



**STAFF REPORT
CITY OF BEVERLY HILLS**

For the Design Review
Commission Meeting of
November 5, 2009
PL0951479

TO: Design Review Commission

FROM: Ryan Gohlich, Associate Planner

SUBJECT: A request for an R-1 Design Review Permit to allow a second story addition to an existing one-story single-family residence, located in the Central Area of the City, south of Santa Monica Boulevard at 423 Peck Drive.

EXECUTIVE SUMMARY

Ed Frias, on behalf of the property owner, has filed an application for Track 2 design review to allow a second story addition to an existing one-story single-family residence at 423 Peck Drive.

Reason for Review by the Commission

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 shall be the reviewing authority if it has first been determined that the design does not otherwise substantially adhere to a pure architectural style.

The proposed project was prepared by a licensed architect; however, although the project may be consistent with the Spanish Mission Revival style, the project appears to be lacking architectural embellishments that might be common to the identified architectural style; therefore, the proposal is brought before the Design Review Commission for review as a Track 2 application.

Adherence to Zoning Code

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

GENERAL INFORMATION	
Applicant	Ed Frias
Project Owner	Dr. Michael and Marsha Siegel
Zoning District	Central R-1 Area – South of Santa Monica Boulevard
Parcel Size	6,375 square feet
Listed in City's Historic Survey	No

SITE AND AREA CHARACTERISTICS

The project site is approximately 50-feet wide by 128-feet long (lot average width and length), located on the west side of the 400 block of Peck Drive between Olympic Boulevard and Whitworth Drive. The lot is currently developed with a one-story residence and detached garage. The existing primary residence and garage would remain on site, and a second story would be added to the existing residence. Surrounding development consists of one- and two-story single-family homes as well as multi-family development.

PROJECT DESCRIPTION

Building Envelope/Modulation

The proposed project utilizes the footprint of the existing building, and adds approximately 1,163 square feet to the existing residence. With the proposed addition, the main house would have a total floor area of approximately 3,126 square feet, which is approximately 924 square feet less than the maximum allowable building area (4,050 square feet) for the subject site.

As proposed, the total height of the primary residence would be approximately 25 feet to the highest point of the roof (30 feet maximum height allowed). The proposed project contains several legally nonconforming features (side and rear setback encroachments) that are proposed to be maintained; however, all new construction is designed to comply with current code requirements. Modulation is provided along the façade through the use of a large patio/courtyard, a balcony, and a covered entry way.

Parking

A total of four parking spaces have been provided behind the front yard setback, which meets the number of parking spaces required by the BHMC. The proposed parking is provided by a two-car garage located at the rear of the property, and two parking spaces located along the north side of the residence.

Design

The style of the project can most closely be identified as Spanish Mission Revival, and the design incorporates features such as a low-pitched tile roof, an asymmetrical facade, recessed windows, wood doors and windows, and wrought iron accents.

Materials

The materials proposed for the new structure are as follows:

- Smooth trowel stucco
- Wood doors and windows
- Concrete roof tiles (barrel-style to give the appearance of a Spanish clay tile)
- Iron work with an oil rubbed bronze finish

Paving:

The proposed project includes an existing driveway, as well as a walkway leading to the front of the house. The existing paving is proposed to remain in place and no modifications have been submitted by the applicant.

Landscape Design:

The applicant has provided a landscape plan that identifies new plantings within the front yard setback. Several large, existing palm trees appear to be proposed for removal, and would be replaced with smaller trees. The Commission may wish to discuss requiring a more detailed landscape plan with trees that will be larger at the time of planting.

PUBLIC NOTICE AND COMMENTS

Notice of the proposed project and public hearing was mailed on November 26, 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 has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the City's environmental guidelines, and a Categorical Exemption of Class 1 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.

The proposed design most closely matches that of the Spanish Mission Revival style and appears to be well thought-out, incorporating a consistent theme throughout its design. Although the proposed materials and details appear to be consistent with the identified style, the Commission may wish to discuss requiring additional architectural embellishments that are common to the proposed style. Based on the project's balanced design and consistent use of materials, the project appears to exhibit an internally compatible design scheme. Therefore, it may be possible to make the required finding.

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.

The proposed project has been designed with a variety of modulation along its elevations. A large patio/courtyard is provided at the front of the project, and the second floor of the house utilizes balconies and architectural projections, further reducing the appearance of scale and mass. Because these elements help to reduce the appearance of mass and scale, it is possible to make the required finding.

The Commission may wish to discuss requiring a more detailed landscape plan with trees that will be larger at the time of planting.

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

The proposed project utilizes high quality building materials and design, which will help to enhance the appearance of the neighborhood. As discussed above, the Commission may wish to discuss whether it might be appropriate to add additional architectural embellishments common to the identified style in order to create a more consistent style throughout the project. Because the project appears to follow a balanced theme and maintains an appropriate level of scale and mass, it may be possible to make the required finding in support of the project.

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 proposed, the structure maintains several legally nonconforming setbacks along its ground floor. However, the proposed new construction at the second floor meets the City's current side setback requirements along all property lines. Because all proposed construction complies with required setbacks and a minimal amount of windows have been provided along the second floor, the proposed project creates a balance between the reasonable expectation of development and 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.*

The proposed project respects prevailing site design by following prevailing setbacks and building orientation found along the adjacent streetscape. Additionally, the project uses the footprint of the existing building and is proposed to be approximately 924 square feet less than the maximum amount of floor area permitted for the subject site. Therefore, based on its design, the proposed project does not appear unduly massive and bulky and so would be a harmonious addition to the existing neighborhood.

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

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 approve

the project subject to the following conditions, and add any conditions the Commission feels are needed in order to make the required findings.

1. A revised landscape plan shall be returned to staff for final review and approval. Said landscape plan shall include additional details regarding proposed plantings, and shall include mature-sized trees.
2. Any approval by the Commission is for design only; the project is subject to all applicable City zoning regulations.
3. 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.
4. 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.
5. A copy of the final conditions of approval per the approved Resolution shall be scanned onto the cover sheet of the final building plans.


RYAN GOHLICH
Associate Planner

Attachments:

1. Draft Design Review Commission 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 SECOND STORY ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE ON THE PROPERTY LOCATED AT 423 PECK DRIVE.

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

Section 1. Ed Frias, applicant on behalf of the property owner (the “Applicant”), has applied for an R-1 Design Review Permit to allow a second story addition to an existing single-family residence located in the Central Area of the City, south of Santa Monica Boulevard, at 423 Peck Drive (the “Project”). As proposed, all new construction 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. The Project lacked architectural embellishments that are common to the Spanish mission Revival style, therefore, it was 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 averages 50 feet wide by 128 feet long, and is located on the west side of the 400 block of Peck Drive, between Olympic Boulevard and Whitworth Drive. The lot is currently developed with a single-family residence and detached garage. The existing structures will remain on site and a second story will be added to the existing single-family residence. The total floor area of the Project will be 3,126 square feet, which is under the 4,050 square foot maximum permitted by the Beverly Hills Municipal Code (“BHMC”). All

proposed new construction associated with the Project meets all required minimum setbacks, and in most areas provides more than the required setbacks; however, the existing residence does have legally nonconforming side and rear setbacks, which are to be maintained along the ground floor. The proposed height to the top of the roof is approximately 25 feet, which is within the maximum permitted height of 30 feet.

Parking for the proposed Project will be provided within the side yard and rear yard. Four parking spaces have been provided, which is consistent with the number of spaces required by the BHMC (4). Existing paving within the front yard has been proposed to remain in place without modification.

As conditioned, a detailed landscaping plan will be provided for the Project, which proposes to install new landscaping consistent with the architectural style of the Project.

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 1 Categorical Exemption (Alterations to Existing Structures) in accordance with the requirements of Section 15301 of the Guidelines because the Project involves an addition to an existing single family residence, which will have substantially the same purpose and capacity as the existing structure. Therefore, no significant impacts to the environment are anticipated.

Section 4. On November 5, 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. Upon Commission deliberation, the Project was conditionally approved as outlined in 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'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 Project, as conditioned, is consistent with the Spanish Mission Revival architectural style and appears to be well thought-out, incorporating a consistent theme throughout its design. Based on the project's balanced design and consistent use of materials, the project exhibits an internally compatible design scheme.

2. The Project is designed with a variety of modulation along its elevations. A large patio/courtyard is provided at the front of the Project, and the second floor of the house utilizes balconies and architectural projections, further reducing the appearance of scale and mass. Because these elements help to reduce the appearance of scale and mass, it is possible to make the required finding.

Additionally, as conditioned, the Project's landscaping plan is well thought-out and uses mature-sized existing and proposed landscaping that will contribute to the garden quality of the city.

3. The Project, as conditioned, utilizes high quality building materials and design, which will help to enhance the appearance of the neighborhood. Because the project appears to follow a balanced theme and maintains an appropriate level of scale and mass, it may be possible to make the required finding in support of the project.

4. The Project maintains several legally nonconforming setbacks along its ground floor. However, all new construction at the second floor meets the City's current side setback requirements along all property lines. Because all new construction complies with required setbacks and a minimal amount of windows have been provided along the second floor, the Project creates a balance between the reasonable expectation of development and the reasonable expectation of privacy of neighbors.

5. The Project respects prevailing site design by following prevailing setbacks and building orientation found along the adjacent streetscape. Additionally, the Project uses the footprint of the existing building and is proposed to be approximately 924 square feet less than the maximum amount of floor area permitted for the subject site. Therefore, based on its design, the Project does not appear unduly massive and bulky and so would be a harmonious addition to the existing 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. A revised landscape plan shall be returned to staff for final review and approval. Said landscape plan shall include additional details regarding proposed plantings, and shall include mature-sized trees.

2. Any approval by the Commission is for design only; the Project is subject to all applicable City zoning regulations.

3. 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.

4. 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.

5. A copy of the final conditions of approval per the approved Resolution shall be scanned onto the cover sheet of the final building plans.

Standard Conditions:

6. 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.

7. 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.

8. 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:

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

Attest:

Secretary

Approved as to content:

Jonathan Lait, AICP
City Planner *R.G.*