



Planning Commission Report

Meeting Date: January 28, 2016

Subject: **1023 Hillcrest Road
View Restoration Permit**
Request for a View Restoration Permit by the View Owner at 1023 Hillcrest Road for the trimming and continued maintenance of six trees located on a neighbor's property at 1017 Hillcrest Road (Foliage Owner) to a maximum height of 15'. 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: Branden and Rayni Williams

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 View Restoration Permit.

REPORT SUMMARY

The Trousdale View Restoration Ordinance was adopted by the City Council on December 6, 2011. 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 by outlining a process that provides a framework for property owners in Trousdale Estates to work together. However, if a solution cannot be reached after the exhaustion of the View Restoration steps outlined in the ordinance, a property owner may apply for a View Restoration Permit. This case is the first View Restoration Permit application since the adoption of the View Restoration Ordinance in 2011.

The Planning Commission may issue a View Restoration Permit to a view owner with a protectable view¹ where the protectable view from a viewing area is substantially disrupted by foliage. Through issuance of a View Restoration Permit, the Planning Commission may require

¹ PROTECTABLE VIEW: A protectable view may include any view of the Los Angeles area basin from a "viewing area" as defined [on page 9 of this report]. The view of the Los Angeles area basin may include, but is not limited to, city lights (Beverly Hills and other cities), ocean, and horizon. The term "protectable view" does not mean an unobstructed panorama of all or any of the above. For purposes of this section, a protectable view shall be determined from a point thirty six inches (36") above the finished grade of the viewing area.

Attachment(s):
A. View Restoration Ordinance
B. Required Findings
C. Draft Approval Resolution
D. Public Notice
E. Pre-Hearing Application Requirements
F. Arborist Report
G. Radius Map

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restorative action on the foliage owner's property. In this particular case, the view owner at 1023 Hillcrest requests the trimming and continued maintenance of six trees located on the property at 1017 Hillcrest Road (foliage owner) to a maximum height of 15'.

This report provides context on the view owner and foliage owner's properties, information on the required View Restoration procedures, while also providing an analysis on the level of disruption caused by the foliage owner's trees to the view owner at 1023 Hillcrest Road. Staff's analysis concludes that the view owner has a protectable view and has substantially complied with the View Restoration steps. Therefore, the recommendation in this report is for approval of the requested View Restoration Permit for the trimming of two Brazilian pepper trees in the southeast corner of the foliage owner's property, as well as for the trimming of the tree in the center of the residence close to the front door. The recommendation in this report also includes the denial of the request for the trimming of the trees located in the southwest corner of the foliage owner's property.

BACKGROUND

File Date	11/18/2015
Application Complete	12/21/2015
CEQA Determination	Class 4 Categorical Exemption for minor alterations in the condition of vegetation.
CEQA Deadline	60 days from CEQA Determination
Permit Streamlining	Take action on project within 60 days of CEQA determination
Applicant(s)	Branden and Rayni Williams
Owner(s)	Branden and Rayni Williams
Foliage Owner	Khashayar and Shayesteh Saketkhoo
Prior PC Action	None
Prior Council Action	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	1023 Hillcrest Road
APN	4391-031-025
Zoning District	R-1
General Plan	Single-Family Residential – Low Density
Existing Land Use(s)	Single-Family Residential
Lot Area	Approximately 20,440 SF per the LA County Assessor Map.
Year Built	Originally built in 1962; however, the existing residence is currently being remodeled by more than 50%.
Historic Resource	The subject property was not designed by a Master Architect.
Protected Trees/Grove	Subject trees are not listed in the City's official list of local native trees; however, information on the size of the trees on the foliage owner's property could not be obtained ² .

² Protected trees include the following:

Heritage Trees: trees with a circumference of 48 inches or more and located in the front or street side setback;



Adjacent Zoning and Land Uses

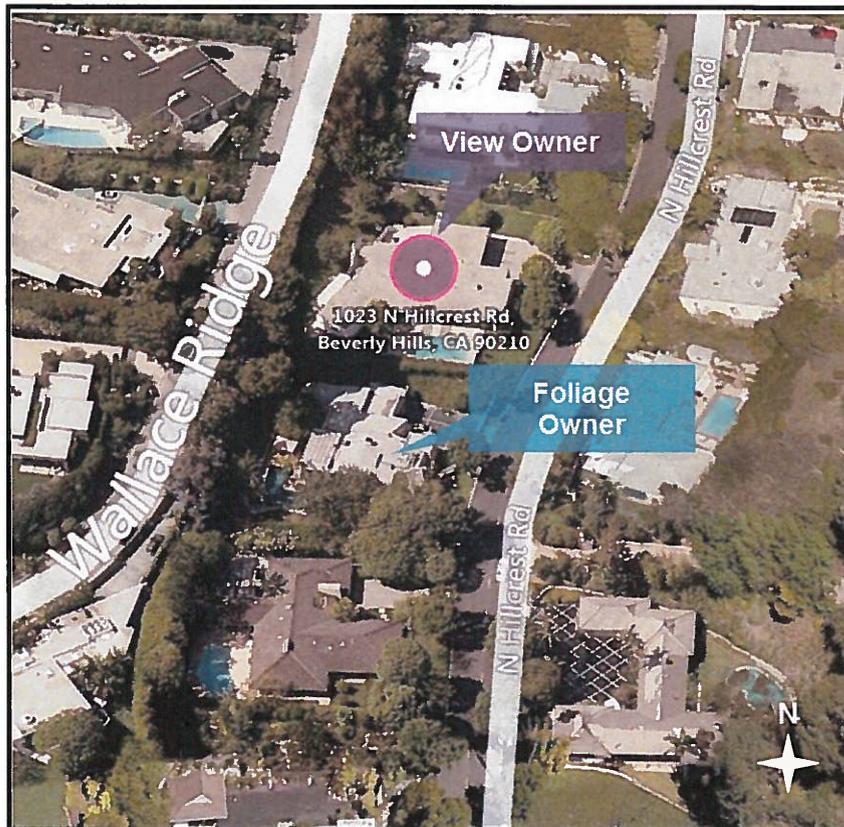
North	R-1 – Single-family residential
South	R-1 – Single-family residential
East	R-1 – Single-family residential
West	R-1 – Single-family residential

Circulation and Parking

Adjacent Street(s)	Hillcrest Road and Wallace Ridge (Property is a through lot)
Adjacent Alleys	None
Parkways & Sidewalks	5' parkway along Hillcrest Road
Parking Restrictions	Overnight parking is prohibited Hillcrest Road – No Daytime Parking Restriction North of Drury Lane
Nearest Intersection	Hillcrest Road and Drury Lane
Circulation Element	Hillcrest Road is a local street

Native Trees: trees on the City's official list of local natives with a circumference of 24 inches or more and located in the front or street side setback; and

Urban Groves: a group of 50 or more trees located anywhere on a single family property.



Project Site Looking North

Neighborhood Character

The subject property is located on Hillcrest Road, north of Sunset Boulevard, on the west side of Hillcrest Road, to the east of Wallace Ridge in Trousdale Estates. The City of Beverly Hills annexed Trousdale Estates' 596 single-family residential lots on July 26, 1955. Major grading, including removal of most existing foliage, and was completed to create flat building pads. View preservation standards were included in many, if not all, of the Codes, Covenants, and Restrictions documents (CC&Rs), placed on the Trousdale tracts beginning in 1955. Although the CC&Rs expired in 2000, much of their content and intent was incorporated by the City Council into the City's Zoning Code in 1985.

The lot at 1023 Hillcrest Road (view owner's property) has a site area of approximately 20,440 square feet, with frontage on two streets (Wallace Ridge and Hillcrest Road). While not located at the intersection of those streets, the subject property is considered a through lot. The site was originally developed with a single family residence and attached carport built in 1962. However, the site is currently undergoing a substantial remodel. Because more than 50% of the exterior walls and roof are being replaced or reconstructed, the single family residence currently under construction is considered a new building.



The site at 1017 Hillcrest Road (foliage owner's property) has an area of approximately 20,170 square feet, and is currently developed with a one-story single family residence that was built in 1958. Original building permits show that the residence was built with a height of 13'.



1017 Hillcrest Road (Foliage Owner) Site and Property Lines

View Restoration Process and Request

Before a view owner can seek remedies made available through a View Restoration Permit, the pre-application procedures below must be followed. Each step in the View Restoration process provides an opportunity for both the foliage owner and the view owner to reach resolution on the matter, but prerequisites must be met before advancing through the process.

1. Initial Neighbor Outreach (10-8-104B)	2. Mediation (10-8-104C) (proof of Initial Neighbor Outreach must have been submitted prior to Mediation stage)	3. View Restoration Permit (10-8-106)
-Written using the form provided by the City's View Restoration Guidelines;	-Offer to mediate sent to foliage owner using the form provided by the City's View Restoration Guidelines;	-After exhaustion of prehearing steps, and upon application by a view owner. The following must be included:
-Signed by view owner;	-Signed by view owner;	1. Proof of initial neighbor outreach and mediation;
-Signed statement from view owner offering to meet with	-Signed statement from view owner offering to meet with	2. Identification of the specific remedy sought by view owner



foliage owner;	foliage owner and a mediator;	and an estimate of cost;
-Identification of remedy sought by view owner;	-Identification of remedy sought by view owner;	3. A view restoration property survey; and
-Good faith estimate of cost and an offer to pay that amount;	-Good faith estimate of cost of the remedy;	4. A tree survey.
-30 days for foliage owner to respond, unless 10-day extension is requested.	-30 days for foliage owner to accept or reject mediation offer, unless 10-day extension is requested.	
Compliance with Requirement	Compliance with Requirement	Compliance with Requirement
Original letter was not retained, but a subsequent letter was sent certified mail on December 15, 2016.	Original mediation letter was not retained, but a mediation verification letter was provided by the mediator.	See Attachments E, F, and G.

The foliage owner and view owner have attempted to reach an agreement since 2013. Both parties agreed to meet with the City-sponsored mediator to resolve the matter; however, the mediation was ultimately unsuccessful. While proof that both the foliage owner and view owner participated in mediation has been provided by the mediator (refer to Attachment E), proof of the Initial Neighbor Outreach letter that was originally sent to the foliage owner in 2013 was not retained. Therefore, in preparation for the January 28, 2016 hearing date, a follow-up letter prepared using the City's template was mailed again (also included in Attachment E). The applicant has met the requirements for filing a View Restoration application.

Requested Permit

The permit requested is as follows:

View Restoration Permit.

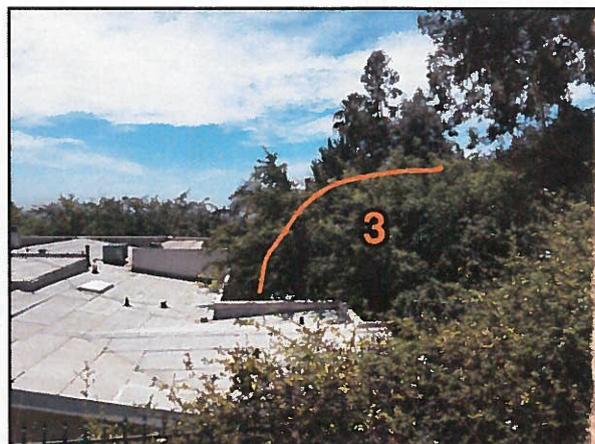
After exhaustion of the prehearing steps set forth in section 10-8-104 of this chapter, and upon application by a view owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a view restoration permit to a view owner with a protectable view as defined in this article where the protectable view from a viewing area is substantially disrupted by "foliage" as defined in this article and the reviewing authority makes all of the findings as set forth in this section.

The view owner is requesting the following six trees to be trimmed and maintained at a maximum height of 15³:

³ According to the arborist report prepared in June 2015. Refer to Attachment F.



1. Three Brazilian pepper trees on the southeast side of the foliage owner's property;
 - Height: 20-30 feet tall
2. Chinese elm on the south side of the foliage owner's property; and
 - Could be two or more trees located next to each other
 - Height: Approximately 25 feet tall
3. One canopy that includes Ficus and Pear trees next to one another on the west side of the foliage owner's property.
 - Height: 15 feet over the roof line





GENERAL PLAN⁴ POLICIES

The General Plan includes goals and policies intended to help guide development in the City. Some of the goals and policies applicable to the proposed project are provided below to help guide the Planning Commission in its deliberations.

- **Policy LU 5.1 Neighborhood Conservation.** Maintain the uses, densities, character, amenities, character, and quality of the City’s residential neighborhoods, recognizing their contribution to the City’s, identity, economic value and quality of life.
- **Policy LU 6.1 Neighborhood Identity.** Maintain the characteristics that distinguish the City’s single-family neighborhoods from one another in such terms as topography, lot size, housing scale and form, and public streetscapes.
- **Policy OS 6 Visual Resource Preservation.** Maintenance and protection of significant visual resources and aesthetics that define the City.

ENVIRONMENTAL ASSESSMENT

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City’s Local CEQA guidelines. The project qualifies for a Class 4 Categorical Exemption pursuant to Section 15304 (Minor Alterations to Land) of the Guidelines. Specifically, the request involves minor private alterations in the condition of vegetation. Therefore, the proposed project is exempt from further review under the provisions of CEQA.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice (agenda)	N/A	N/A	1/22/2016	7 Days
Newspaper Notice	N/A	N/A	N/A	N/A
Mailed Notice (Owners & Residents - 500' Radius)	10 Days	1/18/2016 (MLK Day)	1/15/2016	13 Days
Property Posting	10 Days	1/18/2016 (MLK Day)	1/15/2016	13 Days
Website	N/A	N/A	1/22/2016	7 Days
Public Hearing Notice ⁵	30 Days Prior to Hearing	12/29/2015	12/29/2015	30 Days

⁴ Available online at <http://www.beverlyhills.org/business/constructionlanduse/generalplan/>

⁵ Sent by the City to the Foliage Owner. This requirement is unique to View Restoration applications.



Public Comment

As of the writing of this report, the City received one call from a neighbor on Loma Vista Drive who voiced her support for the View Restoration permit request. As a view owner herself, the neighbor empathized with the View Owner at 1023 Hillcrest Road.

ANALYSIS⁶

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The specific findings that must be made in order to approve the project are included with this report in Attachment B (Required Findings), and may be used to guide the Planning Commission's deliberation of the subject project. Key issues related to the requested entitlements are discussed as follows:

Analysis of Protectable View and Disruption. The View Restoration ordinance provides the following definitions to aid in the issuance of a View Restoration Permit:

- **PROTECTABLE VIEW:** A protectable view may include any view of the Los Angeles area basin from a "viewing area" as defined [below]. The view of the Los Angeles area basin may include, but is not limited to, city lights (Beverly Hills and other cities), ocean, and horizon. The term "protectable view" does not mean an unobstructed panorama of all or any of the above. For purposes of this section, a protectable view shall be determined from a point thirty six inches (36") above the finished grade of the viewing area.
- **VIEWING AREA:** An area from which a protectable view is assessed, located on the level pad that contains the primary residential structure. A viewing area shall 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. There may be one or more viewing areas on a property. The reviewing authority shall establish the viewing area or areas as part of its finding that the view owner has a protectable view. The reviewing authority may designate a location as a viewing area if, in the opinion of the reviewing authority, an average resident would often observe a protectable view from that area.

Additionally, the View Restoration ordinance provides the following criteria for determining whether or not a protectable view is substantially disrupted:

- Foliage Position Within A Protectable View: Foliage located in the center of a protectable view is more likely to be found to substantially disrupt a view than foliage located on the protectable view's periphery.

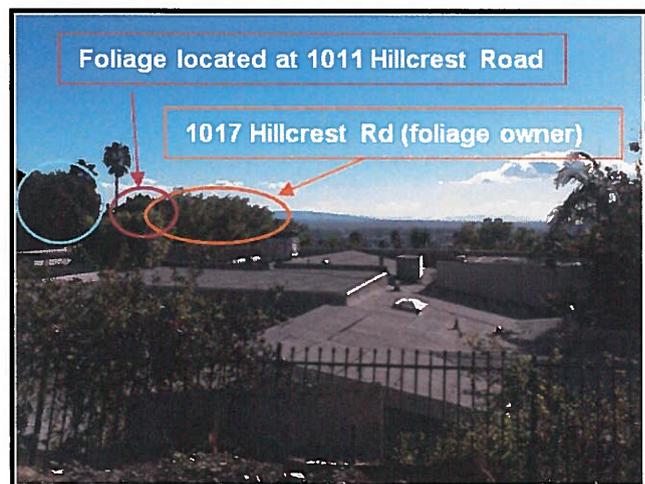
⁶ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose 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.



- **Foliage Size And Density:** Foliage that by virtue of its size and density obstructs a large portion of a protectable view is more likely to be found to substantially disrupt the view than is foliage that obstructs only a small portion of the protectable view. Trees located in close proximity to each other and maintained in such a way as to collectively form an uninterrupted "green barrier" are more likely to be found to substantially disrupt a view than are individual trees.
- **View Diminished By Other Factors:** The extent to which the view has been or is diminished by other factors such that removal of the foliage at issue will not substantially restore the protectable view. Other factors that may be considered include, but are not limited to, permitted structures, and foliage that is not on a private property within five hundred feet (500') of the view owner's property.

In evaluating the request, staff conducted a site visit at the view owner's property. Views of Century City and Beverly Hills were observed from the level pad on which the primary residential structure is being constructed.

Southeast Side of Foliage Owner's Property: Two of the three Brazilian pepper trees (circled in orange below) that have been identified in the arborist report do appear to block views of Los Angeles when looking east from the view owner's property. While there is a third Brazilian tree in that cluster, the tree appeared to have been trimmed and consequently, did not substantially disrupt the view from 1023 Hillcrest. Additionally, the view blockage caused by the two Brazilian pepper trees appears to be exacerbated by a tree located on the foliage owner's neighbor's property located further downslope from the view owner's property (circled in red below). There is also a City tree located in that general vicinity (circled in light blue) that appears to be contributing to the view blockage in the southeast corner of the foliage owner's property. Trimming the two trees on the foliage owner's property would restore a portion of the view corridor at this corner, but not completely unless an agreement is also worked out between the view owner at 1023 Hillcrest and the foliage owner at 1011 Hillcrest. The View Restoration Ordinance does not apply to City trees; therefore, a view disruption caused by a City tree cannot be remedied via the View Restoration Ordinance.



Southeast View from View Owner's Property



Street View Facing Trees in the Southeast Corner

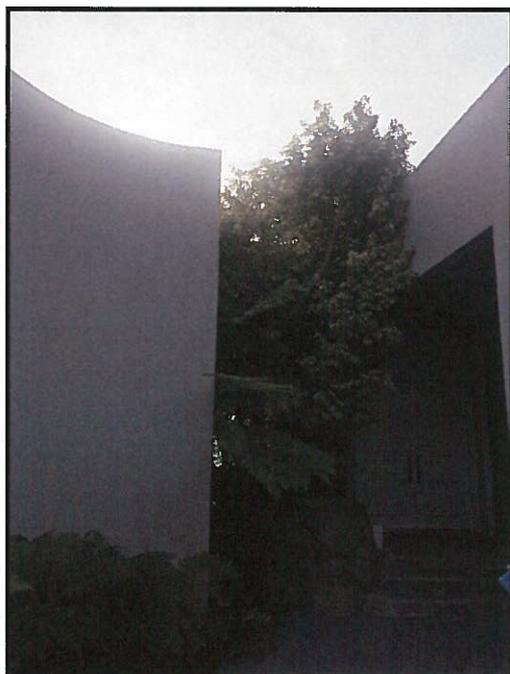


South Side of Foliage Owner's Property: During the site visit, staff noticed that the Chinese elm identified in the arborist report appeared to have been trimmed to the height of the roofline on the foliage owner's property. Restorative action would not be required for this tree because the height of the tree is code-compliant, and the tree does not appear to disrupt the view of the view owner.

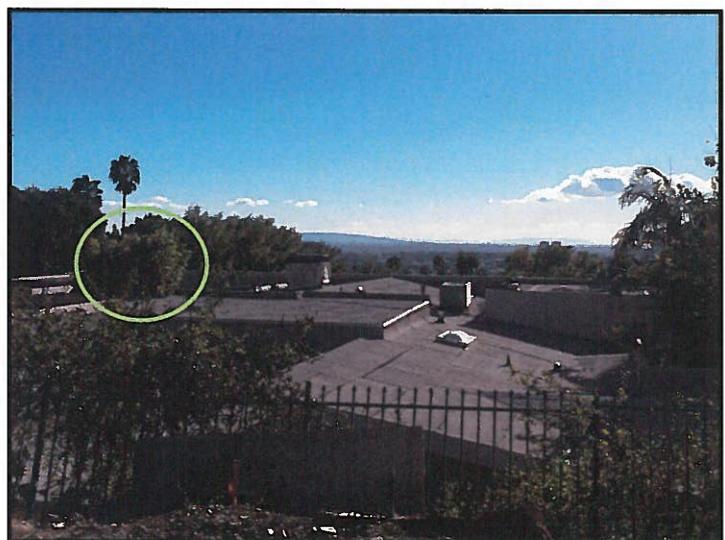
View Looking South from View Owner's Property



Center of Foliage Owner's Property: Staff observed a view disruption caused by a Ficus tree located in the center of the foliage owner's property (circled in green below). The tree appears to be several feet above the existing roofline. Because the tree is in the center of the protectable view, it is found to substantially disrupt a view more than foliage located on the periphery of the protectable view. Therefore, staff recommends that this tree be trimmed to a maximum height of 15'.



Subject Tree Close-Up as Viewed from the Foliage Owner's Property





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West Side of Foliage Owner Property: The canopy formed by the Ficus and Pear trees on the west side of the foliage owner's property (circled in yellow below) do not appear to substantially disrupt a protectable view because the canopy formed by the trees screen a hillside, and not a view of the LA Basin.



View Looking West from View Owner's Property

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and adopt the attached resolution conditionally approving the View Restoration Permit, which would require the trimming of two Brazilian pepper trees and one ficus tree.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the request with modified findings or conditions of approval.
2. Deny the request, or portions of the request, based on revised findings.
3. Direct staff or applicant as appropriate and continue the hearing to a date (un)certain.

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Ryan Gohlich".

Ryan Gohlich, AICP, Assistant Director of Community Development / City Planner



Planning Commission Report

1023 Hillcrest Road
January 28, 2016

Attachment A

View Restoration Ordinance

ORDINANCE NO. 11-O- 2616

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ADOPT A VIEW RESTORATION PROGRAM FOR THE
TROUSDALE ESTATES AREA OF THE CITY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY

ORDAINS AS FOLLOWS:

Section 1. The City Council considered this Ordinance at a duly noticed public hearing on November 3, 2011, and, at the conclusion of the hearing, continued the matter to the meeting of November 15, 2011, for introduction. Evidence, both written and oral, was presented during the hearing.

Section 2. An initial study of the potential environmental impact of this ordinance was prepared. The initial study concluded that the ordinance would not result in significant adverse environmental impacts; thus a negative declaration is the appropriate document to adopt in order to comply with the California Environmental Quality Act (CEQA). A notice of intent to adopt a negative declaration was published on January 3, 2011, and the proposed negative declaration and initial study were made available for a 20-day public review period from January 6, 2011, through January 27, 2011. No public comments on the proposed negative declaration or initial study were submitted during the comment period. Based on the information in the records regarding this ordinance, the City Council finds that there is no evidence suggesting that the ordinance may result in significant adverse impacts on the environment, and hereby adopts the negative declaration for this ordinance. The records related to this determination are on file with the City's Community Development Department, 455 N. Rexford Drive, Beverly Hills, California, 90210. The custodian of records is the Director of Community Development.

Section 3. City Council hereby adds a new Chapter 8 to Title 10 to the Beverly Hills Municipal Code (BHMC) regarding View Restoration as follows:

“Chapter 8. VIEW RESTORATION.

Article 1. Trousdale Estates View Restoration

10-8-101 PURPOSE AND INTENT. The intent of this ordinance is to restore and preserve certain views from substantial disruption by the growth of privately owned trees, vegetation, or a combination thereof while providing for residential privacy and security; maintaining the garden quality of the City; insuring the safety and stability of the hillsides; and, acknowledging the importance of trees and vegetation in the City as an integral part of a sustainable environment. It is the further intent to establish a process by which residential property owners in Trousdale Estates may seek to restore and preserve certain views, with an emphasis on early neighbor resolution of view restoration issues. It is also the intent of this ordinance to educate residents to consider the potential to block neighbors’ views before planting foliage and in maintaining foliage. It is not the intent of this ordinance to create an expectation that any particular view or views would be restored or preserved.

10-8-102 DEFINITIONS.

Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter:

(A) **ARBORIST:** An individual certified as an arborist by the International Society of Arboriculture (ISA), or an individual who is currently listed as a Consulting Arborist by the American Society of Consulting Arborists (ASCA).

(B) **CITY ADVISORY OPINION:** A non-binding opinion rendered by the Director of Community Development or his/her designee, to a view owner who requests such an opinion and pays a fee as set by the City Council.

(C) **DAMAGE:** Any action which may cause death or significant injury to a tree, or which places the tree in a hazardous condition or an irreversible state of decline. Such action may be taken by, but is not limited to, cutting, topping, girdling, poisoning, trenching, grading, or excavating within the drip line of the tree.

(D) **FOLIAGE:** The aggregate of leaves, branches and trunks of one or more plants. Trees and hedges, including hedges that otherwise meet the standards of the Zoning Code, are included in the definition of foliage.

(E) **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.

(F) **FORESTER:** An individual licensed in California as a Registered Professional Forester (RPF).

(G) **HEDGE:** The term "Hedge" shall have the same meaning as set forth in BHMC 10-3-100.

(H) **LANDSCAPE ARCHITECT:** A landscape architect registered by the State of California.

(I) **PRIMARY RESIDENTIAL STRUCTURE:** The main structure or building on a site zoned for residential use and used or occupied as a private one-family residence.

(J) **PROTECTABLE VIEW:** A protectable view may include any view of the Los Angeles area basin from a viewing area as defined in this section. The view of the Los Angeles area basin may include but is not limited to city lights (Beverly Hills and other cities), ocean, and horizon. The term "protectable view" does not mean an unobstructed panorama of all or any of the above. For purposes of this section, a protectable view shall be determined from a point thirty-six inches (36") above the finished grade of the viewing area.

(K) **PROTECTED VIEW:** A protectable view that has been determined by the reviewing authority to merit restoration.

(L) **RESTORATIVE ACTION:** Any specific steps taken affecting foliage that would result in the restoration or preservation of a protected view.

(M) **SAFE HARBOR AREA:** The area below a safe harbor plane.

(N) **SAFE HARBOR PLANE:** A plane defined by points at the edge of view owner's level pad to points measured from grade at the edge of an adjacent downslope foliage owner's principal building area that is farthest from the edge of view owner's level pad located in a line of sight of a protectable view. The points of the plane on foliage owner's property shall be at a height of one (1) foot above the height of the roof of the primary residential structure on foliage owner's property, not to exceed a maximum height of fifteen (15) feet as measured from grade. (See illustration in Section 10-8-103.) If the downslope property is undeveloped, or if the upslope property's view is over the driveway or "pole" portion of a flag lot, then the maximum height of fifteen (15) feet from grade shall apply.

For the purposes of this definition, the height of the roof of the primary residential structure excludes chimneys, stair or elevator shafts, vent pipes, mechanical equipment, parapets, architectural features that extend above the primary roof elevation, antennae, and other rooftop equipment. If the roof height varies, the height of the roof of the primary residential structure shall be the highest point of the roof of the primary structure.

For purposes of this definition, downslope and upslope properties separated by a public street shall be deemed to be adjacent.

If a view owner's level pad is less than one (1) foot above the height of the roof of the primary residential structure on foliage owner's property, then the safe harbor plane shall be defined as a plane above the foliage owner's level pad at a height of one (1) foot above the height of the roof of the primary residential structure on foliage owner's property.

(O) TREE: A woody perennial plant, consisting usually of a single elongated main stem or trunk and many branches.

(P) TREE SURVEY: A tree survey includes the following information for trees alleged to impair a view and all trees within the vicinity of the alleged view-impairing trees as determined by a Landscape Architect, Arborist, or Forester:

- (1) Species of each tree, based on scientific name, and the common name;
- (2) Tree identifying number and location recorded on a map;
- (3) 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;
- (4) Age of the tree;
- (5) Report of overall health and structural condition of the tree;
- (6) Life expectancy and suitability for preservation;
- (7) 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,
- (8) Tree management recommendations.

The survey shall be signed or stamped by a registered Landscape Architect, Arborist or Forester.

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.

(Q) 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.

(R) VIEW RESTORATION GUIDELINES:

Guidelines for implementation of the ordinance prepared by the Community Development Department, adopted by the Planning Commission, and made available to the public.

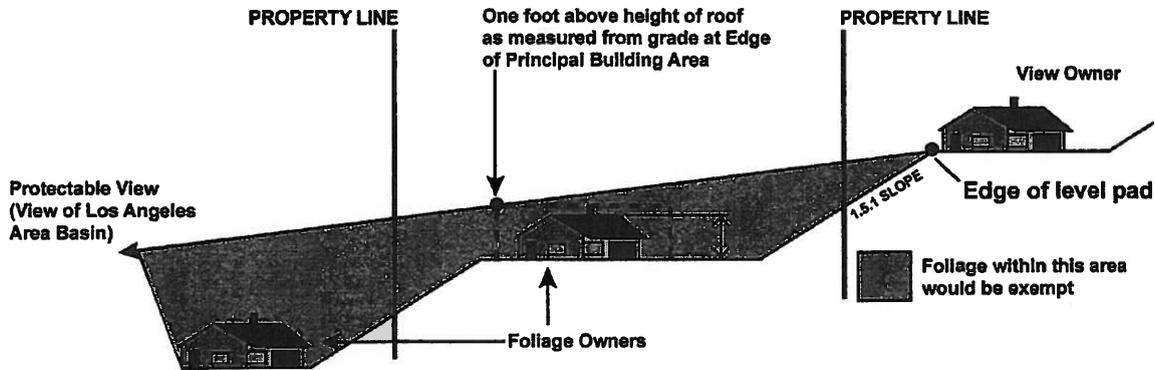
(S) VIEW RESTORATION PROPERTY SURVEY: A survey completed by a certified professional, such as an ALTA (American Land Title Association) survey, of view owner's site and foliage owner's site that may include calculation of the safe harbor plane as defined in this Article and any other information or calculations as may be of assistance to a reviewing authority pursuant to this section.

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.

(T) VIEWING AREA: An area from which a protectable view is assessed, located on the level pad that contains the primary residential structure. A viewing area shall 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. There may be one or more viewing areas on a property. The Reviewing Authority shall establish the Viewing Area or Areas as part of its finding that the View Owner has a Protectable View. The Reviewing Authority may designate a location as a Viewing Area if, in the opinion of the Reviewing Authority, an average resident would often observe a Protectable View from that area.

10-8-103 EXEMPTION. The provisions of this article shall not apply to foliage where the highest point of the foliage is below a safe harbor plane as defined in this Article. The exemption applies to foliage on foliage owner's property. Foliage shall be maintained in accordance with all other requirements of this Code, including landscape maintenance standards.

Safe Harbor Area



Prepared by the Community Development Department

10-8-104 PROCEDURES. Except for violations of Section 10-3.2616, complaints received by the City regarding foliage blocking views in Trousdale Estates shall be addressed through the View Restoration Permit pre-application procedures in this Article. The procedures in this Article will be augmented by the View Restoration Guidelines.

The procedures set forth below shall be followed in order for a view owner to pursue remedies available in this Article. More than one view owner may pursue remedies simultaneously with one or more foliage owners as determined by the parties involved.

(A) Parties' Option to Enter Binding Arbitration; Effect of Arbitration Decision. Nothing in this ordinance is intended to preclude interested parties from agreeing to resolve the dispute or disputes through binding arbitration, in which case compliance with the procedures set forth in this Section shall not be required. View Owners who are subject to a binding arbitration decision shall be precluded from applying for a View Restoration Permit as to any Foliage Owner who is a party to the binding arbitration decision.

(B) Initial Neighbor Outreach.

(1) If a view owner wishes to pursue remedies available in the Article, the view owner shall notify each foliage owner in writing of concerns regarding disruption of the view owner's protectable view by foliage on foliage owner's property (the "Initial Neighbor Outreach"). This Initial Neighbor Outreach shall be on a form provided by the City in the View Restoration Guidelines on file in the City, 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 shall offer 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.

(2) Agreement to participate in the Initial Neighbor Outreach by each foliage owner shall be voluntary, but each foliage owner shall have no more than thirty (30) days from service of written request to respond to the view owner, unless foliage owner

requests a ten (10) business days extension in writing or the response period is otherwise extended by mutual agreement of the view owner and the foliage owner. Failure to respond shall be considered rejection by the foliage owner. The Initial Neighbor Outreach should be followed by discussions between view owner and each foliage owner to attempt to reach a mutually agreeable solution.

(3) If the view owner and a foliage owner are unable to resolve the matter, or if a foliage owner fails to respond to the Initial Neighbor Outreach, the view owner may proceed with a mediation process. To participate in the City-sponsored mediation process, the view owner shall submit to the City proof of the Initial Neighbor Outreach in the form of a certified letter and mailing receipt. 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 non-response of foliage owner.

(4) If, pursuant to an agreement between the view owner and a foliage owner, the view owner or foliage owner may damage or remove, or cause to be damaged or removed, any protected tree as defined in Section 10-3-2900 of this Code, a tree removal permit must first be obtained in accordance with the requirements of Section 10-3-2900.

(C) Mediation.

(1) If the parties are unable to reach agreement through the Initial Neighbor Outreach process and the view owner wishes to pursue remedies available in this Article, then, as a prerequisite, the view owner shall notify each foliage owner of an offer to mediate. 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 shall offer 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.

(2) Acceptance of mediation by each foliage owner shall be voluntary, but each foliage owner shall have no more than thirty (30) days from service of a written request for mediation to accept or reject the offer of mediation, unless the foliage owner requests a ten (10) business days extension in writing or the response period is otherwise extended by mutual agreement of the foliage owner and the view owner. Failure to respond shall be considered rejection. Each mediation session may involve one or more view owners and one or more foliage owners at the discretion of the parties involved.

(3) The view owner and each foliage owner shall comply with requirements in the View Restoration Guidelines regarding submittal of information to the mediator.

(4) 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 at this stage. 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.

(5) If the view owner and a foliage owner are unable to resolve the matter, or if a foliage owner fails to respond to the mediation notice or to participate in the mediation process as prescribed in the View Restoration Guidelines, then the view owner may proceed to file for a View Restoration Permit.

(6) If, pursuant to an agreement between the view owner and a foliage owner, the view owner or foliage owner may damage or remove, or cause to be damaged or removed, any protected tree as defined in Section 10-3-2900 of this Code, a tree removal permit must first be obtained in accordance with the requirements of Section 10-3-2900.

(D) City Advisory Opinion. A view owner may request a non-binding advisory opinion at any time prior to the view owner filing an application for a view restoration permit in accordance with the requirements of Section 10-8-106. If the view owner wishes to pursue the process set forth in Section 10-8-106, the view owner must wait twelve (12) months from receipt of the City Advisory Opinion to file a view restoration permit application.

10-8-105 CONTINUATION OF PROCESS AFTER AGREEMENT. If the view owner and a foliage owner enter into a private agreement as a result of Initial Neighbor Outreach or mediation before the filing of a View Restoration Permit application, and that agreement is not adhered to by parties to the agreement, the parties may pursue civil litigation; however, if the view owner wishes to pursue remedies available in this Article, then the view owner may continue with the pre-application process at the step after the step at which the agreement was entered into, provided that less than two (2) years have passed since the date of the private agreement. If the view owner wishes to pursue remedies available in this Article and more than two (2) years have passed since the date of the private agreement, then the view owner shall begin view restoration procedures with the Initial Neighbor Outreach.

10-8-106 VIEW RESTORATION PERMIT.

(A) View Restoration Permit:

After exhaustion of the pre-hearing steps set forth in Section 10-8-104, and upon application by a view owner in a form satisfactory to the Director of Planning and Community Development, the reviewing authority may issue a View Restoration Permit to a view owner with a protectable view as defined in this section where the protectable view from a viewing area is substantially disrupted by foliage as defined in the Article and the reviewing authority makes all of the findings as set forth in this section.

(B) Reviewing Authority:

The reviewing authority for a View Restoration Permit application shall be the Planning Commission. If a View Restoration Permit application includes review of a protected tree or trees as defined in Section 10-3-2900 of the Beverly Hills Municipal Code, then the reviewing authority may order the removal of the tree or trees pursuant to Section 10-3-2902 as part of the restorative action required by a View Restoration Permit.

(C) Application:

Application for a View Restoration Permit shall be in writing on a form prescribed by the Director of Community Development and shall include but not be limited to the following information:

(1) Proof that view owner has attempted or completed the following procedures as required in this section:

Initial Neighbor Outreach; and,
Mediation.

(2) Identification of the specific remedy sought by view owner and an estimate of cost.

(3) A view restoration property survey documenting that the subject foliage is on foliage owner's property, that the foliage owner's property is within five hundred feet (500') of view owner's property, and the foliage is above the safe harbor plane.

(4) A Tree survey.

If an applicant does not submit the necessary information and the application remains incomplete for six (6) 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.

Once a complete application has been received, the City shall send a formal notice of the application to the foliage owner including a copy of the application, a copy of the View Restoration Guidelines and a request for an invitation to staff and the reviewing authority to visit foliage owner's property with foliage owner's authorization.

(D) Verification of Information:

All applicants for a View Restoration Permit shall submit an affidavit, signed under penalty of perjury, that the information provided in the application and other submitted documents is complete, true, and accurate based on the applicants' knowledge and reasonable investigation.

(E) Public Hearing Notice:

The reviewing authority shall hold a public hearing concerning each application for a View Restoration Permit.

Notice of any hearing held pursuant to this section shall be mailed at least thirty (30) days prior to such hearing by United States mail, postage paid to the applicant and all

owners and residential occupants of property within five hundred feet (500') of the view owner's and foliage owner's properties, as shown on the latest equalized assessment roll.

(F) Public Hearing:

The Director of Community Development or the reviewing authority may, at its discretion, require the review or additional review of any view restoration case by a qualified soils engineer, landscape architect, arborist, or other appropriate professional, based on the specific conditions of foliage owner's property. Foliage owner authorization shall be required prior to accessing the foliage owner's property. If foliage owner does not permit access to foliage owner's property, the reviewing authority shall review the case using other information as may be available, including information provided by the view owner.

(G) Restrictions and Conditions:

In approving a View Restoration Permit, the reviewing authority may impose such restrictions or conditions, including restorative action, as it deems necessary or proper to restore a Protected View; protect the foliage owner's reasonable enjoyment of its property; protect the public health, safety and welfare; or any combination thereof.

(H) Appeals; Effective Date:

Any decision of the Planning Commission made pursuant to this section may be appealed to the City Council by view owner or foliage owner pursuant to the provisions set forth in Title 1, Chapter 4, Article 1 of this Code. The appeal period shall commence at the date of mailing of the Notice of Decision.

Any decision of the Planning Commission made pursuant to this section takes effect fourteen (14) days from the issuance of a notice of decision unless an appeal is filed. If appealed, then the effective day is the date on which the City Council acts.

(I) Findings:

(1) The reviewing authority may issue a View Restoration Permit to remove or alter foliage on any lot that is all or partly within five hundred feet (500') of a View Owner's property if it makes all of the following findings:

(a) The View Owner has a Protectable View. The Reviewing Authority shall determine the Viewing Area or Areas in order to make this finding.

(b) The View Owner has substantially complied with the Initial Neighbor Outreach and mediation procedures of this Article.

(c) The View Owner's Protectable View is substantially disrupted by foliage on Foliage Owner's property that is not exempt under Section 10-8-103. The following criteria shall be considered in determining whether or not a Protectable View is substantially disrupted:

(i) **Foliage Position within a Protectable View.** Foliage located in the center of a Protectable View is more likely to be found to substantially disrupt a view than foliage located on the Protectable View's periphery.

(ii) **Foliage Size and Density.** Foliage that by virtue of its size and density obstructs a large portion of a protectable view is more likely to be found to substantially disrupt the view than is foliage that obstructs only a small portion of the Protectable View. Trees located in close proximity to each other and maintained in such a way as to collectively form an uninterrupted "green barrier" are more likely to be found to substantially disrupt a view than are individual trees.

(iii) **View Diminished by Other Factors.** The extent to which the view has been or is diminished by other factors such that removal of the foliage at issue will not substantially restore the Protectable View. Other factors that may be considered include, but are not limited to, permitted structures, and foliage that is not on a private property within five hundred feet (500') of the View Owner's property.

(d) With respect to any tree protected pursuant to Section 10-3-2902, removal of the tree will not:

(i) Adversely affect the neighboring properties or the general welfare or safety of the surrounding area; or,

(ii) Adversely affect the garden quality of the City.

(2) The Reviewing Authority may allow foliage to substantially disrupt a Protectable View if the Reviewing Authority makes one or more of the following findings:

(a) The foliage is important to the integrity of an existing landscape plan.

(b) Alteration of the foliage will unreasonably impact the privacy and security of the Foliage Owner.

(c) Alteration of the foliage will have a substantial adverse impact on stability of a hillside, drainage, or erosion control.

(d) Restoration of the Protectable View would not substantially enhance a reasonable person's enjoyment of the view owner's property taken as a whole.

(J) Restorative Action: The Reviewing Authority may, through issuance of a View Restoration Permit, require restorative action on foliage owner's property. All restorative action must be performed by a licensed and bonded tree or landscape service unless mutually agreed upon by the view owner and the foliage owner. Restorative action may include, but is not limited to the following:

(1) Trimming, culling, lacing, or reducing foliage to a height or width to be determined by the reviewing authority but not below the safe harbor plane.

(2) Requiring the complete removal of the foliage when the reviewing authority finds that the trimming, culling, lacing, or reduction of the foliage is likely to kill the foliage, threaten the public health, safety, or public welfare, or will destroy the aesthetic value of the foliage that is to be pruned or reduced. Removal of a healthy tree not on a list of nuisance trees maintained by the City is to be avoided unless the reviewing authority determines such removal is necessary to avoid substantial disruption of a protected view.

(3) Requiring replacement foliage when the reviewing authority finds that removal without replacement will cause a substantial adverse impact on one or more of: a) the public health, safety and welfare; b) the privacy of the property owner; c) shade provided to the dwelling or property; d) the energy efficiency of the dwelling; e) the stability of the hillside; f) the health or viability of the remaining landscaping; or g) the integrity of the landscape plan.

(K) Notice of Decision:

(1) Written Decision Required: The action taken by the reviewing authority shall be set forth in writing.

(2) Notice of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the Director of Community Development shall cause a copy of the decision to be mailed through the United States mail, postage prepaid, to each of the following persons:

(i) The view owner, using the mailing address set forth in the application;

(ii) Each foliage owner that is named on the application, as listed on a current Tax Assessor's roll and to the occupant of the Foliage Owner's property if the Foliage Owner's address is different than the property on which the foliage is located.

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

(L) Indemnification:

View owner shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action or proceeding (collectively "Action") against the city or its agents, officers, attorneys or employees to attack, set aside, void or annul the Entitlements that may be granted by the City through issuance of a View Restoration Permit, and for any and all costs incurred in enforcing the View Restoration Permit, except for those costs of enforcement as the City may recover from a foliage owner. Indemnitor shall reimburse the city for any court costs and attorney's fees that the City may be required by a court to pay as a result of such Action. City may, at its sole and absolute discretion (1) participate in the defense of such Action undertaken by View Owner, or (2) retain separate counsel whose attorneys' fees and costs shall be paid by View Owner. Such participation in the defense of such

Action or the retention of separate counsel by the City shall not relieve View Owner's obligations under this provision. The City shall promptly notify the View Owner of any such Action.

View owner shall indemnify the City against any and all claims resulting from the issuance, defense, implementation, or enforcement of the View Restoration Permit.

10-8-107 DECISIONS INTENDED TO RUN WITH THE LAND; DISCLOSURE.

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.

10-8-108 PRIVATE RIGHT OF ACTION; SUBSEQUENT ENFORCEMENT BY VIEW OWNER AND ATTORNEY'S FEES.

The City shall take such action, as appropriate, to ensure initial compliance with a view restoration permit. After an initial determination by the City that a Foliage Owner has complied with a View Restoration Permit, any further dispute regarding the Foliage Owner's compliance with the View Restoration Permit shall be resolved by a civil action initiated by the View Owner.

At any time, before or after an initial determination of compliance with a View Restoration Permit by the City, any View Owner may sue in Los Angeles superior court to enjoin violation of, or compel compliance with, a View Restoration Permit. The prevailing party in any such civil action between a View Owner and a Foliage Owner shall be entitled to recover its reasonable attorney fees and costs incurred in the litigation.

10-8-109 LANDSCAPE STANDARDS.

The View Restoration Guidelines shall include landscape standards that include a list of nuisance trees that should not be planted in hillside view areas.

10-8-110 APPORTIONMENT OF COSTS.

It is the intent that procedural fees referenced in this section shall reflect the actual cost of administrative activities required of the City to implement this Ordinance. Additional clarification of fees and costs may be included in the View Restoration Guidelines.

(A) Initial Neighbor Outreach:

(1) 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.

(2) 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.

(3) Maintenance Costs. The cost of subsequent maintenance of foliage on the foliage owner's property shall be allocated as agreed upon by the parties.

(B) Mediation:

(1) 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.

(2) 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.

(3) Maintenance Costs. The cost of subsequent maintenance of foliage on the foliage owner's property shall be allocated as agreed upon by the parties.

(C) View Restoration Permit with Public Hearing:

(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.

(3) Maintenance After Initial Restorative Action. The foliage owner shall pay for subsequent maintenance of the foliage consistent with the View Restoration Permit.

(D) Appeal to City Council

(1) Procedural Costs. Appellant shall bear the costs of the appeal application including the appeal fee, public notice cost, and any other application costs.

(2) Restorative Action. The cost of restorative action resulting from an appeal to the City Council shall be apportioned in the same way as the cost of restorative action pursuant to a decision by the Planning Commission.

(3) Maintenance After Initial Restorative Action. The foliage owner shall pay for subsequent maintenance of the foliage consistent with the View Restoration Permit.

Section 4. To limit any fiscal impact of the Trousdale Estates View Restoration Program, the City shall conduct no more than ten (10) View Restoration Permit hearings per calendar year. The City may establish a means of accepting applications for View Restoration Permit hearings that ensures all property owners equal opportunity to receive a hearing.

Section 5. The City Council hereby amends the definitions of the terms "Arborist" and "Tree" set forth in Section 10-3-2900 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other definitions listed in Section 10-3-2900 remaining without amendment:

"ARBORISTS: An individual certified as an arborist by the International Society of Arboriculture (ISA), or an individual who is currently listed as a Consulting Arborist by the American Society of Consulting Arborists (ASCA)."

"TREE: A woody perennial plant, consisting usually of a single elongated main stem or trunk and many branches."

Section 6. The City Council hereby adds a new paragraph D. to Section 10-3-2904 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other portions of Section 10-3-2904 remaining without amendment:

"D. The removal of a protected tree pursuant to a View Restoration Permit issued by the City in accordance with the provisions of Section 10-8-106 of the City's Municipal Code."

Section 7. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held

to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 8. The City Council hereby finds on the basis of the whole record before it, including the initial study and any comments received, that there is no substantial evidence that this proposed ordinance will have a significant effect on the environment and that the negative declaration prepared in connection with this ordinance represents the independent judgment and analysis of the City and the City Council. Therefore, the City Council hereby adopts the Negative Declaration and approves this Ordinance, and authorizes the Mayor to execute the Ordinance on behalf of the City. The documents and other material which constitute the record of proceedings upon which this decision is based are located in the City's Community Development Department. The custodian of records is the Director of Community Development.

Section 9. Trial Period. A report regarding the implementation of this ordinance shall be provided to the Planning Commission and City Council within 12 months of the effective date of the ordinance.

Section 10. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 11. This Ordinance shall go into effect and be in full force and effect at

12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: December 6, 2011

Effective: January 6, 2012



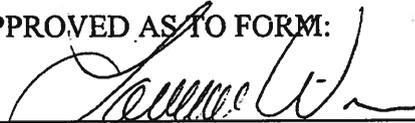
BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

 (SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



JEFFREY KOLIN
City Manager



SUSAN HEALY KEENE AICP
Director of Community Development



Planning Commission Report

1023 Hillcrest Road

January 28, 2016

Attachment B
Required Findings

Findings:

1. The reviewing authority may issue a view restoration permit to remove or alter foliage on any lot that is all or partly within five hundred feet (500') of a view owner's property if it makes all of the following findings:

- a. The view owner has a protectable view. The reviewing authority shall determine the viewing area or areas in order to make this finding.
- b. The view owner has substantially complied with the initial neighbor outreach and mediation procedures of this article.
- c. The view owner's protectable view is substantially disrupted by foliage on foliage owner's property that is not exempt under section 10-8-103 of this chapter. The following criteria shall be considered in determining whether or not a protectable view is substantially disrupted:

- (1) Foliage Position Within A Protectable View: Foliage located in the center of a protectable view is more likely to be found to substantially disrupt a view than foliage located on the protectable view's periphery.

- (2) Foliage Size And Density: Foliage that by virtue of its size and density obstructs a large portion of a protectable view is more likely to be found to substantially disrupt the view than is foliage that obstructs only a small portion of the protectable view. Trees located in close proximity to each other and maintained in such a way as to collectively form an uninterrupted "green barrier" are more likely to be found to substantially disrupt a view than are individual trees.

- (3) View Diminished By Other Factors: The extent to which the view has been or is diminished by other factors such that removal of the foliage at issue will not substantially restore the protectable view. Other factors that may be considered include, but are not limited to, permitted structures, and foliage that is not on a private property within five hundred feet (500') of the view owner's property.

d. With respect to any tree protected pursuant to section 10-3-2902 of this title, removal of the tree will not:

- (1) Adversely affect the neighboring properties or the general welfare or safety of the surrounding area; or

- (2) Adversely affect the garden quality of the city.

2. The reviewing authority may allow foliage to substantially disrupt a protectable view if the reviewing authority makes one or more of the following findings:

- a. The foliage is important to the integrity of an existing landscape plan.

b. Alteration of the foliage will unreasonably impact the privacy and security of the foliage owner.

c. Alteration of the foliage will have a substantial adverse impact on stability of a hillside, drainage, or erosion control.

d. Restoration of the protectable view would not substantially enhance a reasonable person's enjoyment of the view owner's property taken as a whole.



Planning Commission Report

1023 Hillcrest Road
January 28, 2016

Attachment C
Draft Approval Resolution

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A VIEW RESTORATION PERMIT FOR THE TRIMMING AND CONTINUED MAINTENANCE OF THREE TREES ON A NEIGHBOR'S PROPERTY LOCATED AT 1017 HILLCREST ROAD (FOLIAGE OWNER) IN TROUSDALE ESTATES TO A MAXIMUM HEIGHT OF 15'.

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

Section 1. Branden and Rayni Williams, applicants and property owners of 1023 Hillcrest Road (the "Applicant" and "View Owner"), have submitted an application for a View Restoration Permit for the trimming and continued maintenance of six trees on a neighbor's property located at 1017 Hillcrest Road ("Foliage Owner") in Trousdale Estates to a maximum height of 15' (the "Request"). The Request requires a View Restoration Permit for the View Owner to restore a protectable view that has been substantially disrupted by foliage located on the Foliage Owner's property.

Section 2. The Applicant requested that the following trees to be trimmed and maintained at a maximum height of 15':

1. Three Brazilian pepper trees on the southeast side of the Foliage Owner's property;
2. Chinese elm on the south side of the Foliage Owner's property; and
3. One canopy that includes Ficus and Pear trees next to one another on the west side of the Foliage Owner's property.

Section 3. The request has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Planning Commission finds that the project is exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines for minor alterations in the condition of vegetation.

Section 4. Notice of the Request and public hearing was mailed on January 15, 2016 to all property owners and residential occupants within a 500-foot radius of the property. On January 28, 2016 the Planning Commission considered the application at a duly noticed public hearing. Evidence, both written and oral, was presented at the meeting.

Section 5. In reviewing the request for a View Restoration Permit, the Planning Commission considered whether it could make the following findings in support of the Request:

1. The view owner has a protectable view. The reviewing authority shall determine the viewing area or areas in order to make this finding;
2. The view owner has substantially complied with the initial neighbor outreach and mediation procedures of this article;
3. The view owner's protectable view is substantially disrupted by foliage on foliage owner's property that is not exempt under section 10-8-103 of this chapter. The following criteria shall be considered in determining whether or not a protectable view is substantially disrupted:

- a. Foliage Position Within a Protectable View: Foliage located in the center of a protectable view is more likely to be found to substantially disrupt a view than foliage located on the protectable view's periphery;
- b. Foliage Size and Density: Foliage that by virtue of its size and density obstructs a large portion of a protectable view is more likely to be found to substantially disrupt the view than is foliage that obstructs only a small portion of the protectable view. Trees located in close proximity to each other and maintained in such a way as to collectively form an uninterrupted "green barrier" are more likely to be found to be substantially disrupt a view than are individual trees.
- c. View Diminished By Other Factors: The extent to which the view has been or is diminished by other factors such that removal of the foliage at issue will not substantially restore the protectable view. Other factors that may be considered include, but are not limited to, permitted structures, and foliage that is not on a private property within five hundred (500') of the view owner's property.
- d. With respect to any tree protected pursuant to section 10-3-2902 of this title, removal of the tree will not:
 - i. Adversely affect the neighboring properties or the general welfare or safety of the surrounding area; or

- ii. Adversely affect 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 View Restoration Permit:

1. The View Owner has a protectable view of the Los Angeles Basin—specifically, of Century City, Beverly Hills, and the horizon—as viewed from the level pad on which the main residence and yard area are currently being constructed.

2. The View Owner has substantially complied with the initial neighbor outreach and mediation procedures of the Trousdale Estates View Restoration Article. The View Owner sent the original initial neighbor outreach letter in 2013, but because a copy was not retained and in preparation for the hearing, the View Owner sent a follow-up letter using the City’s template on December 15, 2015. Both the Foliage Owner and the View Owner participated in mediation after the initial neighbor outreach letter was mailed in 2013. Proof of mediation in the form of a verification letter signed by the mediator has been provided.

3. While the View Owner has requested restorative action on three Brazilian pepper trees located in the southeast corner of the Foliage Owner’s property, trimming two of the three subject trees would substantially restore the protectable view. The third tree is code-compliant, and does not disrupt the View Owner’s protectable view. On the south side of the Foliage Owner’s property, the View Owner’s protectable view is found to not be substantially disrupted by the foliage belonging to the Chinese elm because the Chinese elm has been trimmed to

the height of the roofline of the Foliage Owner's property. Additionally, the canopy formed by Ficus and Pear trees on the west side of the Foliage Owner's property is found to not substantially disrupt the View Owner's view because a protectable view was not observed at that location. The canopy formed by the aforementioned trees block the view of a hillside, and not of the Los Angeles Basin. Lastly, there is a Ficus tree located in the center of the Foliage Owner's property that does substantially disrupt the protectable view belonging to the View Owner. The tree is located several feet above the existing roofline of the Foliage Owner's property, and is located in the center of the protectable view.

Section 7. Based on the foregoing, the Planning Commission hereby grants the requested View Restoration Permit, subject to the following conditions:

1. This approval is for the trimming and continued maintenance of foliage belonging to two Brazilian pepper trees located in the southeast corner of the Foliage Owner's property at 1017 Hillcrest Road as well as of the Ficus tree located in the center of the Foliage Owner's property to a maximum height of 15' (a total of three trees) ("Restorative Action"). Any minor changes to the Request, as determined by the Director of Community Development, shall be reviewed and approved by staff. Substantive changes, as determined by the Director of Community Development, shall be returned to the Planning Commission for review and approval.

2. The Foliage Owner at 1017 Hillcrest Road and the View Owner at 1023 Hillcrest Road shall each pay 50% of the cost of restorative action.

3. The Foliage Owner shall pay for subsequent maintenance of the foliage consistent with the View Restoration permit.

4. DECISION RUNS WITH LAND. 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.

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

6. RECORDATION. The resolution approving the View Restoration Permit shall not become effective until the View Owner at 1023 Hillcrest Road and the Foliage Owner at 1017 Hillcrest Road record 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 View Owner and the Foliage Owner shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the View Owner and Foliage Owner deliver the covenant to the City, the View Owner shall also provide the City with all fees necessary to record the document with the County Recorder. If the View Owner 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 View Owner, 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 Request.

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

8. VIOLATION OF CONDITIONS AND VIEW RESTORATION PERMIT: The City of Beverly Hills shall take such action, as appropriate, to ensure initial compliance with the View Restoration permit. After an initial determination by the City that the Foliage Owner has complied with the View Restoration permit, any further dispute regarding the Foliage Owner's compliance with the View Restoration permit shall be resolved by a civil action initiated by the View Owner.

9. At any time, before or after an initial determination of compliance with a View Restoration permit by the City, the View Owner may sue in Los Angeles Superior Court to enjoin violation of, or compel compliance with, the View Restoration permit. The prevailing party in any such civil action between the View Owner and the Foliage Owner shall be entitled to recover its reasonable attorney fees and costs incurred in the litigation.

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 28, 2016

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

Attest:

Secretary

Approved as to form:

Approved as to content:

David M. Snow
Assistant City Attorney

Ryan Gohlich, AICP
Assistant Director of Community
Development / City Planner



Planning Commission Report

1023 Hillcrest Road
January 28, 2016

Attachment D
Public Notice



Dear owner/resident of 1017 Hillcrest Road (“foliage owner”),

I am writing pursuant to the City of Beverly Hills Trousdale View Restoration Ordinance which assists property owners in Trousdale Estates in restoring and maintaining views of the Los Angeles area basin that may be substantially disrupted by foliage on a neighbor’s property.

Over the course of two years, the neighboring property owner at 1023 Hillcrest Road (“applicant” and “view owner”) has attempted the following remedies to address the foliage on your property that is blocking his views:

1. Initial Neighbor Outreach: A written request was sent to you via certified mail on December 15, 2015;
2. Mediation with Coleen Berg of Choice Mediation: Mediation was attempted between you and the view owner in 2015, but an agreement could not be reached.

After exhaustion of the aforementioned View Restoration procedures required prior to a public hearing (“prehearing steps”), the view owner has filed a View Restoration Permit application for the Planning Commission to review his request for the trimming of six trees to a maximum height of 15’ located on your property at 1017 Hillcrest Road. The view owner also requests continued maintenance of the aforementioned trees at the maximum height of 15’. Please be advised that if the Planning Commission finds that restorative action is required, the Commission may mandate the trimming and maintenance of said trees at your expense.

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, **January 28, 2015**, will hold a public hearing beginning at **1:30 PM**, or as soon thereafter as the matter may be heard to consider the View Restoration request from your neighbor at 1023 Hillcrest Road for the trimming of six trees to a maximum height of 15’ on your property located at 1017 Hillcrest Road. Meeting information is as follows:

DATE: January 28, 2016

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

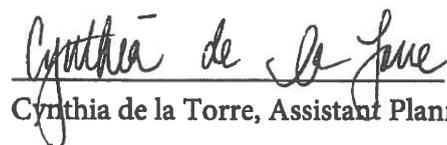
The View Restoration Permit is being requested pursuant to Beverly Hills Municipal Code §10-8-106:

View Restoration Permit:

After exhaustion of the prehearing steps set forth in section 10-8-104 of this chapter, and upon application by a view owner in a form satisfactory to the director of planning and community development, the reviewing authority may issue a view restoration permit to a view owner with a protectable view as defined in this article where the protectable view from a viewing area is substantially disrupted by "foliage" as defined in this article and the reviewing authority makes all of the findings as set forth in this section.

If there are any questions regarding this letter and application, please contact **Cynthia de la Torre, Assistant Planner** in the Planning Division at (310) 285-1195, or by email at cdelatorre@beverlyhills.org.

Sincerely:


Cynthia de la Torre, Assistant Planner

Mailed: December 29, 2015



NOTICE OF PUBLIC HEARING

DATE: January 28, 2016

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 28, 2016, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider a View Restoration request from a view owner at 1023 Hillcrest Road for the trimming and continued maintenance of six trees to a maximum height of 15' at a foliage owner's property located at 1017 Hillcrest Road. The requested restorative action requires a View Restoration Permit pursuant to Beverly Hills Municipal Code §10-8-106.

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. The Project qualifies for a Class 4 Categorical Exemption pursuant to Section 15304 (Minor Alterations to Land) of the Guidelines.

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 **Cynthia de la Torre, Assistant Planner** in the Planning Division at (310) 285-1195, or by email at cdelatorre@beverlyhills.org. Copies of the application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Cynthia de la Torre, Assistant Planner

Mailed: January 15, 2016



Planning Commission Report

1023 Hillcrest Road

January 28, 2016

Attachment E

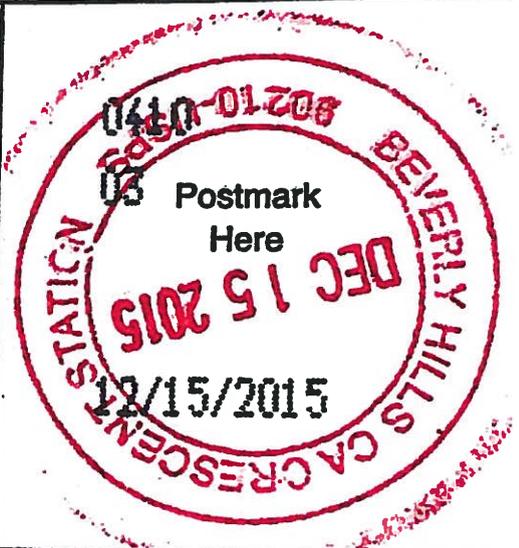
Pre-Hearing Application Requirements

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

BEVERLY HILLS CA 90210 OFFICIAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	N/A
<input type="checkbox"/> Adult Signature Restricted Delivery	N/A
Postage	\$0.49
Total Postage and Fees	\$3.94



Sent To
 Shames-leh & Khashayar Saketkha
 Street and Apt. No., or PO Box No.
 1017 N Hillcrest Rd
 City, State, ZIP+4®
 Beverly Hills, CA 90210

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7075 3010 0002 3815 4833

7015 3010 0002 3815 4826

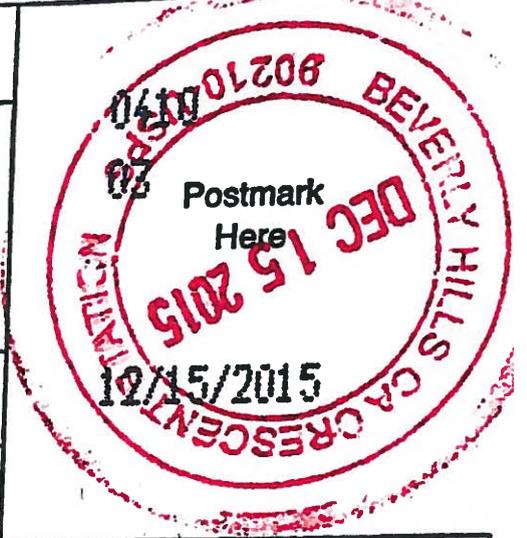
U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

BEVERLY HILLS CA 90210
OFFICIAL USE

Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	N/A
<input type="checkbox"/> Adult Signature Restricted Delivery	N/A
Postage	\$0.49
Total Postage and Fees	\$3.94



Sent To Shayesteh & Khashayar Sabet Khoo
 Street and Apt. No., or PO Box No. 127 Palm Dr, N # 203
 City, State, ZIP+4® Beverly Hills, CA, 90210

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Branden Williams
250 N Canon Dr
Beverly Hills, CA 90210

14th December, 2015

Shayesteh & Khashayar Saketkhoo
327 PALM DR , N NO 203
BEVERLY HILLS CA 902100000

Subject: Request to Address View Blocked by Foliage

Dear Sir or Madam,

I am writing pursuant to the City of Beverly Hills Trousdale View Restoration Ordinance which assists property owners in Trousdale Estates to restore and maintain views of the Los Angeles area basin that may be substantially disrupted by foliage on a neighbor's property. Information on View Restoration is available for viewing on the City's website, <http://www.beverlyhills.org> by searching "View Restoration" and selecting the first result. If you have questions about this ordinance, you may call Cynthia de la Torre, Assistant Planner at (310) 285-1195.

I have a view of the Los Angeles area basin that I believe has been substantially disrupted by foliage growing on your property.

1. Three Brazilian pepper (*Schinus terebinthifolius*) trees on southwest side of neighbor's house: These trees range in height from 20-30 feet tall. Their combined canopy ranges approx 2-6 feet over the roof line (see Photo 2, orange #1). These trees appear to have been "topped" in the past for previous view pruning, meaning a top portion of the trees were cut down to a predetermined height (see Photo 3).
2. Chinese elm (*Ulmus parvifolia*) on southwest side of neighbor's house: This appears to be one tree, though it could be two or more side-by-side. The tree(s) is approximately 25 feet tall. The canopy is approximately 6-10 feet over the roof (see Photo 2, orange #2). This tree also appears to have been "topped" in the past for view pruning.
3. One canopy that appears to be comprised of a ficus (*Ficus benjamina*) and a pear (*Pyrus kawakamii*) planted close to one another on the west side of the neighbor's house: They are located on a hill. Their combined canopy extends approximately 15 feet over the roof line. Eastfacing sprouts on the pear tree appear to originate from previous pruning cuts. (see Photo 4)

Initial Neighbor Outreach Notice

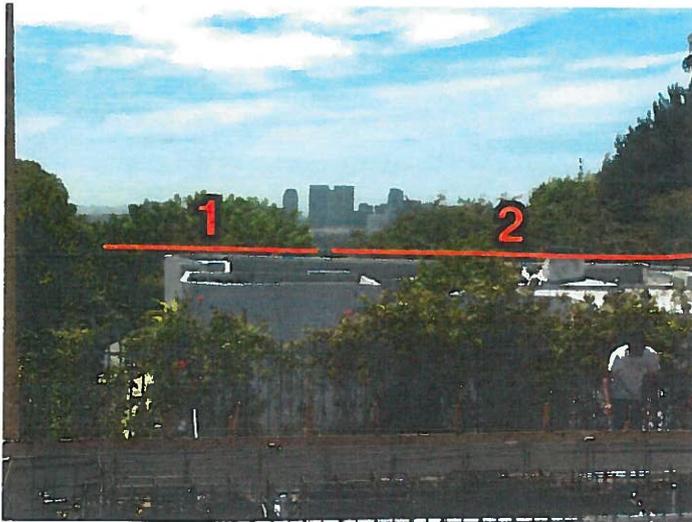


Photo 2

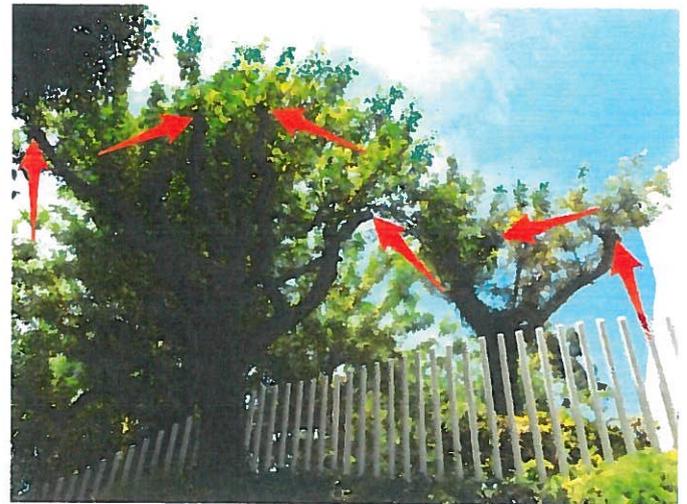


Photo 3

I am seeking the following remedy to restore my view:

The specific remedy is to trim your 5 trees (mentioned in page 1) to the max height of 15 feet to restore my southwest view of Century City and out to the ocean view.

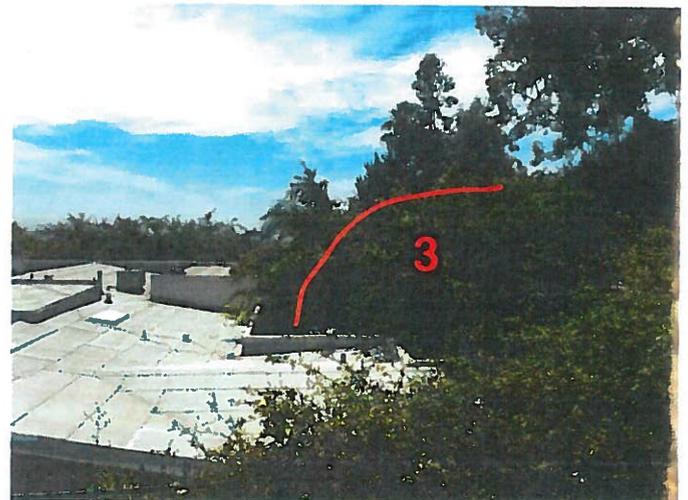


Photo 4

Secondly, I'm requesting a written non-transferrable contract between you and me to maintain the height of 15 feet of the trees every month to protect and preserve my property's view.

I believe a good faith estimate of the cost for this remedy is \$3,500 and I am making an offer to pay this cost to cover the work and materials required to affect the remedy identified above.

I am offering to meet with you, at a time convenient for each of us, to discuss this matter and to attempt to reach a solution that is acceptable to each of us. I can be reached at 310 776-0737 to discuss this request.

Thank you for taking the time to read this letter. The City requires a Trousdale property owner interested in pursuing the City's Trousdale View Restoration process to send this letter to neighbors who own foliage that may be blocking the property owner's view. This requirement is intended to provide information to foliage owners about the City's Trousdale View Restoration Ordinance and to facilitate a dialogue between neighbors with the goal of assisting neighbors to resolve issues among themselves. Please note that this letter was previously sent, and a View

Restoration application has been filed since the first mailing of the letter. In one last attempt to resolve the matter prior to the public hearing, this letter is being sent again.

I look forward to working with you to resolve these issues.

Regards,

A handwritten signature in black ink, consisting of a series of fluid, connected strokes that form a stylized name.

Branden Williams

Branden Williams
250 N Canon Dr
Beverly Hills, CA 90210

14th December, 2015

Shayesteh & Khashayar Saketkhoo
1017 N Hillcrest Rd,
BEVERLY HILLS CA 90210

Subject: Request to Address View Blocked by Foliage

Dear Sir or Madam,

I am writing pursuant to the City of Beverly Hills Trousdale View Restoration Ordinance which assists property owners in Trousdale Estates to restore and maintain views of the Los Angeles area basin that may be substantially disrupted by foliage on a neighbor's property. Information on View Restoration is available for viewing on the City's website, <http://www.beverlyhills.org> by searching "View Restoration" and selecting the first result. If you have questions about this ordinance, you may call Cynthia de la Torre, Assistant Planner at (310) 285-1195.

I have a view of the Los Angeles area basin that I believe has been substantially disrupted by foliage growing on your property.

1. Three Brazilian pepper (*Schinus terebinthifolius*) trees on southwest side of neighbor's house: These trees range in height from 20-30 feet tall. Their combined canopy ranges approx 2-6 feet over the roof line (see Photo 2, orange #1). These trees appear to have been "topped" in the past for previous view pruning, meaning a top portion of the trees were cut down to a predetermined height (see Photo 3).
2. Chinese elm (*Ulmus parvifolia*) on southwest side of neighbor's house: This appears to be one tree, though it could be two or more side-by-side. The tree(s) is approximately 25 feet tall. The canopy is approximately 6-10 feet over the roof (see Photo 2, orange #2). This tree also appears to have been "topped" in the past for view pruning.
3. One canopy that appears to be comprised of a ficus (*Ficus benjamina*) and a pear (*Pyrus kawakamii*) planted close to one another on the west side of the neighbor's house: They are located on a hill. Their combined canopy extends approximately 15 feet over the roof line. Eastfacing sprouts on the pear tree appear to originate from previous pruning cuts.(see Photo 4)

Initial Neighbor Outreach Notice

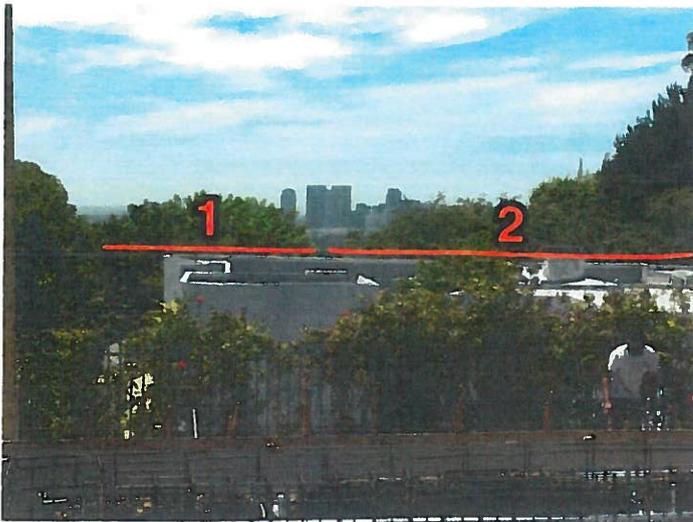


Photo 2

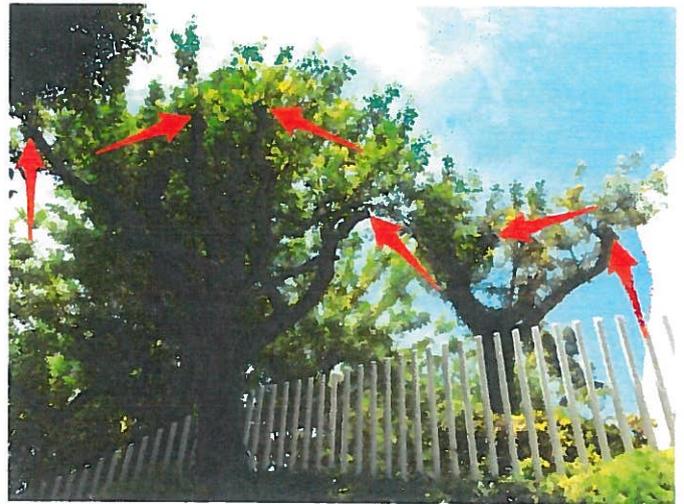


Photo 3

I am seeking the following remedy to restore my view:

The specific remedy is to trim your 5 trees (mentioned in page 1) to the max height of 15 feet to restore my southwest view of Century City and out to the ocean view.



Photo 4

Secondly, I'm requesting a written non-transferrable contract between you and me to maintain the height of 15 feet of the trees every month to protect and preserve my property's view.

I believe a good faith estimate of the cost for this remedy is \$3,500 and I am making an offer to pay this cost to cover the work and materials required to affect the remedy identified above.

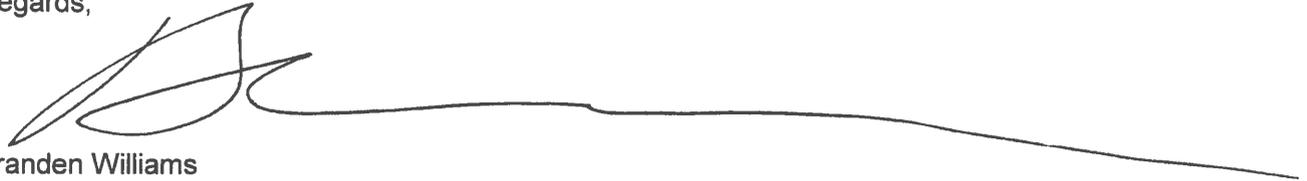
I am offering to meet with you, at a time convenient for each of us, to discuss this matter and to attempt to reach a solution that is acceptable to each of us. I can be reached at 310 776-0737 to discuss this request.

Thank you for taking the time to read this letter. The City requires a Trousdale property owner interested in pursuing the City's Trousdale View Restoration process to send this letter to neighbors who own foliage that may be blocking the property owner's view. This requirement is intended to provide information to foliage owners about the City's Trousdale View Restoration Ordinance and to facilitate a dialogue between neighbors with the goal of assisting neighbors to resolve issues among themselves. Please note that this letter was previously sent, and a View

Restoration application has been filed since the first mailing of the letter. In one last attempt to resolve the matter prior to the public hearing, this letter is being sent again.

I look forward to working with you to resolve these issues.

Regards,

A handwritten signature in black ink, consisting of a stylized, cursive 'B' followed by a long, horizontal, slightly wavy line that extends across the width of the page.

Branden Williams

INITIAL NEIGHBOR OUTREACH AFFIDAVIT

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

I Branden Williams (NAME), under penalty of perjury state: that on 12/15/2015 (DATE), I personally caused a Notice of Initial Neighbor Outreach to be mailed to the owner of the property at 327 Palm Dr, N #203 BA, 90210 (ADDRESS), as listed on the most current Los Angeles County Tax Assessor's roll and also personally caused a Notice of Initial Neighbor Outreach to be mailed to the occupant of the property at 1017 N Hillcrest Rd, BH 90210 (ADDRESS).

I further certify that (check box that applies):

- I received no response to the notice from said owner
- I received a response from said owner who declined to negotiate a view claim pursuant to the Trousdale View Restoration Ordinance
- I received a response from said owner who agreed to negotiate a view claim pursuant to the Trousdale View Restoration Ordinance but we were unable to reach agreement.

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


Signed

1-15-16
Date

MEDIATION AFFIDAVIT

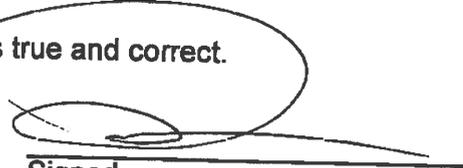
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF BEVERLY HILLS)

I Branden Williams (NAME), under penalty of perjury state: that on June 10, 2014 (DATE), I personally caused a Notice of Mediation to be mailed to the owner of the property at 1017 N Hillcrest Rd, BH 90210 (ADDRESS), as listed on the most current Los Angeles County Tax Assessor's roll and also personally caused a Notice of Mediation to be mailed to the occupant of the property at _____ (ADDRESS).

I further certify that (check box that applies):

- I received no response to the notice from said owner
- I received a response from said owner who declined to negotiate a view claim pursuant to the Trousdale View Restoration Ordinance
- I received a response from said owner who agreed to negotiate a view claim pursuant to the Trousdale View Restoration Ordinance but we were unable to reach agreement.

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


Signed

12-22-15
Date

CHOICE MEDIATION

P.O. Box 58 • REDONDO BEACH, CA 90277 • (310) 512-6078 • (310) 316-2464 FAX
CHOICEMEDIATION@YAHOO.COM

12-1-15

Planning Commissioners,

Please accept this letter as verification that the owners of 1023 Hillcrest and 1017 Hillcrest actively participated in the mediation process. A private agreement was not reached.

Regards,

A handwritten signature in black ink, appearing to read 'Coleen Berg', with a long horizontal flourish extending to the right.

Coleen Berg
Choice Mediation

CHOICEMEDIATION@YAHOO.COM



Planning Commission Report

1023 Hillcrest Road
January 28, 2016

Attachment F
Arborist Report



July 7, 2015

Branden Williams
1023 N. Hillcrest Road
Beverly Hills, CA 90210

To Whom It May Concern:

On June 29, 2015, I inspected several trees visible from the property located at 1023 N. Hillcrest Road in Beverly Hills, 90210. The purpose of my inspection was to determine necessary pruning of trees located on the neighbor's downhill property at 1017 N. Hillcrest Road in order to restore the view at 1023 N. Hillcrest Road.

Because I did not have permission to enter the neighbor's property at 1017 N. Hillcrest Road, the following descriptions and view restoration pruning recommendations are made as seen from the street and from the uphill property at 1023 N. Hillcrest Road. See Photo 1 for an aerial view.



Photo 1: Aerial view of neighboring properties 1017 and 1023 N. Hillcrest Road, as denoted in blue. Orange #1-3 correspond with the tree clusters outlined in this letter.

1. Three Brazilian pepper (*Schinus terebinthifolius*) trees on southwest side of neighbor's house: These trees range in height from 20-30 feet tall. Their combined canopy ranges approx 2-6 feet over the roof line (see Photo 2, orange #1). These trees appear to have been "topped" in the past for previous view pruning, meaning a top portion of the trees were cut down to a predetermined height (see Photo 3).
2. Chinese elm (*Ulmus parvifolia*) on southwest side of neighbor's house: This appears to be one tree, though it could be two or more side-by-side. The tree(s) is approximately 25 feet tall. The canopy is approximately 6-10 feet over the roof (see Photo 2, orange #2). This tree also appears to have been "topped" in the past for view pruning.

Nick Araya ISA Certified Arborist # WE-7751A, ISA Certified Tree Risk Assessor
516 E. Ellis Ave. #1, Inglewood, CA 90302 nick@treecarela.com 323-384-7770



3. One canopy that appears to be comprised of a ficus (*Ficus benjamina*) and a pear (*Pyrus kawakamii*) planted close to one another on the west side of the neighbor's house: They are located on a hill. Their combined canopy extends approximately 15 feet over the roof line. East-facing sprouts on the pear tree appear to originate from previous pruning cuts. (see Photo 4)

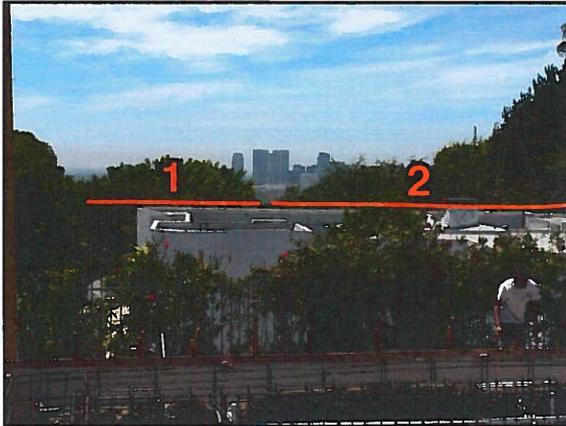


Photo 2

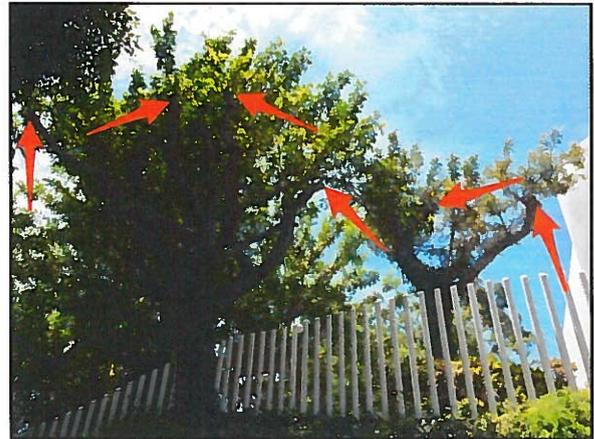


Photo 3

In order to restore the view from 1023 N. Hillcrest Road, the above-mentioned pepper and elm trees should be pruned back to their previous topping cuts at approximately the roofline (refer to orange line in Photo 2). The ficus/pear trees should be pruned as shown by the orange line in Photo 4.

Should you have any questions regarding this report, please contact me at (323) 384-7770 or nick@treecarela.com.

Sincerely,

Nickolas Jose Araya
Owner, TreeCareLA
ISA Certified Arborist

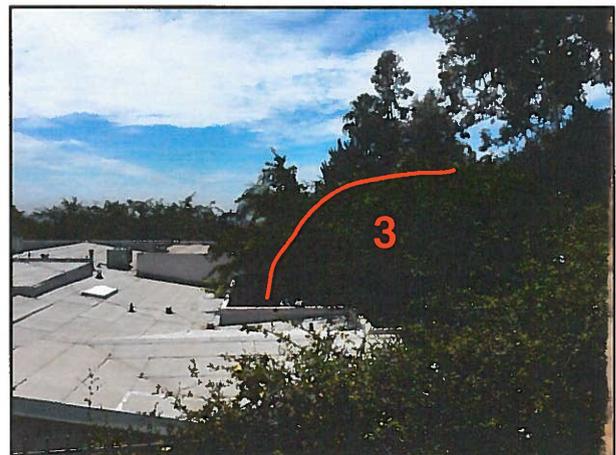


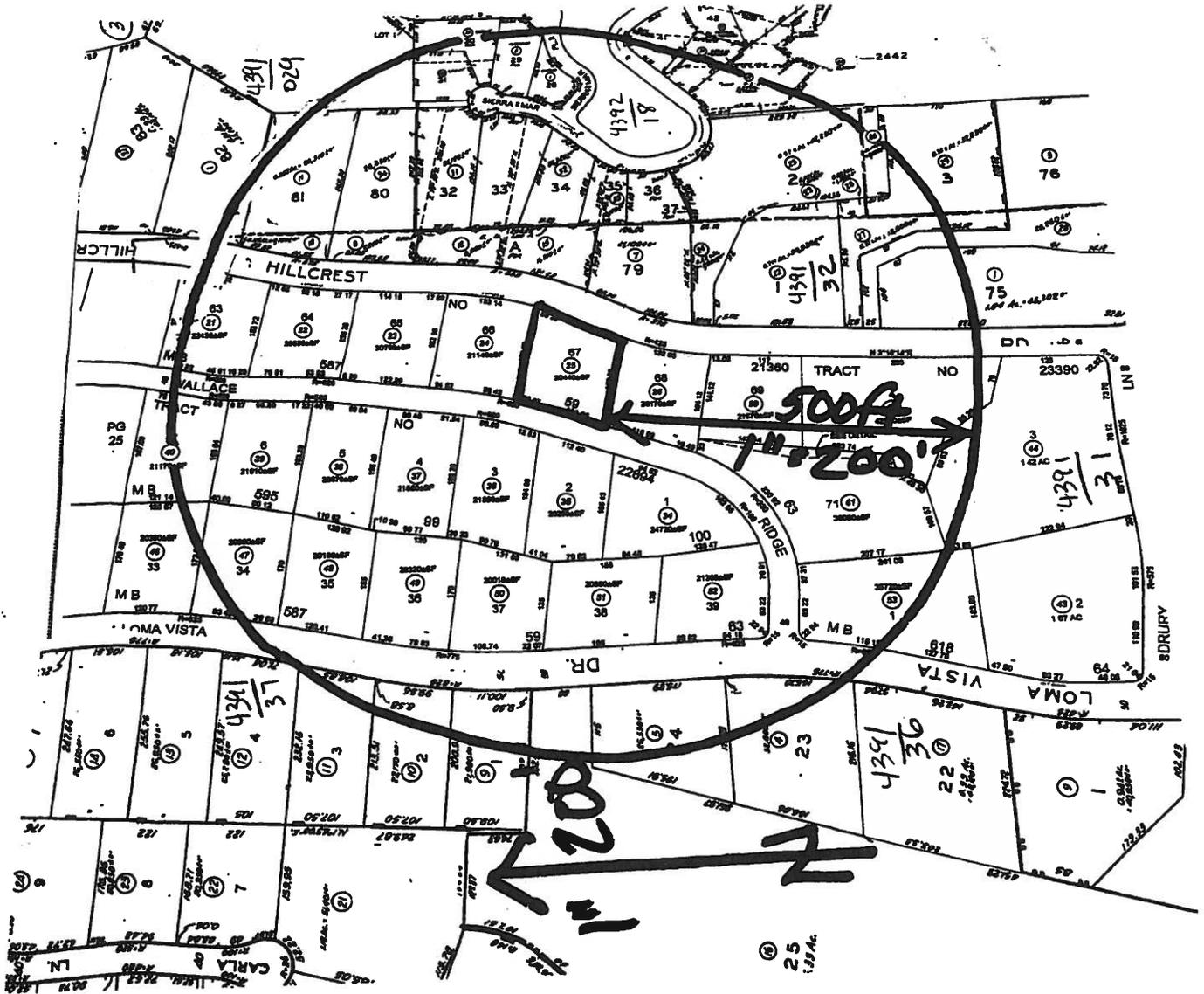
Photo 4



Planning Commission Report

1023 Hillcrest Road
January 28, 2016

Attachment G
Radius Map



500 Foot Radius Map

Prepared by: **HARVEY A. GOODMAN**
 Civil Engineering Inc.
 834 17th Street
 Santa Monica, CA 90403
 (310) 829-1037

LEGAL DESCRIPTION Tract No. 25691 Lot 7, APN 4391-031-025 **CASE NO.** _____

STREET ADDRESS 1023 North Hillcrest Road Beverly Hills CA 90210 **ZONE** R1

APPLICANT The Williams Estates - Attn: Mr. Branden Williams **RADIUS:** 500 Foot