



City of Beverly Hills
Community Development Department
Planning Division
455 N. Rexford Drive
Beverly Hills, CA 90210
Tel. (310) 285-1141
Fax. (310) 858-5966

View Restoration Permit Planning Review Application

Application Overview:

Before submitting a request for a View Restoration Permit application, the Applicant should thoroughly review this application, as well as Title 10, Chapter 8 of the Beverly Hills Municipal Code (BHMC), available online at www.beverlyhills.org/zoning. The Applicant should also consult with City staff that will be involved in reviewing and processing the application, primarily in the Community Development Department. Electronic copies of all Planning Review Applications are available on the City's Planning Division webpage at www.beverlyhills.org/planningapplications.

Applications will not be accepted if they are not fully complete at the time of submittal.

Application Table of Contents

There are six (6) parts to this application. Each section must be completed in its entirety, and all requirements must be met in order for this application to be accepted for filing.

- ❖ [Section 1](#) – Permit Review Process & Overview
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- ❖ [Section 3](#) – View Owner & Foliage Owner Contact Information
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Filing Fee:

See current Planning Department Fee Schedule here:

www.beverlyhills.org/planningapplications or call Community Development at (310) 285-1141.

Staff Contact Information:

If you have questions about this application, please call (310) 285-1141 and ask to be directed to Current Planning, or visit the following website for staff contact information:

www.beverlyhills.org/contactplanning.

Section 1 – Permit Review Process & Overview

A. View Restoration Process

A View Restoration Permit application is required to request a hearing before the Planning Commission for consideration of restorative action on a foliage owner's property in the Trousdale Estates Area of the City. A View Restoration Permit application may only be submitted upon demonstrating that a view owner has complied with the Initial Neighbor Outreach and Mediation procedures (BHMC §10-8-104). An application may be submitted by only one view owner but the application may name one or more foliage owners. The addition of foliage owners to an application incurs additional costs for additional staff processing.

Once an application has been determined to be complete (see checklist at end of this application), the City shall send a formal notice of the application to the foliage owner(s) including a copy of the application, a copy of the View Restoration Guidelines, and a request for an invitation to staff and the Planning Commission to visit a foliage owner's property with the foliage owner's authorization during the public hearing. Notice of any hearing shall be mailed at least thirty days prior to such hearing by U.S. mail to all parties named in the View Restoration Permit application.

Upon consideration of the project, including required findings indicated BHMC §10-8-106, subsection I, and any public comments provided on the project during the public hearing, a decision by the Planning Commission shall be rendered imposing such restrictions or conditions, including restorative action, as it deems necessary or proper to restore a protectable view; protect the foliage owner's reasonable enjoyment of their property; protect the public health, safety and welfare; or any combination thereof. The decision may be appealed to the City Council within 14 calendar days of the action. If appealed, the request will be considered by the City Council for approval or denial.

If an applicant does not submit the necessary information and the application remains incomplete for six months after the city, in writing, deems the application incomplete, the Director of Community Development shall deny the application without prejudice, and shall provide notice to the applicant of that determination.

Section 2 – Property Owner Authorization & Contact Information

A. Property Owner Information:²

Name(s): _____

Address: _____

City: _____ State & Zip Code: _____

Phone: _____

E-Mail: _____

² Ownership Information Requirements:

In order to verify that the property owner has given consent to file this application, the following documentation must be submitted at the time of filing.

- ❖ Grant Deed – This is required if the Los Angeles County Assessor’s Records do not match the current ownership as listed on the application. The deed information should match the property owner as listed above.
- ❖ Letter of Authorization – This is required if the property owner does not sign the application. The property owner may instead provide a signed and dated letter in lieu of their original signature on this form, which must authorize the signatory of this application. Please see [Letter of Authorization Example](#) attached to this application.
- ❖ Ownership Entity Documentation – This is required if the property is owned by an entity rather than an individual. Please provide the applicable required documentation for the type of ownership entity, as shown in the table below.

Ownership Documentation Requirements		
Type of Property Owner	Required Ownership Documentation	Documents that May be Required (If Applicable)
Individual	N/A	Grant Deed, Letter of Authorization
Limited Liability Company (LLC)	Operating Agreement or Articles of Organization	Grant Deed, Letter of Authorization
Corporation	Articles of Incorporation, Bylaws, and/or Meeting Minutes	Grant Deed, Letter of Authorization
Limited Partnership (LP)	Partnership Agreement	Grant Deed, Letter of Authorization
Trust	Trust Instrument	Grant Deed, Letter of Authorization

Property Owner Signature:

Choice of Law. This document shall be deemed to have been made in the State of California and shall be construed, and the rights and liabilities of the parties determined, in accordance with the laws of the State of California.

I hereby certify under penalty of perjury under the laws of the State of California that I am the owner(s) of the subject property, or have been authorized to sign on behalf of the property owner, and consent to the filing of this application on the above-referenced property.

Executed on this _____ (Day) of _____ (Month) of 20_____

(Year) in _____ (City), _____ (State).

Dated: _____

BY: _____

(Signature)

(Title, Company Name)

BY: _____

(Printed)

Additional Owner Signature (if applicable):

Dated: _____

BY: _____

(Signature)

(Title, Company Name)

BY: _____

(Printed)

Please indicate the role of the signatory(ies) above:

Owner Applicant Agent/Representative Architect

If the owner did not sign above, is a Letter of Authorization provided*?

Yes No

***Please note that a Letter of Authorization is required when the property owner does not sign this application, but instead has another individual sign on their behalf. See [Letter of Authorization Example](#) at the end of this application for reference. Please also note that if this application will be heard by the Planning Commission or City Council, the property owner will be required to record a Covenant & Agreement to accept the conditions of approval, if applicable.**

Section 3 – View Owner, Foliage Owner, and Mediator Contact Information

A. Applicant Information *[Individual(s) or entity benefitting from the entitlement, “View Owner;” only provide if different from Property Owner]*

Name(s): _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail _____

B. Representative Information *[Individual acting on behalf of Applicant; only provide if different from Applicant]*

Name(s): _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail _____

C. Foliage Owner

Name(s): _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail _____

Attach additional sheets for additional foliage owners.

D. Mediator

Name(s): _____
Address: _____
City: _____ State & Zip Code: _____
Phone: _____
E-Mail _____

Section 4 – Property Information & Project Description

- A. Description of: 1) view that is being obstructed and specify the particular area of your property/home where the view can be seen; 2) restoration actions you seek with regard to each Foliage Owner (trimming, removal, etc.)**

- C. I hereby certify that I have read the View Restoration Guidelines and understand all statements on this form. I have completed the Initial Neighbor Outreach & Mediation Steps as required by the Trousdale View Restoration Ordinance. I am the property owner or authorized agent of the subject property. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.**

View Owner's Signature & Date

Authorized Agent Signature & Date (If applicable)

Section 5 – Public Notice Requirements

The following information is required for public notification:¹

Affidavit

A completed and signed statement that the address information of the Applicant (View Owner) and Foliage Owner(s) is complete and current to the best of my knowledge (see [affidavit](#) at the end of the application).

*The City provides mailed notices at least 30 days prior to the hearing by U.S. mail to the applicant and to all parties identified as foliage owners in the view restoration permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties.

¹ Pursuant to Ordinance No. 12-O-2627 effective September 23, 2012.

Section 6 – Submittal Requirements & Checklist

Document	Staff Verification
<p>Electronic Documents:</p> <ul style="list-style-type: none"> ❖ Electronic files (pdf) of this completed application and all of the required submittal items outlined in this application shall be provided on a CD or a USB flash drive at the time the application is filed. If submitting a site plan and massing model for public distribution purposes per SB 1214, please indicate that on relevant drawings. 	<input type="checkbox"/>
<p>Initial Outreach:</p> <ul style="list-style-type: none"> ❖ Copy of Initial Neighbor Outreach Notice <ul style="list-style-type: none"> ○ This initial neighbor outreach shall be on a form provided by the city and shall be signed by the view owner and shall include a signed statement from view owner that view owner or the view owner's representative offered to meet with each foliage owner. The initial neighbor outreach notification shall clearly identify the remedy sought by view owner and include a good faith estimate of the cost of the remedy, and an offer to pay that amount. ❖ Initial Neighbor Outreach Affidavit <ul style="list-style-type: none"> ○ If a foliage owner did not respond to the initial neighbor outreach, then the view owner shall also provide an affidavit, signed under penalty of perjury, indicating the nonresponse of foliage owner. ❖ Proof of mailing (e.g., USPS Certificate of mailing) 	<input type="checkbox"/>
<p>Mediation:</p> <ul style="list-style-type: none"> ❖ Copy of Mediation Offer Notice <ul style="list-style-type: none"> ○ The notice shall be on a form provided by the city in the view restoration guidelines, shall be signed by view owner, and shall include a signed statement from the view owner that the view owner or the view owner's representative offered to meet with each potential foliage owner and a mediator. The notice shall clearly identify the remedy sought by the view owner and include a good faith estimate of the cost of the remedy. ❖ Mediation Offer Affidavit <ul style="list-style-type: none"> ○ If a foliage owner did not respond to the initial neighbor outreach, then the view owner shall also provide an affidavit, 	<input type="checkbox"/>

Document	Staff Verification
<p>signed under penalty of perjury, indicating the nonresponse of foliage owner.</p> <ul style="list-style-type: none"> ❖ Proof of mailing (e.g., USPS Certificate of mailing) 	
<p>View Restoration Property Survey:</p> <ul style="list-style-type: none"> ❖ A survey completed by a certified professional, such as an ALTA (American Land Title Association) survey, of view owner's site and foliage owner's site, verifying the following: <ul style="list-style-type: none"> ○ Subject foliage is on foliage owner's property; ○ The foliage owner's property is within five hundred feet (500') of view owner's property; ○ Subject foliage is above the safe harbor plane. ○ Clear photographs (maximum three) of the alleged obstructed view of the Los Angeles Area basin from one or more viewing areas on the View Owner's property (beginning from a point of thirty six inches (36") above the finished grade of the viewing area). Note: A viewing area may be a room of the primary residential structure (excluding hallways, laundry rooms, closets and garages), or a patio, deck or landscaped area adjacent to the primary residential structure that does not extend beyond the level pad. <p>The survey shall include calculation of the "safe harbor plane" and any other information or calculations as may be of assistance to the Planning Commission.</p> <ul style="list-style-type: none"> ❖ If access to the foliage owner's property is necessary to complete the survey and the foliage owner does not grant access to his/her property for the purpose of conducting the survey, a view restoration property survey report shall be prepared using other information sources such as measurements taken from other properties, photographs taken from other properties, satellite photographs from commercially available sources, public record permit information for work performed on foliage owner's property, and other similar information sources. 	<input type="checkbox"/>
<p>Tree Survey:</p> <ul style="list-style-type: none"> ❖ Species of each tree, based on scientific name, and the common name; ❖ Tree identifying number and location recorded on a map; 	<input type="checkbox"/>

Document	Staff Verification
<ul style="list-style-type: none"> ❖ Physical measurements of the tree such as height and circumference: tree circumference shall be measured on the primary trunk at a height of four feet six inches (4'6") above natural grade; ❖ Age of the tree; ❖ Report of overall health and structural condition of the tree; ❖ Life expectancy and suitability for preservation; ❖ Potential restorative actions to address trees alleged to disrupt a view, impact of such restorative actions on trees, and long term maintenance activities to prevent future potential view disruption; and ❖ Tree management recommendations. <p>The survey shall be signed or stamped by a registered landscape architect, arborist or forester.</p> <p>If a foliage owner does not grant access to his/her property for the purpose of conducting a tree survey, a tree survey report shall be prepared with as much of the above information as possible, using other information sources such as photographs taken from other properties, satellite photographs from commercially available sources, public record permit information for work performed on foliage owner's property, and other similar information sources.</p>	
<p>City Advisory Opinion (Optional)</p> <ul style="list-style-type: none"> ❖ A preliminary, non-binding view restoration opinion from City staff (if requested by View Owner prior to submittal of a View Restoration Permit application). Note that this is for information purposes only and will not affect any subsequent City decisions regarding a view restoration case. ❖ A View Restoration Permit application will not be accepted by the City if such an opinion was rendered within the previous calendar year of proposed application submittal date. 	<input type="checkbox"/>

Letter of Authorization Example

[OWNERSHIP ENTITY LETTERHEAD]
[ADDRESS]

Date: _____

City of Beverly Hills
Community Development Department
Planning Division
455 N. Rexford Drive
Beverly Hills, CA 90210

To Planning Division Staff:

This letter is to verify that _____ (Name of Agent/Representative), _____, _____ (Company),(Title) is hereby authorized to sign and complete Planning Review Applications as required by the City of Beverly Hills Community Development Department, on behalf of the Owner, _____ (Name of Owner), _____, _____ (Company),(Title) of the real property located at _____ (Address), which is legally described as _____ (Tract, Lot(s), Block(s)).

By signing this form, I hereby declare (choose one):

[] I am the owner of record of the aforementioned real property.

OR

[] I have been empowered to sign on behalf of the ownership entity, _____

(Entity Name), as the _____ (Title), as evidenced by the attached documents (attach applicable required ownership documentation as shown in the table on page 5 of this application).

By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Signature: _____ Print Name: _____

Title, Entity: _____, _____

Address & Property Owner Affidavit (For View Restoration Permit applications only)

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF BEVERLY HILLS)

I, _____, hereby certify that, to the best of my knowledge and under penalty of perjury, the address and property owner information listed on this application correctly shows the names and addresses of all persons to whom all property is assessed, as they appear on the most current Los Angeles Tax Assessor’s roll, within the area described on the attached application.

I certify under penalty of perjury that the foregoing is true and correct.

Signed

Dated