

# View Restoration Guidelines

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# View Restoration Guidelines

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## 1. Purpose

The Trousdale View Restoration Ordinance was adopted by the City Council on December 6, 2011 (**Attachment 1**). The intent of the ordinance is to encourage Trousdale neighbors to reach early resolution when addressing restoration of views that have been substantially disrupted by foliage growth on neighboring properties. The purpose of the View Restoration Guidelines is to assist Trousdale property owners in understanding and using the Trousdale View Restoration Ordinance. The Guidelines provide a step-by-step guide to the view restoration process adopted in the City's ordinance. Neighbors may find compromise solutions outside of the City's view restoration process; however, if a property owner wishes to preserve the opportunity to apply to the City for a decision in a view restoration case, the City's view restoration process must be followed. A public hearing is considered a last resort to resolve view blockage issues, in part because of increased cost and time for all property owners. To encourage early resolution of disputes, the process is set up so that Foliage Owners do not incur any cost if they participate in the early steps of the process, but Foliage Owners do incur cost if a View Owner is granted a View Restoration Permit by the Planning Commission.

Neighbors are advised that while the ordinance is intended to help restore views, the ordinance also acknowledges a balance between views and the importance of residential privacy and security, maintaining the garden quality of the City, insuring the safety and stability of the hillsides, and trees and vegetation in the City as an integral part of a sustainable environment. Neighbors are advised to be mindful of other neighbors' concerns, to be cordial, and are encouraged to find compromise solutions.

The ordinance applies to foliage that meets the following criteria:

- located on a property in Trousdale within 500 feet of a View Owner's property
- alleged to block a view of the Los Angeles area basin. (This includes city lights and views toward the ocean but does not include ridges or canyons not located in a line of sight to the Los Angeles area basin.)
- growing above the Safe Harbor Exemption Area (See page 6).

The Guidelines reference sections of the Trousdale View Restoration Ordinance which is part of the Beverly Hills Municipal Code (BHMC), Sections 10-8-101, *et seq.*, and available online at the City's website, [www.beverlyhills.org](http://www.beverlyhills.org). The City's website includes a webpage for the Trousdale View Restoration Ordinance and all applicable documents, all of which can be accessed at [[include web link here for View Restoration web page](#)].

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## 2. Alternative Dispute Resolution

**Private Agreements.** Neighbors are encouraged to resolve view obstruction issues among themselves. Neighbors may agree to allow foliage to grow higher than the limits set in the Trousdale View Restoration ordinance so long as there are no health and safety issues (e.g. maintaining trees that are diseased and unstable or foliage that blocks traffic visibility) and so long as the foliage is not maintained in violation of other City codes, such as the City's hedge height regulations, so that it negatively impacts neighbors. **Attachment 2** to the Guidelines is a private agreement template neighbors may use and modify to suit their needs. The City would not be a party to private agreements and would not monitor or enforce such agreements.

To encourage private agreements, the ordinance allows a View Owner who enters into a private agreement with a neighboring Foliage Owner pursuant to the Initial Neighbor Outreach or Mediation steps, to resume the City's view restoration process if the private agreement proves unsuccessful (see Section 6. "Continuation of View Restoration Process after Agreement").

**Binding Arbitration.** Neighbors have the option, at any time, to agree to binding arbitration as an alternative to the City view restoration process. Additional information on the arbitration process (alternative dispute resolution) is available through the following source:

Los Angeles County Superior Court - <http://www.lasuperiorcourt.org/adr/forms/LAADR005.pdf>

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## 3. Key Terms

The Guidelines use a number of terms defined in the Trousdale View Restoration Ordinance (Section 10-8-102). Two key terms are defined below and the most commonly referenced terms are included in a Glossary as **Attachment 3** to the Guidelines.

**VIEW OWNER:** Section 10-8-102 (Q) of the View Restoration ordinance define View Owner as follows:

VIEW OWNER: Any owner or owners of real property in Trousdale Estates that has a protectable view and who alleges that the growth of foliage located on a property within five hundred feet (500') of their property is causing substantial disruption of a protectable view. "View Owner" shall include one or more owners of the same property.

The terms "foliage" and "protectable view" are defined in Attachment 3. As stated in the definition above, the foliage alleged to disrupt the view must be located on a property within 500 feet of the View Owner's property. The 500-foot distance is measured from the edge of the View Owner's property. Even if only a small portion of a neighboring property is within 500 feet of the View Owner's property, foliage on all parts of that neighboring property may be subject to the ordinance. A View Owner may need professional assistance to determine if particular foliage blocking a view is located on a Trousdale property with 500 feet of the View Owner's property.

**FOLIAGE OWNER:** Section 10-8-102 (E) of the View Restoration ordinance define Foliage Owner as follows:

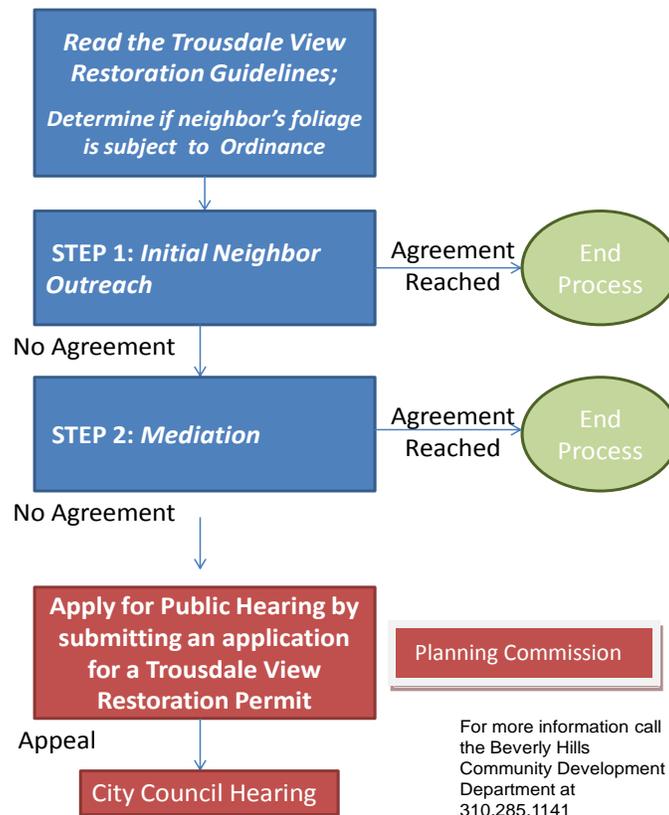
FOLIAGE OWNER: An owner of real property in Trousdale Estates upon which is located foliage that is subject to an action filed pursuant to this article and which property is within five hundred feet (500') of a view owner's property. "Foliage owner" shall reference one or more owners of the same property.

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## 4. Trousdale View Restoration Process Overview

### View Restoration Process Flow Chart

BHMC Title 10, Chapter 8



**Enforcement:** The Trousdale View Restoration Ordinance provides for one-time enforcement of a City View Restoration Permit decision. The first step in City enforcement, the Administrative Penalty process, would be conducted at no charge to the View Owner; however, if enforcement escalates to a City prosecution process, the City's prosecution costs would be paid by the View Owner. The cost could be substantial to the View Owner if the Foliage Owner declines to comply with the City's decision. (See Attachment 11 for additional information.)

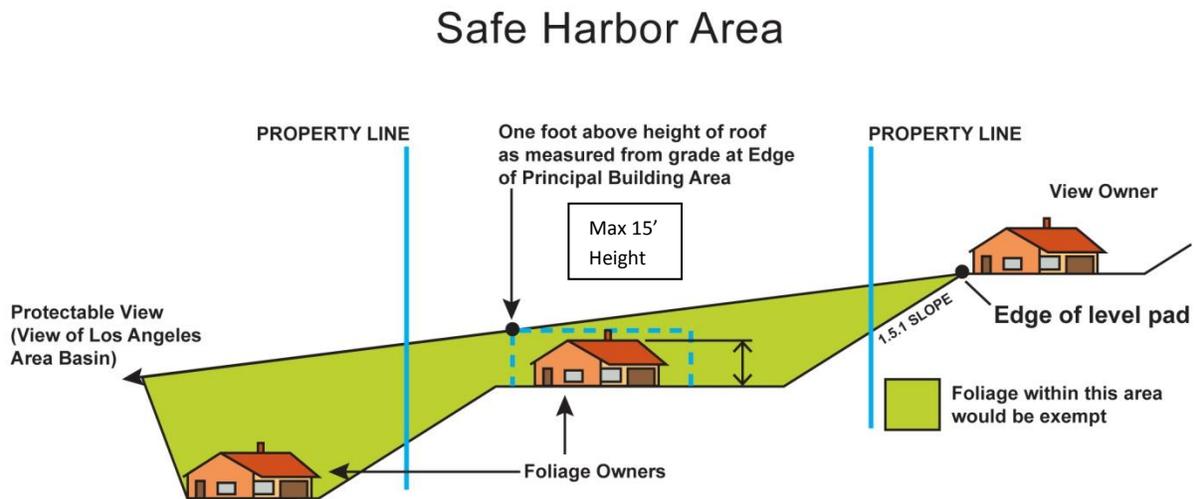
**Litigation:** The Trousdale View Restoration Ordinance includes indemnification language that requires an applicant to pay the City's litigation costs if a City decision made on behalf of that applicant is litigated. This cost could be substantial for all parties. It is noted that the City Council is reviewing ways to reduce the financial burden of this requirement on applicants.

## 5. View Restoration Procedures

Determine if neighbor's foliage is subject to the ordinance

### 5 A. Safe Harbor Exemption

Not all foliage is subject to the Trousdale View Restoration Ordinance. To create more certainty for property owners, the ordinance defines an area on each property, called the "Safe Harbor Area," where foliage is exempt from the Ordinance. (See illustration below)



Prepared by the Community Development Department

In the illustration above, the View Owner is at the upper right and all foliage growing in the green area is exempt from the Trousdale View Restoration Ordinance, as it relates to the pictured View Owner. The intent was to exempt foliage that is unlikely to substantially disrupt a View Owner's view.

See **Attachment 3** (Glossary) for definitions of "Safe Harbor Plane" and "Safe Harbor Area."

It is the responsibility of the View Owner to pay for any surveys necessary to determine the Safe Harbor Area. A Safe Harbor Survey will be required as part of an application to the Planning Commission for a Trousdale View Restoration Permit.

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### Step 1: Initial Neighbor Outreach

Property owners who wish to use the City's view restoration process must complete Initial Neighbor Outreach and Mediation, before an application may be made for a City public hearing.

#### **5 B. Initial Neighbor Outreach** (See **Attachment 4** for related forms)

Initial Neighbor Outreach consists of the following steps:

##### **1. Contact Foliage Owner(s)**

View Owners are encouraged to contact Foliage Owner(s) by telephone or in person, if possible; however, if agreement is not reached through informal contact, the View Owner must send a notice by certified mail to the Foliage Owner(s) and the View Owner must maintain a return receipt. The notice must be sent to the Beverly Hills street address for the particular property. In addition, the notice must be sent to the official mailing address as represented on the Los Angeles County Assessor's rolls. A View Owner may contact the City at 310.285.1141 for assistance in determining a Foliage Owner's official mailing address so long as the View Owner is able to identify on a map the property on which the foliage is located. It is noted that a View Owner may need professional assistance to determine if particular foliage blocking a view is located on a particular Trousdale property and whether that property is located within with 500 feet of the View Owner's property.

##### **2. Notice to Foliage Owner(s)**

The Initial Neighbor Outreach notice shall be on the City's form or in a substantially similar format (Notice Template is **Attachment 4a**). The notice must be signed by the View Owner or the View Owner's authorized representative. The notice shall contain the following:

- General description of the View Owner's claim of disruption of a protectable view (identify direction of the view, the foliage alleged to block the view)
- Remedy sought by the View Owner (foliage to be trimmed, removed, etc.; any proposal to replace foliage)
- A good faith estimate of the cost of the remedy and an offer to pay that cost.<sup>1</sup>
- An offer to meet with the Foliage Owner.

It is also recommended that the View Owner provide photographs to the Foliage Owner that illustrate the alleged view disruption.

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<sup>1</sup> This requirement was included because an early offer to pay by the View Owner is an incentive to the Foliage Owner to cooperate at this step to come to a mutually agreeable solution.

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### 3. Foliage Owner's Response

A Foliage Owner's participation in Initial Neighbor Outreach is voluntary. Each Foliage Owner shall have 30 calendar days from service of written notice to respond to the View Owner unless the Foliage Owner either requests a ten business day extension in writing or a different response period is determined by mutual agreement of the View Owner and Foliage Owner.

### 4. Agreement Reached

If a Foliage Owner responds to an Initial Neighbor Outreach notice, the View Owner and Foliage Owner should engage in discussion in an attempt to reach a mutually agreeable solution. If agreement is reached, it is recommended that the parties prepare a private written agreement. See page 3 of the Guidelines regarding "Private Agreements."

### 5. Apportionment of Cost

- **Procedural Costs.** Any costs associated with obtaining information, mailing the required notice, or preparing an agreement shall be borne by the view owner. The view owner shall pay the cost of a view restoration property survey or tree survey if such a survey is completed.
- **Restorative Action.** The cost of restorative action agreed upon by the View Owner and the Foliage Owner shall be borne by the View Owner unless otherwise agreed to by the Foliage owner.
- **Maintenance Cost.** The cost of subsequent maintenance of foliage on the Foliage Owner's property shall be allocated as agreed upon by the parties.

### 6. Non-Response or Agreement Not Reached

If the View Owner and a Foliage Owner are unable to resolve the matter, or if a Foliage Owner fails to respond to the notice during the response period, the View Owner may proceed to Step 2: Mediation. To proceed to Step 2, the View Owner shall provide an affidavit, signed under penalty of perjury, indicating either: that the Foliage Owner participated in the initial neighbor outreach that did not conclude in an agreement between the parties; or, non-response of the Foliage Owner (Affidavit is also attached as **Attachment 4b**).

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### Step 2: Mediation

Property owners wishing to continue with the City's view restoration process but unsuccessful in resolving a dispute through the Neighbor Outreach process, must offer to have the dispute mediated. View owners should maintain a copy of the Initial Neighbor Outreach certified letter sent to the Foliage Owner(s), return receipt, and the affidavit attesting to lack of agreement or non-response of the Foliage Owner at the Initial Neighbor Outreach step. These documents will be required if the View Owner eventually applies for a View Restoration Permit hearing before the Planning Commission.

#### **5 C. Mediation** (See **Attachment 5** for related forms)

Mediation consists of the following steps:

##### **1. Contact Foliage Owner(s)**

View Owners must send a notice by certified mail to the Foliage Owner(s). The notice mailing requirements are the same as for the Initial Neighbor Outreach step (see page 7, "Contact Foliage Owners"). The View Owner must maintain a return receipt.

##### **2. Notice to Foliage Owner(s)**

The Mediation notice shall be on the City's form or in a substantially similar format (Notice Template is **Attachment 5a**). The notice must be signed by the View Owner or the View Owner's authorized representative. The notice shall contain the following:

- An offer to meet with the Foliage Owner and a mediator.
- General description of the View Owner's claim of disruption of a protectable view (direction of the view, generally identify the foliage alleged to block the view)
- Remedy sought by the View Owner (foliage to be trimmed, removed, etc.; any proposal to replace foliage)
- A good faith estimate of the cost of the remedy.

It is also recommended that the View Owner provide photographs to the Foliage Owner that illustrate the alleged view disruption.

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### 3. Foliage Owner's Response

A Foliage Owner's participation in Mediation is voluntary. Each Foliage Owner shall have 30 calendar days from service of written notice to respond to the View Owner unless the Foliage Owner either requests a ten business day extension in writing or a different response period is determined by mutual agreement of the View Owner and Foliage Owner failure to respond shall be considered refusal by the Foliage Owner to participate in mediation.

### 4. Mediation Session

Each mediation session may involve one or more View Owners and one or more Foliage Owners at the discretion of the parties involved. If Mediation is agreed to by a View Owner and one or more Foliage Owners, each party to the Mediation must provide the following materials to the mediator:

- View Restoration Mediation Information Form (**Attachment 5b**)
- Photos of the Properties:

For View Owners: Photos showing the alleged view, the area on the View Owner's property from which the view is observed, and any other areas or features the View Owner chooses to present.

For Foliage Owners: Photos showing the sight line up to the View Owner's property, photos of the foliage in question, and any other areas or features the Foliage Owner chooses to present.

Photographs should reflect the entire view of the Los Angeles area basin from the View Owner's property as would be seen by the natural eye. Photographs should not be taken with fish eye lenses, zoom lenses or other equipment that distorts the view as seen by the natural eye.

- Any other reports or documents the parties wish to present.

A View Owner who wishes to use the City-sponsored mediator (a mediator under contract to the City) shall contact the mediator and submit to the mediator proof of the Initial Neighbor Outreach in the form of a copy of the certified letter sent to the Foliage Owner(s), return receipt, and the affidavit attesting to lack of agreement or non-response of the Foliage Owner. This allows City staff to track use of the City's contract mediator and ensures that parties using the City's contract mediator are bona fide view restoration applicants. Alternatively, the View Owner may use any mediator mutually agreed to by the View Owner and Foliage Owner(s).

The mediator shall not have the power to issue binding orders for restorative action but shall strive to enable the parties to resolve their dispute.

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### 5. Agreement Reached

If an agreement is reached between the parties as a result of mediation, the mediator will encourage the participants to prepare, and can assist in the preparation of, a private agreement for the parties to sign. See page 3 of the Guidelines regarding "Private Agreements."

### 6. Apportionment of Cost

Unless otherwise agreed to by the parties, costs shall be apportioned according to the following:

- **Procedural Costs.** Any costs associated with obtaining information, mailing the required notice, or preparing an agreement shall be borne by the view owner. The view owner shall pay the cost of a view restoration property survey or tree survey if such a survey is completed.
- **Restorative Action.** The cost of restorative action agreed upon by the View Owner and the Foliage Owner shall be borne by the View Owner unless otherwise agreed to by the parties.
- **Maintenance Cost.** The cost of subsequent maintenance of foliage on the Foliage Owner's property shall be allocated as agreed upon by the parties.

### 7. Non-Response or Agreement Not Reached

If the View Owner and a Foliage Owner are unable to resolve the matter through mediation, or if a Foliage Owner fails to respond to the mediation notice or to participate in the mediation process, the View Owner may proceed to file for a View Restoration Permit. To proceed to a View Restoration Permit application, the View Owner shall provide an affidavit, signed under penalty of perjury, indicating either: participation by the Foliage Owner in mediation but lack of agreement; or, non-response of the Foliage Owner (Affidavit is also attached as **Attachment 5c**).

### **6. Continuation of View Restoration Process after Agreement**

To encourage private agreements, the ordinance allows a View Owner who enters into a private agreement with a neighboring Foliage Owner pursuant to the Initial Neighbor Outreach or Mediation steps, to resume the City's view restoration process if the private agreement proves unsuccessful.

A View Owner may resume the City's View Restoration process at the next step after which a private agreement was entered into, provided that less than two years have passed since the date of the private agreement. For example, if neighbors reach agreement at the Initial Neighbor Outreach step and that agreement is not maintained, the View Owner may proceed to the Mediation step so long as the View Owner can show completion of the Initial Outreach step.

### **7. Permit Required For Removal of Certain Trees**

Please note that trees in the City are protected by the City's ordinance regulating the removal or damage of certain trees on private, single-family residential property. Before any trees are damaged or removed, please consult Beverly Hills Municipal Code Section 10-3-2901. A copy of the City's Tree Removal Permit Application for the removal of protected trees is attached and includes a summary of the City's tree preservation regulations (**Attachment 6**). This application must be completed and submitted to the City's Building Department if any protected trees may be damaged or removed pursuant to an Initial Neighbor Outreach or Mediation process. One of the permitted reasons for removing a protected tree is that "The protected tree proposed for removal is obstructing an existing view of the Los Angeles area basin from a habitable building on the property where such tree is located."

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### **8. City Advisory Opinion** (See **Attachment 7** for forms)

A View Owner has the option to request a non-binding view restoration Advisory Opinion from City staff for a fee. A non-binding opinion is for information purposes only and would not affect any subsequent City decisions regarding a view restoration case. This may be an option for View Owners who are unsure if they have a protectable view that is being substantially disrupted and would like an impartial opinion. It may also be an option for View Owners who do not wish to go through a public hearing process. In both cases, the view owner would gain additional information that may be helpful in working with neighbors to resolve view issues.

The fee for a City Advisory Opinion is included on the list of fees attached (**Attachment 10**). This is the minimum required to cover the City's cost to provide a written opinion to the View Owner. Please note that City fees change each year, usually on July 1.

The request for a City Advisory Opinion would be made on a form provided by the City. It is noted that the written opinion would be a public document available to anyone who requests it.

If a view owner requests and receives a City Advisory Opinion, the View Owner must wait one year (12 months) to apply for a View Restoration Permit. During this 12-month period, the View Owner may complete the Initial Neighbor Outreach and Mediation steps and, if there is no resolution, complete a View Restoration Permit application; however, the application may not be submitted until 12 months have elapsed from the date of the City Advisory Opinion.

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## 9. Trousdale View Restoration Permit Process

Please See **Attachment 8**, the Trousdale View Restoration Permit Application, for forms.

### Submitting an Application

If a View Owner completes the Early Neighbor Outreach and Mediation steps without resolving the view problem, and the View Owner wishes to proceed with a public hearing process, the View Owner may complete and submit a View Restoration Permit application form (**Attachment 8a**) to the Community Development Department with the appropriate filing fees (**Attachment 10**). 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 will increase the application fee as more staff time is involved.

### Once a Complete View Restoration Permit Application has been Submitted

#### 1. Assigned to Planner/Complete Application

The application is assigned to a planner. The planner determines if the application is complete.<sup>2</sup> The planner will contact the applicant and indicates if the application is complete or incomplete. If incomplete, the planner provides the applicant a list of missing information in writing. Incomplete applications will not be processed until the application is complete. If the applicant does not submit the necessary information and the application remains incomplete for six (6) months, the City shall administratively withdraw the application and return the application materials to the applicant.

Once an application is deemed complete, the following steps shall occur to process the application and prepare for a Planning Commission hearing.

#### 2. Notification of Foliage Owner(s)

Staff notifies the Foliage Owner(s) in writing, that a formal request for a View Restoration Permit hearing has been filed with the City, attaching a copy of the application, a copy of the View Restoration Guidelines and an authorization form that would allow staff and the Planning

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<sup>2</sup> A View Restoration Permit application is not for a development project and is not subject to the Permit Streamlining Act.

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Commission to visit the Foliage Owner's property. Staff or City officials may visit a Foliage Owner's property only with the Foliage Owner's written authorization. The signed authorization may be emailed to staff by the Foliage Owner.

### **3. Site Visits**

Staff schedules and conducts site visits to the View Owner and Foliage Owner properties. If a Foliage Owner does not permit access to his/her property, the Planning Commission shall review the case using other information as may be available, including information provided by the View Owner. Although a Foliage Owner has discretion as to whether to allow staff or City officials onto his/her property, lack of access to the Foliage Owner's property may make it difficult for staff and the Planning Commission to evaluate issues raised by the Foliage Owner when considering an application.

### **4. Public Notice**

Staff prepares and mails notices to all property owners within 500 feet of the View Owner's property at least 30 days prior to the hearing, using the address labels submitted by the View Owner with the application.

It is noted that pursuant to Planning Commission and City Council direction, it is expected that the public notice requirement will be revised in the near future to include only the parties to the View Restoration Permit application.

### **5. Staff Report**

Staff prepares a staff report to the Planning Commission that includes the following:

- a. Application
- b. Information on each property involved.
- c. Staff analysis of the findings that must be made to issue a View Restoration Permit.
- d. Photos (also included in surveys required in application).
- e. Staff recommendation.

The staff report is distributed to the Planning Commission, applicant and Foliage Owner(s) the week prior to the public hearing date.

### **6. Public Hearing**

Planning Commission public hearings are held on the second and fourth Thursdays of each month. A View Restoration Permit hearing will be preceded by a bus tour, to which members of

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the public are invited. The tour is for the Planning Commission to review the sites involved in the case, and is not an opportunity for interested parties to provide testimony to the Commission.

The Planning Commission may, at its discretion, require the review of any case by a qualified soils engineer, arborist, landscape architect or other appropriate professionals based on the specific conditions of the case. The applicant shall be responsible for these additional costs. Staff will advise the applicant of the estimated cost for additional expert information. If the applicant refuses to pay for that expense, the application will be withdrawn by staff.

After all public testimony has been heard from any interested parties, the Planning Commission closes the public hearing and deliberates. Planning Commission decisions must be supported by substantial evidence in the record before the Commission. The Planning Commission reaches a decision by reviewing the required findings that must be made as set out in the ordinance (Section 10-8-106(l)). All of the findings must be made by the Planning Commission before a View Restoration Permit may be granted. (See **Attachment 8b** for the findings.)

When the Commission reaches a decision, a resolution approving or denying the permit is prepared by staff reflecting the Commission's decision. Resolutions may be prepared in advance of the Planning Commission hearing and revised at the meeting pursuant to Commission direction or may be prepared after the meeting and returned to a subsequent Planning Commission meeting for approval.

### **7. Resolution: Restorative Action**

If the Planning Commission is able to make the required findings and approves a View Restoration Permit, the resolution will include conditions of approval that specify the Restorative Actions that must be taken to restore the view. This includes specifying foliage, including trees, that need to be trimmed or removed. This may include a long-term foliage maintenance schedule to be incorporated into the conditions of approval. (See **Attachment 9** for Restorative Actions.)

Determination of restorative actions would usually be made based on the tree survey that was part of the application, the site visits and testimony at the hearing. All restorative action must be performed by a licensed and bonded tree or landscape service unless otherwise mutually agreed upon by the parties.

Restorative action may include trimming, culling, lacing, removal or removal and replacement of foliage including trees. The resolution will indicate the period of time within which the restorative actions must be completed taking into consideration the health of the foliage and common nesting seasons.

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### **8. Notice of Decision**

Once the Planning Commission makes a decision and adopts a resolution, staff shall mail a written notice of decision within five days of the decision to the applicant and each Foliage Owner named on the application. Copies of the final resolution will be attached to the notice of decision.

### **9. Completion of Restorative Action & Apportionment of Cost**

It will be the responsibility of the View Owner and Foliage Owner to ensure the Restorative Actions are performed pursuant to the resolution. The responsibility for the cost of the Restorative Action will be specified in the resolution, pursuant to the ordinance:

(1) Procedural Costs. View owner shall bear the cost of application fees and other application costs including the View Restoration Property Survey and Tree Survey and the cost of any other information requested by the reviewing authority.

(2) Restorative Action.

(a) The Foliage Owner shall pay one hundred percent (100%) of the cost of Restorative Action if the Foliage Owner did not participate in mediation and the reviewing authority finds Restorative Action is required.

(b) The View Owner and Foliage Owner shall each pay fifty percent (50%) of the cost of Restorative action if the foliage owner participated in mediation and the reviewing authority finds restorative action is required.

Once the restorative work is performed, staff will document compliance with the resolution with digital photographs. Staff will provide copies of these images to the View Owner and Foliage Owner(s) and will maintain copies with the final resolution in the City's files.

### **10. Maintenance After Initial Restorative Action**

The Foliage Owner shall ensure ongoing compliance with the Resolution and shall pay for subsequent maintenance of the foliage consistent with the View Restoration Permit.

### **11. Non-Compliance with View Restoration Permit/City Enforcement**

If, after a period of time specified in the resolution, the restorative work is not performed, the applicant may request, in writing, that the City proceed with enforcement of the resolution. (See **Attachment 11** for letter template to request City enforcement).

The first step in City enforcement, the Administrative Penalty process, would be conducted at no charge to the View Owner; however, if enforcement escalates to a City prosecution process, the City's prosecution costs would be paid by the View Owner. Once the City has confirmed that a view has been restored pursuant to a View Restoration Permit, any further dispute regarding a

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Foliage Owner's compliance with a View Restoration Permit may be resolved by a civil action initiated by the View Owner. (See Ordinance section 10-8-108.) In other words, after initial City enforcement, if foliage grows back and disrupts the view in violation of a View Restoration Permit, the View Owner may sue the Foliage Owner to gain compliance but the City will not be involved in enforcement of the View Restoration Permit at this point.

### **12. Limit on Number of Hearings Annually**

Pursuant to the adopted ordinance, the Planning Commission shall conduct no more than ten (10) View Restoration Permit hearings per calendar year. This does not include potential appeals to the City Council. The City will track this figure so applicants and potential applicants are aware of potential waiting periods for a hearing.

### **13. Appeal to City Council**

A decision of the Planning Commission on a view-related permit may be appealed to the City Council within 14 days of the Planning Commission's decision. Appeal forms are available in the City Clerk's office which may be contacted at 310.285.2400. The form must be submitted to the City Clerk within 14 days of the decision with the required fee (See **Attachment 10** for fees). The public hearing process before the City Council would be substantially the same as the public hearing process before the Planning Commission. After considering the written and oral testimony at the appeal hearing, the City Council may take one of the following actions:

1. Affirm the decision of the Planning Commission or make a different decision based on the findings that must be made;
2. Refer the matter back to the Planning Commission to conduct further proceedings.

### **14. Decisions Intended to Run With the Land (Section 10-8-107)**

Decisions regarding view restoration shall be binding on all current and future owners of view owner's property and foliage owner's property, and such decisions must be disclosed by each owner to subsequent owners of the property.

### 10. Landscape Standards for Trousdale

The following information regarding appropriate and inappropriate landscaping for Trousdale Estates is intended to assist property owners in planting trees and shrubs that will not result in current or future obstruction of neighbors' views. Nothing in this section should be construed to apply to City trees.

The City recommends that trees meeting the following criteria should not be newly planted in Trousdale:

- Grows rapidly and exceed a 14-15 foot height at maturity;
- Cannot be topped or easily and repeatedly pruned to maintain appropriate heights;
- A known fire hazard.

Following is a list of trees considered nuisance trees that meet the above criteria that should not be newly planted in Trousdale Estates. This list is not intended to capture all tree species that may not be appropriate for Trousdale Estates. Specific sites, conditions and irrigation needs may require site-specific landscaping solutions.

#### Nuisance Trees/Foliage:

- Eucalyptus
- Pine
- Italian Cypress
- Ficus
- Canary Island Date Palm
- King Palm
- Queen Palm

#### Recommended Trees

Recommended trees are those that meet the following criteria:

Grow to a maximum size that would not likely result in disruption of a view (maximum height of 14-15 feet);

Can be easily and repeatedly pruned to maintain appropriate heights;

Are appropriate to the climate and water conditions of Beverly Hills and would not negatively impact to slope stability.

Examples of appropriate trees include the following:

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- Western redbud
- Dwarf fruitless olive

## **Planting New Trees**

Property owners should consider the following when planting new trees or large shrubs:

### **Views**

**Location:** Will the planting location potentially be in a neighbor's line of sight to a view of the Los Angeles Area Basin?

**Landscape Type:** Would it be more appropriate to plant a shrub or a small tree so as not to block a neighbor's view now or in the future?

### **Fire Safety and Prevention**

**Location and Landscape Type:** Will the planting location be in close proximity to structures? Are the plants of a fire retardant type? (Please see the City's Fire Department web page regarding the City's Brush Clearance Program for additional direction).

### **Slope Stability/Erosion Control**

If located on a slope, are the plants appropriate for slope conditions in a naturally arid environment? If the plants on a slope require a great deal of water, could watering potentially destabilize the slope?

### **Landscape Maintenance**

It is a property owner's responsibility to maintain foliage located on his/her property. This includes regular pruning of plants if necessary to maintain appropriate size.

**NOTE:** If you are unfamiliar with landscaping, you may wish to contact a professional for assistance such as a landscape architect or designer or a nursery that offers plant selection assistance.