Beverly Hills
Planning Division
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Planning Commission Report

Meeting Date: December 12, 2013

Subject: **700 North Linden Drive**
Minor Accommodation and Second Unit Use Permit
Request for a Minor Accommodation and Second Unit Use Permit to allow the construction of a two-story accessory structure containing independent living facilities within a required rear yard setback on a corner lot in the Central Area of the City. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.
PROJECT APPLICANT/OWNER: Maria Nikitina
PROJECT REPRESENTATIVE: Sarah Wear, Wear House Design

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 requested Minor Accommodation and Second Unit Use Permit

REPORT SUMMARY

The proposed project involves the construction of a new two-story accessory structure located within a required rear yard setback on the property located at 700 North Linden Drive. The project site is currently vacant as the previously existing single-family residence was demolished in July 2013. A new single-family residence is currently under review by the City's Development Services Team[1]. The new accessory structure is proposed to be developed in conjunction with the new single-family residence. As proposed, the new accessory structure would have a maximum height of 22'-0" and would contain approximately 1,062 square feet of floor area split between two levels.

The accessory structure would contain a second unit[2] that would occupy approximately 861 square feet of floor area and would contain complete independent living facilities that include provisions for living, sleeping, eating, cooking, and sanitation. Pursuant to BHMC §10-3-409, a second unit is allowed by-right in a single-family residential zone if the second unit adheres to specific development standards. Second unit structures that do not adhere to the required development standards may request relief from the standards through a Second Unit Use Permit. The proposed second unit does not comply with the by-right height and floor area standards. Consequently, a Second Unit Use Permit is requested.

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[1] The City's Design Review Commission approved the design of the new single-family residence at its meeting on July 8, 2013.
[2] Pursuant to Beverly Hills Municipal Code §10-3-100, 'second unit' is defined as an attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating , cooking, and sanitation, and is located on the same site area as the primary dwelling.

Attachment(s):
A. Required Findings and Recommended Conditions
B. Draft Resolution
C. Public Notice
D. Architectural Plans

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Furthermore, the proposed accessory structure exceeds the 14'-0" in height limitation. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2414, accessory structures located within a required rear setback are restricted to fourteen feet (14'-0") in height unless otherwise authorized by the reviewing authority through a Minor Accommodation. Since the accessory structure does not meet the by-right development standards set forth above, discretionary review by the Planning Commission is required.

Key issues discussed in this report include the location of the proposed structure on the project site, the massing and design of the structure, the proposed landscaping on the site, and the proximity of the structure to the new single-family residence proposed on the project site. Staff's analysis concludes that the proposed accessory structure and second unit will not result in substantial adverse impacts on the neighborhood, the streetscape, the garden quality of the City, or the public welfare. Therefore, staff recommends approval of the requested Minor Accommodation and the Second Unit Use Permit.

BACKGROUND

File Date	9/19/2013
Application Complete	9/19/2013
Subdivision Deadline	N/A
CEQA Determination	Class 3 Categorical Exemptions
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	2/10/2014 without extension request from applicant
Applicant(s)	Maria Nikitina
Owner(s)	Maria Nikitina
Representative(s)	Sarah Wear, Wear House Design
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information	
Address	700 North Linden Drive
Assessor's ID No.	4345-015-027
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	100' x 143.24' (irregularly shaped) – 12,260 SF (.28 acres)
Year Built	New construction
Historic Resource	None
Protected Trees/Grove	None
<u>Adjacent Zoning and Land Uses</u>	
North	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
<u>Circulation and Parking</u>	
Adjacent Street(s)	Linden Drive and Elevado Avenue

Adjacent Alleys	At the rear of the property
Parkways & Sidewalks	12'-0" parkway along Linden Drive; 14'-0" parkway along Elevado Avenue

Circulation and Parking Continued

Parking Restrictions	Linden Drive – 2 hour parking 8 AM to 6 PM, overnight parking prohibited; Elevado Avenue – 2 hour parking 8 AM to 6 PM, overnight parking prohibited
Nearest Intersection	Linden Drive and Elevado Avenue
Circulation Element	Local

Zoning Compliance Table

REGULATIONS	ALLOWED / REQUIRED	PROPOSED	NOTES
Accessory/Second Unit Structures:			
Height	14'-0"	22'-0"	Requires a Minor Accommodation to allow the height to exceed 14'-0" when located within a required rear setback
Floor Area	6,548 SF maximum permitted for the project site	New SFR: 4,732.25 SF Accessory structure: 1,061.25 SF (includes 861 SF second unit) Total Site: 5,793.5 SF (excluded 400 SF of garage area)	Second units are restricted to a maximum floor area of 650 SF unless otherwise authorized pursuant to a Second Unit Use Permit
Front Setback (Linden Drive)	100'-0" or located entirely within 50'-0" of the rear property line	99'-3"	Pursuant to BHMC §10-3-2410 accessory buildings must be set back 100'-0" from the front property line **or** be located entirely with 50'-0" of the rear property line. The proposed accessory structure is located entirely within 50'-0" of the rear property line.
Street Side Setback (Elevado Avenue)	15'-0" setback for the primary residence	15'-0"	
	15'-0" for accessory structures exceeding 14'-0" in height		
North Setback (neighbor side)	10'-0" setback for the primary residence	33'-0"	
	10'-0" setback for accessory structures exceed 14'-0" in height		

Zoning Compliance Table Continued

REGULATIONS	ALLOWED / REQUIRED	PROPOSED	NOTES
Rear Setback (alley)	33'-9" setback for the primary residence 0'-0" for accessory structures located in a required rear yard (abuts an alley) and complies with the minimum 14'-0" height standard.	2'-0"	Requires a Minor Accommodation and Second Unit Use Permit to allow the height to exceed 14'-0" when located within a required rear yard setback
Bedrooms	No limit	New SFR: 5 bedroom Accessory Structure: 1 bedroom Total: 6 bedrooms	
Parking Spaces	3 parking spaces for the new SFR (for 5 bedrooms)	Accessory structure: 1 new space Total: 4 spaces	

Neighborhood Character

The subject property is located on a corner lot in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along Linden Drive and Elevado Avenue. The project site is irregularly shaped in comparison to the majority of other properties in the neighborhood, however is comparable in site area. The project site is currently vacant; however, a new single-family residence has been approved by the Design Review Commission and is currently being reviewed by the City's Development Services Team for compliance with all applicable zoning and building standards. The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

PROJECT DESCRIPTION

The proposed project consists of a new two-story accessory structure to be located within the rear yard setback that would extend to a maximum height of 22'-0" (lower than the maximum 32'-0" height of the proposed new single-family residence on the site). As designed, the structure would be set back:

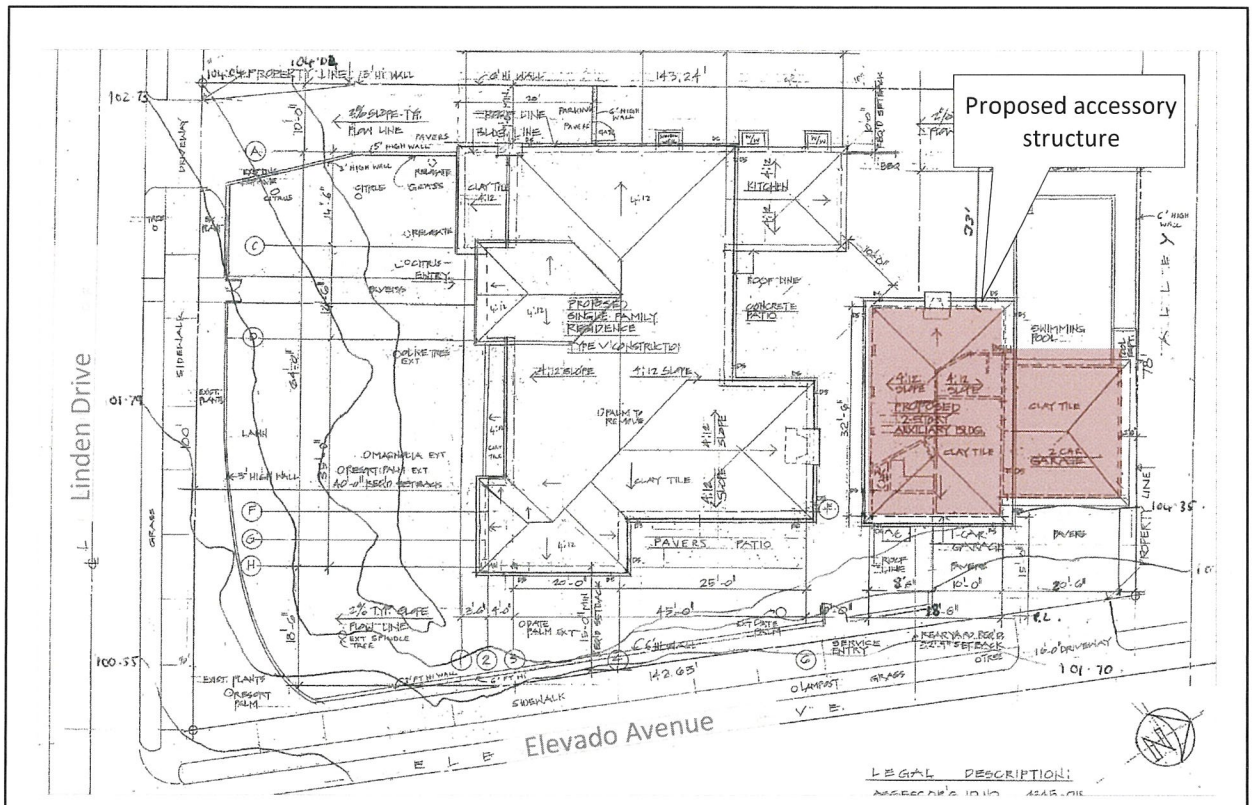
- 2'-0" from the rear property line which abuts an alley;
- 15'-0" from the street side property line along Elevado Avenue;
- 33'-0" from the north side property line; and
- 99'-0" from the front property line along Linden Drive.

The total floor area[3] of the new structure would be approximately 1,062 square feet. The structure would contain the following elements:

- Two garages that would house a total of three (3) parking spaces; and
- A second unit occupying approximately 861 square feet of floor area. The proposed second unit would accommodate independent living facilities that include:
    - 1 bedroom;
    - 2 bathrooms;
    - A kitchen;

[3] Pursuant to BHMC §10-3-100, Floor Area in a residential zone shall include all portions of floors which have a roof or floor above an enclosed by exterior wall by more than 50%. Floor area shall not include basements, crawl spaces, and up to 400 square feet of garage area.

- A laundry room; and
- A recreation area.



Project Site Plan

ZONING CODE[4] COMPLIANCE

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.

Agency Review[5]

In reviewing the proposed project, City staff consulted with the Urban Designer and the Development Services Program, which includes the Building & Safety Division, the Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. At the time of review, no issues were identified that would result in the need for a modified project design.

GENERAL PLAN[6] POLICIES

The General Plan includes goals and policies relevant to the Planning Commission's review of the project, including:

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[4] Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

[5] Recommended conditions of approval by other departments are provided in the Analysis section of this report.

[6] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

- **Policy LU 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 LU 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.

- **Policy LU 6.4 Second Units.** Allow second unites in single-family residential districts in accordance with State law.

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[7], and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a) and 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of a second dwelling unit and an accessory (appurtenant) structure including garages within a residential zone. The proposed project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	12/6/13	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	12/2/13	12/2/13	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	12/6/13	6 Days

Public Comment

As of the writing of this report the City has not received any comments regarding this project.

ANALYSIS[8]

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.

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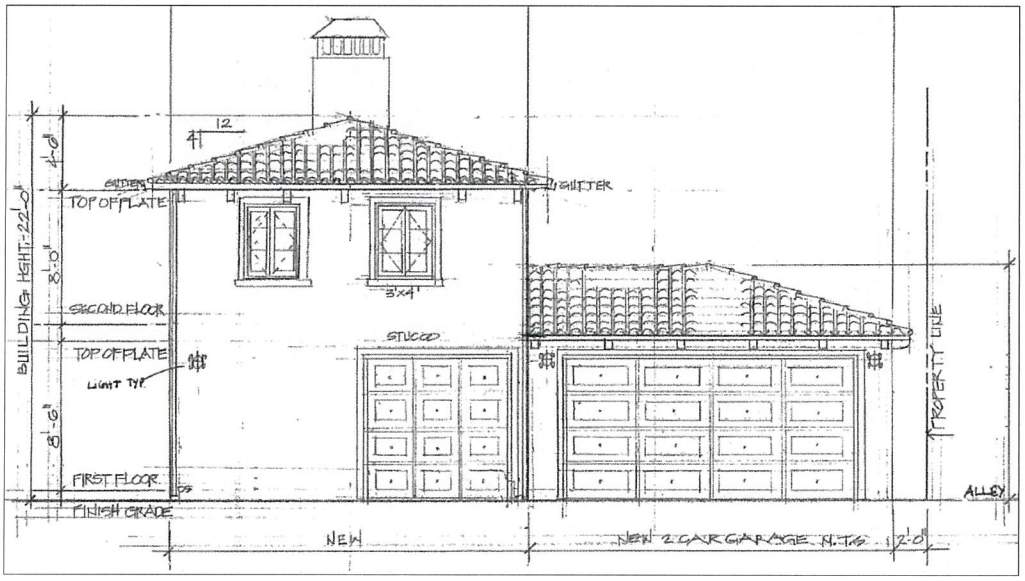
[7] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

[8] 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.

Summary

In reviewing the Minor Accommodation and Second Unit Use Permit request, specific findings must be made with regard to the scale and massing of the streetscape and the neighborhood, the neighbors' privacy and access to light and air, the garden quality of the City, and the impact on adjacent properties and the public welfare. The proposed project has been designed with the above criteria in mind and balances the potential development of the subject property and the preservation of the surrounding single-family neighborhood. After reviewing the project against the required findings, staff has drafted recommended conditions of approval for the Commission's consideration. These conditions have been outlined in the sections below and in Attachment B of this report.

Scale and Massing of the Streetscape and Neighborhood. The streetscape along Linden Drive will be altered as a result of the new single-family residence on the project site; however, the proposed accessory structure will be blocked from view by the new single-family residence, so the proposed structure is not anticipated to be visible from Linden Drive. Along Elevado Avenue the structure will be visible from the street. As proposed, the structure would be set back approximately 15'-0" from the side property line along Elevado Avenue, consistent with the setback required for the primary residence. The proposed structure would contain approximately 38'-0" of linear frontage along Elevado Avenue. Approximately 18'-6" of the frontage would be two-stories in height and the remaining 20'-6" would be one-story in height. This massing configuration will reduce the impact of scale and massing of the proposed structure along the alley and along Elevado Avenue streetscape.



Elevado Avenue Elevation

The propose structure is consistent with the scale and mass of other accessory structures in the area, which are generally one and two-stories in height and are located near or abutting the rear property line. The aerial image on the follow page illustrates the one-story and two-story accessory structures within the general vicinity of the project site.

★ Two-story accessory structure(s) within the vicinity of the project

☆ One-story accessory structure(s) within the vicinity of the project

While the structure is consistent with the overall design and massing of other accessory structures in the area, the close proximity (10'-0" separation) of the proposed accessory structure to the new single-family residence may cause the structures to appear as one structure from the street. Consequently, staff has drafted a recommended condition of approval that would require the applicant to work with the City's Urban Designer to design the accessory structure in a manner that is consistent with the design of the primary residence however, still reads as a separate structure. In addition to this condition, the Commission may wish to discuss whether additional structure separation may be appropriate.

Due to the massing configuration of the proposed structure, the location of the structure on the site, and the existing one and two-story accessory structures that existing in the neighborhood, and the conditions regarding the architectural design of the proposed structure, the project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape or the scale and massing of the neighborhood as viewed from the neighboring properties.

Neighbor's Privacy and Access to Light and Air. As proposed, the structure would have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. The rear alley would provide a 20'-0" buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two-stories in height. Consequently, along the alley, the proposed structure would have a maximum height of approximately 13'-0" and the two-story portion of the structure would be set back approximately 22'-6" from the rear property line. The proposed setbacks of the structure and, specifically the second story setback of the structure, will buffer the structure form the neighboring properties to the north, east, and south.

The building is oriented so that the majority of the windows and doors face toward the interior of the subject property. Two windows are proposed at the second story facing the alley and two windows are proposed at the second story facing Elevado Avenue. Staff has included a recommended condition of approval that would require the alley facing windows to be fixed and to contain translucent glass[9]. The setback from Elevado Avenue is 15'-0" from the street side property line. The project site is from adjacent properties to the south by Elevado Avenue which has a public right-of-way[10] width of approximately 70'-0" adjacent to the project site. Consequently, as designed and conditioned, the project is not anticipated to have a substantial adverse impact on the neighbor's privacy or access to light and air.

Garden Quality of the City. The project site is planned to be developed with a new single-family residence and the proposed accessory structure. A landscape plan has been provided in conjunction with the proposed development of the site. The landscape plan proposes to maintain a number of existing mature trees on the site including a date palm tree, a spindle tree, an olive tree, a citrus tree, and a magnolia tree. In addition to maintaining some existing mature trees on the site, groundcover and additional trees are proposed throughout the project site. Since existing mature landscaping will be maintained and new landscaping is proposed, the project is not anticipated to have a substantial adverse impact on the garden quality of the City.

Adjacent Properties and the Public Welfare. The proposed two-story accessory structure will be located 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. Along the alley, the structure will be one-story in height, measuring approximately 13'-0" in height. The second story will be set back approximately 22'-6" from the alley. As conditioned, the windows along the second story facing the alley will be fixed and will contain translucent glass[9] so to restrict the potential for privacy impacts on neighboring properties across the alley. While the proposed second unit may result in some increased activity on the site, the project has been designed with substantial setbacks from all neighboring properties and has been conditioned to limit visibility from the second floor windows facing the alley. Consequently, the project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

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[9] The proposed condition requiring the alley windows to be fixed and to contain translucent glass is consistent with conditions imposed on other entitlements approving two-story accessory structures with windows/doors along an alley.

[10] The public right-of-way information provided is the width of the entire right-of-way which includes the street, parkway, and sidewalk.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Minor Accommodation and Second Unit Use Permit.

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.

Report Reviewed By:

Ryan Gohlich, Senior Planner

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ATTACHMENT A
Required Findings and Recommended Conditions

REQUIRED FINDINGS

In order to approve the requested Minor Accommodation and Second Unit Use Permit, all of the following findings must be made in support of the project. Draft responses to these findings are contained in Attachment B (Draft Resolution)

Minor Accommodation:

1. *The project will not have a substantial adverse impact on the scale and massing of the streetscape;*
2. *The project will not have a substantial adverse impact on the neighbor's access to light and air;*
3. *The project will not have a substantial adverse impact on the neighbor's privacy; and*
4. *The project will not have a substantial adverse impact on the garden quality of the City.*

Second Unit Use Permit:

1. *The project will not have a substantial adverse impact on the scale and massing of the streetscape;*
2. *The project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;*
3. *The project will not have a substantial adverse impact on the neighbor's access to light and air;*
4. *The project will not have a substantial adverse impact on the neighbor's privacy;*
5. *The project will not have a substantial adverse impact on the garden quality of the City; and*
6. *The project will not have a substantial adverse impact on the adjacent properties of the public welfare.*

DRAFT CONDITIONS

Project Specific Conditions

1. The second story window openings along the west façade (alley elevation) of the accessory structure shall be fixed (cannot be opened) and shall contain translucent glass (allows light to pass through but objects are not visible through the glass).

2. The Applicant shall work with the City's Urban Designer, and/or his/her designee, to ensure that the architectural design of the accessory structure is consistent with and compliments the design of the primary residence on the project site, however, still appears as a separate structure from the primary residence.

3. The chimney shall be a maximum of 4'-0" above the highest point of the accessory structure roof. Spark arrestor(s) and/or chimney cap(s) shall be included within the 4'-0" maximum height.

ATTACHMENT B
Draft Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-STORY ACCESSORY STRUCTURE CONTAINING INDEPENDENT LIVING FACILITIES WITHIN A REQUIRED REAR YARD SETBACK ON A CORNER LOT IN THE CENTRAL AREA OF THE CITY AT 700 NORTH LINDEN DRIVE.

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

Section 1. Sarah Wear, Applicant, on behalf of the property owners of Maria Nikitina, (the "Applicant") has submitted an application to allow a Minor Accommodation and Second Unit Use permit to allow the construction of a two-story accessory structure containing independent living facilities within a required rear yard setback in the Central Area of the City (the "Project"). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Minor Accommodation and Second Unit Use Permit.

Section 2. The Project site is located on a corner lot in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along Linden Drive and Elevado Avenue. The Project site is irregularly shaped in comparison to the majority of other properties in the neighborhood however is comparable in site area. A new single-family residence has been approved by the Design Review Commission and is currently being reviewed by the City's Development Services Team for compliance with all applicable zoning and building standards.

The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

The Project consists of a new two-story accessory structure to be located within the rear yard setback that would extend to a maximum height of 22'-0" (lower than the maximum 32'-0" height of the proposed new single-family residence on the site). As designed, the structure would be set back:

- 2'-0" from the rear property line which abuts an alley;
- 15'-0" from the street side property line along Elevado Avenue;
- 33'-0" from the north side property line; and
- 99'-0" from the front property line along Linden Drive.

The total floor area of the new structure would be approximately 1,062 square feet. The structure would contain the following elements:

- Two garages that would house a total of three (3) parking spaces; and
- A second unit occupying approximately 861 square feet of floor area. The proposed second unit would accommodate independent living facilities that include:
    - 1 bedroom;
    - 2 bathrooms;
    - A kitchen;
    - A laundry room; and
    - A recreation area.

Section 3. The 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 categorical exemption pursuant to Section 15303 (Class 3(a) and 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of a second dwelling unit and an accessory (appurtenant) structure including garages within a residential zone. The proposed Project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

Section 4. Notice of the Project and public hearing was mailed on December 2, 2013 to all property owners and residential tenants within a 300-foot radius of the property. On December 12, 2013 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Minor Accommodation, the Planning Commission considered whether it could make the following findings in support of the Project:

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

2. The project will not have a substantial adverse impact on the neighbor's access to light and air;

3. The project will not have a substantial adverse impact on the neighbor's privacy; and

4. The project will not have a substantial adverse impact on the garden quality of the City.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows:

1. The Project site is located on the corner of North Linden Drive and Elevado Avenue. A new single-family residence on the Project site will block the view of the accessory structure from North Linden Drive. Along Elevado Avenue the structure will be visible from the street; however, will be set back 15'-0" from the street side property line. This setback is consistent with the setback of the new single-family residence. The structure will contain approximately 38'-0" of linear frontage along Elevado Avenue. Approximately 18'-6" of the frontage would be two-stories in height and the remaining 20'-6" would be one story in height. As conditioned, the structure will be designed in a manner that is consistent with the new single-family residence but still reads as a separate structure. Furthermore, the accessory structure is consistent with other accessory structures in the area, which are generally one and two-stories in height and are located near or abutting the rear property line. Due to the massing configuration of the proposed structure, the location of the structure on the site, and the existing one and two-story accessory structures that existing in the neighborhood, and the Project specific condition regarding the architectural design of the proposed structure, the project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. The structure would have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. The rear alley would provide a 20'-0" buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two-stories in height. Consequently, along the alley, the proposed structure will have a maximum height of approximately 13'-0" and the two-story portion of the structure will be set back approximately 22'-6" from the rear property line. Due to the location of the proposed structure on the Project site and the massing configuration of the structure, the Project is not anticipated to have a substantial adverse impact on the neighbor's access to light and air.

3. The new accessory structure would have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. The rear alley would provide a 20'-0" buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two-stories in height. Consequently, along the alley, the proposed structure would have a maximum height of approximately 13'-0" and the two-story portion of the structure would be set back approximately 22'-6" from

the rear property line. As conditioned, the second-story windows facing the alley will contain be fixed and will contain translucent glass. Due to the location of the accessory structure on the Project site, the massing configuration of the structure and the Project specific condition regulating the second-story windows of the accessory structure, the Project is not anticipated to have a substantial adverse impact on the neighbor's privacy.

4. The Project site is planned to be developed with a new single-family residence and the proposed accessory structure. A landscape plan has been provided in conjunction with the proposed development of the site. The landscape plan proposes to maintain a number of existing mature trees on the site including a date palm tree, a spindle tree, an olive tree, a citrus tree, and a magnolia tree. In addition to maintaining some existing mature trees on the site, groundcover and additional trees are proposed throughout the project site. Since existing mature landscaping will be maintained and new landscaping is proposed, the Project is not anticipated to have a substantial adverse impact on the garden quality of the City.

Section 7. In considering the request for a Second Unit Use Permit, the Planning Commission considered whether the following findings could be made in support of the Project:

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

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

3. The Project will not have a substantial adverse impact on the neighbor's access to light and air;

4. The Project will not have a substantial adverse impact on the neighbor's privacy;

5. The Project will not have a substantial adverse impact on the garden quality of the City; and

6. The Project will not have a substantial adverse impact on the adjacent properties of the public welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Second Unit Use Permit:

1. The Project site is located on the corner of North Linden Drive and Elevado Avenue. A new single-family residence on the Project site will block the view of the accessory structure from North Linden Drive. Along Elevado Avenue the structure will be visible from the street; however, will be set back 15'-0" from the street side property line. This setback is consistent with the setback of the new single-family residence. The structure will contain approximately 38'-0" of linear frontage along Elevado Avenue. Approximately 18'-6" of the frontage would be two-stories in height and the remaining 20'-6" would be one story in height. As conditioned, the structure will be designed in a manner that is consistent with the new single-family residence but still reads as a separate structure. Furthermore, the accessory structure is consistent with other accessory structures in the area, which are generally one and two-stories in height and are located near or abutting the rear

property line. Due to the massing configuration of the proposed structure, the location of the structure on the site, and the existing one and two-story accessory structures that existing in the neighborhood, and the Project specific condition regarding the architectural design of the proposed structure, the project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape.

2. The Project site is located on the corner of North Linden Drive and Elevado Avenue. A new single-family residence on the Project site will block the view of the accessory structure from North Linden Drive. Along Elevado Avenue the structure will be visible from the street; however, will be set back 15'-0" from the street side property line. This setback is consistent with the setback of the new single-family residence. The structure will have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along North Linden Drive. As designed, only a portion of the structure will be two stories in height. Along the alley, the structure would have a maximum height of 13'-0" and the two-story portion of the structure would be set back approximately 22'-6" from the rear property line. Due to the location of the structure on the Project site and the massing configuration of the structure, the Project is not anticipated to have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties.

3. The structure would have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. The rear alley would provide a 20'-0" buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two-stories in height. Consequently, along the alley, the proposed structure will have a maximum height of approximately 13'-0" and the two-story portion of the structure will be set back approximately 22'-6" from the rear property line. Due to the location of the proposed structure on the Project site and the massing configuration of the structure, the Project is not anticipated to have a substantial adverse impact on the neighbor's access to light and air.

4. The new accessory structure would have a maximum height of 22'-0", would be set back 2'-0" from the rear property line which abuts a 20'-0" wide alley, would be set back approximately 15'-0" from the street side property line along Elevado Avenue, would be set back approximately 33'-0" form the north side property line, and would be set back approximately 99'-0" from the front property line along Linden Drive. The rear alley would provide a 20'-0" buffer between the proposed structure and the neighboring properties to the east. As designed, only a portion of the structure will be two-stories in height. Consequently, along the alley, the proposed structure would have a maximum height of approximately 13'-0" and the two-story portion of the structure would be set back approximately 22'-6" from

the rear property line. As conditioned, the second-story windows facing the alley will contain be fixed and will contain translucent glass. Due to the location of the accessory structure on the Project site, the massing configuration of the structure, and the Project specific condition regulating the second-story windows of the accessory structure, the Project is not anticipated to have a substantial adverse impact on the neighbor's privacy.

5. The Project site is planned to be developed with a new single-family residence and the proposed accessory structure. A landscape plan has been provided in conjunction with the proposed development of the site. The landscape plan proposes to maintain a number of existing mature trees on the site including a date palm tree, a spindle tree, an olive tree, a citrus tree, and a magnolia tree. In addition to maintaining some existing mature trees on the site, groundcover and additional trees are proposed throughout the project site. Since existing mature landscaping will be maintained and new landscaping is proposed, the Project is not anticipated to have a substantial adverse impact on the garden quality of the City.

6. The two-story accessory structure will be located 2'-0" from the rear property line which abuts a 20'-0" wide alley, will be set back approximately 15'-0" from the street side property line along Elevado Avenue, will be set back approximately 33'-0" form the north side property line, and will be set back approximately 99'-0" from the front property line along Linden Drive. Along the alley, the structure will be one-story in height, measuring approximately 13'-0" in height. The second story will be set back approximately 22'-6" from the alley. As conditioned, the windows along the second story facing the alley will be fixed and

will contain translucent glass so to restrict the potential for privacy impacts on neighboring properties across the alley. While the second unit may result in some increased activity on the site, the Project has been designed with substantial setbacks from all neighboring properties and has been conditioned to limit visibility from the second floor windows facing the alley. Consequently, the Project is not anticipated to have a substantial adverse impact on adjacent properties or the public welfare.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Minor Accommodation and Second Unit Use Permit, subject to the following conditions:

1. The second story window openings along the west façade (alley elevation) of the accessory structure shall be fixed (cannot be opened) and shall contain translucent glass (allows light to pass through but objects are not visible through the glass).

2. The Applicant shall work with the City's Urban Designer, and/or his/her designee, to ensure that the architectural design of the accessory structure is consistent with and compliments the design of the primary residence on the project site, however, still appears as a separate structure from the primary residence.

3. The chimney shall be a maximum of 4'-0" above the highest point of the accessory structure roof. Spark arrestor(s) and/or chimney cap(s) shall be included within the 4'-0" maximum height.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on December 12, 2013.

5. 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.

6. 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.

7. 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.

8. 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.

9. RECORDATION. This 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.

10. 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.

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

Section 8. 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: December 12, 2013

_____
Brian Rosenstein
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 C
Public Notice

NOTICE OF PUBLIC HEARING

DATE:	December 12, 2013
TIME:	1:30 PM, or as soon thereafter as the matter may be heard
LOCATION:	Commission 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 REGULAR meeting on Thursday, December 12, 2013, will hold a public hearing beginning at **1:30 PM,** or as soon thereafter as the matter may be heard to consider a request for a Minor Accommodation and a Second Unit Use Permit for an accessory structure on the property located at **700 North Linden Drive**. The project includes:

Minor Accommodation to allow the construction of a two-story accessory structure located on a corner lot with frontage along North Linden Drive an Elevado Avenue. The proposed structure would be located within the rear yard setback and would extend up to 22' in height. A Minor Accommodation is required to allow the structure to exceed 14' in height when located within a required rear yard setback; and

Second Unit Use Permit to allow the subject accessory structure to contain complete independent living facilities that include provisions for living, sleeping, eating, cooking, and sanitation. The proposed second unit would be a maximum of 22' in height (contained within the accessory structure identified above) and would contain a total of approximately 861 square feet of floor area. One new parking space is required and proposed in conjunction with the second unit.

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 Categorical Exemption for the construction of a second unit dwelling and new accessory (appurtenant) structure including garages within a residential zone. Therefore 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.

ATTACHMENT C
Public Notice

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at 310.285.1192 or by email at **srojemann@beverlyhills.org**. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:

Ryan Gohlich, Senior Planner

Mailed: December 2, 2013

ATTACHMENT D
Architectural Plans

Begins on following page.