



City of Beverly Hills

Planning Division

455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1141 FAX (310) 858-5966

Design Review Commission Report

Meeting Date: Thursday, May 2, 2013

Subject: **804 North Camden Drive (PL1231906)**

A request for a revision to a previously approved R-1 Design Review Permit to modify the approved landscape plan for a two-story single-family residence located in the Central Area of the City north of Santa Monica Boulevard.

Project Applicant: David Shamsian

Recommendation: Maintain existing condition and deny proposed revision to landscaping plan, as outlined in Attachment E (DRAFT Denial Resolution).

REPORT SUMMARY

The applicant is requesting review and approval of a revised landscape plan that would allow the addition of a fountain within the front yard area. The project, which included the construction of a new two-story single family residence and landscaping, was conditionally approved by the Design Review Commission (hereinafter, the Commission) at its meeting on October 2, 2008 with final details to return to the Commission; final approval was granted by the Commission at its meeting on March 3, 2011.

At the Commission meeting on March 3, 2011, the Commission reviewed revisions to the single-family residence and the landscaping plan. While the revisions to the single-family residence were favorable to the Commission, they did request that the fountain located in the front yard area be removed from the landscape plan. As such, the project was approved with project-specific conditions regarding the proposed landscaping, which are outlined in the Design Review Resolution DR-06-11 (Attachment C). Project-specific condition #2 reads as follows:

"No fountain shall be permitted within the front yard area."

The applicant has since installed a fountain within the front yard area. As the resolution specifically precluded the fountain to be installed in the front yard area, it was referred to the City's Community Preservation Division (Code Enforcement) for follow-up action on July 26, 2012. The subject property owner filed an application to amend the condition prohibiting the fountain on April 15, 2013.

Staff has reviewed the administrative record and has not found that City policies or site conditions have changed that would support removal of this condition. As such, staff supports maintaining the condition that precludes the installation of the fountain in the front yard area and would recommend the Commission deny the requested revision.

Attachment(s):

- A. Detailed Design Description and Materials (Applicant Prepared)
- B. Design Plans, Cut Sheets & Supporting Documents
- C. Design Review Commission Resolution DR-06-11 (March 3, 2011)
- D. Public Comments Received
- E. DRAFT Denial Resolution

Report Author and Contact Information:

Cindy Gordon, Associate Planner

(310) 285-1191

cgordon@beverlyhills.org



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ZONING CODE COMPLIANCE

Applications for design review are preliminarily evaluated for compliance with the zoning code. Applicants are encouraged and have the option of requesting a comprehensive review separate and apart from this application. Formal compliance review will occur when a building permit application is filed (plan check). The applicant has been advised that changes during plan check may require revisions and subsequent approval from the Design Review Commission or staff, as appropriate.

ENVIRONMENTAL ASSESSMENT

The subject project is exempt from the California Environmental Quality Act (CEQA – Public Resources Code §§21000 – 21178), pursuant to Section 15061(b)(3) of the State CEQA Guidelines in that the project includes the review of building design, colors and materials to the façade of the building, front yard landscaping or minor low-scaled accessory structures, such as fences or walls. It can be seen with certainty that there is no possibility that the subject activity could result in a significant effect on the environment.

PUBLIC OUTREACH AND NOTIFICATION

The project requires mailed public notice within 100 feet of the subject property be mailed, and an on-site notice at the subject property be posted, ten (10) days prior to the hearing. The public notice for this project was mailed and posted on April 22, 2013.

Staff has received comments from the neighbors located immediately to the north of the subject property, which are included in Attachment D of this report. The primary concerns expressed by the neighbors include noise concerns from the running water and overall privacy between the two properties. The neighbors have also indicated that they plan to attend the public hearing to discuss their concerns before the Commission.



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Attachment A

Detailed Design Description
and Materials (Applicant Prepared)

SECTION 2: GENERAL STATE INFORMATION AND TERMS

A Property Information

Project Address: 804 n camden dr beverlyhills ca 90210
Adjacent Streets:

B Property Owner Information¹

Name(s): david shamsian
Address: 804 n camden dr
City: beverlyhills
Phone: 310-279-2752
E-Mail: dshamsian@gmail.com
State & Zip Code: ca 90210
Fax: 681-851-9731

C Applicant Information [individual(s) or entity benefiting from the entitlement]

Name(s): same
Address:
City:
Phone:
E-Mail:
State & Zip Code:
Fax:

D Architect / Designer Information [Employed or hired by Applicant]

Name(s): giancarlo mancarella
Address:
City:
Phone:
E-Mail:
Registered Architect? Yes No
State & Zip Code:
Fax:

E Landscape Designer Information [Employed or hired by Applicant]

Name(s): buel hensley
Address: 13900 panay way
City: marina delrey
Phone: 310-283-5249
E-Mail: bhensley@rubybeqonia.com
State & Zip Code: ca 90292
Fax:

F Agent [Individual acting on behalf of the Applicant] NOTE: All communication is made through the Agent.

Name(s):
Address:
City:
Phone:
E-Mail:
State & Zip Code:
Fax:

G I hereby certify that I am the owner(s) of the subject property and that I have reviewed the subject application and authorize the Agent to make decisions that may affect my property on my behalf.²

david shamsian 4-17-13
Print Property Owner's Name & Date

Print Property Owner's Name & Date

¹ If the owner is a corporate entity, signatures from two corporate officers are required from each of the following Groups:
Group A - chairperson or president of the board; Group B - board secretary or chief financial officer.
² A signed and dated authorization letter from the property owner is also acceptable.

SECTION 2 - PURPOSE OF APPLICATION AND REGULATORY SCHEME

A Indicate Requested Application:

Track 1 Application (Administrative Review)

- Project must adhere to a pure architectural style identified in the City's Residential Design Style Catalogue. The Catalogue is available online at:
<http://www.beverlyhills.org/cbh/files/storage/files/filebank/4435-Residential%20Design%20Catalog%20May%202008.pdf>
- Plans must be prepared and stamped by an architect licensed in the State of California.
- Three (3) sets of plans required (see Section 6 for plan size requirements).

Track 2 Application (Commission Review)

- Eight (8) sets of plans required (see Section 6 for plan size requirements).
- Public Notice materials required (see Section 5 for public notice requirements).

B Briefly describe the architectural style(s) that you are proposing and how the proposed materials, finishes and proportions aid in achieving the style(s):

the house is built in an Italian style. it has beautiful precast around the windows and the entry door. this fountain is built in an exact color and material as the precast on the house. therefore it enhances the beauty of the house and the landscape around it

C Identify the Project Zoning (City Zoning Map available online at <http://gis.beverlyhills.org/>)

- | | | |
|---------------------------------|----------------------------------|---------------------------------|
| <input type="checkbox"/> R-1 | <input type="checkbox"/> R-1.5X2 | <input type="checkbox"/> R-1.8X |
| <input type="checkbox"/> R-1X | <input type="checkbox"/> R-1.6X | |
| <input type="checkbox"/> R-1.5X | <input type="checkbox"/> R-1.7X | |

D Site & Area Characteristics

Lot Dimensions: _____ Lot Area (square feet): _____
 Adjacent Streets: _____

E Lot is currently developed with (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Single-Story Residence | <input checked="" type="checkbox"/> Two-Story Residence |
| <input type="checkbox"/> Guest House | <input type="checkbox"/> Accessory Structure(s) |
| <input type="checkbox"/> Vacant | <input type="checkbox"/> Other: _____ |

F Are any protected trees located on the property? (See Beverly Hills Municipal Code Section 10-3-2900)?

Yes No

If YES, provide the following information:

| | <u>Quantity</u> | <u>Sizes</u> | <u>Reason for Removal</u> |
|--------------|-----------------|--------------|---------------------------|
| Heritage: | _____ | _____ | _____ |
| Native: | _____ | _____ | _____ |
| Urban Grove: | _____ | _____ | _____ |

G Has the existing residence been designed by a notable architect or is it identified on any historic resource inventory, including the City of Beverly Residential Survey? (available online at: <http://www.beverlyhills.org/citygovernment/departments/communitydevelopment/planning/historicpreservation/historicresources>)

Yes No If yes, please list Architect's name: _____

A Describe your public outreach efforts to adjacent neighbors and property owners:

all the neighbors admire the fountain and how well it goes with the house and that it fits with the entire property

B Indicate the project zoning details pursuant to Beverly Hills Municipal Code Section 10-3-2400:

| Code Regulation | Allowed By Code | Existing Condition | Proposed Condition |
|--------------------|-----------------|--------------------|--------------------|
| Height: | | | |
| Roof Plate Height: | | | |
| Floor Area: | | | |
| Rear Setbacks: | | | |
| Side Setbacks: | S/E N/W | S/E N/W | S/E N/W |
| Parking Spaces: | | | |

C List the specific materials and finishes for all the architectural features of the project (Be Specific):

FAÇADE (List all material for all portions visible from the street)

Material: precast stone
 Texture /Finish: acid wash
 Color / Transparency: beige

WINDOWS (Include frame, trim, glass, metal, etc)

Material: wood with precast
 Texture /Finish: window is smooth and the precast is acid wash
 Color / Transparency: brown/beige

DOORS (Include frame, trim, glass, metal, etc)

Material: same
 Texture /Finish:
 Color / Transparency:

PEDIMENTS

Material: same
 Texture /Finish:
 Color / Transparency:

ROOF

Material: italian roof tiles
 Texture /Finish:
 Color / Transparency:

CORBELS

Material:
 Texture /Finish:
 Color / Transparency:

CHIMNEY(S)

Material: same
 Texture /Finish:
 Color / Transparency:

SECTION 2 - PROPOSED LANDSCAPE MATERIALS

COLUMNS

Material: precast stone
Texture /Finish: _____
Color / Transparency: _____

BALCONIES & RAILINGS

Material: wrought iron
Texture /Finish: _____
Color / Transparency: _____

TRELLIS, AWNINGS, CANOPIES

Material: na
Texture /Finish: _____
Color / Transparency: _____

DOWNSPOUTS / GUTTERS

Material: charcoal grey
Texture /Finish: smooth
Color / Transparency: _____

EXTERIOR LIGHTING

Material: metal to match the exterior
Texture /Finish: paint
Color / Transparency: brown

PAVED SURFACES

Material: natural Italian stone
Texture /Finish: rough
Color / Transparency: variation of gold grey blue and brown

FREESTANDING WALLS AND FENCES

Material: precast stone
Texture /Finish: smooth
Color / Transparency: beige

OTHER DESIGN ELEMENTS

Material: _____
Texture /Finish: _____
Color / Transparency: _____

D Describe the proposed landscape theme. Explain how the proposed landscaping complements the proposed style of architecture:

the fountain fits well with the olive trees making an inviting Italian setting

SECTION 7 - DESIGN ANALYSIS AND FINDINGS

A Clearly identify how your project adheres to each of the required findings of the Design Review Commission:

1. Describe how the proposed development's design exhibits an internally compatible design scheme.

every element of the fountain matches the house and the landscaping

2. Describe how the proposed development's design appropriately minimizes the appearance of scale and mass, how the design enhances the garden like quality of the City and appropriately maximizes the use of required open space within the proposed architectural style.

the fountain is not massive and it is smaller than the olive trees surrounding it

3. Describe how the proposed development will enhance the appearance of the neighborhood.

it give the neighborhood an amazing feeling of nature and outdoors

4. Describe how the proposed development is designed to balance the reasonable expectation of the development for the owner with the reasonable expectation of privacy of the neighbors.

it absolutely does not interfere with the privacy of the neighbors.it is not noisymy next door neighbors wont know that its there

5. Describe how 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.

a lot of the homes in surrounding area with the same architecture have a fountain simmliar to this one



Design Review Commission Report

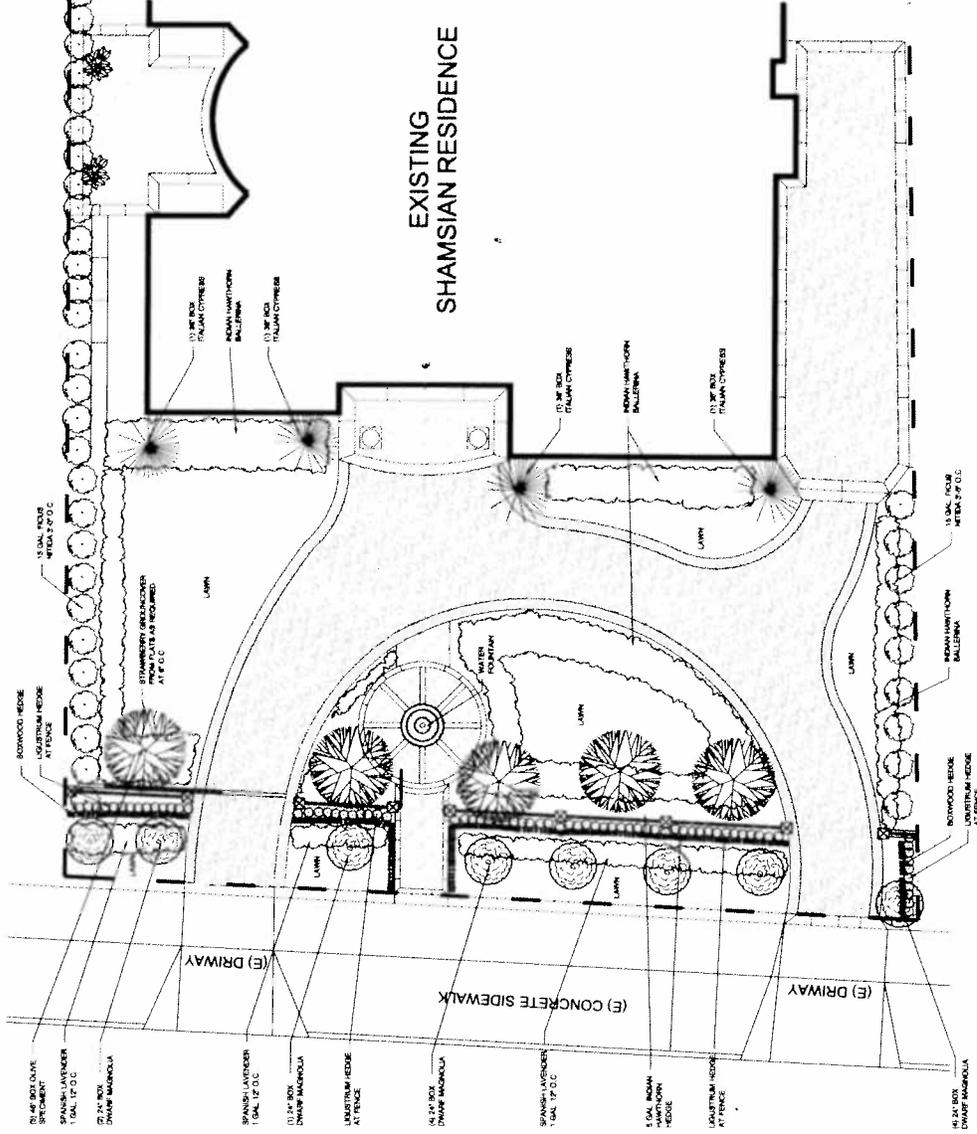
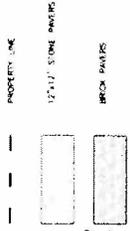
455 North Rexford Drive

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Attachment B

Design Plans, Cut Sheets,
& Supporting Documents

LEGEND



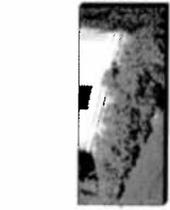
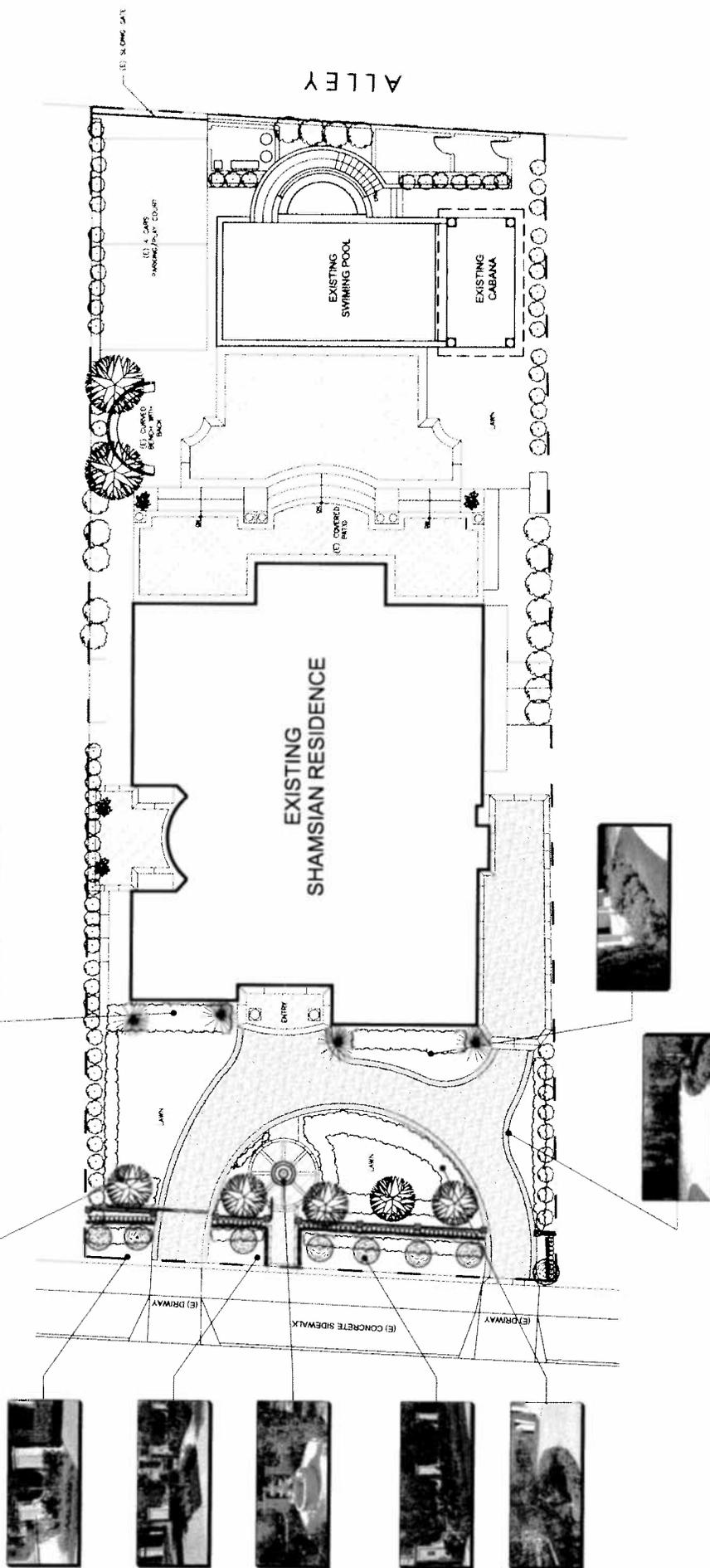
ENLARGED SITE PLAN
3/76 - 1-2-3

SHAMSIAN RESIDENCE
Water Fountain within Front Yard
804 N. CAMDEN DRIVE BEVERLY HILLS CALIFORNIA



LEGEND

- PROPERTY LINE
- 12" x 12" STONE PAVERS
- STONE PAVEDS



SITE PLAN PHOTOS
11.30.10

SHAMSIAN RESIDENCE
Water Fountain within Front Yard
804 N. CAMDEN DRIVE BEVERLY HILLS CALIFORNIA

A 2
SHEET NO.
DATE 11.30.10







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Attachment C

Design Review Commission Resolution DR-06-11

RESOLUTION NO. DR-06-11

RESOLUTION OF THE DESIGN REVIEW COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN R-1 DESIGN REVIEW PERMIT TO ALLOW A NEW SINGLE-FAMILY RESIDENCE AT THE PROPERTY LOCATED AT 804 NORTH CAMDEN DRIVE.

David Shamsian, property owner, has applied for an R-1 Design Review Permit to allow a new single-family residence on a single-family property located in the Central Area of the City. As conditioned, the Project meets all required zoning standards, including height, setbacks, parking, and floor area.

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

Section 1. Reviewing Authority.

Pursuant to Section 10-3-4408 of the Beverly Hills Municipal Code, 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 substantially conform to a pure architectural style or has not been designed by a licensed architect. The project was not found to adhere to a pure architectural style, nor was it designed by a licensed architect, therefore, it has been determined that the Design Review Commission shall be the reviewing authority.

Pursuant to Section 10-3-4415 of the Beverly Hills Municipal code, the request for a Design Review Permit may be approved, provided the Design Review Commission makes certain findings as set forth in Section 4: Project Public Hearing/Approved Project Plans.

Section 2. Terms Defined.

The Following Terms

Shall Mean:

| | |
|------------------|---|
| "Project Site" | 804 North Camden Drive |
| "Agent" | David Shamsian |
| "Property Owner" | David Shamsian |
| "Applicant" | Collectively, the property owner and agent. |

Section 3. Project Description.

The proposed new two-story residence will be developed on the site. Surrounding development consists of one- and two-story single-family homes.

Section 4. Project Public Hearing/Approved Project Plans

The Design Review Commission held a duly noticed public hearing to consider the application. Evidence, both written and oral, was presented and architectural plans addressing the conditions of approval were presented for the Commission's consideration in conjunction with this Resolution.

- A Public Hearing for this project was held on the following date(s):
 - March 5, 2009
- Architectural plans were conditionally approved by the Commission on March 5, 2009. The conditions of approval required that the following items be returned to the Commission for final review and approval:
 - A detail of the proposed stained glass windows above the entry be provided (textured only; no flowers, fruit, etc.)
 - A detail of the wrought iron railing along the front façade be provided.
 - A detail of the wrought iron fencing and elevation of the fence be provided.
 - A detail of the proposed front door be provided (should be simpler and more elegant).
 - The pediments be removed from above the first floor French Doors.
 - The first floor French be reduced to a maximum of 10' in height.
 - The skylights be reduced in height to be within the maximum height allowed for the structure (28').
 - The balconies along the north elevation (in the recessed portion of the façade) be redesigned as Juliette balconies.
 - A trellis be added to the northern portion of the deck/balcony at the rear of the residence to provide further screening and privacy for the neighboring residence.
 - A large tree (minimum 48" box) be planted by the recessed portion of the northern elevation to screen the wall of windows adjacent to the internal staircase from the neighboring property.
 - A detailed landscape plan be provided that includes the trellis at the second story balcony, all proposed and existing plants and trees, and the sizes and quantities

of all the landscaping materials.

- On March 3, 2011, the applicant presented the items listed above to the Design Review Commission for final review and approval. At that meeting, the Commission approved the changes as presented.

Section 5. Environmental Assessment

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 of a single-family residence) in accordance with the requirements of Section 15302 of the Guidelines. Therefore, no significant impacts to the environment are anticipated.

Section 6. Findings of the Design Review Commission.

Based upon the evidence presented at the hearing, including the staff report and architectural plans, the Design Review Commission made findings to approve the project as set forth in "Exhibit 1" to this Resolution.

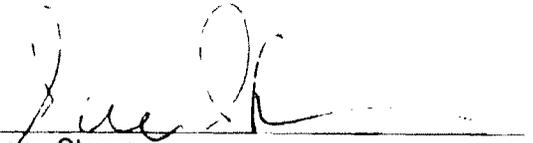
Section 7. Conditions of Approval

Based on the foregoing, the Design Review Commission hereby grants the R-1 Design Review Permit for the Project subject to the conditions set forth in "Exhibit 2" to this Resolution.

Section 8. Certification.

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: March 3, 2011



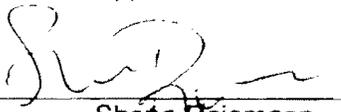
Susan Strauss
Chair of the Design Review Commission of
the City of Beverly Hills, California

ATTEST:



Secretary

Approved as to content:



Sheña Rojemann
Associate Planner

EXHIBIT 1 OF 2: FINDINGS

Based on its review of the application, documentation, and the testimony heard at the public hearing, the Design Review Commission determined that the proposed Project meets the following 5 criteria in accordance with Beverly Hills Municipal Code Section 10-3-4415:

1. The project includes high quality materials such as smooth stucco and wood windows and doors. The proposed materials and details are consistent throughout the project's design, thereby creating a uniform design scheme. Based on the project's balanced design and consistent use of materials, it appears to exhibit an internally compatible design scheme.

2. The project incorporates substantial modulation along the facades, contains recessed windows and doors, and contains a dynamic roofline. Because these elements help to reduce the appearance of mass and scale, it is therefore possible to make the required finding. The landscape plan utilizes a variety of landscaping features and mature-sized trees that will contribute to the garden quality of the city and help to soften the appearance of the project.

3. The project utilizes high quality building materials and design, which will help to enhance the appearance of the neighborhood. Additionally, the design follows a consistent, balanced theme, while maintaining an appropriate level of scale, mass, and modulation. Therefore, the project is expected to enhance the appearance of the neighborhood.

4. The project meets the City's current side setback requirements along all property lines. Additionally, the project is located on a corner property, which has only one shared property line. Because the project meets all required setbacks and has only one shared property line, the proposed 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. Although the project is larger than some of the existing residences on the block, the design has been executed to ensure that scale and massing is controlled, and that the project will be consistent with the surrounding area. Based on its design, the project maximizes floor area without appearing unduly massive and bulky and would be a harmonious addition to the existing neighborhood.

EXHIBIT 2 OF 2: CONDITIONS OF APPROVAL

PROJECT SPECIFIC CONDITIONS:

1. A corrected landscape plan which shows a ficus hedge along the north and south property lines and the 36" box Olive trees in the front yard area shall be submitted to staff for final review and approval.
2. No fountain shall be permitted within the front yard area.

STANDARD CONDITIONS:

3. Design Review: Any approval by the Commission is for design only; the project is subject to all applicable City zoning regulations.
4. Final Plans: 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. The Project shall be built in substantial compliance with the plans approved by the Design Review Commission on March 3, 2011 on file with the Department of Community Development.
5. Future Modifications: 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 changes only) or presented to the Commission for review. Changes made without City approval shall be required to be restored to match the City approved plans.
6. Windows: Final plans shall include spec sheets and details for windows and include the name of the manufacturer, size, shape, color and material of each window
7. Elevations – Material Call-Outs: Colored elevations for all construction visible from the street shall be provided with the final plans. Call-outs for each material shall be provided for verification in the field during construction.
8. Resolution Scanned on Plans: A copy of the executed Covenant and approved Resolution (including the Findings and Conditions of Approval) shall be scanned onto the cover sheet of the approved building plans.
9. Water Efficient Landscaping: The proposed landscape plan shall comply with the City's Water Efficient Landscaping Ordinance.
10. Construction Management Plan. 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.

11. Site Maintenance and Contact Information. 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.

12. Recordation of Covenant. 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 Covenant shall be recorded prior to issuance of a building permit.

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.

DRC Resolution No.: DR-06-11
804 North Camden Drive

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

I, SHENA ROJEMANN, Secretary of the Design Review Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. DR-06-11 duly passed, approved, and adopted by the Design Review Commission of said City at a meeting of said Commission on March 3, 2011 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 Pepp, Szabo, Vice Chair Gilbar and Chair Strauss.

NOES: None.

ABSTAIN: None.

ABSENT: Commissioner Nathan.



SHENA ROJEMANN
Secretary to the Design Review
Commission/Associate Planner
City of Beverly Hills, California



Design Review Commission Report

455 North Rexford Drive

May 2, 2013

Attachment D

Public Comments Received

April 25, 2013

Dear Cindy,

We received your letter in the mail on April 22 requesting a revision to a previously approved R-1 Design Review Permit to modify the approved landscape plan at 804 North Camden Drive.

In a response to a question from me, you wrote: "As part of a Design Review approval in 2011, a project specific condition stated, "No fountain shall be permitted within the front yard area."

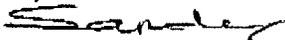
Dr. Pressman and I understand that the fountain in the front was denied previously and do not understand why it would be considered now.

Stepping back. We were told at the time when the application for the front fountain was presented that the fountain was denied. Dr Pressman and I saw the fountain being stored in the carport and we notified the city. The fountain was then installed and we again asked the city to look into it. We were told that although the fountain was actually installed within the landscaping it had been denied and was not permitted. Nothing was done about it. Now, it is being presented per your letter, and we assume it is being brought forward for approval because "it exists" and one is allowed to bring forward a previously denied item. The owners of 804 North Camden Drive have talked about installing a fountain in their side yard beneath our bedroom window. If permission is given for the front fountain that was previously denied but was installed anyway, why would 804 North Camden Drive not go ahead with a side yard fountain and know that they will prevail with a permit in the future, as they are trying to do now.

Dr Pressman and I are concerned that our privacy be protected and that the noise levels that currently exist from both the front garden fountain and the back garden fountain at 804 North Camden Drive not be increased with an additional water feature.

Thank you for your consideration.

My Best,



Sandy Pressman
806 North Camden Drive



Design Review Commission Report

455 North Rexford Drive

May 2, 2013

Attachment E

DRAFT Denial Resolution

RESOLUTION NO. DR XX-13

RESOLUTION OF THE DESIGN REVIEW COMMISSION OF THE CITY OF BEVERLY HILLS DENYING A R-1 DESIGN REVIEW PERMIT TO ALLOW A REVISION TO A PREVIOUSLY APPROVED R-1 DESIGN REVIEW PERMIT TO MODIFY THE APPROVED LANDSCAPE PLAN FOR A TWO-STORY SINGLE-FAMILY RESIDENCE AT THE PROPERTY LOCATED AT 804 NORTH CAMDEN DRIVE

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

Section 1. David Shamsian, applicant and property owner (the "Applicant"), has applied for a R-1 Design Review Permit for design approval of a revision to a previously approved R-1 Design Review Permit to modify the approved landscape plan for a two-story single-family residence for the property located at 804 North Camden Drive, and is located in the city's Central R-1 Zone.

Section 2. Beverly Hills Municipal Code Article 44, Chapter 3 of Title 10, authorizes the Design Review Commission the authority to approve, approve with conditions or deny design-related aspects of projects located in the city's Central R-1 zone, subject to findings set forth in Beverly Municipal Code Section 10-3-4415.

Section 3. The subject project has been reviewed pursuant to the provisions set forth in the California Environmental Quality Act (CEQA – Public Resource Code Sections 21000, *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the city's local CEQA Guidelines. The subject project is exempt from environmental review pursuant to Section 15061(b)(3) of the State CEQA Guidelines in that the project includes the review of building design, colors and materials to the façade of the building, front yard landscaping or minor low-scaled accessory

structures, such as fences or walls. It can be seen with certainty that there is no possibility that the subject activity could result in a significant effect on the environment.

Section 4. The Design Review Commission conducted a duly noticed public hearing on May 2, 2013, at which time oral and documentary evidence was received concerning the application.

Section 5. Based upon the evidence presented at the hearings, including the staff report(s), oral and written testimony, the Design Review Commission hereby finds as follows with respect to the R-1 Design Review Permit:

A. The proposed development's design does not exhibit an internally compatible design scheme in that the project's proportions, form, fenestration, scale, mass, color and materials are not representative of the architectural style and design scheme chosen for the building.

B. The proposed development's design does not appropriately minimize the appearance of scale and mass and does not enhance the garden like quality of the city and does not appropriately maximize the use of required open space within the proposed architectural style. Specifically, the project is overly boxy, lacks necessary articulation, and appears massive. The proposed design magnifies the overall scale and mass of the building with its lack of proportionality and out of scale design features. The existing or proposed landscape plan is inadequately sized or does not sufficiently complement the architectural design theme. Accordingly, the project does not minimize mass and scale and fails to respect the garden like quality of the city.

C. The proposed development will not enhance the appearance of the neighborhood in that its design does not provide internal compatibility or is not consistent with the prevailing pattern of development in the area and, more specifically, does not provide adequate transitions in scale to adjacent structure(s). The design theme is incongruent with and would detract from the appearance of the neighborhood.

D. The proposed development is not designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors. Specifically, the project includes design features that do not provide a reasonable measure of privacy to adjacent properties. The placement of windows, entries or other open areas unreasonably impacts the neighbor's privacy with unimpeded visual access to private rooms or outdoor areas on the neighbor's property. The impact to privacy cannot be ameliorated with conditions and would require redesign.

E. The proposed development does not respect prevailing site design patterns, does not carefully analyze the characteristics of the surrounding group of homes, and does not integrate appropriate features that will ensure harmony between old and new. Specifically, the project does not represent an internally compatible architectural theme and does not incorporate elements that would provide an appropriate transition in scale or character to the adjacent properties. Moreover, the scale, lack of appropriate design proportionality and other design features, inappropriately draw attention to this building to the detriment of the surrounding neighborhood. As opposed to creating harmony between new and old, the proposed design adversely dominates the streetscape creating disharmony between it and existing homes. In its review the Design Review Commission carefully studied the proposed project in context to adjacent properties and conducted individual site inspections or reviewed photographs of the surrounding group of homes.

Section 6. Based on the foregoing, the Design Review Commission hereby denies the request defined in this resolution.

Section 7. The Secretary of the Design Review Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and its certification to be entered in the administrative record maintained by the community development department.

Section 8. Decisions of the Design Review Commission may be appealed to the Planning Commission within fourteen (14) days of the final action by filling a written appeal and paying appropriate fees with the City of Beverly Hills City Clerk.

Approved as to Form and Content:

Adopted: May 2, 2013

William Crouch, Commission Secretary
Community Development Department

Arline Pepp, Chairperson
Design Review Commission