



# Planning Commission Report

**Meeting Date:** January 9, 2014

**Subject:** **1162 Tower Road**  
**Hillside R-1 Permit**

Request for a Hillside R-1 Permit to allow the construction of a new accessory structure located within 100' of the front property line, and to allow the cumulative floor area on the site to exceed 15,000 square feet. 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: Steven E. Tisch

PROJECT AGENT(S): Lindsay Erickson, Johnston Marklee/Dominic Filosa, Crest Real Estate

**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 Hillside R-1 Permit.

---

## REPORT SUMMARY

The proposed project involves the construction of a new accessory structure located within 100' of a front property line along Tower Road. The proposed accessory structure would be a maximum of 26' in height and would contain approximately 6,276 square feet of floor area. Pursuant to Beverly Hills Municipal Code (BHMC) §10-3-2510, accessory structures shall be set back at least 100' from the front property line(s) or all elements shall be located within 50' of the rear property line. The project site is considered to be a through lot<sup>1</sup> since it contains two front property lines and does not contain a rear property line. Consequently, the proposed accessory structure is located within 100' of a front property line along Tower Road.

In addition to being located within 100' of the front property line, the proposed accessory structure would have a split-level floor plan containing a total of 6,276 square feet of floor area. The project site currently contains a cumulative floor area of approximately 14,991 square feet. The proposed addition will increase the cumulative floor area on the site to approximately 20,854 square feet. Pursuant to (BHMC) §10-3-2502(B)<sup>2</sup> the cumulative floor area on a site in the Hillside Area shall not exceed 15,000

---

<sup>1</sup> Pursuant to BHMC §10-3-100, a through lot is defined as a site having frontage on two or more streets, but not located at the intersection of those streets.

<sup>2</sup> BHMC §10-3-2502(B) Floor Area: The cumulative floor area developed on any one site area, in combination with the floor area of all basements constructed on that site, shall not exceed fifteen thousand (15,000) square feet unless permitted by a Hillside R-1 permit issued. Provided, however, that up to one thousand six hundred (1,600) square feet of basement garage

Attachment(s):  
A. Required Findings and Recommended Conditions  
B. Draft Resolution  
C. Public Notice  
D. Architectural Plans

Report Author and Contact Information:  
Shena Rojemann, Associate Planner  
(310) 285-1192  
[srojemann@beverlyhills.org](mailto:srojemann@beverlyhills.org)

square feet unless authorized pursuant to a Hillside R-1 Permit. Consequently, a Hillside R-1 Permit has been requested to allow the project site to contain a cumulative floor area of approximately 20,854 square feet.

While the BHMC requires discretionary review for cumulative floor area of more than 15,000 square feet, the Code also regulates the maximum above-grade floor area permitted for the site (BHMC §10-3-2502(B)(2d))<sup>3</sup>. For the subject site, the maximum above-grade floor area permitted is 22,758 square feet. The proposed project would result in a total above-grade floor area of 19,083 square feet, which is less than the maximum allowed, but still greater than the 15,000 square foot threshold that triggers Planning Commission review.

This report analyzes the proposed project, with specific analysis of the floor area, scale, height, and location of the proposed accessory structure on the site. Staff's analysis concludes that while the structure is large in scale, with the configuration of the site and the proposed project, as well as the existing character of the surrounding neighborhood, the project is not anticipated to result in significant adverse impacts to adjacent properties or the surrounding neighborhood. Therefore, staff recommends approval of the requested entitlements that are required to construct the proposed accessory structure.

## BACKGROUND

File Date	10/08/2013
Application Complete	11/7/2013
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	3/10/2014 without extension request from applicant

Applicant(s)	Steven E. Tisch
Owner(s)	Steven E. Tisch
Representative(s)	Lindsay Erickson, Johnston Marklee Dominic Filosa, Crest Real Estate

Prior PC Action	A Hillside R-1 Permit was approved by the Planning Commission on March 26, 2003 to allow a second story and deck addition to an existing accessory structure on the property located in a required side yard. The currently-proposed project does not include any modifications to the existing accessory structure.
-----------------	--

Prior Council Action	None
----------------------	------

---

area and up to three hundred (300) square feet of basement mechanical area shall not be included within the calculation of the floor area of a basement for the purposes of this paragraph.

<sup>3</sup> BHMC §10-5-2502(B)(2d): If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum above-grade floor area permitted for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope. For the project site, the level pad area equals 43,771 square feet and the sloped area equals 91,891 square feet. Consequently, the maximum above-grade floor area for the project site equals 22,758 square feet  $((43,771 \times .31) + (91,891 \times .10) = 22,758 \text{ SF})$ . (Floor area is defined by BHMC 10-3-100, shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.)

## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

Address	1162 Tower Road
Legal Description	Beverly Hills Lot 8 of Tract No. 6770, Map Book 130, page 89
Zoning District	R-1.X
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Dimensions & Area	Irregularly shaped – 135,662 SF (3.11 acres)
Year Built	1933 – Single-family residence, garage, and pool house 1976 – Tennis Pavilion
Historic Resource	The existing single-family residence, garage, and pool house are considered to be potentially historic as they were designed by Master Architect Paul Revere Williams. As designed, the proposed project does not include any changes to the existing single-family residence, garage, or pool house. The existing tennis court and pavilion were constructed in 1976, and according to City records were not designed by a Master Architect. The proposed project includes the demolition of the existing tennis court and tennis pavilion. Since the proposed project will not result in modifications to the existing single-family residence, garage, and pool house, the potentially historic nature of these structures will remain unaltered.
Protected Trees/Grove	No alterations are proposed to the existing mature trees on the site.

### Adjacent Zoning and Land Uses

North	R-1.X – Single-family residential (Los Angeles)
South	R-1.X – Single-family residential
East	R-1.X – Single-family residential
West	R-1.X – Single-family residential (Los Angeles)

### Circulation and Parking

Adjacent Street(s)	Tower Road and San Ysidro Drive
Adjacent Alleys	None
Parkways & Sidewalks	The eastern parkway along Tower Road varies along the property; 10'-0" western parkway along San Ysidro Drive
Parking Restrictions	Tower Road – a portion of Tower Road adjacent to the project site allows parking, while other portions of the street prohibit parking; San Ysidro Drive – no parking on the western side.
Nearest Intersection	Tower Road and San Ysidro Drive
Circulation Element	Local

### Zoning Information

In the Hillside Area of the City, the Municipal Code establishes setback requirements for the primary residence, thereby creating a principal building area on the site. All structures located within the principal building area on the site are subject to the same height requirements as the primary residence. For the subject property, the maximum height of a structure within the principal building area is 30'. The proposed accessory structure complies with all the required setbacks for the primary residence; however, the accessory structure does not comply with the 100' front setback that is otherwise required

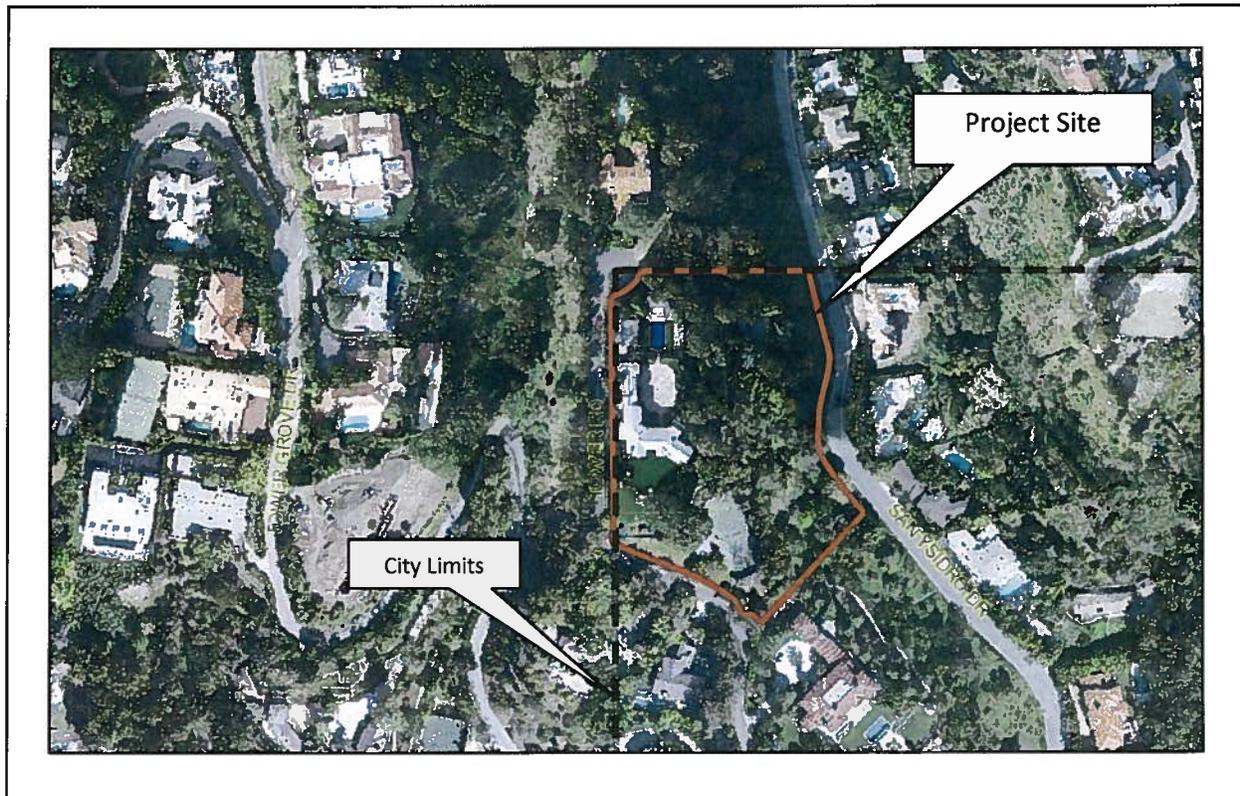
for accessory structures, and is therefore seeking approval for a reduced front yard setback from Tower Road. Specifically, the accessory structure provides a 26'-2" front setback, while the required setback for the primary residence is 6.6'. This 6.6' front yard setback was established pursuant to Code regulations, which state that the front setback for the property shall be the lesser of the existing front setback on the property or the average front setback on the block. In this case, the property's existing 6'-6" front setback applies. Accessory structures are generally restricted to a maximum of 14' in height by-right; however, the proposed accessory structure is located entirely within the principal building area of the site and therefore, may extend up to a maximum of 30' in height by-right. A summary of the zoning regulations and an explanation of the entitlements being requested for the subject project are further detailed in the chart below.

REGULATIONS	PERMITTED / REQUIRED	PROPOSED PROJECT	NOTES
<b>Development Standards</b>			
Height	30'-0" within the principal building area 14'-0" outside the principal building area	26'-0"	The accessory structure is located entirely within the principal building area and therefore the proposed height does not require discretionary review
Floor Area	Cumulative floor area up to 15,000 SF is permitted by-right in the Hillside Area (including above- and below-grade construction)	Existing cumulative floor area: 14,991 Proposed cumulative floor area: 20,854 SF	Requires Hillside R-1 Permit for cumulative over 15,000 SF
	Maximum above-grade floor area for the site: 22,758 SF	Existing above grade floor area: 13,220 SF Proposed above grade floor area: 19,083 SF	Notwithstanding the 15,000 SF thresholds that triggers discretionary review, the proposed project complies with the maximum above-grade floor area permitted for the property.
Front (east) Setback (Tower Road)	Primary residence: 6'-6" Accessory Structure: 100'-0"	Accessory structure: 26'-2"	Requires Hillside R-1 Permit to allow an accessory structure on an estate property to be located within the required 100' front setback for accessory structures
South Side Setback	Primary residence: 57'-8" Accessory structure: 5'	Accessory structure: 58'-0"	
North Side Setback	Primary residence: 57'-8" Accessory structure: 5'	Accessory structure: 327'-7"	
Front (west) Setback (San Ysidro Drive)	Primary residence: 15' Accessory structure: 100'-0"	Accessory structure: 139'-5"	
Bedrooms	No limit	No new bedrooms proposed	
Parking Spaces	4	4+	

Neighborhood Character

The subject property is located in the Hillside Area of the City at the northern limits of the City, and slopes downhill from the northwestern portion of the site toward the eastern and southern sides of the property, which causes the property to have multiple level pads. The subject property has a total site area of 135,662 square feet (3.11 acres) and is currently developed with a two-story single-family residence, three accessory structures, and a tennis pavilion resulting in an existing cumulative floor area of 14,991 square feet. The existing residence and accessory structures are located along Tower Road and adjacent to an existing paddle tennis court (the paddle tennis court is separate and distinct from the tennis court that would be demolished to accommodate the proposed accessory structure). Access to the site is provided by a driveway from Tower Road.

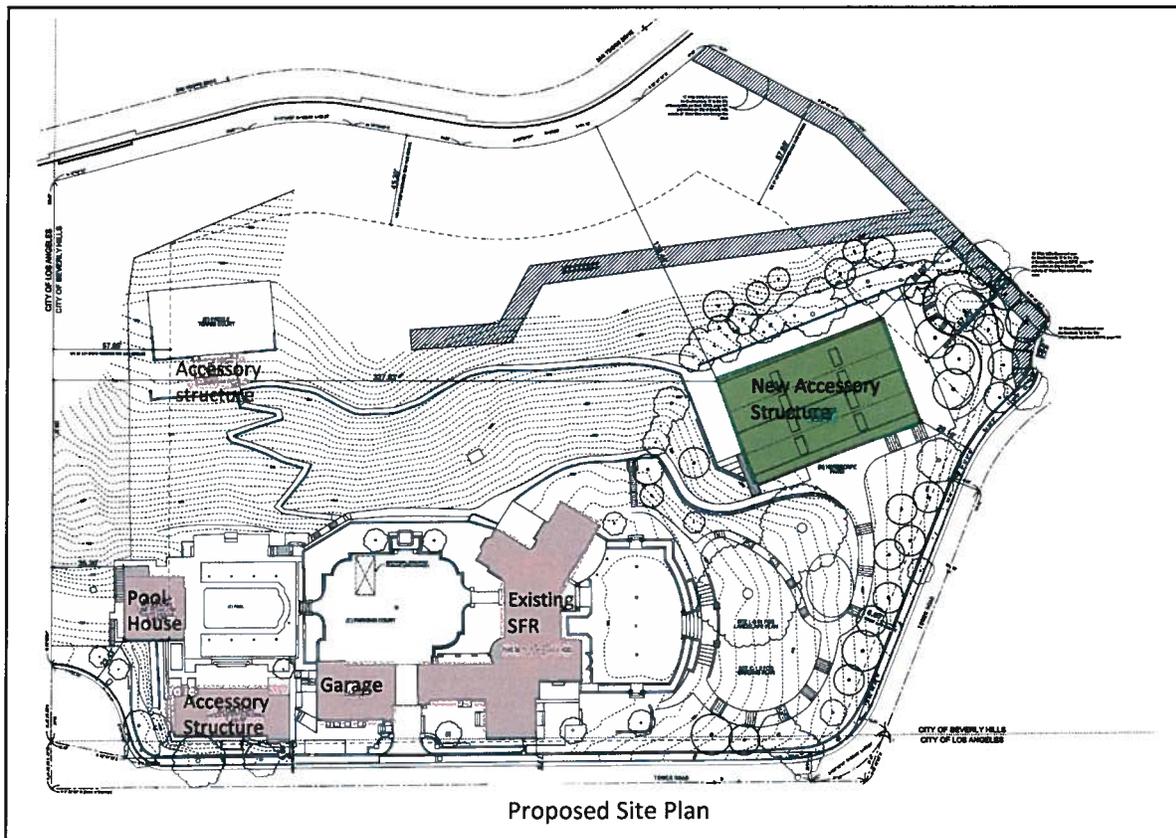
The surrounding neighborhood consists primarily of properties containing two-story single-family residences and accessory structures. The surrounding properties vary in configuration and size but are generally considered to be estate lots (greater than 24,000 SF). The project site is larger than most other properties in the surrounding area, which are generally 2.3 acres or smaller in size. Extensive, mature landscaping is maintained throughout the property and along a majority of the San Ysidro Drive and Tower Road streetscapes, both on the public right-of-way and on the surrounding residential properties.

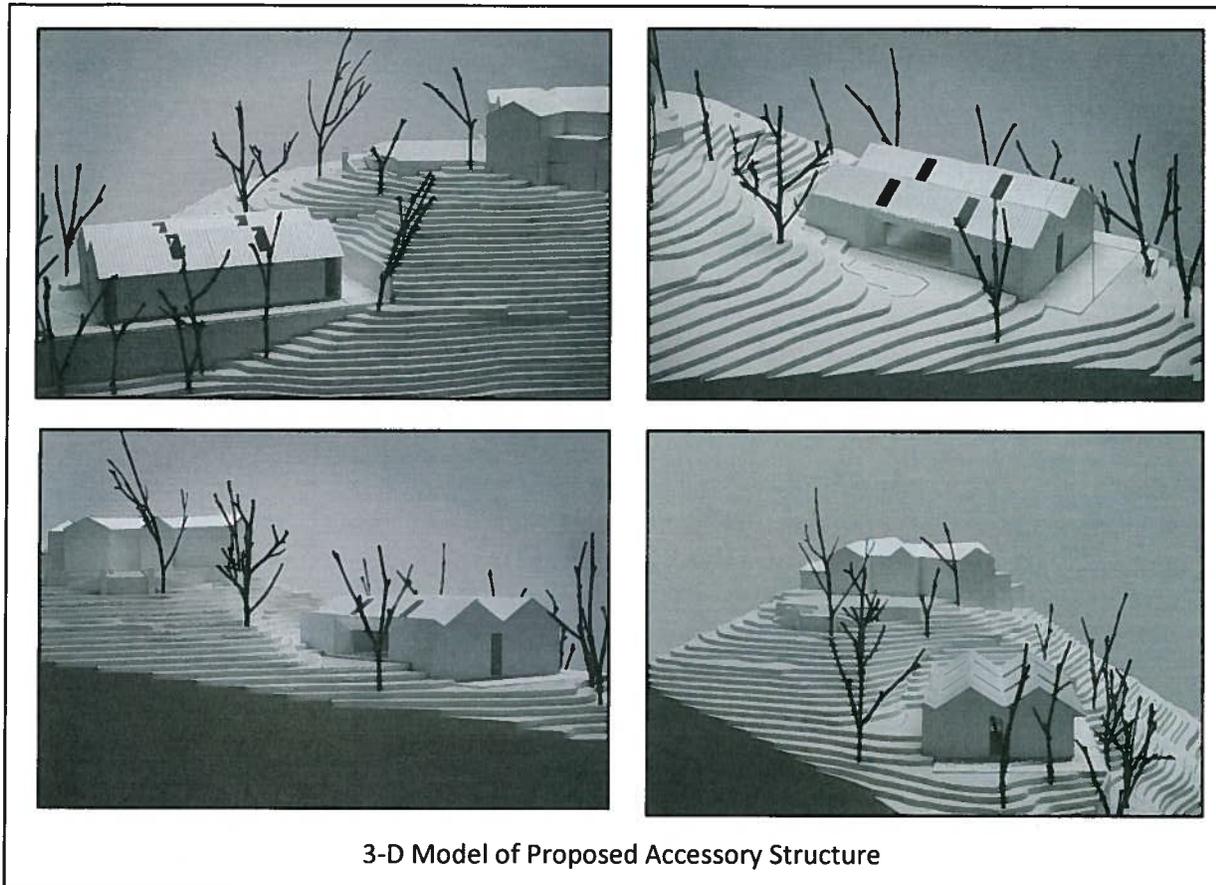


## PROJECT DESCRIPTION

The project site contains two level pads. The existing single-family residence and two accessory structures are located on the level pad in the northwestern section of the property and the existing tennis court and tennis pavilion are located on the second pad in the southern portion of the site. The proposed project consists of a new split-level accessory structure that is intended to be used as a private art gallery. The new structure is proposed to be constructed in place of the existing tennis court on the project site. The existing tennis pavilion located adjacent to the tennis court would be demolished in order to construct the new structure. The existing tennis court contains retaining walls along the north and western sides. The retaining wall to the north retains soil uphill from the tennis court while the retaining wall to the west retains the tennis court from the downhill slopes along the west side of the project site. These retaining walls were constructed along with the tennis court and tennis pavilion in 1976. As proposed, the retaining walls would remain unaltered. The proposed accessory structure would be set back approximately 15' from the north retaining wall and 10'-0" from the west retaining wall.

The proposed accessory structure would be set back approximately 26'-2" from the front property line along Tower Road (the required front setback for the primary residence is 6.6'), approximately 58' from the southern side property line, approximately 139'-5" from the front property line along San Ysidro Drive, and approximately 327'-7" from the northern side property line. As proposed, the structure would be approximately 26' in height and would contain a total of 6,276 square feet of floor area. The proposed accessory structure will increase the cumulative floor area on the project site from 14,991 square feet to 20,854 square feet. Vehicular access onto the site is currently provided from Tower Road and no changes are proposed to the existing access configuration; however, a modified pedestrian walkway is proposed in order to connect the proposed accessory structure to Tower Road to the south and to connect the structure to the main residence to the northeast.





### **ZONING CODE<sup>4</sup> 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<sup>5</sup>**

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. At the time of review, no issues were identified that would result in the need for a modified project design.

---

<sup>4</sup> Available online at [http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=466](http://www.sterlingcodifiers.com/codebook/index.php?book_id=466)

<sup>5</sup> Recommended conditions of approval by other departments are provided in the [Analysis](#) section of this report.

## GENERAL PLAN<sup>6</sup> POLICIES

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

- **Policy LU 2.3 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 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.

## 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<sup>7</sup>, and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows for the construction of an accessory (appurtenant) structure within a residential zone. The proposed project includes an accessory structure and therefore, has been determined to be eligible for the exemption.

## PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	1/3/14	6 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 300' Radius)	10 Days	12/30/13	12/30/13	10 Days
Property Posting	N/A	N/A	N/A	N/A
Website	N/A	N/A	1/3/14	6 Days

### Public Comment

As of the writing of this report the City has not received any comments regarding this project.

<sup>6</sup> Available online at [http://www.beverlyhills.org/services/planning\\_division/general\\_plan/genplan.asp](http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp)

<sup>7</sup> The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

## **ANALYSIS<sup>8</sup>**

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

### Summary

In reviewing the requested entitlements, specific findings must be made with regard to the scale and character of the area, neighbors' privacy and access to light and air, the streetscape, the garden quality of the city, and overall impacts to adjacent properties or the public welfare. The proposed project has been designed with the above criteria in mind and balances the potential development of the subject property and the preservation of the surrounding single-family neighborhood, and the proposed project maintains sufficient setbacks from the neighboring properties. As a result, staff recommends approval of the project. Key issues considered in reaching this conclusion are provided below for the Commission's consideration:

**Use.** The proposed structure is intended to be utilized to display the property owner's private art collection. On occasion private parties may be held within the structure, but the sale and/or buying of art would not take place on the property. When considering the proposed use, staff also considered what future uses could take place within the structure and/or whether the structure could be converted to living space and/or a second unit. In researching the site, it was confirmed that a second unit structure already exists onsite and therefore an additional second unit would not be permissible pursuant to the Municipal Code regulations. While the structure could still be converted to general living space, garage spaces, etc., staff does not believe these uses would result in significant impacts as they would be in keeping with other by-right uses within the residential zone.

**Floor Area.** Pursuant to the Beverly Hills Municipal Code, sites that contain a cumulative floor area of more than 15,000 square feet require approval of a Hillside R-1 Permit. The 15,000 square foot threshold set forth in the code was established because development in excess of 15,000 square feet has generally been considered to be large enough in scale and construction impacts to merit discretionary review to ensure that the City's Hillside neighborhoods are not adversely impacted by development. The footprint of the proposed structure would contain a total of 4,300 square feet of floor area. Since a portion of the proposed structure would contain a two-story volume that exceeds 14' in height, a portion of the floor area (1,976 SF) has been counted twice (in accordance with the BHMC), as the two-story volume adds to the mass and scale of the proposed structure. Consequently, the proposed accessory structure would contain a total of 6,276 square feet of floor area, which is generally considered to be a large amount of floor area for an accessory structure. With the new accessory structure, the total cumulative floor area on the site would increase from 14,991 square feet to approximately 20,854 square feet. While the BHMC requires review for cumulative floor area of more than 15,000 square feet, the Code also regulates the maximum above-grade floor area permitted for the site (BHMC

---

<sup>8</sup> 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.

§10-3-2502(B)(2d)<sup>9</sup>). For the subject site, the maximum above-grade floor area permitted is 22,758 square feet. As proposed, the project complies with this code requirement, as the above-grade floor area proposed is 19,083 square feet. Since the project site is larger in area than the majority of other properties in the area, the floor area proposed and allowed for the project exceeds that of other properties in the area. Despite this, the proposed project is proportional to the lot size and is consistent with the City’s above-grade floor area regulations, and therefore is proportionately consistent with respect to maximum floor area for other properties in the area. Additionally, by utilizing the existing level pad of the tennis court, the project requires minimal grading, which will help to reduce the potential for construction-related impacts. The chart provided below provides information about the lot size, floor area, and front setbacks on neighboring properties<sup>10</sup> as well as the project site.

Property Address	Lot Size	Existing Floor Area <sup>11</sup>	Floor Area Ratio <sup>12</sup>	Existing Front Setback
1162 Tower Rd (project site)	135,662 SF (3.11 acres)	14,578 SF (existing) 20,854 SF (proposed)	10.7% (existing) 15% (proposed)	6.6'
1160 Tower Rd	100,841 SF (2.3 acres)	11,066 SF	11%	36'
1158 Tower Rd	92,609 SF (2.12 acres)	7,878 SF	8.5%	15'
1156 Tower Rd	62,680 SF (1.4 acres)	6,619 SF	10.5 %	15'
1154 Tower Rd	50,660 SF (1.16 acres)	9,329 SF	18.4%	40'
1153 Tower Rd	21,336 SF	6,350 SF	29%	25'
1151 Tower Rd	23,807 SF	6,399 SF	26.8%	37'
1149 Tower Rd	39,040 SF	2,456 SF	6.2%	10'
1143 Tower Rd	65,384 SF (1.5 acres)	6,053 SF	9.2%	36'
1155 San Ysidro Dr	66,516 SF (1.53 acres)	6,159 SF	9.3%	45'
1176 San Ysidro Dr	24,830 SF	6,556 SF	26%	15'
1172 San Ysidro	23,520 SF	3,235 SF	13.7%	10'

<sup>9</sup> BHMC §10-5-2502(B)(2d): If the area of a site is greater than thirty thousand (30,000) square feet, then the maximum permitted floor area for buildings and structures on the site shall be thirty one percent (31%) of the area of the level pad plus ten percent (10%) of the area of the slope. Floor area is defined by BHMC 10-3-100, shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.

<sup>10</sup> Only properties located within the City of Beverly Hills were studied.

<sup>11</sup> The floor areas figures provided have been estimated based on property permit history on file with the City as well as the Los Angeles County Assessor data.

<sup>12</sup> The floor area ratio has calculated using the lot size and floor area estimates provided.

Dr				
1168 San Ysidro Dr	30,060 SF	3,698 SF	12.3%	10'
1166 San Ysidro Dr	23,960 SF	5,207 SF	21.7%	10'
1160 San Ysidro Dr	29,620 SF	1,997 SF	6.7%	70'
1156 San Ysidro Dr	26,140 SF	11,369 SF	43.4%	15'
1152 San Ysidro Dr	37,030 SF	4,417 SF	11.9%	40'
<b>Average</b>	<b>50,217 SF</b>	<b>7,037 SF</b>	<b>16.4%</b>	<b>26.8'</b>

As proposed, the new accessory structure would be set back a minimum of 58' from all adjacent properties, and would exceed the front setback required for the primary residence. The proposed structure would be set back approximately 26'-2" from the front property line along Tower Road, which is generally consistent with the front setbacks of other properties along Tower Road and San Ysidro Drive, which have an average front yard setback of 26.8'. Furthermore, the proposed accessory structure would be set back approximately 58' from the southern side property line, approximately 139' from the front property line along San Ysidro Drive, and approximately 327' from the northern side property line. These setbacks will buffer the proposed structure from adjacent roadways and neighboring properties. In addition to the setbacks provided, a landscape plan has been provided by the applicant that includes mature trees along the eastern, western, and southern sides of the structure that will further buffer the new structure from adjacent roadways and neighboring properties. Since the proposed structure would be set back from all property lines and mature landscaping will surround the structure, the proposed structure is not anticipated to not result in adverse impacts to any neighboring properties or the neighborhood.

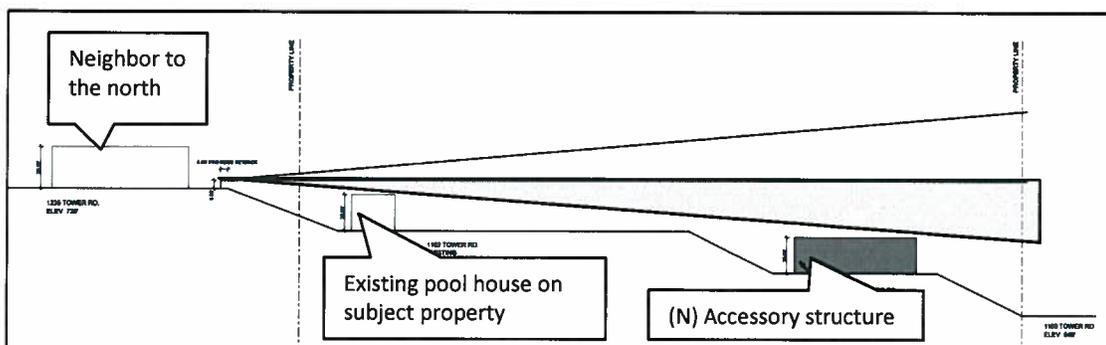
**Height and Location.** The project proposes the development of a new accessory structure to be located toward the southwestern corner of the site in place of the existing tennis court. The Beverly Hills Municipal Code requires accessory structures to be set back at least 100' from the front property line(s) and a minimum of 5' from side and rear property lines. As proposed, the accessory structure exceeds the minimum setback requirements along the south, east (San Ysidro Drive), and north property lines; however, the project encroaches into the required 100' front yard setback along Tower Road (west property line). Consequently, a Hillside R-1 Permit is required to allow the encroachment.

As proposed, the accessory structure would be set back approximately 26'-2" from the front property line along Tower Road, approximately 58' from the southern side property line, approximately 139' from the front property line along San Ysidro Drive, and approximately 327' from the northern side property line. The accessory structure exceeds all the minimum side and front setback requirements, except the 100' setback requirements along Tower Road. While the front setback along Tower Road is proposed to be reduced to approximately 26'-2", the 25' roadway will help to buffer the proposed structure from adjacent properties across Tower Road. Furthermore, the existing and proposed mature trees and landscaping located on the site

between Tower Road and the proposed structure location will help to screen the structure from the street and from neighboring properties.

As proposed, the new accessory structure would have a maximum height of 26', which is just less than the 28' height of the existing single-family residence. The property contains two level pads, and the new accessory structure would be built on the level pad that currently contains the existing tennis court. Due to the property's topography, the level pad of the primary residence is located approximately 40' higher in elevation than the level pad of the existing tennis court/proposed accessory structure. Properties located to the south of the proposed accessory will be located at a lower elevation than the proposed structure; however, due to the generous setbacks of the structure and the existing and proposed mature landscaping on the project site and on adjacent properties, the proposed accessory structure is not anticipated to substantially impact the privacy of neighboring properties.

**View Preservation.** The surrounding properties directly to west, south, and east of the project site are located at lower elevations than the project site as a result of the topography. Consequently, the proposed project is not anticipated to result in adverse impacts to the existing views of the Los Angeles area basin from the neighboring properties to the west, south, and east. The level pad of the property directly to the north of the project site, which is located in the City of Los Angeles, was determined to be located approximately 60' higher in elevation than the level pad of the proposed accessory structure. As a result, a view study was conducted to determine whether the proposed structure would impact any existing views from the neighboring property to the north. A section of the view study is provided below. The grey triangle on the image represents, approximately, the existing view from the neighboring property to the north. As indicated, the existing pool house on the subject property currently limits the views from the property to the north toward the Los Angeles area basin. As a result, the proposed accessory structure is not anticipated to substantially disrupt any views of the Los Angeles area basin from the neighboring property to the north.



**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
<ul style="list-style-type: none"><li>• Allows preservation of existing Paul Williams residence and accessory structure</li><li>• Constructed on an existing level pad to limit grading work</li><li>• Substantial separation from neighboring properties</li><li>• Preservation of existing landscaping</li><li>• No view impacts</li><li>• Cumulatively, less floor area than maximum permitted by the Municipal Code</li><li>• Located entirely within the principal building area</li></ul>	<ul style="list-style-type: none"><li>• Large size for an accessory structure</li><li>• Located in close proximity to Tower Road</li><li>• Cumulative on-site floor area will be greater than most properties in the vicinity</li><li>• Structure may not always be used as a private art gallery in the future</li><li>• Increase of scale and massing on the subject property</li><li>• Large amount of floor area compared to surrounding properties</li><li>• Construction noise and hauling</li></ul>

#### NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the 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, Senior Planner

# ATTACHMENT A

## Required Findings and Recommended Conditions

### REQUIRED FINDINGS

---

In order to approve the requested Hillside R-1 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)

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

### DRAFT CONDITIONS

---

#### Project Specific Conditions

1. The existing mature landscaping and trees shall be maintained onsite. In the event that the existing mature trees or vegetation are damaged during construction, the damaged species shall be removed and replaced, to the maximum extent feasible, with landscaping that is similar in both type and scale. The new landscaping plan shall be reviewed and approved by the Director of Community Development and/or his/her designee prior to installation.
2. Pursuant to Beverly Hills Municipal Code, properties in the Hillside Area are prohibited from containing more than one (1) second unit. Since the project site already contains a second unit, the new accessory structure shall be prohibited from being converted a second unit.
3. In the event that the two lots which make up the Project site are separated at a later date for future development, any nonconforming condition that may result as part of the separation of the lots shall be removed and/or abated prior to the separate of the lots.

**ATTACHMENT B**  
**Draft Resolution**

Begins on following page.

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 LOCATED WITHIN 100 FEET OF THE FRONT PROPERTY LINE, AND TO ALLOW THE CUMULATIVE FLOOR AREA ON THE SITE TO EXCEED 15,000 SQUARE FEET ON THE PROPERTY LOCATED AT 1162 TOWER ROAD.

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

Section 1. Dominic Filosa, agent on behalf of Steven E. Tisch (collectively the “Applicant”), has submitted an application for a Hillside R-1 Permit to allow the construction of a new split-level accessory structure that is located within the required 100’-0” front yard setback for accessory structures and would result in a cumulative on-site floor area exceeding 15,000 square feet on the property located at 1162 Tower Road 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.

Section 2. The Project site is located in the Hillside Area of the City, at the northern limits of the City, and contains street frontage on both Tower Road and San Ysidro Drive. The Project site slopes downhill from the northwestern corner of the site toward the eastern and southern sides of the site, and contains multiple level pads. The Project site has a total site area of 135,662 square feet (3.11 acres) and is developed with a two-story single-family

residence, three accessory structures, and a tennis pavilion, resulting in an existing cumulative floor area of 14,991 square feet. The existing residence and accessory structures are located along Tower Road, away from San Ysidro Drive. Access to the site is provided by a driveway from Tower Road.

The surrounding neighborhood consists primarily of properties containing two-story single-family residences and accessory structures. The surrounding properties vary in configuration and size but are generally considered to be estate lots (greater than 24,000 square feet in site area). The Project site is larger than most other properties in the surrounding area, which are generally 2.3 acres or smaller in size. Extensive, mature landscaping is maintained throughout the property and along a majority of the Tower Road and San Ysidro Drive streetscapes, both on the public right-of-way and on the surrounding residential properties.

The Project site contains two level pads. The existing single-family residence and two accessory structures are located on the level pad in the northwestern section of the property and the existing tennis court and tennis pavilion are located on the second pad in the southern portion of the site. The Project consists of a new split-level accessory structure that is intended to be used as a private art gallery. The new structure is proposed to be constructed in place of the existing tennis court on the project site. The existing tennis pavilion located adjacent to the tennis court would be demolished in order to construct the new structure. The existing tennis court contains retaining walls along the north and western sides. The retaining wall to the north retains soil uphill from the tennis court while the retaining wall to the west retains the tennis court from the downhill slopes along the west side of the Project site. These retaining walls were constructed along with the tennis court and tennis pavilion in 1976. As proposed, the retaining

walls would remain unaltered. The proposed accessory structure would be set back approximately 15' from the north retaining wall and 10'-0" from the west retaining wall.

The proposed accessory structure would be set back approximately 26'-2" from the front property line along Tower Road (the required front setback for the primary residence is 6.6'), approximately 58' from the southern side property line, approximately 139' from the front property line along San Ysidro Drive, and approximately 327' from the northern side property line. As proposed, the structure would be approximately 26' in height and would contain a total of 6,276 square feet of floor area. The proposed accessory structure will increase the cumulative floor area on the project site from 14,991 square feet to 20,854 square feet. Vehicular access onto the site is currently provided from Tower Road and no changes are proposed to the existing access configuration; however, a modified pedestrian walkway is proposed in order to connect the proposed accessory structure to Tower Road to the south and to connect the structure to the main residence to the northeast.

Section 3. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the environmental regulations of the City. The Project qualifies for a Categorical Exemption pursuant to Section 15303 (Class 3(e)) of the Guidelines. Specifically, a Class 3 Categorical Exemption allows the construction of an accessory (appurtenant) structure within a residential zone. The Project consists of the construction of an accessory structure and therefore, has been determined to be eligible for the Exemption.

Section 4. Notice of the Project and public hearing was mailed on December 30, 2013 to all property owners and residential occupants within a 300-foot radius of the property. On January 9, 2014 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 considering the request for a Hillside R-1 Permit, the Planning Commission considered whether the following findings could be made in support of the Project:

1. The structure will not have a substantial adverse impact on the scale or character of the area;
2. The structure will not have a substantial adverse impact on the privacy of neighboring properties;
3. The structure will not have a substantial adverse impact on the neighbors' access to light and air; and
4. The structure 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 with respect to the Hillside R-1 Permit:

1. The Project is located within a neighborhood that contains properties developed primarily with two-story single-family residences and accessory structures. Although the Project is somewhat large in scale, the proportion of the Project's site area to the square footage of the Project is in keeping with the scale of development on other properties in the area. Additionally, the accessory structure

will not impact existing views of the Los Angeles area basin from neighboring properties. The accessory structure is set back from neighboring properties to the south and the east, and from both Tower Road and San Ysidro Drive. Furthermore, as conditioned, the existing mature landscaping on the property will remain unaltered and new mature landscaping is proposed in conjunction with the Project that will help to buffer the accessory structure from neighboring properties and the adjacent streetscapes. Because the Project includes development that is proportionally consistent with other development on other properties in the area, and is set back from both Tower Road, San Ysidro Drive, and neighboring properties, will not negatively impact neighboring properties' views of the Los Angeles area basin, and the mature landscaping will be maintained and new mature landscaping will be planted around the accessory structure, the Project is not anticipated to result in a substantial adverse impact on the scale and character of the area.

2. The accessory structure is appropriately set back from the northern, eastern (San Ysidro Drive), southern, and western (Tower Road) property lines. Specifically, the accessory structure would be set back approximately 26'-2" from the front property line along Tower Road, which is consistent with the average setback of other structures along Tower Road. Furthermore the structure will be set back approximately 58' from the southern side property line, approximately 139' from the front property line along San Ysidro Drive, and approximately 327' from the northern side property line. Tower Road will serve to further buffer the project from neighboring properties to the west and south. Surrounding the accessory structure, as

conditioned, the existing mature vegetation will remain and new mature landscaping is proposed, which will help to maintain a privacy buffer between the subject site and the adjacent properties and streetscapes. Because the Project is appropriately set back from all neighboring properties, is set back a distance equal to the average front setback of other properties along Tower Road, and mature landscaping around the structure will be maintained as well as new mature landscaping being planted, the Project is not anticipated to result in a substantial adverse impact on the privacy of neighboring properties.

3. The accessory structure is set back an appropriate distance from the northern, eastern (San Ysidro Drive), southern, and western (Tower Road) property lines. Specifically, the accessory structure would be set back approximately 26'-2" from the front property line along Tower Road, which is consistent with the average setback of other structures along Tower Road. Furthermore the structure will be set back approximately 58' from the southern side property line, approximately 139' from the front property line along San Ysidro Drive, and approximately 327' from the northern side property line. Tower Road will serve to further buffer the project from neighboring properties to the west and south. Surrounding the accessory structure, as conditioned, the existing mature vegetation will remain and new mature landscaping is proposed, which will help to maintain a privacy buffer between the subject site and the adjacent properties and streetscapes. Because the Project is appropriately set back from all neighboring properties, is set back a distance equal to the average front setback of other properties along Tower Road, and mature

landscaping around the structure will be maintained as well as new mature landscaping being planted, the Project is not anticipated to result in a substantial adverse impact on the privacy of neighboring properties.

4. The properties along Tower Road and San Ysidro Drive are landscaped with mature vegetation, which contributes to the garden quality of the City in the neighborhood. The mature trees that exist throughout the Project site, as conditioned, will be maintained during the construction of the project. Furthermore, new mature trees and landscaping are proposed around the new accessory structure. Since the existing mature vegetation will remain throughout the site and new mature trees and landscaping are proposed around the new accessory structure, the Project is not anticipated to result in a substantial adverse impact to the garden quality of the city.

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

1. The existing mature landscaping and trees shall be maintained onsite. In the event that the existing mature trees or vegetation are damaged during construction, the damaged species shall be removed and replaced, to the maximum extent feasible, with landscaping that is similar in both type and scale. The new landscaping plan shall be reviewed and approved by the Director of Community Development and/or his/her designee prior to installation.

2. Pursuant to Beverly Hills Municipal Code, properties in the Hillside Area are prohibited from containing more than one (1) second unit. Since the project site already contains a second unit, the new accessory structure shall be prohibited from being converted a second unit.

3. In the event that the two lots which make up the Project site are separated at a later date for future development, any nonconforming condition that may result as part of the separation of the lots shall be removed and/or abated prior to the separate of the lots.

4. The Project shall be constructed in substantial compliance with the plans and specifications approved by the Planning Commission on January 9, 2014.

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. 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: January 9, 2014

---

Brian Rosenstein  
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

---

Jonathan Lait, AICP  
City Planner

**ATTACHMENT C**  
**Public Notice**



**NOTICE OF PUBLIC HEARING**

**DATE:** January 9, 2014  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, January 9, 2014, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request for the construction of a new single-family residence and detached accessory structure on the property located at **1162 Tower Road**. The following entitlements have been requested in association with the project:

A Hillside R-1 Permit to allow a new accessory structure to be located within 100' of the front property line on an estate property (greater than 24,000 square feet in area). In the Hillside Area, accessory structures must be set back a least 100' from the front property line; however, accessory structures may be located on any part of the site if authorized by the Planning Commission through a Hillside R-1 Permit. The proposed project includes a new accessory structure that would have a maximum height of approximately 26' and be set back approximately 26'-2" from the front property line along Tower Road. The proposed structure would contain approximately 6,276 square feet of floor area; and

A Hillside R-1 Permit to allow the cumulative floor area on the site to exceed 15,000 square feet. In the Hillside Area, the cumulative floor area for all structures on a site, including the area of all basements on that site, may not exceed 15,000 square feet without the approval of a Hillside R-1 Permit. The existing single-family residence and proposed accessory structure would contain a cumulative total of 20,454 square feet of floor area.

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 an accessory (appurtenant) 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 **Shena Rojemann, Associate Planner** in the Planning Division at 310.285.1192 or by email at [srojemann@beverlyhills.org](mailto:srojemann@beverlyhills.org). Application materials

## ATTACHMENT C

### Public Notice

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.

Approved as to form:

  
\_\_\_\_\_  
Ryan Gonlich, Senior Planner

Mailed: December 30, 2013

**ATTACHMENT D**  
**Architectural Plans**

Begins on following page.