



STAFF REPORT
CITY OF BEVERLY HILLS

For the Design Review
Commission Meeting of
September 3, 2009
PL0932605

TO: Design Review Commission

FROM: Ryan Gohlich, Associate Planner

SUBJECT: A request for an R-1 Design Review Permit to allow fence and wall revisions to a previously approved two-story single-family residence, located in the Central Area of the City, south of Santa Monica Boulevard at **264 S. Rodeo Drive**.

EXECUTIVE SUMMARY

Hamid Gabbay, on behalf of the property owner, has filed an application for Track 2 design review to modify a previously approved fence and wall design for a two-story single-family residence located at **264 South Rodeo Drive**.

Reason for Review by the Commission

This project was originally approved by the Commission in 2007 with conditions regarding the front and side yard fences and walls. (These are further described in the Background section below.) The applicant is now requesting that these conditions be changed. Because these items were specifically identified in the Resolution adopted by the Commission, a revision is now being requested.

Adherence to Zoning Code

As conditioned, the proposed revisions meet all required zoning standards such as height and location.

BACKGROUND

A resolution approving the subject residence was adopted by the Commission at its July 9, 2007 meeting. The adopted resolution contained specific conditions of approval that were crafted during the public hearing process to ensure that all required findings could be made in support of the project.

Construction of the residence was recently completed, and upon final inspection staff determined that the project's front and street side yard fences/walls were not consistent with the Resolution's conditions of approval for fences and walls (Resolution attached). To remedy the situation, the applicant has requested that the Commission revise the following two project requirements:

1. Condition 7 of the Resolution prohibits the installation of fencing within the front yard. The as-built project includes a 3-foot tall fence within the front yard and a 6-foot tall entry gate within the front yard. Both fences are not permitted by this condition.
2. Item 1 of Section 6 of the Resolution requires that fencing along Gregory Way be wrought iron railing. The as-built project includes a solid wall along Gregory Way that is not open to view and does not contain any wrought iron.

In addition to the requirements imposed by the Resolution, all walls, fences and hedges must comply with Section 10-3-2420 of the BHMC. Restrictions of front and street side yards are as follows:

Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

Street Side Yards: Any portion of such wall, fence or hedge that exceeds three feet (3') in height and is located in a street side yard shall be open to public view or the wall, fence or hedge shall be set back an average of at least one foot (1') and no less than six inches (6") from the street side lot line for the purpose of providing landscaping on the street side of the wall.

PROJECT DESCRIPTION

Because the existing fencing and walls are not consistent with the previously adopted Design Review Commission Resolution, the applicant has requested that the approval be modified to allow the fences and walls as-built. The project does not include any modifications to the as-built fences and walls; however, lights installed on the tops of

the pilasters exceed the maximum permitted height of walls and fences and would therefore be removed.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on August 24, 2009 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.

ENVIRONMENTAL DETERMINATION

The project was previously reviewed in compliance with the California Environmental Quality Act (CEQA) and the City's environmental guidelines, and a Categorical Exemption of Class 3(a) 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.

The findings necessary for approval of the proposed revisions are as follows:

- 1. The proposed development's design exhibits an internally compatible design scheme.***
- 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.***
- 3. The 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 pattern, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new.***

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

1. Approve the plans as presented and provide staff with appropriate wording for findings for approval of the requested modifications;
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

Based on the foregoing analysis and pending the information and conclusions that may result from testimony received at the public hearing, as well as Design Review Commission deliberations, staff recommends the Design Review Commission review the proposed revisions and provide staff and the applicant with input and direction on how to proceed with the requested revisions.

If approved, staff recommends the following conditions of approval:

1. All walls, fences and hedges on the subject site shall be brought into compliance with Section 10-3-2420 (Walls, Fences and Hedges) of the BHMC.
2. All lights located on top of a wall or fence pilaster shall be removed unless such a light does not exceed the maximum permitted height of said wall or fence pilaster.
3. At the time of planting, landscaping located between the public right-of-way and any approved wall or fence shall be of sufficient size/maturity to create a buffer between the right-of-way and the wall or fence.
4. Any approval by the Commission is for design only; the project is subject to all applicable City zoning regulations.
5. Any future modifications to this approval shall be presented to staff for a determination as to whether the change may be approved by staff (minor) or to the Commission for review.

264 South Rodeo Drive
R-1 Design Review
For the Design Review Commission Meeting of September 3, 2009



RYAN GOHLICH
Associate Planner

Attachments:

1. Design Review Commission Resolution DR-35-07

ATTACHMENT 1

Design Review Commission Resolution DR-35-07

RESOLUTION NO. DR-35-07

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The railing above the entry door shall be wrought iron railing;
- Fencing in the front yard was removed. Fencing along the Gregory Way is to be wrought iron railing.
- The round, corner element was redesigned to enhance the internal compatibility of the structure's design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard Conditions:

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

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

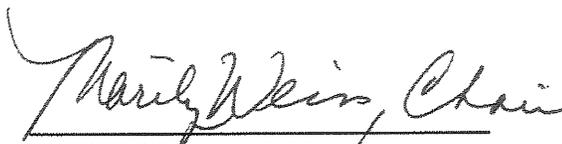
contact person on the site in a location readily visible to the general public and approved by the Director of Community Development.

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

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

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

Adopted: July 9, 2007



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

Attest:



Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Vincent P. Bertoni, AICP
Director of Community Development

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

I, VINCENT P. BERTONI, Director of Community Development (the "Director") of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. DR-35-07 duly passed, approved and adopted by the Design Review Commission of said City at a meeting of said Commission on July 9, 2007, and thereafter duly signed by the Secretary of the Design Review Commission, as indicated; and that the Design Review Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Gilbar, Szabo, and Chair Weiss.

NOES: None.

RECUSED: Commissioner Gabbay.

ABSENT: Vice Chair Schapa.



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