



Planning Commission Report

Meeting Date: April 12, 2012

Subject: **1141 Summit Drive and 1138 San Ysidro Drive
Variance and Lot Line Line Adjustment**

Request for a variance to allow a lot line adjustment between the properties located at 1141 Summit Drive and 1138 San Ysidro Drive that would result in the property located at 1138 San Ysidro Drive being nonconforming with regard to minimum lot size and depth as set forth in BHMC §10-2-303.

PROJECT APPLICANT: Amy Studarus

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 Variance and Lot Line Adjustment.
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REPORT SUMMARY

The proposed project involves a variance and lot line adjustment that transfers approximately 6,152 square feet of land between the subject properties. The lot line adjustment results in a lot configuration that does not meet the minimum standards established by the Municipal Code, and therefore requires a variance. This report analyzes the characteristics of the subject properties in relation to other properties in the vicinity, and recommends specific conditions of approval intended to prevent any adverse impacts on the surrounding neighborhood.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Public Notice
- C. Draft Resolution
- D. Boundary Line Plans
- E. Property Comparison Table Prepared by Applicant
- F. Letters From Property Owners Supporting Development Restrictions

Report Author and Contact Information:

Ryan Gohlich
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rgohlich@beverlyhills.org

BACKGROUND

File Date	12/12/2011
Application Complete	3/12/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	5/9/2012 without extension request from applicant
Applicant(s)	Schimmel & Parks, Attorney Client Trust
Owner(s)	Hills Settlement Limited (1141 Summit) and Jean Pierre and Francoise Hubschman
Representative(s)	Amy Studarus
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

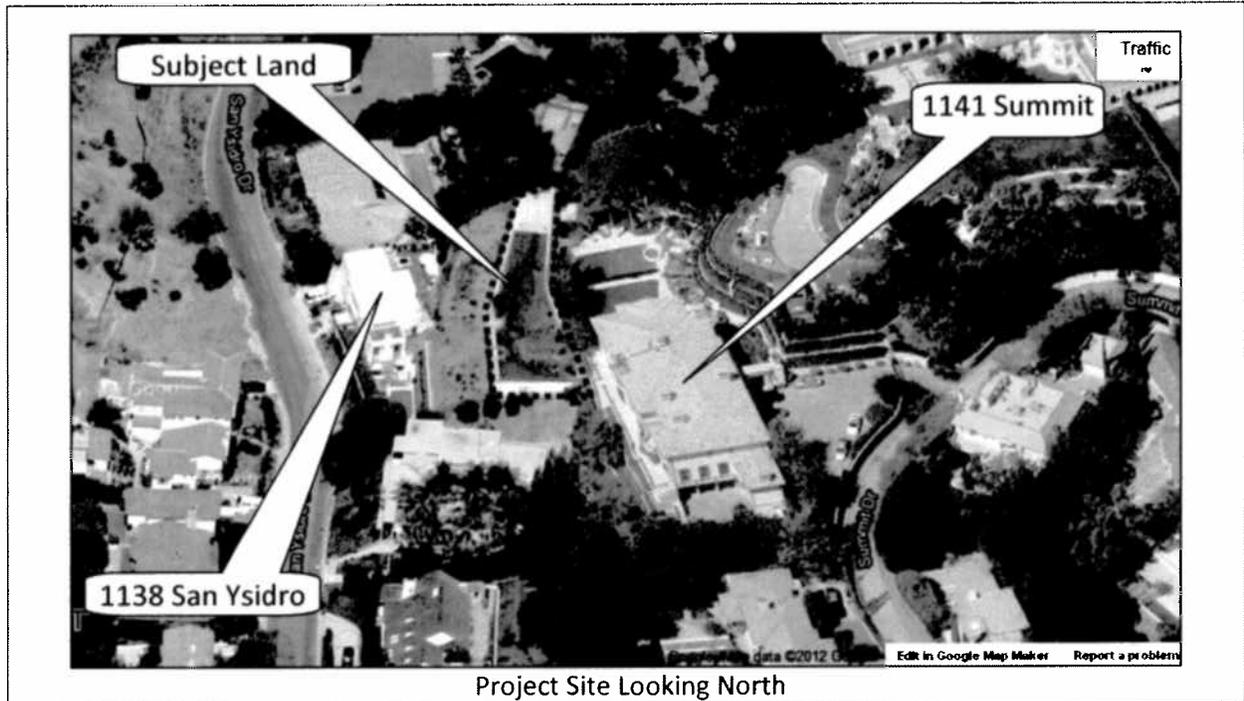
Address	1141 Summit Drive and 1138 San Ysidro Drive
Legal Description	Lots 1 and 2 of Tract 20447 and Lot 7 of Tract 16500
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 43,802 square feet (1141 Summit) Rectangular with taper toward street – 19,573 square feet (1138 San Ysidro)
Year Built	2009 (1141 Summit) and 1966 (1138 San Ysidro)
Historic Resource	N/A
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

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

Neighborhood Character

The subject properties are located in the Hillside Area of the city. The surrounding neighborhood consists of one- and two-story single-family homes built on properties that generally have sloping topographies. The size of the lots and homes in the area varies greatly, with Summit Drive generally being made up of properties that exceed 30,000 square feet in area and contain homes larger than 7,000 square feet, while the majority of lots located on San Ysidro Drive are less than 20,000 square feet in area and contain homes that are generally 4,000 square feet or less.



PROJECT DESCRIPTION

The proposed project consists of a lot line adjustment between the properties located at 1141 Summit Drive and 1138 San Ysidro Drive. The adjustment would result in approximately 6,152 square feet of land (outlined above) being transferred from 1138 San Ysidro Drive to 1141 Summit Drive. The portion of the property proposed to be transferred consists of a landscaped and paved level pad that is located upslope from the 1138 San Ysidro Drive residence, and approximately at the same grade as the 1141 Summit Drive residence. The requested lot line adjustment has been submitted as a standalone project, and is not being proposed in conjunction with any other structures or future development on either of the subject properties.

Requested Permits

The Beverly Hills Municipal Code sets forth specific minimum standards for the subdivision and/or adjustment of lots within the city. Specifically, the code requires that lots in the Hillside Area of the city be comprised of at least one acre (43,560 square feet) of land and have a minimum lot depth of 150 feet. The property located at 1138 San Ysidro Drive does not currently meet these minimum standards and is considered to be legally nonconforming. The requested lot line adjustment would exacerbate the existing legally nonconforming conditions by reducing the overall size and depth of the property to 13,421 square feet and 78 linear feet, respectively. In recognition of the fact that not all properties in the city are capable of meeting the minimum lot standards BHMC §10-2-303 E. sets forth specific provisions for granting variances from the minimum standards as follows:

“Variances: Whenever the size of the parcel of land to be subdivided, its street and alley frontage, its contour, and its location with reference to surrounding property, are such that the requirements of this section work undue and unusual hardship, and a different size and arrangement would not result in undue detriment to surrounding property or the residents

thereof, the planning commission may, in its discretion, approve a different size and arrangement of the lots in the proposed subdivision."

Accordingly, the applicant is requesting a variance to allow a lot line adjustment that will result in a nonconforming lot that does not meet the minimum lot size and depth standards.

ZONING CODE¹ COMPLIANCE

A detailed review of the proposed project to applicable zoning standards has been performed. 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.

Minimum Lot Standards

As discussed above, the Beverly Hills Municipal Code sets forth specific minimum standards for the creation or modification of lots. The applicable minimum standards not being met by the project include the following:

- Lot Depth: Each lot shall have a minimum depth of at least 150 feet.
- Lot Size: Each lot shall have a minimum size of one acre (43,560 square feet).

Existing Lot Configuration

The subject properties are currently configured as follows:

1141 Summit Drive

- Lot Depth: 139.64 feet
- Lot Size: 1.01 acres (43,802 square feet)

1138 San Ysidro

- Lot Depth: 129.43 feet
- Lot Size: 0.45 acres (19,573 square feet)

Proposed Lot Configuration

The subject properties are proposed to be configured as follows:

1141 Summit Drive

- Lot Depth: 139.64 feet (no change to the existing minimum dimension, although portions of the lot would increase in depth)
- Lot Size: 1.15 acres - 49,954 square feet (approximately 6,152 square foot increase)

1138 San Ysidro

- Lot Depth: 78 feet (approximately 51-foot reduction in depth)
- Lot Size: 0.31 acres - 13,421 square feet (approximately 6,152 square foot reduction)

¹ Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466

Agency Review²

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- CIVIL ENGINEERING DIVISION

The Civil Engineering Division has reviewed the proposed lot line adjustment and did not have any comments regarding the proposal as it does not impact any existing utilities or easements.

GENERAL PLAN³ POLICIES

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

- Policy LU 2.3 Hillside Development. Maintain the natural landforms that define the City and require that development on hillsides and in canyon areas be located, designed, and scaled to respect the natural topography and landscape.
- 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.

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 Guidelines⁴, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15305 (Class 5(a)) of the Guidelines. Specifically, the proposed project would result in a minor lot line adjustment between two properties. The lot line adjustment is proposed in an area of level pad and does not include any other proposed development and is therefore exempt from further review under the provisions of CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	4/6/2012	6 Days
Newspaper Notice	10 Days	4/2/2012	3/30/2012	13 Days
Mailed Notice (Owners & Residents - 300' Radius)	5 Days	4/7/2012	3/30/2012	13 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	4/6/2012	6 Days

² Recommended conditions of approval by other departments are provided in the Analysis section of this report.

³ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

⁴ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

Public Comment

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

ANALYSIS⁵

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 A and may be used to guide the Planning Commission's deliberation of the subject project.

Existing Site Conditions and History. The subject properties currently share a common rear lot line, and the level pads that contain the primary residences on each property are separated by approximately 45 vertical feet. The portion of the 1138 San Ysidro Drive property to be conveyed to the 1141 Summit Drive property through the requested lot line adjustment is located well above the 1138 San Ysidro Drive primary residence, and has the visual appearance of being a part of the Summit Drive residence rather than the San Ysidro Drive residence. The portion of the property in question contains a level pad that is supported by a retaining wall that was constructed in approximately 2008 (through code-compliant building permits), and is accessible via a stairway built into the existing, sloping grade. Based on City records and historical aerial photos, the retaining wall that creates the level pad in question was constructed to clearly delineate and further level an existing, semi-level portion of the San Ysidro Drive property. Although a semi-level pad has existed for some time at the top of the San Ysidro Drive property, the retaining wall constructed in 2008 has had the effect of making the space more accessible and usable. Consequently, the owner of the Summit Drive property has identified privacy and security concerns associated with the level pad in question due to its immediate proximity to the Summit Drive residence. The fact that the San Ysidro Drive property is configured to have two level pads separated by a significant vertical distance is somewhat unique in the Hillside Area since properties in the Hillside Area tend to have only one level pad capable of accommodating development. Although no structures have been built on the level pad in question, it is possible that a code-compliant accessory structure could be constructed on the level pad, and that such a structure may have the potential to alter the existing qualities of the properties as enjoyed by the subject property owners. Therefore, the proposed lot line adjustment, with incorporation of certain restrictions on future development, may be an appropriate way to preserve the existing qualities enjoyed by the property owners.

Consistency with Surrounding Properties. As discussed above, the proposed lot line adjustment would result in the San Ysidro Drive property becoming more nonconforming with respect to the minimum lot size and depth as set forth in the Municipal Code. Although the property would become more nonconforming than its existing state, none of the 20 properties located on the east side of the 1100 block of San Ysidro Drive meet the current one-acre minimum lot size requirement, and only 6 of the 20 lots comply with the current 150-foot minimum lot depth requirement. If the variance for lot line adjustment is approved, the San Ysidro Drive property

⁵ 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.

would become more nonconforming, but would still remain within the size and depth range of other properties in the vicinity and would not become an outlier. A comparison of properties within a 500-foot radius of the subject property is provided as Attachment E, and based on this information the lot line adjustment does not appear to result in any undue detriment to surrounding property or the residents thereof as the resulting lot dimensions would remain consistent with the surrounding neighborhood.

Future Development. If approved, the lot line adjustment will result in the Summit Drive property having additional level pad that could potentially be built on or used to increase the overall floor area allowed to be built elsewhere on the property. In order to prevent such future, potentially neighborhood-altering construction from occurring, staff recommends specific conditions of approval that would restrict future development on the land to be conveyed through the lot line adjustment. Such a restriction would serve to preserve the character of the existing neighborhood, and would also help to discourage other property owners and/or developers from creating a similar situation and using this project as precedent for future lot line adjustments. Both property owners are in support of a condition that would prohibit any future development on the land to be conveyed (see Attachment F), and staff further recommends a condition that would prevent the conveyed land from being used to inflate the maximum floor area allowed on the Summit Drive property.

Project-Specific 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 A):

- *“With the exception of code-compliant walls, fences, landscaping, and paving, the 6,152 square feet of land conveyed through this lot line adjustment shall not be developed with any structures that require the issuance of a building permit.” (Special Condition 1)*

The purpose of the above condition is to ensure that the character of the subject properties and surrounding neighborhood is maintained, and to discourage similar situations from being created for the purpose of expanding development.

- *“The 6,152 square feet of land conveyed through this lot line adjustment shall not be included when calculating the maximum floor area allowed to be built on the property located at 1141 Summit Drive.” (Special Condition 2)*

The purpose of the above condition is to ensure that the character of the subject properties and surrounding neighborhood is maintained, and to discourage similar situations from being created for the purpose of expanding development.

- *“A final copy of the lot line adjustment documents shall be recorded with the County Assessor’s Office.” (Special Condition 3)*

The purpose of the above condition is to ensure that the lot line adjustment is properly documented and that the County’s maps are appropriately updated to reflect the adjustment.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the variance and lot line adjustment.

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:



Jonathan Lait, AICP, City Planner

C:\Users\rgohlich\Desktop\Summit 1141 - Lot Line Adjustment Variance - 4-12-2012.doc

ATTACHMENT A
Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Lot Line Adjustment

1. *The proposed lot line adjustments will not deny access to any parcel;*

The proposed lot line adjustment is located along the rear property lines of the subject properties, and will not interfere with any existing driveways or access points associated with any parcel.

2. *The proposed lot line adjustment will not result in a conflict with any public or private easement; and*

There are no public or private easements located within the vicinity of the proposed lot line adjustment, therefore the adjustment will not result in a conflict with any public or private easement.

3. *The proposed lot configurations meet all standards of the zoning, subdivision and building ordinances provisions.*

With the exception of deviations from the minimum lot size and depth standards as authorized by variance and set forth in this resolution, the proposed lot configurations meet all standards of the zoning, subdivision and building ordinances provisions.

Variance from Lot Standards

1. *The size of the parcel of land to be subdivided, its street and alley frontage, its contour, and its location with reference to surrounding property, are such that the minimum lot standards work undue and unusual hardship; and*

The subject properties are located in a unique configuration with regard to level pad placement and property contours. Whereas properties in the Hillside Area of the city generally have one level pad, the property located at 1138 San Ysidro Drive has two level pads, with the secondary level pad located at a significantly higher elevation than the primary level pad, and in a location that is immediately adjacent to the level pad of the property located at 1141 Summit Drive. The location of the secondary level pad in relation to the 1141 Summit Drive property causes privacy impacts, and visually and functionally appears to be a contiguous part of the 1141 Summit Drive property. The minimum lot standards work an undue and unusual hardship because they prevent the subject properties from being logically and appropriately configured and used in a manner similar to other properties in the area.

2. *A variance from the minimum lot standards will not result in undue detriment to surrounding property or the residents thereof.*

Although the property located at 1138 San Ysidro Drive will become more nonconforming with respect to lot size and depth, the property remains consistent with other properties on the same block. Because the property will remain consistent with development in the surrounding

neighborhood, the lot line adjustment will not result in undue detriment to surrounding property or the residents thereof.

DRAFT CONDITIONS

Project Specific Conditions

1. With the exception of code-compliant walls, fences, landscaping, and paving, the 6,152 square feet of land conveyed through this lot line adjustment shall not be developed with any structures that require the issuance of a building permit.
2. The 6,152 square feet of land conveyed through this lot line adjustment shall not be included when calculating the maximum floor area allowed to be built on the property located at 1141 Summit Drive.
3. A final copy of the lot line adjustment documents shall be recorded with the County Assessor's Office.

Standard Conditions

4. The lot line adjustment shall be completed in substantial conformance with the plans as conditioned and approved by the Planning Commission on April 12, 2012.
5. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.
6. This resolution granting the requested variance and lot line adjustment shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit. The Property Owner shall deliver the executed covenant to the Department of Planning & Community Development within 60 days of any City approval of the project. At the time that the Property Owner delivers the covenant to the City, the Property Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the Property Owner 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 Planning & Community Development may, upon a request by the Property Owner, 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.

ATTACHMENT B

PUBLIC NOTICE



NOTICE OF PUBLIC HEARING

DATE: April 12, 2012
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
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 REGULAR meeting on Thursday, April 12, 2012, 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 Variance to allow a Lot Line Adjustment between the properties located at 1141 Summit Drive and 1138 San Ysidro Drive. The Lot Line Adjustment would result in approximately 6,152 square feet of property being transferred from the property located at 1138 San Ysidro Drive to the property located at 1141 Summit Drive. The proposed Lot Line Adjustment would result in the property located at 1138 San Ysidro Drive being nonconforming with regard to minimum lot size and depth as set forth in BHMC §10-2-303, and therefore requires a Variance.

The request is for a Variance for a Lot Line Adjustment only, and there are no new structures being proposed on either property in conjunction with this request.

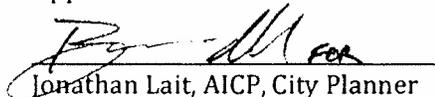
This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 5(a) Categorical Exemption for minor lot line adjustments, 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:


Jonathan Lait, AICP, City Planner

Mailed March 29, 2012

ATTACHMENT C
DRAFT RESOLUTION

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A VARIANCE AND LOT LINE ADJUSTMENT BETWEEN THE PROPERTIES LOCATED AT 1141 SUMMIT DRIVE AND 1138 SAN YSIDRO DRIVE THAT WOULD RESULT IN THE PROPERTY LOCATED AT 1138 SAN YSIDRO DRIVE BEING NONCONFORMING WITH REGARD TO MINIMUM LOT SIZE AND DEPTH AS SET FORTH IN BHMC §10-2-303.

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

Section 1. Amy Studarus, Applicant, on behalf of the property owners of 1141 Summit Drive and 1138 San Ysidro Drive, (collectively the “Applicant”) has submitted an application to allow a variance and lot line adjustment that transfers approximately 6,152 square feet of land from the property located at 1138 San Ysidro Drive to the property located at 1141 Summit Drive. The lot line adjustment results in the configuration of the 1138 San Ysidro Drive property not meeting the minimum lot dimension standards established by the Municipal Code, and therefore requires a variance.

Section 2. The subject properties are located in the Hillside Area of the city. The surrounding neighborhood consists of one- and two-story single-family homes built on properties that generally have sloping topographies. The size of the lots and homes in the area varies greatly, with Summit Drive generally being made up of properties that exceed 30,000 square feet in area and contain homes larger than 7,000 square feet, while the majority of lots

located on San Ysidro Drive are less than 20,000 square feet in area and contain homes that are generally 4,000 square feet or less.

The Project consists of a lot line adjustment between the properties located at 1141 Summit Drive and 1138 San Ysidro Drive. The adjustment results in approximately 6,152 square feet of land being transferred from 1138 San Ysidro Drive to 1141 Summit Drive. The portion of the property to be transferred consists of a landscaped and paved level pad that is located upslope from the 1138 San Ysidro Drive residence, and approximately at the same grade as the 1141 Summit Drive residence. The lot line adjustment is a standalone project, and is not proposed in conjunction with any other structures or future development on either of the subject properties.

Section 3. 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 5 Categorical Exemption has been issued in accordance with the requirements of Sections 15305 of the Guidelines for the Project. The Class 5 exemption is applicable because the Project results in a minor lot line adjustment between two properties. Additionally, the lot line adjustment is proposed in an area of level pad and does not include any other proposed development, and is therefore exempt from further review under the provisions of CEQA.

Section 4. Notice of the Project and public hearing was mailed on March 30, 2012 to all property owners and residential tenants within a 300-foot radius of the property. On April 12, 2012 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 variance and lot line adjustment, the Planning Commission was required to make the following findings:

1. The size of the parcel of land to be subdivided, its street and alley frontage, its contour, and its location with reference to surrounding property, are such that the minimum lot standards work undue and unusual hardship;
2. A variance from the minimum lot standards will not result in undue detriment to surrounding property or the residents thereof;
3. The proposed lot line adjustments will not deny access to any parcel;
4. The proposed lot line adjustment will not result in a conflict with any public or private easement; and
5. The proposed lot configurations meet all standards of the zoning, subdivision and building ordinances provisions.

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

1. The subject properties are located in a unique configuration with regard to level pad placement and property contours. Whereas properties in the

Hillside Area of the city generally have one level pad, the property located at 1138 San Ysidro Drive has two level pads, with the secondary level pad located at a significantly higher elevation than the primary level pad, and in a location that is immediately adjacent to the level pad of the property located at 1141 Summit Drive. The location of the secondary level pad in relation to the 1141 Summit Drive property causes privacy impacts, and visually and functionally appears to be a contiguous part of the 1141 Summit Drive property. The minimum lot standards work an undue and unusual hardship because they prevent the subject properties from being logically and appropriately configured and used in a manner similar to other properties in the area.

2. Although the property located at 1138 San Ysidro Drive will become more nonconforming with respect to lot size and depth, the property remains consistent with other properties on the same block. Because the property will remain consistent with development in the surrounding neighborhood, the lot line adjustment will not result in undue detriment to surrounding property or the residents thereof.

3. The lot line adjustment is located along the rear property lines of the subject properties, and will not interfere with any existing driveways or access points associated with any parcel.

4. There are no public or private easements located within the vicinity of the lot line adjustment, therefore the adjustment will not result in a conflict with any public or private easement.

5. With the exception of deviations from the minimum lot size and depth standards as authorized by variance and set forth in this resolution, the

proposed lot configurations meet all standards of the zoning, subdivision and building ordinances provisions.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Variance and Lot Line Adjustment, subject to the following conditions:

1. With the exception of code-compliant walls, fences, landscaping, and paving, the 6,152 square feet of land conveyed through this lot line adjustment shall not be developed with any structures that require the issuance of a building permit.

2. The 6,152 square feet of land conveyed through this lot line adjustment shall not be included when calculating the maximum floor area allowed to be built on the property located at 1141 Summit Drive.

3. A final copy of the lot line adjustment documents shall be recorded with the County Assessor's Office.

4. 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.

5. RECORDATION. This resolution approving a variance and lot line adjustment shall not become effective until the owners of the Project sites record 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.

6. EXPIRATION. The exercise of rights granted in this approval shall be commenced within three (3) years after the adoption of such resolution.

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

8. This approval is for those plans submitted to the Planning Commission on April 12, 2012, 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.

9. 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.

10. 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.

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:

Craig Corman
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Jonathan Lait, AICP
City Planner *RL*

ATTACHMENT D
BOUNDARY LINE PLANS

Proposed Lot Line Adjustment

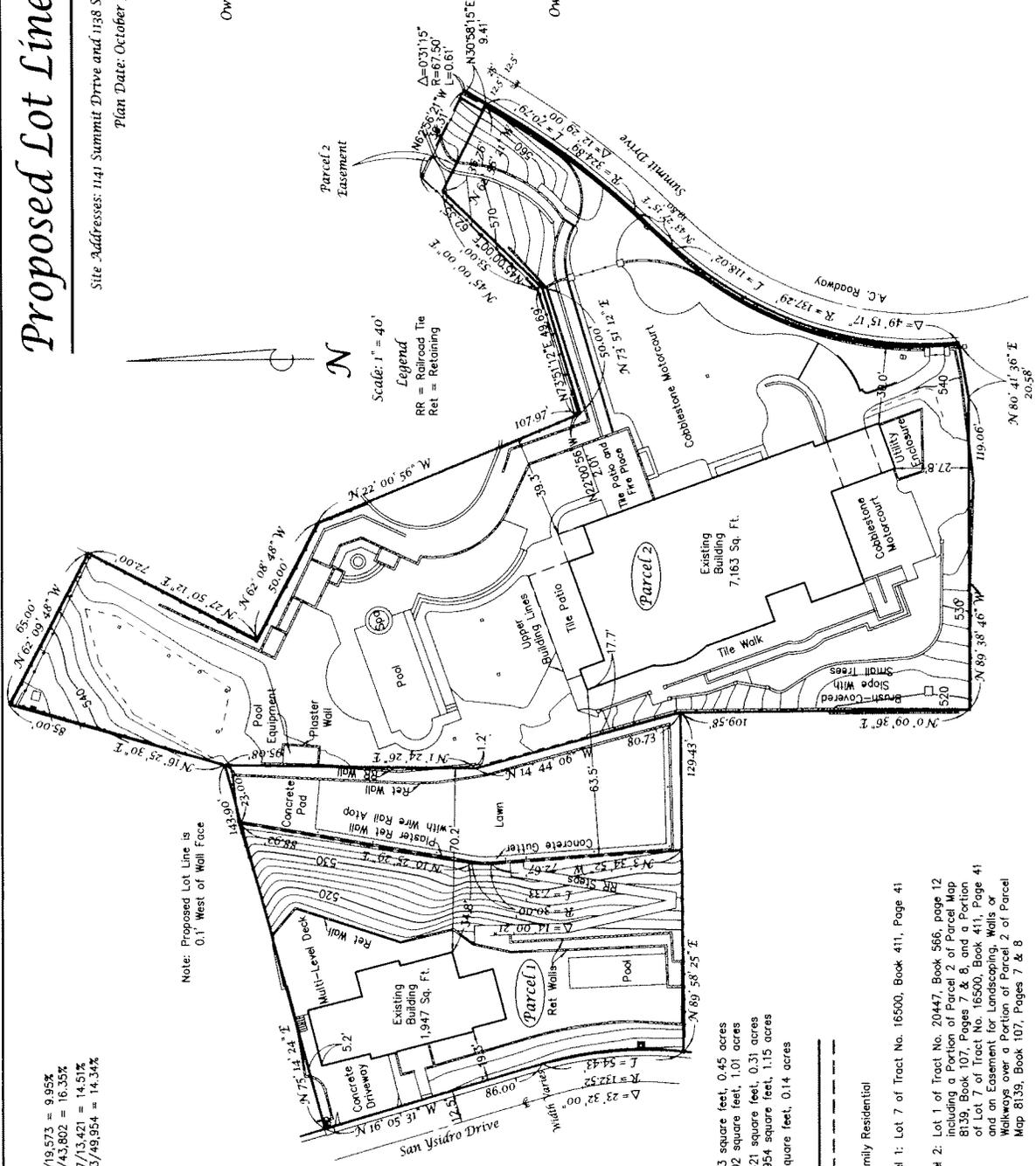
Site Addresses: 1141 Summit Drive and 1138 San Ysidro Drive, Beverly Hills

Plan Date: October 5, 2011

F.A.R.:

Existing Parcel 1: 1,947/19,573 = 9.95%
 Parcel 2: 7,163/43,802 = 16.35%
 Proposed Parcel 1: 1,947/13,421 = 14.51%
 Parcel 2: 7,163/49,954 = 14.34%

Note: Proposed Lot Line is
 0.1' West of Wall Face



Owner Parcel 1: Jean Pierre & Francoise Hubschman
 1138 San Ysidro
 Beverly Hills, CA 90210

Jean Pierre Hubschman Date

Francoise Hubschman Date

Owner Parcel 2: The Hills Settlement LTD,
 A British Virgin Islands Corporation
 1141 Summit Drive
 Beverly Hills, CA 90210

Alfreviades Daviú, Managing Agent Date

Survey By: M & M & Co.
 16145 Roscoe Boulevard
 North Hills, CA 91343
 (818) 891-9100
 Gregory M. Amoroso, L.S. 8771

Areas:
 Existing Parcel 1: 19,573 square feet, 0.45 acres
 Parcel 2: 43,802 square feet, 1.01 acres
 Proposed Parcel 1: 13,421 square feet, 0.31 acres
 Parcel 2: 49,954 square feet, 1.15 acres
 Area Conveyed: 6,152 square feet, 0.14 acres

Existing Lot Line:
 Proposed Lot Line:

Zone: R-1X, Single-Family Residential

Legal Description: Parcel 1: Lot 7 of Tract No. 16500, Book 411, Page 41

Parcel 2: Lot 1 of Tract No. 20447, Book 566, page 12
 including a Portion of Parcel 2 of Parcel Map
 8139, Book 107, Pages 8 and 41, a Portion
 of Lot of Tract No. 6560, Book 411, Page 41
 and any Easement Portions, Walls or
 Walkways or Portions of Parcel 2 of Parcel
 Map 8139, Book 107, Pages 7 & 8

AREA CONVEYED

THAT PORTION OF LOT 7 OF TRACT NO. 16500, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 411 PAGE 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 7, SAID POINT LYING SOUTH 75°14'24" WEST 23 FEET FROM THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 10°25'29" WEST 88.92 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 30 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°00'21", AN ARC DISTANCE OF 7.33 FEET; THENCE SOUTH 3°34'52" EAST 72.67 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 7.

PROPOSED PARCEL 1
1138 SAN YSIDRO

LOT 7 OF TRACT NO. 16500, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 411 PAGE 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT THEREFROM THAT PORTION OF SAID LOT 7 LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 7, SAID POINT LYING SOUTH $75^{\circ}14'24''$ WEST 23 FEET FROM THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH $10^{\circ}25'29''$ WEST 88.92 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 30 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $14^{\circ}00'21''$, AN ARC DISTANCE OF 7.33 FEET; THENCE SOUTH $3^{\circ}34'52''$ EAST 72.67 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 7.

PROPOSED PARCEL 2
1141 SUMMIT DRIVE

PARCEL 1:

LOT 1 OF TRACT NO. 20447, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 566, PAGE 12 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

INCLUDING THAT PORTION OF PARCEL 2 OF PARCEL MAP 8139, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 107, PAGES 7 AND 8 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 2; THENCE NORTH $52^{\circ}12'49''$ WEST 30 FEET; THENCE SOUTH $89^{\circ}31'00''$ WEST 35.91 FEET; THENCE NORTH $73^{\circ}22'40''$ WEST 47.21 FEET; THENCE NORTH $61^{\circ}49'48''$ WEST 49.79 FEET; THENCE NORTH $50^{\circ}28'07''$ WEST 50.75 FEET; THENCE NORTH $1^{\circ}25'30''$ EAST 95.00 FEET; THENCE NORTH $16^{\circ}25'30''$ EAST 85 FEET; THENCE SOUTH $62^{\circ}09'48''$ EAST 65 FEET; THENCE SOUTH $27^{\circ}50'12''$ WEST 72 FEET; THENCE SOUTH $62^{\circ}08'48''$ EAST 50 FEET; THENCE SOUTH $22^{\circ}00'56''$ EAST 107.97 FEET; THENCE NORTH $73^{\circ}51'12''$ EAST 50 FEET; THENCE NORTH $45^{\circ}00'00''$ EAST 53 FEET; THENCE SOUTH $62^{\circ}56'21''$ EAST 36.76 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SUMMIT DRIVE AS SAID DRIVE IS SHOWN ON SAID PARCEL MAP; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE ON A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 324.89 FEET, AN ARC LENGTH OF 70.79 FEET (A RADIAL LINE AT SAID LAST MENTIONED POINT BEARS SOUTH $59^{\circ}01'45''$ EAST); THENCE SOUTH $43^{\circ}27'15''$ WEST 19.80 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 139 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 13.75 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF LOT 7 OF TRACT NO. 16500, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 411 PAGE 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT 7, SAID POINT LYING SOUTH $75^{\circ}14'24''$ WEST 23 FEET FROM THE NORTHEAST CORNER OF SAID LOT 7; THENCE SOUTH $10^{\circ}25'29''$ WEST 88.92 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 30 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $14^{\circ}00'21''$, AN ARC DISTANCE OF 7.33 FEET; THENCE SOUTH $3^{\circ}34'52''$ EAST 72.67 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 7.

PARCEL 3:

AN EASEMENT FOR LANDSCAPING, WALLS OR WALKWAYS OVER THAT PORTION OF PARCEL 2 OF PARCEL MAP 8139, IN THE CITY OF BEVERLY HILLS, AS PER MAP FILED IN BOOK 107 PAGE 7 AND 8 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF LOS ANGELES COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE MOST SOUTHERLY CORNER OF SAID PARCEL 2; THENCE NORTH $52^{\circ}12'49''$ WEST 30 FEET; THENCE SOUTH $89^{\circ}31'00''$ WEST 35.91; THENCE NORTH $73^{\circ}22'40''$ WEST 47.21 FEET; THENCE NORTH $61^{\circ}49'48''$ WEST 49.79 FEET; THENCE NORTH $50^{\circ}28'07''$ WEST 50.75 FEET; THENCE NORTH $01^{\circ}25'30''$ EAST 95.00 FEET; THENCE NORTH $16^{\circ}25'30''$ EAST 85 FEET; THENCE SOUTH $62^{\circ}09'48''$ EAST 65 FEET; THENCE SOUTH $27^{\circ}50'12''$ WEST 72 FEET; THENCE SOUTH $62^{\circ}08'48''$ EAST 50 FEET; THENCE SOUTH $22^{\circ}00'56''$ EAST 107.97 FEET TO THE TRUE POINT OF BEGINNING OF THE DESCRIPTION;

THENCE NORTH $73^{\circ}51'12''$ EAST 50.00 FEET,

THENCE NORTH $45^{\circ}00'00''$ EAST 53.00 FEET,

THENCE SOUTH $62^{\circ}56'21''$ EAST 36.76 FEET TO THE NORTHWESTERLY SIDELINE OF SUMMIT DRIVE AS SUMMIT DRIVE IS SHOWN ON SAID PARCEL MAP NO. 8139, THENCE NORTH $30^{\circ}58'15''$ EAST 9.41 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 67.50 FEET,

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH AN ANGLE OF $00^{\circ}31'15''$ AN ARC DISTANCE OF 0.61 FEET; THENCE NORTH $62^{\circ}56'21''$ WEST 36.31 FEET,

THENCE SOUTH $45^{\circ}00'00''$ WEST 62.35 FEET,

THENCE SOUTH $73^{\circ}51'12''$ WEST 49.69 FEET, THENCE SOUTH $22^{\circ}00'56''$ EAST 2.01 FEET TO THE TRUE POINT OF BEGINNING.

ATTACHMENT E

PROPERTY COMPARISON TABLE PREPARED BY APPLICANT

List of Properties Per 500-Ft Radius Map

*sq ft after
+ line adj.*

Property	Address	APN	Lot Sq Ft	House Sq Ft	FAR
1	1138 San Ysidro	4348-013-019	13,421	1,947	14.5
2	1141 Summit Dr	4348-013-027	49,954	7,163	14.3
3	1129 Summit Dr	4348-013-008	32,626	7,153	21.9
4	1121 Summit Dr	4348-013-007	45,651	8,060	17.7
5	1085 Summit Dr	4348-012-029	43,810	11,363	25.9
6	1118 San Ysidro Dr	4348-012-009	27,760	6,808	24.5
7	1122 San Ysidro Dr	4348-012-010	24,360	4,173	17.1
8	1126 San Ysidro Dr	4348-013-006	15,920	5,953	37.4
9	1130 San Ysidro Dr	4348-013-009	14,700	3,902	26.5
10	1134 San Ysidro Dr	4348-013-010	15,140	2,737	18.1
11	1136 San Ysidro Dr	4348-013-020	14,820	3,764	25.4
12	1115 San Ysidro Dr	4348-016-014	17,110	3,335	19.5
13	1119 San Ysidro Dr	4348-016-013	17,290	2,887	16.7
14	1125 San Ysidro Dr	4348-016-012	12,380	3,952	31.9
15	Vacant-No Address	4348-016-011	1,200	0	0.0
16	1131 San Ysidro Dr	4348-016-010	14,950	4,154	27.8
17	1133 San Ysidro Dr	4348-016-009	13,450	4,306	32.0
18	1137 San Ysidro Dr	4348-016-008	16,630	4,985	30.0
19	1150 Tower Rd	4348-015-017	51,967	6,782	13.1
20	1154 Tower Rd	4348-015-010	50,660	9,329	18.4
21	1156 Tower Rd	4348-015-009	62,680	6,619	10.6
22	1158 Tower Rd	4348-015-006	92,609	7,878	8.5
23	1155 San Ysidro Dr	4348-015-008	66,516	6,159	9.3
24	1105 San Ysidro Dr	4348-016-034	56,192	11,497	20.5
25	1146 Tower Rd	4348-016-033	77,536	10,909	14.1
26	1130 Tower Rd	4348-016-022	20,470	5,081	24.8
27	1134 Tower Rd	4348-016-023	15,680	5,261	33.6
28	1136 Tower Rd	4348-016-024	14,810	3,418	23.1
29	1144 Tower Rd	4348-016-025	16,120	1,900	11.8
30	1140 Tower Rd	4348-016-031	43,168	7,413	17.2
31	1143 Tower Rd	4348-015-028	65,340	6,053	9.3
32	1140 San Ysidro Dr	4348-013-018	14,660	2,470	16.8
33	1142 San Ysidro Dr	4348-013-017	16,850	3,442	20.4
34	1144 San Ysidro Dr	4348-013-016	18,200	9,075	49.9
35	1146 San Ysidro Dr	4348-013-015	16,020	4,305	26.9
36	1148 San Ysidro Dr	4348-013-014	14,540	3,296	22.7
37	1150 San Ysidro Dr	4348-013-013	14,430	3,255	22.6
38	1151 Summit Dr	4348-014-016	55,756	10,905	19.6
39	1147 Pickfair Way	4348-013-023	32,080	4,304	13.4
40	1143 Summit Dr	4348-013-026	98,010	25,243	25.8
41	1130 Summit Dr	4348-006-017	14,375	7,232	50.3
42	1124 Summit Dr	4348-006-019	18,731	2,256	12.0
43	1120 Summit Dr	4348-006-009	38,330	5,216	13.6
44	1095 Carolyn Way	4348-006-013	21,950	2,710	12.3
45	1105 Carolyn Way	4348-006-014	19,920	3,097	15.5
46	1115 Carolyn Way	4348-006-015	17,830	4,604	25.8
47	1125 Carolyn Way	4348-006-016	16,610	2,454	14.8
48	1135 Carolyn Way	4348-006-018	12,632	5,262	41.7
49	1130 Carolyn Way	4348-005-025	16,890	2,960	17.5
50	1120 Carolyn Way	4348-005-026	16,510	4,818	29.2
51	1110 Carolyn Way	4348-005-027	16,280	2,416	14.8
52	1100 Carolyn Way	4348-005-006	46,200	14,765	32.0

53	1079 Marilyn Dr	4348-005-023	19,670	2,971	15.1
54	1087 Marilyn Dr	4348-005-022	22,830	2,820	12.4
55	1140 Summit Dr	4348-005-009	20,840	4,019	19.3
56	1144 Summit Dr	4348-005-010	20,027	4,671	23.3
57	1146 Summit Dr	4348-005-011	23,130	5,120	22.1
58	1148 Summit Dr	4348-005-012	20,030	6,311	31.5
59	1150 Summit Dr	4348-005-013	20,600	4,968	24.1
60	1159 Summit Dr	4348-014-017	56,192	9,579	17.0
61	1154 Summit Dr	4348-005-014	20,440	8,032	39.3
62	1158 Summit Dr	4348-005-015	22,110	9,612	43.5
63	1141 Marilyn Dr	4348-005-016	12,730	4,419	34.7
64	1131 Marilyn Dr	4348-005-017	14,890	3,241	21.8
65	1121 Marilyn Dr	4348-005-018	15,680	8,047	51.3
66	1111 Marilyn Dr	4348-005-019	14,890	5,073	34.1
67	1101 Marilyn Dr	4348-005-020	13,430	2,899	21.6
68	1093 Marilyn Dr	4348-005-021	13,040	3,077	23.6

Proposed Lot Line Adjustment

500' - Radius Map

Site Addresses: 1141 Summit Drive and 1138 San Ysidro Drive, Beverly Hills
Plan Date: November 1, 2011



Note: See Mailing Label Sheets for Property Address Legend.

Note: All Properties Within This Radius Map Are Single-Family Residential.

Owner Parcel 1: Jean Pierre & Francoise Hubschman
1138 San Ysidro
Beverly Hills, CA 90210

Owner Parcel 2: The Hills Settlement LTD.,
A British Virgin Islands Corporation
1141 Summit Drive
Beverly Hills, CA 90210

Survey By: M & M & Co.
16145 Roscoe Boulevard
North Hills, CA 91343
(818) 891-9100
Gregory M. Amoroso, L.S. 8771

ATTACHMENT F

LETTERS FROM PROPERTY OWNERS SUPPORTING

DEVELOPMENT RESTRICTIONS

22 March 2012

City of Beverly Hills
Community Development Department
455 N. Rexford Drive
Beverly Hills, CA 90210
Attn: Mr. Ryan Gohlich

Re: 1141 Summit Dr & 1138 San Ysidro Dr Lot Line Adjustment/Variance

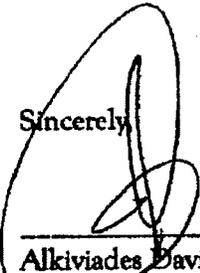
Mr. Gohlich:

I am the managing agent of the owner of 1141 Summit Drive in Beverly Hills, California, and I currently reside at that property. My representatives have been working with the owner of 1138 San Ysidro Drive and the City of Beverly Hills for the past several months in an attempt to accomplish a lot line adjustment/variance. We have been in the process of requesting that the City of Beverly Hills approve the lot line adjustment/variance.

Specifically, I am writing this letter to express my agreement that we will prohibit any new development on the subject pad area that is being requested to be transferred from 1138 San Ysidro Drive to our property located at 1141 Summit Drive.

Please let us know if there are any questions.

Sincerely,



Alkiviades David

Managing Agent of The Hills Settlement LTD.
1141 Summit Drive

19 March 2012

City of Beverly Hills
Community Development Department
455 N. Rexford Drive
Beverly Hills, CA 90210
Attn: Mr. Ryan Gohlich

Re: 1141 Summit Dr & 1138 San Ysidro Dr Lot Line Adjustment/Variance

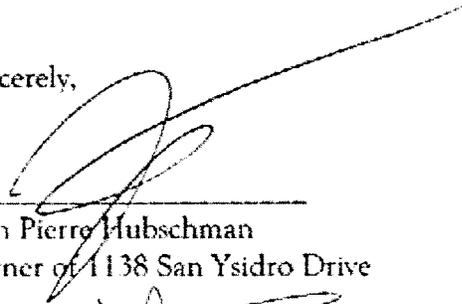
Mr. Gohlich:

We are the owners of the property located at 1138 San Ysidro Drive in Beverly Hills, California. We have been working with Mr. David's representatives for the past several months in an attempt to accomplish a lot line adjustment/variance. We are requesting that the City of Beverly Hills approve the adjustment.

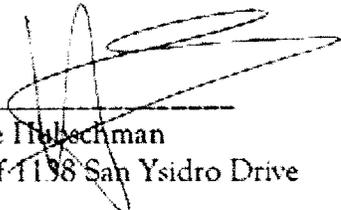
Specifically, we are writing this letter to express our agreement and support in prohibiting any new development on the subject pad area that is being requested to be transferred to the owners of 1141 Summit Drive.

Please let us know if there are any questions.

Sincerely,



Jean Pierre Hubschman
Owner of 1138 San Ysidro Drive



Francoise Hubschman
Owner of 1138 San Ysidro Drive