



STAFF REPORT
CITY OF BEVERLY HILLS

For the Design Review
Commission Meeting of
December 4, 2008

TO: Design Review Commission

FROM: Ivy Nguyen, Assistant Planner

SUBJECT: A resolution approving 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 **329 South Clark Drive**

EXECUTIVE SUMMARY

At its October 2, 2008 meeting, the Design Review Commission initially reviewed the proposed façade remodel. At the meeting, the Commission heard presentations from staff and the applicant and the Commission recommended conditional approval of the design, subject to the following condition:

1. The columns at the front elevation to be thickened.

The applicant has thickened the column from 9 inches to 16 inches.

Staff recommends the Design Review Commission adopt the resolution as presented.

A handwritten signature in cursive script, appearing to read "Ivy Nguyen".

Ivy Nguyen

Attachment:
Resolution

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 AT
PROPERTY LOCATED IN THE CENTRAL AREA OF THE
CITY, NORTH OF SANTA MONICA BOULEVARD AT 329
SOUTH CLARK DRIVE

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

Section 1. Eduardo De La Torre, on behalf of the property owner Nushin Stan (collectively, the “Applicant”), has applied 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 329 South Clark 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 determined the design did not substantially conform to a pure architectural style when submitted. 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 is 50 feet wide by 120 feet long, and is located on the west side of the 300 block of South Clark Drive, between Gregory Way and Olympic Boulevard. The lot is currently developed with a one-story residence and detached garage at the rear of the

property. The existing one-story residence and accessory structure will be demolished, and replaced with a new, two-story, 3,986 square foot residence. The existing garage accessory structure will be demolished and will not be replaced. The maximum allowed floor area for the Project is 3,987 square feet, and the Project utilizes nearly all of the maximum allowed floor area. The Project meets the minimum side setback allowed for the house at the northern property line, 5 feet. At the southern property line, the required side yard setback is 9 feet for the first 38 feet of the property and 5 feet thereafter. The Project exceeds the required side yard setback by providing 10 feet for the first 38 of the property and 5 feet thereafter. The required front setback for the house is 25 feet, and is met by the Project.

The design of the house provides modulation at the front elevation with the use of a courtyard which is set back 10 feet 7 inches from the required front yard setback. Additionally, modulation is enhanced with a tower element at the staircase, a 6 foot wide window at the first floor set one foot 4 inches deep and a second story bedroom set back 11 feet 7 inches behind the front yard setback. The proposed height to the top of the roof is 26 feet 10 inches, which is 3 foot 2 inches less than the maximum allowed by Code (30 feet). Surrounding development consists mostly of one- and two-story Spanish style single-family residences.

Two tandem parking spaces for the proposed Project will be provided in the newly constructed porte cochere located at the southern property line, and one additional uncovered parking space at the rear of the property at the northern property line, which is accessible from the alley. The Project provides for three parking spaces, which meets the number of spaces required by Code. 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 79% (314 square feet out of allowed 400 square feet). Per Code, the total amount of paving permitted within the front yard can be no more than 400 square feet.

A landscaping plan for the Project is provided with landscaping consisting of several flowering trees, small hedges along the walkway to the house, and grass in the front yard.

This Project came before the Design Review Commission at its meeting of October 2, 2008. At the meeting, the Commission approved the Project, subject to the following condition:

1. The columns at the front elevation to be thickened.

The Applicant has revised the Project to respond to the Commission's concern. The revision is as follows:

1. The columns at the front elevation are thickened to 16 inches from 9 inches.

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 October 2, 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.

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.

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 and architectural features of the Project are similar to those defined for Spanish Mission Revival architectural styles with a contemporary interpretation. The balance of the proposed design appears to exhibit an internally compatible design scheme based on the circular tower element, the low, pitched Mission clay tile roof, stucco wall surface, and decorative iron work at the windows.

2. As conditioned, the Project appropriately minimizes the appearance of scale and mass as the residence is set back 10 feet 7 inches behind the required front yard setback through the use of an outdoor courtyard. Additionally, modulation at the side elevations provides additional visual interest to the Project. While the Project utilizes nearly the maximum amount of floor area permitted by the Code, the height of the residence is lower than what is permitted by Code by 3 feet 2 inches. The Project, as conditioned, includes appropriate façade modulation and proposes new landscaping, specifically throughout the front and side yards. The Project enhances the garden like quality of the City and appropriately maximizes the use of required open space within the proposed architectural style.

3. As conditioned, the Project will enhance the appearance of the neighborhood as a result of the revisions made to the design as discussed under Section 2 of this Resolution and as a result of the Project's use of quality materials, modulation and landscaping. The Project utilizes thoughtful, high quality building materials including stucco walls, wood doors and windows, which will help to enhance the neighborhood.

4. As conditioned, the Project is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors. The subject site abuts a one-story single-family residence at the northern property line and a two-story residence at the southern property line. The north and south specify a number of windows ranging from 1 foot to 5 feet wide and 3 feet to 5 feet tall. However, it is anticipated that the

height of the windows respect the privacy of adjacent properties, and is therefore not anticipated to create an adverse impact on privacy.

5. As conditioned, the Project, with the features described above, respects prevailing site design pattern and integrates appropriate features that will ensure harmony between old and new homes. The properties along South Clark Drive are developed with a number of one- and two-story structures in a Spanish style of architecture. The Project exhibits an internally compatible Spanish Mission Revival design scheme. The design uses building materials and architectural elements common to the Spanish style that would appropriately conform to the surrounding area's characteristics and ensure harmony between the Project and the existing homes.

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 Design Review Commission meeting, which are on file with the Department of Community Development. Any modification to the plans shall be approved by the Planning Department prior to any work being done on the Project; however, the Design Review Commission must approve the revised design if substantial changes are proposed.

Standard Conditions:

2. 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.

3. 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.

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

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

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

Adopted:

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