



**Beverly Hills City Council Liaison / Design Review Commission Committee
will conduct a Special Meeting, at the following time and place, and will
address the agenda listed below:**

**CITY HALL
455 North Rexford Drive
4th Floor Conference Room A
Beverly Hills, CA 90210**

**Wednesday, August 24, 2016
3:00 PM**

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

- 2) Track 1 / Track 2 project approval process

- 3) Adjournment

for 
Byron Pope, City Clerk

Posted: August 23, 2016



In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Manager's Office at (310) 285-1014. Please notify the City Manager's Office at least twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure accessibility.

Article 44. R-1 Design Review

10-3-4401: PURPOSE AND INTENT:

The council finds that the scale and massing of buildings in the Central R-1 zone is of concern to the community at large. Beverly Hills residential neighborhoods have traditionally been renowned for their beauty, quality, and value and provide the city's residents with an unparalleled quality of life. The characteristics are the product of generous setbacks, gracious architecture, and careful attention to detail. However, since the late 1980s emerging trends have led some owners and developers in residential areas to disregard prevailing styles and neighborhood character in an effort to maximize development and density. The council finds that this trend has led to homes that greatly overpower the general local "lot to house size" ratio ("mansionization"). The mansionization of the city's residential neighborhoods poses a serious danger that such overbuilding will degrade and depreciate the character, image, beauty, and reputation of the city's residential neighborhoods with adverse consequences for the quality of life of all residents. The bulk and mass of such homes, as well as their general appearances, affect the desirability of the immediate area and neighboring areas for residential purposes and, by so doing, impair the benefits of occupancy of existing property in such areas, impair the stability in value of both improved and unimproved real property in such areas, prevent the most appropriate development of such areas, produce undesirable conditions affecting the health, safety, comfort, and general welfare of the inhabitants of the city, and destroy the proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this article to prevent these and other harmful effects of such overbuilding in residential neighborhoods and, thus, to promote and protect the health, safety, comfort, and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of and to encourage the most appropriate development within the city's residential neighborhoods. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2487, eff. 11-7-2005; Ord. 06-O-2494, eff. 2-17-2006)

10-3-4402: DESIGN REVIEW COMMISSION:

A design review commission is hereby established which shall consist of five (5) members who shall be residents of the city. At least one of the members shall be a licensed residential architect. If one qualified residential architect cannot be found, the council may appoint a landscape architect to fill the professional position on the design review commission. In the event no person who is a resident of the city is eligible for appointment in the designated field, the council may waive the residency requirement. (Ord. 15-O-2673, eff. 3-6-2015)

10-3-4403: APPOINTMENT AND TERM OF OFFICE:

The members of the design review commission shall be appointed by the council as provided in section 2-2-105 of this code. (Ord. 15-O-2673, eff. 3-6-2015)

10-3-4404: DUTIES:

Unless otherwise specified herein, the duties of the design review commission shall be as follows:

- A. Exercise the authority set forth in this article and as otherwise provided in this code;
- B. In carrying out its duties pursuant to this code:
 - 1. Review and authorize the overall conceptual design of proposed single-family residences in the Central Area of the city, recognizing that some minor design details will change when construction drawings are prepared and during field construction;
 - 2. Balance the desire for efficient application processing with the desire to ensure high quality architectural and landscape designs;
 - 3. Assist applicants in achieving their design objectives, recognize individual homeowner interests and allow for a diversity of designs, while ensuring overall compatibility to the neighborhood; and
 - 4. Focus greater attention to overall design themes and less to ornamental design features, hardware, balcony railings, and other secondary features;
- C. Develop educational material that aid project applicants in achieving high quality design standards and provide guidance to applicants and homeowners;
- D. Recommend and amend policies as it may deem necessary to implement the purposes of this article;
- E. Participate in, promote, and conduct public informational and educational programs pertaining to single-family urban design;
- F. Develop a program to celebrate exemplary single-family residences; and
- G. Perform any other functions that may be designated by resolution or motion of the city council.
(Ord. 15-O-2673, eff. 3-6-2015)

10-3-4405: RULES:

The design review commission shall adopt rules and regulations for the conduct of its business. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4406: SECRETARY:

The director of planning and community development shall serve as the official secretary to the design review commission. The records of all proceedings and the basis for all findings shall be available to the council and to the public. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4407: MEETINGS:

The design review commission shall meet at intervals at least twice each month on regularly scheduled dates. Additional meetings shall be arranged in order to process applications within the time required by this code. Special meetings shall be called in accordance with the provisions of section 54956 of the Government Code of the state. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4408: DESIGN REVIEW REQUIRED:

- A. Design Review Tracks: 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 have been first reviewed and approved by the director of planning and community development (the "director") or the design review commission, as appropriate, in accordance with the provisions of this article. The R-1 design review required by this article shall fall into the following two (2) tracks:
1. Track 1; Character Based Review: Under track 1, proposed residential development will be reviewed to determine whether it substantially adheres to a pure architectural style as outlined in a style catalogue adopted by resolution of the council. The materials and elements listed as associated with a particular style may be substituted for equivalent or like materials, equal in quality and appearance as those outlined in the style catalogue, so long as they do not detract from the architectural style to be represented. The style catalogue may be amended from time to time by resolution of the council and will be maintained by the director. Track 1 reviews will be limited to a determination of consistency with the approved style catalogue. If the required review determines that the proposed development adheres to an architecturally pure style and meets all of the applicable development standards set forth in this chapter, the development may be granted a building permit without further design review.
 2. Track 2; All Other R-1 Review: All other single-family residential development that is subject to the provisions of this article and that does not meet the criteria for a track 1 review must submit to a full R-1 design review in accordance with the provisions of this article.

- B. Exemption: The provisions of this article shall not apply to any single-family residence located in a Central R-1 zone described in subsection 10-3-2426B of this chapter. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4409: REVIEWING AUTHORITY:

The reviewing authority for the R-1 design review required by this article shall be as follows:

- A. Track 1; Character Based Guide: Unless otherwise specified, the reviewing authority for a track 1 review shall be the director or his or her designee. If, in the opinion of the director, an application merits review by the design review commission, the director may refer such application to the design review commission and the design review commission shall serve as the reviewing authority and shall conduct a noticed hearing regarding the request for track 1 R-1 design review approval in accordance with the provisions of this article.
- B. Track 2; All Other Review: The reviewing authority for track 2 review shall be the design review commission. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4410: APPLICATION:

Applications for R-1 design review shall be in writing on a form prescribed by the director and shall contain the following information:

- A. The name, phone number and address of the applicant.
- B. For applications to the director (track 1 reviews), a complete set of plans prepared by a licensed architect containing such information specified in subsection D or E of this section, as appropriate, as the director deems necessary and such additional information as may be required by the director in his or her sole discretion.
- C. For hearings before the design review commission (track 2 or appeals of decisions of the director), eight (8) sets of plans containing the information specified in subsection D or E of this section, as appropriate.

D. If the review is for a remodel:

1. A site plan drawn in accordance with the provisions of section 10-3-3012 of this chapter;
2. A roof plan;
3. A floor plan;
4. Window and door sizes;
5. Elevations of all sides of the residence;
6. Plans detailing all significant architectural features;
7. A conceptual landscape plan;
8. Color and material sample boards;
9. Window examples;
10. Street elevation(s) and color rendering;
11. Photographs of surrounding development.

E. If the review is for a new residence:

1. A site plan drawn in accordance with the provisions of section 10-3-3012 of this chapter;
2. A roof plan;
3. A floor plan;
4. Window and door sizes;
5. Elevations of all sides of the residence;
6. Plans detailing all significant architectural features;
7. A conceptual landscape plan;
8. Color and material sample boards;
9. Window examples;
10. Street elevation(s) and color rendering;
11. Photographs of surrounding development. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4411: FILING FEES:

Applications for R-1 design review shall be accompanied by a filing fee established from time to time by resolution of the council. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4412: TRACK DETERMINATION; CONCEPT REVIEW:

Upon receipt of an application for R-1 design review, the director shall first determine which track the review shall proceed under. If the director determines that the proposed development qualifies for a track 1 review, the director shall conduct a review of the plans to determine whether they comply with the requirements of the style catalogue or the rewards incentive guide, respectively. If the director determines that the proposed development requires a track 2 review, the director shall fix a time and place for a hearing before the design review commission. Said hearing shall be not less than ten (10) days nor more than thirty (30) days after the receipt by the director of a complete application unless otherwise agreed to by the applicant. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4413: NOTICE OF HEARINGS:

Noticing shall be completed in accordance with article 2.5 of this chapter and the city's public notice guidelines. (Ord. 14-O-2661, eff. 6-20-2014)

10-3-4414: CONDUCT OF HEARINGS:

At the time and place fixed for the hearing, the design review commission shall hear such relevant evidence as may be presented, either for or against the application, in accordance with such rules of procedure as may be established by the design review commission; provided, however, at the time and place fixed for the hearing or continued hearing, the hearing may be continued or further continued for a period of not to exceed fifteen (15) business days at any one time unless otherwise agreed to by the applicant, and no further notice of such continued hearing need be given. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4415: REQUIRED FINDINGS:

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:

- A. The proposed development's design exhibits an internally compatible design scheme;
- B. 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;
- C. The proposed development will enhance the appearance of the neighborhood;
- D. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and
- E. 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.

If the criteria set forth in this section are met, the application shall be approved. When the proposed development does not comply with the criteria set forth in this section, the reviewing authority may impose such conditions as it deems necessary to bring the proposed development into conformity with the provisions of this article. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4416: NOTICE OF DECISIONS:

- A. **Written Decision Required:** The action taken by the reviewing authority shall be reduced to writing with reasonable promptness after the hearing is concluded, setting forth its findings and conclusions. All decisions of the design review commission shall be set forth in a resolution signed by chair of the commission. If an application is disapproved, the written decision shall detail in its findings the criterion or criteria that were not met by the proposed development.
- B. **Notice Of Decision:** Within five (5) days after the issuance of a decision by the reviewing authority, the director shall cause a copy of the decision to be mailed, through the United States mail, postage prepaid, to each of the following persons:
 - 1. The applicant, using the address set forth in the application; and
 - 2. Each person affected by the decision who previously filed with the director a written request therefor, using the address set forth in such written request.

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

C. Effective Date Of Decision: A decision or order of the design review commission or the director shall not become effective until the expiration of fourteen (14) calendar days after the date upon which a ruling of the design review commission or the director has been made. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4417: APPEALS:

- A. Only the applicant may appeal a decision of the director pursuant to this article. The applicant may appeal the decision of the director to the design review commission. A written appeal petition on a form prescribed by the director shall be filed with the director within fourteen (14) calendar days after the date of the decision being appealed. In the event the last day of the filing period falls on a nonbusiness day, the appeal period shall be extended to include the next business day. The timely filing of the appeal petition is jurisdictional. The fee schedule for appeal petitions shall be approved by the council and maintained on file by the director of finance administration.
- B. The applicant or any aggrieved person may appeal any decision of the design review commission to the planning commission in accordance with the procedure outlined in subsection A of this section. The decision by the planning commission on an R-1 design review application shall be rendered by resolution. Such decision may be appealed to the council in the manner provided by title 1, chapter 4, article 1 of this code.
- C. Any appeal taken pursuant to this section shall be limited to specific findings the aggrieved party finds objectionable. The appeal petition shall contain a statement of the facts upon which the appeal is taken and shall clearly state which findings the appellant is contesting. The hearing before the appellate body shall be conducted in accordance with the procedures in this article for a track 2 review. The hearing conducted before the appellate body shall not be a de novo hearing of the entire application but shall be limited to those findings challenged in the appeal. (Ord. 04-O-2444, eff. 5-21-2004; amd. Ord. 05-O-2472, eff. 6-17-2005)

10-3-4418: TIME FOR EXERCISE OF RIGHTS:

Unless otherwise provided in the resolution granting an R-1 design review approval, the exercise of rights granted in such approval shall be commenced in accordance with the time limits imposed by section 10-3-207 of this chapter. (Ord. 04-O-2444, eff. 5-21-2004)

10-3-4419: EFFECTIVE DATE:

The provisions of this article shall become effective and be in full force and operation at one minute

after twelve o'clock (12:01) A.M. on May 21, 2004. (Ord. 04-O-2444, eff. 5-21-2004)

RECOMMENDED CHANGES TO
SINGLE-FAMILY DEVELOPMENT POLICIES
for the
CITY OF BEVERLY HILLS

The inadequacies of the City's efforts to preserve its residential neighborhoods are becoming woefully apparent, in particular to residents on Sierra Drive and neighboring streets. Following are a number of recommendations that, if implemented, would go far in resolving the problems.

1. Neighbors should be notified when a request is received to demolish a house. A small sign, now required, can be obscured by foliage and is not sufficient.
2. Plans for a replacement structure should be approved before permission is given to tear down an existing home.
3. Neighbors should be notified of new architectural plans and given an opportunity to view and comment on them before final approval is given.
4. The Track 1 staff review should have the same objectives as Track 2 and the Design Review Commission.
5. Regardless of which track is used, compatibility with existing homes in the neighborhood should be a priority.
6. Plans using "pure international designs" should be required to go through the full design review process.
7. Any home built prior to 1942 should be assumed to be of historic or landmark significance. Any homeowner wishing to tear down such a home should have to justify the action before an appropriate city commission.
8. The residential historic overlay option should be reinstated.
9. The process of applying for residential landmark status should be encouraged and made easier and less expensive.
10. Consideration should be given to establishing a Neighborhood Advisory Group to work with the Design Review on evaluating design compatibility with neighborhood character.

Submitted by the Sierra Drive Neighborhood Committee

Contact:
marcykelly1@gmail.com
310-786-7866