



## AGENDA REPORT

**Meeting Date:** January 11, 2011  
**Item Number:** G-5  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS REPEALING ARTICLE 46 OF CHAPTER 3 OF TITLE 10 OF THE BEVERLY HILLS MUNICIPAL CODE REGARDING GREEN BUILDING STANDARDS  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

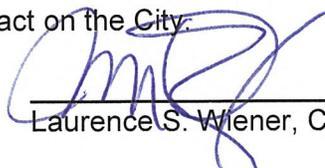
This ordinance repeals the City's Green Building Standards which are now superseded by the State of California Building Standards Code, that now include a unified green building code. The City adopted the new state code at its November 30, 2010 meeting and the new code goes into effect January 1, 2011.

### DISCUSSION

At the meeting of December 21, 2010 the City Council conducted a first reading of this ordinance.

### FISCAL IMPACT

This ordinance will have no material financial impact on the City.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 11-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
REPEALING ARTICLE 46 OF CHAPTER 3 OF TITLE 10 OF  
THE BEVERLY HILLS MUNICIPAL CODE REGARDING  
GREEN BUILDING STANDARDS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS  
FOLLOWS:

Section 1. On June 3, 2008, the City Council of the City of Beverly Hills adopted Ordinance Number 08-O-2555 which amended Title 10 (“Planning and Zoning”), Chapter 3 (“Zoning”) of the Beverly Hills Municipal Code by creating a new article 46 entitled “Green Building Standards.”

Section 2. In 2010, the State of California updated the California State Uniform Building Codes, which includes for the first time green building codes, referred to as “CalGreen.” Based on the City’s adoption of the Building Codes, including CalGreen, the City’s Green Building Standards are no longer necessary for any project subject to the new building standards.

Section 3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City evaluated the action of removing the existing article from the City’s Municipal Code. Upon the effective date of the new CalGreen requirements, as amended by the City, all construction in the City will be required to comply with those CalGreen requirements. The requirements will apply more broadly than the City’s current Green Building Standards, which will no longer be necessary to further the City’s green building policy objectives as to any project subject to CalGreen standards. As such, repealing the City’s Green Building Standards will not result in any significant adverse impact on the environment. Repealing the City’s Green Building Standards is covered by the general rule that the California Environmental Quality Act does not apply where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. For the foregoing reasons, repealing the City’s Green Building Standards is not subject to CEQA, pursuant to 14 Cal. Code Regs §15061(b)(3).

Section 4. The City Council of the City of Beverly Hills hereby repeals Article 46 (Green Building Standards) of Chapter 3 (Zoning) of Title 10 (Planning and Zoning) of the Beverly Hills Municipal Code in its entirety, except that Article 46 shall continue to apply to any Covered Project, as that term is defined therein, that has received a building permit prior to January 1, 2011.

Section 5. 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 the City.

Section 6. 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.

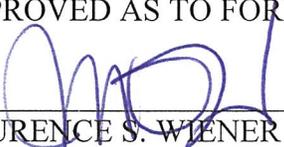
Adopted:  
Effective:

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JIMMY DELSHAD  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager

  
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SUSAN HEALY KEENE AICP  
Director of Community Development