution DR-35-07. Because of this inconsistency the Applicant submitted an application to revise the original approval and requested that the as-built fences and walls be approved with no modifications.

Pursuant to Beverly Hills Municipal Code Section 10-3-4415, the request for a Design Review Permit may be approved, provided the Design Review Commission makes certain findings.

Section 2. The Project site averages 67 feet wide by 127 feet long, and is located on the east side side of the 200 block of South Rodeo Drive, between Gregory Way and Charleville Boulevard. The lot is currently developed with a two-story single-family residence that was approved by Design Review Commission Resolution DR-35-07.

The requested modifications to the original approval include the installation of a 3 foot tall perimeter fence within the front setback, a 6 foot tall pedestrian gate with pilasters within the front setback, and a 7 foot tall solid block wall along the street side property line.

Section 3. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq*, hereafter the "Guidelines"), and the City's environmental guidelines. The City has determined that the Project qualifies for a Class 3(e) Categorical Exemption (New Accessory Structures) in accordance with the requirements of Section 15303 of the Guidelines because the Project involves the construction of new fences and walls, which are appurtenant to the primary structure on the site. Therefore, no significant impacts to the environment are anticipated.

Section 4. On September 3, and November 5, 2009 the Design Review Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing, and the Commission directed staff to prepare a resolution conditionally approving the requested modifications to the Project. On December 8, 2009, this resolution was presented for the Commission's consideration. Public notice for the December 8, 2009 meeting was mailed to all owners and residential occupants within a 100-foot radius of the Project, and written comments in support of the Project were received from the owner of the Project site. Subsequently, this resolution was adopted, conditionally approving the requested revisions to the Project.

Section 5. In reviewing the application and pursuant to Beverly Hills Municipal Code Section 10-3-4415, the Design Review Commission considered whether the proposed Project meets the following criteria:

1. The proposed development's design exhibits an internally compatible design scheme;
2. The proposed development's design appropriately minimizes the appearance of scale and mass and enhances the garden like quality of the City and appropriately maximizes the use of required open space within the proposed architectural style;
3. The proposed development will enhance the appearance of the neighborhood;
4. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and
5. The proposed development respects prevailing site design patterns, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new homes.

Section 6. Based upon the evidence presented at the hearing, including the staff report, the Design Review Commission hereby finds:

1. Findings were previously made in support of the primary residence on the Project site. These findings were based on having the subject property maintain an open yard area, and therefore did not allow for the installation of perimeter fences and walls. A building permit was later issued in error for the fences and walls in question. After careful consideration, the Commission determined that the requested revisions could be conditioned in a manner so as to preserve the integrity of the Project's original approval. Pursuant to the conditions of approval below, the 6 foot tall pedestrian gate and pilasters within the front setback will be eliminated, hedges within the front setback will be eliminated, and additional landscaping will be provided. As conditioned, the requested revisions create a balanced and consistent design which results in an internally compatible design scheme. Therefore, it is possible to make the required finding.

2. As conditioned, the Project revisions will be consistent with the scale and massing of the originally approved Project. Elimination of the 6 foot tall pedestrian gate and hedges, as well as the installation of additional landscaping, helps to reduce the scale and mass associated with the requested revisions. Therefore, the requested revisions, as conditioned, are consistent with the scale and mass of the primary residence and the required finding can be made in support of the Project.

3. Findings were previously made in support of the primary residence on the Project site. As conditioned, the requested revisions will be consistent with the design, character, and scale of the primary residence, therefore, the required finding can continue to be made in support of the Project.

4. Findings were previously made in support of the primary residence on the Project site. The requested revisions are located within the front and street side setbacks and do not alter the privacy currently enjoyed by the adjacent property owners. Therefore, the required finding can continue to be made in support of the Project.

5. The Project, as conditioned, respects prevailing site design by incorporating a low fence within the front setback that includes appropriate landscaping. Although the majority of properties within the vicinity of the Project site do not have fences within front setbacks, the Project has been conditioned to maintain an open-to-view appearance in order to be consistent with its surroundings. Therefore, as conditioned, the Project revisions act as a harmonious addition to the existing neighborhood.

Section 7. Based on the foregoing, the Design Review Commission hereby grants the R-1 Design Review Permit for the Project, subject to the following conditions:

1. Fence, wall and hedge heights on the property shall be brought into conformance with all applicable Code requirements, including:
 - a. All 6-foot tall hedges abutting the wall parallel to the front property line shall be removed; and
 - b. The maximum wall/fence height within the front setback shall not exceed 36 inches, including any caps or lights on the top of each pilaster.
2. The 6-foot tall fence and gate along the entry walk shall be removed.
3. A climbing ivy vine shall be planted, and adequate irrigation shall be installed, to screen the street side block wall on Gregory Way from the public right-of-way.
4. Irrigation shall also be installed for all areas along the property between the

sidewalk and walls that fall within the property boundary.

5. Two large trees (48-inch box size) shall be planted in the front yard to replace the oak tree removed during construction.

6. Any approval by the Commission is for design only; the Project is subject to all applicable City zoning regulations.

7. Any future modifications to this approval shall be presented to staff for a determination as to whether the change may be approved by staff (minor) or to the Commission for review. Changes made without City approval may be required to be restored to match the City approved plans.

Standard Conditions:

8. Prior to the issuance of building permits, the Applicant shall prepare a construction management plan for review and approval by the Department of Community Development. The plan shall include the location of construction parking, loading and hauling routes and locations, and number of construction employees anticipated on site. All construction-related parking, staging and hauling shall conform to the construction parking and hauling plan submitted to and approved by the Building Official and the City Engineer.

9. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including, but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the

contact person on the site in a location readily visible to the general public and approved by the Director of Community Development.

10. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the R-1 Design Review 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 this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Design Review 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 R-1 Design Review **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 R-1 Design Review.

Section 8. The Secretary of the Design Review Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and certification to be entered in the Book of Resolutions of the Design review Commission of the City.

Adopted:

Susan Strauss
Vice Chair of the Design Review
Commission of the City of Beverly Hills,
California

Attest:

Secretary

Approved as to content:

Jonathan Lait, AICP
City Planner

ATTACHMENT 3

Original Project Approval - Design Review Commission

Resolution No. DR-35-07

RESOLUTION NO. DR-35-07

A RESOLUTION OF THE DESIGN REVIEW COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN R-1 DESIGN REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY PRIMARY DWELLING STRUCTURE AT THE PROPERTY LOCATED AT 264 SOUTH RODEO DRIVE.

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

Section 1. Gabbay Architects, project architect on behalf of Mr. and Mrs. Tehrani, property owners, (together, the "Applicant"), has applied for an R-1 Design Review Permit to allow the construction of a new single-family primary dwelling structure on a property located in the Central Area of the City, south of Santa Monica Boulevard, at 264 South Rodeo Drive (the "Project"). As proposed, the Project meets all required zoning standards, including height, setbacks, parking and floor area.

Pursuant to Beverly Hills Municipal Code Section 10-3-4408, no single-family residence located in a 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 are reviewed and approved by the City. The Design Review Commission is the reviewing authority if it has first been determined that the design does not otherwise substantially adhere to a pure architectural style as outlined in a style catalogue adopted by resolution of the City Council. The proposed design was found not to substantially adhere to a pure architectural style and therefore warranted review by the Commission.

Pursuant to Beverly Hills Municipal Code Section 10-3-4415, the request for a Design Review Permit may be approved, provided the Design Review Commission makes certain findings.

Section 2. The project site is an approximately 68-foot wide by 128-foot long lot, located on the east-side of the 200 block of South Rodeo Drive on the north-side of Gregory Way. The lot is developed with a one-story, Tudor-style residence that is listed with the Los

Angeles County Assessor's Office as originally constructed in 1928. The floor area is approximately 2,856 square feet. The existing home, and the existing one-story accessory structure (garage) in the rear would be demolished and a new, two-story house built. There is a mature oak tree located within or near the front-yard and street side-yard setback. This tree is of heritage status and is a native species. This tree is proposed to be removed as part of this proposal and two similar 48-inch box grown oak trees would be planted in the front yard in its place.

Section 3. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. The City has determined that the Project qualifies for a Class 3 Categorical Exemption (New Construction) in accordance with the requirements of Section 15303(a) of the Guidelines "One single-family residence in a residential zone".

Section 4. On May 24, 2007, the Design Review Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing, and the hearing was continued to June 7, 2007 and to July 9, 2007. On July 9, 2007, revised plans addressing the Commission's concerns were presented for the Commission's consideration in conjunction with this Resolution.

Section 5. In reviewing the application and pursuant to Beverly Hills Municipal Code Section 10-3-4415, the Design Review Commission considered whether the proposed Project meets the following criteria:

1. The proposed development's design exhibits an internally compatible design scheme;
2. The proposed development appropriately minimizes the appearance of scale and mass and enhances the garden like quality of the City and appropriately maximizes the use of required open space within the proposed architectural style;
3. The proposed development will enhance the appearance of the neighborhood;

4. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and,

5. The proposed development respects prevailing site design pattern and integrates appropriate features that will ensure harmony between old and new homes.

Section 6. Based upon the evidence presented at the hearing, including the staff report, the Design Review Commission hereby finds:

1. As conditioned, the Project exhibits a design that is internally consistent as a result of the following design changes requested by the Commission and incorporated into the final plans:

- The railing above the entry door shall be wrought iron railing;
- Fencing in the front yard was removed. Fencing along the Gregory Way is to be wrought iron railing.

- The round, corner element was redesigned to enhance the internal compatibility of the structure's design.

2. As conditioned, the Project appropriately minimizes the appearance of scale and mass because the design includes elements that tend to reduce the overall size and magnitude of the project. These include: windows and doors that are proportional to the size of the structure, modulation along both street sides (reduces massing at the street corner), finish details such as molding and cornice that are proportional to the windows and doors (further articulates the design and softens the building walls). As conditioned, a sufficient number and variety of plants shall be provided and maintained in order to soften the building walls and to reduce the on-street impact of the home. There is an existing tree within the front yard and side yard setbacks. This tree is proposed to be removed as part of the project. Two 48-inch box grown oak trees of similar species shall be planted in the front yard to replace this tree.

3. The subject property is located on a street corner and is adjacent to two-story houses. The prominent location of the property will increase the street presence of the proposed 30-foot high home. However, the existing two-story homes on either side of the property and across the street from the subject property (S. Rodeo Dr.) will reduce the relative mass of the new home. Additionally, the property is located on a residential block consisting of a mix of old and new one-story and two-story homes built in a variety of styles. The addition of another two-

story home would be compatible and not be out of character for the neighborhood. There is a mature tree at the corner of Rodeo and Gregory. This tree currently obscures the existing one-story home and tends to reduce the street presence of the structure while enhancing both the appearance of the neighborhood and increasing the garden like quality of the city. Removal of this tree will increase the impact of the new residence at the intersection; however, as conditioned, replacing the tree with two sizable trees in the front yard will soften the building walls and will enhance the neighborhood.

4. As conditioned, the Project is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors with an eight foot setback and six foot wall to the north along the side property line, and a five foot setback along the street side yard (Gregory Way). The side setbacks meet code. As conditioned by this resolution, additional landscaping will be provided along the front yard and side yard setbacks.

5. As conditioned, the Project, with the revisions and features described above, respects prevailing site design pattern and integrates appropriate features that will ensure harmony between old and new homes.

Section 7. Based on the foregoing, the Design Review Commission hereby grants the R-1 Design Review for the Project, subject to the following conditions:

1. The Applicant shall submit final working drawings to the Director of Community Development for review and approval prior to the issuance of a building permit. Prior to approval of the project, the applicant shall incorporate all changes and revisions and submit the plan set to the Planning Division for review and approval. The plans shall be in substantial conformance with the plans submitted and reviewed by the Design Review Commission and all revisions the Commission requests shall be incorporated.

2. The Project shall be built in substantial conformance with the plans submitted on June 25, 2007 for the July 9, 2007 Design Review Commission meeting. The design of the round corner element shall be the conceptual design 'option A' of said plans which are on file with the Department of Community Development. 'Option A' includes a round corner element with solid walls on the first floor and an open-air, circular porch and ramada on the second floor. The roof of the ramada is to be flat and shall intersect the roof of the main structure at the roof

plate. Any modifications to the plans shall be approved by the Planning Department prior to any work being done on the Project; however, if corrections of building or zoning code issues result in a greatly altered design, the revised design must be reviewed for approval by the Design Review Commission.

3. Additional landscaping shall be provided along both the front yard and street side property lines to maintain the garden quality of the City. The additional landscaping shall be reviewed by staff.

4. The project shall be built in substantial conformance with the City of Beverly Hills Municipal Code and General Plan.

5. All fencing, hedges and walls shall be in substantial conformance with the City's development standards; this includes all provisions for maximum allowable height, required setbacks and landscaping along the front and street sides of such fencing, hedges and walls.

6. The protective barrier above the front entrance shall be wrought iron railing;

7. There shall be no fencing in the front yard.

8. Two 48-inch, box grown oak trees of similar species to the existing oak tree shall be planted and maintained in the front yard.

Standard Conditions:

9. Prior to the issuance of building permits, the Applicant shall prepare a construction management plan for review and approval by the Department of Community Development. The plan shall include the location of construction parking, loading and hauling routes and locations, and number of construction employees anticipated on site. All construction-related parking, staging and hauling shall conform to the construction parking and hauling plan submitted to and approved by the Building Official and the City Engineer.

10. The Applicant shall maintain the site in an orderly condition prior to commencement of and during construction, including, but not limited to, maintenance of the orderly appearance of existing structures and landscaping on the site, dust suppression for areas cleared by demolition, maintenance of safety barriers and adjacent public sidewalks, and provision of a contact person directly accessible to the public by telephone in the event that the public has any concerns regarding maintenance of the site. The name and telephone number of the contact person shall be transmitted to the Director of Community Development and the Building Official. In addition, the Applicant shall post the name and telephone number of the

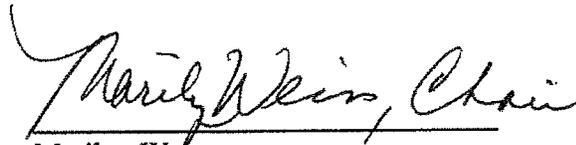
contact person on the site in a location readily visible to the general public and approved by the Director of Community Development.

11. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the R-1 Design Review 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 this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Design Review 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 R-1 Design Review **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 R-1 Design Review.

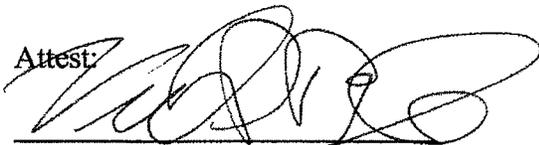
Section 8. The Secretary of the Design Review Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and certification to be entered in the Book of Resolutions of the Design review Commission of the City.

Adopted: July 9, 2007



Marilyn Weiss
Chair of the Design Review
Commission of the City of Beverly Hills,
California

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Vincent P. Bertoni, AICP
Director of Community Development

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

I, VINCENT P. BERTONI, Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. DR-35-07 duly passed, approved and adopted by the Design Review Commission of said City at a meeting of said Commission on July 9, 2007, and thereafter duly signed by the Secretary of the Design Review Commission, as indicated; and that the Design Review 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 Gilbar, Szabo, and Chair Weiss.

NOES: None.

RECUSED: Commissioner Gabbay.

ABSENT: Vice Chair Schapa.



VINCENT P. BERTONI, AICP
Director of Community Development
City of Beverly Hills, California