



Planning Commission Report

Meeting Date: August 7, 2014

Subject: **1021 North Beverly Drive and 1054 Shadow Hill Way
Zone Text Amendment and Lot Line Adjustment**

Request for a Zone Text Amendment to Beverly Hills Municipal Code Section 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 1021 North Beverly Drive and 1054 Shadow Hill Way. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission may consider a determination of exemption from CEQA.

PROJECT APPLICANT: Thomas S. 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 findings;

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 1021 North Beverly Drive and 1054 Shadow Hill Way, pursuant to the provisions set forth in the proposed Zone Text Amendment. This report analyzes the concerns and potential benefits 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 1021 North Beverly Drive and 1054 Shadow Hill Way.

Attachment(s):

- A. Required Findings for a Zone Text Amendment and Lot Line Adjustment
- B. Public Notice
- C. Lot Line Adjustment Plans

Report Author and Contact Information:

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(310) 285-1192

sroiemann@beverlyhills.org

BACKGROUND

File Date	4/2/2014
Application Complete	7/1/2014
Subdivision Deadline	N/A
CEQA Deadline	N/A for legislative actions
Permit Streamlining	N/A for legislative actions
Applicant(s)	Adnan Sen – 1021 North Beverly Drive Adnan Sen – 1054 Shadow Hill Way
Owner(s)	Adnan Sen – 1021 North Beverly Drive Adnan Sen – 1054 Shadow Hill Way
Representative(s)	Thomas S. Levyn, Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP
Prior PC Action	On August 12, 2013, the Planning Commission reviewed and recommended approval of a Zone Text Amendment to Beverly Hills Municipal Code (BHMC) §10-2-804 and BHMC §10-2-805 to allow Lot Line Adjustments to be requested for existing legal nonconforming properties so long as the lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity.
Prior Council Action	On September 24, 2013, the City Council reviewed and approved a Zone Text Amendment to Beverly Hills Municipal Code (BHMC) §10-2-804 and §10-2-805 to allow Lot Line Adjustments to be requested for existing legal nonconforming properties so long as the lot line adjustment will result in either a decrease or no change in the degree of existing nonconformity.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1021 North Beverly Drive and 1054 Shadow Hill Way
Legal Description	<u>1021 North Beverly Drive</u> : TRACT # 25129 OF LOT 1 <u>1054 Shadow Hill Way</u> : TRACT # 25129 OF LOT 2
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	1021 North Beverly Drive – Irregularly shaped: 33,228 SF 1054 Shadow Hill Way – Irregularly shaped: 45,150 SF
Year Built	1021 North Beverly Drive – Vacant. A new single-family residence is currently being reviewed by the City for the property. 1054 Shadow Hill Way – Single-family residence constructed in 1960
Historic Resource	1054 Shadow Hill Way – City records indicate the existing residence was designed by Master Architect Wallace Neff and is potentially historic.
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	R-1.X – Single-Family Residential
South	R-1.X – Single-Family Residential
East	Coldwater Canyon Reservoir

West	R-1.X – Single-Family Residential
<u>Circulation and Parking</u>	
Adjacent Street(s)	North Beverly Drive and Shadow Hill Way
Adjacent Alleys	None
Parkways & Sidewalks	North Beverly Drive – 6” Shadow Hill Way – 5’-5”
Parking Restrictions	North Beverly Drive – No parking any time Shadow Hill Way – Overnight parking is prohibited
Nearest Intersection	North Beverly Drive and Shadow Hill Way
Circulation Element	North Beverly Drive and Shadow Hill Way local streets

Neighborhood Character

The project sites are located in the Hillside Area of the City, and are accessed via North Beverly drive. Surrounding properties are generally developed with one- and two-story homes and one- and two-story accessory structures. Based on the surrounding topography and previous subdivisions, many of the lots in the surrounding neighborhood are irregularly shaped.

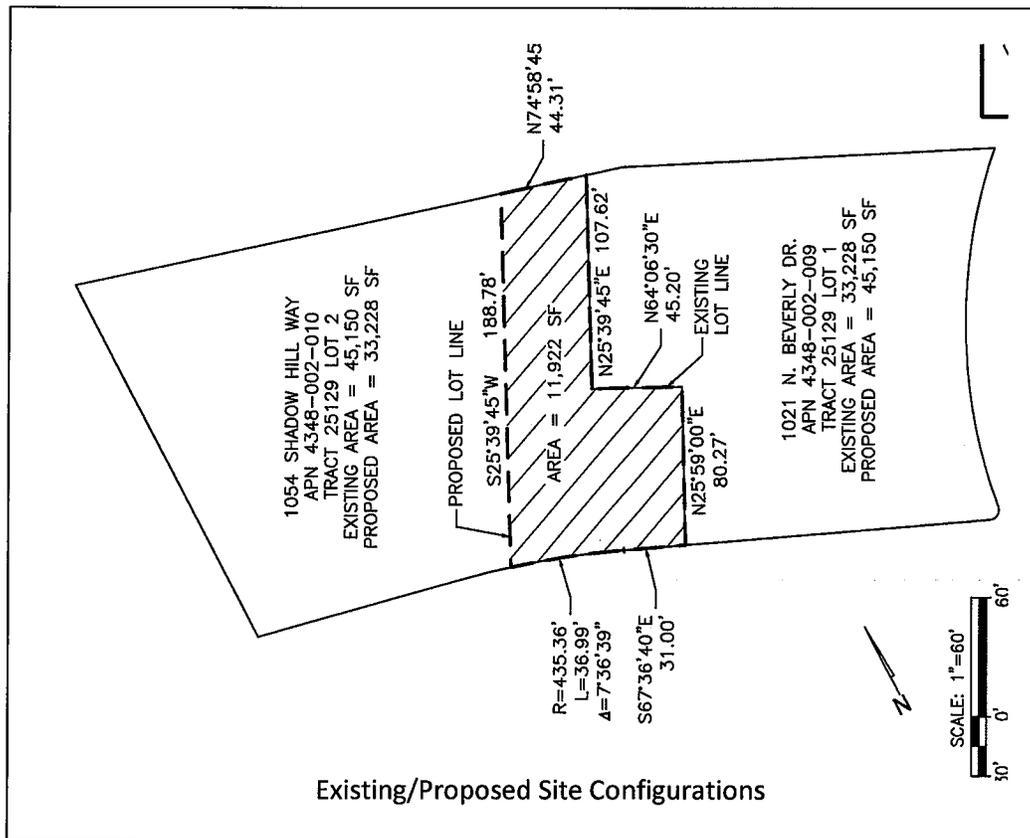


PROJECT DESCRIPTION

The proposed project consists of a lot line adjustment between the properties located at 1021 North Beverly Drive and 1054 Shadow Hill Way. The single-family residence on the property at 1021 North Beverly Drive was recently demolished. In considering the development options for a new single-family residence on the site, the property owner, who owns both properties, has expressed a desire to adjust the property lines between the two sites. As proposed, the adjustment would result in approximately 11,922 square feet of land being transferred from 1054 Shadow Hill Way to 1021 North Beverly Drive.

The swap of land between the two properties results in a noteworthy change to the site area of both properties. Additional information regarding existing and proposed lot size and site characteristics are set forth as follows:

REGULATIONS	EXISTING	PROPOSED PROJECT	NOTES
1021 North Beverly Drive			
Site Area	33,228 SF	45,150 SF	Minimum lot size is 43,560 (1 acre)
1054 Shadow Hill Way			
Site Area	45,150 SF	33,228 SF	Minimum lot size is 43,560 (1 acre)



Requested Permits

The applicant is seeking approval of a Zone Text Amendment and Lot Line Adjustment. Pursuant to the requirements of BHMC §10-2-805, 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 or when an equal amount of site area is being exchanged between two properties thereby maintaining any existing legal non-conforming lot areas. One of the properties, 1054 Shadow Hill Way, currently meets the applicable minimum lot size of one acre; however the other site, 1021 North Beverly Drive, does not meet the minimum lot size of one acre. If approved, the proposed amendment would allow site area to be removed from conforming lot at 1054 Shadow Hill Way and added to the nonconforming lot at 1021 North Beverly Drive. The proposed Zone Text Amendment language is set forth 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 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. Notwithstanding the foregoing, where a lot that is legally nonconforming as to minimum lot area requirements adjoins a lot that is conforming as to minimum lot area requirements, and the two lots are under common ownership, the nonconformity may be exchanged between the two lots if the lot line adjustment will result in either a decrease or no change in the degree of such 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 CODE¹ COMPLIANCE

A detailed review of the proposed project to applicable zoning standards has been performed. The proposed project complies with all applicable codes, or is seeking through the requested permits, permission to deviate from certain code standards, in a manner that is consistent with the Zoning Ordinance.

Minimum Lot Standards

As discussed above, the Beverly Hills Municipal Code sets forth specific minimum standards for the creation or modification of lots. The applicable minimum standards that are being met by the project and 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.

Chart begins on following page.

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

REGULATIONS	EXISTING	CODE REQUIRED	PROPOSED
<u>1021 North Beverly Dr.</u>			
Lot Depth	206 feet (longest depth)	Minimum 150 feet	225 feet (reduced by 10ft)
Lot Size	.7628 acres/33,228 SF	1 acre/43,560 SF	1.04/45,150 SF (Approximately 11,922 SF increase)
Street Frontage	346.6 feet	Minimum 100 feet frontage	414.5 feet (Increased by 67.9 feet)
<u>1054 Shadow Hill Way</u>			
Lot Depth	263.5 feet	Minimum 150 feet	219.2 feet (reduced by 41.3 ft)
Lot Size	1.4 acres =/45,150 SF	1 acre / 43,560 SF	.7628 acres/ 33,228 SF (Approximately 11,922 SF reduction)
Street Frontage	221.06 feet	Minimum 100 feet frontage	153.07 feet (Decreased by 67.9 feet)

GENERAL PLAN² POLICIES

The General Plan includes numerous goals and policies intended to help guide development in the City. Some of the 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 Guidelines³, 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.

² Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

³ The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	7/31/2014	7 Days
Newspaper Notice	10 Days	7/28/2014	7/25/2014	13 Days
Mailed Notice (Owners & Residents - 300' Radius, Owners of Single-Family - 500' Radius)	10 Days	7/28/2014	7/25/2014	13 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/31/2014	7 Days

Public Comment

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

ANALYSIS⁴

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. 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. 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 have historically been restricted from applying for lot line adjustments as they were not capable of complying with the minimum lot standards currently set forth in the Municipal Code. This restriction was modified by the City Council on September 24, 2013 when the Council adopted a Zone Text Amendment that would allow properties that are legally nonconforming with respect to lot size to adjust shared property lines so long as the level of nonconformity was decreased or remained the same, and no new nonconformity was created. The current Zone Text Amendment differs from the previous amendment in that it would allow for a site that is conforming with respect to lot size to transfer site area to an adjacent site that is legally nonconforming with respect to lot size so long as the properties are under common ownership and the transfer will result in either a decrease or no change in the degree of nonconformity. If approved, this Zone Text Amendment would allow

⁴ 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.

conforming properties to become non-conforming and for non-conforming properties to become conforming so long as the level of nonconformity existing between the two properties remained unaltered and no net new conformities were created.

The proposed Zone Text Amendment has been drafted around a specific situation that exists on the properties located at 1021 North Beverly Drive and 1054 Shadow Hill Way, and as drafted may limit the properties that could qualify for the amendment as the properties must be held under common ownership. While this specific restriction may limit the number of properties that may qualify for the amendment, staff still has some concerns with the amendment which are outlined below:

- The amendment has been drafted around specific circumstances that exist on the properties located at 1021 North Beverly Drive and 1054 Shadow Hill Way; however, the amendment could apply to other properties throughout the City. Approving a Zone Text Amendment for a specific set of circumstances on a specific property is not an ideal approach to promote comprehensive planning in the City.
- The proposed amendment does not establish a maximum amount of site area that could be transferred from one property to the other. Although the proposed Zone Text Amendment language would prohibit any increased nonconformity and the creation of any new nonconformities, the Commission in its review of Zone Text Amendment may wish to discuss whether it should establish a maximum amount of site area that can be transferred.
- The amendment has been requested in conjunction with development of a proposed new single-family residence on the property located at 1021 North Beverly Drive. If approved, the proposed Zone Text Amendment would provide an avenue through which the site area of the property would be increased and therefore, the total floor area allowed on the project site would be increased which would allow for a larger single-family residence than is currently permitted by Code. For the proposed project, the property at 1021 North Beverly would be allowed to construct 3,271 square feet of additional floor area as a result of the Zone Text Amendment. The Commission may wish to discuss whether it is desirable to approve a Zone Text Amendment that would create a path through which properties could be more intensely developed.

Lot Line Adjustment. The project sites are located within the Hillside Area of the City. The proposed lot line adjustment involves a transfer of approximately 11,922 square feet of site area from the property at 1054 Shadow Hill Way to the property located at 1021 North Beverly Drive. The 1054 Shadow Hill Way property is currently conforming with respect to site area whereas the 1021 North Beverly Drive property is legally nonconforming with respect to 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 both properties will become less irregular and will become more rectangular in shape. As proposed, the lot line adjustment would not result in the decrease of any existing nonconforming conditions on the site or the creation of any new nonconforming conditions, except that the lot size nonconformity would be transferred from one property to the other. The chart on the following page summarizes the existing and proposed conditions on both properties:

See chart on following page.

REGULATIONS	EXISTING	PROPOSED	NOTES
1021 North Beverly Dr.			
North Setback	Site is vacant	Site is vacant	
South Setback	Site is vacant	Site is vacant	
East (Loma Linda) Setback	Site is vacant	Site is vacant	
West Setback	Site is vacant	Site is vacant	
Floor area	Site is vacant	Site is vacant	
1054 Shadow Hill Way			
North Setback (rear setback)	19' (existing non-conforming)	No change	Code required setback is 29'-2"
Front (south) Setback (Shadow Hill Way)	63'-3"	No change	63'-3" is the required front setback
East Setback	109'	64'-8"	Decreased by approximately 44'-2". Code required setback is 21'
West Setback	37'-6"	No change	Code required setback is 21'
Floor Area	4,302 SF (9,129 SF currently allowed)	4,302 SF (5,925 SF allowed after with proposed decrease in site area)	With decreased site area, the existing development on the project site will continue to comply with the code allow maximum floor area for the site

Although the proposed lot line adjustment will not cause any net new nonconforming conditions, staff continues to have concerns with the requested Zone Text Amendment and Lot Line Adjustment as it appears they are being requested in association with the development of a specific property in which the property owner has a desire to construct more floor area than is currently permitted by Code. The Commission may wish to discuss whether this is an appropriate approach to policy planning.

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.

Report Reviewed By:


 Jonathan Lait, AICP, City Planner

**ATTACHMENT A
REQUIRED FINDINGS**

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.*

Lot Line Adjustment

1. *The proposed lot line adjustment 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.*

ATTACHMENT B

Public Notice

Begins on next page.



NOTICE OF PUBLIC HEARING

DATE: August 7, 2014
TIME: 9:00 AM, or as soon thereafter as the matter may be heard
LOCATION: City Council Chambers
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Thursday, August 7, 2014, will hold a public hearing beginning at **9:00 AM**, or as soon thereafter as the matter may be heard to consider the following:

Zone Text Amendment. A request for a Zone Text Amendment to amend the Beverly Hills Municipal Code regarding development standards for lot line adjustments. Currently, lot line adjustments may only be requested when the properties involved comply with the City's minimum lot standards or the lots are existing, legally nonconforming and the requested adjustment will result in either a decrease or no change in the degree of existing nonconformity. If approved, the Zone Text Amendment would establish a process to allow adjacent lots that are nonconforming with respect to site area to adjust property lot lines so that one property would increase in site area and one property would decrease in site area; and

Lot Line Adjustment. A request for a Lot Line Adjustment for the properties located at **1021 North Beverly Drive** and **1054 Shadow Hill Way**. As proposed, the property line between the two sites would be adjusted resulting in approximately 12,000 square feet of site area being removed from the 1054 Shadow Hill Way property and added to 1021 North Beverly Drive property.

The proposed Zone Text Amendment and Lot Line Adjustment have 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 and Lot Line Adjustment would not result in physical changes to the property 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.

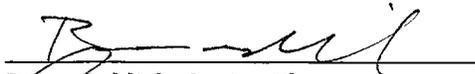
Any interested person may attend the meeting and be heard or present written comments to the Commission.

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.

Approved as to form:



Ryan Gohlich, Senior Planner

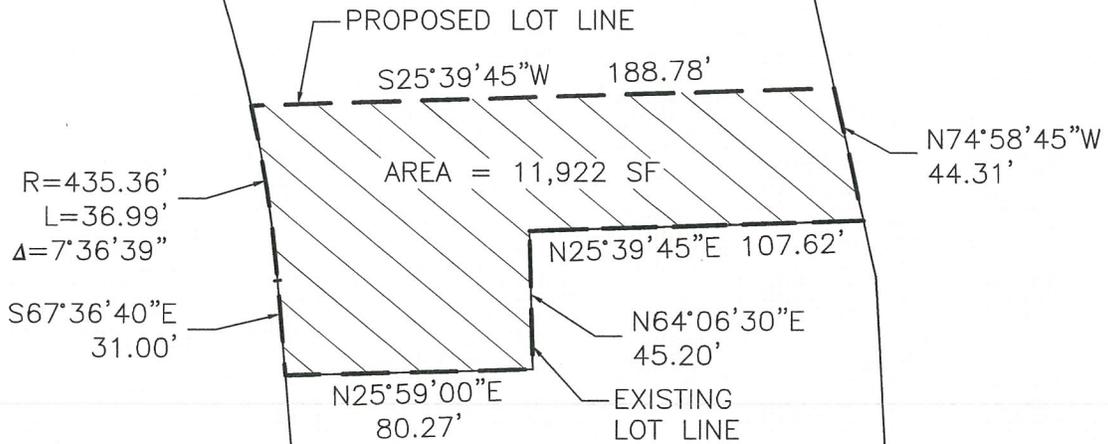
Mailed: July 25, 2014

ATTACHMENT C
Lot Line Adjustment Plans

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EXHIBIT "A"

1054 SHADOW HILL WAY
APN 4348-002-010
TRACT 25129 LOT 2
EXISTING AREA = 45,150 SF
PROPOSED AREA = 33,228 SF



1021 N. BEVERLY DR.
APN 4348-002-009
TRACT 25129 LOT 1
EXISTING AREA = 33,228 SF
PROPOSED AREA = 45,150 SF



SCALE: 1"=60'



LC ENGINEERING GROUP, INC.

CONSULTING ENGINEERS

889 Pierce Court, Suite 101, Thousand Oaks, California 91360
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EXHIBIT "B"
LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

THAT PORTION OF LOT 1, AS SHOWN ON TRACT MAP 25129, IN THE CITY OF BEVERLY HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECORDED MARCH 4, 1960, IN BOOK 653, PAGES 68 TO 69, INCLUSIVE OF MAPS, IN THE OFFICE OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 1, ON A POINT AT THE NORTHEASTERLY CORNER OF LOT 2 OF SAID TRACT; THENCE NORTH 74°58'45" WEST 44.31 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2; THENCE SOUTH 25°39'45" WEST 188.78 FEET, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 2, ON A NON-TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 435.36 FEET, A RADIAL OF SAID CURVE, THROUGH SAID POINT, BEARS SOUTH 14°46'42" WEST; THENCE IN A GENERALLY EASTERLY DIRECTION 36.99 FEET ALONG SAID CURVE; THENCE SOUTH 67°36'40" EAST 31.00 FEET, TO A POINT AT THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE NORTH 25°59'00" EAST 80.27 FEET, ALONG THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 64°06'30" EAST 45.20 FEET, ALONG THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 25°39'45" EAST 107.62 FEET, ALONG THE WESTERLY LINE OF SAID LOT 1, TO THE POINT OF BEGINNING.

AREA = 11,922 SQUARE FEET



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