



# Planning Commission Report

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**Meeting Date:** February 23, 2012

**Subject:** **1111 and 1115 Coldwater Canyon Drive  
Alley Vacation**

Planning Commission review of a requested alley vacation for consistency with the General Plan.

PROJECT APPLICANT: Sam Moon

**Recommendation:** That the Planning Commission:

1. Conduct a public meeting and receive testimony on the project; and
  2. Adopt the attached resolution finding that the alley vacation is consistent with the General Plan.
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## REPORT SUMMARY

The proposed project involves the vacation of a portion of an existing City alley that bisects two residential properties located at 1111 and 1115 Coldwater Canyon Drive. The purpose of vacating the alley is to allow the subject properties to be joined together as one. This report analyzes the purpose of the alley and the effects of the proposed vacation. The purpose and scope of review for the Planning Commission is to determine the alley vacation is consistent with the City's General Plan.

**Attachment(s):**

- A. Planning Commission Resolution
- B. Staff Recommended Findings
- C. Alley Vacation Documents

**Report Author and Contact Information:**

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(310) 285-1194  
[rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)

## **BACKGROUND**

File Date	1/24/2012
Application Complete	1/28/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	3/28/2012 without extension request from applicant

Applicant(s)	Sam Moon
Owner(s)	Thomas and Melanie Staggs
Representative(s)	Sam Moon

Prior PC Action	None
Prior Council Action	None

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	1111 and 1115 Coldwater Canyon Drive
Legal Description	Lot 5 of Tract 13101 and Lot 39 of Tract 9347
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	1111 Coldwater – Vacant, 1115 Coldwater – Single-Family Residence
Lot Dimensions & Area	Irregularly shaped – 1.69 acres if alley vacation is approved
Historic Resource	No
Protected Trees/Grove	None impacted by alley vacation

### Adjacent Zoning and Land Uses

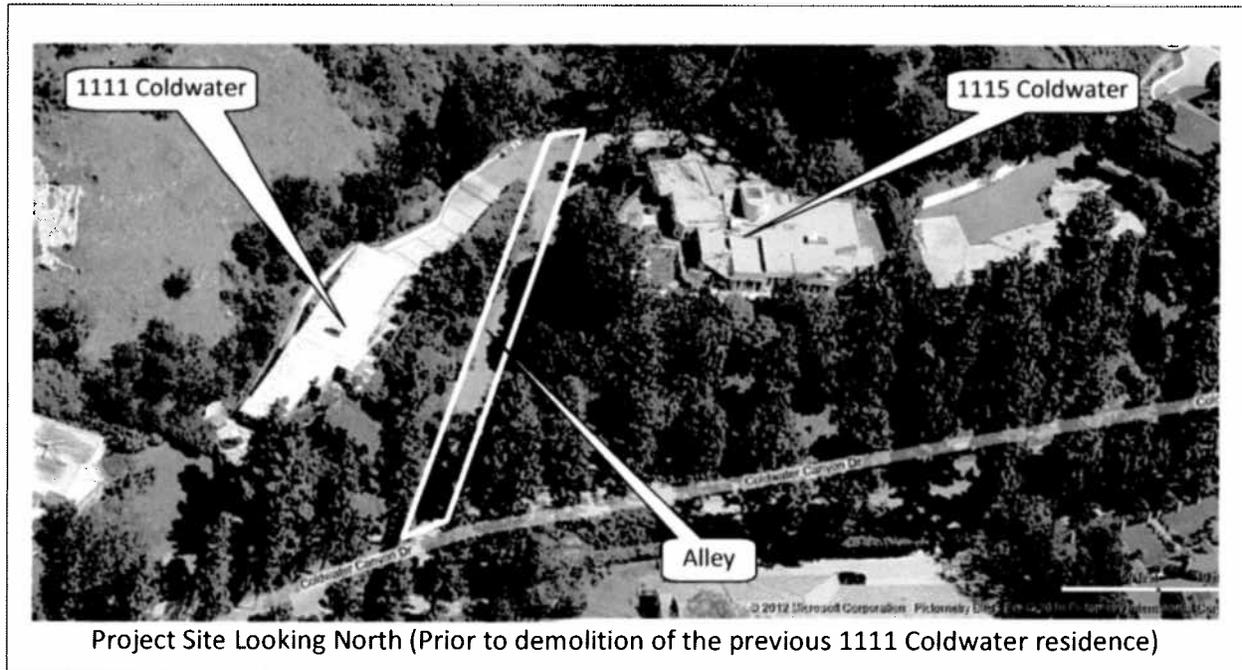
North	R-1.X – Single Family
South	R-1.X – Single Family
East	R-1.X – Single Family
West	R-1.X – Single Family

### Circulation and Parking

Adjacent Street(s)	Coldwater Canyon Drive
Adjacent Alleys	Existing alley bisecting subject properties
Parkways & Sidewalks	12.5' parkway along Coldwater Canyon Drive
Parking Restrictions	No stopping anytime
Nearest Intersection	Coldwater Canyon Drive and Sutton Way
Circulation Element	Collector street
Estimated Daily Trips	Coldwater Canyon Drive carries approximately 23,200 daily trips.

### Neighborhood Character

The built environment surrounding the project site consists entirely of single-family homes that are typically one or two stories in height. The properties in the area are typically made up of irregular and rectangular shaped lots that generally average just under one acre in size. Many homes are surrounded by dense vegetation and are minimally visible from the street.



## PROJECT DESCRIPTION

The proposed project consists of the vacation of a portion of a north-south alley that bisects the properties located at 1111 and 1115 Coldwater Canyon Drive, as depicted above. The properties are owned by a single owner, and the owner seeks vacation of the alley in order to tie the two properties together. The subject alley connects Coldwater Canyon Drive to Loma Linda Drive as shown on the attached drawings (see Attachment B). However, the alley is only paved for the portion that bisects 1111 and 1115 Coldwater Canyon Drive, which provides driveway access to the subject properties. The remainder of the alley is unpaved and is used for utility purposes only, and is not proposed for vacation. As part of the vacation process, the applicant proposes an easement in place of the existing alley in order to maintain the existing (and potentially future) utilities.

### Requested Permits

The applicant is currently seeking to vacate a portion of an existing alley as described above. Such a vacation requires an amendment of the City's Streets Master Plan, and requires a noticed public hearing before the City Council. However, Government Code Section 65402 requires that the Planning Commission review alley vacations for consistency with the General Plan prior to the City Council conducting a public hearing. Accordingly, the Planning Commission must find that the vacation is consistent with the General Plan in order for the Council to amend the Streets Master Plan. Action by the Planning Commission will not result in approval or denial of the project, but will instead provide the City Council with additional information and guidance when reviewing the request.

## 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<sup>1</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15301(c) (Class 1) of the Guidelines. Specifically, the proposed project would result in minor changes to the City's existing circulation system by vacating a small segment of existing alley. The vacation will not impact circulation patterns and will not cause any expansion of the existing system.

## PUBLIC OUTREACH AND NOTIFICATION

Public notice is not required for the Planning Commission's review of the project; however, newspaper notice and on-site posting are provided in conjunction with any public hearing carried out by the City Council.

## ANALYSIS<sup>2</sup>

As is discussed above, the Planning Commission is asked to find that the proposed vacation is consistent with the City's General Plan, with final action on the application to be carried out by the City Council at a public hearing. Therefore, the following information is presented to the Commission for its consideration in assessing the project for consistency with the General Plan.

**Existing Use/Purpose.** In terms of boundary lines, the existing alley extends from Coldwater Canyon Drive to Loma Linda Drive. However, the paved portion of the alley provides access to the driveways of 1111 and 1115 Coldwater Canyon Drive and then terminates into a steeply sloped hill with vegetation. Beyond providing driveway access to 1111 and 1115 Coldwater Canyon Drive, the alley's primary purpose is to provide clearance for existing (and potentially future) underground utilities. As part of the vacation request, the applicant proposes to create a utility easement in place of the alley, allowing for continued and unaltered service of any such utilities. Additionally, access to the subject properties would continue to be provided by the existing alley which would be maintained as a driveway since the property owner owns both properties in question. Such a configuration effectively causes the use/purpose of the alley to remain unchanged, with the exception of the technical boundary lines being modified with the paved portion of the alley becoming a private driveway. The landscaped portion of the alley would remain an alley.

**Future Development.** Although the current request is only associated with vacation of the alley that bisects the subject property, staff is aware of other pending development on what is currently the 1111 Coldwater Canyon Drive property. The pending development consists of a new structure that would serve as an accessory structure to the recently constructed main residence at 1115 Coldwater Canyon Drive. In the event that the alley vacation is approved by

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<sup>1</sup> The CEQA Guidelines and Statue are available online at <http://ceres.ca.gov/ceqa/guidelines>

<sup>2</sup> The analysis provided in this section is based on draft findings prepared by the report author prior to the public meeting. 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.

the City Council, any new development on either of the subject properties would be subject to current code requirements, and would be brought before the Planning Commission for consideration if required by the Municipal Code. It is anticipated that alley vacation will result in increased side setback requirements due to the increased overall property width that would result from vacating the alley and tying the properties together.

## **AGENCY REVIEW**

The Beverly Hills Department of Public Works has reviewed the alley vacation and intends to make a recommendation to the City Council supporting the alley vacation.

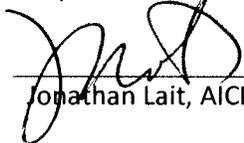
## **NEXT STEPS**

It is recommended that the Planning Commission conduct the public meeting and adopt a resolution finding that the proposed alley vacation is consistent with the City's General Plan.

Alternatively, the Planning Commission may consider the following actions:

1. Find that the vacation is not consistent with the City's General Plan.
2. Direct staff or applicant as appropriate and continue the meeting to a date (un)certain, consistent with permit processing timelines, and at applicant's request or consent.

Report Reviewed By:



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Jonathan Lait, AICP, City Planner

**ATTACHMENT A**  
**Planning Commission Resolution**

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF BEVERLY HILLS REPORTING TO THE  
CITY COUNCIL ON THE CONSISTENCY OF THE  
PROPOSED ALLEY VACATION WITH THE CITY'S  
GENERAL PLAN

The Planning Commission of the City of Beverly Hills hereby resolves as follows:

Section 1. California Government Code Section 65402 requires that if a general plan has been adopted, no street shall be vacated or abandoned until the location, purpose and extent of such street vacation or abandonment has been submitted to and reported upon by the planning agency as to conformity with said adopted general plan. Pursuant to Government Code Section 65100, Paragraph C of Beverly Hills Municipal Code Section 10-1-102, assigns the planning agency function for review of local public works projects for consistency with the general plan to the Planning Commission.

Section 2. On February 23, 2012, the Planning Commission, in its capacity as the Planning Agency, reviewed the proposed vacation of a portion of a public alley located between the properties at 1111 Coldwater Canyon Drive and 1115 Coldwater Canyon Drive for consistency with the City's General Plan. The portion of the public alley proposed to be vacated is the paved portion located between Coldwater Canyon Drive and Loma Linda Drive. The proposed alley vacation advances the goals and objectives of the General Plan, and presents no impediments to achieving the goals and objectives of the General Plan. Vacation of the alley will not significantly alter the configuration and function of the City's existing circulation and alley system. Specifically, the proposed vacation is consistent with General Plan Policies LU 5.6 and CIR 11.1, which state:

"LU 5.6: Alleys. Maintain existing neighborhood alleys as alternate, safe, well maintained access points to homes that also reduce curb cuts, driveways, and associated pedestrian-automobile conflicts."

"CIR 11.1: Alleys. By virtue of serving as the primary network for utility locations, trash removal, loading and unloading facilities, alternate emergency access, alleys vastly simplify the function of the streets and permit a higher degree of efficiency and visual quality along the streets. Alleys also provide an additional buffer between parcels so as to further insulate incompatible uses and development."

The existing alley does not provide accessible connectivity between streets and primarily serves as a private driveway and utility easement. As proposed, the paved portion of the alley will be maintained as a driveway in order to provide continued driveway access to 1111 and 1115 Coldwater Canyon Drive, and a utility easement will be maintained in place of the alley for the purpose of accommodating existing and future utilities. Because the function of the alley will be maintained in its current configuration, vacation of the alley will not result in additional curb cuts or pedestrian-automobile conflicts, nor will it result the loss of efficiency or visual quality of the City's street and alley network.

Section 3. Based on the foregoing review, the Planning Commission hereby finds that the vacation of the paved portion of the public alley located between Coldwater Canyon Drive and Loma Linda Drive is consistent with the City's General Plan.

Section 4. The Secretary shall forward this Resolution to the City Council for its consideration together with a proposed lot tie of the properties at 1111 Coldwater Canyon Drive and 1115 Coldwater Canyon Drive.

Section 5. The Secretary shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Daniel Yukelson  
Chair of the Planning Commission of the  
City of Beverly Hills, California

ATTEST:



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Secretary

Approved as to form:

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David M. Snow  
Assistant City Attorney

Approved as to content:



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Jonathan Lait, AICP  
City Planner

*U.S.M.*

## ATTACHMENT B

### Staff Recommended Findings

#### DRAFT FINDINGS

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##### General Plan Consistency

1. *Vacation of the subject alley is consistent with the City's General Plan.*

Vacation of the alley will not significantly alter the configuration and function of the City's existing circulation and alley system, and is therefore consistent with the General Plan. Specifically, the proposed vacation is consistent with General Plan Policies LU 5.6 and CIR11.1, which state:

*Alleys. Maintain existing neighborhood alleys as alternate, safe, well maintained access points to homes that also reduce curb cuts, driveways, and associated pedestrian-automobile conflicts; and*

*Alleys. By virtue of serving as the primary network for utility locations, trash removal, loading and unloading facilities, alternate emergency access, alleys vastly simplify the function of the streets and permit a higher degree of efficiency and visual quality along the streets. Alleys also provide an additional buffer between parcels so as to further insulate incompatible uses and development.*

The existing alley does not provide accessible connectivity between streets, and primarily serves as a private driveway and utility easement. As proposed, the paved portion of the alley will be maintained as a driveway in order to provide continued driveway access to 1111 and 1115 Coldwater Canyon Drive, and a utility easement will be maintained in place of the alley for the purpose of accommodating existing and future utilities. Because the function of the alley will be maintained in its current configuration, vacation of the alley will not result in additional curb cuts or pedestrian-automobile conflicts, nor will it result the loss of efficiency or visual quality of the City's street and alley network.

**ATTACHMENT C**  
**Alley Vacation Documents**

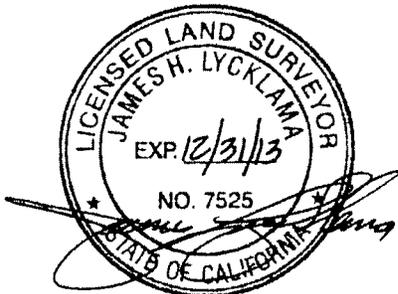
EXHIBIT A

ALLEY VACATION LEGAL DESCRIPTION

THAT PORTION OF THE 20.00 FOOT ALLEY LYING NORTHERLY AND EASTERLY OF LOT 5 AS SHOWN ON TRACT NO. 13101, AS PER MAP RECORDED IN BOOK 280, PAGES 1 TO 9, INCLUSIVE OF MAPS, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 39 OF TRACT NO. 9347, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 129 PAGES 18 TO 23 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 66°37'08" WEST 20.00 FEET TO THE EASTERLY LOT LINE OF LOT 5 OF SAID TRACT NO. 13101.

RESERVING AN EASEMENT FOR PUBLIC UTILITIES OVER THE 20.00 FOOT STRIP AS DESCRIBED ABOVE.



# Exhibit 'B'

Date of Survey: December 19, 2010

Site Address: 1111 & 1115 Coldwater Canyon Drive, Beverly Hills

 = Portion of Alley to be vacated with reservation for Public Utility Easement (containing 5,135 square feet)

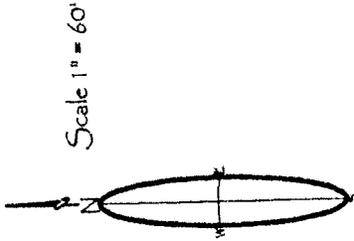


Exhibit Prepared For:  
Staggs Residence  
1115 Coldwater Canyon Drive  
Beverly Hills, CA 90210

Exhibit Prepared By:  
NorthLake Land Surveying, Inc.  
32218 N Big Oak Lane  
Castaic, CA 91384  
(661) 775-9130  
James Lycklama, LS 7525

