



STAFF REPORT  
CITY OF BEVERLY HILLS

For the Design Review Commission  
Meeting of November 5, 2009  
PL 093 2605

**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.

*Continued from Meeting of October 3, 2009*

**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. The applicant is now requesting that these conditions be changed. This item was heard at the September 2009 meeting and continued to the October 2009 meeting for staff to prepare a Resolution denying the request. Additional information was provided subsequent to the September meeting and was intended to be presented to the Commission at the October 2009 meeting. However, at the October 2009 meeting, the item was continued to November 2009 as there was not sufficient time during the meeting to hear this item. The public hearing remains open.

A presentation will be made by the applicant at the November meeting to obtain direction from the Commission regarding the preparation of a resolution for this project. The item will then be noticed for the meeting in December to consider the Resolution.

A copy of the September 2009 Draft Minutes and Staff Report are attached for the Commission's review.

  
Ryan Gohlich, Associate Planner

Attachments:

1. September 2009 Draft Minutes
2. September 2009 Staff Report

# *ATTACHMENT 1*

*September 2009 Draft Minutes*

2. The façade design should be revised to create more horizontality; as proposed, the residence is overly symmetrical. The Commissioners suggested reducing the pitch of the roof to create a more horizontal line.
3. The 8'-0" tall garage doors appear too tall for the façade, as it is facing the street.
4. Reconsider the color palette (white stucco) of the façade.
5. The architectural style of the residence should exhibit more of a contemporary feel, as it is too conservative as proposed.

ACTION:

Returned for re-study by Order of the Chair. This item is to return to the next meeting of October 1, 2009.

**8. 264 South Rodeo Drive (PL 093 3766)**

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 South Rodeo Drive**.

Chair Gabbay recused himself and left the meeting; the gavel was passed to Vice Chair Strauss. Vice Chair Strauss left at 4:20 p.m. and the gavel was passed to Commissioner Szabo.

Assistant Planner Nguyen gave the staff report on behalf of Associate Planner Gohlich.

The Commission noted the following:

1. The original conditions listed in the previously approved resolution were not adhered to with regards to the having a fence at the front elevation, allowing for a wall at the street side yard, and planting two minimum 48" box trees.
2. The hedges within the front yard are over the maximum height permitted, and do not conform to Code.
3. Other properties within the neighborhood do not have solid walls along the street side yard, which was the rationale for not permitting the solid wall originally.

ACTION:

Moved by Acting Chair Szabo and seconded by Commissioner Weiss.

The request for revisions to the previously approved project was denied and the applicant was directed to return the project to the originally approved resolution and originally approved landscape plan. The project shall return to the Commission for final review and approval, and shall provide a bond to the City to ensure compliance.

AYES: Acting Chair Szabo and Commissioners Weiss and Gilbar.

NOES: None.

CARRIED.

***ATTACHMENT 2***  
***September 2009 Staff Report***



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



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RYAN GOHLICH  
Associate Planner

Attachments:

1. Design Review Commission Resolution DR-35-07

