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: June 26, 2014

Subject: **1127 Miradero Road**
Zone Text Amendment and Variance
Request for a Zone Text Amendment to Beverly Hills Municipal Code Section 10-3-2502(B)(2)(b) regarding development standards for the maximum allowed floor area on single-family properties located in the Hillside Area of the City that range from 15,001 and 25,000 square feet in area, and were constructed prior to 1997. As an alternative to the Zone Text Amendment, the applicant also submitted an application for a Variance to allow an addition to the existing single-family residence that would cause the floor area on the site to exceed the maximum floor area permitted pursuant to Beverly Hills Municipal Code Section 10-3-2502. The Variance, if approved, would be in-lieu of the Zone Text Amendment.
PROJECT APPLICANT: Tom Levyn

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project;
2. Direct staff to prepare a resolution memorializing the Commission's direction;
3. Provide direction as appropriate regarding the Hillside regulations.

REPORT SUMMARY

The proposed project consists of an applicant-initiated Zone Text Amendment to the development standards for floor area on single-family properties located in the Hillside Area of the City. This amendment is being proposed as a result of desired development on the project site located at 1127 Miradero Road. The Planning Commission originally reviewed the Zone Text Amendment at its May 22, 2014 meeting (the staff report is provided in Attachment B). At that meeting, the Commission identified concerns with the proposed amendment and requested that the amendment be further studied and returned to the Commission for review at a later date. Consequently, the applicant has revised the proposed Zone Text Amendment and an alternative amendment is provided in this report. If approved, the Zone Text Amendment would allow for existing unimproved and uninhabitable space located within the first floor to be converted to improved space and remain exempt from floor area.

As an alternative to the Zone Text Amendment, the applicant also submitted an application for a Variance to allow the existing unimproved and uninhabitable space located within the first story of the existing single-family residence to be improved, resulting in an increase in total floor area on the site beyond the maximum floor area permitted by Code. The Variance, if approved would be in-lieu of the Zone Text Amendment.

Attachment(s):
A. Required Findings for a Zone Text Amendment and Variance
B. Planning Commission Staff Report – May 22, 2014
C. Applicant prepared Variance Request
D. Letters of Support for the Zone Text Amendment
E. Public Notice
F. Architectural Plans

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

This report provides information about existing development and floor area on the project site and analyzes the potential impacts of the proposed Zone Text Amendment and Variance. Based on this analysis, staff continues to have concerns about the proposed amendment and is recommending denial of the Zone Text Amendment Request. However, if the Commission is interested in moving forward with the proposed project, the Variance may be a more appropriate solution that the Commission may wish to further consider.

BACKGROUND

File Date	3/24/2014
Application Complete	4/20/2014
Subdivision Deadline	N/A
CEQA Deadline	N/A for legislative actions
Permit Streamlining	N/A for legislative actions
Applicant(s)	Tom S. Levyn
Owner(s)	Brian D. Stevens 1998 Trust
Representative(s)	Tom S. Levyn
Prior PC Action	The proposed Zone Text Amendment was originally reviewed by the Planning Commission on May 22, 2014
Prior Council Action	N/A
Site History	The property was developed in 1996.
Project History	In preparing the proposed Zone Text Amendment for review by the Planning Commission at the May 22, 2014 meeting, staff discovered that the development on the site exceeds permitted floor area and this condition was exacerbated by the issuance of a building permit last year. Additionally, it was discovered that illegal construction was taking place within the unimproved areas of the first level of the existing single-family residence (this was observed by the Commission at its site visit on May 22, 2014). Consequently, a Stop Work Order was issued for the site. Since that time, the City's Development Services Team has been working with the applicant to resolve the floor area issue and has allowed the applicant to continue work within other portions of the house outside of the first floor level. More recently, despite the issuance of the Stop Work Order, the Building Inspector observed the continuation of construction within the unimproved portions of the first floor level and has again prohibited work from taking place on the first floor level.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1127 Miradero Road
Legal Description	LOT 22 OF TRACT NO. 7956, IN THE CITY OF BEVERLY HILLS, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 120 PAGES 87 TO 92 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped: 40,946 SF (.94 acres)
Year Built	Single-family residence constructed in 1996
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)	Miradero Road, Schuyler Road, and Calle Vista Drive
Adjacent Alleys	None
Parkways & Sidewalks	Miradero Road – 4'; Schuyler Road – 7'-6"; Calle Vista Drive – 7'
Parking Restrictions	Miradero Drive – No parking on the east side of the street and overnight parking is prohibited on the west side of the street; Schuyler Road – No parking any time; Calle Vista Drive – Overnight parking is prohibited
Nearest Intersection	Miradero Road and Schuyler Road Schuyler Road and Calle Vista Drive
Circulation Element	Miradero Road, Schuyler Road, and Calle Vista Drive are local streets

Zoning Compliance Table

ZONING REGULATIONS	ALLOWED/ REQUIRED	EXISTING CONDITION	PROPOSED	NOTES
Height	30' for the portion of the residence on the level pad, 55' for the maximum vertical distance between the lowest exposed point of the structure and the highest point	23'/55'-9"	No change	The project is legally nonconforming with respect to height. The proposed project would not result in any modifications to height.
Floor Area	8,504 SF	8,920.5 SF[1]	10,642.5 SF (addition of 1,722 SF)	Applicant requests a Zone Text Amendment to allow improvements to existing crawl spaces and to exempt those spaces from floor area thereby not increasing the total amount of floor area on the project site. Alternatively the applicant is requesting a Variance to allow in increase in floor area on the project site beyond the maximum permitted by Code.

[1] The floor area on the project site exceeds the maximum floor area permitted by approximately 417 square feet. The applicant is currently working with the City's Development Services Team to resolve this issue. Additionally, neither the Zone Text Amendment nor Variance, if approved would resolve this discrepancy.

Zoning Compliance Table Continued

ZONING REGULATIONS	ALLOWED/ REQUIRED	EXISTING CONDITION	PROPOSED	NOTES
North Setback (Miradero Road)	12'	Approximately 16'	No change	
East Setback (Schuyler Road)	25'	Approximately 35'	No change	
South Setback (Calle Vista Drive)	25'	Approximately 85'	No change	
West Setback	10'	Approximately 10'	No change	

Neighborhood Character

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

PROJECT DESCRIPTION

The project site is currently developed with a two-story single-family residence. The first floor of the residence is partially subterranean and contains unimproved space that the applicant desires to improve. Pursuant to the Beverly Hills Municipal Code the existing partially subterranean first floor does not meet the definition of 'basement' and therefore is not considered exempt from floor area[2]. Consequently, under current code provisions, any unimproved space that is improved within the existing first floor will count as floor area. The applicant requests a Zone Text Amendment that would allow the existing unimproved space within the first floor to be improved and be exempt from floor area. In the event the Planning Commission is unsupportive of the Zone Text Amendment, the applicant seeks a Variance to allow the existing unimproved space to be improved, thereby resulting in an increase in floor area on the project site beyond the maximum floor area permitted by Code. As proposed, the project would not result in any modifications to the footprint of the existing single-family residence, as the alterations would occur within the existing unimproved space within the first floor.

Requested Permits

The applicant requests approval of a Zone Text Amendment or a Variance for the proposed project. The details of each request are outlined below:

Zone Text Amendment. The proposed Zone Text Amendment would modify the floor area requirements so that existing unimproved space that does not qualify as basement may be improved without counting toward the maximum allowed floor area. If approved, the Zone Text Amendment would modify the floor area development standards only for properties within the Hillside Area of the City that range from 15,001 to 25,000 square feet in area, and were constructed prior to 1997. The proposed Zone Text Amendment was originally reviewed by the Planning Commission at its May 22, 2014 meeting. At that time, the proposed Zone Text Amendment language read as follows (shown in strikeout/underline format):

> *10-3-2502(B)(2)(b) – FLOOR AREA: If the area of the site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of slope. Provided, however, that if the existing building or structure on the site was constructed prior to 1997 and contains a partial subterranean first floor with unimproved and uninhabitable space, then the owner may improve such space to become habitable and such improvement shall not be considered part of the calculation for maximum floor area.*

At the May 22, 2014 meeting, the Commission and staff identified concerns with the proposed Amendment (the concerns are outlined in the Analysis Section of this report). In response to the concerns identified, the applicant has revised the proposed Zone Text Amendment language and the modified language is set forth below and shown in strikeout/underline format:

> *10-3-2502(B)(2)(b) – FLOOR AREA: if the area of the site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted*

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[2] Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-100, a basement shall mean any floor level below a story which has finished floor level that is a maximum of three feet (3') above grade at any point along the perimeter of the building facing a front or street side setback line and which has no windows exceeding 18" above grate at any point along the perimeter of the building.

cumulative floor area for buildings and structures on the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of slope. Provided however, that if the existing building or structure on the site was constructed prior to 1997 and contains a partial subterranean first floor comprised in whole or in part of a dirt floor with no direct access other than through a crawl door, making the space ("Space") unimproved and uninhabitable, then, on the following conditions, the owner may improve such Space to become habitable and such improvement shall not be considered part of the calculation for maximum floor area.

Conditions:

1. No plumbing may be added to the Space, except as may be required for laundry facilities and/or a bar sink. Provided, however, any plumbing existing may be moved within the space, but in no event shall the Space contain plumbing facilities that were not pre-existing.

2. No bedrooms may be added to the existing Space;

3. No windows or doors may be added to the existing Space except as required by the Fire Code or Building Code. Provided, however, that no more than two (2) windows may be added to the Space for light or air or except as reasonably approved for aesthetic or safety purposes by the Director of Community Development.

4. All improvements shall be subject to the approvals of all applicable departments of the City of Beverly Hills.

Variance. In-lieu of the proposed Zone Text Amendment, the applicant requests a Variance to allow the unimproved and uninhabitable space located within the first floor of the existing single-family residence on the property located at 1127 Miradero Road to be improved. Since the maximum floor area permitted by the Beverly Hills Municipal Code has already been developed on the project site, the requested Variance would allow a floor area addition of approximately 1,722 square feet, which would cause the floor area on the site to exceed the maximum floor area permitted by Code. The applicant's justification for the Variance is provided in Attachment C and is discussed in the analysis portion of this report.

GENERAL PLAN[3] 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.

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

- **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[4], and the environmental regulations of the City. Pursuant to CEQA Article 18, Section 15270(a) of the Guidelines, CEQA does not apply to projects which are disapproved by a public agency. In the event the Planning Commission elects to move forward with the project, an environmental assessment would be required to determine the full impacts of the proposed Zone Text Amendment and to determine the appropriate level of CEQA review necessary.

In addition, the proposed Variance 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. Pursuant to Article 19, Section 15301(e)(1), the project qualifies for a Class 1 Categorical Exemption for additions to existing structures that do not result in an increase of more than 2,500 square feet of floor area. Therefore the project has been determined not to have a significant environmental impact and is exempt from 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	6/19/2014	7 Days
Newspaper Notice	10 Days	6/16/2014	6/13/2014	14 Days
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	6/16/2014	6/13/2014	14Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	6/19/2014	7 Days

Public Comment

Three letters of support for the Zone Text Amendment were submitted to the Planning Commission at its meeting on May 22, 2014. Copies of the letters are provided in Attachment D. The City has not received any additional public comments or letters since the May 22, 2014 Planning Commission meeting.

ANALYSIS

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings are set forth in Attachment A and may be used to guide the Planning Commission's deliberation of the subject project. In reviewing the requested entitlements, the Commission may wish to consider the following staff analysis as it relates to the project and required findings.

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

Text Amendment. As proposed, the Zone Text Amendment has been drafted to address a specific condition that exists on the property located at 1127 Miradero Road; however, as drafted, the amendment would apply to all residential properties in the Hillside Area that range from 15,001 to 25,000 square feet in site area, contain existing unimproved and uninhabitable space within a partially subterranean first floor, and were constructed prior to 1997. The Amendment was originally presented to the Planning Commission at its meeting on May 22, 2014. At the meeting, the following concerns were identified by staff and the Commission:

- The proposed amendment does not define what qualifies as 'unimproved and uninhabitable space'. Consequently, it is possible that property owners could seek to improve small crawl spaces or space currently occupied by earth.
- The amendment does not establish a maximum area of existing unimproved/uninhabitable space that can be improved and does not regulate the type of use, such as a bedroom or kitchen that could be provided in the improved space, potentially increasing the intensity and use on the site
- The proposed amendment has been designed around a specific condition that exists on the property located at 1127 Miradero. Although the improved space proposed for the project site may not result in a significant change to the exterior of the existing residence, it is feasible that the improved space will intensify development on the site.
- The proposed amendment is too broad and does not establish restrictions on the type of uses that could be constructed on the project site. Uses such as bedrooms and bathrooms could result in a great intensification of the property as opposed to uses such as home theatres, gyms, and wine cellars.
- It is unclear how many properties in the Hillside Area may contain existing unimproved and uninhabitable space that could be converted to habitable space. Due to this uncertainty, it is not possible to adequately determine the overall effects the amendment could have on development in the Hillside Area and makes it difficult to assess the appropriate level of environment review required to evaluate the amendment.
- The amendment has been drafted around a specific property; however, the amendment could apply to multiple properties in the Hillside Area. Approving a Zone Text Amendment that caters to a specific set of circumstances on a specific property is not an ideal approach to promote comprehensive planning in the City.

In response to the concerns identified by staff and the Planning Commission, the applicant has revised the proposed Zone Text Amendment. As revised, the Amendment is less broad and contains more specific 'conditions' that a project must meet. Although the revised amendment would narrow the scope of projects that would be eligible to utilize the revised development standards, many of the initial concerns identified still remain. Specifically, the amendment is still designed around a certain condition that exists on a specific property, which causes uncertainty about how the amendment will impact other properties throughout the Hillside Area. Additionally, staff has continued concerns with this approach to comprehensive planning in the City as it may encourage applicants to apply for Zone Text Amendments as opposed to complying with the existing development standards. Based on these considerations, staff remains unsupportive of the Zone Text Amendment.

Variance. In-lieu of the proposed Zone Text Amendment, the applicant requests a Variance to allow the existing unimproved and uninhabitable space within the first floor to be improved, thereby resulting in an increased floor area beyond the maximum floor area permitted by Code. A copy of

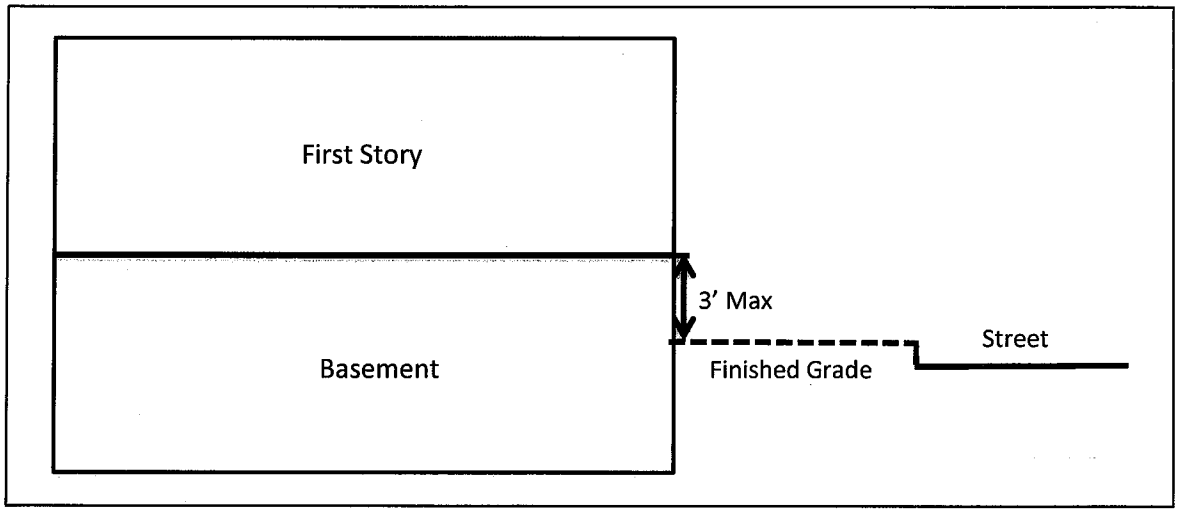
the applicant's letter requesting a Variance is included in this report under Attachment C. Pursuant to Beverly Hills Municipal Code §10-3-3700, a Variance may be granted if the Planning Commission determines that:

- *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provision of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

The applicant-prepared analysis indicates that a Variance is appropriate for the reasons outlined below, with staff analysis following immediately thereafter.

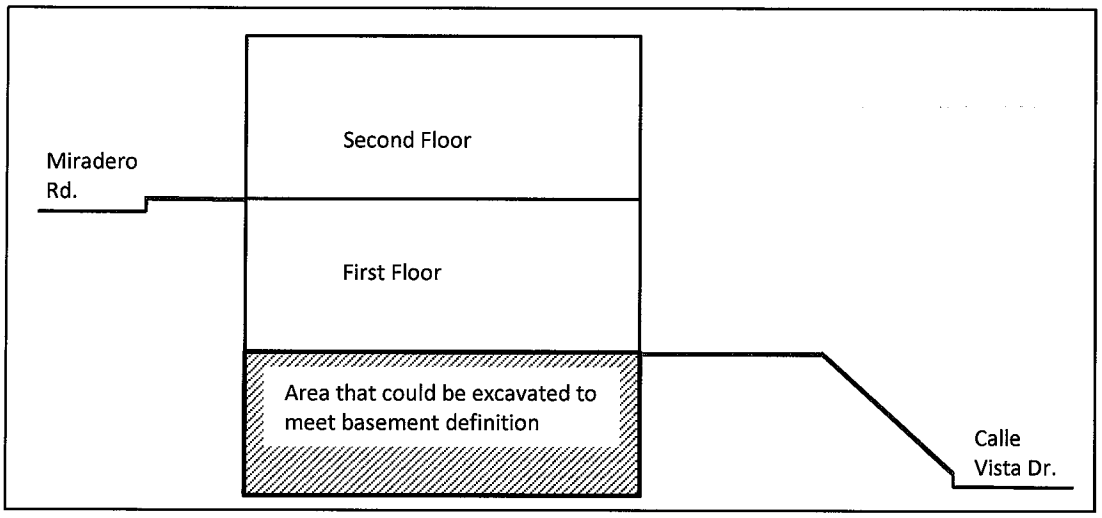
1. *"The special circumstance is that the property has a unique topography that slopes downhill from Miradero Road toward Calle Vista Drive and the property fronts on three streets: Miradero Road, Schuyler Road, and Calle Vista Drive."*

The project site is somewhat unique in that it is surrounded on three sides by Miradero Road, Schuyler Road, and Calle Vista Drive. As a result of this configuration, the project site is considered to be a 'through lot' as defined by the Municipal Code[5]. Consequently, the property lines along Miradero Road and Calle Vista Drive are front property lines, while Schuyler Road is considered to be a street side property line, and the west property line is a side property line. The property does not contain a rear lot line/yard. Pursuant to the Municipal Code, a basement shall mean "any floor level below a story which has a finished floor level that is a maximum of 3' above grade at any point along the perimeter of the building facing a front or street side setback line". The image below illustrates the definition of a basement:



[5] Pursuant to BHMC §10-3-100, a 'through lot' is defined as a site having frontage on two streets, but not located at the intersection of those streets. Since the project site contains frontage on three streets (not just two), Miradero Road and Calle Vista Drive are considered front property lines, Schuyler Road is considered a street side property line, and the property line to the west is considered a side property line.

Due to the configuration of the streets surrounding the project site, in order to meet the definition of a basement, the first floor could not be exposed by more than 3' on any side facing Miradero Road, Schuyler Road, or Calle Vista Drive. The topography of the project site, which slopes downhill from Miradero Road towards Schuyler Road and Calle Vista Drive, limits the ability to construct a first level that meets the definition of a basement without involving the excavation of a large amount of the hillside that exists below the existing single-family residence. The image below provides a simple section of the existing conditions on site (section from Miradero Road to Calle Vista Drive) and indicates the area of earth that would require excavation in order to construct a basement on the project site as defined by the Municipal Code.



Due to the topographic condition on the project site as well as the configuration of the configuration of the property between Miradero Road, Schuyler Road, and Calle Vista Drive, development potential on the site tends to be more limited than might otherwise be experienced on properties of a more typical lot and street configuration.

2. *The project site was originally graded to comply with Code requirements that have since been rescinded or superseded. The current Code would have allowed the property to be graded such that there would be less sloped area and a larger flat pad area. If the current Code had been in place when the property was originally graded there would be more available floor area and/or more lower level area that would be exempt from floor area pursuant to the Code definition of basement.*

Staff has researched prior zoning code regulations with respect to grading and level pad requirements and has determined that the regulations have been modified slightly since the project was originally constructed; however, the modifications were not significant enough to have completely altered the development standards, specifically with respect to grading, level pad areas, and floor area calculations. While the Code language has not been substantially modified, it is possible that interpretations of the Code have evolved over time in conjunction with changing Building Code standards and development trends. Nevertheless, Code amendments reflect current policy and if more floor area was previously granted than would now be permitted, that Code change would reflect a City desire to

establish zoning standards that encourage appropriately scaled development that is in harmony with the areas natural landform. Accordingly, staff does not find this assertion relevant to the Variance findings.

The project site is somewhat unique due to the topography and the through lot and adjacent street conditions. Due to the site conditions it is impractical to develop a basement that would be exempt from floor area. Consequently, other properties in the Hillside may be better suited to construct a code compliant basement and, as a result, may be allowed to construct more floor area than is allowed on the project site. There are approximately 1,500 properties in the Hillside Area; however it is unclear how many of those properties have site conditions similar to the project site and may face the same development challenges. Due to this uncertainty, it is challenging to conclude whether the project site is being deprived of privileges that are enjoyed by other properties. Furthermore, the site constraints existed at the time the property was originally constructed and should have been factored into the land value and development potential of the site. Additionally, since the Municipal Code has not been significantly modified since the time the property was developed is it possible that a Code compliant basement could have been constructed on the site when the property was originally developed.

Level Pads in the Hillside Area. Similar to the applicant's prior presentation to the Planning Commission, the applicant asserts that an alternative development option remains should the Commission choose not to approve the requested Zone Text Amendment or Variance (Attachment C). The alternative development option, which was originally presented to the Commission at its meeting on May 22, 2014, would involve the construction of a retaining wall along the southern elevation of the residence that would enable the extension of the existing level pad on the project site, thereby increasing the total floor area permitted on the site. As discussed at the Commission meeting on May 22, 2014, this alternative development option continues to raise concerns with respect to the aesthetics of the neighborhood, the intensity of development on the project site, and the consistency with the General Plan. Furthermore, neither sufficient details nor plans have been provided to staff since the May 22, 2014 Planning Commission that would enable staff to determine whether such an alternative would be code-compliant and/or feasible. Staff seeks input from the Commission as to whether there is a desire to recommend to Council that it advance specific code amendments related to hillside development standards, particularly with respect to grading and retaining walls.

Protected Trees. As was noted at the Planning Commission's May 22, 2014 site visit at the subject property, there appear to be several trees that may have been removed from between the residence and the surrounding streets. Staff continues to research whether the subject trees would have been subject to the City's tree removal ordinance, which protects certain trees on residential properties. In the event that a violation of the tree removal ordinance is confirmed, the applicant would be required to return to the Planning Commission to obtain an after-the-fact tree removal permit. Accordingly, if the Commission is inclined to approve any aspects of the project, staff would recommend that conditions be imposed so that any such approval is contingent on assessment of the subject trees and procurement of a tree removal permit if applicable. Similarly, if no project approvals are granted by the Planning Commission, staff would continue to pursue compliance with the Municipal Code to the extent that any tree removal requirements may have been violated. Staff will be prepared to provide the Commission with clarification on this matter at the Planning Commission meeting.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare a resolution memorializing the Commission's findings.

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

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ATTACHMENT A
Required 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.*

VARIANCE

1. *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provision of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

ATTACHMENT B

Planning Commission Staff Report – May 22, 2014

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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: May 22, 2014

Subject: **1127 Miradero Road**
Zone Text Amendment
Request for a Zone Text Amendment to Beverly Hills Municipal Code Section 10-3-2502(B)(2)(b) regarding development standards for the maximum allowed floor area on single-family properties located in the Hillside Area of the City that range from 15,001 and 25,000 square feet in area, and were constructed prior to 1997. Possible direction to staff regarding regulations pertaining to extending level pads in the Hillside Area.
PROJECT APPLICANT: Tom Levyn

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project;
2. Direct staff to prepare a resolution denying the requested Zone Text Amendment;
3. Provide direction as appropriate regarding the Hillside regulations.

REPORT SUMMARY

The proposed project consists of an applicant initiated Zone Text Amendment to the development standards for floor area on single-family properties located in the Hillside Area of the City. This amendment is being proposed as a result of desired development on the project site located at 1127 Miradero Road. The project site contains an existing two-story single-family residence. The first floor of the residence is partially subterranean. While some portions of the partially subterranean first floor are improved and count toward the maximum structure size, there are other unimproved areas that do not count toward the maximum structure size. If improved the currently unimproved space would be calculated as floor area. The proposed Zone Text Amendment would allow the existing unimproved space to be converted to improved space and remain exempt from floor area. As written, the proposed amendment would modify the floor area development standards only for properties within the Hillside Area of the City that range from 15,001 to 25,000 square feet in area, and have buildings or structures constructed prior to 1997.

This report provides information about existing development and floor area on the project site and analyzes the potential impacts of the proposed Zone Text Amendment, with particular focus on applicability to other properties in the Hillside Area and consideration of whether the amendment would contribute to further intensification of hillside development. As a result of the analysis, staff has identified multiple concerns with the proposed amendment and is recommending denial of the Zone Text Amendment Request.

Attachment(s):
A. Required Findings
B. Applicant Letter – May 13, 2014
C. Public Notice
D. Architectural Plans

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

BACKGROUND

File Date	3/24/2014
Application Complete	4/20/2014
Subdivision Deadline	N/A
CEQA Deadline	N/A for legislative actions
Permit Streamlining	N/A for legislative actions
Applicant(s)	Tom S. Levyn
Owner(s)	Brian D. Stevens 1998 Trust
Representative(s)	Tom S. Levyn
Prior PC Action	N/A
Prior Council Action	N/A
Site History	The property was developed in 1996.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1127 Miradero Road
Legal Description	LOT 22 OF TRACT NO. 7956, IN THE CITY OF BEVERLY HILLS, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 120 PAGES 87 TO 92 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped: 40,946 SF (.94 acres)
Year Built	Single-family residence constructed in 1996
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)	Miradero Road, Schuyler Road, and Calle Vista Drive
Adjacent Alleys	None
Parkways & Sidewalks	Miradero Road – 4'; Schuyler Road – 7'-6"; Calle Vista Drive – 7'
Parking Restrictions	Miradero Drive – No parking on the east side of the street and overnight parking is prohibited on the west side of the street; Schuyler Road – No parking any time; Calle Vista Drive – Overnight parking is prohibited
Nearest Intersection	Miradero Road and Schuyler Road Schuyler Road and Calle Vista Drive
Circulation Element	Miradero Road, Schuyler Road, and Calle Vista Drive are local streets

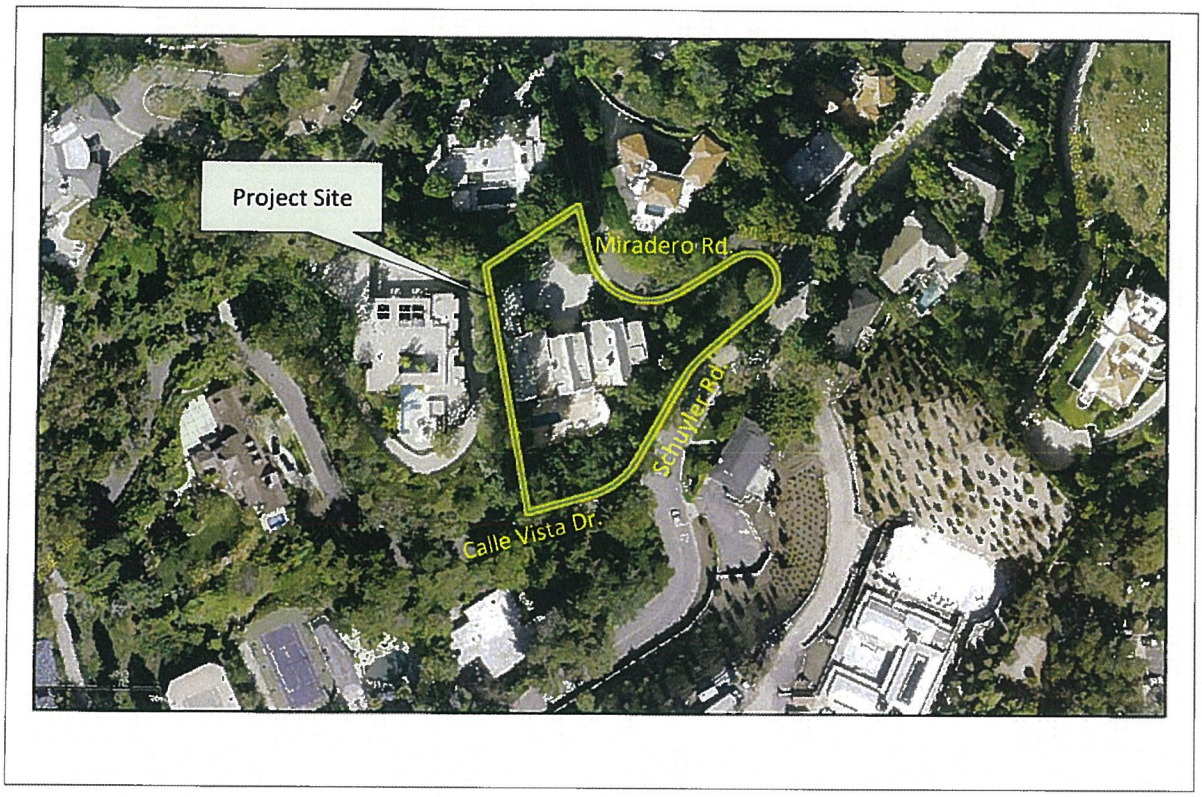
Zoning Compliance Table

ZONING REGULATIONS	ALLOWED/ REQUIRED	EXISTING CONDITION	PROPOSED	NOTES
Height	30' for the portion of the residence on the level pad, 55' for the maximum vertical distance between the lowest exposed point of the structure and the highest point	23'/55'-9"	No change	The project is legally nonconforming with respect to height. The proposed project would not result in any modifications to height.
Floor Area	8,504 SF	8,920.5 SF[1]	10,642.5 SF (addition of 1,722 SF)	Applicant requests a Zone Text Amendment to allow improvements to existing crawl spaces and to exempt the improved crawl space from floor area thereby not increasing the total amount of floor area on the project site.
North Setback (Miradero Road)	12'	Approximately 16'	No change	
East Setback (Schuyler Road)	25'	Approximately 35'	No change	
South Setback (Calle Vista Drive)	25'	Approximately 85'	No change	
West Setback	10'	Approximately 10'	No change	

[1] The floor area on the project site exceeds the maximum floor area permitted by approximately 417 square feet. Please refer to the Analysis section of this report ('Maximum Floor Area on the Site') for further explanation.

Neighborhood Character

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



PROJECT DESCRIPTION

The project site is currently developed with a two-story single-family residence. The first floor of the residence is partially subterranean and contains unimproved space that the applicant desires to improve. Pursuant to the Beverly Hills Municipal Code the existing partially subterranean first floor does not meet the definition of 'basement' and therefore is not considered exempt from floor area[2]. Consequently, under current code provisions, any unimproved space that is improved within the existing first floor will count as floor area. The applicant is requesting a Zone Text Amendment that would allow the existing unimproved space within the first floor to be improved and be exempt from floor area. As proposed, the project would not result in any modifications to the footprint of the existing single-family residence as the alterations would occur within the existing unimproved space within the first floor.

[2] Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-100, a basement shall mean any floor level below a story which has finished floor level that is a maximum of three feet (3') above grade at any point along the perimeter of the building facing a front or street side setback line and which has no windows exceeding 18" above grate at any point along the perimeter of the building.

Requested Permits

The applicant is seeking approval of a Zone Text Amendment to modify the floor area requirements so that existing unimproved space that does not qualify as basement, may be improved and exempt from counting toward the maximum allowed floor area. If approved, the Zone Text Amendment would modify the floor area development standards only for properties within the Hillside Area of the City that range from 15,001 to 25,000 square feet in area, and were constructed prior to 1997. The applicant proposed Zone Text Amendment language is set forth below and shown in strikeout/underline format:

> *10-3-2502(B)(2)(b) – FLOOR AREA: If the area of the site is between fifteen thousand one (15,001) and twenty five thousand (25,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty seven percent (37%) of the area of the level pad plus ten percent (10%) of the area of slope. Provided, however, that if the existing building or structure on the site was constructed prior to 1997 and contains a partial subterranean first floor with unimproved and uninhabitable space, then the owner may improve such space to become habitable and such improvement shall not be considered part of the calculation for maximum floor area.*

ZONING CODE[3] COMPLIANCE

A detailed review of the proposed project to applicable zoning standards has been performed. The applicant is seeking a Zone Text Amendment to allow existing unimproved space within the first floor to be improved and to be exempt from floor area. As proposed, the improved space would add a total of 1,722 square feet of habitable floor area to the project site.

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.

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

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

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. Pursuant to CEQA Article 18, Section 15270(a) of the Guidelines, CEQA does not apply to projects which are disapproved by a public agency. In the event the Planning Commission elects to move forward with the project, an environmental assessment would be required to determine the full impacts of the proposed Zone Text Amendment and to determine the appropriate level of CEQA review necessary.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	5/19/2014	4 Days
Newspaper Notice	10 Days	5/12/2014	5/9/2014	13 Days
Mailed Notice (Owners & Residents - 300' Radius, Owners of Single-Family – 500' Radius)	10 Days	5/12/2014	5/7/2014	15 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	5/19/2014	4 Days

Public Comment

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

ANALYSIS[6]

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings, which relate to the amendment's impact on the public interest and general welfare, are included with this report in Attachment A and may be used to guide the Planning Commission's deliberation of the subject project. In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings.

As proposed, the Zone Text Amendment has been drafted to address a specific condition that exists on the property located at 1127 Miradero Road; however, as drafted, the amendment would apply to all residential properties in the Hillside Area that range from 15,001 to 25,000 square feet in site area, contain existing unimproved and uninhabitable space within a partially subterranean first floor, and were constructed prior to 1997. If approved, the amendment would create a by-right path through which properties that meet the qualifications could increase the habitable floor area on a project site beyond the maximum floor area permitted, as is the case with the project site. As drafted, the

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

[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.

amendment presents a number of concerns specifically pertaining to development regulations. The concerns include:

- The proposed amendment does not define what qualifies as 'unimproved and uninhabitable space'. Consequently, it is possible that property owners could seek to improve small crawl spaces or space currently occupied by earth.
- The amendment does not establish a maximum area of existing unimproved/uninhabitable space that can be improved and does not regulate the type of use, such as a bedroom or kitchen that could be provided in the improved space, potentially increasing the intensity and use on the site
- The proposed amendment has been designed around a specific condition that exists on the property located at 1127 Miradero. Although the improved space proposed for the project site may not result in a significant change to the exterior of the existing residence, it is feasible that the improved space will intensify development on the site.
- It is unclear how many properties in the Hillside Area may contain existing unimproved and uninhabitable space that could be converted to habitable space. Due to this uncertainty, it is not possible to adequately determine the overall effects the amendment could have on development in the Hillside Area and makes it difficult to assess the appropriate level of environment review required to evaluate the amendment.
- The amendment has been drafted around a specific property; however, the amendment could apply to multiple properties in the Hillside Area. Approving a Zone Text Amendment that caters to a specific set of circumstances on a specific property is not an ideal approach to promote comprehensive planning in the City.
- From an equality perspective, it is unclear why the property of 1127 Miradero Road would be allowed to exceed the maximum floor area permitted pursuant to Code while other properties, including neighboring properties of the project site, cannot benefit from increased floor area and onsite intensity. Additionally, it is unclear why the City would promote such a policy.

Applicant Letter – May 13, 2014. The applicant has submitted a letter for the Commission's consideration (see Attachment B). The letter outlines an alternative development option for the project site in the event that the Commission should choose to deny the proposed Zone Text Amendment. The alternative development option identified would involve the construction of a retaining wall along the southern elevation of the residence that would enable the extension of the existing level pad on the project site, thereby increasing the total floor area permitted on the site.

As presented, the alternative development option identified which may or may not require discretionary review, raises concerns with respect to the aesthetics of the neighborhood and the intensity of development on the project site. Furthermore, the proposed alternative may not be consistent with the General Plan Policy's shown on page 6 of this report.

Additionally, the alternative design option would result in increased development activity on the project site. Increasingly, concerns have been raised by residents and the Planning Commission regarding the increased development activity within the Hillside Area of the City, particularly with respect to the extensions of level pads. Therefore, as part of its review of the proposed Zone Text Amendment, staff is encouraging the Planning Commission to have a discussion and consider providing direction to staff regarding regulations pertaining to extending level pads in the Hillside Area.

Maximum Floor Area on the Site. In preparing the proposed Zone Text Amendment for review by the Planning Commission staff discovered that the existing development on the site exceeds permitted floor area and this condition was exacerbated by the issuance of a building permit last year. The plan for that permit appears to inaccurately represent the floor area allowances and has caused the development on the project site to exceed the maximum floor area permitted by approximately 417 square feet. Consequently, a stop work order was issued on May 16, 2014 to halt construction on the additions to the single-family residence. Staff is currently working with the applicant to resolve this matter.

Potential Pros and Cons. At this time, considering the information provided, staff is unable to identify any potential pros associated with the proposed Zone Text Amendment and several concerns have been previously identified in the Analysis section of this report.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and direct staff to prepare a resolution denying 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:

for

Jonathan Lait, AICP, City Planner

I:\Planning\Shena Rojemann\PC\Commission Level\Miradero Rd_1127 - Zone Text Amendment\Staff Report - 1127 Miradero Drive DRAFT 2.docx

ATTACHMENT A
Required 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.*

ATTACHMENT B

Applicant Letter – May 13, 2014

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067
310.553.3000 TEL
310.556.2920 FAX

Thomas S. Levyn

Direct Dial
310.282.6214
Direct Fax
310.785.3514
Email
tlevyn@glaserweil.com

May 13, 2014

VIA E-MAIL
rgohlich@beverlyhills.org

Ryan Golich
Senior Planner
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Re: Rendering for 1127 Miradero Road

Dear Ryan:

As you know, we have applied for a zoning text amendment to allow the improvement of a currently existing but unimproved above-grade space for 1127 Miradero Road.

The application is set for hearing before the Planning Commission on May 22.

If the Planning Commission and/or City Council determines not to approve the proposed text amendment, the owner will have no other alternative but to expand his level building pad to enable his project to move forward. This would require that he build a large retaining wall along the street-side of the property. The construction of the retaining wall would also require the removal of a substantial amount of foliage.

To illustrate the significant negative aesthetic impact of the retaining wall, the architect has prepared the attached rendering showing the property as it currently appears and as it would appear with the retaining wall constructed and foliage removed. You may wish to include the rendering in your presentation to the Planning Commission.

As you can see, the retaining wall would likely be an eye-sore to neighbors and pedestrians on the street. The house, currently screened from views by the foliage, also becomes clearly visible. Presumably neighbors would prefer viewing the lush greenery on the property to an imposing retaining wall towering over the street.

The proposed zone text amendment would lead to no change in the exterior of the current residence, only improvements to the interior. Without the text amendment, the property owner would be required to construct a retaining wall that could only be described as undesirable to the neighbors, as well as the removal of beautiful trees and shrubs which now provide a sea of green for the neighborhood.

As always, thank you for your consideration.

Cordially,

THOMAS S. LEVYN
of GLASER WEIL FINK JACOBS HOWARD AVCHEN & SHAPIRO LLP

TSL:ph

CALLE VISTA

CALLE VISTA

ATTACHMENT C
Public Notice

NOTICE OF PUBLIC HEARING

DATE:	May 22, 2014
TIME:	1:30 PM, or as soon thereafter as the matter may be heard
LOCATION:	Commission Meeting Room 280A Beverly Hills City Hall 455 North Rexford Drive Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, May 22, 2014, 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 Zone Text Amendment to amend the Beverly Hills Municipal Code regarding development standards for floor area on single-family properties located in the Hillside Area of the City. Currently, the Municipal Code requires that any existing unimproved and uninhabitable space that is converted to habitable space, and does not otherwise meet the definition of a basement, be calculated as floor area. If approved, the proposed Zone Text Amendment would allow for existing unimproved and uninhabitable space to be converted to habitable space and remain exempt from floor area even if the space does not meet the definition of a basement. As proposed, this amendment would modify the floor area development standards only for properties within the Hillside Area of the City that range from 15,001 to 25,000 square feet area, and were constructed prior to 1997.

This particular amendment is being requested in conjunction with a remodel and addition at the property located at 1127 Miradero Road; however, the amendment would apply to all Hillside properties with a lot area between 15,001 and 25,000 square feet and constructed prior to 1997.

The proposed Zone Text Amendment 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, and have 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 would only apply to spaces contained within the footprint of the existing residence, no potential for causing a significant effect on the environment exists, and therefore, the project is exempt from CEQA.

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

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

ATTACHMENT C
Public Notice

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at **310.285.1192** or by email at **srojemann@beverlyhills.org**. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing.

Approved as to form:

Ryan Gohlich, Senior Planner

Mailed: May 7, 2014

ATTACHMENT D
Architectural Plans

Begins on the next page.

ATTACHMENT C
Applicant Prepared Variance Request

Begins on the next page.

EXHIBIT A

Variance Request for 1127 Miradero Rd.: Basis and Justification

Variance Request

Section 10-3-2502, subsection B.2.d. of the Beverly Hills Municipal Code provides the following maximum permitted cumulative floor area:

> *If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted cumulative floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope.*

The property at 1127 Miradero Rd. has an area of 40,946 sq. ft. When the calculation specified by subsection b.2.d above is performed for the property, the maximum allowable floor area is 8,504 sq. ft. (See attached plans.)

The owner requests a variance from Section 10-3-2502 to allow him to improve 1,722 sq. ft. of existing first floor area of the residence, which is currently in an uninhabitable state (see attached pictures), resulting in a total floor area of 10,643 sq. ft. (include garage area).

Basis and Justification for Variance

A variance may be granted from provisions of the City's Zoning Code when:

> *Because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification*

(BHMC § 10-3-3700 A.) The special circumstance here is that the property is a unique shape that fronts three streets, Miradero Rd., Schuyler Rd., and Calle Vista Dr., and was graded to comply with Code requirements that have since been rescinded or superseded. The current Code would have allowed the property to be graded such that there would be less slope area and a larger flat pad area. If the current Code had been in place when the property was originally graded there would be more available floor area and/or more lower level area that would be exempt from floor area as basement.

Due to the property's unique shape and the City's former grading requirements, the owner is placed in a position where he is not allowed to improve a currently existing first floor even though the improvement would

have no effect on neighbors and indeed would not even be visible from the outside.

On the other hand, if the variance is not granted the owner would have to increase the level pad of the property, which would require the construction of an unsightly retaining wall and the removal of foliage. This would be a blemish on the beautiful neighborhood.

Due to these special circumstances, the requested variance is merited here.

ATTACHMENT D

Letters of Support for the Zone Text Amendment
(Submitted at the May 22, 2014 Planning Commission meeting)

Submitted at the Planning
Commission meeting of: 5/22/14
By: Applicant

May 19, 2014

Brian Rosenstein, Chair
Howard Fisher, Vice Chair
Alan Robert Block Member
Craig Corman, Member
Joe Shooshani, Member
Beverly Hills Planning Commission
455 North Rexford Drive
Beverly Hills, California 90210

Re: 1127 Miradero

Dear Chair Rosenstein, Vice Chair Fisher, and Members Block, Corman and Shooshani,

We are neighbors of 1127 Miradero and live at 1129 MIRADERO, Beverly Hills, California 90210. In fact, 1127 Miradero is directly in our site line.

We support the application for a text amendment by the owner of 1127 Miradero. We value our view of the neighborhood, its tranquility, and the beautiful urban forest that now surrounds 1127. The text amendment will allow the owner of 1127 to build out his above-grade area. If you allow this, our view will not change at all.

If you do not allow this, the owner will be forced to remove part of his urban forest and build a large retaining wall, which is his right, in order to expand his flat pad. We believe that if the owner exercises this right, the neighborhood will be adversely affected. Please help save our neighborhood.

To us, the choice is clear: please approve the text amendment.

Sincerely,

MARY J. GREENBERG
Name(s)

1129 MIRADERO
Address

May 19, 2014

Brian Rosenstein, Chair
Howard Fisher, Vice Chair
Alan Robert Block Member
Craig Corman, Member
Joe Shooshani, Member
Beverly Hills Planning Commission
455 North Rexford Drive
Beverly Hills, California 90210

Re: 1127 Miradero

Dear Chair Rosenstein, Vice Chair Fisher, and Members Block, Corman and Shooshani,

We are neighbors of 1127 Miradero and live at 1125 Schuyler Rd. Beverly Hills, California 90210. In fact, 1127 Miradero is directly in our site line.

We support the application for a text amendment by the owner of 1127 Miradero. We value our view of the neighborhood, its tranquility, and the beautiful urban forest that now surrounds 1127. The text amendment will allow the owner of 1127 to build out his above-grade area. If you allow this, our view will not change at all.

If you do not allow this, the owner will be forced to remove part of his urban forest and build a large retaining wall, which is his right, in order to expand his flat pad. We believe that if the owner exercises this right, the neighborhood will be adversely affected. Please help save our neighborhood.

To us, the choice is clear: please approve the text amendment.

Sincerely,

Jordan Katz
Name(s)

1125 Schuyler Rd
Beverly Hills, CA 90210
Address

May 19, 2014

Brian Rosenstein, Chair
Howard Fisher, Vice Chair
Alan Robert Block Member
Craig Corman, Member
Joe Shooshani, Member
Beverly Hills Planning Commission
455 North Rexford Drive
Beverly Hills, California 90210

Re: 1127 Miradero

Dear Chair Rosenstein, Vice Chair Fisher, and Members Block, Corman and Shooshani,

We are neighbors of 1127 Miradero and live at 1128 Miradero Rd Beverly Hills, California 90210. In fact, 1127 Miradero is directly in our site line.

We support the application for a text amendment by the owner of 1127 Miradero. We value our view of the neighborhood, its tranquility, and the beautiful urban forest that now surrounds 1127. The text amendment will allow the owner of 1127 to build out his above-grade area. If you allow this, our view will not change at all.

If you do not allow this, the owner will be forced to remove part of his urban forest and build a large retaining wall, which is his right, in order to expand his flat pad. We believe that if the owner exercises this right, the neighborhood will be adversely affected. Please help save our neighborhood.

To us, the choice is clear: please approve the text amendment.

Sincerely,

Name(s)

1128 Miradero

Address

ATTACHMENT E
Public Notice

NOTICE OF PUBLIC HEARING

DATE: June 26, 2014

TIME: 1:30 PM, or as soon thereafter as the matter may be heard

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

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, June 26, 2014, will hold a public hearing beginning at **1:30 PM,** or as soon thereafter as the matter may be heard to consider requests for the following entitlements:

Zone Text Amendment. A request to amend the Beverly Hills Municipal Code (BHMC) regarding development standards for floor area on single-family properties located in the Hillside Area of the City. Currently, the Municipal Code requires that any existing unimproved and uninhabitable space that is converted to habitable space, and does not otherwise meet the definition of a basement, be calculated as floor area. If approved, the proposed Zone Text Amendment would allow for existing unimproved and uninhabitable space to be converted to habitable space and remain exempt from floor area even if the space does not meet the definition of a basement. As proposed, this amendment would modify the floor area development standards only for properties within the Hillside Area of the City that range from 15,001 to 25,000 square feet area, and were constructed prior to 1997. This particular amendment is being requested in conjunction with a remodel and addition at the property located at 1127 Miradero Road; however, the amendment would apply to all Hillside properties with a lot area between 15,001 and 25,000 square feet and constructed prior to 1997.

Variance. In-lieu of the Zone Text Amendment, the applicant requests a Variance to allow the existing unimproved and uninhabitable space located within the first story of the existing single-family residence to be improved. Since the maximum floor area permitted by the BHMC has already been developed on the project site, the Variance would allow a floor area addition of approximately 1,722 square feet, which would cause the floor area on the site to exceed the maximum floor area permitted by Code.

The proposed Zone Text Amendment 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, and have 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 would only apply to spaces contained within the footprint of the existing residence, no potential for causing a significant effect on the environment exists, and therefore, the project is exempt from CEQA.

ATTACHMENT E
Public Notice

In addition, the proposed Variance 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 1 Categorical Exemption for additions to existing structures that do not result in an increase of more than 2,500 square feet of floor area. Therefore the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at **310.285.1192** or by email at **srojemann@beverlyhills.org**. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing.

Sincerely:

Ryan Gohlich, Senior Planner

Mailed: June 12, 2014

ATTACHMENT F
Architectural Plans

Begins on the next page.