City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 458-1140 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: December 16, 2010

Subject: **627 North Canon Drive**
Greenbridge Residence Accessory Structure
Request for a Minor Accommodation and Second Unit Use Permit to allow the construction of a 2,840 square foot accessory structure that exceeds 14 feet in height and contains fully independent living facilities.
PROJECT APPLICANT: Michael Birnbach and Steve Webb

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the request for a Minor Accommodation and Second Unit Use Permit.

REPORT SUMMARY

This report analyzes a request for entitlements to construct a two-story accessory structure that would contain fully independent living facilities. The proposed project was previously reviewed by the Planning Commission at its November 23, 2010 meeting. The applicant has modified the project in response the comments provided by the Commission, and this report outlines the project modifications and required findings for project approval.

Special conditions are recommended to ensure that development of the proposed project will not adversely impact neighboring properties.

Attachment(s):
A. Zoning Compliance Table
B. Staff Recommended Findings and Conditions of Approval
C. Public Notice
D. Correspondence
E. Draft Planning Commission Resolution
F. Architectural Plans (Under Separate Cover)

Report Author and Contact Information:
Ryan Gohlich, Associate Planner
(310) 285-1194
rgohlich@beverlyhills.org

BACKGROUND

File Date	9/24/2010
Application Complete	10/24/2010
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	12/23/2010 (without extension request from applicant)
Applicant(s)	Michael Birnbach
Owner(s)	The EE 2004 Retained Annuity Trust
Representative(s)	Michael Birnbach and Steve Webb
Prior Project Previews	None
Prior PC Action	Returned for restudy on November 23, 2010
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	627 North Canon Drive
Legal Description	Beverly Hills Tract, Lot 13, Block 58
Zoning District	R-1.X
General Plan	Medium Density Residential
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	100' x 346' (average width x average depth): 34,100 square feet
Year Built	Originally constructed in 1910 with substantial modifications in 1960
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North (across Elevado)	R-1.X Single-Family Residential
South	R-1.X Single-Family Residential
East	R-1.X Single-Family Residential
West	R-1.X Single-Family Residential

Circulation and Parking

Adjacent Street(s)	North Canon Drive and Elevado Avenue
Adjacent Alleys	2-way 20' wide alley located at rear of property
Parkways & Sidewalks	15' parkway/sidewalk along Canon and 14' parkway/sidewalk along Elevado
Parking Restrictions	2 hour parking daily, no overnight parking
Nearest Intersection	North Canon Drive and Elevado Avenue
Circulation Element	Local street
Estimated Daily Trips	North Canon Drive 500-600 block: 9,400 average daily trips Elevado Avenue: 3,300 average daily trips

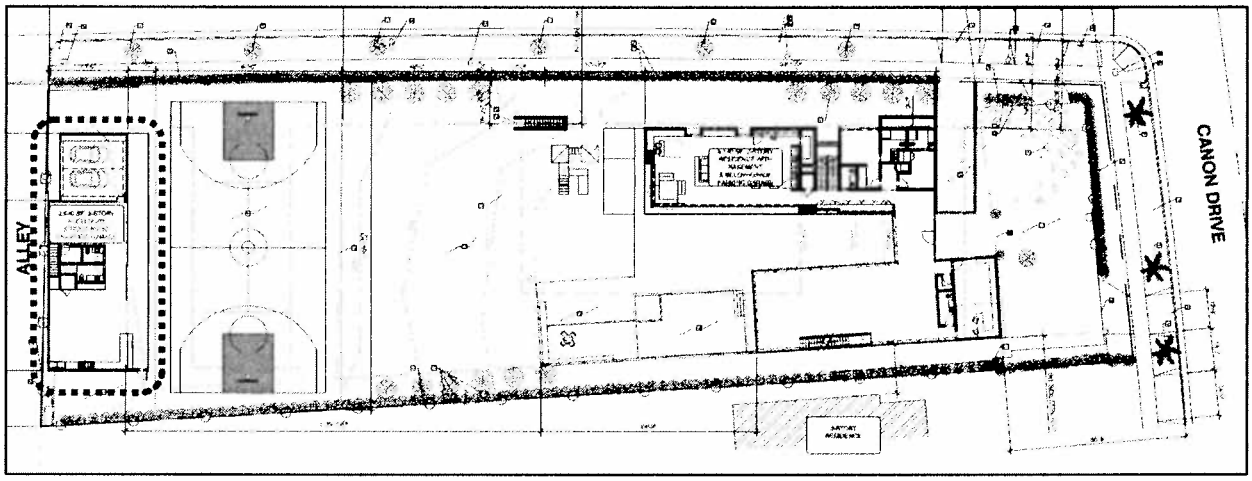
Neighborhood Character

The built environment surrounding the project site consists entirely of single-family homes that are typically two stories in height. The properties on the west side of the 600 block of North Canon Drive

are somewhat unique in terms of length, as most properties on the west side of the block exceed 300 feet in length, and have an area in excess of 30,000 square feet. Homes on the block are typically larger in size, averaging approximately 7,000 square feet, although surrounding homes are as small as 2,000 square feet and as large as 12,000 square feet. The majority of properties are developed with tennis courts and either a one- or two-story accessory structure. Photos of the existing property and proposed site plan are provided below.

Subject Property Looking Northeast

Subject Property Looking Southwest



Proposed Site Plan Showing Accessory Structure

BACKGROUND

The project was originally reviewed by the Planning Commission at its November 23, 2010 meeting. At that meeting, the Commission identified general concerns with the project related to overall size, use of second-floor balconies, project siting, and interior layout, which appeared to be configured for use as two individual units. Based on the comments provided by the Commission, as well as staff-recommended conditions, the applicant has made the following project revisions:

1. The floor area of the project has been reduced from 3,050 square feet to 2,840 square feet.

2. All second-floor balconies and decks have been eliminated from the project.

3. The siting of the project has been modified and the side setbacks now meet and exceed those required for the main house. The project now provides a 15 foot 11 inch street side setback

along Elevado Avenue (2 feet was proposed previously), and an 18 foot 3 inch side setback along the south side of the property (20 feet was proposed previously). Code-required setbacks for the main house are 15 feet and 11 feet, respectively.

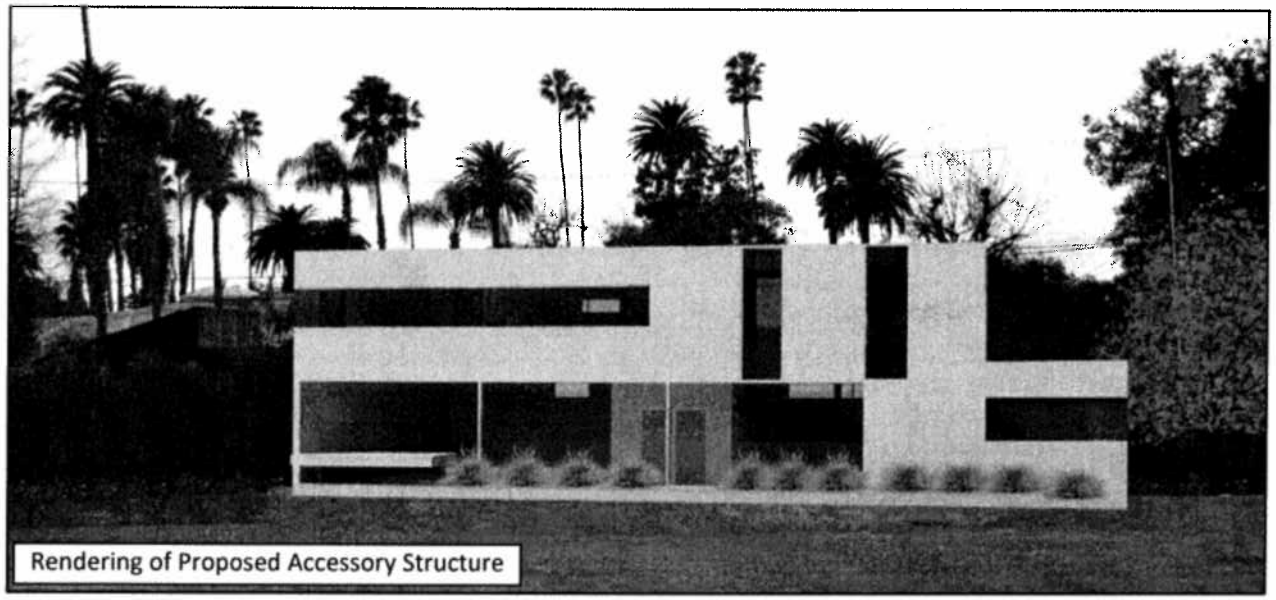
4. The interior layout of the project has been modified to include two bedrooms rather than four, and the revised layout uses an open floor plan that does not appear to be capable of being used as two individual units.

5. The garage attached to the accessory structure has been set in an additional 4 feet from the rear property line in order to provide a code-required turning radius of 24 feet, which allows for access to the garage from the alley.

As a result of the abovementioned modifications (i.e. increased side setbacks and elimination of second-floor balconies), the project no longer requires approval of a Central R-1 Permit, and instead requires approval of a Minor Accommodation for the proposed building height. In addition to the Minor Accommodation, the project does still require approval of a Second Unit Use Permit to allow for the accessory structure to contain fully independent living facilities.

PROJECT DESCRIPTION

The proposed project, as revised, involves the construction of a two-story, 22 foot tall accessory structure that would be located at the rear of the subject property. The proposed project includes a 15 foot 11 inch setback at the north (street side) property line, an 18 foot 3 inch setback at the south property line, no setback at the alley, and greater than a 300 foot setback from the front property line. The proposed project is approximately 2,840 square feet in size, includes two bedrooms, and a two-car garage that is accessed from the alley. Although not before the Planning Commission for review, the entire property is proposed to be redeveloped with the construction of an approximately 8,000 square foot primary residence with basement garage. The design of the primary residence was approved by the Design Review Commission on December 2, 2010. All existing improvements on the subject property are proposed to be demolished.



Rendering of Proposed Accessory Structure

Requested Permits
The entitlements requested as part of the proposed project are as follows:

Minor Accommodation. A Minor Accommodation is requested in order to allow the accessory structure to exceed 14 feet in height (22 feet is proposed). Because the project is in compliance with the side setbacks required for the primary residence, a Minor Accommodation may be issued for the increased height rather than a Central R-1 Permit.

Second Unit Use Permit. A Second Unit Use Permit is requested in order to allow the accessory structure to contain fully independent living facilities (i.e. kitchen, bathroom, and living quarters).

ZONING CODE[1] COMPLIANCE

A detailed review of the proposed project to applicable zoning standards is provided in Attachment A. As conditioned, the proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

GENERAL PLAN[2] POCLIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy 5.1 Neighborhood Conservation. Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's, identity, economic value and quality of life.

- Policy 6.1 Neighborhood Identity. Maintain the characteristics that distinguish the City's single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines[3], and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3(a) exemption allows for the construction of new second dwelling unit. The proposed project will be developed as second dwelling unit that is subordinate to the main residence, and is therefore eligible for the exemption.

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[1] Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466
[2] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp
[3] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	3 days	12/13/2010	12/10/2010	6 days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 days	12/6/2010	N/A*	10 days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	12/10/2010	6 days

*The project was originally noticed on 11/13/2010, and was continued to a date certain by the Planning Commission (12/16/2010). Because the project was continued to a date certain, additional notice of the 12/16/2010 meeting was not required. However, a courtesy notice was mailed to all owners and residents within 300 feet of the project site on 12/6/2010.

Applicant Outreach Efforts

The applicant has made efforts to contact adjacent neighbors in order to reach a mutually acceptable design of the project. As of the writing of this report, no agreement has been reached with the property owner immediately south of the subject property.

Public Comment

As of the date of the preparation of this report, staff has received three letters in opposition to the project (Attachment D), and testimony in opposition of the project was received at the 11/23/2010 hearing. The comments were received in regard to the original design, and no comments have been received regarding the revised design of the project. Additionally, staff has met with the property owner immediately south of the subject property in order to review the revised plans and ensure that there is a clear understanding of what is being requested by the applicant.

ANALYSIS[4]

Project approval, conditional approval or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment B and may be used to guide the Planning Commission's deliberation of the subject project.

Summary

In reviewing the requested Minor Accommodation and Second Unit Use Permit specific findings must be made with regard to the scale and character of the area, neighbors' privacy and access to light and air, the streetscape, the garden quality of the city, and overall impacts to adjacent properties or the public welfare. As revised, the proposed structure has been designed with the above criteria in mind, and is sited in a way that balances development of the subject property with the preservation of surrounding properties. The structure provides ample setbacks from all neighboring properties and includes a variety of modulation in order to maintain the character of the existing streetscape along Elevado

[4] The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

Avenue. As a result, staff recommends approval of the project. Key issues specific to the requested entitlements are discussed as follows:

Height. Although a 22 foot tall accessory structure may not be appropriate on all properties within the city, the siting and design of this particular project, as conditioned, creates an appropriate setting for the additional height as proposed. The setting is appropriate for this additional height because the structure would be located adjacent to the rear alley of the subject property, would meet and exceed the required side setbacks for the primary residence, and would be located approximately 175 feet from the neighboring residence on the property to the south. The second floor of the structure provides 12 feet of modulation at the north elevation, which provides for a total second-floor setback of approximately 28 feet from Elevado Avenue. Additionally, the structure contains no second-story windows or doors facing the adjacent property to the south, and staff recommends a condition requiring translucent glass in the windows along the west (alley) elevation in order to maintain the privacy of neighboring properties. Finally, existing trees located on the adjacent property to the south will help to screen and soften the appearance of the structure, thereby reducing the appearance of scale and mass while preserving existing privacy.

Second Unit. The proposed second unit has been revised to include two bedrooms, three and one half bathrooms, one kitchen, and 2 parking spaces. The revised floor plan utilizes an open design that follows the typical layout of a second unit. As a result of the revisions, the unit is anticipated to function as one unit rather than two, and is therefore not expected to adversely impact surrounding properties.

Special Conditions of Approval

The recommendation in this report is for approval. In addition to standard conditions of approval, the following project-specific conditions are recommended (also see Attachment B):

- Special Condition #1: Staff recommends incorporation of Special Condition #1, which requires all second-story windows on the west elevation of the structure to be fitted with translucent glass in order to maintain privacy for neighboring properties.

NEXT STEPS

It is recommended that the Planning Commission conditionally approve the requested Minor Accommodation and Second Unit Use Permit, and adopt the attached resolution.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:

David Reyes, Principal Planner

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ATTACHMENT A
Table - Zoning Compliance

REGULATIONS	PERMITTED / ALLOWED	PROPOSED PROJECT	NOTES
Primary Building			
Height	30 feet	28 feet	
Lot Coverage / Floor Area	15,540 square feet cumulative on-site	8,040 square feet	
Front Setback	40 feet	40 feet	
Rear Setback	95 feet	197 feet	
Side Setback	10 feet	10 feet	
Street Side Setback	15 feet	15 feet	
Parking	4 spaces	4 spaces	
Accessory Structure			
Accessory Building (living)	15,540 square feet cumulative on-site	2,840 square feet	
Garage Component	15,540 square feet cumulative on-site	450 square feet	
Front Setback	100 feet	300 feet	
Side Setback	4 feet	18 feet 3 inches	Complies with setbacks for primary residence
Street Side Setback	4 feet	15 feet 11 inches	Complies with setbacks for primary residence
Rear Setback	0 feet	0 feet	
Height	14 feet	22 feet	Requires Minor Accommodation
Bedrooms	No limit	2	
Parking	2 spaces	2 spaces	

ATTACHMENT B
Draft Findings and Conditions of Approval

DRAFT FINDINGS

Minor Accommodation

1. *The structure will not have a substantial adverse impact on the scale and massing of the streetscape;*

   The proposed project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the required side setbacks for the primary residence. Additionally, the length of the subject property provides approximately 160 feet of separation between the main residence and the proposed accessory structure as viewed from Elevado Avenue, providing a substantial break in the property that preserves the existing character of the streetscape. Based on the varied modulation, ample setbacks and substantial structure separation, the proposed project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. *The structure will not have a substantial adverse impact on the neighbors' access to light and air;*

   A minimum of 18 feet of separation is provided between the proposed project and any neighboring properties. Further, the proposed project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. Based on the substantial separation between the proposed project and any adjacent properties or residential structures, no adverse impact to the neighbors' access to light and air is anticipated.

3. *The structure will not have a substantial adverse impact on the neighbors' privacy; and*

   A minimum of 18 feet of separation is provided between the proposed project and any neighboring properties. Further, the proposed project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. The project contains no second-floor windows facing the neighboring residence to the south, and as conditioned, second-floor windows facing the neighboring property to the west would be fitted with translucent glass in order to preserve privacy. Additionally, existing, mature trees located on the property immediately south of the project site will provide significant screening of the structure. Based on the separation between the proposed project and adjacent properties, window design and placement, and existing landscaping, no adverse impact to the neighbors' privacy is anticipated.

4. *The structure will not have a substantial adverse impact on the garden quality of the city.*

   The proposed project maintains existing, mature landscaping, as well as new landscaping. The rear portion of the subject property is currently vacant, and construction of the proposed project would not result in the loss of any mature vegetation. Additionally, the Design Review Commission has approved a comprehensive landscape plan for the subject property. Because the project maintains existing landscaping and incorporates new landscaping, no substantial adverse impact is anticipated with regard to the garden quality of the city.

Second Unit Use Permit

1. *The structure will not have a substantial adverse impact on the scale and massing of the streetscape;*

   The proposed project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the required side setbacks for the primary residence. Additionally, the length of the subject property provides approximately 160 feet of separation between the main residence and the proposed accessory structure as viewed from Elevado Avenue, providing a substantial break in the property that preserves the existing character of the streetscape. Based on the varied modulation, ample setbacks and substantial structure separation, the proposed project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. *The structure will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from other properties;*

   The proposed project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the setbacks required for the primary residence. The proposed project would be approximately 20 feet from the nearest neighboring accessory structure located across the alley, and would be approximately 175 feet from the nearest primary residence, located south of the project site. Based on the varied modulation, ample setbacks and substantial structure separation between the project and existing development, the proposed project is not anticipated to have a substantial adverse impact on the scale and massing of the neighborhood as viewed from other properties.

3. *The structure will not have a substantial adverse impact on the neighbors' access to light and air;*

   A minimum of 18 feet of separation is provided between the proposed project and any neighboring properties. Further, the proposed project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. Based on the substantial separation between the proposed project and any adjacent properties or residential structures, no adverse impact to the neighbors' access to light and air is anticipated.

4. *The structure will not have a substantial adverse impact on the neighbors' privacy;*

   A minimum of 18 feet of separation is provided between the proposed project and any neighboring properties. Further, the proposed project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. The project contains no second-floor windows facing the neighboring residence to the south, and as conditioned, second-floor windows facing the neighboring property to the west would be fitted with translucent glass in order to preserve privacy. Additionally, existing, mature trees located on the property immediately south of the project site will provide significant screening of the structure. Based on the separation between the proposed project and adjacent properties, window design and placement, and existing landscaping, no adverse impact to the neighbors' privacy is anticipated.

5. *The structure will not have a substantial adverse impact on the garden quality of the city; and*

The proposed project maintains existing, mature landscaping, as well as new landscaping. The rear portion of the subject property is currently vacant, and construction of the proposed project would not result in the loss of any mature vegetation. Additionally, the Design Review Commission has approved a comprehensive landscape plan for the subject property. Because the project maintains existing landscaping and incorporates new landscaping, no substantial adverse impact is anticipated with regard to the garden quality of the city.

6. *The structure will not have a substantial adverse impact on adjacent properties or the public welfare.*

The proposed project provides substantial separation between new development and existing development, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. As a result, the proposed project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

DRAFT CONDITIONS

Project Specific Conditions

1. All second-story windows on the west elevation of the structure shall be fitted with translucent glass in order to maintain the privacy of neighboring properties.

Standard Conditions

ADMINISTRATIVE

2. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

3. RECORDATION. The resolution approving the Minor Accommodation and Second Unit Use 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 the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning 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 Project 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 Project.

4. EXPIRATION. Minor Accommodation and Second Unit Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

5. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

CONFORMANCE WITH APPROVED PLANS

6. This approval is for those plans submitted to the Planning Commission on December 16, 2010, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

8. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

9. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

FEES AND TAXES

10. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

PROJECT OPERATIONS

11. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

12. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

PUBLIC WORKS/PARK AND REC REQUIREMENTS

13. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

14. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

15. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the existing tree roots within the parkway area.

16. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

17. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or

replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

18. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

19. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

20. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

21. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

22. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

23. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount, appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

24. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the Project.

25. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

26. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

27. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

28. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

ATTACHMENT C

Public Notice

NOTICE OF PUBLIC HEARING

DATE: December 16, 2010

TIME: 1:30 PM

LOCATION: Council Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Thursday, December 16, 2010, will hold a public hearing beginning at ***1:30 PM*** to consider:

> A request for a Minor Accommodation and Second Unit Use Permit to allow the construction of a new 2,850 square foot, two-story accessory structure containing fully independent living facilities, for a property located in the Central Area of the City at ***627 North Canon Drive***.
>
> The Commission previously reviewed the project on November 23, 2010, and requested that the project be modified. The project would be located at the rear of the subject property and have a maximum height of approximately 22 feet (up to 30 feet may be requested). Modifications to the project include a reduction in floor area, elimination of the previously proposed roof garden and balconies, an increased street-side setback of 15 feet, and modification of the interior floor plan to provide for only one guest unit, rather than two as previously designed. The Minor Accommodation is required to allow the structure's proposed height, and the Second Unit Use Permit is required to allow the structure to contain fully independent living facilities (i.e. kitchen, bathroom, and living quarters).

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3(e) Categorical Exemption for new construction of residential accessory structures, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact ***Ryan Gohlich, Associate Planner*** in the Planning Division at 310.285.1194, or by email at ***rgohlich@beverlyhills.org***. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

David Reyes, Principal Planner

Mailed December 6, 2010

ATTACHMENT D

Correspondence

623
~~635~~ N. Canon Dr.
Beverly Hills, CA 90210

Planning Commission:

We are opposed to granting permission to 627 N. Canon Dr. to build a 3000 square foot accessory structure. Our zoning laws do not allow two full structures on one Lot. The height, set back, balcony etc are also not to code.

Respectfully,

Jerome Harold Kaye M.D.

Jerome Kaye M.D.

Adrienne E. Kay

ADRIENNE E. KAY

625 N0. Canon Dr.
Beverly Hills CA 90210

November 16, 2010

Re: 627 No. Canon Dr.
To whom it may concern:

I received your letter concerning the two-story 3000sq ft home to be built on the same lot where a larger home already exists. The plans shows two kitchens, two guest baths, two laundry rooms two staircases a balcony etc.

This turns our single-family dwellings in the flats of Beverly Hills into a rental area that we are not zoned for and do not want. The plans show the height of the home to be built to be 21 to 30 feet. By right 14 feet is allowed. A 4-foot setback from the street is code, their plans show 2 feet.

The whole plan is totally unacceptable.

Thank you,

Carol LeVeque-Uri

Carol LeVeque-Uri

605 N. Canon Dr.
Beverly Hills, Ca.

Nov. 15, 2010

To the Planning Commission:

I vehemently oppose the request of 627 N. Canon Dr. to build a 3,000 square foot two story accessory structure including 2 kitchens, 2 laundry rooms, balcony etc. It is really asking you to allow two homes on one lot which I believe you don't even have authority to do. If this were allowed it would change the whole complex of Beverly Hills. When 603 N. Canon Dr. wanted to do something similar they bought 601 N Canon Lot and built their accessory structure. The zoning is one home per lot. If that request were allowed I envision of many more people to request the same and start renting out to two or three families. This is not what Beverly Hills is about in the flats. I don't want to get into all the other absurd requests for this structure since the Planning Commission has to rule No, No, No!!

Sincerely,

Ludwig Uri M.D.

Ludwig Uri

ATTACHMENT E

Draft Planning Commission Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A REQUEST FOR A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW THE CONSTRUCTION OF A 2,840 SQUARE FOOT ACCESSORY STRUCTURE THAT EXCEEDS 14 FEET IN HEIGHT AND CONTAINS FULLY INDEPENDENT LIVING FACILITIES ON THE PROPERTY LOCATED IN THE CENTRAL AREA OF THE CITY AT 627 NORTH CANON DRIVE.

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

Section 1. Michael Birnbach and Steve Webb, Applicants, on behalf of the property owners of 627 North Canon Drive, (collectively the "Applicant") have submitted an application for a Minor Accommodation and Second Unit Use Permit to allow the construction of a new two-story accessory structure in the Central Area of the City at 627 North Canon Drive (the "Project"). Construction of an accessory structure is allowed by-right if the structure meets all applicable development standards within the Beverly Hills Municipal Code (BHMC). However, the Project does not meet all applicable development standards, and therefore requires specific entitlements that can be granted by the Planning Commission pursuant to the issuance of a Minor Accommodation and Second Unit Use Permit. The Project requires a Minor Accommodation in order to allow additional building height. The Project is 22 feet in height, whereas a by-right project is limited to 14 feet in height. Additionally, the Project requires a Second Unit Use Permit in order to allow for the structure to contain fully independent living facilities (i.e. kitchen, bathroom and living quarters).

Section 2. The Project site is located on the west side of the 600 block of North Canon Drive, and is currently developed with an approximately 7,459 square foot residence. The existing residence is proposed to be demolished and a new residence constructed; however, construction of the new residence does not require review by the Planning Commission. The total area of the subject property is approximately 35,100 square feet, which causes it to be classified as an Estate Property. The site is surrounded by residential properties that vary in size.

The Applicant proposes to construct a new two-story accessory structure adjacent to the rear alley of the Project site. The proposed accessory structure consists of approximately 2,840 square feet of floor area with a maximum height of approximately 22 feet. As proposed, the Project does not comply with the City's development standards for accessory structures with regard to height and Second Unit living facilities; however, these components can be approved through the issuance of a Minor Accommodation and Second Unit Use Permit.

Section 3. At approximately 22 feet in height, the Project does not meet the standard 14-foot accessory structure height limit established by the Beverly Hills Municipal Code. However, the Commission may, through the issuance of a Minor Accommodation, establish a height limit greater than 14 feet for an accessory structure so long as the height established by the Commission does not exceed the maximum height that would otherwise be allowed for a structure within the principle building area (an accessory structure up to 30 feet in height may be approved through the issuance of a Minor Accommodation).

The proposed accessory structure height of 22 feet does not exceed the 30 foot height limit that would otherwise be permitted within the principle building area. Issues associated with accessory structures that exceed 14 feet in height often include scale and massing, as well privacy concerns. Because of these concerns, discretionary review is required for accessory structures that exceed 14 feet in height.

Although a 22 foot tall accessory structure may not be appropriate on all properties within the city, the siting and design of this particular Project, as conditioned, creates an appropriate setting for the additional height as proposed. The setting is appropriate for this additional height because the structure would be located adjacent to the rear alley of the subject property, would meet and exceed the required side setbacks for the primary residence, and would be located approximately 175 feet from the neighboring residence on the property to the south. The second floor of the structure provides 12 feet of modulation at the north elevation, which provides for a total second-floor setback of approximately 28 feet from Elevado Avenue. Additionally, the structure contains no second-story windows or doors facing the adjacent property to the south, and a condition requiring translucent glass in the windows along the west (alley) elevation maintains the privacy of neighboring properties. Finally, existing trees located on the adjacent property to the south help to screen and soften the appearance of the structure, thereby reducing the appearance of scale and mass while preserving existing privacy.

Section 4. The Project includes fully independent living facilities, including a kitchen, bathroom, and living quarters. The code permits accessory structures to containing fully independent living facilities only when certain findings are made by the Planning Commission.

The Commission may, through the issuance of a Second Unit Use Permit, allow an accessory structure to contain fully independent living facilities.

The Project would be located approximately 175 feet from the nearest primary residence located south of the Project site, and has been designed in such a way so as to preserve the neighboring property's privacy and the character of the neighborhood. As a result, no adverse impacts are anticipated as a result of the Project containing fully independent living facilities.

Section 5. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.*("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's environmental guidelines, and a Class 3(a) Categorical Exemption has been issued in accordance with the requirements of Section 15303(a) of the Guidelines for the construction of new second dwelling unit.

Section 6. Notice of the Project and public hearing was mailed on November 11, 2010 and December 6, 2010 to all property owners and residential tenants within a 300-foot radius of the property. Three letters were received from residents in opposition to the Project, and these letters were reviewed and considered by the Commission prior to acting on the Project. On November 23, 2010 and December 16, 2010 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 7. In considering the request for a Minor Accommodation, the Planning Commission considered whether the Project would have a substantial impact on the following criteria:

1. The scale and massing of the streetscape;
2. The neighbors' access to light and air;
3. The neighbors' privacy;
4. The garden quality of the city; and

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the required side setbacks for the primary residence. Additionally, the length of the subject property provides approximately 160 feet of separation between the main residence and the proposed accessory structure as viewed from Elevado Avenue, providing a substantial break in the property that preserves the existing character of the streetscape. Based on the varied modulation, ample setbacks and substantial structure separation, the Project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. A minimum of 18 feet of separation is provided between the Project and any neighboring properties. Further, the Project is located approximately 175 feet from the nearest primary residential structure, which is located to the south

of the subject property. Based on the substantial separation between the Project and any adjacent properties or residential structures, no adverse impact to the neighbors' access to light and air is anticipated.

3. A minimum of 18 feet of separation is provided between the Project and any neighboring properties. Further, the Project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. The Project contains no second-floor windows facing the neighboring residence to the south, and as conditioned, second-floor windows facing the neighboring property to the west would be fitted with translucent glass in order to preserve privacy. Additionally, existing, mature trees located on the property immediately south of the Project site will provide significant screening of the structure. Based on the separation between the Project and adjacent properties, window design and placement, and existing landscaping, no adverse impact to the neighbors' privacy is anticipated.

4. The Project maintains existing, mature landscaping, as well as new landscaping. The rear portion of the subject property is currently vacant, and construction of the proposed Project would not result in the loss of any mature vegetation. Additionally, the Design Review Commission has approved a comprehensive landscape plan for the subject property. Because the Project maintains existing landscaping and incorporates new landscaping, no substantial adverse impact is anticipated with regard to the garden quality of the city.

Section 9. In considering the request for a Second Unit Use Permit, the Planning Commission considered whether the Project would have a substantial impact on the following criteria:

1. The scale and massing of the streetscape;
2. The scale and massing of the neighborhood as viewed from other properties.
3. The neighbors' access to light and air;
4. The neighbors' privacy;
5. The garden quality of the city; and
6. Adjacent properties or the public welfare.

Section 10. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the required side setbacks for the primary residence. Additionally, the length of the subject property provides approximately 160 feet of separation between the main residence and the proposed accessory structure as viewed from Elevado Avenue, providing a substantial break in the property that preserves the existing character of the streetscape. Based on the varied modulation, ample setbacks and substantial structure separation, the Project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. The Project would have a maximum height of 22 feet, would include a variety of modulation, and complies with the setbacks required for the primary residence. The Project would be approximately 20 feet from the nearest neighboring accessory structure located across the alley, and would be approximately 175 feet from the nearest primary residence, located south of the Project site. Based on the varied modulation, ample setbacks and substantial structure separation between the Project and existing development, the Project is not anticipated to have a substantial adverse impact on the scale and massing of the neighborhood as viewed from other properties.

3. A minimum of 18 feet of separation is provided between the Project and any neighboring properties. Further, the Project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. Based on the substantial separation between the Project and any adjacent properties or residential structures, no adverse impact to the neighbors' access to light and air is anticipated.

4. A minimum of 18 feet of separation is provided between the Project and any neighboring properties. Further, the Project is located approximately 175 feet from the nearest primary residential structure, which is located to the south of the subject property. The Project contains no second-floor windows facing the neighboring residence to the south, and as conditioned, second-floor windows facing the neighboring property to the west would be fitted with translucent glass in order to preserve privacy. Additionally, existing, mature trees located on the property immediately south of the Project site will provide significant screening of the

structure. Based on the separation between the Project and adjacent properties, window design and placement, and existing landscaping, no adverse impact to the neighbors' privacy is anticipated.

5. The Project maintains existing, mature landscaping, as well as new landscaping. The rear portion of the subject property is currently vacant, and construction of the Project would not result in the loss of any mature vegetation. Additionally, the Design Review Commission has approved a comprehensive landscape plan for the subject property. Because the Project maintains existing landscaping and incorporates new landscaping, no substantial adverse impact is anticipated with regard to the garden quality of the city.

6. The Project provides substantial separation between new development and existing development, and has been designed in such a way as to preserve the neighbors' privacy and access to light and air. As a result, the Project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

Section 11. Based on the foregoing, the Planning Commission hereby grants the requested Minor Accommodation and Second Unit Use Permit, subject to the following conditions:

1. All second-story windows on the west elevation of the structure shall be fitted with translucent glass in order to maintain the privacy of neighboring properties.

2. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

3. RECORDATION. The resolution approving the Minor Accommodation and Second Unit Use 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 the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning 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 Project 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 Project.

4. EXPIRATION. Minor Accommodation and Second Unit Use Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

5. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

6. This approval is for those plans submitted to the Planning Commission on November 23, 2010, a copy of which shall be maintained in the files of the City Planning Division. Project development shall be consistent with such plans, except as otherwise specified in these conditions of approval.

7. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

8. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

9. Approval Runs With Land. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

10. Prior to the issuance of a building permit, all applicable Park and Recreation Facilities Tax required by the Municipal Code shall be paid.

11. The Project shall operate at all times in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.

12. The Project shall operate at all times in compliance with Municipal requirements for Noise Regulation.

13. The Applicant shall remove and replace all public sidewalks surrounding the Project site that are rendered defective as a result of Project construction.

14. The Applicant shall remove and replace all curbs and gutters surrounding the Project site that are rendered defective as a result of Project construction.

15. The Applicant shall remove all unused landings and driveway approaches. These parkway areas, if any, shall be landscaped and maintained by the adjacent property owner. This landscape material cannot exceed six to eight inches in height and cannot be planted against the street trees. Care shall be taken to not damage or remove the existing tree roots within the parkway area.

16. The Applicant shall protect all existing street trees adjacent to the subject site during construction of the Project. Every effort shall be made to retain mature street trees. No street trees, including those street trees designated on the preliminary plans, shall be removed and/or relocated unless written approval from the Recreation and Parks Department and the City Engineer is obtained.

17. Removal and/or replacement of any street trees shall not commence until the Applicant has provided the City with an improvement security to ensure the establishment of any relocated or replaced street trees. The security amount will be determined by the Director of Recreation and Parks, and shall be in a form approved by the City Engineer and the City Attorney.

18. The Applicant shall provide that all roof and/or surface drains discharge to the street. All curb drains installed shall be angled at 45 degrees to the curb face in the direction of the normal street drainage flow. The Applicant shall provide that all groundwater discharges to a storm drain. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Connection to a storm drain shall be accomplished in the manner approved by the City Engineer and the Los Angeles County Department of Public Works. No concentrated discharges onto the alley surfaces will be permitted.

19. The Applicant shall provide for all utility facilities, including electrical transformers required for service to the proposed structure(s), to be installed on the subject site. No such installations will be allowed in any City right-of-way.

20. The Applicant shall underground, if necessary, the utilities in adjacent streets and alleys per requirements of the Utility Company and the City.

21. The Applicant shall make connection to the City's sanitary sewer system through the existing connections available to the subject site unless otherwise approved by the City Engineer and shall pay the applicable sewer connection fee.

22. The Applicant shall make connection to the City's water system through the existing water service connection unless otherwise approved by the City Engineer. The size, type and location of the water service meter installation will also require approval from the City Engineer.

23. The Applicant shall provide to the Engineering Office the proposed demolition/construction staging for this Project to determine the amount,

appropriate routes and time of day of heavy hauling truck traffic necessary for demolition, deliveries, etc., to the subject site.

24. The Applicant shall obtain the appropriate permits from the Civil Engineering Department for the placement of construction canopies, fences, etc., and construction of any improvements in the public right-or-way, and for use of the public right-or-way for staging and/or hauling certain equipment and materials related to the Project.

25. The Applicant shall remove and reconstruct any existing improvements in the public right-of-way damaged during construction operations performed under any permits issued by the City.

26. During construction all items in the Erosion, Sediment, Chemical and Waste Control section of the general construction notes shall be followed.

27. Condensation from HVAC and refrigeration equipment shall drain to the sanitary sewer, not curb drains.

28. All ground water discharges must have a permit (NPDES) from the Regional Water Quality Control Board. Examples of ground water discharges are; rising ground water and garage sumps.

Section 12. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

_____
Lili Bosse
Chair of the Planning Commission of the City of Beverly Hills, California

Attest:

_____
Secretary

Approved as to form:

_____
David M. Snow
Assistant City Attorney

Approved as to content:

_____
Jonathan Lait, AICP
City Planner

ATTACHMENT F

Architectural Plans

(Under Separate Cover)