



## Open Air Dining Planning Review Application

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### **Planning Review Overview:**

Before preparing this application, the applicant should review the provisions of the applicable Code sections in the Beverly Hills Municipal Code, available online at [www.beverlyhills.org](http://www.beverlyhills.org). The Applicant should also consult with City staff that will be involved in reviewing and processing the application, primarily in the Community Development Department.

### **Application Table of Contents:**

There are 6 parts to this application; each must be completed in its entirety to be accepted for filing:

- ❖ Section 1 – Application Information and Process Overview
- ❖ Section 2 – Authorization: Owner’s Authorization and Applicant Team Contact Information
- ❖ Section 3 – Zoning Information
- ❖ Section 4 – Project Description
- ❖ Section 5 – Public Notice Requirements
- ❖ Section 6 – Submittal Requirements Checklist

### **Online Applications**

Electronic copies of all Planning Review applications are available on the City’s Planning Division webpage. Access the applications at [www.beverlyhills.org/planningapplications](http://www.beverlyhills.org/planningapplications).

### **Staff Contact Information:**

The following staff members manage planning applications and are available to answer questions about the application process.

Alek Miller  
Assistant Planner  
310-285-1196  
[amiller@beverlyhills.org](mailto:amiller@beverlyhills.org)

Andre Sahakian  
Associate Planner  
310-285-1127  
[asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org)

Timothea Tway  
Associate Planner  
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Emily Gable  
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Cynthia de la Torre  
Assistant Planner  
310-285-1195  
[cdeletorre@beverlyhills.org](mailto:cdeletorre@beverlyhills.org)

## SECTION 1 – APPLICATION INFORMATION AND PROCESS OVERVIEW

### **Preliminary:**

**Beverly Hills Municipal Code** - Prior to preparing the application, the applicant should first review the provisions of [Article 35 of Chapter Three of Title Ten of the Beverly Hills Municipal Code](#), and all other applicable Code sections, and consult with the Community Development Department at 310-285-1141. A summary of Frequently Asked Questions about Open Air Dining is available at [www.beverlyhills.org/planningapplications/](http://www.beverlyhills.org/planningapplications/).

**Application** - The attached application form must be completely filled out and signed. If the applicant is not the property owner, the owner must sign this application or provide a letter of authorization. The applicant will be required to obtain code compliance approval of the project plans from the Building and Safety Division after receiving Planning Division approval of the application.

### **Open Air Dining Permit Process:**

An Open Air Dining Permit may either be considered at the **staff level** or **Planning Commission level**. If the project is located within 170' of an R-1 or R-4 residential zone *and* the project includes more than 12 outdoor chairs on private property, then it must be reviewed by the Planning Commission. All other applications are processed at the staff level, but may be forwarded to the Planning Commission for review.

After staff determines an application is complete, staff will mail a public notice to nearby residents and property owners notifying them of the project and soliciting comments. After consideration of the project and any public comments received, a decision will be rendered on the Open Air Dining Permit application, based on the applicable review criteria defined in the Code. A Notice of Decision is then mailed to the nearby residents and property owners. Staff level decisions may be appealed to the Planning Commission within 14 calendar days of the action, and Commission level decisions may be appealed directly to the City Council within 14 calendar days of the action. Staff may establish conditions that the project must meet in order to maintain its approval.

### **Architectural Plans:**

**Six (6)** sets of architectural plans for staff-level review.

**Ten (10)** sets of plans are required for Planning Commission review. If the request is submitted in conjunction with another Commission application, then the plans submitted with that application may be applied toward the submittal requirements for this application.

For specifics on required elements of the architectural plans, consult the Submittal Requirements Checklist in Section 6 of this application.

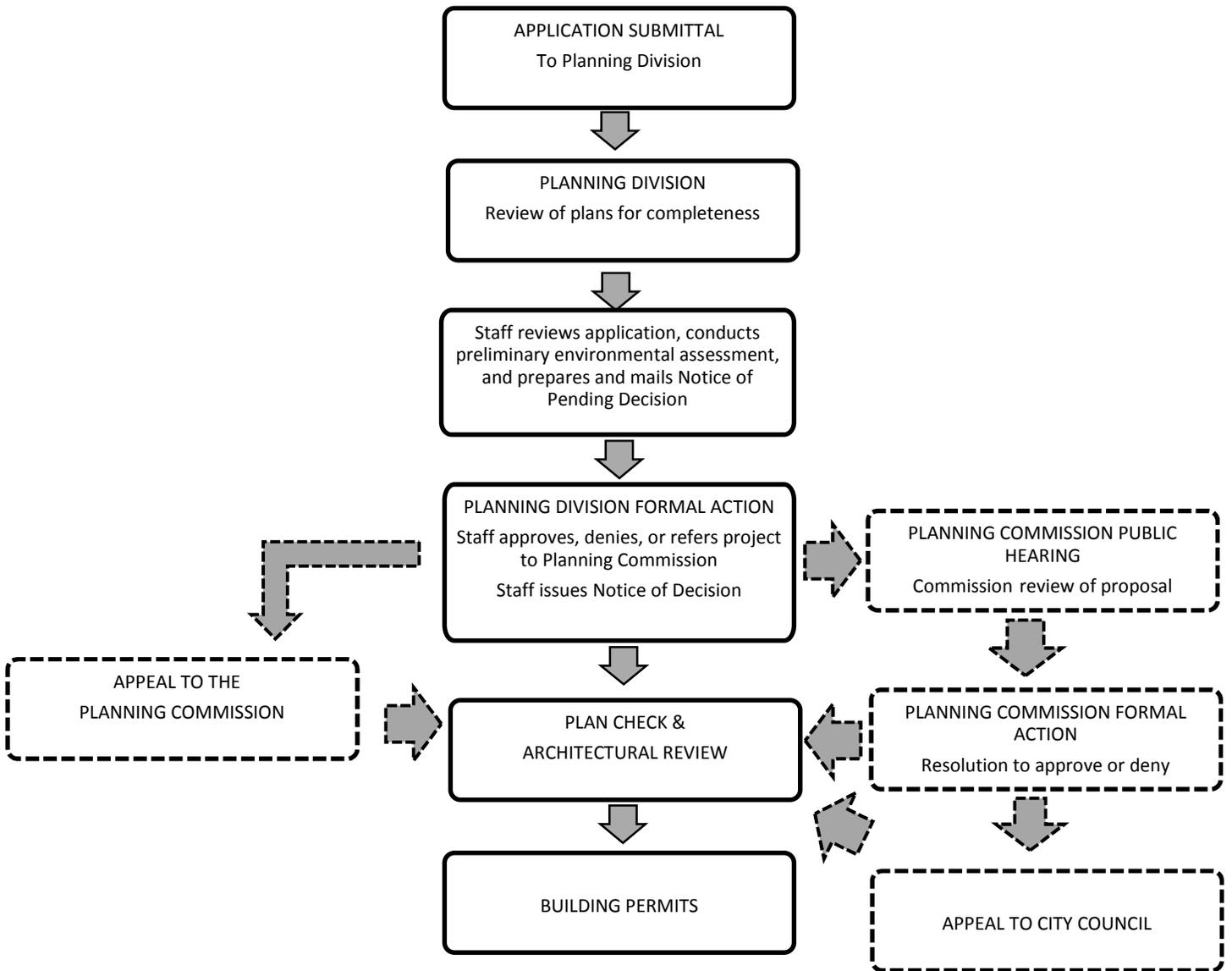
### **Filing Fee:**

See current [Planning Department Fee Schedule](#) or call Community Development at 310-285-1141.

### **Public Notice Requirements:**

Public Notice requirements are explained in Section 5 of this application. Please note that notice requirements vary for an application based on the level of review required (staff or Planning Commission level). The public notice requirements are set forth in Section 5 of this application, and the City's Public Notice Guidelines Document can be found at [www.beverlyhills.org/publicnotice](http://www.beverlyhills.org/publicnotice).

## Open Air Dining Permit Review Process



**SECTION 2 – OWNER’S AUTHORIZATION & APPLICANT TEAM CONTACT INFORMATION**

**A Property Information**

Business Name: \_\_\_\_\_  
 Project Address: \_\_\_\_\_  
 Adjacent Streets: \_\_\_\_\_

**B Property Owner Information**

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State & Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

**C Applicant Information** *[Individual(s) or entity benefiting from the entitlement]*

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State & Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

If the applicant is a corporate entity, the names of two corporate officers are required (one from each of the following Groups):

- ❖ Group A – The chairman of the board, president or any vice president;
- ❖ Group B – The secretary, any assistant secretary, the chief financial officer, or any assistant treasurer of the corporation

Group A - Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Group B - Name: \_\_\_\_\_ Title: \_\_\_\_\_

**D Architect / Designer Information (if applicable)** *[Employed or hired by Applicant]*

Name(s): \_\_\_\_\_ Registered Architect?  Yes  No  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State & Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

**E Agent** *[Individual acting on behalf of the Applicant]* **NOTE:** *All communication is made through the Agent.*

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State & Zip Code: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail: \_\_\_\_\_

**F I hereby certify that I am the owner(s) of the subject property and that I have reviewed the subject application and authorize the Agent to make decisions that may affect my property on my behalf.<sup>1</sup>**

\_\_\_\_\_  
 Property Owner’s Signature & Date

\_\_\_\_\_  
 Property Owner’s Signature & Date

<sup>1</sup> A signed and dated authorization letter from the Property Owner is also acceptable.

**SECTION 3 – ZONING INFORMATION**

**A Indicate Requested Application**

- Staff Review
  - Six (6) sets of plans required (11" x 17" or 18" x 24" sized plans encouraged).
  
- Planning Commission Review
  - (Required if submitted with other Commission-level projects *or* if the project requests more than twelve (12) chairs on private property and site is within 170' of R-1 or R-4 zone)
  - Ten (10) sets of plans required (11" x 17" or 18" x 24" sized plans encouraged).

**B Identify the Project Zoning (City Zoning Map: [LINK](#))**

- |                                 |                                 |                                 |                                 |                                |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|--------------------------------|
| <input type="checkbox"/> R-4    | <input type="checkbox"/> R-4X   | <input type="checkbox"/> R-4    | <input type="checkbox"/> R-4-P  | <input type="checkbox"/> R-4X2 |
| <input type="checkbox"/> R-3    | <input type="checkbox"/> RMCP   | <input type="checkbox"/> C-3    | <input type="checkbox"/> C-3A   | <input type="checkbox"/> C-3B  |
| <input type="checkbox"/> C-5    | <input type="checkbox"/> C-3T-1 | <input type="checkbox"/> C-3T-2 | <input type="checkbox"/> C-3T-5 | <input type="checkbox"/> C-5   |
| <input type="checkbox"/> Other: |                                 |                                 |                                 |                                |

**C Lot is currently developed with (check all that apply):**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> General Office Building | <input type="checkbox"/> Multi-family Building | <input type="checkbox"/> Vacant                 |
| <input type="checkbox"/> Retail Building         | <input type="checkbox"/> Single-family Home    | <input type="checkbox"/> Other (specify below): |
| <input type="checkbox"/> Medical Office Building | <input type="checkbox"/> Restaurant            | _____   |

**D Has the existing structure been designed by a [master architect](#) or is it identified on any historic resource inventory, including the [City of Beverly Hills Historic Resources Survey](#)?**

- Yes       No      If yes , please list Architect's name:
- \_\_\_\_\_

**SECTION 4 – PROJECT DESCRIPTION**

**A Square footage of proposed open air dining area:**

\_\_\_\_\_ feet x \_\_\_\_\_ feet = \_\_\_\_\_ total square feet

Area on public right-of-way: \_\_\_\_\_ square feet

Area on private property: \_\_\_\_\_ square feet

**B Furniture Proposed:**

	Existing	Proposed (Total)
Chairs (Number)		
Tables (Number)		
Umbrellas (Number)		
Railing (Linear Feet)		
Other Furnishings (Heaters, etc.) (Type & Number)		

**C Parking Requirements**

Additional parking may be required at a rate of either one space per 350 square feet or one space per 45 square feet of dining area on private property. Additional parking is not required for dining area in the public right-of-way. The Planning Commission MAY establish different parking requirements for dining areas located on private property if it is determined that:

- a) The open air dining area will generate a need for parking that is different than the applicable code requirements; or
- b) The parking needs are to be met by means other than on-site parking.

If you are requesting that different parking requirements apply, please explain the applicability of either 'a' or 'b' in the space provided below. Further information about parking requirements is available in [Beverly Hills Municipal Code §10-3-2730](#).

**SECTION 4 – PROJECT DESCRIPTION (CONTINUED)**

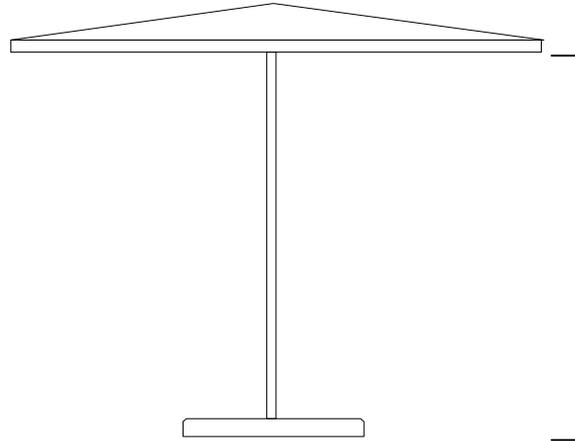
**D** If there are umbrellas proposed, do they allow the required minimum clearance at their lowest element (see figure below)?

**Over private property or ENTIRELY WITHIN the open air dining area:** at least 7' of clearance

- Yes                       No

**Over the public right-of-way and EXTENDING BEYOND the open air dining area:** at least 8' of clearance

- Yes                       No



Minimum Height  
= 7' over private  
property

= 8' over public  
right-of-way

- Not Applicable – No Umbrellas Proposed**

**E Railings:** All railings and barriers proposed to separate the dining area from the sidewalk meet the following standards (check each to confirm):

- Removable
- Height not to exceed 42 inches
- Designed for a horizontal lateral load of 50 lbs. per foot applied to the top of the rail
- Post and sleeve attachment/ installation in the sidewalk
- Construction includes flush plugs to cover the holes of sleeves when barrier is removed

Does the proposed railing meet these standards?

- Yes                       No                       Not Applicable – No Railing

**F Business Hours:**

List daily hours of operation:

## SECTION 5 – PUBLIC NOTICE REQUIREMENTS

The public notice requirements for all planning applications are located in [Beverly Hills Municipal Code §10-3-2.5](#). The [Public Notice Guidelines](#) contain detailed information about fulfilling the noticing requirements for applications. It is recommended that applicants refer to the Guidelines.

Please note: Mailed notices must be sent to all properties on any block-face intersected by the notification radius. More detailed information is provided in the Public Notice Guidelines referenced above.

### The following notice information is required for Public Notification:

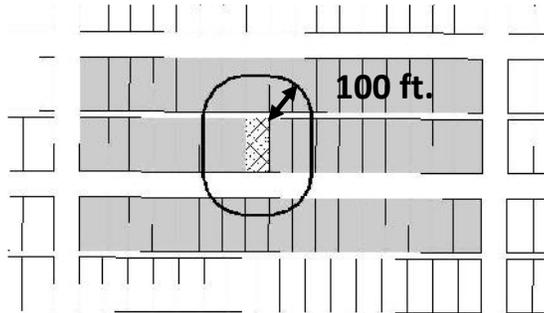
Applicant  
Checklist

Staff  
Verification

#### RADIUS MAPS:

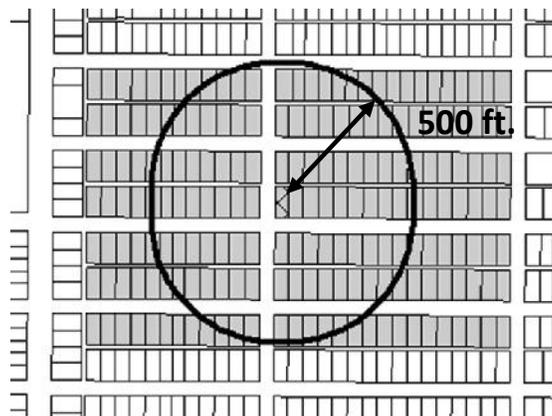
- Two (2) copies of a map showing the appropriate radius around the subject site and block-faces and numbering each parcel touched by that radius consecutively. Include all the adjacent lots that the radius line touches. All ground floor businesses within 50' of the project site must be included in all public notice mailings. Open air dining applications can be considered at both the staff level and commission level and the appropriate notification radii for each are listed below (noticed properties are shaded):

#### Staff/Director Level Review



Required Mailing: 100' radius + block-face

#### Planning Commission Review



Required Mailing: 500' radius + block-face

**SECTION 5 – PUBLIC NOTICE REQUIREMENTS (CONTINUED)**

Applicant  
Checklist

Staff  
Verification

**MAILING LABELS:**

- Two (2) sets of mailing labels with the names and addresses of all property owners and residential occupants of properties identified in the radius map, as well as ground floor businesses within 50’ of the project site.
  - If project is being reviewed at Commission-level, applicant must include three (3) sets of mailing labels.
  - Property owner information must be obtained from the most current Los Angeles County Tax Assessor’s Roll. The list of occupants may be addressed to ‘Occupant.’
- Labels must be numbered to correspond to the assigned numbers on the radius map.
- Labels must be typed or printed on Avery or Xerox brand self-adhesive labels.
- Labels must be on 8-1/2” x 11” sheets.
- DO NOT abbreviate city names (U.S. Postal Service Request).
- Digital format – submit a live Excel file with the mailing label address information on a DVD or flash drive.

**MAILING LIST AFFIDAVIT:**

- Completed and signed affidavit stating that labels and maps are completed and current (affidavit is included as page 10 of this application).

**POSTED NOTICE AFFIDAVIT:**

- Completed and signed affidavit stating that the Notice of Intent to File for an Open Air Dining Permit has been posted on-site (affidavit is included as page 11 of this application, and a printed Notice for posting is included as the final page of this application).
- Please refer to the Public Notice Guidelines for information on how to post an on-site notice for this application.
- Evidence of posting: please submit photos of the Notice of Intent to File for an Open Air Dining Permit both up close and in context.

**SECTION 5 – PUBLIC NOTICE REQUIREMENTS (CONTINUED)**

**MAILING LIST AFFIDAVIT**

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

**Level of Review (Check One):**

- Staff/ Director Level (Notice: 100' plus block-face)
- Planning Commission Level (Notice: 500' plus block-face)

I, \_\_\_\_\_, hereby certify that, to the best of my knowledge and under penalty of perjury, the attached Ownership List correctly shows the names and addresses of all persons to whom all property is assessed, as they appear on the most current Los Angeles Tax Assessor's roll, for a distance of \_\_\_\_\_ (\_\_\_\_\_) feet extended out to the block-face from the exterior boundaries of the subject property.

I further certify that, if required pursuant to the attached application, the attached Occupants List reflects all residential addresses within \_\_\_\_\_ (\_\_\_\_\_) feet extended out to the block-face from the exterior boundaries of the property described on the attached application that are not owner occupied.

I further certify that, if required pursuant to the attached application, the attached Occupants List reflects all ground floor business occupants within **fifty feet (50')** of the exterior boundaries of the property described on the attached application that are not owner occupied.

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

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Date



**SECTION 6 – SUBMITTAL REQUIREMENTS CHECKLIST**

PLEASE NOTE: Inconsistency between drawings, renderings, materials, etc., will be considered an incomplete submittal. Only complete applications will be accepted for filing.

Applicant  
 Checklist

Staff  
 Verification

**ELECTRONIC DOCUMENTS:** Electronic files (pdf and/or jpeg) of this complete application and all of the required submittal items outlined in this application shall be provided on a CD at the time the application is filed.

**PLANS:** Hard copy. Submit either:

**Six (6) sets** of plans for **Staff/Director Review**, *or*

**Ten (10) sets** of plans for **Planning Commission Review**

- All plan sets must be either 11" x 17" or 18" x 24" in size, be drawn and printed to scale, and be legible. Any plans that are not this size will not be accepted. All plans must include a title block on each page, a legend on each page with the owner's or authorized agent's name, address, and telephone number, the project address, and a North arrow. The following plans are required for all Open Air Dining Applications:

**PLOT PLAN**

- Show entire parcel and label all property lines.
- Include labels and dimensions for all existing and proposed structures including railings, fences, and umbrellas.
- Show code-required setbacks (front, sides and rear).
- Indicate location and width of sidewalks.
- Show location of any public or private easements, curb cuts, and any obstructions in the public right-of-way, including utilities, tree wells, light fixtures, benches, parking meters, street trees, street lights, traffic lights, trash cans, mail boxes, bike racks, valet stands, or other impediments that might affect or be affected by the proposal.
  - A minimum 5' clearance is required in the public right-of-way around all obstructions. Draw a 5' radius around each obstruction.
  - A minimum of fifty percent (50%) of the sidewalk width must be reserved for pedestrians as part of the public right-of-way, and shall remain unobstructed by elements of the proposed outdoor dining area.
- Provide existing floor plan of the restaurant, including ingress/egress to the restaurant.

**TRANSITIONAL USE LICENSE**

- All businesses within 170' of a residential or RMCP zone must submit or maintain with the City a [Transitional Use License](#).
  - Check if Not Applicable

**SECTION 6 – SUBMITTAL REQUIREMENTS CHECKLIST (CONTINUED)**

Applicant  
Checklist

Staff  
Verification

**ELEVATIONS**

- Show elevations of the outdoor dining area to scale at the same elevation as the sidewalk.
- Label existing structures to remain and the proposed structures and furniture.
- Indicate the height of all structures and furniture.
- Show the location of exterior light fixtures to scale.
- Show all proposed signage, to scale.
- Show all existing Fire Department connections on buildings.
- Show adjacent structures on neighboring properties. Include any existing doorways and outdoor dining areas. Indicate heights and distances between adjacent structures and the proposed open air dining area.

**FURNITURE TEAR SHEETS**

- Industry tear sheets for the exact furniture being proposed are required for Architectural Review to be completed. They must illustrate the materials, colors, design, and dimensions of proposed tables, chairs, umbrellas, railings, and other furniture.

**PHOTOGRAPHS**

- The applicant shall outline the perimeter of the proposed outdoor dining area on the sidewalk in front of the existing restaurant with removable tape, and provide photographs of the full dining area to assist staff and the public in visualizing the project in relation to the storefront and sidewalk.
- Provide photos of the posted notice, both close-up and in context.

**CERTIFICATE OF INSURANCE**

- All applicants must hold and maintain a minimum insurance coverage of \$2,000,000 general liability for each occurrence, \$2,000,000 aggregate, and \$1,000,000 in worker's compensation in conjunction with the operation of open air dining on public property.
- The City of Beverly Hills must be listed as the Certificate Holder or Additional Insured on the insurance policy. An example Certificate of Insurance is available at this [LINK](#).

**ARCHITECTURAL REVIEW APPLICATION**

- All open air dining applications are subject to architectural review if changes will be visible from the public right-of-way. This application is included in this packet.

Check if Not Applicable

**SECTION 6 – SUBMITTAL REQUIREMENTS CHECKLIST (CONTINUED)**

Applicant  
Checklist

Staff  
Verification

**ADDITIONAL INFORMATION:**

- Staff may require additional information in order to process the application. Please consult with staff prior to submittal to determine if additional information is required. Additional information could include, but is not limited to:
  - Traffic study
  - Parking study
  - Noise study
  - Light study
  - Additional environmental review
  - Landscape plan
  - **Public Health Inspection:** Approval from the Los Angeles County Department of Public Health’s Environmental Health Division is required for any outdoor seating areas. No application will be accepted for filing unless prior approval has been obtained from the County. More information is available at <http://publichealth.lacounty.gov/eh/> or by telephone at 888-700-9995.
  - **Alcohol:** No alcohol service is permitted unless approval is obtained from the California Department of Alcoholic Beverage Control. Obtain more information via email at [igw.direct@abc.ca.gov](mailto:igw.direct@abc.ca.gov) or by telephone at 310-412-6311.
  - **Fees:** Please note that applicants must pay the following additional fees upon approval:
    - A one-time sewer fee based on the number of approved seats is required by Los Angeles County. These fees vary, but typically cost \$200-\$300 per seat.
    - An ongoing monthly rental fee that will be assessed annually on a square-foot basis for use of public property.
    - If the project includes a railing or barrier, a refundable sidewalk restoration guarantee deposit is required to cover potential City costs related to removal of the outdoor dining area and sidewalk repairs. The deposit is \$2,500 for up to 150 square feet of dining area and \$10 for each additional square foot.
    - Standard application fees are available in the City’s fee schedule at [www.beverlyhills.org/planningapplications](http://www.beverlyhills.org/planningapplications).

**CITY OF BEVERLY HILLS**  
**ARCHITECTURAL REVIEW APPLICATION**

**Project Address:** \_\_\_\_\_

**Project Name (business or building):** \_\_\_\_\_

**Project Description:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please check as many boxes below as apply/attach sheets if needed for full description.)**

**FAÇADE REMODELS/NEW STRUCTURES/ADDITIONS**

New construction or increases in floor area: Total NEW floor area (sq. ft.) \_\_\_\_\_

Remodeling of exterior (no floor area):  facade  sides, rear, roof

**SIGNS**

Signs: Dimensions (height x length) \_\_\_\_\_ x \_\_\_\_\_ = (area in square feet) \_\_\_\_\_

Dimensions (height x length) \_\_\_\_\_ x \_\_\_\_\_ = (area in square feet) \_\_\_\_\_

Dimensions (height x length) \_\_\_\_\_ x \_\_\_\_\_ = (area in square feet) \_\_\_\_\_

Total number of signs requested: \_\_\_\_\_

Sign Accommodation/Unified Sign Plan

**OTHER**

Awnings:  New  Recovery  w/signs (letter height in inches: \_\_\_\_\_)

Landscape (including planter boxes)  Conformity Review

Painting/stucco (**NO FEE**):  repainting OR restucco  no color change

Revision to existing approval: Staff    Commission (check one)

**Property Owner**

**Applicant or Agent**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

City: \_\_\_\_\_

State & Zip Code: \_\_\_\_\_

State & Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

\*E-Mail: \_\_\_\_\_

E-Mail: \_\_\_\_\_

(\*Required for e-mail notification of project status)

I have read and understand all statements. I hereby declare (affirm) that the foregoing statements, facts, and attached plans and materials are true and correct.

\_\_\_\_\_  
Signature of property owner or authorized agent

\_\_\_\_\_  
Date

***(If NOT property owner, a Letter of Authorization will be required before processing the application.)***



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# NOTICE

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## INTENT TO FILE FOR AN OPEN AIR DINING PERMIT

This is to give notice of the intent of the owner of this business to seek an open air dining permit for:

- Seating of up to 12 chairs
- Seating for more than 12 chairs
- Permanent railing enclosure

The application will be processed by the Department of Community Development - Planning at 455 North Rexford Drive, Beverly Hills, California 90210.

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Name of Business

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Date