



STAFF REPORT
CITY OF BEVERLY HILLS

**For the Design Review
Commission Meeting of
November 5, 2009**

TO: Design Review Commission

FROM: Rita Naziri, Senior Planner

SUBJECT: A request for an R-1 Design Review Permit to allow a new one story single-family residence plus an observatory and pond on top of the main residence, located in the Central Area of the City, North of Santa Monica Boulevard at 101 Copley Place. (PL 091 4877)

EXECUTIVE SUMMARY

This project was presented to the Design Review Commission at the October 1, 2009 meeting. At that meeting, the Commission approved the proposed project and requested a resolution approving the design with the following conditions:

1. Any approval by the Commission is for design only; the project is subject to all applicable City zoning regulations.
2. Any future modifications to this approval shall be presented to staff for a determination as to whether the change may be approved by staff (minor) or to the Commission for review. Changes made without City approval may be required to be restored to match the City approved plans.
3. Final plans shall include a color rendering of the front elevation with numbered call-outs and a corresponding legend for all proposed materials and finishes. Spec sheets for windows shall also be provided. This elevation will be used by staff for verification of materials at the project site during construction.
4. A copy of the final conditions of approval per the approved Resolution shall be scanned onto the cover sheet of the final building plans.
5. The proposed landscape plan shall comply with the Water Efficient Landscaping Ordinance.

Staff Report
101 Copley Place
November 5, 2009

Staff recommends that the attached resolution, including the conditions above, be approved as presented.



RITA NAZIRI
Senior Planner

Attachments:
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 ONE STORY SINGLE-FAMILY RESIDENCE PLUS AN OBSERVATORY AND POND ON THE TOP OF THE MAIN RESIDENCE ON THE PROPERTY LOCATED AT 101 COPLEY PLACE.

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

Section 1. Samuel Moon, on behalf of Dorothy Kamins, the property owner (the “Applicant”), has applied for an R-1 Design Review Permit to allow a new one story single-family residence plus an observatory and pond on top of the main residence located in the Central Area of the City, north of Santa Monica Boulevard, at 101 Copley Place (the “Project”). As proposed, the Project meets required zoning standards, including height, setbacks, parking and paving requirements.

Pursuant to Beverly Hills Municipal Code Section 10-3-4408, no single-family residence located in the 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. The proposed design contains unique design elements including a Romanesque dome surrounded by a pond over a semi-subterranean residence within a garden setting. Given the uniqueness of this design and the fact that it is located on a corner lot, the project is before the Design Review Commission for review under the Track 2 process. 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 25,921 square foot project site is located on the corner of Copley Place and Copley Drive and west of Sunset Boulevard. The neighboring property (121 Copley) is under the same ownership. Structures on this property were demolished in 2008 and a new two-story residence with accessory structures and landscaped garden areas is currently under construction. 101 Copley Place was acquired by the owners of the abutting property at 121 Copley Place to construct a garden and a new residence as an extension of 121 Copley Place. Because the zoning code does not allow these two lots to be tied together without going through an extensive review process, the applicant has proposed this alternative design that gives the appearance of one large parcel. Both the subject property and property at 121 Copley propose extensive landscape improvements to create the appearance of a single continuous property. The subject property slopes down towards the rear of the lot and is proposed to be developed with a garden that includes trees, shrubs, water features, circular maze (labyrinth), stone paths, streams and retaining walls. The project site and surrounding properties can be characterized as hilly. Walls and hedges surround the front yards of many of the surrounding properties along Copley Place. The project site and the neighboring properties are established with mature landscaping, all of which contribute to the garden quality of the city.

The proposed project consists of a new one-story, semi subterranean residence with an observatory and pond above the first level. The proposed semi-subterranean residence is 1,600 square feet which is the minimum size permitted by Code. Therefore, the project is well below the maximum allowable building area of 11,868 square feet.

As proposed, the total height of the residence and structure above it would be 29 feet, 2 ¾ inches measured from the low grade (which is below the maximum height allowed by Code for a main residence with side yards that are more than 10 feet in width). The proposed observatory will be 23'10" in height measured from the first level grade.

The proposed residence requires two parking spaces by Code. A total of two parking spaces will be provided on-site. The proposed parking spaces will be located within the side yard accessed from Copley Drive, adjacent to the Los Angeles Country Club.

The main residence is mostly not visible from the street, except as viewed from the Copley Drive. The visible facade of the residence will be clad with limestone, in the traditional European architectural style. The style of the proposed dome is categorized as Classical inspired by the Roman forms of domes and columns used in Italian structures. The column design follows the Tuscan column order in white marble with the dome being a smooth white plaster with white marble ribs reminiscent of cathedrals and other structures of Italy. The dome structure includes a pavilion surrounded by a pond and is accessed through granite steps to the garden area. The materials and color proposed for the new structure are as follows:

- Main house- Limestone block walls (partially visible)
- Observatory – White plaster (Dome), white marble (columns and trim)
- Entry Door – Wooden door in Mahogany with white marble columns and trims.
- Patio and set of steps-Floral pattern medium brown granite with honed and sandblasted textures.

- Wrought Iron Fence (3' in height) Black colored simple vertical wrought iron fence, screened with landscaping on both sides of the fence.

The total front yard paving of the proposed design is approximately 1,891.50 square feet of stone, which is below the maximum allowable front yard paving of 2,250.50 square feet. The driveway area is paved by stones. The other hardscape areas include decomposed granite and a pond encroaching into the front setback.

The proposed landscape plan provides variety of trees, shrubs, flowers and water features throughout the subject site, which will help to create a lush garden-like ambience. The garden includes separate parts. The first is the observatory that serves as open air room connected to the garden via granite steps. The garden includes a garden maze, fountain, pond, streams and benches.

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 1, 2009, the Design Review Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented at said hearing, and the hearing was closed and this Resolution memorializing the Commission's action in regard to the Project was adopted.

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. The proposed residence is a new one-story semi-subterranean residence and an observatory with pond on the top of the building which presents a unique and creative design by introducing wide-ranging and well-designed landscaping. The project includes a large garden following natural terrain and a small residential structure set into landscape with a minimum portion visible from the street in order to create an extension garden for the property at 121 Copley Place which is under construction at this time. Due to the proposed landscaping, the proposal appears to introduce a well planned garden-like design. The project exhibits carefully conceived design elements that are considered internally compatible design scheme. Therefore, the Design Review Commission hereby finds that the design is internally compatible.

2. The subject property is proposed to be extensively landscaped with mature landscaping along the property lines and other landscaping elements within the entire property. The proposed residence itself is hardly visible from the adjacent streets. The Classical Roman dome is topping the residence is approximately 24 feet tall and would be visible from the adjacent streets. The dome, if viewed from the street, would present as a garden element that is open underneath and made from quality materials. The applicant is proposing a variety of trees and shrubs to screen the observatory from the view. As proposed, the project site will be heavily landscaped with a variety of trees shrubs and other garden like amenities. Therefore, the Design Review Commission hereby finds that the project as

designed and landscaped will enhance the garden like of the City and maximize the use of open space within the property.

3. The project site is located in a cul-de-sac with approximately seven houses. Most houses in this block are in the Mediterranean Style of architecture with lush landscaping which enhances the neighborhood. The subject site is a corner lot which has more visibility than an interior lot. As proposed, the project presents a unique design with lush landscaping which will screen the structure from street view. The applicant notes that the proposed project design relates to some of the properties along the street that utilize a very similar column design. It should be noted that the applicant is required by the Water Efficient Landscaping Ordinance to provide a landscape plan, irrigation and drainage plan that features hydro-zoning and Smart Controller type designed and signed by a certified Landscape Architect or state certified landscape irrigation auditor prior to issuance of building permit. Given that the entire property will be landscaped with variety of trees and shrubs to screen the property from street view, it appears that this development would bring a fresh look into the area and will enhance the appearance of the neighborhood. Therefore, the Design Review Commission hereby finds that the proposal fits in with the neighborhood and found to enhance the appearance of the neighborhood.

4. As proposed, the structure meets the City's current side setback requirements. The proposed project does not impact neighbor's privacy since the proposal is mostly located closer to the street than adjoining properties and includes dense landscaping along the

property lines and within the entire lot. Therefore, the Design Review Commission hereby finds that the proposed design accommodates neighbors' reasonable expectation of privacy.

5. The proposed design is proposing a unique structure and pond above the main residence which would be screened by the proposed trees and shrubs. The design style of the proposed structure appears to have characteristics that comply with the neighborhood since there are similar existing architectural styles in the surrounding area. Therefore, the Design Review Commission hereby finds that the proposed design is compatible with the surrounding homes and will be harmonious with the neighborhood existing structures within the block.

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. Any approval by the Commission is for design only; the project is subject to all applicable City zoning regulations.
2. Any future modifications to this approval shall be presented to staff for a determination as to whether the change may be approved by staff (minor) or to the Commission for review. Changes made without City approval may be required to be restored to match the City approved plans.
3. Final plans shall include a color rendering of the front elevation with numbered call-outs and a corresponding legend for all proposed materials and finishes. Spec sheets for windows shall also be provided. This elevation will be used by staff for verification of materials at the project site during construction.

4. A copy of the final conditions of approval per the approved Resolution shall be scanned onto the cover sheet of the final building plans.
5. The proposed landscape plan shall comply with the Water Efficient Landscaping Ordinance.

Standard Conditions:

1. 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.
2. 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.

3. 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.
4. 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:

Hamid Gabbay
Chair of the Design Review
Commission of the City of Beverly Hills,
California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner

