



STAFF REPORT
CITY OF BEVERLY HILLS

For the Design Review
Commission Meeting of
November 6, 2008.

TO: Design Review Commission

FROM: Shena Rojemann, Assistant Planner

SUBJECT: A request for an R-1 Design Review Permit to allow a new two-story single-family residence, located in the Central Area of the City, south of Santa Monica Boulevard at 216 N Oakhurst Drive.

EXECUTIVE SUMMARY

Roberta Murray of Gabbay Architects, on behalf of the property owner, has filed an application for Track 2 design review to allow a new single-family residence at 216 N Oakhurst Drive.

This item was previously reviewed by the Commission at its September 4, 2008 meeting and its October 2, 2008 meeting. At those meetings, the Commission heard presentations from staff and the applicant. The Commission recommended the preliminary approved of the design and that it be returned to the November 6, 2008 meeting addressing the following concerns:

1. The windows over the front entry should be revised to reflect more of the Spanish/Moorish design such as a medallion window;
2. The tower element at the left side of the facade should not have the cut-in at the sides; and,
3. There should be more space between the tops of the doors and windows on the second floor and the roofline.

REVISED DESIGN

The applicant addressed the Commission's concerns above as follows:

1. The applicant has replaced the two windows previously proposed above the entry with a medallion window.
2. The applicant has removed the cut out details along the tower element at the left portion of the façade.
3. The applicant has lowered the window above the entry; however, the doors at the second floor have not been lowered from the roofline. (Staff has included a condition requiring a reduced door height.)

The overall materials and colors have not been revised. A materials board will be presented at the meeting.

Code Compliance

As proposed, the design meets all required zoning standards including height, setbacks, parking, and floor area requirements

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on August 25, 2008 to all property owners and residential tenants within a 100-foot radius from the exterior boundaries of the property as required by Code. To date staff has not received any comments in regard to the submitted plans.

ENVIRONMENTAL DETERMINATION

The project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the City's environmental guidelines, and a Categorical Exemption of Class 2 has been issued.

DESIGN ANALYSIS

Pursuant to BHMC Section 10-3.4415, the Design Review Commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction after considering whether the proposed development complies with the following criteria. If the proposed project meets the criteria set forth, the Commission shall approve the application. When the proposed development does not comply with the criteria, the Commission may impose such conditions it deems necessary to bring the proposed development into conformity with the provisions of this article.

- 1. The proposed development's design exhibits an internally compatible design scheme.*

As revised, the design addresses the Commission's concerns outlined above intended to result in a more internally compatible design. Key design elements such as the windows are now more proportionate with the rest of the design and the design has been revised to emphasize asymmetrical elements, a tower and details that contribute to the design appearing more Spanish/Moorish in style.

2. Appropriately minimizes the appearance of scale and mass, enhances the garden like quality of the city, and appropriately maximizes the use of required open space within the proposed architectural style.

As revised, the design appears to better utilize modulation and asymmetry along the front façade to reduce the scale and mass of the structure. The northern portion of the proposed façade has a more vertical appearance with the addition of three vertical windows at the second floor. The removal of the two windows and addition of the single stained glass window above the entry reduces the crowded look in the central portion of the façade. Therefore, the scale and mass of the revised design is not anticipated to have an adverse impact on the surrounding neighborhood.

3. The development will enhance the appearance of the neighborhood.

As stated in items 1) and 2) above, the revised residence shall provide a number of elements consistent with the Spanish/Moorish style architecture while providing improved scale and mass to the site. The proposed project utilizes high quality building materials, which shall help to enhance the appearance of the neighborhood. Additionally, the landscaping will help to enhance the proposed residence.

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

As revised, the proposed structure meets the City's current side setback requirements. The southern elevation contains small windows along the second story which shall have a minimal impact on the neighbors' privacy. Along the northern elevation, the windows are mostly smaller in size and an adverse impact on the neighbors privacy is not anticipated.

5. The proposed development respects prevailing site design pattern, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new.

The design patterns in the area are characterized by consistent setbacks and straight driveways located at the side property lines leading to parking and a walkway leading from the public sidewalk to the entryway of the residence. The proposed design is

consistent with this pattern. The existing neighborhood is composed of one and two-story single-family residences. The Project will be built to current codes. Thus, having design patterns consistent with those of the neighboring properties will ensure harmony between old and new homes in the surrounding area.

Upon consideration of criteria set forth in BHMC 10-3.4415, The Commission has the following options:

1. Approve the plans as presented;
2. Approve the plans subject to the following and /or other conditions, to bring the plans into conformance with criteria set forth in BHMC 10-3.4415;
3. Disapprove the plans upon detailed findings that certain criteria set forth in BHMC 10-3.4415 are not met; or
4. Return the plans for restudy and resubmittal.

RECOMMENDATION

Staff recommends the Design Review Commission adopt the resolution as presented with the conditions below:

1. The French doors at the second story shall be reduced in height four (4") to six (6") inches, to create space between the top of the doors and the roofline.



SHENA ROJEMANN
Assistant Planner

Attachments:

Staff Report of September 4, 2008
Staff Report of October 2, 2008

RESOLUTION NO.

RESOLUTION OF THE DESIGN REVIEW COMMISSION OF
THE CITY OF BEVERLY HILLS CONDITIONALLY
APPROVING AN R-1 DESIGN REVIEW PERMIT TO ALLOW A
NEW TWO STORY SINGLE-FAMILY RESIDENCE ON THE
PROPERTY LOCATED AT 216 NORTH OAKHURST DRIVE.

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

Section 1. Roberta Murray, on behalf of Mr. and Mrs. Khoubian, property owner (the "Applicant"), has applied for an R-1 Design Review Permit to allow a new two story single-family residence with a basement located in the Central Area of the City, south of Santa Monica Boulevard, at 216 N Oakhurst Drive (the "Project"). As proposed, the Project meets all required zoning standards, including height, setbacks, parking and floor area.

Pursuant to Beverly Hills Municipal Code Section 10-3-4408, no single-family residence located in a Central R-1 Zone shall be erected, constructed, altered or remodeled unless the elevations and plans for the exterior portions and areas visible from the street are reviewed and approved by the City. The Design Review Commission is the reviewing authority if it has first been determined that the design does not otherwise qualify for a staff-level review of the proposed Project. Staff reviewed the project and determined that it did not substantially adhere to a pure architectural style as outlined by the Style Catalogue. Therefore, it has been determined that the Design Review Commission shall be the reviewing authority.

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

Section 2. The project site is approximately 50-feet wide by 150-feet long, located on the east side of the 100 block of N Oakhurst Drive between Dayton Way and Clifton Way. The lot is currently developed with a single-story residence and detached garage/guest house. The existing primary residence and garage/guest house would be demolished and replaced by a new two-story residence with a basement and porte cochere. Surrounding development consists of one- and two-story single-family homes.

The proposed house would have a total floor area of 4,430 square feet, just under the maximum allowable building area (4,500 square feet) permitted by the Beverly Hills Municipal Code ("BHMC").

The total height of the residence will be approximately 30 feet to the highest point of the roof (30 feet maximum height allowed for a sloped roof). The applicant used front setback averaging pursuant to the Code. Approximately 10' of the façade is set back 26'-6" from the front property line (1'-6" behind the required 25' front yard setback). Approximately 16' of the façade is set back 22'-6" from the front property line (encroaching into the front yard setback 2'-6"). The remaining 7'-6" of the façade is set back between 31'-2" from the front property line (6'-2" behind the required 25' front yard setback). The main entrance to the structure (recessed 4'-9" from the adjacent façade) consists of an arched entryway with double doors constructed of wrought iron and glass. A portion of the second floor on the southern half of the facade is set back providing a balcony area at the second floor. The structure includes a 2,207 square foot basement for which the light and air requirements are met by providing large lightwells along the southern portion of the residence.

Parking for the Project will be provided within the side and rear yards. Two parking spaces have been provided within the side yard and are accessible via the porte cochere, and two spaces have been provided on cement pads within the rear yard, which is accessible via the rear alley. No garage has been proposed in conjunction with the Project. The total number of parking spaces provided is three, which meets the amount required by the zoning code for a house with five bedrooms. New paving within the front yard has been proposed as a part of the landscaping plan. The total area of paved surface within the front yard is approximately 371 square feet, which is under the maximum allowed by the BHMC (400 square feet).

A detailed landscaping plan for the project has been prepared, which proposes to install new landscaping.

This Project came before the Design Review Commission at its meetings of September 4, 2008, October 2, 2008 and November 6, 2008. At its meetings of September 4, 2008 and October 2, 2008 the Commission requested numerous design changes and that the Project be returned for restudy. At the meeting of November, 2008, the Applicant returned with

revised plans that incorporated design changes requested by the Commission, and the Commission approved the Project with conditions.

Section 3. The Project has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq*, hereafter the "Guidelines"), and the City's environmental guidelines. The City has determined that the Project qualifies for a Class 2 Categorical Exemption (Replacement or Reconstruction) in accordance with the requirements of Section 15302 of the Guidelines because the Project involves the demolition of an existing single family residence, and reconstruction of a new single family residence on the same site and which will have substantially the same purpose and capacity as the structure replaced. Therefore, no significant impacts to the environment are anticipated.

Section 4. On September 4, 2008 the Design Review Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing, and the hearing was closed. On October 2, 2008, revised plans addressing the Commission's concerns were presented for the Commission's review. On November 6, 2008, further revised plans were submitted for the Commission's review and the Commission approved the project as presented. This resolution was presented to the Commission on November 6, 2008.

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

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

4. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and
5. The proposed development respects prevailing site design patterns, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new homes.

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

1. As conditioned, the design addresses the Commission's concerns resulting in a more internally compatible design. Key design elements such as windows are more proportionate with the rest of the design, more emphasis on asymmetrical elements, a tower and other Spanish/Moorish details that contribute to the design exhibiting an internally compatible design scheme.

2. As conditioned, the design appears to utilize modulation and asymmetry along the front façade to reduce the scale and mass of the structure. The removal of the two windows and addition of the single stained glass window above the entry reduces the crowded look in the central portion of the façade. Additionally, the applicant has submitted a complete landscape plan including a large tree in front. Therefore, the scale and mass of the design is not anticipated to have an adverse impact on the surrounding neighborhood and shall enhance the garden-like quality of the City.

3. As conditioned, the Project shall provide a number of elements consistent with the Spanish/Moorish style of architecture while providing appropriate scale and mass to the site as described in 1 and 2 above. The proposed project utilizes high quality building materials, which shall help to enhance the appearance of the neighborhood. Additionally, the landscaping will help to enhance the proposed residence. Thus, the proposed project is expected to enhance the appearance of the neighborhood.

4. As conditioned, the Project is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors. The Project meets the City's current side setback requirements. The southern elevation contains

small windows along the second story which shall have a minimal impact on the neighbors' privacy. Along the northern elevation, the windows are mostly smaller in size. Therefore, the Project is not anticipated to create an adverse impact on the neighbor's privacy.

5. The design patterns in the area are characterized by consistent setbacks and straight driveways located at the side property lines leading parking and a walkway leading from the public sidewalk to the entryway of the residence, similar to the proposed house. The existing neighborhood is composed of one and two-story single-family residences. As conditioned, the Project is consistent with the prevailing design patterns of the surrounding neighborhood.

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

1. The Project as submitted shall be built in substantial compliance with the plans submitted for the November 6, 2008 Design Review Commission meeting, on file with the Department of Community Development. The Director of Community Development shall approve any modifications to the plans prior to any work being done on the Project; however, if corrections of building or zoning code issues result in a greatly altered design, the Design Review Commission must approve the revised design.

2. The French doors at the second story shall be reduced in height four (4") to six (6") inches, to create space between the top of the doors and the roofline.

Standard Conditions:

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

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

5. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the R-1 Design Review Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Design Review Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the R-1 Design Review **shall be null and void** and of no further effect. Notwithstanding the foregoing, the director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the R-1 Design Review.

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

DRC Resolution
216 North Oakhurst Drive

Adopted:

Howard Szabo
Chair of the Design Review
Commission of the City of Beverly Hills,
California

Attest:

Secretary

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Jonathan Lait, AICP
City Planner