AGENDA REPORT

Meeting Date: September 24, 2013

Item Number: D-1

To: Honorable Mayor & City Council

From: Jonathan Lait, AICP, Assistant Director of Community Development
Shena Rojemann, Associate Planner

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS.

Attachments:

1. Ordinance
2. Planning Commission Resolution 1691 recommending approval of the Ordinance
3. Planning Commission Resolution 1690 conditionally approving the Lot Line Adjustment
4. Planning Commission Staff Report – August 12, 2013
5. Planning Commission conditionally approved Lot Line Adjustment Plan

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RECOMMENDATION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS" be introduced and read by title only.

INTRODUCTION

The City Council is asked to consider an ordinance amending existing regulations pertaining to lot line adjustments. A lot line adjustment is defined by the Beverly Hills Municipal Code as any adjustment between two or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created[1]. Requests for lot line adjustments are made by the property owner(s) of

[1] Lot line adjustment is defined under BHMC §10-2-801.

the parcels affected by the adjustment, and mutual agreement is required between the owners of affected properties. Lot line adjustment applications may be approved by the Director of Community Development[2] however, the Director may forward applications to the Planning Commission for its review.

Lot Line Adjustments may be granted by the Director or Planning Commission only when the lots affected conform to the minimum subdivision requirements including lot area, size, and dimensions, and development on the lots conforms to the minimum zoning regulations such as setbacks.

The applicant, Thomas S. Levyn[3], is requesting approval of the proposed ordinance that would allow existing properties that are legally nonconforming with respect to the minimum subdivision requirements or the minimum zoning provisions to request a lot line adjustment so long as the proposed adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create any new nonconformity. As an example, if a lot line adjustment request is submitted for two properties that are both legally nonconforming with respect to the minimum lot size, the adjustment must not cause either property to be reduced in size as that would result in an increased degree of nonconformity with respect to lot size.

The Planning Commission reviewed the proposed ordinance in conjunction with the requested Lot Line Adjustment at its meeting on August 12, 2013 and unanimously recommended approval of the ordinance to City Council. A copy of the Planning Commission staff report has been provided in Attachment 4. A summary of the Planning Commission deliberations is provided in the Analysis section of this report.

BACKGROUND

The proposed ordinance was initiated in connection with a Lot Line Adjustment request for the residential properties located at 1184 Loma Linda Drive and 1117 Sutton Way. Both properties are legally non-conforming with respect to lot size[4]. In 2005 the lot at 1184 Loma Linda Drive experienced a landslide along the downhill slope on the property's west side. Simultaneously, the property at 1117 Sutton Way experienced a landslide along the northeastern portion of the property. The landslides, which are thought to have occurred due to heavy rains, were stabilized; however, a lawsuit was filed as a result. The lawsuit, which included the City of Beverly Hills, resulted in a multi-party settlement. The settlement required that the property owner of 1184 Loma Linda Drive maintain certain property that had been affected by the landslide. After the settlement was established, it was discovered that part of that property to be maintained is located on the 1117 Sutton Way lot. At the Planning Commission public hearing the project applicant indicated that a lot line adjustment would be an ideal solution so that the portion of the property to be maintained as part of the settlement agreement is located entirely on the 1184 Loma Linda Drive lot.

Images of the requested Lot Line Adjustment are provided on the next page.

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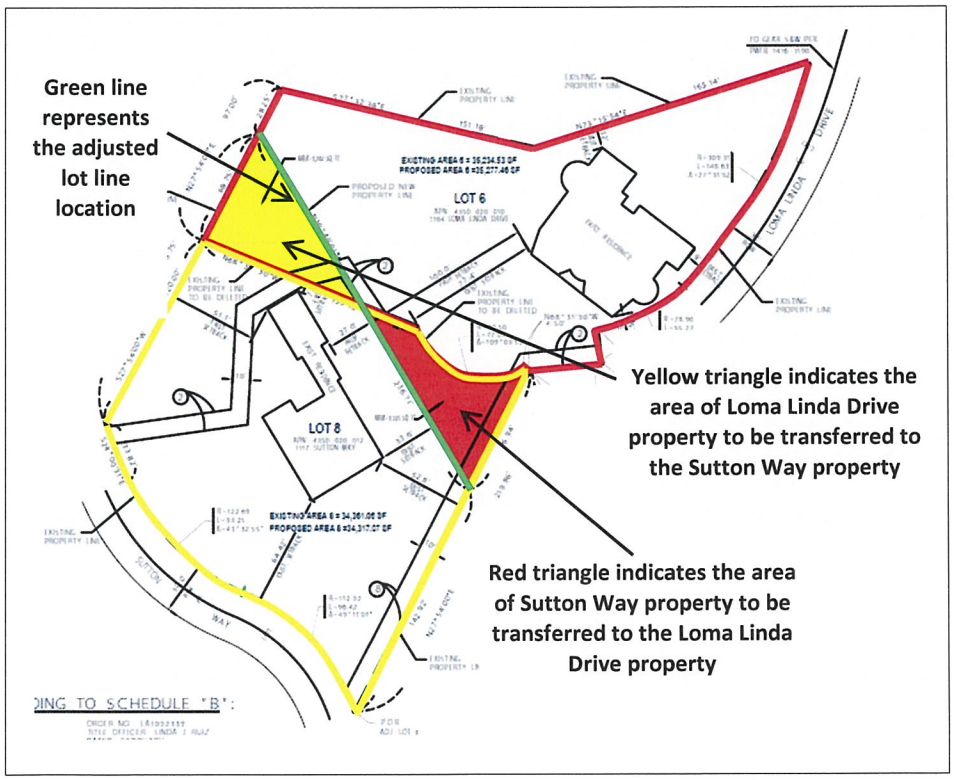
[2] Pursuant to BHMC §10-2-805, a lot line adjustment may be approved so long as the following findings can be made: A) The proposed lot line adjustment will not deny access to the any parcel; B) The proposed lot line adjustment will not result in a conflict with any public or private easement; and C) The proposed lot configurations meet all the standards of the zoning, subdivision and building ordinances provisions.

[3] Applicant Thomas S. Levyn represents the property owner of 1184 Loma Linda Drive.

[4] Pursuant to BHMC §10-2-303 the minimum lot size for each property is one (1) acre (43,560 square feet). The property at 1184 Loma Linda Drive has an existing site area of 35,235 square feet and the property at 1117 Sutton Way has an existing site area of 34,361 square feet.

Existing Lot Configurations

The image below indicates how the property lines between the property at 1184 Loma Linda Drive (outline in red) and 1117 Sutton Way (outlined in yellow) will be modified if the ordinance is adopted as presented. The green line represents the location of the adjusted lot line shared between the two properties. The yellow triangle area indicates the land area that will be transferred from the Loma Linda Drive property to the Sutton Way property, and the red triangle area indicates the land area that will be transferred from the Sutton Way property to the Loma Linda property.



DISCUSSION

The City's Municipal Code sets forth the minimum lot (subdivision) standards for all commercial and residential properties throughout the City and these standards have been amended over time. The City's zoning standards have also been amended over time with the result that many existing residential and commercial properties throughout the City have become legally non-conforming with respect to certain subdivision and zoning standards. A specific example occurred in 1991, when the Municipal Code was amended to revise the minimum lot standards for the Northerly Zone[5] of the City. This revision increased the minimum lot size from 20,000 square feet (.46 acres) to 43,560 square feet (1 acre). This amendment was made to prevent further subdivision of properties and to maintain the existing neighborhood characteristics. As a result of this amendment, a number of existing properties in the Northerly Zone of the City became legally non-conforming with respect to the minimum lot standards as is the case with the properties at 1184 Loma Linda Drive and 1117 Sutton Way.

Lot Line Adjustments, which were originally referred to as Boundary Adjustments, have been permitted for commercial and residential properties throughout the City since 1975. City records indicate that approximately ten (10) adjustments have been requested since 2000[6]. According to current Code, in order for property owners to request a lot line adjustment, the properties affected must comply with the current subdivision and zoning standards. The proposed ordinance would allow properties that currently do not qualify for a lot line adjustment to request an adjustment so long as the adjustment does not result in the increase of degree of existing nonconformities or create new nonconformities. The purpose of the proposed ordinance is not to allow conforming properties to become non-conforming. Rather, the proposed ordinance would allow existing non-conforming properties the opportunity to realign their lot lines while maintaining existing nonconformities or, in some instances, decrease the degree of nonconformance that currently exist.

ORDINANCE DETAILS

Below is a strikeout/underline version of the proposed text changes, which identifies the discrete changes to existing code language.

"Article 8. Lot Line Adjustments

10-2-804: COMPLIANCE WITH MINIMUM REQUIREMENTS:

Except as otherwise provided in Section 10-2-805 of this article regarding nonconforming lots, ~~A~~all lots proposed to be altered pursuant to the provisions of this article shall conform to the minimum requirements for subdivisions set forth in article 3 of this chapter and to the minimum requirements set forth in the city's zoning provisions.

10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:

Upon receipt of the map, the planning director shall examine it to see whether it complies with all the requirements of this article and whether:

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

B. The proposed lot line adjustment will not result in a conflict with any public or private

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[5] Pursuant to BHMC §10-2-303 regarding the minimum lot standards, 'Northerly Zone' is defined as all property lying between Sunset Boulevard and the northerly boundary of the City.

[6] City records prior to 2000 do not provide a clear indication of how many Lot Line Adjustments were filed.

easement; and

C. *The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinances provisions~~.~~, except that existing, legally nonconforming lots need not meet all the standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create a new nonconformity.*

If the planning director makes these findings, the planning director shall approve the adjustment. The planning director may forward the application to the Planning Commission for its review."

ANALYSIS

The findings that the City Council must make to approve a Zone Text Amendment relate to the amendment's impact on the public interest and general welfare. The following benefits and concerns were considered by the Planning Commission and are presented for consideration by the City Council in reviewing the proposed amendment.

Planning Commission Review

In its review of the proposed ordinance, the Planning Commission considered the overall impacts the proposed ordinance could have on development throughout the City, as the proposed amendment would affect all legally nonconforming lots in both commercial and residential zones. The Commission discussed the following benefits and concerns:

Benefits

The proposed ordinance would provide owners of legally nonconforming properties that do not comply with the minimum subdivision or zoning standards an opportunity to request a lot line adjustment. This may be specifically beneficial to property owners requesting lot line adjustments due to unusual circumstances, as is the case with the lot line adjustment involving 1184 Loma Linda Drive and 1117 Sutton Way. Such lot line adjustments may also provide property owners with more functional lots. As proposed, the ordinance would ensure that existing nonconformities on lots are not exacerbated, and that new nonconformities are not created.

Concerns

As indicated in the Planning Commission staff report, consideration was given to whether the proposed ordinance would encourage the continuation of existing nonconforming properties in the City. The City's zoning standards include provisions that relate to nonconforming lots, uses, buildings, and parking. The standards are intended to encourage the eventual termination of nonconformities in order for more properties to comply with the City's General Plan. Allowing lot line adjustments on parcels with substandard lot dimensions may discourage lot consolidation and, if so, result in the continuation of smaller parcels in an area where larger parcels are encouraged to preserve neighborhood character.

It is not anticipated the proposed ordinance would result in a significant number of applications due to the conditions of the ordinance that prohibit the approval of a lot line adjustment if the request would create new nonconformities on the properties or increase the level of nonconformity that already exists.

The Planning Commission unanimously adopted a resolution recommending the City Council adopt the proposed ordinance. The Planning Commission also took action on the requested Lot Line Adjustment for the properties at 1184 Loma Linda Drive and 1117 Sutton Way and determined that, pursuant to the proposed ordinance, the lot line adjustment would not cause any increased nonconformity to the properties or create any new nonconformities. Consequently, the Planning Commission conditionally approved the Lot Line Adjustment contingent upon the adoption of the proposed ordinance. A copy of the Planning Commission resolution conditionally approving the requested Lot Line Adjustment is provided in Attachment 4 of this report.

GENERAL PLAN[7] CONSISTENCY

The General Plan includes policies relevant to the City Council's review of the proposed ordinance, including:

- **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.

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[8], and the environmental regulations of the City. The project has been determined to be exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since the proposed Zone Text Amendment and the requested Lot Line Adjustment would not result in physical changes to the subject properties other than the relocation of property lines, no potential for causing a significant effect on the environment exists, and therefore, the project is exempt from CEQA.

FINDINGS

Based on the analysis outlined above and the findings adopted by the Planning Commission, staff recommends that the following findings be made in support of the requested Zone Text Amendment:

1. *The Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.*

   The Zone Text Amendment is intended to add flexibility to the Code for legally non-conforming properties that are seeking a lot line adjustment. With approval by the Planning Director or Planning Commission, legally non-conforming properties may request a lot line adjustment so long as the requested adjustment will not result in increased nonconformance for any of the lots affected by the lot line adjustment. Any proposed lot line adjustments will require review and approval of a Lot Line Adjustment application, which may be reviewed by the Planning Director or the Planning

[7] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp
[8] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

Commission on a case-by-case basis, and findings would need to be made based on the merits of each application. Because the amendment provides a legally non-conforming property with a way to request alterations to the property layout, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

FISCAL IMPACT

The proposed Zone Text Amendment will not result in any financial impacts.

PUBLIC NOTICE

A public hearing notice was mailed on September 13, 2013 to all owners and residential occupants of property located within 300 feet of the project site, and notice of the hearing was published in the Beverly Hills Courier (Friday, September 13th, 2013) and the Beverly Hills Weekly (Thursday, September 19th, 2013), two newspapers of local circulation, prior to the hearing. As of the writing of this report the City has not received any comments regarding the proposed ordinance.

RECOMMENDED ACTION

Staff recommends that the City Council move to waive the full reading of the ordinance and that the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS" be introduced and read by title only.

Susan Healy Keene, AICP
Director of Community Development

Susan Healy Keene

Approved By

ATTACHMENT 1

ORDINANCE

ORDINANCE NO. 13-O-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS.

WHEREAS, on August 12, 2013 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the standards for Lot Line Adjustments as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on September 24, 2013, the City Council conducted a duly noticed public hearing to consider proposed amendments to the standards for Lot Line Adjustments and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment 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 that the project is exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The exemption is applicable because the proposed Zone Text Amendment and Lot Line Adjustment would not result in physical changes to the subject properties other than the

relocation of property lines, and no potential for causing a significant effect on the environment exists.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 10-2-804 (Compliance With Minimum Requirements) of Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

"10-2-804: COMPLIANCE WITH MINIMUM REQUIREMENTS:

Except as otherwise provided in section 10-2-805 of this article regarding nonconforming lots, all lots proposed to be altered pursuant to the provisions of this article shall conform to the minimum requirements for subdivisions set forth in article 3 of this chapter and to the minimum requirements set forth in the city's zoning provisions."

Section 2. Subsection 10-2-805 (Approval of Lot Line Adjustments) of Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

"10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:

Upon receipt of the map, the planning director shall examine it to see whether it complies with all the requirements of this article and whether:

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

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

C. The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinance provisions, except that existing, legally nonconforming lots need not meet all standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of any existing nonconformity, and will not create a new nonconformity.

If the planning director makes these findings, the planning director shall approve the adjustment. The planning director may forward the application to the planning commission for its review."

Section 3. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City."

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY C. KOLIN
City Manager

SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 2

PLANNING COMMISSION RESOLUTION 1691

RECOMMENDING APPROVAL OF THE ORDINANCE

RESOLUTION NO. 1691

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS.

WHEREAS, the Planning Commission has considered the proposed amendment to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Amendments"); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on August 12, 2013, at which time it received oral and documentary evidence relative to the proposed Amendment; and

WHEREAS, the Planning Commission finds that the proposed Amendment is required for the public health, safety, and general welfare, and that such Amendment is consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. The Amendment 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 that the Amendment is exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The exemption is applicable because the proposed Zone Text Amendment will not result in physical changes to properties other than the relocation of property lines, and no potential for causing a significant effect on the environment exists.

Section 2. The Planning Commission does hereby find that the Zone Text Amendment is intended to add flexibility to the Code for legally non-conforming properties that are seeking a Lot Line Adjustment. With approval by the Planning Director or Planning Commission, legally non-conforming properties may request a lot line adjustment so long as the requested adjustment will not result in increased nonconformance for any of the lots affected by the lot line adjustment. Any proposed lot line adjustments will require review and approval of a Lot Line Adjustment application, which may be reviewed by the Planning Director or the Planning Commission on a case-by-case basis, and a finding would need to be made based on the merits of each application. Because the amendment provides a legally non-conforming property with a way to request alterations to the property layout, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Section 3. The Planning Commission does hereby recommend to the City Council the adoption of an ordinance approving and enacting the proposed Amendment

substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 4. 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: August 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

EXHIBIT A

ORDINANCE NO. 13-O-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING SECTIONS 10-2-804 AND 10-2-805 OF THE MUNICIPAL CODE REGARDING LOT LINE ADJUSTMENTS FOR LEGALLY NONCONFORMING LOTS.

WHEREAS, on August 12, 2013 the Planning Commission conducted a duly noticed public hearing to consider a proposed amendment to the standards for Lot Line Adjustments as set forth in the Beverly Hills Municipal Code and recommended that the City Council approve the proposed amendment.

WHEREAS, on _____, the City Council conducted a duly noticed public hearing to consider proposed amendments to the standards for Lot Line Adjustments and introduced the Ordinance.

WHEREAS, the City Council hereby finds and concludes that the Amendment 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 that the project is exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The exemption is applicable because the proposed Zone Text Amendment and Lot Line

Adjustment would not result in physical changes to the subject properties other than the relocation of property lines, and no potential for causing a significant effect on the environment exists.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 10-2-804 (Compliance With Minimum Requirements) of Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

"10-2-804: COMPLIANCE WITH MINIMUM REQUIREMENTS:

Except as otherwise provided in section 10-2-805 of this article regarding nonconforming lots, all lots proposed to be altered pursuant to the provisions of this article shall conform to the minimum requirements for subdivisions set forth in article 3 of this chapter and to the minimum requirements set forth in the city's zoning provisions."

Section 2. Subsection 10-2-805 (Approval of Lot Line Adjustments) of Article 8 of Chapter 2 of Title 10 of the Beverly Hills Municipal Code is amended to read as follows:

"10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:

Upon receipt of the map, the planning director shall examine it to see whether it complies with all the requirements of this article and whether:

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

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

C. The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinance provisions, except that existing, legally nonconforming lots need not meet all standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of any existing nonconformity, and will not create a new nonconformity.

If the planning director makes these findings, the planning director shall approve the adjustment. The planning director may forward the application to the planning commission for its review."

Section 3. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and his

certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City."

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

_____
JOHN MIRISCH
Mayor of the City of Beverly Hills, California

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY KOLIN
City Manager

_____
SUSAN HEALY KEENE
Director of Community Development

ATTACHMENT 3

PLANNING COMMISSION RESOLUTION 1690

CONDITIONALLY APPROVING THE LOT LINE ADJUSTMENT

RESOLUTION NO. 1690

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A LOT LINE ADJUSTMENT BETWEEN THE PROPERTIES LOCATED AT 1184 LOMA LINDA DRIVE AND 1117 SUTTON WAY.

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

Section 1. Thomas Levyn, Applicant, on behalf of the property owners of 1184 Loma Linda Drive and 1117 Sutton Way, (collectively the "Applicant") has submitted an application to allow a lot line adjustment that transfers approximately 3,300 square feet of land between the two properties.

Section 2. The project sites are located in the Hillside Area of the City, and are accessed via Coldwater Canyon Drive. Surrounding properties are generally developed with one- and two-story homes built on level pads, while the areas surrounding level building pads are generally steeply sloped. Based on the surrounding topography and previous subdivisions, many of the lots in the surrounding neighborhood are irregularly shaped.

The Project consists of a lot line adjustment between the properties located at 1184 Loma Linda Drive and 1117 Sutton Way. The adjustment results in approximately 3,300 square feet of land being transferred between the two properties. The proposed lot line adjustment would result in an equal exchange of land area between the two properties, therefore, not altering the total existing site area of either property.

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 the project has been determined to be exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since the proposed Zone Text Amendment and Lot Line Adjustment would not result in physical changes to the subject properties other than the relocation of property lines, no potential for causing a significant effect on the environment exists, and therefore, the project is exempt from CEQA.

Section 4. Notice of the Project and public hearing was mailed on August 1, 2013 to all property owners and residential tenants within a 300-foot radius of the property. On August 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 lot line adjustment, the Planning Commission was required to make the following findings:

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

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

3. The proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create a new conformity.

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

1. The proposed lot line adjustment is located toward the rear of each of the subject properties and will not interfere with any existing driveways or access points associated with either property.

2. There are public easements located within the area of the proposed lot line adjustment; however, access to the easements will remain unaffected by the lot line adjustment. Therefore, the proposed lot line adjustment will not result in a conflict with any easements.

3. The project sites are legally non-conforming in lot size. The proposed lot line adjustment will modify the shapes of the subject properties, however the site areas will remain the same, therefore there will be no change in the existing non-conforming lot sizes. Furthermore, the existing single-family residences on the properties have some legally non-conforming setbacks. The proposed lot line adjustment will maintain most of the non-conforming setbacks, however, some will be decreased. Consequently, the proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconforming conditions on the properties.

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

1. The lot line adjustment plan shall be modified so that the area of property exchanged between 1184 Loma Linda Drive and 1117 Sutton Way is equal in square footage. Neither property shall be reduced in site area as a result of the lot line adjustment.

2. This approval of the Lot Line Adjustment shall not become effective unless and until the proposed Zone Text Amendment regarding lot line adjustments for legally non-conforming properties has been adopted by the City Council and has taken effect.

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 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 any 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 August 12, 2013, 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: August 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 4

PLANNING COMMISSION STAFF REPORT – AUGUST 12, 2013

Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 285-1141 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: August 12, 2013

Subject: **1184 Loma Linda Drive and 1117 Sutton Way**
Zone Text Amendment and Lot Line Adjustment
Request for a Zone Text Amendment to Beverly Hills Municipal Code Sections 10-2-804 and 10-2-805 regarding minimum lot standards for lot line adjustments, and a request for a lot line adjustment to adjust property lines between the properties located at 1184 Loma Linda Drive and 1117 Sutton Way. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will consider a determination of exemption from CEQA.
PROJECT APPLICANT: Tom Levyn

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project;
2. Adopt the attached resolution recommending that the City Council adopt the proposed Zone Text Amendment; and
3. Adopt the attached resolution conditionally approving the requested Lot Line Adjustment.

REPORT SUMMARY

The proposed project involves a requested Zone Text Amendment to the minimum lot standards that must be met when requesting a Lot Line Adjustment, and a request for a Lot Line Adjustment to adjust property lines between the properties located at 1184 Loma Linda Drive and 1117 Sutton Way, pursuant to the provisions set forth in the proposed Zone Text Amendment. This report analyzes the potential benefit of the proposed Zone Text Amendment, with particular focus on neighborhood character and the purpose of minimum lot standards, and also analyzes the individual Lot Line Adjustment requested between the properties located at 1184 Loma Linda Drive and 1117 Sutton Way. Staff's analysis concludes that the proposed Zone Text Amendment will not result in significant adverse impacts, and will instead create opportunities for property owners to improve the configuration of existing lots, and the recommendation in this report is for approval of the Zone Text Amendment and Lot Line Adjustment.

Attachment(s):
A. Staff Recommended Findings and Conditions of Approval for the requested Lot Line Adjustment
B. Draft Zone Text Amendment Resolution
C. Draft Lot Line Adjustment Resolution
D. Lot Line Adjustment Plans

Report Author and Contact Information:
Shena Rojemann
(310) 285-1192
srojemann@beverlyhills.org

BACKGROUND

File Date	5/29/2013
Application Complete	6/28/2013
Subdivision Deadline	N/A
CEQA Deadline	N/A for legislative actions
Permit Streamlining	N/A for legislative actions
Applicant(s)	Tom Levyn
Owner(s)	Loma Linda Holdings, Ltd – 1184 Loma Linda Drive Hudlin Family Trust – 1117 Sutton Way
Representative(s)	Tom Levyn
Prior PC Action	N/A
Prior Council Action	N/A
Site History	In 2005 the project site at 1184 Loma Linda Drive experienced a landslide along the downhill slope on the property's west side. Simultaneously, the property at 1117 Sutton Way experienced a landslide along the north eastern portion of the property. The landslides are thought to have occurred due to heavy rains. The landslides on both properties were stabilized, and portions of the repaired slope are within the areas to be transferred.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1184 Loma Linda Drive and 1117 Sutton Way
Legal Description	1184 Loma Linda Drive: TRACT NO 13101 LOT 6 AND LOT COM NW ON NE LINE OF LOT 8,4.5 FT FROM MOST E COR OF SD LOT TH NW ON A CURVE CONCAVE TO NE RADIUS EQUALS 40.5 FT TO SD NE LINE TH SE THEREON TO BEG PART OF LOT 8 1117 Sutton Way: TRACT NO 13101 LOT COM AT MOST E COR OF LOT 8 TH NW ON NE LINE OF SD LOT 4.5 FT TH NW ON A CURVE CONCAVE TO NE RADIUS EQUALS 40.5 FT TO SD NE LINE TH NW AND FOLLOWING BDRY LINE OF SD LOT TO BEG PART OF LOT 8
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	1184 Loma Linda Drive – Irregularly shaped: 35,234.5 SF 1117 Sutton Way – Irregularly shaped: 34,361.1 SF
Year Built	1184 Loma Linda Drive – Vacant (single-family residence demolished February 2013) 1117 Sutton Way – Single-family residence constructed in 1957
Historic Resource	None
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

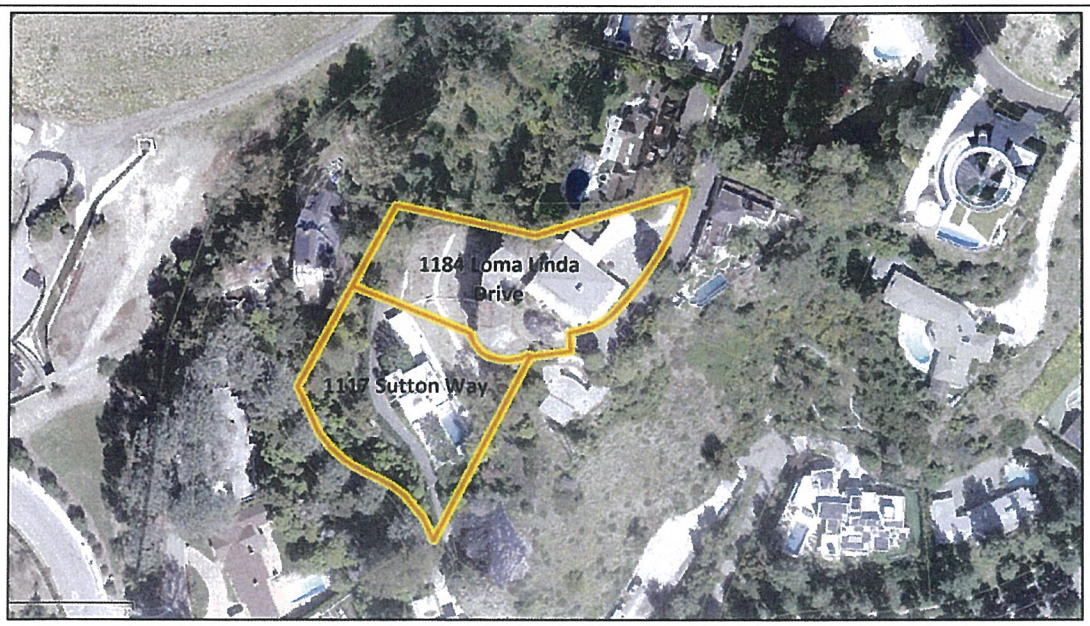
North	R-1.X – Single-Family Residential
South	R-1.X – Single-Family Residential
East	R-1.X – Single-Family Residential
West	R-1.X – Single-Family Residential

Circulation and Parking

Adjacent Street(s)	Loma Linda Drive and Sutton Way
Adjacent Alleys	None
Parkways & Sidewalks	Loma Linda Drive – 4'-0" Sutton Way – 10'-0"
Parking Restrictions	Loma Linda Drive – Overnight parking is prohibited Sutton Way – No parking any time
Nearest Intersection	Loma Linda Drive and Coldwater Canyon Drive Sutton Way and North Beverly Drive
Circulation Element	Loma Linda Drive and Sutton Way are local streets

Neighborhood Character

The project sites are located in the Hillside Area of the City, and are accessed via Coldwater Canyon Drive. Surrounding properties are generally developed with one- and two-story homes built on level pads, while the areas surrounding level building pads are generally steeply sloped. Based on the surrounding topography and previous subdivisions, many of the lots in the surrounding neighborhood are irregularly shaped.



Project Site (Prior to Demolition of 1184 Loma Linda Drive)

PROJECT DESCRIPTION

The proposed project consists of a lot line adjustment between the properties located at 1184 Loma Linda Drive and 1117 Sutton Way. The single-family residence on the property at 1184 Loma Linda Drive was recently demolished. In considering the development options for a new single-family residence on the site, the property owner has expressed a desire to adjust the property lines so that they can ensure the maintenance of the hillside along the southern edge of the project site. As proposed, the adjustment would result in approximately 3,282 square feet of land being transferred from 1184 Loma Linda Drive to 1117 Sutton Way, while 3,325 square feet of land would be transferred from 1117 Sutton Way to 1184 Loma Linda Drive. The swap of land between the two properties results in a nominal change in lot size, with each property changing in size by ±43 square feet[1]. The portions of property proposed to be transferred consist of sloped, landscaped areas. Additional information regarding lot size and characteristics is set forth as follows:

REGULATIONS	EXISTING	PROPOSED PROJECT	NOTES
1184 Loma Linda Drive			
Site Area	35,235 SF	35,277 SF	Minimum lot size is 43,560 SF (1 acre)
1117 Sutton Way			
Site Area	34,361 SF	34,317 SF	Minimum lot size is 43,560 SF (1 acre)

Requested Permits

The applicant is seeking approval of a Zone Text Amendment and Lot Line Adjustment. Pursuant to the requirements of BHMC §10-2-804 and §10-2-805, Lot Line Adjustments may only be approved if certain standards are met. Currently, the code allows Lot Line Adjustments to be granted only when the lots involved will comply with all minimum lot standards once the adjustment is completed. The properties that are the subject of the requested Lot Line Adjustment do not meet the applicable minimum lot size of one acre, and are therefore presently excluded from requesting a Lot Line Adjustment. If approved, the amendment would allow existing, legally nonconforming properties to request a Lot Line Adjustment, provided the adjustment does not result in increased nonconformity with respect to minimum lot standards. The proposed Zone Text Amendment language is set forth as follows:

10-2-804: COMPLIANCE WITH MINIMUM REQUIREMENTS:
Except as otherwise provided in Section 10-2-805 of this article regarding nonconforming lots, ~~A~~all lots proposed to be altered pursuant to the provisions of this article shall conform to the minimum requirements for subdivisions set forth in article 3 of this chapter and to the minimum requirements set forth in the city's zoning provisions.

10-2-805: APPROVAL OF LOT LINE ADJUSTMENTS:
Upon receipt of the map, the planning director shall examine it to see whether it complies with all the requirements of this article and whether:

---

[1] Staff recommends that the transfer of land between the two subject properties not cause a reduction or increase in the existing area of each property. Consequently, the non-conforming site area of each property will not be made more non-conforming. Please refer to the Requested Permits and Analysis section of this report for further explanation.

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

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

C. *The proposed lot configurations meet all standards of the zoning, subdivision, and building ordinances provisions~~.~~, except that existing, legally nonconforming lots need not meet all the standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create a new nonconformity.*

If the planning director makes these findings, the planning director shall approve the adjustment. The planning director may forward the application to the planning commission for its review.

ZONING CODE[2] 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 depth in its longest dimension of at least 150 feet.
- Lot Size: Each lot shall have a minimum size of one acre (43,560 square feet).
- Street Frontage: Each lot shall have a minimum of 100 feet of frontage on a public street.

REGULATIONS	EXISTING	CODE REQUIRED	PROPOSED
1184 Loma Linda Drive			
Lot Depth	235 feet	Minimum 150 feet	225 feet (reduced by 10ft)
Lot Size	.8089 acres/35,234.53 SF	1 acre/43,560 SF	.8099 acres/35,277.46 SF (Approximately 43 SF increase[3])
Street Frontage	220 feet	Minimum 100 feet frontage	220 feet (no change)
1117 Sutton Way			
Lot Depth	220 feet	Minimum 150 feet	188 feet (reduced by 32ft)
Lot Size	.789 acres/34,361.06 SF	1 acre / 43,560 SF	.788 acres/ 34,317.07 SF (Approximately 43 SF reduction[3])
Street Frontage	224 feet	Minimum 100 feet frontage	220 feet (no change)

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

[3] Staff recommends that the transfer of land between the two subject properties not cause a reduction or increase in the existing area of each property. Consequently, the non-conforming site area of each property will not be made more non-conforming. Please refer to the Requested Permits and Analysis section of this report for further explanation.

GENERAL PLAN[4] POLICIES

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

- **Policy LU 2.1 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 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 Guidelines[5], and the environmental regulations of the City. The project has been determined to be exempt from CEQA pursuant to Article 5, Section 15061 (b)(3) of the Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Since the proposed Zone Text Amendment and Lot Line Adjustment would not result in physical changes to the subject properties other than the relocation of property lines, no potential for causing a significant effect on the environment exists, and therefore, the project is exempt from CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	8/9/2013	3 Days
Newspaper Notice	10 Days	8/2/2013	8/2/2013	10 Days
Mailed Notice (Owners & Residents - 300' Radius, Owners of Single-Family – 500' Radius)	10 Days	8/2/2013	8/1/2013	11 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	8/9/2013	3 Days

Public Comment

The City has not received any public comments regarding the project as of the writing of this report.

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

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

ANALYSIS[6]

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

The findings for a Zone Text Amendment relate to the amendment's impact on the public interest and general welfare. The required findings for the Lot Line Adjustment relate to ensuring access to properties, preventing conflicts with easements, and ensuring that the adjustment does not result in additional nonconformance with respect to minimum lot standards. In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

Zone Text Amendment – Minimum Lot Standards. The City's Municipal Code sets forth the minimum lot standards for commercial and residential properties throughout the City. These standards were originally established by the City in 1962 and properties were developed and subdivided accordingly. In 1991, the Municipal Code was amended and the minimum lot standards were revised to prevent further subdivision of properties and to maintain neighborhood characteristics. Due to this zoning code amendment, some of the existing properties in the City became legally non-conforming. Consequently, the existing legally non-conforming properties are restricted from applying for lot line adjustments as they are not capable of complying with the minimum lot standards currently set forth in the Municipal Code. As is the case with the subject properties, staff is aware of other instances where owners of existing legally non-conforming properties have desired to adjust property lines with their neighbors to better configure their properties, but have been unable to due to the minimum lot standards. The purpose of this Zone Text Amendment is not to allow conforming properties to become non-conforming. Rather, the proposed Zone Text Amendment would allow for existing legally non-conforming properties to request a lot line adjustment so long as the adjustment would not cause the property or properties affected to become more non-conforming.

Lot Line Adjustment – Subject Properties. The proposed lot line adjustment involves an exchange in property between two sites in the hillside area. The project at 1184 Loma Linda Drive would exchange approximately 3,282 square foot of sloped land with the neighboring property at 1117 Sutton Way, which will trade a sloped section of land totaling 3,325 square feet. Both properties are considered to be legally non-conforming with respect to site area as they are each less than the minimum one acre. The requested lot line adjustment would cause the property at 1184 Loma Linda Drive to be increased in area by approximately 43 square feet, while the property at 1117 Sutton Way would be reduced in area by approximately 43 square feet, therefore, cause the property at 1184 Loma Linda to become more conforming with the minimum lot standards, whereas, the property at 1117 Sutton Way would become less conforming.

Pursuant to the proposed zone text amendment, the request for a lot line adjustment can be made for the legally non-conforming properties; however, the existing non-conforming conditions cannot be made more nonconforming. Both properties are legally non-conforming with respect to site

[6] 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.

area. As proposed, the lot line adjustment would decrease the size of the 1117 Sutton Way property, thereby, increasing the nonconforming conditions on the property. Consequently, as proposed, the lot line adjustment cannot be approved. Staff recommends the applicant alter the lot line adjustment so that neither property experiences a decrease in the existing site area. This would result in the maintenance of an existing non-conforming site area for each property, therefore complying with the amended code section. Staff has included a condition of approval which would require the lot line adjustment be amended so that neither property experiences a reduction in site area.

As proposed, the lot line adjustment would alter the shape of the existing properties. Both properties are currently irregularly shaped. As a result of the proposed lot line adjustment, the shape of the 1184 Loma Linda Drive property will become less irregular as the curvilinear property line along the south side of the property will be straightened. The property at 1117 Sutton Way will also continue to have an irregular shape, however, the new rear property line will now more closely mirror the angle of the front property line (along Sutton Way). In addition, the existing residence located on 1117 Sutton Way has a non-conforming rear yard setback as the residence is set back approximately 7'-1" from the rear property line. Due to the proposed lot line adjustment, the rear setback of the residence would be increased to approximately 27'-0" from the rear property line, which would exceed the required rear yard setback (24'-10") for the project site. Below is a chart summarizing the existing and proposed setbacks for the residential dwellings on both properties:

REGULATIONS	EXISTING	PROPOSED	NOTES
1184 Loma Linda Drive			
North Setback	12'-0" (existing non-conforming)	No change	
South Setback	77'-5"	100'-0"	Increased setback
East (Loma Linda) Setback	9'-0" (existing non-conforming)	No change	
West Setback	163'-0"	No change	
1117 Sutton Way			
North Setback	7'-1" (existing non-conforming)	27'-0"	Increased setback, now exceeds the required setback (24'-10")
South (Sutton Way) Setback	64'-5"	No change	
East Setback	51'-1"	No change	
West Setback	52'-10"	No change	

Since the proposed lot line adjustment, as conditioned, will not cause the project sites to become more non-conforming and will improve the overall site layouts, staff recommends approval of the requested Zone Text Amendment and lot line adjustment.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolutions conditionally approving the requested Lot Line Adjustment and recommending that the City Council approve the requested Zone Text Amendment.

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

I:\Planning\Shena Rojemann\PC\Commission Level\Loma Linda 1184 - Zone Text Amendment_Lot Line Adjustment\PC 8-12-13\Draft Documents\Staff Report - 8-12-2013 - ZTA and LLA.docx

ATTACHMENT A

Staff Recommended Findings and Conditions of Approval

DRAFT FINDINGS

Zone Text Amendment

1. *The Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.*

   The Zone Text Amendment is intended to add flexibility to the Code for legally non-conforming properties that are seeking a lot line adjustment. With approval by the Planning Director or Planning Commission, legally non-conforming properties may request a lot line adjustment so long as the requested adjustment will not result in increased nonconformance for any of the lots affected by the lot line adjustment. Any proposed lot line adjustments will require review and approval of a Lot Line Adjustment application, which may be reviewed by the Planning Director or the Planning Commission on a case-by-case basis, and a finding would need to be made based on the merits of each application. Because the amendment provides a legally non-conforming property with a way to request alterations to the property layout, the amendment serves to benefit the public interest, health, safety, morals, peace, comfort, convenience, and general welfare of both the business and residential communities.

Lot Line Adjustment

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

   The proposed lot line adjustment is located toward the rear of each of the subject properties and will not interfere with any existing driveways or access points associated with either property.

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

   There are public easements located within the area of the proposed lot line adjustment; however, access to the easements will remain unaffected by the lot line adjustment. Therefore, the proposed lot line adjustment will not result in a conflict with any easements.

3. The proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create a new conformity.

   The project sites are legally non-conforming in lot size. The proposed lot line adjustment will modify the shapes of the subject properties, however the site areas will remain the same, therefore there will be no change in the existing non-conforming lot sizes. Furthermore, the existing single-family residences on the properties have some legally non-conforming setbacks. The proposed lot line adjustment will maintain most of the non-conforming setbacks, however, some will be decreased. Consequently, the proposed lot line adjustment will result in either a decrease or no change in the degree of existing nonconforming conditions on the properties.

DRAFT CONDITIONS

Project Specific Conditions

1. The lot line adjustment plan shall be modified so that the area of property exchanged between 1184 Loma Linda Drive and 1117 Sutton Way is equal in square footage. Neither property shall be reduced in site area as a result of the lot line adjustment.

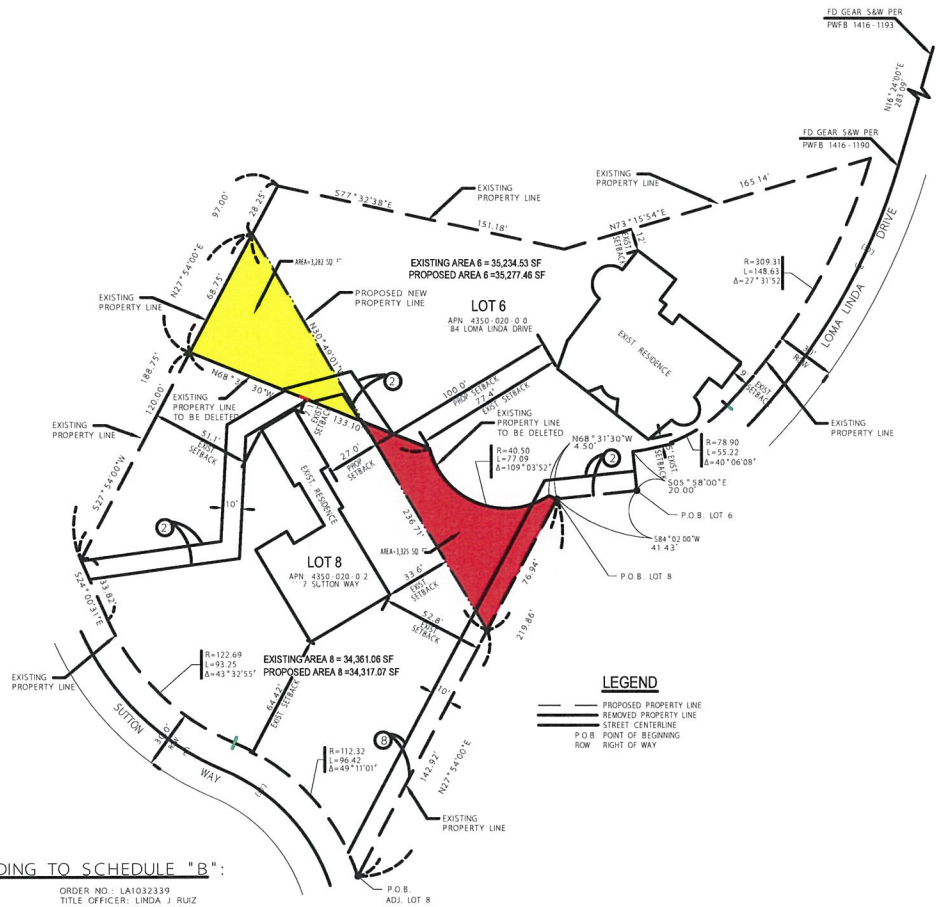
2. This approval of the Lot Line Adjustment shall not become effective unless and until the proposed Zone Text Amendment regarding lot line adjustments for legally non-conforming properties has been adopted by the City Council and has taken effect.

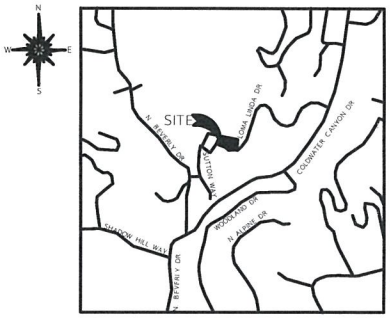
Standard Conditions

Please see attached resolution in Attachment C.

ATTACHMENT 5

PLANNING COMMISSION CONDITIONALLY APPROVED LOT LINE ADJUSTMENT PLAN





VICINITY MAP
NTS

OWNERS:

LOT 6
84 & 93 LOMA LINDA DRIVE
BEVERLY HILLS, CA 902 0

(OWNER)
LOMA LINDA HOLDING LIMITED AS TRUSTEE
OF LOMA LINDA TRUST

LOT 8
7 SUTTON WAY
BEVERLY HILLS, CA 902 0

(OWNER)
REGINALD HUDLIN AS CO-TRUSTEE OF
THE HUDLIN FAMILY TRUST

APPLICANT:

THOMAS LEVYN
GLASER WEIL ET AT., LLP
10250 CONSTELLATION BLVD
19TH FLOOR, LOS ANGELES, CA 90067
TEL (310) 553-3000

MAP PREPARED BY:

ALFREDO LACUESTA, PE
RCE 31168
LACUESTA Surveying & Engineering Co.
P.O. BOX 4062,
LA PUENTE, CA 91747
PH: (951) 233-0149
Email: lacuestasurveying@yahoo.com

ITEMS CORRESPONDING TO SCHEDULE "B":

BY: EQUITY TITLE COMPANY
425 W. BROADWAY SUITE 300
GLENDALE, CA 91204

ORDER NO.: LA10323339
TITLE OFFICER: LINDA J. RUIZ
DATED: FEBRUARY 24, 2012

THE FOLLOWING ITEMS WERE FOUND IN SAID COMMITMENT. THE AFFECTS AND /OR LOCATIONS ARE STATED OR SHOWN HEREON.

(2) AN EASEMENT SHOWN ON THE MAP OF TRACT NO. 13101.
FOR: UTILITIES AND INCIDENTAL PURPOSES
AFFECTS: SOUTHERLY 10 FEET.

- THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON

(8) AN EASEMENT SHOWN ON THE MAP OF TRACT NO. 13101.
FOR: UTILITIES AND INCIDENTAL PURPOSES
AFFECTS: THAT PORTION OF SAID LAND AS SHOWN ON THE MAP OF SAID TRACT

- THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON

(21) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "RECIPROCAL EASEMENT AGREEMENT" RECORDED APRIL 6, 2010 AS INSTRUMENT NO. 20100467018, OF OFFICIAL RECORDS.

- THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON

LEGAL DESCRIPTION:

LOT 6

ALL THAT PORTION OF LOT 6 OF TRACT NO. 13101, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 280, PAGE(S) 1 TO 9, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHEASTERLY CORNER OF SAID LOT; THENCE SOUTH 84°02'00" WEST, A DISTANCE OF 41.43 FEET; THENCE SOUTH 27°54'00" WEST, A DISTANCE OF 76.94 FEET; THENCE NORTH 30°49'01" WEST, A DISTANCE OF 236.71 FEET; THENCE NORTH 27°54'00" EAST, A DISTANCE OF 28.25 FEET; THENCE SOUTH 77°32'38" EAST, A DISTANCE OF 151.18 FEET; THENCE NORTH 73°15'54" EAST, A DISTANCE OF 165.14 FEET TO THE POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 309.31 FEET, A RADIAL LINE OF SAID CURVE FROM SAID POINT BEARS SOUTH 73°36'00" EAST THENCE SOUTHWESTERLY ALONG SAID CURVE 148.63 FEET THROUGH A CENTRAL ANGLE OF 27°31'52" TO THE BEGINNING OF A COMPOUND CURVE HAVING A RADIUS OF 78.90 FEET, A RADIAL LINE OF SAID CURVE FROM SAID POINT BEARS SOUTH 46°06'08" EAST THENCE SOUTH WESTERLY ALONG SAID CURVE 55.22 FEET THROUGH A CENTRAL ANGLE OF 40°06'08"; THENCE SOUTH 5°58'00" EAST, A DISTANCE OF 20.00 FEET BACK TO THE POINT OF BEGINNING.

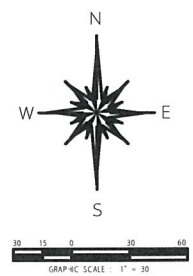
TOTAL AREA LOT 6 =35,277.46 SF (0.81 AC MORE OR LESS)

LOT 8

ALL THAT PORTION OF LOT 8 OF TRACT NO. 13101, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 280, PAGE(S) 1 TO 9, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE NORTH 27°54'00" EAST, A DISTANCE OF 142.92 FEET; THENCE NORTH 30°49'01" WEST, A DISTANCE OF 236.71 FEET; THENCE SOUTH 27°54'00" WEST, A DISTANCE OF 68.75 FEET; THENCE SOUTH 27°54'00" WEST, A DISTANCE OF 188.75 FEET; THENCE SOUTH 24°00'31" EAST, A DISTANCE OF 33.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 122.69 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 93.25 FEET THROUGH A CENTRAL ANGLE OF 43°32'55" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 112.32 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 96.42 FEET THROUGH A CENTRAL ANGLE OF 49°11'01" BACK TO THE POINT OF BEGINNING.

TOTAL AREA LOT 8 = 34,317.07 SF (0.79 AC MORE OR LESS)



REVISIONS

LACUESTA Surveying & Engineering Co.
P.O. BOX 4062,
LA PUENTE, CA 91747
PH: (951) 233-0149
Email: lacuestasurveying@yahoo.com

LOT LINE ADJUSTMENT EXHIBIT

ADDRESS: 1184 LOMA LINDA DRIVE, BEVERLY HILLS, CA

CLIENT: LOMA LINDA HOLDING LIMITED

SCALE: 1" = 30'
DATE: 03/04/13
DRAWN BY: RR
CHKD. BY: JR

SHEET 1 OF 1

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