



## AGENDA REPORT

**Meeting Date:** December 18, 2007  
**Item Number:** D-2  
**To:** Honorable Mayor & City Council  
**From:** Vincent P. Bertoni, AICP, Director of Community Development  
Peter Noonan, AICP, Associate Planner  
**Subject:** APPEAL OF THE ARCHITECTURAL COMMISSION'S DECISION DENYING THE EXTERIOR DESIGN OF A NEW CONDOMINIUM BUILDING AT 9255 WHITWORTH DRIVE ALSO KNOWN AS 462 SOUTH REXFORD DRIVE.

**Attachments:**

1. Beverly Hills Municipal Code, Section 10-3-3010 – Architectural Commission, Architectural Review, and Procedure: Criteria.
2. Beverly Hills Municipal Code, Section 10-3-2810 – Multiple-Family Residential Standards: Permissible Encroachments into Required Side Yards.
3. Appeal Petition to the City Council.
4. Architectural Commission Staff Report and Minutes: October 10, 2007.
5. Architectural Commission Staff Report and Minutes: September 11, 2007.
6. Resolution No. 1468 of the Planning Commission.

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### **RECOMMENDATION**

It is recommended that the Council uphold the Architectural Commission's denial of this project. The Architectural Commission used a standard and methodical approach in the review of this project and acted within its authority when requiring revisions to the exterior design of the building.

### **INTRODUCTION**

This is an appeal of the decision of the Architectural Commission denying the proposed exterior design of a multi-family condominium building proposed at the property located at 9255 Whitworth Drive, also known as 462 South Rexford Drive. The subject property is located at the northeast corner of Whitworth and South Rexford Drives.

Currently the subject property is improved with a two-story, six-unit apartment building with detached at-grade parking accessed off of the alley. The proposed condominium building would have been a four-story, 45-feet in height, 14,000 square foot building that would have included seven-units with covered parking provided on the first floor and in a single-floor underground garage.

### **Planning Commission Authority and Findings**

The Planning Commission's role is to advise and regulate certain decisions with regard to land use. The Planning Commission reviewed the project on April 25, May 24, and June 14, 2007. On June 14, 2007 the Planning Commission adopted resolution number 1468 which adopted a Negative Declaration, Vesting Tentative Tract Map 64012, and a Development Plan Review Permit to allow for the construction of a seven-unit condominium building conditioned on all exterior portions of the building and areas of the lot being reviewed and approved by the Architectural Commission.

The Planning Commission's approval included establishing the height, setbacks and general footprint of the building, as well as the location and number of parking spaces and other issues related to the overall physical development of the project. In order to meet fire code requirements and to provide access to each unit, the design included open-air hallways on each floor that projected out into the required side yard setback area as a stack of balconies. The design located the elevator entrances on each floor to open onto these open-air hallways. The Planning Commission felt that the design of the northern elevation, the provision of mature landscaping and the dual color scheme were design features that enabled the Planning Commission to make the necessary findings for approval of the project.

As a condition of approval and as required by code, the project was made subject to the review and approval of the Architectural Commission. Once the Planning Commission approved the project, the project moved on to the Architectural Commission for approval of the exterior of the building.

### **Architectural Commission Authority and Findings**

The Architectural Commission is charged with the review of all exterior portions and areas of all commercial and multi-family projects in order to ensure that the finished look of the project will contribute to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality. BHMC Section 10.3-3001 specifically identifies the tendency of some owners and developers in the City to disregard beauty and quality in construction and that these practices can potentially degrade and depreciate the image, beauty, and reputation of Beverly Hills. The Architectural Commission is required to make specific findings with regard to the City's aesthetic standards. These findings have been provided in Attachment 1.

#### ***Initial Review***

On September 11, 2007 the Architectural Commission reviewed this project and found that not all of the required findings of approval could be made. The Architectural Commission felt that, in particular, finding "A" which requires that the building "contribute

to the image of Beverly Hills as a place of beauty” could not be made. The Architectural Commission identified the follow issues with the design:

**Issues with the Proposed Design Identified by  
The Architectural Commission**

- The building had a relatively flat facade along Whitworth Drive,
- Lacked a clearly identifiable entrance,
- Had an external hallway on each floor on the North-side with exposed elevator openings that opened directly onto these hallways.

As a result, the Architectural Commission had requested that the building be redesigned to provide more articulation of the building facade along Whitworth Drive, a street-side entrance either on South Rexford Drive or on Whitworth Drive and internal hallways and enclosed elevator entrances. The Architectural Commission provided a list of revisions and returned the project to the applicant for restudy. These revisions included the following:

**List of Revisions Requested by  
The Architectural Commission**

1. **Depth**: Provide additional depth to the windows along Whitworth Drive.
2. **Massing**: Redesign the fourth floor to reduce building massing along Whitworth Drive.
3. **Modulation**: Provide additional modulation along Whitworth Drive.
4. **Exterior Hallways**: Redesign the exterior hallways (north side of the building).

These revisions were intended to address the issues that the Commission had identified by providing a more internally compatible building design that would enhance the streetscape and appearance of the neighborhood as follows:

- **1. Depth**: Adding additional depth to the windows along Whitworth Drive would have increased the 3-dimensionalism of the façade and integrated the proposed architectural features, such as window molding and trim, into to the building walls, avoiding the impression that these features were “tacked on”.
- **2. & 3. Massing and Modulation**: Reducing the mass of the fourth floor along and increasing the modulation of the building’s façade along Whitworth would have reduced the street presence of the building and created visual interest and variation along the street, thereby improving the street presence of the building and enhancing the streetscape of Whitworth Drive.
- **4. Exterior Hallways**: The Projecting, exterior hallways proposed on the North side of the building conflicted with the Tuscan architectural style that the building’s design was based on. Enclosing these hallways would have integrated

the exterior appearance of the North side of the building with the exterior appearance of the rest of the building.

### **Second Review**

On October 10, 2007, the Architectural Commission again reviewed this project and determined that the required findings of approval still could not be made. The Appellants had submitted plans that did indicate that changes had been made to the building; however, the Architectural Commission determined that the changes did not substantially address the original request. After consideration of the findings, the Architectural Commission unanimously agreed that the required findings still could not be met if the Appellants were not willing to make the recommended changes.

The Architectural Commission conditionally approved the landscape and lighting plans. However, the building plans were once again returned to the Appellants along with the original request for revisions.

### **Basis for Denial**

Initially, the Architectural Commission had approved the landscape and lighting plans and had the project was to be continued for review at the next regular meeting which was scheduled for November 14, 2007. The appellant however requested that the project be denied. In order to honor the request, the Architectural Commission retracted its approval of the landscape and lighting plans before denying the project in its entirety.

In denying the project, the Commission found that:

1. The building did not meet the required findings, especially in terms of Criterion "A" which states that:

*"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;"*

In determining that the building did not meet this criterion, the Commission cited the list of revisions that had been provided after the initial and second review of the project.

2. Additionally, the Commission stated that the project was being denied at the request of the applicant and that the plans provided were substantially the same plan that had been submitted for the initial review and that the Commission's original requests had not be addressed.

### **APPEAL**

Murray D. Fischer and Robert Ives (Appellants) have appealed the decision of the Architectural Commission in denying a new condominium at 9255 Whitworth Drive, also known as 462 South Rexford Drive. This appeal is based, as stated in the Appeal Petition (included as Attachment 3), on "the perception that the Architectural Commission took an arbitrary and capricious position in reviewing this project". The Appeal Petition identifies the following as the main points as basis for appeal:

1. That the Architectural Commission had refused to allow the entire presentation of the project during the initial project review on September 11, 2007.
2. That upon second submittal, on October 10, 2007, over 15 changes to the building were presented and that these changes were made in response to the Commission's direction provided on September 11, 2007.
3. That upon presenting the revised plans, the Appellants have stated that the Architectural Commission focused on redesigning the north and south sides of the building.
4. That on October 10, 2007, upon receiving the Architectural Commission's decision the Appellants felt that the Architectural Commission and the design team had reached a standstill and that the Appellants had no other choice at that point than to request that the project be denied in order to appeal the decision to the City Council.

### **DISCUSSION / ANALYSIS OF THE APPEAL**

Staff does not believe that the Architectural Commission acted in an arbitrary or capricious manner in reviewing this project. On initial review, the Commission clearly stated problematic issues in the building design and provided a concise list of revisions that would be necessary for the project to be approved. On second review, the Commission had determined that the changes proposed did not address the issues directly and once again requested that the building be redesigned based on the original list of revisions. The following section restates each of the main points provided in the Appeal Petition and provides a staff response to each.

- 1. That the Architectural Commission had refused to allow the entire presentation of the project during the initial project review on September 11, 2007.***

#### **Staff Response**

It is customary for the Architectural Commission to review architectural plans for a new project and to provide comments and revisions prior to and separately from review of the landscape and exterior lighting plans. At the initial, September 11, 2007 meeting, the Architectural Commission did fully allow the presentation of the building plans and the building design. A number of issues were identified during this review and the subsequent discussion. The Commission continued the item to the next meeting in order to provide the applicant with time to address the building issues. Review of the landscape and exterior lighting plans were also continued so that the Commission could review and evaluate the changes to the building design before evaluating the landscaping and lighting proposed.

- 2. That upon second submittal, on October 10, 2007, over 15 changes to the building were presented and that these changes were made in response to the Commission's direction provided on September 11, 2007.***

#### **Staff Response**

The Appellants provided revised plans for the Architectural Commission to review on October 10, 2007. Staff indicated that changes made to the building plans included the

following items in the Staff Report of October 10, 2007 that has been included as Attachment 4.

### REVISIONS MADE TO THE BUILDING PLANS

- 
- Exterior hallways were still proposed, however, the entry doors to each unit had been inset an additional three and a half feet.
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- The fourth story floor plan had been modified at the corner of the alley and Whitworth Drive to repeat the curve of deep-inset windows proposed on the second and third story floor.
- 
- Additional depth had been added to the molding around the doors bringing the total inset for all doors to 14-inches (the window and door depth was proposed at 8-inches with 6-inches of molding).
- 
- The fourth floor wooden shade arbor had been divided in two. The section nearest the corner had been beveled to match the building wall below.
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- Additional shade arbors were proposed over the fourth floor balconies along Whitworth Drive.
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Although the appellant did make changes to the building plans, upon review the Architectural Commission felt that these changes were mainly superficial and did not substantially address the issues that had been identified during the initial review or the revisions that the Commission had requested.

The Commission had explained their rationale during the course of reviewing the changes and had asked that the applicant once again revise the plans based on their original direction.

***3. That upon presenting the revised plans, the Appellants have stated that the Architectural Commission focused on redesigning the north and south sides of the building.***

#### **Staff Response**

The Role of the Architectural Commission is to ensure that a project's finished look will contribute to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality. The finished look of a building would include all of the exterior portions and areas of the building (BHMC, Section 10-3-3007 A.1.) and would include architectural features such as projecting balconies, building modulation, the location of entrances and exits as they relate to the design and look of the exterior of the building.

In requesting that the north and south sides of the building be redesigned, the Architectural Commission was acting within its right because the changes that had been requested were changes to the building's exterior (BHMC, Section 10-3-3007 A.1.). The Commission felt that these changes were necessary in order to meet all of the criteria for approval (Attachment 1) and to ensure that the building was representative of the City of Beverly Hills. The Architectural Commission had expressed their requests clearly and had provided a concise list of revisions.

- 4. That on October 10, 2007, upon receiving the Architectural Commission's decision the Appellants felt that the Architectural Commission and the design team had reached a standstill and that the Appellants had no other choice at that point than to request that the project be denied in order to appeal the decision to the City Council.**

#### **Staff Response**

The Architectural Commission is tasked with the review of all exterior portions and areas of commercial and multi-family development projects. The Commission reviewed the project on two separate occasions and had provided a concise list of revisions and had re-iterated that the revisions would be necessary in order for the Commission to make the required findings of approval. The appellant had made changes to the building design, however upon review the Commission determined that the changes were minimal and did not truly address the issues that had been identified. If the appellant was unwilling to substantially address the issues, the Commission did not feel that the building could be approved and the process would have come to a standstill.

The Commission, however, was willing to work with the appellant and to continue to review the project. The Architectural Commission had approved the landscape and exterior lighting plans at the end of the second meeting, had returned the building plans to the Appellants for revisions, and had continued the item to the next meeting date which was on November 14, 2007. The request for revisions that the Commission had provided on October 14, 2007 was the same list that the Commission had provided on September 11, 2007.

#### **Conclusions**

Staff does not believe that the Architectural Commission acted in an arbitrary or capricious manner in reviewing this project. This conclusion has been based on the facts as follows:

- The Architectural Commission is tasked with the review of all exterior portions and areas of all commercial and multi-family development projects and as such was well within its authority to require that the projecting, open-air hallways, building façade and entrances be redesigned in order that the building be more representative of the City's standards for good design.
- Upon its initial review, the Architectural Commission had identified a list of issues and provided a concise list of revisions. This list of issues and requested revisions remained constant throughout the review of the project.
- The Architectural Commission demonstrated a willingness to work with the appellant and had provided approvals for the landscaping and exterior lighting plans and had scheduled the project to be revisited during the next scheduled Architectural Commission meeting.

These facts demonstrate that the Architectural Commission used a standard and methodical approach in the review of this project and acted within its authority when requiring revisions to the exterior design of the building. Based on this conclusion and on the reasoning that exterior building features such as projecting, open-air hallways and exposed elevator entrances would not typically be representative of the City of Beverly Hills, Staff supports the Architectural Commission's decision in the matter.

Meeting Date: December 18, 2007

**Notification**

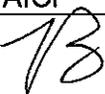
Notice of this meeting was emailed on October 29, 2007 and mailed on 7<sup>th</sup>, 2007 to the Appellants, who is also the applicant. No other notice was required for the Architectural Commission meetings and therefore no other notice was required for the hearing on the appeal.

**FISCAL IMPACT**

No fiscal impact is anticipated from a Council decision in this matter.

 Vincent P. Bertoni, AICP

Approved By



# ATTACHMENT 1

## **ARTICLE 30. ARCHITECTURAL COMMISSION, ARCHITECTURAL REVIEW, AND PROCEDURE**

### **10-3-3010: CRITERIA:**

The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of whether the following criteria are complied with:

- A. 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;
- B. 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;
- C. 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;
- D. 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
- E. 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.
- F. In addition to the foregoing criteria, in connection with any application to convert an existing residential apartment building determined by the planning commission to be a "character contributing building" in accordance with section 10-2-707 of this title, the architectural commission shall not approve a renovation to the exterior of a character contributing building unless it makes the following additional finding:
  - 1. The proposed development is designed in a manner that protects and preserves those exterior elements of the building which the planning commission found contributed to the determination of the project as a "character contributing building" in accordance with section 10-2-707 of this title.

If the criteria set forth in this section are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with such criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural

commission shall be reduced to writing and signed by the chairman, and a copy thereof shall be made available to the applicant upon request.

A decision or order of the architectural commission or the director of planning shall not become effective until the expiration of fourteen (14) calendar days after the date upon which a ruling of the architectural commission or the director of planning has been made.

Nothing required by this article shall be construed to supersede the requirements set forth in chapter 2, article 7 of this title regarding the conversion of the form of ownership of an existing rental apartment building that has been determined by the planning commission to be a "character contributing building" in accordance with section 10-2-707 of this title to a common interest development within the meaning and definitions of that article. (Ord. 1223, eff. 3-1-1966; amd. Ord. 74-O-1511, eff. 4-11-1974; Ord. 06-O-2497, eff. 4-6-2006)

# ATTACHMENT 2

## **ARTICLE 28. MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS**

### **10-3-2810: PERMISSIBLE ENCROACHMENTS INTO REQUIRED SIDE YARDS:**

No structure or element of a building may encroach into any side yard of a multiple-family residential site area except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this chapter;
- B. Roof eaves projecting no more than twenty inches (20") into such yard provided that such eaves have been approved by the architectural commission;
- C. Balconies that comply with all of the following provisions:
  - 1. The balcony does not project into the required yard more than twenty four inches (24");
  - 2. The total length of the balcony at any one story does not exceed fifty percent (50%) of the length of the wall on which it is located;
  - 3. Any end of any balcony is not closer than three feet (3') to the front or rear corner of the building; and
  - 4. The enclosure of the balcony does not exceed fifty four inches (54") in height;
- D. Exit stairs at or below the first floor level provided that handrails for such stairs shall not extend more than forty two inches (42") above the first floor level;
- E. Swimming pools and basement garages provided no part of such structure exceeds three feet (3') above the adjacent grade at any point, and no mechanical equipment servicing any such pool is located within a required side yard;
- F. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yard; and
- G. Architectural projections, such as half timbers, corbels, and window and door accents, but excluding balconies, projecting no more than twelve inches (12") into such yard. (Ord. 95-0-2239, eff. 7-7-1995; amd. Ord. 96-0-2266, eff. 10-18-1996)

# ATTACHMENT 3

OCT 22 2007

**APPEAL PETITIONS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN 14 CALENDAR DAYS AFTER THE DATE OF THE DECISION**

APPEAL TO CITY COUNCIL

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

PLEASE TYPE OR PRINT IN BLACK INK

October 19, 2007  
Date

In accordance with the appeals procedure as authorized by the provisions of the Beverly Hills Municipal Code, the undersigned hereby appeals from the decision of Architectural Commission rendered on October 10, 2007; which decision consisted of: The grounds submitted for this appeal are as follows: *(WARNING: State all grounds for appeal. Describe how decision is inconsistent with law. Use extra paper if necessary.)*

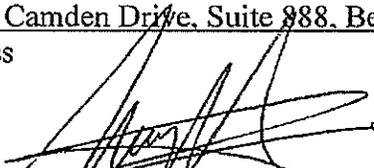
See Appeal to City Council attached hereto

The undersigned discussed the decision being appealed with:

Vincent Bertoni on October 10, 2007  
(Department Head(s) Involved) Date

It is requested that written notice of the time and place for the hearing on this appeal before the City Council be sent to:

Law Offices of Murray D. Fischer 433 N. Camden Drive, Suite 888, Beverly Hills, CA 90210  
Name Address

and  
Robert Ives   
Signature of appealing party

269 S. Beverly Drive Suite 379 433 N. Camden Drive, Suite 888,  
Beverly Hills, CA 90212 Beverly Hills, CA 90210  
Address

(310) 276-3600 (310) 276-4345  
Telephone Number & Fax Number

Fee Paid \$4,730 (For City Clerk's use) DATE RECEIVED  
LOG NO. 52X07 Written Notice mailed to appellant:  
Copies to: City Council, City Manager, City Attorney Community Development/Planning  
Involved Department

CITY CLERK'S OFFICE  
2007 OCT 22 PM 4: 23  
RECEIVED  
CITY OF BEVERLY HILLS

## APPEAL TO CITY COUNCIL

October 16, 2007

Appeal from the decision of the Architectural Review Board rendered on October 10, 2007 which decision consisted of denying the Architectural Approval of the Design and Landscape of the project located 462 South Rexford Drive, Beverly Hills, California and known as Rexford Drive Gardens Condominiums.

Appellant: 462 South Rexford LP, received approval from the Beverly Hills Planning Commission to develop a 7-unit condo project at the corner of Rexford Drive and Whitworth Drive in the City of Beverly Hills. The lot is in the City of Beverly Hills and is the last lot in the City. It is a small lot as compared to much larger lots where one could do more with a building. There has been no other new development on this block within the last 40+ years. At the time of the approval from the Planning Commission, the Planning Commission established the footprint of the building and the side yards. They were very specific as to make sure that the north side of the building did not impede upon the building to the north and that the majority of the set back on the lot was directed to the north side of the building.

The developer developed this project so as to provide sufficient open space and substantial modulation on the north side of the building and to provide an architecturally pleasing modulated south side, as that side faced Los Angeles. He also arranged that the majority of the activity rooms, i.e. the living rooms, kitchens and dining rooms faced the southerly side of the building, i.e. the Whitworth side, so as to maintain privacy for residents of the building as well as the residents of the building to the north.

It should be noted that the building as developed and designed contains 7 units with 20 full parking spaces. The building contains 3 floors with 2 units on each floor the penthouse is located on the 4<sup>th</sup> floor. The building meets the zoning codes and the development standard as set out within Section 28 of the Beverly Hills Municipal Zoning Code. This building replaces a 6-unit building with only 6 parking spaces.

Further, the footprint of this building is smaller than the footprint of the 6-unit building that is being replaced. (See Plans) Also see color renderings showing the evolution of design attached hereto as Exhibit II and incorporated hereby reference

The applicant appeals this ruling based upon the arbitrary and capricious position that the Commission took in reviewing this project.

This project was originally presented to the Architectural Review Board on September 11, 2007. At the time it was presented, there were certain concerns and comments that were made by the Commissioners as to the design and massing of the building. (see Exhibit 1 attached hereto and incorporated herein by reference) The Commission at that initial meeting in fact even refused to allow the applicant to present the total project and refused to allow the developer's landscape architect to make his presentation even though the landscaper had waited for more than 2 hours

to make the presentation and had left another job specifically to be there to address the Commission.

Based upon the concerns made by the Commission at the initial meeting, (contained within Exhibit 1) the applicant went back and worked with his consulting architect and addressed all of their issues to the best of his ability.

At the 2<sup>nd</sup> hearing held on October 10, 2007, the applicant presented over 15 changes to the building. All changes that were made were made in response to the questions and issues as raised in Exhibit 1.

**The Staff Report for that meeting of the 10<sup>th</sup> addressed all of the findings and provided a recommendation that the findings could be made to approve the project, as submitted for the 2<sup>nd</sup> hearing with the changes.**

After the presentation by the applicant's licensed architect as to the changes that were made to the building and when the time came for the Commissioners to discuss the changes, instead of addressing the design and the quality of materials, they attempted to redesign the building by attempting to enclose the north side of the building and re-design the south side. This would have provided a solid wall on the north side with no windows for natural light while extending the building closer to the building to the north. This side is the closest to the building to the north and if enclosed would eliminate the modulation and the open space, that the Planning Commission and the neighbors to the north had asked for in the Planning Commission meeting. See Exhibit IV attached hereto incorporated by reference showing distance between this building on building to the north.

Other comments from the Commissioner are as follows:

One of the Commissioners stated that *"I think what you need to do is to eliminate one unit and make this building smaller"* after she thought the building was 17 units and not 7 units. Another Commissioner said, *"If you don't have your architect's name on the plan, we cannot deal with the architectural designs of this building."* To the best of my knowledge, this is not a finding and/or a criteria even though the architect who was the consulting architect and is a licensed architect said, that he was there to address the concerns of the Commission in which they gave him very little attention as to the input he offered on the changes. The Commissioner who made that comment said *"We would like to see the name of the architect upon these plans. We would also like to see the rest of the team named on these plans."* This seems to represent the fact that if you have a named architect or you have a recognizable team that gives more credibility as to a design than to a licensed architect who has already done numerous buildings in the City of Beverly Hills but is not well known.

It was further stated that the consulting architect has been working with the applicant for some period of time and has been providing input as to the design changes of this building for many months.

The consulting architect was also the same architect that presented the first design at the first hearing and heard the comments made by the Architectural Commission as stated above and

worked on the design changes. This architect was also at all of the Planning Commission hearings. Further, the applicant himself has been developing multi-family properties in California and particularly, Beverly Hills for over 50 years. The applicant has as part of his own staff, a draftsman who understands and works with the Beverly Hills Municipal codes, including both the zoning and building and safety codes.

One Commissioner said that she did not like the design as it was not an identifiable design. Again, this is not a criteria under the necessary findings. One is to look at the architectural design to determine whether it is compatible with the streetscape and contributes to the image of Beverly Hills. If one was to look in this area at all of the other building, one would have very little understanding of the streetscape design. (See streetscape attached as Exhibit III and incorporated herein by reference.

One Commissioner wanted to move the entryway from the north side of the building to the Whitworth side. The applicant indicated that this could not be done without re-designing the total building, the structural components of the building and in fact it would lessen the value of the building and the importance of the building as it would take away from a Beverly Hills address on Rexford and establish a Whitworth address. This would also force the main entrance to be on a more heavily traffic and noisy feeder street. Further if the entrance was on Whitworth, this would cause more stairways to be provided in a much narrower set back.

One of the Commissioners wanted the rooms to be made smaller so that the south side of the building could be reduced in size. As stated earlier, the room sizes are already small in this building and on one floor, i.e. the first floor we had to place a dining room in a hall way because of the smallness of the floor plan. To do this re-design would have made the rooms less desirable and diminish the living conditions.

It is also important to remember that while it is important to have a building that is architecturally compatible and beautiful from the outside, one also needs to understand that there will be human beings living on the inside who need to have proper room sizes to make their living enjoyable. The building cannot just be a pretty picture from the exterior. It needs to provide a balance for those who live inside with those who pass by. If we were only concerned about the exterior, we might as well just build a phony façade like they do on the movie sets.

As stated earlier, the applicant really tried to address the issues raised by the Commission at the first hearing. But when it became evident that with the changes the applicant and the architect made, were not satisfactory for the Commission the project was at a standstill. The Commission wanted a total re-design of the building.

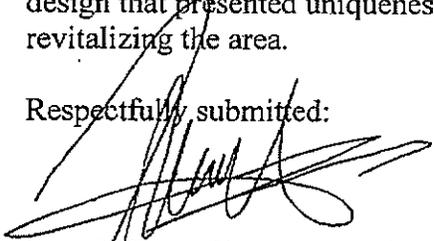
The applicant saw that he was faced with a standstill with the Commission and that there would never be any give or take by the Commission unless the applicant agreed to re-design the building. The applicant stated and along with the architect to re-design the building they would lose the utility and the functionality of the building, so therefore, the applicant had no other choice but to request a denial so he could appeal this matter.

It should also be noted that prior to the denial, the Commission did approve the landscaping plan and the lighting plan but that when it became evident that the architectural design would not be approved, the Commission rescinded their vote of approval for those items.

Once that happened, the Commission attempted to justify their actions by emphatically stating the reasons that they were turning this down was based upon the request of the applicant.

Anyone that was present at the Commission hearing would have known that both parties were at standstill, even though the applicant went to great lengths to address the issues raised by the Commission at the first hearing. Because they were at this standstill, there was no other avenue left but to request the denial. The Commission did not recommend a subcommittee the Commission refused to talk any further because the architect's name was not on the plans, and they were extremely upset and wanted to classify the applicant as a bad person. It should also be noted that the attorney on the Commission went to great lengths to spell out that it was the applicant that requested the denial and offered substantial language, to point the applicant in a bad light. As stated before, there has not been one new development within this area for over 40 years. This developer purchased the last lot in the City of Beverly Hills with an attempt to revitalize this area. This developer has spent 2 ½ years in attempting to design a code compliant 7-unit building but instead was continually chastised by the Architectural Commission for a design that presented uniqueness, substantial modulation, character and was capable of revitalizing the area.

Respectfully submitted:



Law Offices of Murray D. Fischer  
Attorney for 462 South Rexford Drive LP

# EXHIBIT 1



## STAFF REPORT CITY OF BEVERLY HILLS

For the Architectural  
Commission Meeting of  
October 10, 2007

TO: Architectural Commission

FROM: *PN* Peter Noonan, Associate Planner

SUBJECT: PL0727918 – 462 South Rexford Drive  
New 7-unit Condominium Project.  
(PL 07 27918)

### STATUS

This item was originally viewed at the September 11, 2007 meeting. At that meeting, the commission recommended that the item be brought back for restudy with the following revisions. The applicant has provided additional information and has revised the plans according to the Commission's direction:

REVISIONS REQUESTED	NEW MATERIALS AND INFORMATION
Provide additional depth to the windows along Whitworth Drive.	The revised plans provide a window and door depth of 8-inches.
Redesign the fourth floor to reduce building massing along Whitworth Drive.	Additional depth has been added to the molding around the doors bringing the total inset for all doors to 14-inches.
Provide additional modulation along Whitworth Drive	The fourth story floor plan has been modified at the corner of the alley and Whitworth Drive to repeat the curve of deep-inset windows that the second and third story floor plans include.
Redesign the exterior hallway (north side of the building)	The exterior hallways are still proposed, however, the entry doors to each unit have been in-set an additional three and a half feet to provide additional depth at each unit's entry.
Redesign the fourth floor wooden shade arbor to better connect with the building's architecture	The fourth floor wooded shade arbor has been divided in two with the section nearest the corner <u>has been beveled to match the building wall below.</u>

	Additional shade arbors are proposed over the fourth floor balconies along Whitworth Drive.
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**ARCHITECTURAL CRITERIA**

With regard to any architectural elements reviewed in conjunction with the above, pursuant to Municipal Code Section 10-3.3010 the Architectural Commission may concurrently or separately approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of the following criteria:

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

The proposed new building represents a thoughtful and comprehensive design through the use of quality materials and unifying colors. As revised per paragraph c of this section, the project would contribute to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.

- (b) 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.***

The revised plans provide additional architectural design of the building façade, including greater in-set depth of the entry doors along the north elevation and, together with the landscaping proposed, could provide screening and articulation of the building façade and may help protect the building from external and internal noise, vibrations and other factors which may tend to make the environment less desirable. The main hallways on each floor are proposed to be open-air and the elevator is designed to open directly onto this hallway. Although staff does not feel that this is an ideal design, the applicant has addressed this issue by inseting each entry doorway by an additional three and a half feet and is proposing to trim the elevator and doorways to match all other doorways on the exterior façade of the building. Additionally, the applicant has proposed a landscape plan that would provide screening between the buildings. With these modifications to the design, staff feels that the finding can be made that the proposed building is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable.

- (c) The proposed building 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.***

With the proposed revisions, the materials proposed for the new building appear to be of good quality and execution and it is not anticipated that the building would cause the nature of the local environment to materially depreciate in appearance and value. The revisions include: deeper inset windows on the fourth floor along Whitworth Drive, deeper in-set and thicker moldings around all doors proposed in the building allowing all doors to be inset to a depth of at

least 14-inches, additional corner windows on the fourth story floor plan at the building corner nearest the alley and Whitworth Drive, additional horizontal molding, additional balconies along Whitworth Drive, additional shade arbors and a redesign of the fourth floor wooden shade arbor that reduces the scale and mass of the shade arbor and bevels the arbor's edge at the corner nearest the intersection of South Rexford Drive and Whitworth Drive to mirror the building wall below.

***(d) 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.***

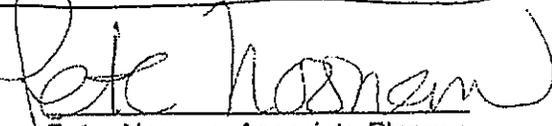
This is a proposal to construct a new multi-family residential building. The subject property is currently improved with, and is adjacent to, existing multi-family residential buildings. All construction and final build-out, either in height or density has been conditioned under a previous approval to be in substantial conformance with the City's Municipal Code. As conditioned the project is consistent with the prevailing uses and development in the area, the General Plan and with any precise plans adopted pursuant to the General Plan.

***(e) The proposed building or structure 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.***

Subject to review of the final construction documents, the proposed new building is in conformity with the standards of the Municipal Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

**RECOMMENDATION**

Based on the foregoing criteria and pending the information and conclusions that may result from testimony received during the Architectural Commission deliberations, staff recommends that the Architectural Commission review the modifications proposed, provide conditions (if necessary), and approve the project.

  
Peter Noonan, Associate Planner

Attachments:  
September 11, 2007 Staff Report

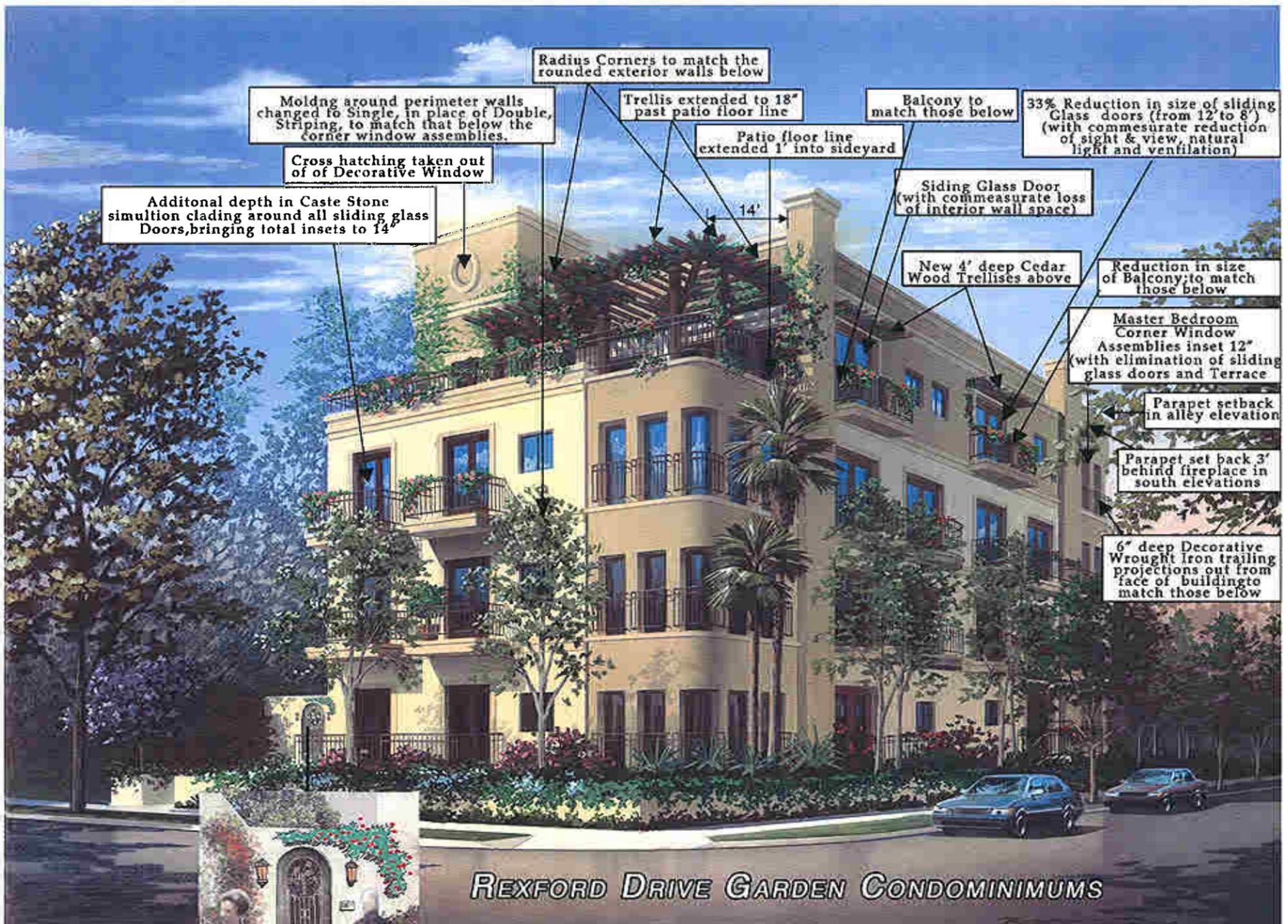
**EXHIBIT 2 (a)**

**Second Changes From Project Submitted in December 2006**



**REXFORD DRIVE GARDEN CONDOMINIUMS**

ARCHITECTURAL COMMISSION  
 SECOND PUBLIC HEARING  
 OCTOBER 10, 2007  
 (CHANGES MADE FROM SEPTEMBER 11, 2007 PLANS)



**REXFORD DRIVE GARDEN CONDOMINIUMS**

ARCHITECTURAL COMMISSION  
 SECOND PUBLIC HEARING  
 OCTOBER 10, 2007  
 (CHANGES MADE FROM SEPTEMBER 11, 2007 PLANS)

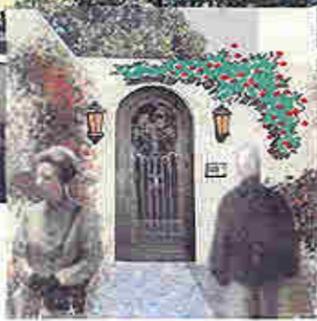
**MATURE LANDSCAPING**  
 SEE LANDSCAPE PLANS

**EXHIBIT 2 (b)**  
**First Changes From Project Submitted in December 2006**



**REXFORD DRIVE GARDEN CONDOMINIUMS**

PRESENTED AT  
 PLANNING COMMISSION HEARING ON APRIL 25, 2007  
 AND  
 ARCHITECTURAL COMMISSION HEARING ON SEPTEMBER 11, 2007

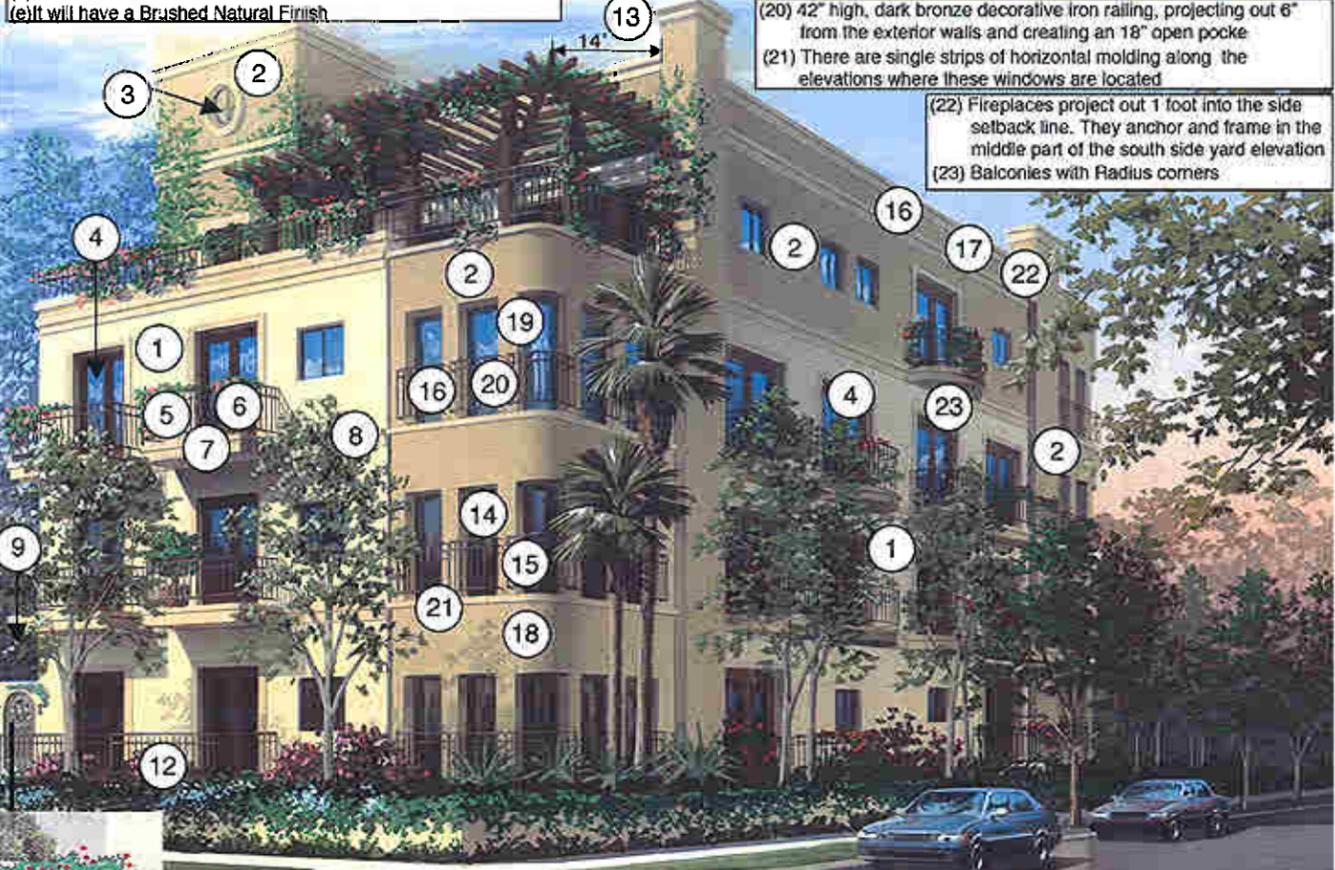


- (1) Smooth troweled SANDLEWOOD color stucco finish
- (2) Contrasting - lighter color - smooth troweled BISQUIT color stucco finish
- (3) Decorative Window.
- (4) Ali Glass Door Assemblies
  - (a) Are Eight feet high.
  - (b) Are Clad with brown aluminum.
  - (c) Are Set back at inside of 8" walls.
  - (d) Have 6" deep Hacienda Tan color Caste Stone simulation attached to their exterior frames, making a total inset of 14".
- (5) Rectangular shaped balconies
- (6) 42" high Dark Bronze Decorative Iron Railing
- (7) Caste stone (simulation) horizontal molding around face of balconies
- (8) Molding around perimeter walls
- (9) North Sideyard:  
 The side setbacks for this small single lot site are relatively speaking, very large. In addition, the developer increased the setback on the north side, where there is a neighboring building, from 9' to 11'. Even though the neighboring building to the north only has a 7' deep sideyard, the distance between the outer walls of most of the units in this building, and that structure, is 20'. In addition there is a minimum of a 4' 8" outside recessed entry way to each unit. Added together that is 24'8", equivalent to almost 1/2 the width of the standard 50' wide City lot.
- The North Sideyard has a Garden Courtyard, with lush landscaping and a beautiful fountain, open space and substantial modulation.
- (10) ADA approved handi-cap accessible lift, thus eliminating the need for a long concrete ramp in the front landscaping. A ramp, in combination with the patio projections, would have substantially take away from the front landscaping in the narrow site.
- (11) Custom Wrought Iron Security Entry Gate (which opens to the Courtyard Gardens).

- (13) The Penthouse level is set back from approximately 10' to 14"
- (14) Pergola:
  - (a) Mitered corner going in two directions (west and south).
  - (b) It is rounded at it's southwest corner, tying in with the other rounded features of the building (the circular window on the front face of the west staircase, the building corners, radius windows, balconies, etc).
  - (c) The pergola is modulated in both Height (Part is 10' high and part is 8' high), and Horizontally (set back on it's northern end).
  - (d) It is to be made with Cedar Wood.
  - (e) It will have a Brushed Natural Finish.

- (15) The PH Terrace and Ornamental iron railing around it are rounded on the outside corner (SW) face of the building.
- (16) 45" high parapet above the Penthouse is set back 3' behind the outer faces of the fireplaces
- (17) There is double horizontal molding at the top of the parapet, as well as at the roof line
- (18) Rounded corners

- (19) Window Assemblies: High windows, clad with brown aluminum trim, which are recessed in 1 foot from the exterior walls. This includes:
  - (a) Radius windows at the corners.
  - (b) Additional windows extending approximately 12 feet along each side of the corner elevations (along the 2 ends of Whitworth - at Rexford and at the Alley).



- (20) 42" high, dark bronze decorative iron railing, projecting out 6" from the exterior walls and creating an 18" open pocket
- (21) There are single strips of horizontal molding along the elevations where these windows are located
- (22) Fireplaces project out 1 foot into the side setback line. They anchor and frame in the middle part of the south side yard elevation
- (23) Balconies with Radius corners

- (12) Taking out the previously shown 20' wide concrete driveway to the subterranean garage from the main front elevation, and accessing the garage from the proposed widened alley in back. This resulted in more Landscaping in Front



**REXFORD DRIVE GARDEN CONDOMINIUMS**

MATURE LANDSCAPING  
 SEE LANDSCAPE PLANS

Changes from December 2006 Preliminary Plan Submitted for Concept Review-Presented At Planning Commission Meeting on May 24, 2007 and at Architectural Commission Meeting on September 11, 2007

- (24) There are no gutters, downspouts or scuppers projecting out along the exterior perimeter wall and balcony elevations. They will all be wrapped caste iron and will be located within the building walls.

**EXHIBIT 2 (c)**  
**Project Submitted in December 2006**



***REXFORD DRIVE GARDEN CONDOMINIUMS***



**PRELIMINARY PLAN  
PRESENTATION FOR CONCEPT REVIEW  
DECEMBER 2006**

**EXHIBIT 2 (d)**  
Elevations From December 2006 to Final October 10, 2007

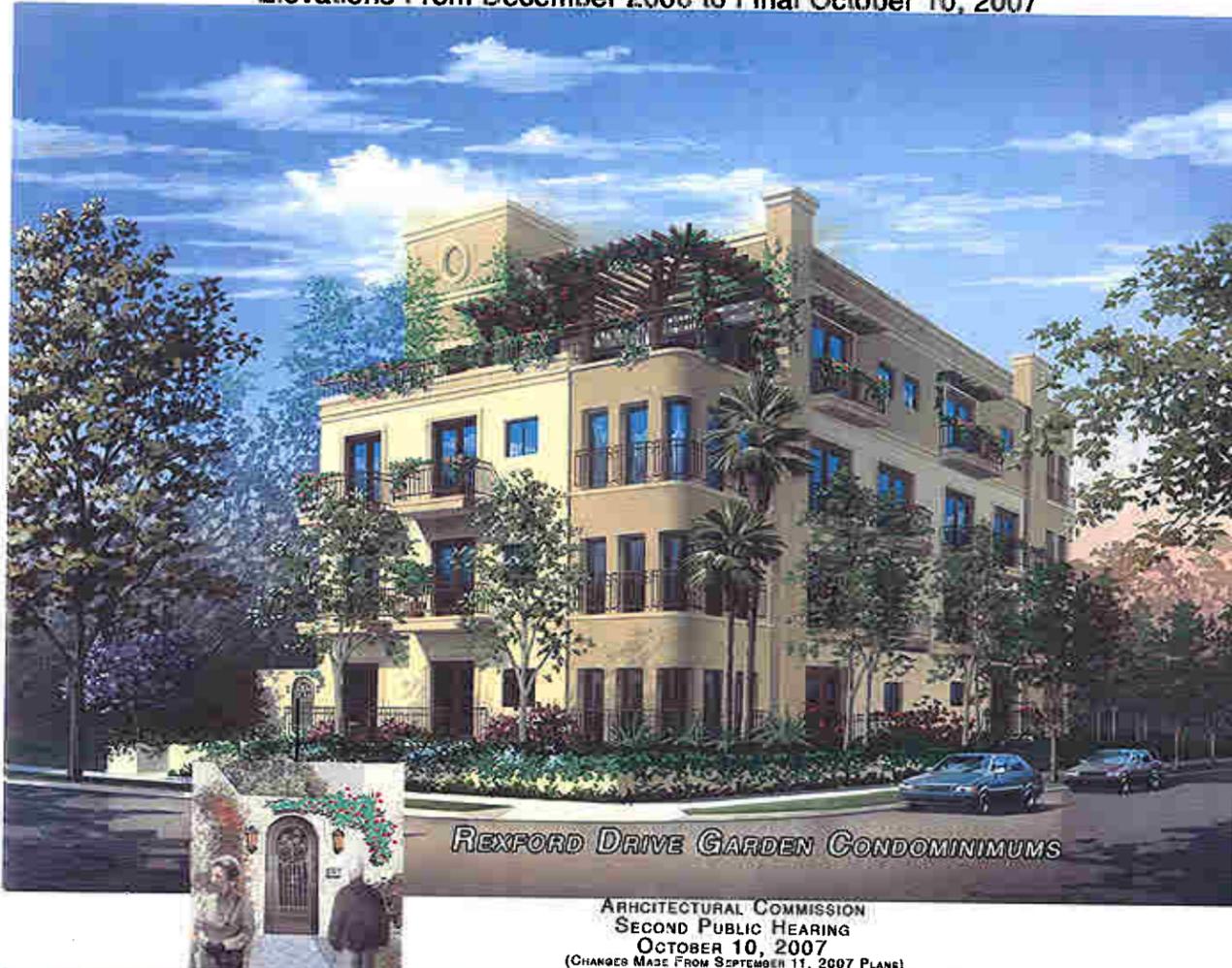


EXHIBIT 2 (e) - Materials



BROWN ALUMINUM  
CLAD DOORS &  
WINDOWS



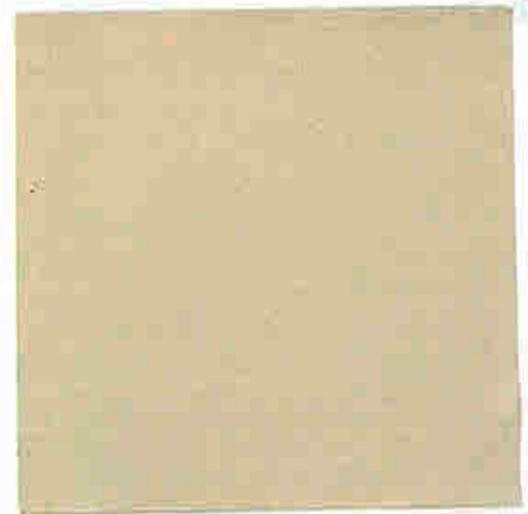
CEDAR WOOD WITH BRUSHED NATURAL FINISH



TRANSLUCENT GLASS AT CLEARSTORY



DARK BRONZE WROUGHT  
IRON HANDRAIL



SMOOTH TROWEL STUCCO ONE-  
SANDLEWOOD



SMOOTH TROWEL STUCCO TWO-  
BISCUIT



CAST STONE  
HACIENDA TAN



- WOOD TRELLIS
- CAST STONE
- STUCCO TWO DOORS
- HAND RAIL
- STUCCO ONE

462 SOUTH REXFORD DRIVE  
BEVERLY HILLS, CA 90212

EXHIBIT 2 (e) - Materials



BROWN ALUMINUM  
CLAD DOORS &  
WINDOWS



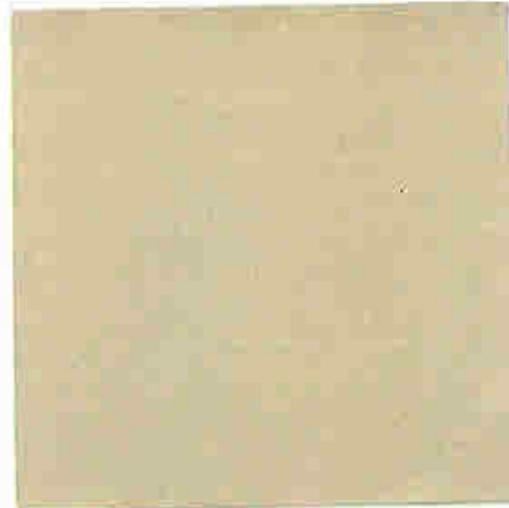
CEDAR WOOD WITH BRUSHED NATURAL FINISH



TRANSLUCENT GLASS AT CLEARSTORY



DARK BRONZE WROUGHT  
IRON HANDRAIL



SMOOTH TROWEL STUCCO ONE-  
SANDLEWOOD



SMOOTH TROWEL STUCCO TWO-  
BISCUIT



CAST STONE  
HACIENDA TAN



- WOOD TRELLIS
- CAST STONE
- STUCCO TWO  
DOORS
- HAND RAIL
- STUCCO ONE

462 SOUTH REXFORD DRIVE  
BEVERLY HILLS, CA 90212

**EXHIBIT 3 - Side 1**  
**Typical Buildings on Rexford**



**(1) 419 So. REXFORD Dr.**  
 Permit: 8/20/53 - Age: **54**  
 8 U-1Lot-6,070SqFt-5 Car Parking  
 Setbacks: North 5' South 5'  
 Back: Uncovered parking



**(2) 431 So. REXFORD Dr.**  
 Permit: 8/12/36 - Age: **71**  
 4 U-1Lot-6,070 SqFt-5 Car Parking  
 Setbacks: North 3' South 3' Back 4'



**(3) 463 So. REXFORD Dr.**  
 Permit: 4/14/60 - Age: **47**  
 12 U-1Lot-8,225SqFt-12 Car Parking  
 Setbacks: WHITWORTH 0 North 5' Back 4'



**(4) 439 So. REXFORD Dr.**  
 Permit: Oct. 1929 - Age: **78**  
 4 U-1Lot-6,070 SqFt-4 Car Parking  
 Setbacks: North 5' South 5' Back 6'8"



**(5) 426 So. REXFORD Dr.**  
 Permit: 12/31/57 - Age: **50**  
 17 U-2Lot-12,140 SqFt-20\*\* Car Parking  
 Setbacks: North 5' South 5' Back 3'9"  
 \* including 12 tandems



**(6) 445 So. REXFORD Dr.**  
 Permit: Jan. 1939 - Age: **68**  
 5 U-1Lot-6,070 SqFt-5 Car Parking  
 Setbacks: North 4' South 4' Back 5'10"



**(7) 455 So. REXFORD Dr.**  
 Permit: 6/22/27 - Age: **80**  
 4 U-1Lot-6,070 SqFt-4 Car Parking  
 Setbacks: North 3' South 3' Back 6'6"



**(8) 423 So. REXFORD Dr.**  
 Permit: 8/2/60 - Age: **47**  
 19 U-2Lot-12,140SqFt-19 Car Parking  
 Setbacks: North 5' South 5' Back 2'6"



**(9) 442 So. REXFORD Dr.**  
 Permit: 1/30/60 - Age: **47**  
 23 U-2Lot-12,140SqFt-23 Car Parking  
 Setbacks: North 5'1" South 5'1" Back 4'2"



**(10) 450 So. REXFORD Dr.**  
 Permit: 9/12/55 - Age: **52**  
 7 U-1Lot-6,070SqFt-5 Car Parking  
 Setbacks: North 5' South 5' Back 2'5"

**Typical Buildings on Rexford**  
**Between Olympic and Whitworth**

**Note: None of the above have alley widening dedications**

**EXHIBIT 3 - Side 2  
Neighborhood 4-5 Stories Buildings**



**(1) 443 So. Oakhurst Dr.**  
Permit: 8/28/61 - Age: **46**  
22U-2Lot-12,140 Sq Ft-22 Car Parking  
Setbacks: North 5' South 5' Back 3'6"

**(2) 423 So. REXFORD Dr.**  
Permit: 8/2/60 - Age: **47**  
19 U-2Lot-12,140SqFt-19 Car Parking  
Setbacks: North 5' South 5' Back 2'6"

**(3) 442 So. REXFORD Dr.**  
Permit: 1/30/60 - Age: **47**  
23 U-2Lot-12,140SqFt-23 Car Parking  
Setbacks: North 5'1" South 5'1" Back 4'2"

**(4) 463 So. REXFORD Dr.**  
NW Corner **WHITWORTH** & REXFORD  
Permit: 4/4/60 - Age: **47**  
12 U-1Lot-8,225SqFt-12 Car Parking  
Setbacks: WHITWORTH 0 North 5' Back 4'

**(5) 463 So. Oakhurst Dr.**  
NW Corner **WHITWORTH** & Oakhurst  
Permit: 1/10/61 - Age: **46**  
16 U-1Lot-8,225SqFt-16 Car Parking  
Setbacks: WHITWORTH 0 North 5'1 Back 2

**(6) 450 So. Maple Dr.**  
Permit: 1/19/73 - Age: **34**  
24 U-3Lot-18,210SqFt-49 Car Parking  
Setbacks: North 15' South 15' Back 13'



**1102 So. REXFORD Dr.**  
SE Corner **WHITWORTH** & REXFORD  
15 U-2Lot-12,140SqFt-30 Parking Spaces  
Directly Across the Street From Subject  
Setbacks: WHITWORTH 7' South 7' Back 5'



**EXISTING**  
**Front & South Side**



**PROPOSED IMPROVEMENT**  
3 Story + Penthouse  
7 U-1Lot-8,225SqFt-17 Car Parking  
Setbacks:WHITWORTH 8' North 11'  
Back 15' + 2'6" alley dedication

**462 So. REXFORD Dr. NE Corner WHITWORTH & REXFORD**



**EXISTING Back**

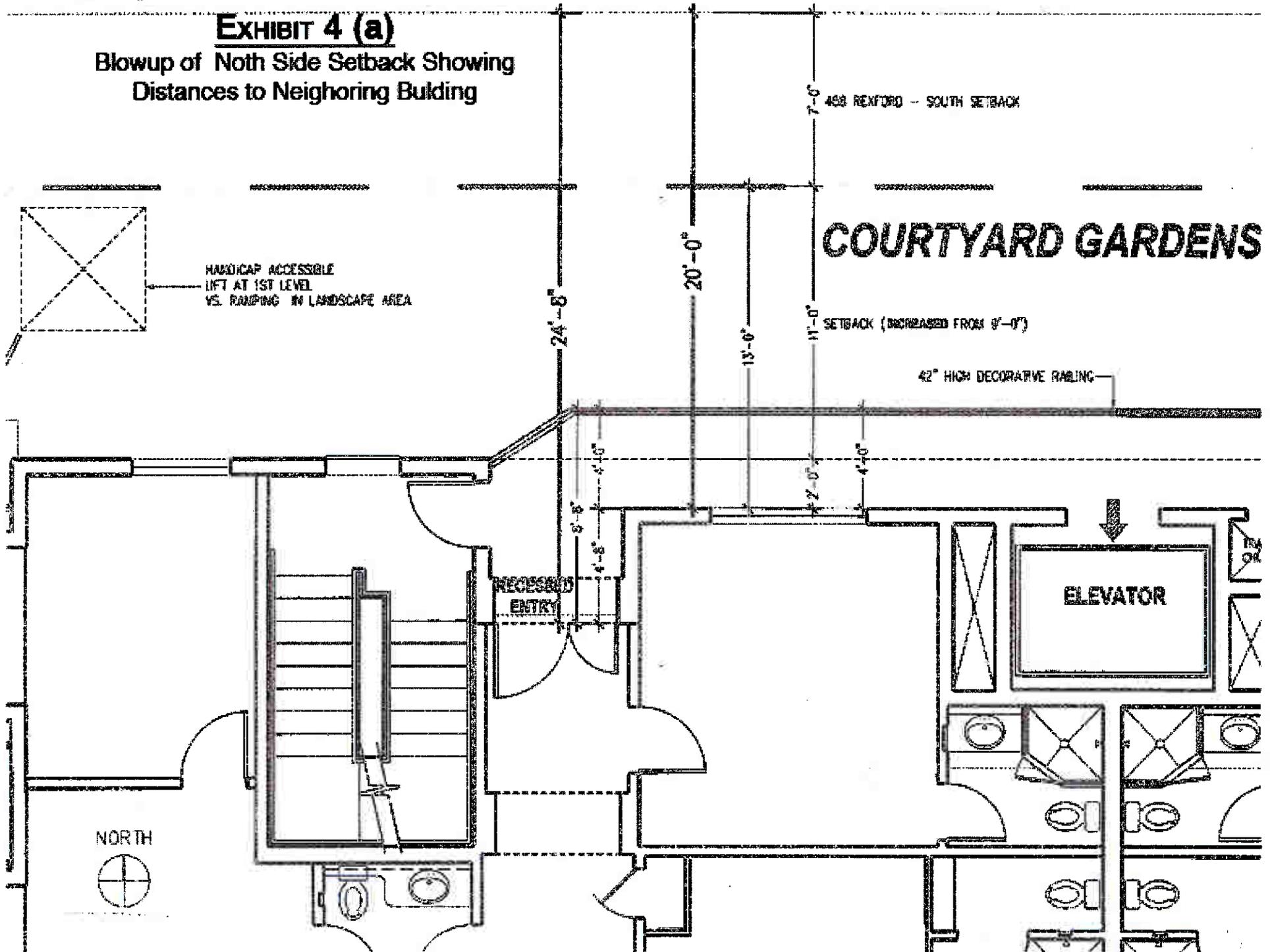


**1115 So. Elm Dr.**  
100 U-4Lot-24,280SqFt-165 Car Parking  
SW Corner **WHITWORTH** & Elm  
Across From Single Family Zone  
On 400 Block Elm in BH  
Set Bk: WHITWORTH 1' So. 17' Bk 15'

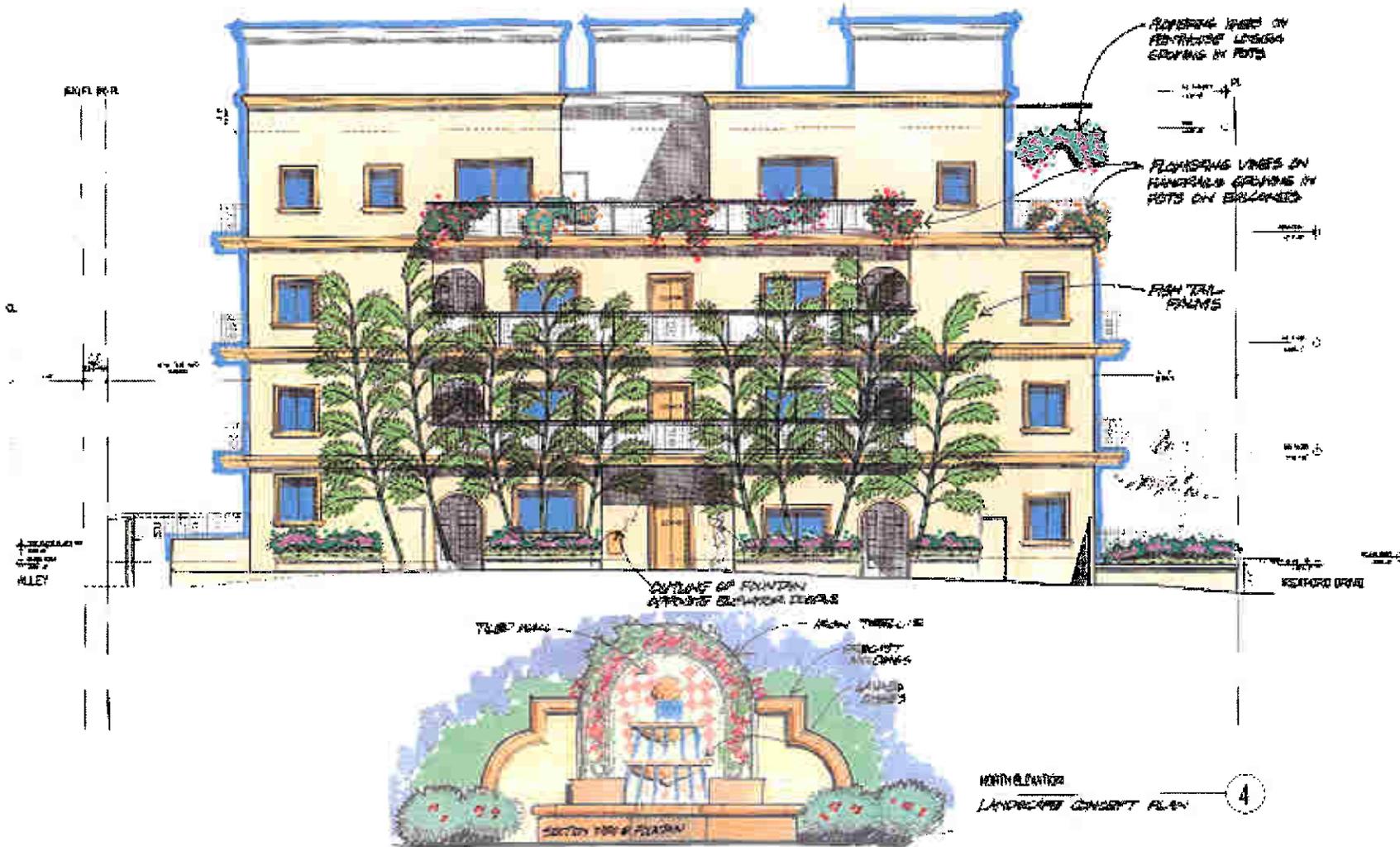
**NEIGHBORHOOD BUILDINGS  
4-5 Stories  
Neighborhood Bounded By  
**WHITWORTH** & Olympic  
Oakhurst & Elm  
at the Southern End of the City**

# EXHIBIT 4 (a)

Blowup of Noth Side Setback Showing Distances to Neighoring Bulding



# EXHIBIT 4 (b) North Sideyard Landscape with Specially Designed Fountain



**462 SOUTH REXFORD DRIVE**  
REVERSHILLE, CALIFORNIA

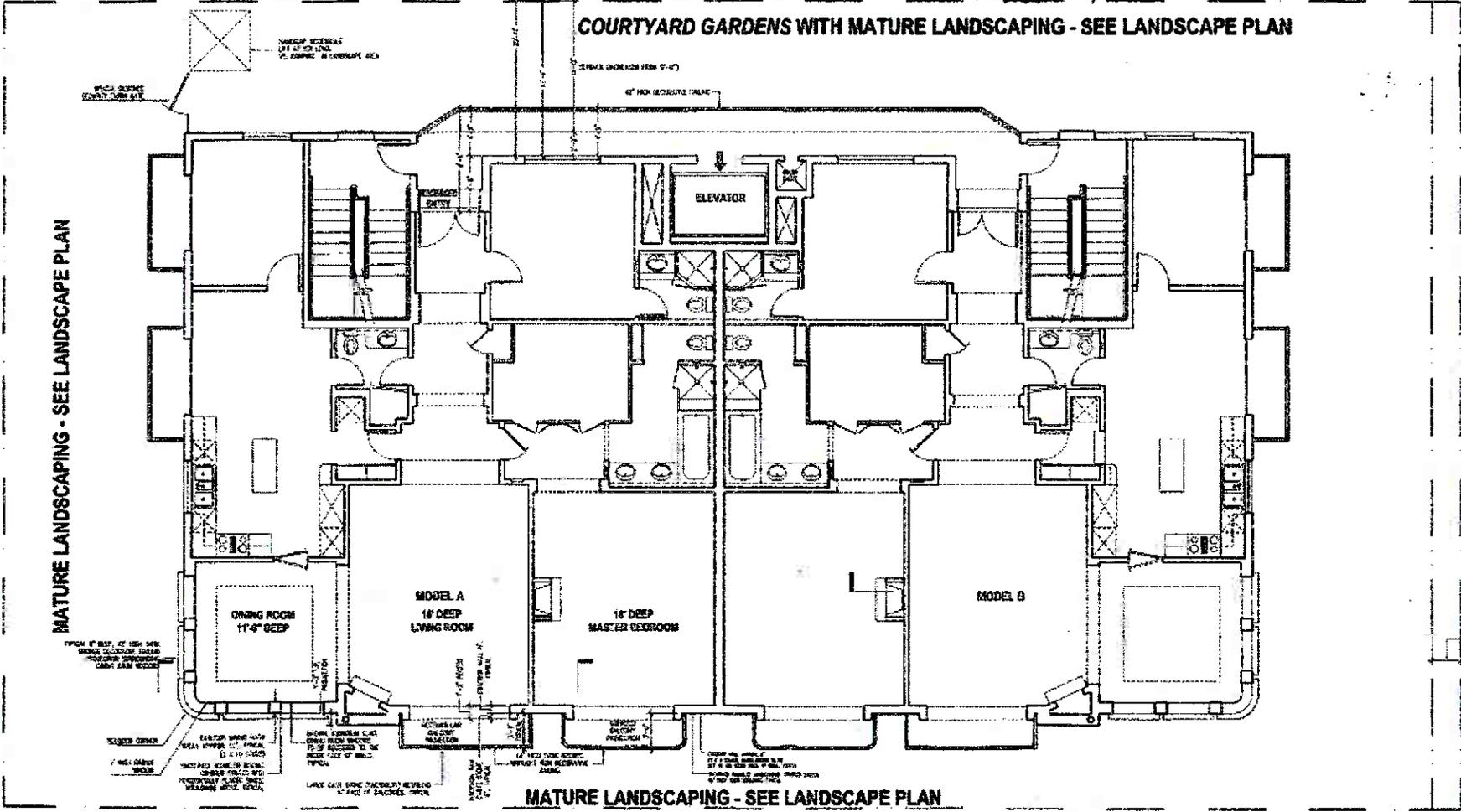
BYLA LANDSCAPE ARCHITECTS  
7700 E. 12th Ave.  
DENVER, CO 80231  
TEL: 303.751.1111 FAX: 303.751.1111  
WWW.BYLA.COM



OWNER	462 SOUTH REXFORD DRIVE
DESIGNER	BYLA LANDSCAPE ARCHITECTS
DATE	REVISION 01/10/10
ELEVATION	
NO.	DATE
01	01/10/10
02	01/10/10
03	01/10/10
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**EXHIBIT 4 (c)**  
**Modulation Plan**  
**1st - 3rd Floors (Typical)**

**COURTYARD GARDENS WITH MATURE LANDSCAPING - SEE LANDSCAPE PLAN**



**MATURE LANDSCAPING - SEE LANDSCAPE PLAN**



**1ST - 3RD FLOOR SOUTH SIDE YARD TYPICAL MODULATION**

# ATTACHMENT 4



**STAFF REPORT  
CITY OF BEVERLY HILLS**

**For the Architectural  
Commission Meeting of  
October 10, 2007**

**TO:** Architectural Commission

**FROM:** Peter Noonan, Associate Planner

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This is a proposal to construct a new multi-family residential building. The subject property is currently improved with, and is adjacent to, existing multi-family residential buildings. All construction and final build-out, either in height or density has been conditioned under a previous approval to be in substantial conformance with the City's Municipal Code. As conditioned the project is consistent with the prevailing uses and development in the area, the General Plan and with any precise plans adopted pursuant to the General Plan.

***(e) The proposed building or structure 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.***

Subject to review of the final construction documents, the proposed new building is in conformity with the standards of the Municipal Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

#### **RECOMMENDATION**

Based on the foregoing criteria and pending the information and conclusions that may result from testimony received during the Architectural Commission deliberations, staff recommends that the Architectural Commission review the modifications proposed, provide conditions (*if necessary*), and approve the project.

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Peter Noonan, Associate Planner

Attachments:  
September 11, 2007 Staff Report

# ATTACHMENT 5



**STAFF REPORT  
CITY OF BEVERLY HILLS**

**For the Architectural  
Commission Meeting of  
September 11, 2007**

**TO:** Architectural Commission

**FROM:** Peter Noonan, Associate Planner

**SUBJECT:** PL0727918 – **462 South Rexford Drive**  
New 7-unit Condominium Project.  
(PL 07 27918)

**STATUS**

Murray Fischer, on behalf of 462 South Rexford LP, requests an approval to construct a new four-story, seven-unit condominium building on the property located at 462 South Rexford Drive. The project was approved by the Planning Commission on June 14, 2007.

**PROJECT ELEMENTS**

The project includes the following elements:

❖ ***Building Modulation***

- Inset at the third-story along South Rexford Drive
- Inset immediately above the third-story along Whitworth

❖ ***Materials and Finishes***

- Stucco – smooth trowel, 'Sandalwood' and 'Biscuit'
- Window and door frames – cast stone, 'Hacienda Tan'
- Railing – Wrought iron, 'Dark Bronze'
- Windows and Doors – Aluminum clad, 'Brown', clear glass

❖ ***Landscaping***

- Landscaping proposed in swaths with Cajuput and Strawberry Trees, and Fan Palms.

**ARCHITECTURAL CRITERIA**

With regard to any architectural elements reviewed in conjunction with the above, pursuant to Municipal Code Section 10-3.3010 the Architectural Commission may concurrently or separately approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after consideration of the following criteria:

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

The proposed new building represents a thoughtful and comprehensive design through the use of quality materials and unifying colors. As conditioned, the project would contribute to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas and high quality.

***(b) 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.***

The new condominium building is in conformance with the City's code requirements regarding external and internal noise, vibrations, and other factors. The main hallways on each floor are outdoor and the elevator is designed to open directly onto this hallway. This design may affect the levels of noise experienced by the neighboring property as a result of regular use and activities associated with the building. Additionally, the neighboring properties privacy and the new buildings visual appeal may be reduced as a result of not providing an internal elevator and hallways.

***(c) The proposed building 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.***

The materials proposed for the new building appear to be of good quality and execution and it is not anticipated that the building would not cause the nature of the local environment to materially depreciate in appearance and value; however, there are a few issues that the Commission may wish to address. The building façade is relatively flat along Whitworth Drive. The Commission may wish to discuss whether the design should include more modulation along this street front. The elevator opens directly out onto the open-air main hallway on each floor. The Commission may wish to discuss redesigning the building to have internal hallways and an elevator that does not open directly onto an outdoor area. The wooden shade arbor does not relate to the building. The Commission may wish to discuss whether there needs to be a stronger connection made between the wooden shade arbor and the architectural treatments proposed on the rest of the building. The circular window on the top of the elevator shaft appears out of place. Windows like this are typical of the "Beaux Arts" style; however, this building is not "Beaux Arts". The Commission may wish to discuss whether this window should be replaced with a window that is more compatible with the other windows proposed.

***(d) 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.***

This is a proposal to construct a new multi-family residential building. The subject property is currently improved with, and is adjacent to, existing multi-family residential buildings. All construction and final build-out, either in height or density has been conditioned under a previous approval to be in substantial conformance with the City's Municipal Code. As conditioned the project is consistent with the prevailing uses and development in the area, the General Plan and with any precise plans adopted pursuant to the General Plan.

***(e) The proposed building or structure 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.***

Subject to review of the final construction documents, the proposed new building is in conformity with the standards of the Municipal Code and other applicable laws insofar as the location and appearance of the buildings and structures are involved.

**RECOMMENDATION**

Based on the foregoing criteria and pending the information and conclusions that may result from testimony received during the Architectural Commission deliberations, staff recommends that the Architectural Commission review the information and materials provided, identify any revisions necessary and continue the item to the next meeting date with the following revision requests:

- 1) Provide additional modulation along the Whitworth Drive building elevation.
- 2) Enclose the hallway and entry to the elevator on each floor.
- 3) Redesign the shade arbor to be more compatible with the building's architecture.
- 4) Replace the window in the upper portion of the elevator shaft with a window that is more compatible with the other windows proposed.

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Peter Noonan, Associate Planner

# ATTACHMENT 6

RESOLUTION NO. 1468

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 64012 AND A DEVELOPMENT PLAN REVIEW PERMIT TO ALLOW CONSTRUCTION OF A SEVEN-UNIT RESIDENTIAL CONDOMINIUM STRUCTURE AT PROPERTY LOCATED AT 462 SOUTH REXFORD DRIVE

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

Section 1. Robert Ives, 462 South Rexford Drive, L.P., property owner (hereinafter referred to as the "Applicant"), has submitted an application for approval of Vesting Tentative Tract Map No. 64012 and a Development Plan Review to allow construction of a new seven-unit, 14,003 square foot, four-story, 45-foot high condominium structure on a single-lot site for property located at 462 South Rexford Drive (the "Project"). The Project will provide the Code required parking of 20 parking spaces. 17 parking spaces shall be in a single-level subterranean garage accessed from the rear alley and 3 parking spaces shall be at grade.

Section 2. 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. The City prepared an initial study and, based on the information contained in the initial study, determined that there was no substantial

evidence that approval of the Project may have significant environmental impact. Accordingly, the City prepared a negative declaration pursuant to Section 15070 of the State CEQA Guidelines. Pursuant to Section 15074(b) of said Guidelines, the Planning Commission independently reviewed and considered the contents of the initial study and the negative declaration prior to deciding whether to approve the Project. Based on the initial study, the negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that the negative declaration prepared for the Project represents the independent judgment of the City and that there is no substantial evidence that the approval of the Project will have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. A hearing was noticed for April 12, 2007, and that hearing was continued to April 25, 2007 due to cancellation of the April 12, 2007 meeting because of a fire in the City's hillside areas. On April 25, 2007, May 24, 2007 and June 14, 2007 the Planning Commission held a duly noticed public hearing to consider the Project. Evidence, both written and oral, was presented at said hearing. Prior to conducting the public hearing, the Planning Commission visited the Project site.

Section 4. The Project site is a single-lot site located on the northeast corner of the intersection of South Rexford Drive and Whitworth Drive in an area designated as medium to high-density multi-family residential (R-4) zone. The site is currently developed with a two-story

apartment building built in 1948 and includes on-grade parking along the rear yard for a total of six spaces. The existing apartment building on the site would be demolished to accommodate the new condominium structure. There are a variety of densities, heights, building ages and architectural styles along this portion of South Rexford Drive.

The proposed Project is a four-story, seven-unit, 45-foot high condominium. The Project includes one level of basement garage with space for 17 vehicles and 3 parking spaces at grade.

The Project provides more than the 1,400 square feet of outdoor living area as required by the City's municipal code. The total outdoor area being provided for this Project is 2,930 square feet in the form of private patios, balconies, and roof top deck area.

Modulation. Beverly Hills Municipal Code Section 10-3-2806(c) requires that modulation for lots exceeding 50 feet in width to modulate portions of the front façade of the building at least 10 feet from the front setback line, in addition to the front setback otherwise required by Code. The Applicant has integrated all of the required modulation and the additional 10-foot setback on the top floor, as the fourth floor is set back between 10 and 14 feet from the front setback line. Moreover, the dual color scheme presented to the Commission and the representation of the Applicant to provide mature landscaping reduces the mass and scale of the Project. Furthermore, as conditioned, the Applicant will be required to maintain the landscaping as depicted on the approved plans at all times. Accordingly, the Project as presented to the Commission meets the Code requirements and will be consistent with the adopted General Plan of the City which designates this area as a medium-density multi-family residential area.

Landscape Plan. The preliminary landscaping plan, along with the Tuscan design of the building, will be forwarded to the Architectural Commission for its review and approval.

Traffic. The proposed Project is expected to generate 41 vehicle trips per day with a morning peak of four trips and evening peak of four trips. The Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, rates were used to estimate the trip generation counts for this Project. The Project is expected to generate about one additional trip per day. The study indicates that the proposed development will have a negligible traffic impact upon existing roadways based on the low trip generation forecast as noted on the traffic report.

Site Access & Circulation. The proposed Project will provide 20 parking spaces, 17 of which are located in a one-level garage and 3 are at grade. Access to the parking garage will be via a 20-foot wide driveway accessed from the alley.

Section 5. Pursuant to the requirements set forth in Section 66474 of the California Government Code, in reviewing the application for Vesting Tentative Tract Map No. 64012, the Planning Commission considered the following issues:

- 1) Whether the proposed vesting tentative tract map and the design or improvement of the proposed subdivision are consistent with the General Plan of the City;
- 2) Whether the site is physically suitable for the type of development and the proposed density;
- 3) Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

4) Whether the design of the subdivision or type of improvements is likely to cause serious public health problems and whether the design of the subdivision or the type of improvements will conflict with any public easements; and

5) Whether the discharge of waste water from the proposed subdivision into the existing sewer systems will result in a violation of existing requirements prescribed by the California Water Quality Control Board.

Section 6. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to Vesting Tentative Tract Map No. 64012:

6.1 As conditioned, the proposed Project and its design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "multi-family residential." The proposed Project will consist of a seven-unit residential condominium structure, which is permitted under the General Plan land-use designation for the Project site. Thus the proposed Project is found to be consistent with the City's General Plan.

6.2 As conditioned, the site is physically suitable for the type of development and the proposed density. The site is currently developed with a six-unit, two-story apartment building. Under the current zoning designation, the Project site can be developed with a maximum density of seven units, and the infrastructure to serve the proposed seven-unit residential condominium

structure is adequate. The site has no unusual seismic or other hazards. Therefore, the site is physically suitable for the type of development and the proposed density.

6.3 As conditioned, the proposed Project will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife because there are no significant fish or wildlife resources or public health issues on the Project site, and utilities exist that will adequately serve the demands of the Project. This finding is further supported by the Negative Declaration documentation.

6.4 The design of the subdivision and the type of improvements will not cause serious public health problems, and will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The Project design has been preliminarily reviewed by the Public Works Department and the Building and Safety Division for Code compliance. In addition, the Project will not encroach into any public easement areas. Therefore, the design of the subdivision or type of improvements is not likely to cause serious public health problems and that the design of the subdivision or the type of improvements will not conflict with any public easement.

6.5 The Project will be required to comply with all applicable requirements of the City's Storm Water and Urban Runoff Pollution Control Ordinance and the City's current National Pollutant Discharge Elimination System ("NPDES") permit and, therefore, implementation of the Project will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board. Implementation of the Project will not significantly increase the amount of impermeable land or result in substantial changes in absorption rates that would increase the amount of stormwater runoff from the Project site. Further, any discharge of waste from the proposed

subdivision into the existing sewer system will would be required to adhere to the requirements prescribed by the California Regional Water Quality Board. Accordingly, approval of the Project will not result in a violation of existing requirements prescribed by the California Regional Water Quality Board.

Section 7. In accordance with the provisions of Beverly Hills Municipal Code Section 10-3-3104, in reviewing the application for a Development Plan Review, the Planning Commission considered the following issues:

- 1) Whether the proposed plan is consistent with the General Plan and any specific plans adopted for the area;
- 2) Whether the proposed plan will adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
- 3) Whether the nature, configuration, location, density, height, and manner of operation of the Project will significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property.
- 4) Whether the proposed plan will create any significantly adverse traffic impact, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
- 5) Whether the proposed plan will be detrimental to the public health, safety, or general welfare.

Section 8. Based upon the evidence presented in the record on this matter, including the staff report and oral and written testimony, the Planning Commission hereby finds as follows with respect to the Development Plan Review:

8.1 As conditioned, the proposed Project design and improvements are consistent with the General Plan of the City. The proposed Project is compatible with the objectives, policies, general land uses, and programs specified in the General Plan. The General Plan designation for the proposed site is "multi-family residential." The proposed Project meets Code requirements, particularly regarding use, height, density, and parking and is consistent with the adopted General Plan of the City which designates this as a high-density, multiple-family residential area.

8.2 As conditioned, the proposed Project will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area. The site currently is developed with a two-story, six-unit apartment building. As proposed, the building meets all the development standards pursuant to Section 10-3.2800 of the Beverly Hills Municipal Code. The Project exceeds the required modulation facing on Rexford Drive, and the Commission finds that the integration of the required modulation and additional 10-foot setback of the top floor meets the code requirements for this property. There are a variety of buildings in this block of Rexford Drive which were built under different zoning standards and restrictions and consequently do not display the modulation required the current Zoning Code. The Applicant has incorporated a "Tuscan" architectural design on the building and as such the building is subject to review and approval by the Architectural Commission who is vested in reviewing projects and requiring that the proposed design be harmonious to the development of the area.

8.3 As conditioned, the proposed Project will not significantly and adversely interfere with the use and enjoyment of other residential properties in the vicinity of the subject property. As noted above, the Project complies with the current Code requirements regarding density, height, and parking. The proposed scale and massing are consistent with the scale and massing of the development in this area and the standards applicable to future developments. The proposed four-story structure will cast shadows to a greater degree than does the existing two-story structure; however, these incrementally greater impacts are not found to be significant in light of the shadows from the existing structure, and because the potential impacts from these shadows will not occur year round. Further, the design of the northern elevation of the building with the open area and mature landscaping between the façade and the property line ensures that the Project will not interfere with the use and enjoyment of other residential properties in the vicinity. Last, the dual color scheme presented to the Commission and the representation of the Applicant to provide mature landscaping assists to reduce the mass and scale of the Project.

8.4 As conditioned, the proposed Project will not create any significant adverse traffic impacts nor vehicular or pedestrian safety or circulation problems. A traffic study has been prepared by Meyer, Mohaddes Associates to assess the potential impacts of the proposed development of seven-unit condominium project. Based on the report, the proposal will have a negligible traffic impact upon the existing roadways and the residential streets. Therefore, the Project will not generate adverse traffic impacts, traffic hazards, pedestrian/vehicle conflicts, or pedestrian safety hazards. In addition, the Applicant has revised the layout of the garage to improve accessibility to parking spaces. Furthermore, in order to ensure that local traffic and parking are not impacted during construction, the Applicant will be required to prepare and implement a

construction management plan that includes a construction parking and hauling plan. Said plan will be reviewed and approved by the Director of Public Works & Transportation or his designee to determine the amount, appropriate routes, and time of day of heavy hauling truck traffic necessary for demolition and deliveries to the subject site. Therefore, the Project will have no adverse traffic or parking related impacts on the neighborhood.

8.5 As conditioned, the proposed Project will not be detrimental to the public health, safety, or general welfare. The Project, as conditioned, will be constructed in accordance with the City's Building Code standards, and adequate open space living area has been required. As conditioned by this Resolution and for the reasons discussed in the foregoing paragraphs, the proposed Project will not be detrimental to the public health, safety, or general welfare.

Section 9. Based upon the foregoing, the Planning Commission hereby adopts the Negative Declaration, approves Vesting Tentative Tract Map No. 64012 and a Development Plan Review for the Project, subject to the following conditions:

1. Except as modified by the conditions set forth hereafter, the Project shall be developed in ~~substantial compliance with the plans submitted to and reviewed by the Planning Commission at its meeting on June 14, 2007.~~
- ~~2. The Applicant shall protect and maintain all existing street trees adjacent to the subject site during construction of the proposed subdivision. No street trees shall be removed or relocated unless approval from the Department of Recreation and Parks is obtained.~~

3. The Applicant shall comply with the applicable conditions and permits from the Public Works/Engineering Department/Recreation and Parks Department. The list of standard conditions is attached hereto as Exhibit A, and is incorporated herein by reference.
4. The Project shall comply with all applicable conditions of approval that may be imposed by the Fire Department through the plan check process.
5. The Project shall be subject to review and approval by the Architectural Commission prior to issuance of building permits.
6. The color scheme and variation of colors as proposed on the Project plans shall be maintained and shall not be substantially modified except upon review and approval by the City.
7. The landscaping proposed shall be mature and of substantial size as proposed by the Project plans, and as approved by the Community Development Director. The landscaping shall be maintained as approved by the Architectural Commission at all times. Any substantial changes to the landscaping shall require approval by the City.
8. The Applicant shall prepare Covenants, Conditions and Restrictions ("CC&Rs") to be recorded in conjunction with the final subdivision map, subject to review and approval by the Community Development Department and the City Attorney. The CC&Rs shall include a provision establishing that the City shall, after making due demand and giving reasonable notice, have the right of access to the community, including all buildings and structures thereon, for the purpose of preserving the public health, safety, and welfare, and for the purpose of ensuring that all owners and occupants adhere to the provisions of the CC&Rs.

9. Pursuant to Section 10-3-2816 the Applicant is required to provide twenty parking spaces as rooms capable of being used as a bedroom are deemed to be a bedroom for the purposes of the parking requirements set forth therein. Accordingly, the Applicant shall provide 17 parking spaces in a single-level subterranean garage accessed from the rear alley and 3 parking spaces shall be at grade. The plans shall clearly depict that the tandem spaces shall be assigned to the unit immediately adjacent to those spaces (Unit #102). The other spaces shall be assigned to units on the ground floor.
10. The parking spaces to be provided (at grade or garage) shall be a minimum of 36' in length and 20' in width.

#### **STANDARD CONDITIONS**

11. The Applicant shall submit a Construction Management Plan to the Department of Community Development for review and approval prior to issuance of a building permit. The Construction Management Plan shall include, at a minimum, the following:
  - a. Written information about the construction parking arrangements and hauling activities at different stages of construction to be reviewed and approved by the Engineering Division of Public Works and the Building and Safety Department. On-street parking shall be prohibited at all times. The plan shall indicate arrangements for construction parking at a nearby site where the workers can be transported to and from the Project site when sufficient parking is not available on the site.
  - b. Information regarding the anticipated number of workers, the location of parking with respect to schedules during the construction period, the arrangement of

deliveries, hauling activities, the length of time of operation, designation of construction staging area and other pertaining information regarding construction related traffic.

c. The proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

12. In addition to the conditions set forth in this Resolution, the Vesting Tentative Tract Map shall comply with all conditions required in conjunction with the plan check process by the City's various departments, including but not limited to the conditions, if any, imposed by the Departments of Public Works, Engineering, Building and Safety, Fire, and Police.

13. During construction, the Applicant shall install a minimum 12-foot construction fence to reduce noise and dust impacts on neighboring properties.

14. 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 the 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, throughout project construction, 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. Said signs

shall also include the name and number for a City contact from the Community Development Department. The Applicant's representative's telephone number provided shall be manned during construction hours.

15. The Applicant shall secure all necessary permits from the Public Works Department and the Engineering Division prior to commencement of any demolition or Project related work.
16. Approval of this Project is subject to any and all other discretionary approvals required by the City for the Project.
17. Within three working days after approval of this Resolution, the Applicant shall remit to the City a cashier's check, payable to the County Clerk, in the amount of \$50.00 for a documentary handling fee in connection with Fish and Game Code requirements in addition to the Department of Fish and Game filing fee imposed pursuant to Fish and Game Code Section 711.4
18. A cash deposit of \$10,000 shall be deposited with the City to ensure compliance with the conditions of this Resolution regarding construction activities. Such deposit shall be returned to Applicant upon completion of all construction activities and in the event that no more than two violations of such conditions or the Beverly Hills Municipal Code occur. In the event that three or more such violations occur, the City may: (a) retain the deposit to cover costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within 10 days of the notice; and (c) issue a stop work notice until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. Work shall not resume for a minimum of two days after the day that the additional deposit is received by the City. If the Applicant timely requests a hearing,

said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the issuance of a stop work notice, and the deposit of an additional \$10,000, pursuant to the procedure set forth herein above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited.

The requirements of this condition are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a violation of the conditions of this Resolution or the Beverly Hills Municipal Code.

19. The conditions set forth in this Resolution shall run with the land and shall remain in force for the duration of the life of the Project.
20. This Resolution approving Vesting Tentative tract Map No. 64012 and issuing a Development Plan Review (collectively the "Approvals") 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 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.

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 certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: JUNE 14, 2007



Noah Furie  
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:



P/B

Vincent P. Bertoni, AICP  
Director of Community Development



David D. Gustavson  
Director of Public Works and Transportation

**EXHIBIT A**

**PUBLIC WORKS/ENGINEERING  
STANDARD CONDITIONS LIST**

CITY OF BEVERLY HILLS

STANDARD CONDITIONS LIST

ENGINEERING, UTILITIES AND RECREATION & PARKS:

1. The applicant shall remove and replace all defective sidewalk surrounding the existing and proposed buildings.
2. The applicant shall remove and replace all defective curb and gutter surrounding the existing and proposed buildings.
3. The applicant shall comply with all applicable statutes, ordinances and regulations concerning the conversion of residential rental units into condominiums, including, but not limited to, the requirement that the applicant pay the City of Beverly Hills the condominium conversion tax of \$5,638.80\*, if a certificate of occupancy is issued prior to approval of the final subdivision map by the City Council. (\*The tax figure is adjusted annually.)
4. The applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the tree existing tree roots within the parkway area. Remove and replace all defective alley and driveway approaches surrounding the existing and proposed buildings.
5. The applicant shall protect all existing street trees adjacent to the subject site during construction of the proposed project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained. (See attached Trees and Construction document.)

Removal and/or replacement of any street trees shall not commence until the applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

6. The applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The applicant shall provide that all groundwater discharges to a storm

## Standard Conditions List

drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

7. The applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.
8. The applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.
9. The applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.
10. The applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.
11. The applicant shall provide to the Engineering Office the proposed demolition/construction staging for this project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.
12. 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.
13. The applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.
14. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.
15. Condensate from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

## Standard Conditions List

16. Water discharged from a loading dock area must go through an interceptor/clarifier prior to discharging to the storm drain system. A loading dock is not to be confused with a loading zone or designated parking space for loading and unloading.
17. Organic residuals from daily operations and water used to wash trash rooms cannot be discharged to the alley. Examples are grocery stores, mini markets and food services.
18. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.
19. Storm water runoff from automobiles going into a parking garage shall be discharged through a clarifier before discharging into the storm drain system. In-lieu of discharging runoff through a clarifier, parking lots can be cleaned every two weeks with emphasis on removing grease and oil residuals which drip from vehicles. Maintain records of cleaning activities for verification by a City inspector.
20. After completion of architectural review of a new or modified commercial structure, and prior to issuance of the certificate of occupancy, the applicant is required to comply with the Public Art Ordinance. An application is required to be submitted to the Fine Art Commission for review and approval of any proposed art piece or, as an alternative, the applicant may choose to pay an in-lieu art fee.

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

I, VINCENT P. BERTONI, Secretary of the Planning Commission and Director of Community Development of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1468 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on June 14, 2007, 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 Marks, Vice Chair Reims, and Chair Furie.
- NOES:       None.
- ABSTAIN:   Commissioners Bosse and Cole.
- ABSENT:    None.

  
\_\_\_\_\_  
VINCENT P. BERTONI, AICP  
Secretary of the Planning Commission/  
Director of Community Development  
City of Beverly Hills, California