



Planning Commission Report

Meeting Date: August 27, 2015

Subject: **1054 Shadow Hill Way and 1021 North Beverly Drive
Lot Line Adjustment and Hillside R-1 Permit**

Request for a Lot Line Adjustment of the property line that separates the single-family residential properties located at 1054 Shadow Hill Way and 1021 North Beverly Drive. In addition, a request for a Hillside R-1 Permit to allow construction of a two-story accessory structure within required front and side yards at 1054 Shadow Hill Way. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider adoption of a Categorical Exemption for this project.

PROJECT APPLICANT: Jason Somers, Crest Real Estate

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project;
2. Adopt the attached resolution conditionally approving the requested Lot Line Adjustment; and
3. Adopt the attached resolution conditionally approving the requested Hillside R-1 Permit.

REPORT SUMMARY

The properties at 1054 Shadow Hill Way and 1021 North Beverly Drive are under the same ownership. The proposed project consists of a Lot Line Adjustment of the property line that divides the two subject properties and construction of a new two-story accessory structure on 1054 Shadow Hill Way. The proposed Lot Line Adjustment would accomplish two objectives: increase the size of the property at 1021 North Beverly Drive, and change the shape of the property at 1054 Shadow Hill Way such that a new accessory structure on that property could be located on a level pad at an appropriate distance from the front property line at Shadow Hill Way.

The Lot Line Adjustment would result in a net transfer of 1,587 square feet from the property at 1054 Shadow Hill Way to the property at 1021 North Beverly Drive. This transfer of area would result in the property at 1054 Shadow Hill Way decreasing in size but retaining its conformity with the City's minimum lot standards regarding lot dimensions and area. The property at 1021 North Beverly Drive is currently legally nonconforming because it is smaller than the City's minimum lot area standard of one (1) acre. The Lot Line Adjustment would cause the 1021 North Beverly Drive property to increase in area thereby decreasing its degree of nonconformity.

Attachment(s):

- A. Subdivision and Zoning Compliance Tables
- B. Required Findings for a Lot Line Adjustment and Hillside R-1 Permit
- C. Public Notice
- D. Draft Resolution Approving a Lot Line Adjustment, including Plan and Legal Description
- E. Draft Resolution Approving a Hillside R-1 Permit
- F. Architectural Plans (Provided as a Separate Attachment)

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The new accessory structure is proposed to be located within the required front and side yards in the southeast corner of 1054 Shadow Hill Way and would have a floor area of 2,691 square feet. This structure, due to its location within 100' of the front property line, height of more than 14' within required yards, and deck on the second story, requires discretionary review by the Planning Commission for a Hillside R-1 Permit. Because the proposed location of the new accessory structure crosses the existing property line separating 1054 Shadow Hill Way and 1021 North Beverly Drive, approval of the Hillside R-1 Permit for the proposed accessory structure is dependent on approval of the Lot Line Adjustment.

This report analyzes the Lot Line Adjustment and Hillside R-1 Permit requests which have different zoning code requirements and findings. The analysis of the Lot Line Adjustment addresses both properties' conformance with the minimum lot standards as well as any possible conflicts with public or private easements or access to the properties. The analysis of the Hillside R-1 Permit for the proposed accessory structure focuses on the project's scale, character, and relationship to the streetscape, neighbors' access to light and air, and neighbors' privacy. Staff's analysis concludes that, due to the location and extent of the Lot Line Adjustment and the siting and design of the accessory structure, the project is not anticipated to result in any significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the Lot Line Adjustment and Hillside R-1 Permit for the proposed project.

BACKGROUND

File Date	3/18/2015
Application Complete	7/23/2015
Subdivision Deadline	N/A
CEQA Determination	Class 5 categorical exemption for minor alterations in land use limitations (Lot Line Adjustment). Class 3 categorical exemption for new construction or conversion of small structures (Hillside R-1 Permit for new accessory structure).
Permit Streamlining	Take action on project within 60 days of CEQA determination.
Applicant(s)	Jason Somers – Crest Real Estate LLC – 1054 Shadow Hill Way Jason Somers – Crest Real Estate LLC – 1021 North Beverly Drive
Owner(s)	Adnan Sen – 1054 Shadow Hill Way Adnan Sen – 1021 North Beverly Drive
Representative(s)	Jason Somers – Crest Real Estate LLC
Prior PC Action	PL1404834: On August 7, 2014, the Planning Commission heard a request for a Zone Text Amendment to BHMC §10-2-805 to allow two properties under common ownership, where one is legally nonconforming and the other is conforming as to minimum lot area requirements, to exchange the nonconformity between the two lots through a Lot Line Adjustment if the Lot Line Adjustment would result in a decrease or no change in the overall degree of such nonconformity. A request for a Lot Line Adjustment between the properties located at 1054 Shadow Hill Way and 1021 North Beverly Drive was also heard. The item was continued to December 11, 2014, when the Planning Commission heard a request for appointment of an Ad Hoc Committee on the Project. The item was continued again to a January 22, 2015 study session, and continued again to a date uncertain. Subsequently the applicant withdrew the application. The current project is a new application and does not include a Zone Text Amendment.
Prior Council Action	None on the subject properties.

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1054 Shadow Hill Way and 1021 North Beverly Drive
Legal Description	1054 Shadow Hill Way – TRACT # 25129 OF LOT 2 (APN 4348-002-010) 1021 North Beverly Drive – TRACT # 25129 OF LOT 1 (APN 4348-002-009)
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Existing Lot Dimensions & Area	1054 Shadow Hill Way – Irregularly shaped. 195' (average depth) x 239' (average width) = 45,150 SF lot area. 1021 North Beverly Drive – Irregularly shaped. 165' (average depth) x 172' (average width) = 31,251 SF lot area. Both properties exceed 24,000 SF and are therefore “estate properties” pursuant to Code.
Year Built	1054 Shadow Hill Way – Single-family residence constructed in 1960. Retaining walls and site work currently under construction. 1021 North Beverly Drive – New single-family residence currently under construction.
Historic Resource	1054 Shadow Hill Way – City records indicate the existing residence was designed by Master Architect Wallace Neff and constructed in 1960. In order to ensure that the proposed project would not impact the integrity of the historic resource, the project was reviewed by the City’s Historic Consultant. The Historic Consultant concluded that the new accessory structure is designed to be consistent with the Secretary of the Interior’s Standards for Rehabilitation, which guides the treatment of historic properties. Because the new structure is modern and minimal in size and scale compared to the main building and also separated from the existing main residence by both grade (more than 30’ difference in elevation) and distance (almost 100’ horizontally), the proposed project would not result in adverse impacts to the historic resource. 1021 North Beverly Drive – None.
Protected Trees/Grove	One (1) forty-eight inch (48”) diameter pine tree near the front property line of 1054 Shadow Hill Way qualifies as a Heritage Tree under the City’s tree protection ordinance. It will remain and be protected during construction.

Adjacent Zoning and Land Uses

North	R-1.X Single-Family Residential
South	R-1.X Single-Family Residential (across Shadow Hill Way)
East	Coldwater Canyon Reservoir (across North Beverly Drive)
West	R-1.X Single-Family Residential

Circulation and Parking

Adjacent Street(s)	Shadow Hill Way and North Beverly Drive
Adjacent Alleys	None
Parkways & Sidewalks	5'-6" parkway (no sidewalk) along Shadow Hill Way 10'-6" parkway (no sidewalk) along North Beverly Drive, due to recent required 10' street dedication
Parking Restrictions	Shadow Hill Way – Overnight parking is prohibited North Beverly Drive – No parking any time
Nearest Intersection	North Beverly Drive and Shadow Hill Way
Circulation Element	North Beverly Drive and Shadow Hill Way are local streets

Neighborhood Character

The project sites are located in the Hillside Area of the City and are accessed via North Beverly Drive and Shadow Hill Way. Surrounding properties are generally developed with one- and two-story homes and some properties have one- and two-story accessory structures. Due to the topography and previous subdivisions, many of the lots in the surrounding neighborhood are irregularly shaped.

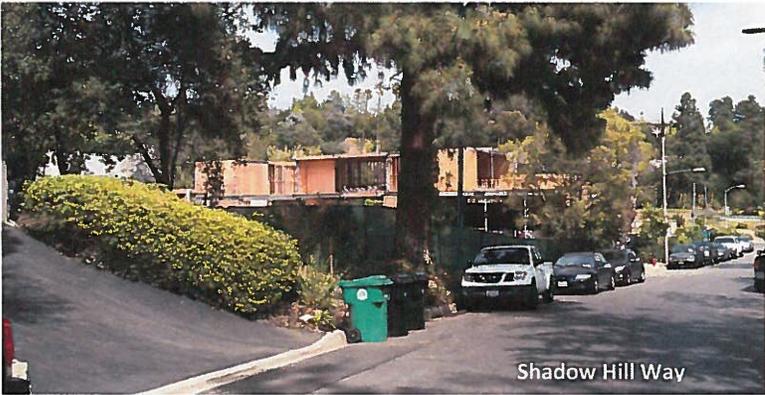
The 1021 North Beverly Drive property is flat; approximately 99% of the site is level pad with a slope of 5% or less. In contrast, 1054 Shadow Hill Way slopes significantly from the street uphill to the northwest. This site has an existing single-family residence in the northwest corner. Continuing west, other properties on the north side of Shadow Hill Way also slope steeply with the residences located well above street level. Properties on the south side of Shadow Hill Way are flatter with front setbacks of 35' to 40' and any accessory structures located in the rear.

Existing Projects

The properties at 1054 Shadow Hill Way and 1021 North Beverly Drive are under the same ownership. A prior application for a Zone Text Amendment and Lot Line Adjustment (see Prior PC Action, above) was withdrawn by the applicant in early 2015.

A new single-family residence is currently under construction at 1021 North Beverly Drive. That new construction (under separate permits) triggered the dedication of ten feet (10') of land along North Beverly Drive to the City for public right-of-way purposes. This street dedication consisted of 1,977 square feet of land. All dimensions and analysis in this report use the post-dedication property lines and lot size as the starting point.

Construction of retaining walls and site grading (under separate permits) is currently underway at 1054 Shadow Hill Way.



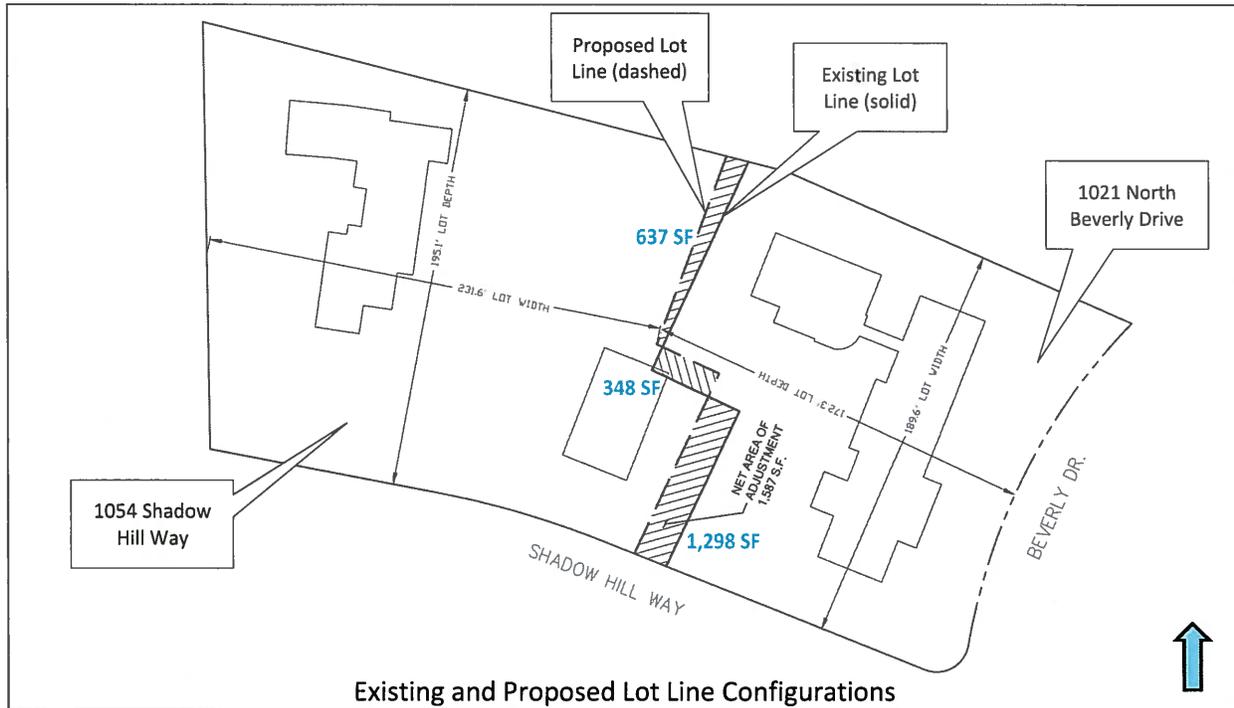
View from Shadow Hill Way looking east. Driveway of 1054 Shadow Hill Way is in the foreground; new main residence under construction at 1021 North Beverly Drive is in the background.



View from Shadow Hill Way looking northwest. New accessory structure location is in the center of photo; existing residence on 1054 Shadow Hill Way is barely visible behind the pine tree. Existing property line between the subject properties is out of frame to the right.

PROJECT DESCRIPTION

The proposed project consists of a Lot Line Adjustment (LLA) between the properties at 1054 Shadow Hill Way and 1021 North Beverly Drive, as well as a new accessory structure at 1054 Shadow Hill Way. The proposed Lot Line Adjustment would move all portions of the zigzagging property line that divides the two properties, resulting in a net transfer of 1,587 square feet of land from 1054 Shadow Hill Way to 1021 North Beverly Drive. One area of 637 square feet and one area of 1,298 square feet will be transferred from the property at 1054 Shadow Hill Way to the property at 1021 North Beverly Drive, and one area of 348 square feet will be transferred from the property at 1021 North Beverly Drive to the property at 1054 Shadow Hill Way (see diagram below). Despite the loss of area, 1054 Shadow Hill Way would remain more than one (1) acre in size and therefore continue to conform to the City’s minimum lot area standards. In contrast, 1021 North Beverly Drive is currently legally nonconforming with regard to lot area because it is smaller than one acre. Although the Lot Line Adjustment would add area to 1021 North Beverly Drive, the site would still be less than one acre; its degree of nonconformity would decrease (see table below). The Lot Line Adjustment serves both to enlarge 1021 North Beverly, bringing it closer to conformity with the minimum lot standards, and to allow the proposed accessory structure to be located in an area of level pad set back approximately 30’ from the street.



MINIMUM LOT AREA STANDARDS

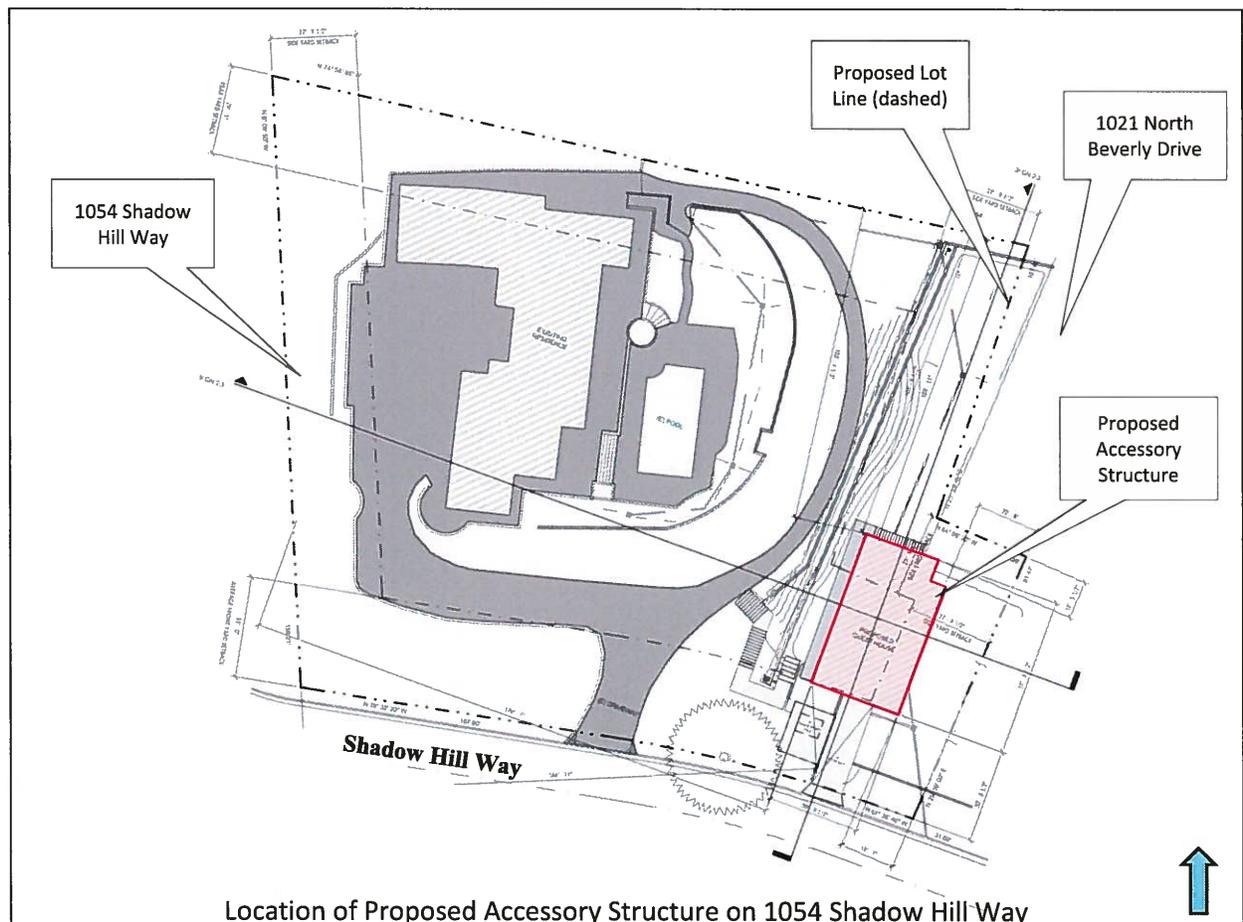
	CODE REQUIRED	EXISTING CONDITIONS	PROPOSED (POST-LLA)	CHANGE
<u>1054 Shadow Hill Way</u>				
Lot Size	Min. 43,560 SF (1 acre)	45,150 SF (1.04 acres)	43,563 SF (1 acre)	Decrease of 1,587 SF. Remains conforming.
<u>1021 N. Beverly Dr.</u>				
Lot Size	Min. 43,560 SF (1 acre)	31,251 SF (0.72 acres)	32,838 SF (0.75 acres)	Increase of 1,587 SF. Decreases nonconformity.

The proposed accessory structure would be located in the southeast corner of 1054 Shadow Hill Way, placing it downhill from the existing residence on that property and at approximately the same elevation as the new residence on 1021 North Beverly Drive. The 2,691 square foot, two-story structure would be located within the required front and side yards (33' and 27'-10" required, respectively). The accessory structure would provide a minimum front setback from Shadow Hill Way of 30'-8" and a minimum east-side setback from the adjusted property line of 12'-5".

The accessory structure could be accessed via stairs from the driveway/walkway for the main residence on 1054 Shadow Hill Way. It would also be accessible from a separate, new driveway off of Shadow Hill Way that would provide access to the new transformer that would be installed between the accessory structure and the street. Finally, the accessory structure would be at approximately the same elevation as 1021 North Beverly Drive, and could be accessible from that adjoining property as well.

The proposed structure would be 21'-10" tall. The zoning code limits by-right accessory structures in side yards to 14' in height. Accessory structures in required yards that are entitled through a Hillside R-1 Permit may have the maximum height allowed for the main residence (26' to 30').

As proposed, the accessory structure would consist of a large outdoor lounge and pool house uses on the ground floor. The outdoor lounge would be enclosed by more than 50% and covered by the second story, thereby qualifying as floor area. Exterior stairs would lead up to a deck that would be 10'-8" above finished grade and the entrance to the second story guest rooms on the west side of the structure.



Requested Permits

As proposed, the project requires the following entitlements:

Lot Line Adjustment.

Per BHMC §10-2-800, a Lot Line Adjustment is “any adjustment between two (2) or more existing adjacent parcels where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.” The Director of Community Development may forward a Lot Line Adjustment application to the Planning Commission for its review. The proposed Lot Line Adjustment would transfer land between the two subject properties only.

Hillside R-1 Permit.

A Hillside R-1 Permit is requested to allow the construction of the new accessory structure with the following features:

Accessory structure within 100’ of front property line: Per BHMC §10-3-2510, accessory structures must be located more than 100’ from the front property line (or entirely within 50’ of the rear property line). The proposed structure is 30’-8” from the front property line along Shadow Hill Way and more than 100’ from the rear property line. However, a Hillside R-1 Permit may be issued to allow an accessory building to be located on any part of a residential site that equals or exceeds 24,000 square feet in area (BHMC §10-3-2526). The property at 1054 Shadow Hill Way would be 43,563 square feet following the Lot Line Adjustment, and thus meets the requirements.

Accessory structure over 14’ tall in a required yard: On a site greater than 40,000 square feet in area, a Hillside R-1 Permit may allow the height of an accessory structure located in a yard to exceed 14’. With a Hillside R-1 Permit an accessory structure in a required yard may have the maximum height allowed for the main residence (26’ to 30’). The 1054 Shadow Hill Way property is 43,563 square feet and the structure is proposed to be 21’-10” tall and located in both the front and side yards.

Second story deck on an accessory structure: Accessory structures are prohibited from having a deck or porch more than three feet (3’) above finished grade unless the structure is located on a residential estate property (greater than 24,000 square feet) and the deck or porch is approved with a Hillside R-1 Permit (BHMC §10-3-2513.5). The deck is proposed to be 10’-8” above the finished grade.

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.

Tables showing compliance with the minimum lot standards of the Subdivisions Code (BHMC §10-2-303) and development standards of the Zoning Code (primarily BHMC §10-3-2500 for residential development in the Hillside area of the City) can be found in Attachment A of this report.

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

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.
- **Policy LU 6.2 Housing Character and Design.** Require that new, renovated, and additions to housing be located and designed to maintain the distinguishing characteristics and qualities of the neighborhoods in which they are located, including prevailing lot sizes, building form, scale, massing, relationship to street frontages, architectural design, landscaping, property setbacks, and other comparable elements.

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 (California Code of Regulations, Title 14, Sections 15000 et seq.),³ and the environmental regulations of the City. The Lot Line Adjustment portion of the project qualifies for a Class 5 Categorical Exemption (§15305 minor alterations in land use limitations) for minor lot line adjustments in areas with an average slope of less than 20% not resulting in the creation of any new parcel. The Hillside R-1 (new accessory structure) portion of the project qualifies for a Class 3 Categorical Exemption (§15303 new construction or conversion of small structures) for the construction of an accessory structure. 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 Agenda	3 Days	8/24/2015	8/20/2015	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	8/17/2015	8/17/2015	10 Days
Property Posting	10 Days	8/17/2015	8/14/2014	13 Days
Website	N/A	N/A	8/20/2015	7 Days

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 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 specific findings that must be made in order to approve the project are included with this report in Attachment B (Required Findings), and may be used to guide the Planning Commission's deliberation on the subject project. 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 increased nonconformance with respect to the minimum lot standards. The required findings for the Hillside R-1 Permit relate to the scale and character of the neighborhood and streetscape, neighbors' access to light and air, and neighbors' privacy. In reviewing the requested entitlements, the Commission may wish to consider the following information as it relates to the project and required findings:

Minimum Lot Standards. The City's Municipal Code sets forth the minimum lot standards for commercial and residential properties throughout the City. The City originally established these standards 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 with regard to minimum lot standards. On September 24, 2013 the City Council adopted a Zone Text Amendment that allows properties that are legally nonconforming with respect to lot size to adjust shared property lines so long as the level of nonconformity remains the same or is decreased on each property, and no new nonconformity is created.

The property at 1021 North Beverly Drive is legally nonconforming in lot area. Currently the property is 31,251 square feet, which is approximately 12,300 square feet smaller than the minimum one acre required. The recent 10' street dedication made the property more nonconforming through the dedication of 1,977 square feet of lot area to the City for street widening in the future. Adding 1,587 square feet to 1021 North Beverly Drive through the requested Lot Line Adjustment will make the property less nonconforming.

If the Lot Line Adjustment is approved, both properties would meet all other minimum lot standards including street frontage, lot width and depth, and building pad area. In addition, the shifted lot line would not result in any conflicts between the existing residence or the permitted (under construction) residence and the City's development standards regarding setbacks, allowed floor area limits, or parking requirements. See Attachment A for details.

Both 1054 Shadow Hill Way and 1021 North Beverly Drive have the same owner, who has stated an intention to use both properties at this time. However, the properties are not tied or joined by a single-

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.

lot covenant, so they may be sold separately in the future; therefore staff recommends a special condition of approval for the project. Condition No. 3 of the draft resolution approving the Lot Line Adjustment and Condition No. 3 of the draft resolution approving the Hillside R-1 Permit prohibit any future private easements, covenants, or transfers of land or structures between the two subject properties. These conditions are intended to ensure that each property retains its full post-Lot Line Adjustment dimensions, area, and permitted structures so that neither property may become *more* nonconforming through a private agreement.

Site Access and Easements. The Lot Line Adjustment would transfer approximately 16 feet of street frontage along Shadow Hill Way from 1054 Shadow Hill Way to 1021 North Beverly Drive. Both properties would retain ample street frontage and the Lot Line Adjustment would not result in reduced access to either property.

The survey (found in the architectural plan set, Attachment F) and preliminary title reports show no easements are recorded for 1054 Shadow Hill Way. The easements recorded on 1021 North Beverly Drive are located on the eastern edge of the property (along Beverly Dr.) and include easements for public utilities, parkway, and a storm drain. The 10' dedication that occurred in conjunction with the construction of the new residence at 1021 North Beverly Drive resulted in transfer of these easement areas to the public right-of-way. Therefore the Lot Line Adjustment does not impact any known public or private easements.

Height, Scale, and Massing. The proposed two-story accessory structure on 1054 Shadow Hill Way would be located on a level pad on the downhill, southeastern portion of the site. It would have a flat roof 21'-10" in height and 2,691 square feet of floor area. It would be located 30'-8" from the front property line along Shadow Hill Way. The required front setback is 33', as determined by an average prevailing setback calculation from the other properties on the block. The structure would encroach just over two feet (2') into the 33' required front setback, or approximately 6% of the required distance. Although accessory structures are normally not allowed within 100' of a front property line, this encroachment may be allowed through a Hillside R-1 Permit that allows an accessory structure to be located anywhere on an estate property (a property of more than 24,000 square feet).

To the west of the proposed accessory structure, the topography on the property changes dramatically and a steep hill rises to the northwest. The main residence on 1054 Shadow Hill Way is significantly uphill from the street and more than 65' from the front property line. There is little space on this uphill level pad for additional structures. The neighboring property to the west (1060 Shadow Hill Way) also slopes steeply and has a small level pad at the top for the main house, and no accessory structure. Other properties to the west and north also have challenging topography. On the opposite (south) side of Shadow Hill Way, properties are relatively flat and primary residences have 35' to 40' front setbacks. The majority of properties in the vicinity of the project do not currently have accessory structures.

The proposed accessory structure is located and sized so that it references the adjacent street side arrangement of the main residence at 1021 North Beverly Drive. Shadow Hill Way is the street side of the 1021 North Beverly property and the front of the 1054 Shadow Hill Way property. Although the main residence at 1021 North Beverly is required to have a side setback off Shadow Hill Way of 22'-10", the residence currently under construction is set back more than required at 30'-7". Therefore the 30'-8" setback of the proposed structure from Shadow Hill Way align it with the new residence on 1021 North Beverly. The portion of the new 1021 North Beverly residence closest to Shadow Hill Way is approximately 18' tall, as compared to approximately 22' for the proposed accessory structure.

In addition, the primary residences at 1054 Shadow Hill Way and the adjacent property to the west at 1060 Shadow Hill Way are hidden, so that the north side of Shadow Hill Way lacks the traditional pattern of residences facing the street. Simultaneously, no other accessory structures are visible from the street.

The proposed accessory structure includes a stucco wall with no openings, approximately 22' high and 28' wide, as the southern elevation facing Shadow Hill Way. The absence of openings preserves the privacy of the properties across Shadow Hill Way but presents a blank face to the street. Landscaping is proposed in the front setback area between the structure and Shadow Hill Way, which should shield views of the building and soften the perception of mass of the structure. However, a driveway to allow access from Shadow Hill Way to a new transformer would create a gap in the plantings. The Commission may wish to discuss whether openings, modulation, alternate materials, or landscaping could improve the street presence of the proposed structure.

Privacy and Proximity to Adjacent Properties. Because the subject properties front on different streets, the property line being moved by the Lot Line Adjustment is the rear property line of the property at 1021 North Beverly Drive and it is the east side property line of the property at 1054 Shadow Hill Way. The required side yard setbacks for 1054 Shadow Hill Way after the Lot Line Adjustment would be 27'-10". However, the proposed accessory structure would be located within that required side yard; it would have a minimum side setback of 12'-5", but would be located approximately 18' and 20.5' from the new property line at other points.

As mentioned above, the proposed accessory structure has no windows on the south side facing Shadow Hill Way, so properties across the street will not experience privacy impacts. The second floor deck is on the west side of the structure, facing the steep uphill slope at the interior of the 1054 Shadow Hill Way property, and would not be visible from the 1021 North Beverly Drive property. The exterior stairs leading up to the deck and entrance to the second story are on the north side of the structure and will be visible from the rear (western) portion of 1021 North Beverly Drive.

The second story of the accessory structure features large windows on the east and west sides. Privacy may be a concern between the accessory structure on 1054 Shadow Hill Way and the rear yard of 1021 North Beverly Drive, but the distance from the proposed structure to the property line is 18' to 20' and the common owner at this time is in favor of the arrangement. The applicant suggests that if either or both properties come under new ownership in the future, it would be relatively easy to install landscaping to screen the accessory structure from 1021 North Beverly Drive.

The zoning code allows an accessory building to be constructed by-right within a required side yard as long as it is more than five feet (5') from all property lines and does not exceed 14' in height. One of the requests in the subject Hillside R-1 Permit application is for additional height (up to 21'-10") within the side yard. The Commission may wish to consider whether the proposed setbacks of the accessory structure are large enough that the increased height of the structure would not adversely affect the privacy of 1021 North Beverly Drive, were the properties to be owned by different parties in the future.

Views. The proposed accessory structure would be situated at a lower elevation than most other buildings to the north and west. The new structure is located at such an elevation that it would not affect any other property's views of the Los Angeles Basin.

Potential Pros and Cons. A summary of the potential pros and cons identified by staff and discussed above in this report are summarized below for consideration by the Planning Commission:

Potential Pros	Potential Cons
Increase the lot area of 1021 North Beverly Drive to bring it closer to compliance with the minimum lot standards.	Accessory structure setbacks may not be large enough to balance the proposed height.
Increase amenities and floor area on 1054 Shadow Hill Way while maintaining the main residence designed by a master architect.	The design of the southern wall of the accessory structure (facing Shadow Hill Way) and the driveway access to the new transformer may not create a high-quality façade with landscaped screening comparable to other properties in the neighborhood.

NEXT STEPS

Staff recommends that the Planning Commission conduct the public hearing and adopt the attached resolutions conditionally approving the requested Lot Line Adjustment and Hillside R-1 Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at applicant’s request or consent.

Report Reviewed By:



Ryan Gohlich, City Planner

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ATTACHMENT A

SUBDIVISION AND ZONING COMPLIANCE TABLES

SUBDIVISIONS: MINIMUM LOT STANDARDS

The Beverly Hills Municipal Code sets forth specific minimum standards for the creation or modification of lots (BHMC §10-2-303). The applicable minimum standards for properties north of Sunset Boulevard include the following:

- Street Frontage: Each lot shall have a minimum of 100 feet of frontage on a public street.
- Lot Depth: Each lot shall have a depth in its longest dimension of at least 150 feet.
- Lot Size: Each lot shall have an area of at least 43,560 square feet (one acre).
- Building Site: Each lot shall have a building site of at least 4,000 square feet of level pad (slope no greater than one (1) vertical in five (5) horizontal feet).

MINIMUM LOT STANDARDS

	MINIMUM LOT STANDARDS	EXISTING CONDITIONS	PROPOSED (POST-LLA)	CHANGE	REMAINS CONFORMING?
<u>1054 Shadow Hill Way</u>					
Lot Size	Min. 43,560 SF (1 acre)	45,150 SF (1.04 acres)	43,563 SF (1 acre)	- 1,587 SF	Yes
Level Pad	Min. 4,000 SF	23,128 SF	21,779 SF	- 1,349 SF	Yes
Street Frontage (on Shadow Hill Way)	Min. 100 ft	221.04 ft	204.93 ft	- 16 ft	Yes
Longest Dimension	Min. 150 ft	199.3 ft	199.3 ft	No change	Yes
<u>1021 N. Beverly Dr.</u>					
Lot Size	Min. 43,560 SF (1 acre)	31,251 SF (0.72 acres)	32,838 SF (0.75 acres)	+ 1,587 SF	Existing legally nonconforming. Decreases nonconformity.
Level Pad	Min. 4,000 SF	31,199 SF	32,556 SF	+ 1,357 SF	Yes
Street Frontage (on N. Beverly Dr.)	Min. 100 ft	185.32 ft	185.32 ft	No change	Yes
Longest Dimension	Min. 150 ft	193 ft	203 ft	+ 10 ft	Yes

ZONING STANDARDS – BEFORE AND AFTER LOT LINE ADJUSTMENT

The following table compares the development standards to the existing and proposed conditions on each property before and after the proposed Lot Line Adjustment. The existing and proposed conditions are for the main residence on each property only.

	ALLOWED / REQUIRED (PRE-LOT LINE ADJUSTMENT)	ALLOWED / REQUIRED (POST-LOT LINE ADJUSTMENT)	EXISTING MAIN RESIDENCE CONDITIONS BEFORE LOT LINE ADJUSTMENT	PROPOSED MAIN RESIDENCE CONDITIONS AFTER LOT LINE ADJUSTMENT
<u>1054 Shadow Hill Way</u>				
Floor Area (above-grade only)	9,371.88 SF	8929.89 SF	3,452 SF	3,452 SF
Floor Area (Cumulative)	> 15,000 SF requires PC review	> 15,000 SF requires PC review	3,735 SF	3,735 SF
Height	26' to 30'	26' to 30'	13'	13'
Front Setback (South)	33'	33'	65'-4"	65'-4"
Rear Setback (North)	29'-4"	29'-4"	19' (Legally nonconforming)	19' (Legally nonconforming)
Side Setback (West)	28'-7"	27'-10"	37'-6"	37'-6"
Side Setback (East)	28'-7"	27'-10"	125' (approx.)	120' (approx.)
Parking	3	3	3	3
<u>1021 N. Beverly Dr.</u>				
Floor Area (above-grade only)	9,676.9 SF	10,120.60 SF	9,524 SF	9,524 SF
Floor Area (Cumulative)	> 15,000 SF requires PC review	> 15,000 SF requires PC review	13,704 SF	13,704 SF
Height	26' to 30'	26' to 30'	30'	30'
Front Setback (East)	30'	30'	33'-3"	33'-3"
Rear Setback (West)	24'-10"	25'-10"	25'-7"	34'-1"
Side Setback (North)	20'-10"	22'-10"	26'-10"	26'-10"
Side Setback (South)	20'-10"	22'-10"	30'-7"	30'-7"
Parking	4	4	7	7

ZONING STANDARDS – NEW ACCESSORY STRUCTURE (HILLSIDE R-1 PERMIT)

The following table shows the zoning requirements, existing conditions (of the main residence), and proposed conditions (with the accessory structure) if the proposed Lot Line Adjustment is approved.

	ALLOWED / REQUIRED (POST-LOT LINE ADJUSTMENT)	EXISTING CONDITIONS (EXISTING RESIDENCE)	PROPOSED CONDITIONS (NEW ACCESSORY STRUCTURE)
<u>1054 Shadow Hill Way</u>			
Floor Area (above-grade only)	8929.89 SF	3,452 SF	New 2,690.5 SF Total 6,142.5 SF
Floor Area (Cumulative)	> 15,000 requires PC review	3,735 SF	New 2,690.5 SF Total 6,425.5 SF
Height	26' to 30'	13'	21'-10"
Front Setback (South)	33'	65'-4"	30'-8"
Rear Setback (North)	29'-4"	19'	103'-4.5"
Side Setback (West)	27'-10"	37'-6"	166'-11"
Side Setback (East)	27'-10"	120' (approx.)	12'-5.5" and 18'-1"
Parking	3 if primary residence <6,000 SF	3	3

ATTACHMENT B REQUIRED FINDINGS

REQUIRED FINDINGS

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

Hillside R-1 Permit

1. *The accessory structure will not have a substantial adverse impact on the scale or character of the area;*
2. *The accessory structure will not have a substantial adverse impact on the privacy of neighboring properties;*
3. *The accessory structure will not have a substantial adverse impact on the neighbors' access to light and air; and*
4. *The accessory structure will not have a substantial adverse impact on the streetscape.*

**ATTACHMENT C
PUBLIC NOTICE**

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NOTICE OF PUBLIC HEARING

DATE: August 27, 2015

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, August 27, 2015**, 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 Lot Line Adjustment of the property line that separates the single-family residential properties located at **1054 Shadow Hill Way** and **1021 North Beverly Drive**. The proposed Lot Line Adjustment would result in a net transfer of 1,587 square feet from 1054 Shadow Hill Way to 1021 North Beverly Drive. The request for a Lot Line Adjustment is being made pursuant to Beverly Hills Municipal Code §10-2-800 and will be heard by the Planning Commission in conjunction with the following application.

The applicant also requests a Hillside R-1 Permit to allow a 2,691 square foot, two-story accessory structure to be located within required front and side yards on the single-family estate property at **1054 Shadow Hill Way**. The Hillside R-1 Permit has been requested in order to allow the accessory structure to be located on any part of the estate property, to allow the structure to exceed 14' in height within the required front and side yards, and to allow a deck on the accessory structure to be located more than three feet (3') above finished grade. As proposed, the structure would be located in the southeast corner of the subject property, provide a minimum front setback from Shadow Hill Way of thirty feet and eight inches (30'-8") and a minimum east-side setback of twelve feet and five inches (12'-5"), and have a maximum height of twenty-two feet (22'). The request for a Hillside R-1 Permit is being made pursuant to Beverly Hills Municipal Code §10-3-2526, §10-3-2550(H), and §10-3-2513.5.

The project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption (§15303 new construction or conversion of small structures) for the construction of an accessory structure, and the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Emily Gable, Assistant Planner** in the Planning Division at **(310) 285-1192**, or by email at **egable@beverlyhills.org**. Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Emily Gable, Assistant Planner

Mailed: August 17, 2015

ATTACHMENT D
DRAFT RESOLUTION APPROVING A LOT LINE ADJUSTMENT,
INCLUDING PLAN AND LEGAL DESCRIPTION

Begins on next page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A LOT LINE ADJUSTMENT TO ALLOW A NET TRANSFER OF 1,587 SQUARE FEET OF LAND FROM THE PROPERTY AT 1054 SHADOW HILL WAY TO THE PROPERTY AT 1021 NORTH BEVERLY DRIVE, LOCATED IN THE HILLSIDE AREA OF THE CITY.

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

Section 1. Jason Somers, representative of Adnan Sen, property owner of both subject properties (the “Applicant”), has submitted an application for a Lot Line Adjustment to allow the net transfer of 1,587 square feet of land from the property at 1054 Shadow Hill Way to the property at 1021 North Beverly Drive by adjusting the property line that separates the two properties in the Hillside Area of the City (the “Project”). The Project is associated with a request for a Hillside R-1 Permit to allow construction of an accessory structure on 1054 Shadow Hill Way (addressed in Resolution No. ___), and therefore the Director of Community Development elected to forward this decision to the Planning Commission.

Section 2. The Project consists of shifting the property line that separates the properties at 1054 Shadow Hill Way and 1021 North Beverly Drive. The Lot Line Adjustment results in a net transfer of 1,587 square feet of land from 1054 Shadow Hill Way to 1021 North Beverly Drive. One area of 637 square feet and one area of 1,298 square feet will be transferred from the property at 1054 Shadow Hill Way to the property at 1021 North Beverly Drive, and one area of 348 square feet will be transferred from the property at 1021 North Beverly Drive to

the property at 1054 Shadow Hill Way. The existing area of 1054 Shadow Hill Way is 45,150 square feet, which is reduced to 43,563 square feet by the Lot Line Adjustment. The existing area of 1021 North Beverly Drive is 31,251 square feet, which is increased to 32,838 square feet by the Lot Line Adjustment. A map of the existing and adjusted lot lines is provided in Exhibit A and the new legal descriptions are provided in Exhibit B of this resolution. Although the property at 1021 North Beverly Drive has an existing legally nonconforming lot size smaller than the one (1) acre (43,560 square feet) required by the City's minimum lot standards for properties north of Sunset Boulevard, the Lot Line Adjustment decreases the nonconformity with regard to lot size.

Section 3. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Planning Commission finds that the Project is exempt from CEQA pursuant to Section 15305(a) of the CEQA Guidelines for "minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel" in "areas with an average slope of less than 20%, which do not result in any changes in land use or density."

Section 4. Notice of the Project and public hearing was mailed on August 17, 2015 to all property owners and residential occupants within a 500-foot radius of the property. On August 14, 2015 notices were posted on both of the Project sites. On August 27, 2015 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Lot Line Adjustment, the Planning Commission considered whether it could make the following findings in support of the Project:

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 configurations meet all standards of the zoning, subdivision, and building ordinances provisions, except that existing, legally nonconforming lots need not meet all the standards of the zoning, subdivision, and building ordinance provisions, provided that the proposed Lot Line Adjustment will result in either a decrease or no change in the degree of existing nonconformity, and will not create a new nonconformity.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Lot Line Adjustment:

1. The Lot Line Adjustment would move the property line that separates the two subject adjacent properties, shifting approximately 16 feet of street frontage along Shadow Hill Way from 1054 Shadow Hill Way to 1021 North Beverly Drive. Both properties would retain sufficient street frontage such that the Lot Line Adjustment would not result in reduced or inadequate access to either property.
2. No known recorded easements exist on the property at 1054 Shadow Hill Way. The only known recorded easements that exist on the property at 1021 North Beverly Drive are located on the eastern edge of the property along

Beverly Drive. The location of the Lot Line Adjustment will not impact or interfere with any known public or private easements.

3. The existing properties at 1054 Shadow Hill Way and 1021 North Beverly Drive are already improved or under construction with valid permits. Both properties' existing configurations and existing and permitted development meet all current zoning, subdivision and building ordinance provisions or are legally nonconforming due to existing circumstances. The legally nonconforming existing conditions are:

a. The existing main residence at 1054 Shadow Hill Way was built under an earlier building code in 1960.

b. The existing main residence at 1054 Shadow Hill Way has a legally nonconforming rear setback of 19' (the current requirement is 29'-4").

c. The property at 1021 North Beverly Drive has a legally nonconforming lot size of 31,251 square feet (43,560 square feet is the minimum required lot size for properties north of Sunset Boulevard).

The Lot Line Adjustment increases the size of the property at 1021 North Beverly Drive by 1,587 square feet, bringing it closer to conformance with the City's minimum lot standards. Despite the decrease in size to 1054 Shadow Hill Way, that site will remain in conformance with the minimum lot standards. The Lot Line Adjustment does not cause any new nonconformity with regard to the City's zoning or subdivision standards. Therefore the finding can be made that the proposed lot configurations meet all the zoning, subdivision, and building ordinance provisions

and will only result in a decrease or no change in the degree of any existing nonconformities.

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

1. This approval is for a Lot Line Adjustment of the property line that separates 1054 Shadow Hill Way and 1021 North Beverly Drive. The Lot Line Adjustment transfers a net of 1,587 square feet of land from the former property to the latter property, resulting in final lot areas of 43,563 square feet at 1054 Shadow Hill Way and 32,838 square feet at 1021 North Beverly Drive.

2. The lot line adjustment submitted to Los Angeles County for recording shall be consistent with the attached map (Exhibit A), which shall be prepared and stamped by a Registered Professional Engineer and signed by the property owner. The final map shall be in a format required by the County and once this map has been recorded with the County a conforming copy of the final map shall be provided to the City. The copy of the final map shall be submitted to the City prior to the issuance of any building permits with the exception of demolition permits.

3. Except for the Lot Line Adjustment approved herein, there shall be no private conveyance of land, easement, lot line adjustment or other agreement made between 1054 Shadow Hill Way and 1021 North Beverly Drive that transfers any land or structure from one property to the other.

4. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

5. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

6. RECORDATION. The resolution approving the Lot Line Adjustment shall not become effective until the owner of the Project sites records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

7. EXPIRATION. Lot Line Adjustment: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: *August 27, 2015*

Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

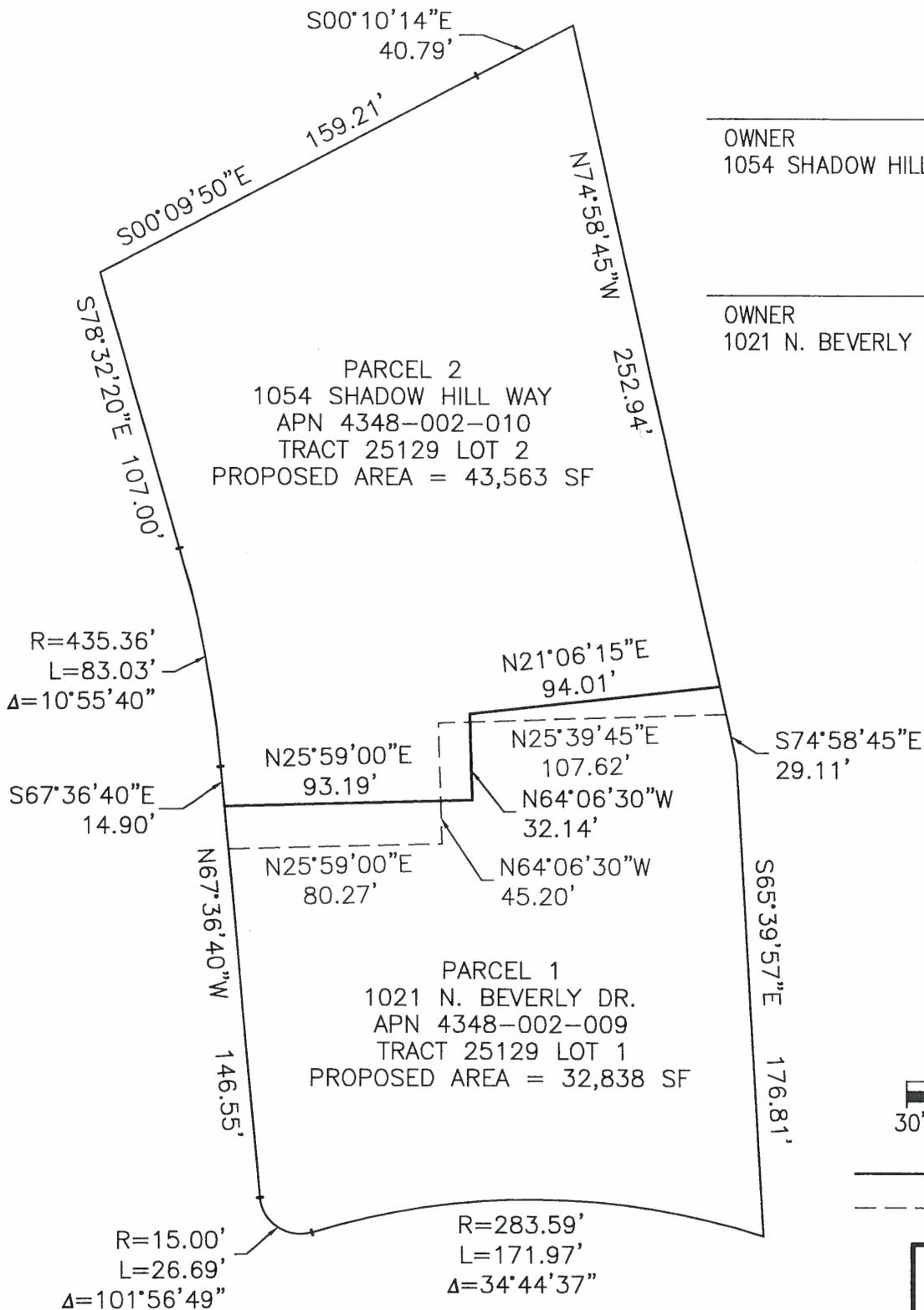
Ryan Gohlich
City Planner



EXHIBIT A
LOT LINE ADJUSTMENT MAP

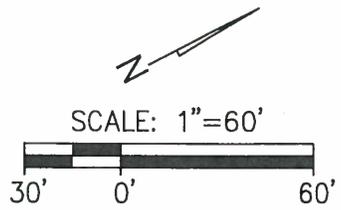
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EXHIBIT "A" - PROPOSED PARCELS



OWNER _____ DATE _____
 1054 SHADOW HILL WAY

OWNER _____ DATE _____
 1021 N. BEVERLY DR.



— PROPOSED LOT LINE
 - - - PROPOSED LOT LINE



LC ENGINEERING GROUP, INC.
 CONSULTING ENGINEERS
 889 Pierce Court, Suite 101, Thousand Oaks, California 91360
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EXHIBIT B
NEW LEGAL DESCRIPTIONS AFTER LOT LINE ADJUSTMENT

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EXHIBIT "B"

LEGAL DESCRIPTION

PARCEL 1

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, BEING A POINT AT THE NORTHEASTERLY CORNER OF LOT 2 OF SAID TRACT; THENCE SOUTH 74°58'45" EAST 29.11 FEET ALONG THE NORTHERLY BOUNDARY OF SAID LOT 1; THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY SOUTH 65°39'57" EAST 176.81 FEET, TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 283.59 FEET, A RADIAL OF SAID CURVE, FROM SAID POINT, BEARS SOUTH 44°48'52" EAST; THENCE IN A GENERALLY SOUTHERLY DIRECTION 171.97 FEET ALONG SAID CURVE, TO A POINT ON A TANGENT REVERSE CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 15.00 FEET, A RADIAL OF SAID CURVE, FROM SAID POINT, BEARS NORTH 79°33'29" WEST; THENCE IN A GENERALLY WESTERLY DIRECTION 26.69 FEET ALONG SAID CURVE; THENCE NORTH 67°36'40" WEST 146.55 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1; THENCE NORTH 25°59'00" EAST 93.19 FEET; THENCE NORTH 64°06'30" WEST 32.14 FEET; THENCE NORTH 21°06'15" EAST 94.01 FEET, TO THE POINT OF BEGINNING.

AREA = 32,838 SQUARE FEET

PARCEL 2

THAT PORTION OF LOT 2, 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 NORTHEASTERLY CORNER OF SAID LOT 2, BEING A POINT AT THE NORTHWESTERLY CORNER OF LOT 1 OF SAID TRACT; THENCE NORTH 74°58'45" WEST 252.94 FEET, ALONG THE NORTHERLY BOUNDARY OF SAID LOT 2 TO THE NORTHWESTERLY CORNER OF SAID LOT 2; THENCE SOUTH 00°10'14" EAST 40.79 FEET ALONG THE WESTERLY BOUNDARY OF SAID LOT 2; THENCE SOUTH 00°09'50" EAST 159.21 FEET, TO THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE SOUTH 78°32'20" EAST 107.00 FEET, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 2 TO A POINT ON A TANGENT CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 435.36 FEET, A RADIAL OF SAID CURVE, FROM SAID POINT, BEARS SOUTH 11°27'40" WEST; THENCE IN A GENERALLY EASTERLY DIRECTION 83.03 FEET ALONG SAID CURVE; THENCE SOUTH 67°36'40" EAST 14.90 FEET; THENCE NORTH 25°59'00" EAST 93.19 FEET; THENCE NORTH 64°06'30" WEST 32.14 FEET; THENCE NORTH 21°06'15" EAST 94.01 FEET, TO THE POINT OF BEGINNING.

AREA = 43,563 SQUARE FEET



LC ENGINEERING GROUP, INC.

CONSULTING ENGINEERS
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
(805) 497-1244 (818) 991-7148 FAX: (818) 991-5942 Email: workfiles@lcegroupinc.com



ATTACHMENT E
DRAFT RESOLUTION APPROVING A HILLSIDE R-1 PERMIT

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RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A HILLSIDE R-1 PERMIT TO ALLOW A NEW ACCESSORY STRUCTURE OVER FOURTEEN FEET IN HEIGHT WITH A DECK MORE THAN THREE FEET ABOVE FINISHED GRADE TO BE LOCATED WITHIN 100' OF THE FRONT PROPERTY LINE ON AN ESTATE PROPERTY LOCATED IN THE HILLSIDE AREA OF THE CITY AT 1054 SHADOW HILL WAY.

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

Section 1. Jason Somers, representative of Adnan Sen, property owner (the "Applicant"), has submitted an application for a Hillside R-1 Permit to allow the construction of a two-story accessory structure over fourteen feet (14') in height with a deck more than three feet (3') above the finished grade to be located within 100' of the front property line on an estate property (site exceeds 24,000 square feet) located at 1054 Shadow Hill Way in the Hillside Area of the City (the "Project"). The Project does not meet all by-right development standards, and therefore requires entitlements that can be granted by the Planning Commission pursuant to the issuance of a Hillside R-1 Permit. Due to the proposed location of the accessory structure, approval of the Project is contingent upon simultaneous approval of a Lot Line Adjustment of the property lines separating 1054 Shadow Hill Way and 1021 North Beverly Drive. The Lot Line Adjustment is addressed in Resolution No. ____.

Section 2. The Project consists of a new accessory structure of two stories that will have a maximum height of 21'-10". The structure will contain 2,690.5 square feet of

above-grade floor area, including a covered outdoor lounge area that is more than 50% enclosed by exterior walls. The structure does not include a basement. The existing main residence on the property has 3,452 square feet of floor area with 283 square feet of above-ground garage, resulting in a proposed cumulative floor area of 6,425.5 square feet. The maximum allowed floor area is 8,929.89 square feet (after the Lot Line Adjustment). The structure will be located on a level pad in the southeastern corner of the property with a minimum front setback of 30'-8", a minimum east-side setback of 12'-5" (from the new adjusted property line), a minimum west-side setback of 166'-11", and a minimum rear setback of 103'-4.5".

Section 3. The Project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Planning Commission finds that the Project is exempt from CEQA pursuant to Section 15303(e) of the CEQA Guidelines for "accessory (appurtenant) structures."

Section 4. Notice of the Project and public hearing was mailed on August 17, 2015 to all property owners and residential occupants within a 500-foot radius of the property. On August 14, 2015 notices were posted on the Project site. On August 27, 2015 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a Hillside R-1 Permit, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The accessory structure will not have a substantial adverse impact on the scale or character of the area;
2. The accessory structure will not have a substantial adverse impact on the privacy of neighboring properties;
3. The accessory structure will not have a substantial adverse impact on the neighbors' access to light and air; and
4. The accessory structure will not have a substantial adverse impact on the streetscape.

Section 6. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Hillside R-1 Permit:

1. The existing main residence on the subject property, built in 1960, is located approximately 65' from the front property line along Shadow Hill Way and 30' above the street elevation. The Project will be smaller in size and scale than the existing main residence on the site and will be located approximately 30'-8" from the property line along Shadow Hill Way to take advantage of a level area on the sloped property and to be consistent with the 30' street side setback of the structure under construction at 1021 North Beverly Drive. The two-story accessory structure at 1054 Shadow Hill Way has a maximum height of 21'-10" from the finished grade at all points around the building. The main residence under construction at 1021 North Beverly Drive has a maximum height of 30' and the residences across Shadow Hill Way from the Project site are one or two stories tall. The properties immediately across from the Project site are all two stories with maximum heights greater than

22'. The Project has been designed to be consistent with neighboring properties and will not have a substantial adverse impact on the scale or character of the area.

2. The accessory structure will have a south side façade approximately 28' wide facing Shadow Hill Way. The south side facade will have no windows and the new accessory structure is separated by at least 70' from the properties on the south side of Shadow Hill Way (30'-8" front setback and 40' public right-of-way). The new accessory structure will be set back from the east-side property line (which is also the rear property line of the 1021 North Beverly Drive property) a minimum of 12'-5" and a maximum of 20'-8". The required side setback for the 1054 Shadow Hill Way property, after the Lot Line Adjustment, is 27'-10". The west side of the accessory structure has a deck at the second story, which faces a steep upward slope at the interior of the property. The deck is screened from properties to the south or west of the subject site by the site topography and the property separation provided by Shadow Hill Way. Exterior stairs leading up to the deck are on the north side of the structure and will be visible only from the rear (western) portion of 1021 North Beverly Drive. The first story of the accessory structure has an outdoor lounge area and the second story features large windows on the east and west sides. The location and design of the accessory structure will not result in a substantial adverse impact on the privacy of neighboring properties

3. The accessory structure at 1054 Shadow Hill Way will be two stories tall and have a maximum height of 21'-10" from the finished grade at all points around the building. The hill that slopes up to the main residence at 1054 Shadow Hill Way rises immediately behind the location of the new accessory

structure. The new accessory structure will be set back from the east-side property line a minimum of 12'-5" and a maximum of 20'-8". The required side setback for the 1054 Shadow Hill Way property, after the Lot Line Adjustment, is 27'-10". Because the east-side property line of 1054 Shadow Hill Way is the rear property line of 1021 North Beverly Drive, the portion of the 1021 North Beverly Drive property that will be closest to the accessory structure is the rear yard area. The new accessory structure is separated by at least 70' from the properties on the south side of Shadow Hill Way (30'-8" front setback and 40' public right-of-way). The location and size of the accessory structure will not have a substantial adverse impact on the neighbors' access to light and air.

4. The accessory structure is set back from the street and an existing pine tree that is a protected Heritage Tree under the City's code will remain near the front property line, partially screening the new accessory structure. Additional new landscaping is proposed between the accessory structure and the street to shield views of the structure and soften its appearance as viewed from the street. Therefore the Project will not have a significant adverse impact on the streetscape.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested Hillside R-1 Permit, subject to the following conditions:

1. This resolution shall not become effective unless and until the associated Lot Line Adjustment affecting the properties at 1054 Shadow Hill Way and 1021 North Beverly Drive and approved by this Commission in Resolution No. ___ has been duly recorded with the Assessor of the County of Los Angeles.

2. This approval is for a new 2,690.5-square foot, 21'-10" tall, two-story accessory structure that is located within required front and side yards on the property at 1054 Shadow Hill Way. This Hillside R-1 Permit allows the accessory structure to be located within 100' of the front property line, to exceed 14' in height within required yards, and to locate a deck more than three feet (3') above the finished grade. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on August 27, 2015. Any minor changes to the Project, as determined by the Director of Community Development, shall be reviewed and approved by staff. Substantive changes, as determined by the Director of Community Development, shall be returned to the Planning Commission for review and approval.

3. Except for the Lot Line Adjustment approved in Resolution No. _____, there shall be no private conveyance of land, easement, lot line adjustment or other agreement made between 1054 Shadow Hill Way and 1021 North Beverly Drive that transfers any land or structure from one property to the other.

4. The accessory building approved herein shall be immediately removed if the site is altered so that:

a. The area of the site on which the accessory building is located is reduced below twenty four thousand (24,000) square feet, or

b. The primary residential building is separated or removed from the site on which the accessory building is located so that the buildings or properties in question no longer function as one home or estate.

5. The pine tree with a circumference of approximately 48", located in the southeastern portion of the site close to the front property line is a Heritage Tree and shall be protected accordingly during construction.

6. APPROVAL RUNS WITH LAND. These conditions shall run with the land and shall remain in full force for the duration of the life of the Project.

7. Project Plans are subject to compliance with all applicable zoning regulations, except as may be expressly modified herein. Project plans shall be subject to a complete Code Compliance review when building plans are submitted for plan check. Compliance with all applicable Municipal Code and General Plan Policies is required prior to the issuance of a building permit.

8. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.

9. RECORDATION. The resolution approving the Hillside R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the

document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be **null and void** and of no further effect. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state, or local law that would affect the Project.

10. EXPIRATION. Hillside R-1 Permit: The exercise of rights granted in such approval shall be commenced within three (3) years after the adoption of such resolution.

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

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: *August 27, 2015*

Alan Robert Block
Chair of the Planning Commission of the
City of Beverly Hills, California

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Ryan Gohlich
City Planner



ATTACHMENT F
ARCHITECTURAL PLANS

Provided as a separate attachment.