Beverly Hills
Planning Division
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TEL. (310) 285-1141 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: July 17, 2014

Subject: **509 North Sierra Drive**
Minor Accommodation and Second Unit Use Permit
Request for a Minor Accommodation and a Second Unit Use Permit to allow a second story addition to an existing accessory structure located within the required side and rear yard setbacks, and to allow complete independent living facilities within the accessory structure located on a property in the Central Area of the City, North of Santa Monica Boulevard. Pursuant to the provisions set forth in the California Environmental Quality Act, the Planning Commission will also consider adoption of a Categorical Exemption for this project.
PROJECT APPLICANT/OWNER: Intrawity Anunt c/o Nanta Neovakul
PROJECT REPRESENTATIVE: Gus Duffy, AIA

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the project; and
2. Adopt the attached resolution conditionally approving the requested Minor Accommodation and Second Unit Use Permit

REPORT SUMMARY

The proposed project involves the remodel of an existing accessory structure that includes the addition of a new second story that includes a new second unit, which would contain complete independent living facilities. The proposed project is located within a required rear yard and side yard setback on the property located at 509 North Sierra Drive. As proposed, the remodeled accessory structure would have a maximum height of 22' and would contain approximately 1,048 square feet of floor area[1] split between two levels.

The accessory structure would contain a second unit[2] that would occupy approximately 810 square feet of floor area and would contain complete independent living facilities that include provisions for living, sleeping, eating, cooking, and sanitation. Pursuant to BHMC §10-3-409, a second unit is allowed by-right in a single-family residential zone if the second unit adheres to specific development standards. Second

[1] Pursuant to Beverly Hills Municipal Code §10-3-100, 'floor area' shall mean the area of all portions of floors or levels which have a roof or floor level above and are enclosed by exterior walls by more than 50%. Floor area shall not include basements, crawl spaces, and up to 400 square feet of garage area.

[2] Pursuant to Beverly Hills Municipal Code §10-3-100, 'second unit' is defined as an attached or detached residential dwelling unit which provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating , cooking, and sanitation, and is located on the same site area as the primary dwelling.

Attachment(s):
A. Required Findings and Recommended Conditions
B. Letters from Neighboring Property Owners/Occupants
C. Draft Resolution
D. Public Notice
E. Architectural Plans

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unit structures that do not adhere to the required development standards may request relief from the standards through a Second Unit Use Permit. The proposed second unit does not comply with the by-right height and floor area standards. Consequently, a Second Unit Use Permit is requested.

Furthermore, the proposed accessory structure exceeds the 14'-0" in height limitation. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2414, accessory structures located within required rear and side setbacks are restricted to 14'-0" in height unless otherwise authorized by the reviewing authority through a Minor Accommodation. Since the accessory structure does not meet the by-right development standards set forth above, discretionary review by the Planning Commission is required.

Key issues discussed in this report include the location of the proposed structure on the project site, the massing and design of the structure, and the proposed landscaping on the site. Staff's analysis concludes that the proposed accessory structure and second unit will not result in substantial adverse impacts on the neighborhood, streetscape, garden quality of the City, or the public welfare. Therefore, staff recommends approval of the requested Minor Accommodation and the Second Unit Use Permit.

BACKGROUND

File Date	12/20/2013
Application Complete	1/20/2014
Subdivision Deadline	N/A
CEQA Determination	Class 3 Categorical Exemption
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	9/15/2014 without extension request from applicant
Applicant(s)	Intrawity Anunt c/o Nanta Neovakul
Owner(s)	Intrawity Anunt c/o Nanta Neovakul
Representative(s)	Gus Duffy, AIA
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information	
Address	509 North Sierra Drive
Assessor's ID No.	4341-003-013
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	74.5' x 149.3' (irregularly shaped) – 10,969 SF (.25 acres)
Year Built	1939
Historic Resource	None
Protected Trees/Grove	None
<u>Adjacent Zoning and Land Uses</u>	
North	R-1.X – Single-family residential
South	R-1.X – Single-family residential
East	R-1.X – Single-family residential
West	R-1.X – Single-family residential

Circulation and Parking

Adjacent Street(s)	Sierra Drive and Carmelita Avenue
Adjacent Alleys	At the rear of the property
Parkways & Sidewalks	17'-6" parkway along Sierra Drive and 14'-0" parkway along Carmelita Avenue

Circulation and Parking Continued

Parking Restrictions	Sierra Drive – overnight parking prohibited; Carmelita Avenue - overnight parking prohibited
Nearest Intersection	Sierra Drive and Carmelita Avenue
Circulation Element	Local

Zoning Compliance Table

REGULATIONS	ALLOWED / REQUIRED	EXISTING	PROPOSED	NOTES
Accessory/Second Unit Structures:				
Height	14'-0"	19'-6"	22'-0"	Requires a Minor Accommodation to allow the height to exceed 14'-0" when located within a required rear and side setback
Floor Area	5,888 SF maximum permitted for the project site	SFR: 4,153 SF Accessory structure: 395 SF (excludes 400 SF of garage) Total Site: 4548 SF (excludes 400 SF of garage area)	SFR: 4,153 SF Accessory structure: 1,048 SF (excludes 400 SF of garage and includes 810 SF second unit) Total Site: 5,201 SF (excluded 400 SF of garage area)	Second units are restricted to a maximum floor area of 650 SF unless otherwise authorized pursuant to a Second Unit Use Permit
Front Setback (Sierra Drive)	100'-0" or located entirely within 50'-0" of the rear property line	120'-0"	120'-0"	
North Side Setback	8'-11" setback for the primary residence	12'	0' (no change)	Requires a Minor Accommodation and Second Unit Use Permit to allow the height to exceed 14'-0" when located within a required side yard setback
	8'-11" for accessory structures exceeding 14'-0" in height	0'		

Zoning Compliance Table Continued

REGULATIONS	ALLOWED / REQUIRED	EXISTING	PROPOSED	NOTES
South Side Setback	7'-6" setback for the primary residence	4'-0" setback for primary residence	32'-0"	
	7'-6" setback for accessory structures exceed 14'-0" in height	41'-0" setback for accessory structure		
Rear Setback (alley)	35'-9" setback for the primary residence	52'-0"	0'	Requires a Minor Accommodation and Second Unit Use Permit to allow the height to exceed 14'-0" when located within a required rear yard setback
	0'-0" for accessory structures located in a required rear yard (abuts an alley) and complies with the minimum 14'-0" height standard.	0'-0"		
Bedrooms	No limit	5 bedrooms	6 bedrooms	
Parking Spaces	4 parking spaces currently required (for 6 bedrooms)	5 spaces	5 spaces	

Neighborhood Character

The subject property is located in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along North Sierra Drive. The project site is consistent with other properties in the neighborhood with respect to site area and site configuration. Existing development on the project site consists of a two-story single-family residence and one-story accessory structure. The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

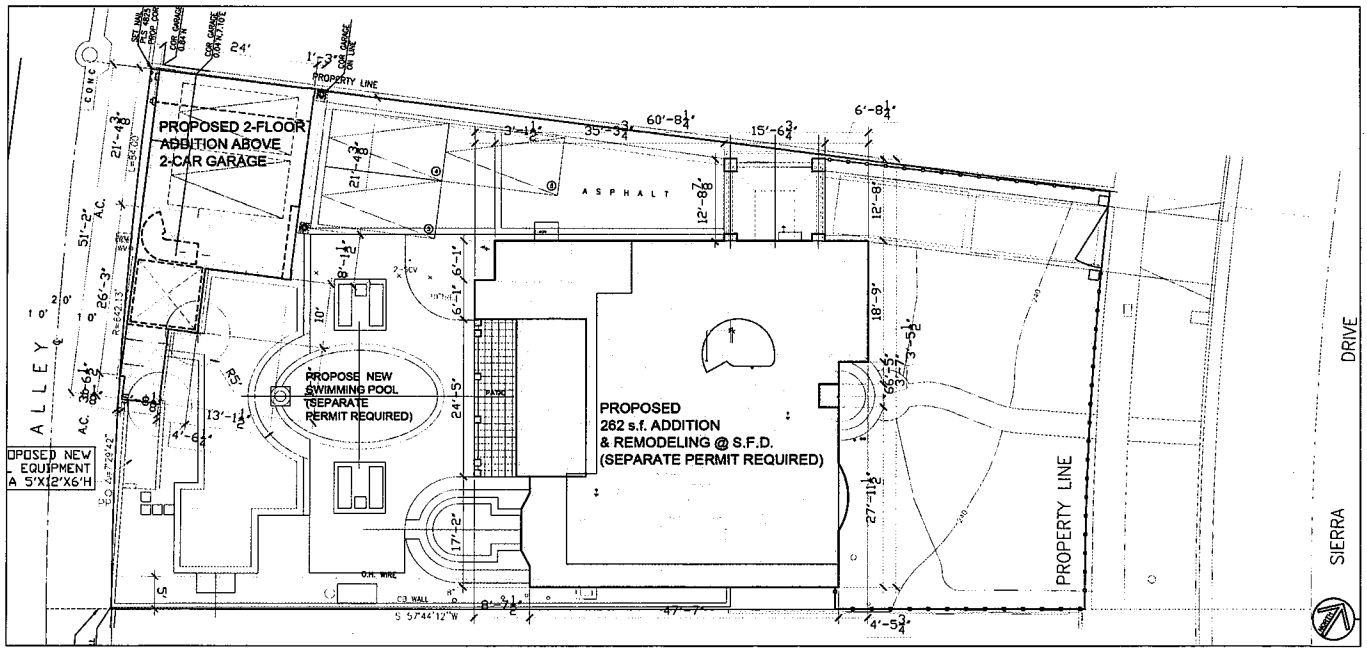
PROJECT DESCRIPTION

The proposed project includes a second story addition to the existing accessory structure located within the required rear and side yard setbacks. The remodeled structure would have a maximum height of 22'-0" and would contain a second dwelling unit with a total floor area of approximately 877 square feet. As designed, the structure would be set back:

- 0' from the rear property line which abuts an alley;
- 0' from the north side property line;
- 32'-0" from the south side property line; and
- 120'-0" from the front property line along Sierra Drive.

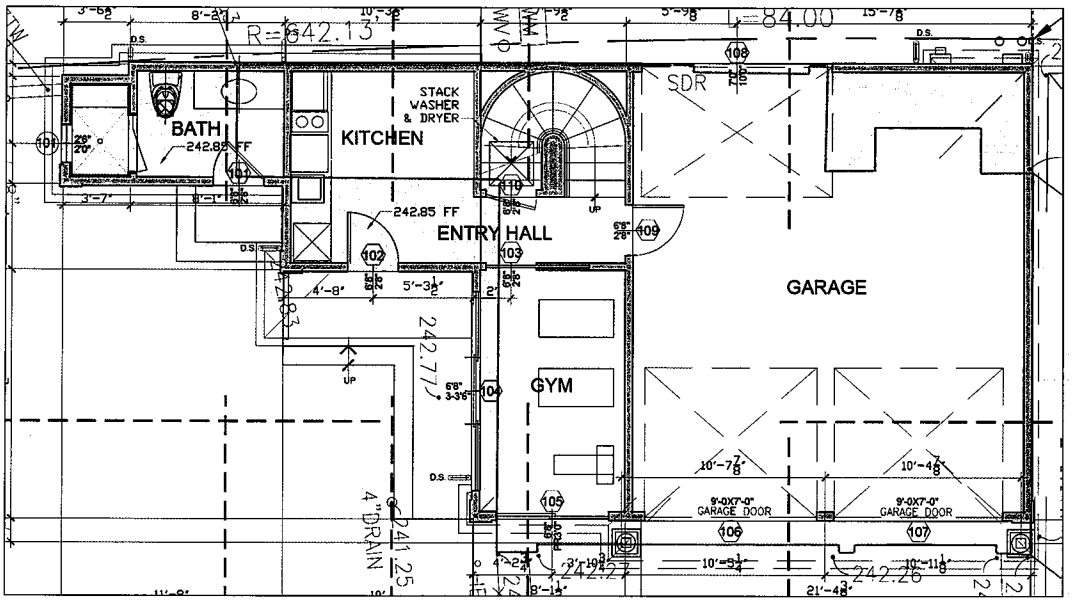
The total floor area[3] of the new structure would be approximately 1,048 square feet (does not include 400 square feet of garage area). The structure would contain the following elements:

- A garage containing two (2) parking spaces; and
- A second unit occupying approximately 877 square feet of floor area. The proposed second unit would be located on the first and second levels of the accessory structure and would include independent living facilities consisting of:
    - 1 bedroom;
    - 2 bathrooms; and
    - A kitchen.

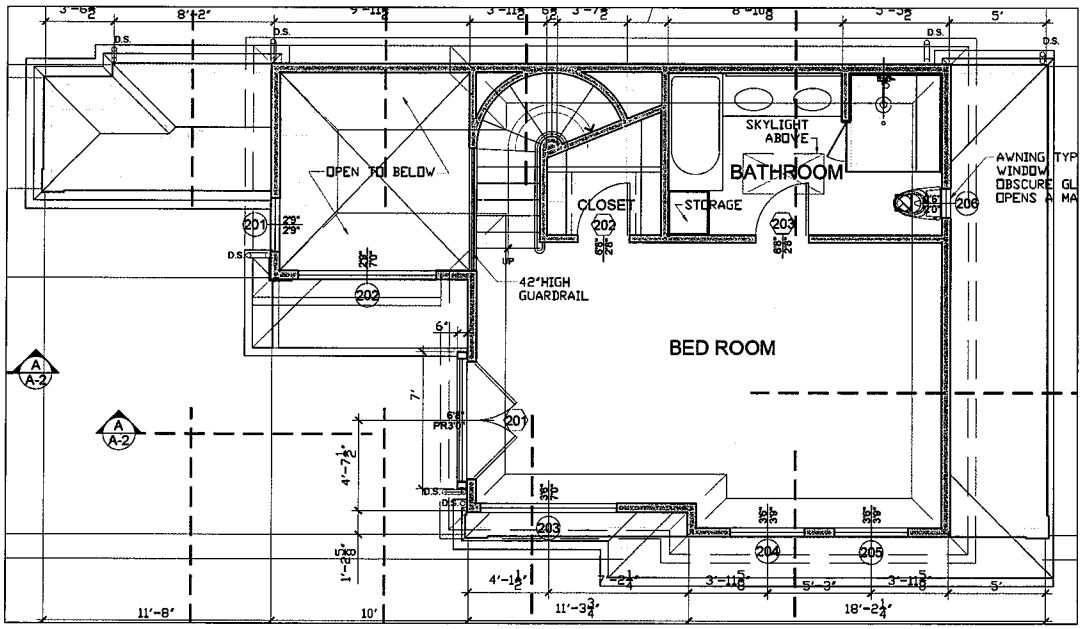


Project Site Plan

[3] Pursuant to BHMC §10-3-100, Floor Area in a residential zone shall include all portions of floors which have a roof or floor above an enclosed by exterior wall by more than 50%. Floor area shall not include basements, crawl spaces, and up to 400 square feet of garage area.



First Floor Plan



Second Floor Plan

ZONING CODE[4] COMPLIANCE

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.

Agency Review[5]

In reviewing the proposed project, City staff consulted with the Urban Designer and the Development Services Program, which includes the Building & Safety Division, the Fire Department, and Public Works Department, to identify potential issues that should be addressed prior to Planning Commission review. During the review it was identified that the design of the second story addition along the rear (alley) elevation of the proposed structure could be slightly modified to reduce the appearance of scale and mass. A condition of approval is recommended in this report (Attachment A) to address this issue.

GENERAL PLAN[6] POLICIES

The General Plan includes goals and policies relevant to the Planning Commission's review of the project, including:

- **Policy LU 2.1 City Places: Neighborhoods, Districts, and Corridors.** Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the City's distinctive residential neighborhoods, business districts, corridors, and open spaces.

- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City's residential neighborhoods, recognizing their contribution to the City's identity, economic value, and quality of life.

- **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 6.4 Second Units.** Allow second unites in single-family residential districts in accordance with State law.

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[7], and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(a) and 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of a second dwelling unit and an accessory (appurtenant) structure including garages within a residential zone. The proposed project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

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[4] Available online at http://www.sterlingcodifiers.com/codebook/index.php?book_id=466
[5] Recommended conditions of approval by other departments are provided in the Analysis section of this report.
[6] Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp
[7] The CEQA Guidelines and Statue 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	7/10/14	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	7/7/14	7/3/14	14 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	7/10/14	7 Days

Public Comment

Staff has received three letters from neighboring property owners/occupants in opposition of the proposed project. Copies of the letters have been provided in Attachment B.

ANALYSIS[8]

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. Draft findings are included with this report in Attachment C and may be used to guide the Planning Commission's deliberation on the subject project. Additionally, staff's analysis is provided below for the Commission's consideration.

Scale and Massing of the Streetscape and Neighborhood. The proposed accessory structure is located in the northwest corner of the project site, set back approximately 120' from the front property line. In this location, the remodeled accessory structure will be blocked from view along Sierra Drive by the existing two-story residence on the project site. Therefore, the remodeled accessory structure is not anticipated to impact the Sierra Drive streetscape.

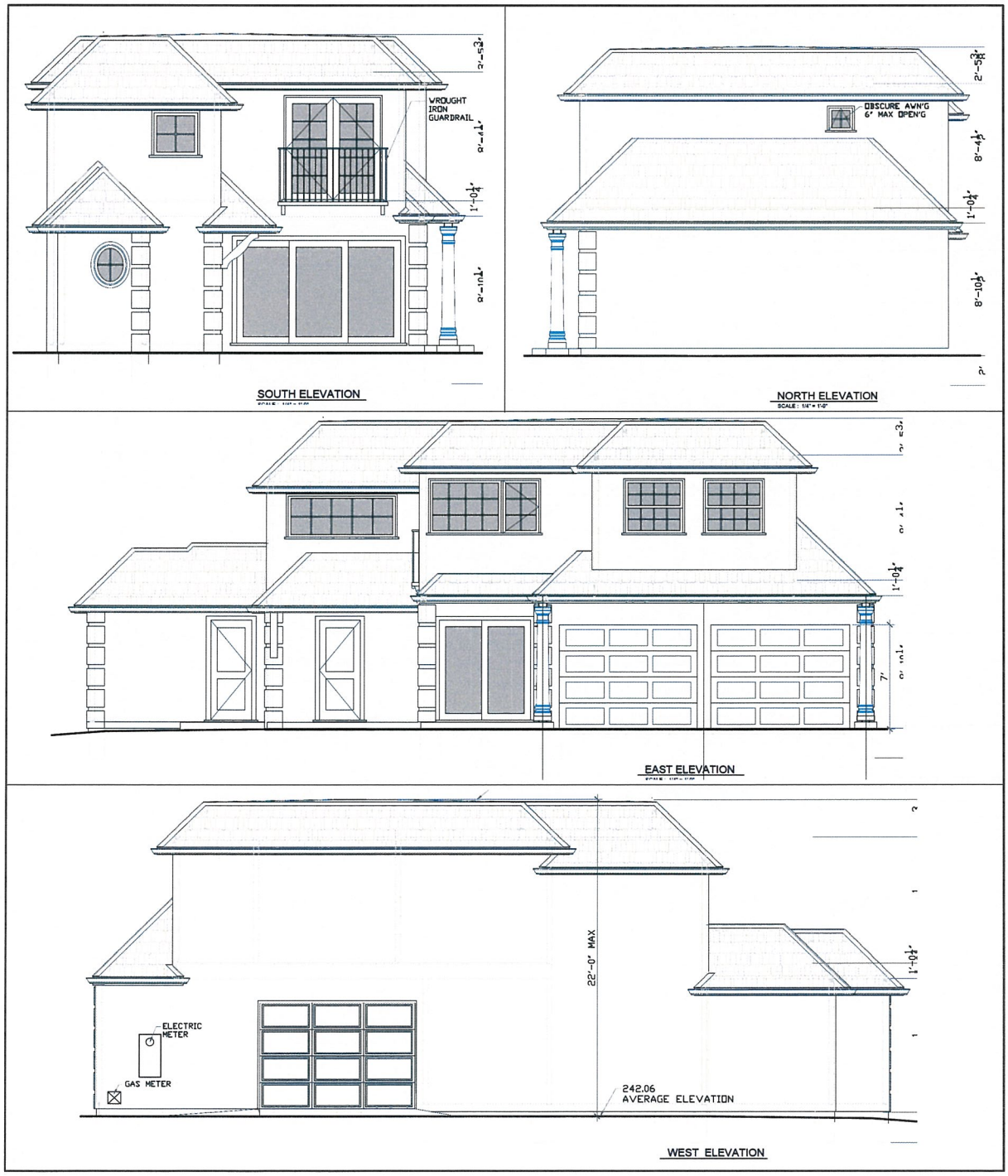
With respect to neighboring properties to the south, the first floor of the accessory structure would be set back approximately 32' from the southern side property line and the new second floor would be set back further at approximately 43' from the southern property line. The setbacks provided for the first and second floors of the accessory structure along the south property line exceed the side setback for the existing two-story residence (4') on the project site. Given the dimensions of the south side setbacks, the proposed structure is not anticipated to result in scale and massing impacts to the neighboring property to the south.

With respect to neighboring properties to the north, the first floor of the accessory structure will remain in its existing location which abuts the northern side property line; however, the proposed second story addition will be set back 5' from the northern side property line. The setback along the second floor will reduce the impact of scale and mass along the northern property line. Furthermore, only one small window is proposed along the northern elevation and, as conditioned, this window would contain translucent glass and would be an awning style window with a maximum opening of 25°.

Along the alley elevation the existing first floor and the proposed second floor would both abut the rear property line. While the second story addition to the structure has been designed to reduce

[8] 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.

the massing of the structure along the north, east, and west elevations, the alley elevation of the structure has not been designed to reduce the appearance of mass and scale. This elevation design could be improved by providing a small setback at the second level of the structure or by exploring landscaping options along the façade. Consequently, staff has drafted a recommended condition of approval that would require the applicant to work with the City's Urban Designer to explore design alternatives for the rear elevation that will better modulate the second floor and will soften the structure's appearance as viewed from the alley and from neighboring properties to the west. No windows are proposed along the rear elevation. Building elevations are provided below.



The propose structure is generally consistent with the scale and mass of other accessory structures in the area, which are generally one and two stories in height and are located near or abutting the rear property line. The aerial image below illustrates the one-story and two-story accessory structures within the general vicinity of the project site.

★ Two-story accessory structure(s) within the vicinity of the project

○ One-story accessory structure(s) within the vicinity of the project

Due to the massing and configuration of the proposed structure, the location of the structure on the site, and the existing one- and two-story accessory structures that exist in the neighborhood, and the recommended condition regarding the architectural design of the proposed structure, the project is not anticipated to have a substantial adverse impact on the scale and massing of the streetscape or the scale and massing of the neighborhood as viewed from the neighboring properties.

Neighbor's Privacy and Access to Light and Air. As proposed, the height of the accessory structure would be increased from 19'-6" to a maximum height of 22'. The rear elevation would abut the rear property line which borders a 20' wide alley. The first floor of the structure would abut the north side property line, but the new second floor would be set back 5' from the northern property line. Additionally, the structure would be set back a minimum of approximately 32' from the south side property line and would be set back approximately 120' from the front property line along Sierra Drive. The alley along the rear (west) of the project site would provide a 20' buffer between the proposed structure and the neighboring properties to the west. As conditioned, the alley elevation of the accessory structure would be revised so that additional modulation is provided so as to soften the appearance of the structure for neighbors across the alley. Furthermore, the building is oriented so that the majority of the windows and doors will face toward the interior of the subject property. One window is proposed at the second story along the north elevation. Staff has included

a recommended condition of approval that would require the window along the north elevation to be an awning style window and to contain translucent glass[9]. No windows are proposed along the alley elevation of the structure. Due to the project's design and recommended conditions of approval, the project is not anticipated to have a substantial adverse impact on the neighbor's privacy or access to light and air.

Garden Quality of the City. As proposed, the new second story addition and remodel will not require the relocation of the existing accessory structure. Consequently, the majority of the landscaping that exists on the project site around the structure and within the rear yard area will be maintained. As conditioned, the existing mature trees within the rear yard will be maintained. Additionally, the applicant shall work with the City's Urban Designer to explore options of providing landscaping along the alley elevation of the proposed second story addition. Since existing mature trees will be maintained and, as conditioned, new landscaping options will be explored, the project is not anticipated to have a substantial adverse impact on the garden quality of the City.

Neighbors' Concerns. Staff has received three (3) letters from neighboring properties owners in response to the proposed project. Copies of the letters are provided in Attachment B of this report. The concerns highlighted include potential privacy impacts, maintaining the character of the neighborhood, the potential for intensification of the site as a result of the second unit, and the blocking of existing hillside views. Although the proposed second story addition and second unit would result in added mass to the accessory structure, additional floor area on the project site, and could result in additionally activity on the site, as outlined in the paragraphs above, the project appears to have been designed to reduced impacts on the neighbor's privacy and is oriented toward the interior of the site which would encourage any additional activity to take place on the site. Furthermore, staff has included recommended conditions of approval that would require additional measures be taken to address potential privacy concerns and massing concerns.

Summary of Project Benefits and Concerns. In light of the analysis provided above, a summary of the project's potential benefits and potential concerns is provided in the table below for the Planning Commission's consideration.

Potential Benefits	Potential Concerns
• Landscaping will be maintained throughout the site • Consistent with other two-story accessory structures in the surrounding neighborhood • The second unit cannot be sold, transferred or assigned separately from the primary residence • The second unit will contribute to the City's affordable housing supply • The project design, specifically the alley elevation, will be further developed with the City's Urban Designer in order to reduce the appearance of mass and scale • The structure would continue to provide covered, off-street parking spaces	• The two-story accessory structure is taller than typical one-story accessory structures in the neighborhood • Perceived privacy impacts. • The second unit may be rented or leased, causing additional activity on the property • Increase of scale and massing on the subject property • Construction noise and hauling

[9] The proposed condition requiring the alley windows to be fixed and to contain translucent glass is consistent with conditions imposed on other entitlements approving two-story accessory structures with windows/doors along an alley.

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the Minor Accommodation and Second Unit Use 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.

Report Reviewed By:

Ryan Gohlich, Senior Planner

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ATTACHMENT A
Required Findings and Recommended Conditions

REQUIRED FINDINGS

In order to approve the requested Minor Accommodation and Second Unit Use Permit, all of the following findings must be made in support of the project. Draft responses to these findings are contained in Attachment B (Draft Resolution)

Minor Accommodation:

1. *The project will not have a substantial adverse impact on the scale and massing of the streetscape;*
2. *The project will not have a substantial adverse impact on the neighbor's access to light and air;*
3. *The project will not have a substantial adverse impact on the neighbor's privacy; and*
4. *The project will not have a substantial adverse impact on the garden quality of the City.*

Second Unit Use Permit:

1. *The project will not have a substantial adverse impact on the scale and massing of the streetscape;*
2. *The project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;*
3. *The project will not have a substantial adverse impact on the neighbor's access to light and air;*
4. *The project will not have a substantial adverse impact on the neighbor's privacy;*
5. *The project will not have a substantial adverse impact on the garden quality of the City; and*
6. *The project will not have a substantial adverse impact on the adjacent properties of the public welfare.*

DRAFT CONDITIONS

Project Specific Conditions

1. The second story window opening along the north façade of the accessory structure shall contain translucent glass (allows light to pass through but objects are not visible through the glass) and shall be an awning style window with a maximum opening of 25°.

2. The Applicant shall work with the City's Urban Designer, and/or his/her designee, to ensure that the architectural design of the rear elevation (alley elevation) of the accessory structure is better modulated and is designed to soften the structures appearance from the alley and neighboring properties to the west. Landscaping options shall be explored as possible design options for the alley elevation.

3. The existing mature trees within the rear yard area shall remain onsite and the applicant shall work with the City's Urban Designer, and/or his/her designee, to explore landscaping options that will aid to buffer the second story addition along the alley elevation.

ATTACHMENT B

Letters from Neighboring Property Owners/Occupants

Begins on following page.

To: Planning Commission, City of Beverly Hills
Subject: Accommodation and 2nd Use Permit at 509 Sierra Drive
From: Sharyn Ross and Jeffrey Thal, 512 N. Alta Drive
Date: March 23. 2014

Dear Ms. Rojemann,

Our neighbor, Jon Pynoos, alerted us to the pending construction at 509 Sierra Drive. This letter regards my opposition to the requested Minor Accommodation and Second Unit Permit at said residence.

We have been living in our home for close to 20 years. Our home was built in 1929 and we have gone to great pains to honor its original Spanish style even when we have done construction. About 8 years ago, we updated our back structure, which existed when we bought our home. Though we considered adding a second story, we decided not to impinge on our neighbors' privacy. We have always been respectful of our neighbors on every side. We share the cost of maintaining privacy trees and always notify each other when considering a change. Our neighbors on the west side of us needed to cut down diseased privacy trees. After discussing our concerns about privacy, they purchased extra tall privacy trees at a much costlier price.

Unfortunately, our neighbors across the alley did not notify us about building a huge looming second story guest house/garage. As a matter of fact, we did not receive a notice from the city about their plans. One day, it seemed to just appear. I could see it from my backyard and from my master bathroom. We were shocked when we realized what was happening, and it was too late for any recourse. We were forced to build a trellis on top of our one story back house and have been trying to grow bougainvillea on the top for privacy with little success.

My back house consists of a guest room, full bathroom, and a covered outside kitchen and living room. It also has a fireplace and it was built to code. There is ample comfort and living space. We've never had a garage but a carport instead. It would be nice to have both but sometimes in life, you can't have everything. Adding another story to what is supposed to be a garage is intrusive. This over building on small properties without any consideration for neighbors' privacy in Beverly Hills needs to stop.

Sincerely,
Sharyn Ross
Jeffrey Thal

To: Shena Rojemann, Planning Commission, City of Beverly Hills
Subject: Accommodation and 2nd Use Permit at 509 Sierra Drive
From: Jon Pynoos, 508 N.Alta Drive
Date: March 21. 2014

I want to express my opposition to the requested Minor Accommodation and Second Unit Permit at 509 Sierra.

Background: my family and I have lived in our house for 28 years. When we purchased the house, originally built in 1929, it was in very poor condition and needed substantial upgrading. Our architect Charles Moore, who at the time was also designing the City Hall, remodeled our house. He made every effort to blend post-modernism with the Spanish style of the original house. He also very carefully placed windows to respect the privacy of our neighbors. Even though we could have requested a Minor Accommodation to add a second story to a small unit in the back, we would not have done so at the time because it would be an intrusion on our neighbor across the alley and Mimi Feldman who lives at 510 N. Alta.

I am strongly opposed to the request of the owners of 509 Sierra for a Minor Accommodation and Second Use Permit. The Minor Accommodation would create a two- story structure out of character for our block that would eliminate our view of the hills and appear like an enormous structure from our back yard. Because the garage would now open on our narrow alley, it would also create a hazard.

The impact of allowing the owners of 509 Sierra to build such a structure can be seen in the very large backyard accessory unit built at 511 N. Sierra that looms over those living across the alley from it. None of us realized that such a structure was under consideration or we certainly would have opposed that too. It should not be seen as a precedent but rather an anomaly that never should have been allowed. If the Department also grants a second use permit with a kitchen to the owners of 509 Sierra, it would only serve to add insult to injury. It would basically become a full second house on what is a relatively small lot zoned for single- family houses.

As someone with a Masters and Ph.D. Degree in City Planning, I am not opposed to accessory units per se but they should be created in a way that does not change the character of our neighborhood or intrude on the lives of people living next door or across an alley.

510 Alta Drive
Beverly Hills, CA 9020
March 21, 2014

Shena Rojemann, Associate Planner
Department of Community Development
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Dear Ms. Rojemann,

I am opposed to the request of the homeowner at 509 Sierra Drive for a Minor Accommodation and Second Use Permit. I have enjoyed living in my home for 54 years. During that period, I have had good relationships with my neighbors on both sides of me. In making exterior changes to our houses and even in landscaping we have taken into account how they might impact each other.

I am very upset about the proposed changes at 509 Sierra. A two- story unit would significantly block my second floor views to the east and reduce light. Its large fortress-like mass and scale would have a very negative impact on the use of my backyard where I often sit with family members and friends.

In addition, the City should not allow second units with full facilities. They would, in fact, become second houses. This is not in keeping with the size of the lots or zoning in our block.

Sincerely yours,

Mimi Feldman

ATTACHMENT C
Draft Resolution

Begins on following page.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A MINOR ACCOMMODATION AND SECOND UNIT USE PERMIT TO ALLOW A REMODEL AND SECOND STORY ADDITION TO AN EXISTING ACCESSORY STRUCTURE LOCATED IN THE CENTRAL AREA OF THE CITY AT 509 NORTH SIERRA DRIVE.

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

Section 1. Gus Duffy, on behalf of the property owners, Intrawity Anunt c/o Nanta Neovakul (the "Applicant"), has submitted an application requesting a Minor Accommodation to allow a second story addition to an existing accessory structure located within the required side and area yard setbacks, and a request for a Second Unit Use Permit to allow complete independent living facilities within the subject accessory structure, which is located on a property in the Central 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 Minor Accommodation and Second Unit Use Permit.

Section 2. The Project site is located in the Central Area of the City, north of Santa Monica Boulevard, and has frontage along North Sierra Drive. The Project site is consistent with other properties in the neighborhood with respect to site area and site configuration. Existing development on the Project site consists of a two-story single-family residence and one-story accessory structure. The surrounding neighborhood consists of one- and two-story single-family residences with detached one- and two-story accessory structures.

The Project consists of second story addition to the existing accessory structure located with the required rear and side yard setbacks. The remodeled structure would have a maximum height of 22'and would contain a second dwelling unit with a total floor area of approximately 810 square feet. As designed, the structure would be set back:

- 0' from the rear property line which abuts an alley;
- 0' from the north side property line;
- 32' from the south side property line; and
- 120' from the front property line along Sierra Drive.

The total floor area of the new structure would be approximately 1,048 square feet. The structure would contain the following elements:

- A garage containing two (2) parking spaces; and
- A second unit occupying approximately 810 square feet of floor area. The proposed second unit would be located on the first and second levels of the accessory structure and would accommodate independent living facilities that include:
    - 1 bedroom;
    - 2 bathrooms; and
    - A kitchen.

Section 3. The Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The Project qualifies for a categorical

exemption pursuant to Section 15303 (Class 3(a) and 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of a second dwelling unit and an accessory (appurtenant) structure including garages within a residential zone. The proposed Project includes a second dwelling unit and an accessory garage and therefore, has been determined to be eligible for the exemption.

Section 4. Notice of the Project and public hearing was mailed on July 3, 2014 to all property owners and residential tenants within a 300-foot radius of the property. On July 17, 2014 the Planning Commission considered the application at a duly noticed public meeting. Evidence, both written and oral, was presented at said meeting.

Section 5. In considering the request for a Minor Accommodation, the Planning Commission considered whether it could make the following findings in support of the Project:

1. The Project will not have a substantial adverse impact on the scale and massing of the streetscape;

2. The project will not have a substantial adverse impact on the neighbors' access to light and air;

3. The project will not have a substantial adverse impact on the neighbors' privacy; and

4. The project will not have a substantial adverse impact on the garden quality of the City.

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

1. The Project is located in the northwestern corner of the subject site, set back approximately 120' from the front property line. In this location, the remodeled accessory structure will be blocked from view along North Sierra Drive by the existing two-story residence on the Project site. As designed, the structure would be set back approximately 32' from the southern side property line, which exceeds the side setback for the existing two-story residence. The first floor of the accessory structure will remain in its existing location which abuts the northern side property line; however, the proposed second story addition will be set back 5' from the northern side property line. The setback at the second floor will reduce the impact of scale and mass along the northern property line. Along the alley elevation the existing first floor and the proposed second floor would both abut the rear property line. Due to the location of the structure on the site, and the existing two-story residence on the project site, the Project will not have a substantial adverse impact on the scale and massing of the streetscape.

2. The Project will have a maximum height of 22', will abut the rear property line which borders a 20' wide alley, will abut the north side property line, will be set back approximately 32' from the south side property line, and will be set back approximately 120' from the front property line along Sierra Drive. The rear alley would provide a 20' buffer between the proposed structure and the neighboring properties to the west. As conditioned, the alley elevation will be revised so that additional modulation is provided so as to soften the alley elevation. Furthermore,

the structure is oriented so that the majority of the windows and doors face toward the interior of the subject property. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition and the Project-specific condition regarding the architectural design of the proposed structure, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

3. The Project will have a maximum height of 22', will abut the rear property line which borders a 20' wide alley, will abut the north side property line, will be set back approximately 32' from the south side property line, and will be set back approximately 120' from the front property line along Sierra Drive. The rear alley would provide a 20' buffer between the proposed structure and the neighboring properties to the west. As designed, the structure is oriented so that the majority of the windows and doors face toward the interior of the subject property. One window is proposed at the second story along the north elevation. As conditioned, the window will be an awning style window and contain translucent glass. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition and the Project-specific condition regarding the second story window along the north elevation, the Project will not have a substantial adverse impact on the neighbors' privacy.

4. The second story addition and remodel will require the existing accessory structure on the Project site to remain in its current location. Consequently, the majority of the landscaping that exists on the Project site will be maintained, inclusive of the existing mature trees on the site. Additionally, the applicant shall

work with the City's Urban Designer to explore options of providing landscaping along the alley elevation of the proposed second story addition. Since existing mature trees will be maintained and, as conditioned, new landscaping options will be explored, the Project is not anticipated to have a substantial adverse impact on the garden quality of the City.

Section 7. In considering the request for a Second Unit Use Permit, the Planning Commission considered whether the following findings could be made in support of the Project:

1. The Project will not have a substantial adverse impact on the scale and massing of the streetscape;

2. The Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties;

3. The Project will not have a substantial adverse impact on the neighbors' access to light and air;

4. The Project will not have a substantial adverse impact on the neighbors' privacy;

5. The Project will not have a substantial adverse impact on the garden quality of the City; and

6. The Project will not have a substantial adverse impact on the adjacent properties or the public welfare.

Section 8. Based on the foregoing, the Planning Commission hereby finds and determines as follows with respect to the Second Unit Use Permit:

1. The Project is located in the northwestern corner of the subject site, set back approximately 120' from the front property line. In this location, the remodeled accessory structure will be blocked from view along North Sierra Drive by the existing two-story residence on the Project site. As designed, the structure would be set back approximately 32' from the southern side property line, which exceeds the side setback for the existing two-story residence. The first floor of the accessory structure will remain in its existing location which abuts the northern side property line; however, the proposed second story addition will be set back 5' from the northern side property line. The setback of the second floor will reduce the impact of scale and mass along the northern property line. Along the alley elevation the existing first floor and the proposed second floor would both abut the rear property line. Due to the location of the structure on the site, and the existing two-story residence on the project site, the Project will not have a substantial adverse impact on the scale and massing of the streetscape.

2. The Project is located in the northwestern corner of the subject site, set back approximately 120' from the front property line. In this location, the remodeled accessory structure will be blocked from view along North Sierra Drive by the existing two-story residence on the Project site. The first floor of the accessory structure will remain in its existing location which abuts the northern side property line; however, the proposed second story addition will be set back 5' from the northern side property line. The setback of the second floor will reduce the

impact of scale and mass along the northern property line. As designed, the structure would be set back approximately 32' from the southern side property line, which exceeds the side setback for the existing two-story residence. The Project will have a maximum height of 22' and will abut the rear property line which borders a 20' wide alley. No windows are proposed along the alley elevation and the alley will provide a 20' buffer between the proposed structure and the neighboring properties to the west. As conditioned, the alley elevation will be revised so that additional modulation is provided so as to soften the alley elevation. Furthermore, the structure is oriented so that the majority of the windows and doors face toward the interior of the subject property. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition, and the Project-specific condition regarding the architectural design of the proposed structure, the Project will not have a substantial adverse impact on the scale and massing of the neighborhood as viewed from neighboring properties.

3. The Project will have a maximum height of 22' will abut the rear property line which borders a 20' wide alley, will abut the north side property line, will be set back approximately 32' from the south side property line, and will be set back approximately 120' from the front property line along Sierra Drive. The rear alley would provide a 20' buffer between the proposed structure and the neighboring properties to the west. As conditioned, the alley elevation will be revised so that additional modulation is provided so as to soften the alley elevation. Furthermore, the structure is oriented so that the majority of the windows and doors face toward

the interior of the subject property. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition and the Project specific condition regarding the architectural design of the proposed structure, the Project will not have a substantial adverse impact on the neighbors' access to light and air.

4. The Project will have a maximum height of 22', will abut the rear property line which borders a 20' wide alley, will abut the north side property line, will be set back approximately 32' from the south side property line, and will be set back approximately 120' from the front property line along Sierra Drive. The rear alley would provide a 20' buffer between the proposed structure and the neighboring properties to the west. As designed, the structure is oriented so that the majority of the windows and doors face toward the interior of the subject property. One window is proposed at the second story along the north elevation. As conditioned, the window will be an awning style window and contain translucent glass. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition and the Project-specific condition regarding the second story window along the north elevation, the Project will not have a substantial adverse impact on the neighbors' privacy.

5. The second story addition and remodel will require the existing accessory structure on the Project site to remain in its current location. Consequently, the majority of the landscaping that exists on the Project site will be maintained. As conditioned, the existing mature trees on the site will be maintained. Additionally, the applicant shall work with the City's Urban Designer to explore

options of providing landscaping along the alley elevation of the proposed second story addition. Since existing mature trees will be maintained and, as conditioned, new landscaping options will be explored, the Project will not have a substantial adverse impact on the garden quality of the City.

6. The Project is located in the northwestern corner of the subject site, set back approximately 120' from the front property line. In this location, the remodeled accessory structure will be blocked from view along North Sierra Drive by the existing two-story residence on the Project site. The first floor of the accessory structure will remain in its existing location which abuts the northern side property line; however, the proposed second story addition will be set back 5' from the northern side property line. The setback of the second floor will reduce the impact of scale and mass along the northern property line. As designed, the structure would be set back approximately 32' from the southern side property line, which exceeds the side setback for the existing two-story residence. The Project will have a maximum height of 22' and will abut the rear property line which borders a 20' wide alley. No windows are proposed along the alley elevation and the alley will provide a 20' buffer between the proposed structure and the neighboring properties to the west. As conditioned, the alley elevation will be revised so that additional modulation is provided so as to soften the alley elevation. Furthermore, the structure is oriented so that the majority of the windows and doors face toward the interior of the subject property. Due to the location of the structure on the site, the alley separation between neighboring properties to the west, the configuration of the second story addition and the Project-specific condition regarding the architectural

design of the proposed structure, the Project will not have a substantial adverse impact on adjacent properties or the public welfare.

Section 9. Based on the foregoing, the Planning Commission hereby grants the requested Minor Accommodation and Second Unit Use Permit, subject to the following conditions:

1. The second story window opening along the north façade of the accessory structure shall contain translucent glass (allows light to pass through but objects are not visible through the glass) and shall be an awning style window with a maximum opening of 25°.

2. The Applicant shall work with the City's Urban Designer, and/or his/her designee, to ensure that the architectural design of the rear elevation (alley elevation) of the accessory structure is better modulated and is designed to soften the structure's appearance from the alley and neighboring properties to the west. Landscaping options shall be explored as possible design options for the alley elevation.

3. The existing mature trees within the rear yard area shall remain onsite and the applicant shall work with the City's Urban Designer, and/or his/her designee, to explore landscaping options that will aid in buffering the second story addition along the alley elevation.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on June 26, 2014 and conditioned herein.

5. 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.

6. Minor amendments to the plans shall be subject to approval by the Director of Community Development. A significant change to the approved Project shall be subject to Planning Commission Review. Construction shall be in conformance with the plans approved herein or as modified by the Planning Commission or Director of Community Development.

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. This resolution approving the Minor Accommodation and Second Unit Use 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. Minor Accommodation and Second Unit Use 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 10. 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: July 17, 2014

_____
Brian Rosenstein
Chair of the Planning Commission of the City of Beverly Hills, California

Attest:

_____
Secretary

Approved as to form:

_____
David M. Snow
Assistant City Attorney

Approved as to content:

_____
Jonathan Lait, AICP
City Planner

ATTACHMENT D
Public Notice

Begins on following page.

NOTICE OF PUBLIC HEARING

DATE: July 17, 2014

TIME: 1:00 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 SPECIAL meeting on Thursday, July 17, 2014, will hold a public hearing beginning at **1:00 PM,** or as soon thereafter as the matter may be heard to consider a request for a Minor Accommodation and a Second Unit Use Permit for an accessory structure on the property located at **509 North Sierra Drive.** The project includes:

Minor Accommodation to allow a second-story addition to an existing accessory structure located within a required side and rear yard setback. Pursuant to Section 10-3-2414 of the Beverly Hills Municipal Code, a Minor Accommodation is required to allow an accessory structure located in both the required side and rear yard setbacks to exceed 14' in height. The existing accessory structure contains one level of habitable space with a steeply pitched roof that is 19'-6" in height. The proposed second story addition would modify the existing roofline and increase the height of the accessory structure to approximately 20'-9", thereby creating sufficient vertical clearance for a habitable second story.

Second Unit Use Permit to allow the subject accessory structure to contain complete independent living facilities that include provisions for living, sleeping, eating, cooking, and sanitation. The proposed second unit would be a maximum of 20'-9" in height (contained within the accessory structure identified above) and would contain a total of approximately 1,025 square feet of floor area. One new parking space is required and proposed in conjunction with the second unit.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 3 Categorical Exemption for the construction of a second dwelling unit and new accessory (appurtenant) structure including garages within a residential zone. Therefore the project has been determined not to have a significant environmental impact and is exempt from the provisions of CEQA.

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

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

If there are any questions regarding this notice, please contact **Shena Rojemann, Associate Planner** in the Planning Division at 310.285.1192 or by email at **srojemann@beverlyhills.org**. Application materials associated with the project are on file with the Community Development Department and can be reviewed by any interested person. Please contact the project planner listed above to schedule an appointment to view the application materials. Appointments should be scheduled 72 hours in advance to ensure the documents are available for viewing. Appointments will be held in the City's Permit Center located on the Ground Floor of City Hall at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:

Ryan Gohlich, Senior Planner

Mailed: July 3, 2014

ATTACHMENT E
Architectural Plans

Begins on following page.