



AGENDA REPORT

Meeting Date: August 2, 2011

Item Number: D-1

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR WALLS, FENCES AND HEDGES IN THE TROUSDALE ESTATES AREA OF THE CITY.

Attachments:

1. Ordinance
2. Planning Commission Resolution No. 1614
3. Environmental Initial Study and Negative Declaration
4. City Council Study Session Staff Report, dated July 7, 2011

RECOMMENDATION

It is recommended that the City Council adopt an ordinance amending the Municipal Code to establish additional maximum height regulations for fences and hedges on certain slopes between properties in Trousdale Estates.

INTRODUCTION

On June 23, 2011, the Planning Commission adopted a resolution forwarding to the City Council an ordinance that focuses solely on enhancing administrative remedies to address view-related disputes in Trousdale by further regulating the height of fences and hedges. The proposed fence and hedge height ordinance was presented to the City Council at its July 7, 2011 Study Session. The City Council directed staff to provide additional information about the potential cost of implementing the ordinance, including alternatives to recover costs, and to schedule a public hearing for consideration of the ordinance. Evaluation of much broader view restoration review regulations that would address foliage not addressed by the fence and hedge height ordinance will be resumed by the Planning Commission at its August 4, 2011 meeting.

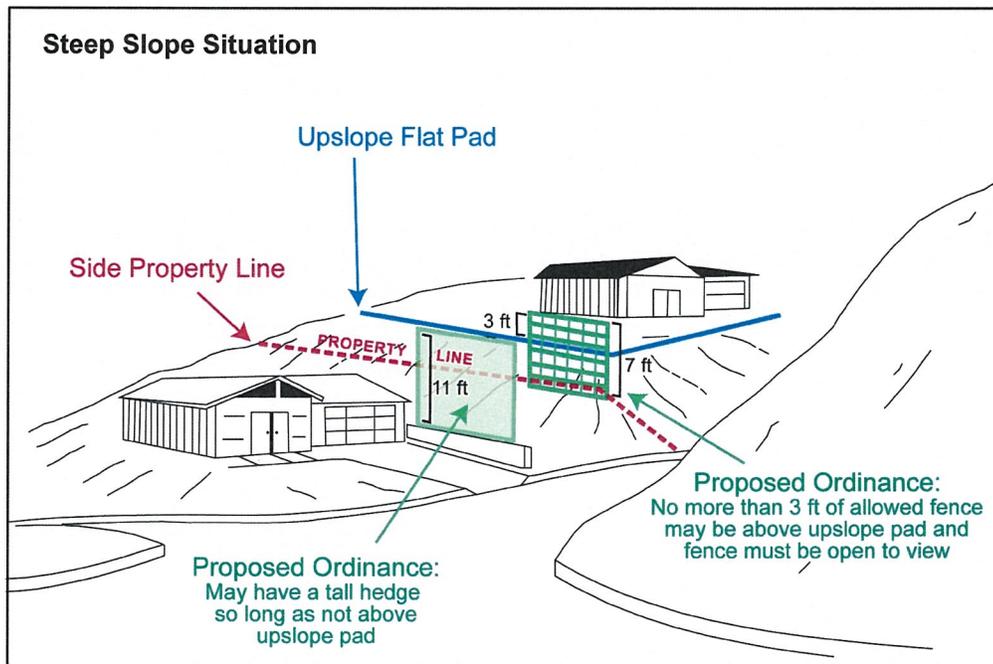
ORDINANCE PROVISIONS

The recommended zone text amendment, (Attachment 1), substantively amends the existing Trousdale Estates Walls, Fences and Hedges code section (BHMC Section 10-3-2616) as follows:

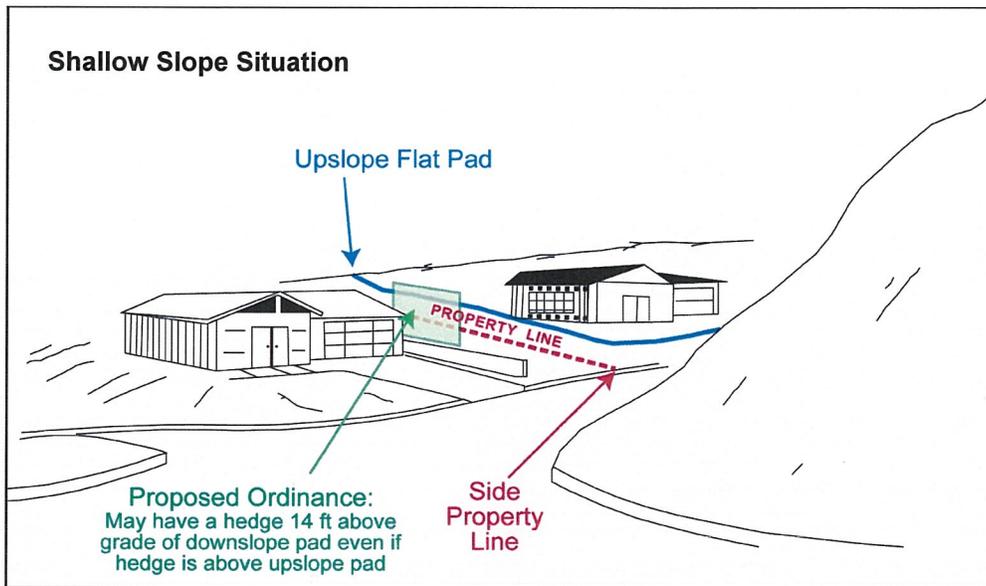
- 1) Limits the height of fences located on the slope of a down-slope property to no more than 36-inches above the immediately adjacent, up-slope property's level pad;
- 2) Limits, in areas outside of the front yard setback, the height of hedges on the slope between adjacent properties to the higher of:
 - a) Finished grade of the level pad on the immediately adjacent up-slope property, or
 - b) 14 feet as measured from the down-slope property's level pad;
- 3) Modifies the hedge definition such that three (3) or more individual plants (including trees) that are cultivated or maintained in a manner to produce a barrier to inhibit passage or obscure view, shall constitute a hedge. The current Code definition of hedge does not include the 'three or more plants' language and does not include trees with canopies eight feet above grade. The proposed hedge definition includes other objective criteria (see Attachment 1).

Walls may not be built on slopes in Trousdale and so are unaffected by the proposed ordinance.

The following diagram illustrates bullet points 1 and 2a above:



The following diagram illustrates bullet point 2b above:



With regard to enforcement, it is important to clarify that the City cannot limit who may make a complaint to the City regarding a zoning code violation. Staff and the Planning Commission previously sought to limit complaints to the immediately adjacent neighbor. Therefore, it is possible that even though a person does not own property in Trousdale adjacent to a slope facing the Los Angeles Area Basin, on which exists a hedge alleged to be above the maximum height, that person may make a complaint to the City to have the alleged hedge height violation addressed. This situation is true with regard to enforcement of any of the City's zoning codes and it is still expected that the majority of complaints regarding violations of the proposed new code amendment would be made by adjacent upslope property owners.

GENERAL PLAN CONSISTENCY

The Planning Commission found that the proposed zone text amendment is intended to "maintain and enhance the character,...and aesthetic qualities of the City's distinctive residential neighborhoods..." as stated in the Land Use Element of the City's adopted General Plan Land under goal LU 2.1 "City Places: Neighborhood, Districts, and Corridors." Trousdale Estates was developed to take advantage of views of the Los Angeles Area Basin and such views are one of the most distinctive qualities of this neighborhood. The proposed amendment would assist some residents in restoring and maintaining this special quality of the area by addressing view obstruction through regulation of foliage height; therefore, the proposed ordinance would be consistent with the goals and policies of the General Plan.

ENVIRONMENTAL DETERMINATION

This project has been assessed in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City, and no significant unmitigated environmental impacts are anticipated; therefore, a negative declaration was prepared (Attachment 3). The Planning Commission on June 23, 2011 adopted a resolution recommending that the City Council adopt a negative declaration for the ordinance. A Notice of Intent to Adopt a Negative Declaration was issued on June 11, 2010, and a period for public comment on the environmental documentation ran from June 18, 2010 through July 8, 2010.

FISCAL IMPACT

Implementation Costs

Staff's report for the July 7, 2011 Study Session (Attachment 4) included estimated costs to implement the proposed ordinance; approximately \$130,968.00 annually based on the estimated number of complaints to the City's Code Enforcement Division resulting from the ordinance. The average cost to enforce a hedge height complaint in Trousdale, pursuant to the proposed ordinance, would be approximately \$2,032.00. Staff's estimates are supported by documentation of an increase in calls to the City in 2011 for enforcement of wall, fence and hedge complaints in Trousdale. The number of wall, fence and hedge complaints in Trousdale has increased 69% in 2011 as compared to the average number of complaints from 2008 – 2010. As a comparison, the number of complaints for a related but different code enforcement category, excessive vegetation, has remained consistent from 2008 through 2011. Staff believes the increase in wall, fence and hedge complaints is because of resident awareness as a result of the ongoing Trousdale view restoration discussions. The fact that the increase in wall, fence and hedge complaints is citywide (67% increase), and not only in Trousdale, supports staff's assertion that adoption of the proposed ordinance will result in many additional code enforcement calls not strictly related to Trousdale fence and hedge heights.

Cost Recovery

The City Council directed staff to review options for recovery of costs associated with implementation of the proposed ordinance. Staff looked at options such as charging a fee to a hedge complainant to cover or partially cover the City's enforcement cost or charging a fee to all property owners to create a Trousdale hedge height program.

Charging a Fee: The proposed ordinance is similar to many other provisions of the municipal code where development standards are adopted; the City cannot charge those who make complaints about City development standards, whether in Trousdale or any other part of the City.

Hedge Height Program: In general, fees may be charged for recovering the cost of providing a service. The typical example is a fee charged for processing a conditional use permit application. There are constitutional limitations on the levying of fees such as Proposition 218, which deals with property-related fees, and Proposition 26, which prohibits a local government from enacting new fees without voter approval unless that fee falls under one of the exceptions under Proposition 26. A hedge height program would be infeasible under these constraints.

PUBLIC NOTICE

A public hearing notice was mailed on July 22, 2011 to all property owners in Trousdale Estates. Notice was published in the *Beverly Hills Courier* and the *Beverly Hills Weekly*, two newspapers of local circulation. Additionally, staff has communicated with interested parties.

RECOMMENDED ACTION

It is recommended that the City Council continue the ordinance amending the Municipal Code to establish additional maximum height regulations for fences and hedges on certain slopes between properties in Trousdale Estates and set the ordinance for second reading and adoption at a future meeting.

Susan Healy Keene, AICP
Director of Community Development


Approved By _____

ATTACHMENT 1
Ordinance

ORDINANCE NO. 11-O- _____

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION
10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR
WALLS, FENCES AND HEDGES IN 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 August 2, 2011 and, at the conclusion of the hearing, introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. An initial study of the potential environmental impact of a broader view restoration ordinance, of which this ordinance was a part, was prepared. The initial study concluded that the broader 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). This ordinance, being narrower in scope, will have less potential for impacts than the broader ordinance, and will not result in potentially significant environmental impacts. A notice of intent to adopt a negative declaration was published on June 11, 2010, and the proposed negative declaration and initial study were made available for a 20-day public review period from June 18, 2010 through July 8, 2010. 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 this ordinance may result in significant adverse impacts on the environment. 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. The City Council hereby amends Section 2616 of Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-2616: WALLS, FENCES AND HEDGES:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.

C. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

D. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Notwithstanding the provisions of this paragraph D, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

E. Rear Yards: The maximum allowable height for a fence, wall or hedge located in a rear yard shall be eight feet (8').

Notwithstanding the provisions of this paragraph E, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

F. Height Limit for Fences and Hedges meeting certain criteria.

Fences: New fences on a slope of a down-slope property shall not in any event extend above a point thirty-six inches (36") above the finished grade of the level pad on the adjacent upslope property in any area where the fence is located in a line of sight from the upslope property to the Los Angeles Area Basin. The fence shall be open to public view, as defined in article 1 of this chapter.

Notwithstanding Sections 10-3-2759 and 10-3-2603, any existing fence subject to this paragraph F that was constructed in accordance with applicable ordinances and regulations at the time of construction shall be deemed a nonconforming structure, and may be maintained in its existing configuration unless more than fifty percent (50%) of the area of the fence measured from the outer perimeter of the fence without deductions for open spaces in the fencing, is replaced or reconstructed in any five (5) year period. If more than fifty percent (50%) of the area of the fence is replaced or reconstructed, then the replacement structure shall be treated as new for the purposes of this paragraph and shall be constructed so that the entire structure conforms with the development standards of this paragraph.

Hedges: Hedges planted outside of the front yard setback on a slope between adjacent downslope and upslope properties where the hedge is located in a line of sight from the upslope property to the Los Angeles Area Basin shall not extend above the higher of:

- i. The finished grade of the level pad on the upslope property; or,
- ii. Fourteen feet (14') from the level pad of the downslope property.

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

Hedge, as used in this paragraph F, shall be defined as growth of vegetation, consisting of three (3) or more individual plants, that is cultivated or maintained in such a manner as to produce a barrier to inhibit passage or to obscure view and which is more than twelve inches (12") in height. Where there are interruptions of growth by vertical space to the top of the vegetation material having a horizontal distance of more than twenty four inches (24") in every four horizontal feet (4'), such growth shall not be considered a hedge for purposes of this paragraph F.

'Located in a line of sight from the upslope property to the Los Angeles Area Basin' means that the plane established by the fence or hedge, either at the height of the fence or hedge or if extended upward, would intersect a sight line from the upslope property to the Los Angeles Area Basin."

Section 4. 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 5. The City Council hereby adopts a Negative Declaration, approves this Ordinance, and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 6. A report regarding the implementation of this Ordinance shall be provided to the Planning Commission and City Council after twelve months from the effective date of the Ordinance.

Section 7. 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 8. 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:

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE
City Clerk

(SEAL)

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

ATTACHMENT 2
Planning Commission Resolution

RESOLUTION NO. 1614

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING ADOPTION OF AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR WALLS, FENCES AND HEDGES IN THE TROUSDALE ESTATES AREA OF THE CITY

WHEREAS, the Planning Commission has considered the proposed amendment to the City of Beverly Hills Municipal Code, as set forth and attached hereto as Exhibit A and more fully described below (the "Walls, Fences and Hedges Ordinance"); and,

WHEREAS, the Planning Commission considered the zone text amendment set forth in the proposed Walls, Fences and Hedges Ordinance at duly noticed public hearings on November 23, 2010, December 16, 2010, May 26, 2011, June 9, 2011, and June 23, 2011, at which times it received oral and documentary evidence relative to the proposed Amendment; and,

WHEREAS, the Planning Commission finds that the proposed Walls, Fences and Hedges Ordinance is required for the public health, safety, and general welfare, and that the Walls, Fences and Hedges Ordinance is consistent with the general objectives, principles, and standards of the General Plan;

NOW, THEREFORE, the Planning Commission of the City of Beverly Hills does resolve as follows:

Section 1. An initial study of the potential environmental impact of a comprehensive ordinance related to the restoration of views in the Trousdale Estates Area of the City, which draft ordinance included provisions related to hedge location and height (the View

Restoration Ordinance), was prepared. The initial study concluded that the proposed View Restoration 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 June 11, 2010, and the proposed negative declaration and initial study were made available for a 20-day public review period from June 18, 2010 through July 8, 2010. No public comments on the proposed negative declaration or initial study were submitted during the comment period. Thereafter, the decision was made to bifurcate the View Restoration Ordinance, so that the walls, fences and hedges provisions (the Walls, Fences and Hedges Ordinance) would proceed in advance of the remaining portions of the View Restoration Ordinance. Based on the information in the records regarding the proposed View Restoration Ordinance, the Planning Commission finds that there is no evidence suggesting that the draft Walls, Fences and Hedges Ordinance would result in significant adverse impacts on the environment, and hereby recommends that the City Council adopt a negative declaration for the Walls, Fences and Hedges Ordinance, based on the information in the previously prepared initial study. The records related to this determination are on file with the City's Community Development Department, 455 N. Rexford Drive, Beverly Hills, California, 90210.

Section 2. The Planning Commission does hereby find that the proposed Zone Text Amendment as set forth in the proposed Walls, Fences and Hedges Ordinance is intended to restore and preserve certain views from substantial disruption by certain new walls and fences, the growth of hedges as defined in the Code, or a combination thereof, while providing for residential privacy, security and maintaining the garden quality of the City. It is

not the intent of the Walls, Fences and Hedges Ordinance to create an expectation that any particular view or views would be restored or preserved.

The City's General Plan includes the following policy that relates to this proposed Ordinance: "LU 2.1 City Places: Neighborhood, Districts, and Corridors. Maintain and enhance the character, distribution, built form, scale, and aesthetic qualities of the city's distinctive residential neighborhoods, business districts, corridors, and open spaces." Trousdale Estates was developed to take advantage of views of the Los Angeles Area Basin and such views are one of the most distinctive qualities of this neighborhood. The proposed amendment would assist some residents in restoring and maintaining this special quality of the area by addressing certain clearly identifiable situations of view obstruction; therefore, the Walls, Fences and Hedges Ordinance would be consistent with the goals and policies of the General Plan.

Section 3. The Planning Commission does hereby recommend that the City Council adopt the proposed Walls, Fences and Hedges Ordinance approving and enacting the proposed Amendment substantially as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

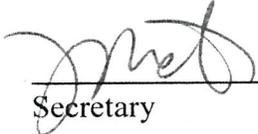
Section 4. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his/her Certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: **June 23, 2011**



Daniel Yukelson
Chair of the Planning Commission of the
City of Beverly Hills, California

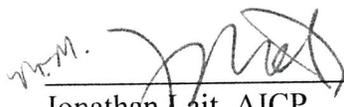
Attest:


Secretary

Approved as to form:


David M. Snow
Assistant City Attorney

Approved as to content:


Jonathan Lait, AICP
Assistant Director of Community Development /
City Planner

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1614 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on June 23, 2011, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

AYES: Commissioners Furie, Rosenstein, Cole, Vice Chair Corman, and Chair Yukelson.

NOES: None.

ABSTAIN: None.

ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission /
City Planner
City of Beverly Hills, California

[Draft] ORDINANCE NO. 11-O- _____

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION
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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 _____ and, at the conclusion of the hearing, introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. An initial study of the potential environmental impact of a broader view restoration ordinance, of which this ordinance was a part, was prepared. The initial study concluded that the broader 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). This ordinance, being narrower in scope, will have less potential for impacts than the broader ordinance, and will not result in potentially significant environmental impacts. A notice of intent to adopt a negative declaration was published on June 11, 2010, and the proposed negative declaration and initial study were made available for a 20-day public review period from June 18, 2010 through July 8, 2010. 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 this ordinance may result in significant adverse impacts on the environment. 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. The City Council hereby amends Section 2616 of Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

“10-3-2616: WALLS, FENCES AND HEDGES:

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A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.

C. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

D. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Notwithstanding the provisions of this paragraph D, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

E. Rear Yards: The maximum allowable height for a fence, wall or hedge located in a rear yard shall be eight feet (8').

Notwithstanding the provisions of this paragraph E, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

F. Height Limit for Fences and Hedges meeting certain criteria.

Fences: New fences on a slope of a down-slope property shall not in any event extend above a point thirty-six inches (36") above the finished grade of the level pad on the upslope property in any area where the upslope property faces the Los Angeles Area Basin. The fence shall be open to public view, as defined in article 1 of this chapter. Notwithstanding Sections 10-3-2759 and 10-3-2603, any existing fence subject to this paragraph F that was constructed in accordance with applicable ordinances and regulations at the time of construction shall be deemed a nonconforming structure, and may be maintained in its existing configuration unless more than fifty percent (50%) of the area of the fence measured from the outer perimeter of the structure without deductions for open spaces in the fencing, is replaced or reconstructed in any five (5) year period. If more than fifty percent (50%) of the combined area of the fence is replaced or reconstructed, then the replacement structure shall be treated as new for the purposes of this paragraph and shall be constructed so that the entire structure conforms with the development standards of this paragraph.

Hedges: Hedges planted outside of the front yard setback on a slope between adjacent downslope and upslope properties where the upslope property faces the Los Angeles Area Basin shall not extend above the higher of:

- i. The finished grade of the level pad on the upslope property; or,
- ii. Fourteen feet (14') from the level pad of the downslope property.

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

Hedge, as used in this paragraph F, shall be defined as growth of vegetation, consisting of three (3) or more individual plants, that is cultivated or maintained in such a manner as to produce a barrier to inhibit passage or to obscure view, which is more than twelve inches (12") in height. Where there are interruptions of growth by vertical space to the top of the vegetation material having a horizontal distance of more than twenty four inches (24") in every four horizontal feet (4'), such growth shall not be considered a hedge for purposes of this paragraph F."

Section 4. 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 5. The City Council hereby adopts a Negative Declaration, approves this Ordinance, and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 6. A report regarding the implementation of this Ordinance shall be provided to the Planning Commission and City Council after twelve months from the effective date of the Ordinance.

Section 7. 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 8. 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:

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

JEFFREY KOLIN
City Manager

SUSAN HEALY KEENE AICP
Director of Community Development

ATTACHMENT 3

Environmental Initial Study and Negative Declaration



City of Beverly Hills
Environmental Initial Study
View Restoration Ordinance

Table of Contents

Project Description.....	2
Agency Review.....	3
Environmental Factors Potentially Affected.....	3
Determination.....	3
Initial Study Checklist.....	4
References.....	34
Appendix B – List of Figures.....	39



1. **Project Title:** View Restoration Ordinance in Trousdale Estates
2. **Lead Agency Name and Address:** City of Beverly Hills, 455 North Rexford Drive, Beverly Hills, CA 90210
3. **Contact Person and Phone Number:** Michele McGrath, Senior Planner, (310) 285-1135
4. **Project Location:** Trousdale Estates area of the City of Beverly Hills, County of Los Angeles, 34° 4' 23" N / 118° 23' 58" W. Trousdale Estates is defined in the Zoning Code as all property located north of Doheny Road and east of Schuyler Road, except that land zoned R-1.X, and that portion of Lot A of the Doheny Ranch tract northwesterly of tract numbers 24485 and 24486, commonly referred to as the Greystone Mansion property. A map of the area is attached.
5. **Project Sponsor's Name and Address:** City of Beverly Hills, 455 North Rexford Drive, Beverly Hills, CA 90210
6. **General Plan Designation:** Low Density Single Family Residential
7. **Zoning:** R-1 (Single Family Residential).
8. **Project Description:** An ordinance of the City of Beverly Hills amending various sections of the Beverly Hills Municipal Code to establish regulations regarding the restoration and maintenance of certain defined views from single-family residential property in the Trousdale Estates area of the City substantially impaired by certain foliage maintained on other private property. The proposed standards articulate the City's goal to restore and maintain certain views 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. The ordinance establishes a process by which residential property owners in Trousdale may seek to restore and preserve certain views with an emphasis on neighbors resolving issues prior to application to the Planning Commission for resolution. Although this ordinance involves no development, an initial study has been prepared because adoption of this ordinance may result in some mature, healthy landscape trees on private property being trimmed, topped or cut down to restore or maintain views for single family residential property owners. No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. The proposed ordinance does not apply to the City's street trees which are regulated by a Street Tree Master Plan in accordance with the City's General Plan.
9. **Surrounding Land Uses and Setting:**

The City of Beverly Hills is located in Los Angeles County, approximately ten (10) miles west of downtown Los Angeles and six (6) miles east of the Pacific Ocean, as shown in Figure 1 (Regional Location). The City extends into the southern foothills of the Santa Monica Mountains, which form the City's northern boundary. Surrounding communities in the City of Los Angeles include Bel Air and Westwood to the west, Hollywood and the Fairfax district to the east, West Los Angeles and Century City to the southwest and south. The City of West Hollywood is located adjacent to the northeast. Beverly Hills currently is a built-out urban community with a central commercial core, civic center, established residential neighborhoods, parks, schools and other community serving facilities and a well developed public service and utility infrastructure. Opportunities for additional growth and development are limited and primarily confined to the redevelopment and recycling of



existing developed properties. The project area, Trousdale Estates, is in a hillside area at the northeast corner of the City, famous for its upscale residences which were built to take advantage of views of the Los Angeles area basin. Directly adjacent to Trousdale Estates on all sides are other upscale single family residential areas in Beverly Hills, Los Angeles and West Hollywood. At the southwest corner of the subject area but outside of it is the Greystone Mansion property which is owned by the City and operated as a public park. The City is located within the South Coast Basin which enjoys a Mediterranean climate with mild winters and warm summers. The basin suffers from various natural and man-made hazards, including generally poor air quality, unpredictable earthquake activity, wildfires, high winds, flooding, and periods of drought.

10. Other public agencies whose review/approval is required: (e.g., permits, financing approval, or participation agreement).

Approving Agency: The City of Beverly Hills is the approving agency. No other agency approvals are required. The City of Beverly Hills is responsible for all permits and approvals. An amendment to the Zoning Code requires a public hearing before the Planning Commission and a public hearing before the City Council which would adopt the change to the Municipal Code.

Reviewing Agencies: The following agencies will be sent a copy of this document at the commencement of the review period as a courtesy in the event that members would like to provide comments: Department of Fish and Game, Region 5.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

X Aesthetics	X Greenhouse Gas Emissions	Population/Housing
Agriculture Resources	Hazards & Hazardous Materials	Public Services
Air Quality	X Hydrology/Water Quality	Recreation
X Biological Resources	Land Use/Planning	Transportation/Traffic
X Cultural Resources	Mineral Resources	Utilities/Service Systems
X Geology/Soils	X Noise	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency).

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation



measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Michele McGrath

Michele McGrath
Senior Planner

June 18, 2010
Date

Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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1. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?				X
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There are no officially designated scenic vistas in the City including in the Trousdale Estates area where the ordinance would be implemented; however, topographic and natural resources, such as hillsides and ridgelines, are visible from various properties and neighborhoods. The ordinance proposes restoring and maintaining views for individual property owners and this may include views of hillsides and ridges. Specific policies to protect aesthetic resources are included in the City's General Plan. In particular, Policy OS 6.1 states that the City "seek to protect scenic views and vistas from public places". Specific view restoration permit requests would be reviewed in accordance with the ordinance.

Therefore, the ordinance would result in *no impact*.

b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	

The proposed ordinance may involve the removal of trees on private property in the Trousdale Estates area. The City's General Plan includes policies that maintain and enhance the City's urban forest (OS 2 "Urban Forest") and minimize the removal of existing resources (OS 6 "Visual Resource Preservation"). The ordinance stresses the importance of balancing the desire for views with the maintenance of trees. It includes the following statement, "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 restore a protected view in accordance with the findings." The City has a tree preservation ordinance that protects trees of certain size or species in the front or street side yards of private residential property. The intent of that ordinance is to protect trees that can be seen



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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from the public right of way and therefore contribute to the City's aesthetic environment. It is anticipated that trees designated as "protected" pursuant to the Tree Preservation ordinance will continue to be subject to that ordinance, even if found to be obstructing a view. It is also anticipated that only a small number of trees would require removal as a result of the ordinance and that such limited removal would not substantially degrade the existing visual character or quality of the area. No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance. There are currently no designated State scenic highways in the City of Beverly Hills.

Therefore, any impacts would be *less than significant*.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X
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Implementation of the ordinance would involve no development and would not create a new source of substantial light and glare that would adversely affect day or nighttime views.

Therefore, the ordinance would result in *no impact*.

e) Create a new source of shade or shadow that would adversely affect shade/shadow sensitive structure or uses?			X	
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The creation of shadows and the resultant shading of nearby land and buildings are not formally regulated in the City of Beverly Hills. The Beverly Hills Zoning Code addresses visual effects in sections that set standards for building construction, height, setback, landscaping, lighting, and signage, although the Code does not directly address shadow creation or shading. Implementation of the ordinance would involve no development and, rather than creating shade, would more likely reduce shade if trees are trimmed or removed to restore a view. The only caveat is if, pursuant to the ordinance, a tree is relocated, replaced in a different location or replaced by a different species with a larger canopy, it is possible additional shade could result. It is anticipated that only a small number of trees would require relocation or replacement as a result of the ordinance. A particular application that may result in reduction of shade would be regulated by State laws addressing energy consumption. Any impacts associated with specific view restoration permit applications would be assessed when such permits are reviewed.

Therefore, any impacts would be *less than significant*.

2. AGRICULTURE AND FOREST RESOURCES. Would the project:
(In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board.)



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X

There is no farmland of Statewide importance in the City of Beverly Hills.

There would be *no impact*.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
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There is no zoning for agricultural use in the City of Beverly Hills.

There would be *no impact*.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X
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There is no zoning for forest land or timberland in the City of Beverly Hills.

There would be *no impact*.

d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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There is no forest land in the City of Beverly Hills.

There would be *no impact*.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
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There is no farmland in the City of Beverly Hills.

There would be *no impact*.

3. AIR QUALITY: Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X

The South Coast Air Quality Management District (SCAQMD) is the agency principally responsible for comprehensive air pollution control in the Los Angeles Basin. SCAQMD, a regional agency, works directly with the South Coast Association of Governments (SCAG), county transportation commissions, local governments, and cooperates actively with all federal and State government agencies. SCAQMD develops rules and regulations,



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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establishes permitting requirements, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary. SCAQMD is directly responsible for reducing emissions from stationary (area and point), mobile, and natural sources. It has responded to this requirement by preparing a series of Air Quality Management Plans (AQMPs).

The 2007 Air Quality Management Plan (AQMP) was prepared to reduce the high pollutant levels within areas under the jurisdiction of SCAQMD, comply with the federal and State Clean Air Acts and amendments, meet federal and State ambient air quality standards associated with regional growth, and minimize the fiscal impact that pollution control measures have on the local economy. Projects that are considered to be consistent with the AQMP would not interfere with attainment because this growth is included in the projections used during the preparation of the AQMP. The ordinance involves no development and so is consistent with the AQMP.

Therefore, there would be *no impact*.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
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The ordinance involves no development; therefore implementation would not result in additional emissions being generated.

Therefore, there would be *no impact*

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in a State of non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
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The Los Angeles basin is currently in a State of non-attainment for ozone, CO, PM₁₀, and PM_{2.5}, however, this ordinance includes no changes in land use, allowable development envelopes or intensity of use and proposes no development; therefore implementation would not result in additional emissions being generated.

Therefore, there would be *no impact*

d) Expose sensitive receptors to substantial pollutant concentrations?				X
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Air Quality Management Plans maintained by SCAQMD and updated every three years identify control measures to reduce major sources of pollutants (AQMP, 2007). These planning efforts have substantially decreased the population's exposure to unhealthful levels of pollutants, even while substantial population growth has occurred within the Los Angeles basin, the total number of days on which the basin exceeded the federal 8-hour standard has decreased dramatically over the last two decades from about 150 days to less than 90, while basin station-days (number of days a station location exceeded the standards) decreased by approximately 80 percent (AQMP 2007).



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The ordinance does not include any development, changes in land use, allowable development envelopes or intensity of use; therefore implementation would not result in generation of additional emissions.

Therefore, there would be *no impact*

e) Create objectionable odors affecting a substantial number of people?				X
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The ordinance does not include any development, changes in land use, allowable development envelopes or intensity of use; therefore implementation would not result in objectionable odors.

Therefore, there would be *no impact*

4. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	

Lands in the City are largely urbanized and contain few significant biological resources. Areas that may provide habitat for special-status species are primarily located in the chaparral areas in the Santa Monica Mountains north of Sunset Boulevard. While the California Natural Diversity Database (California Department of Fish and Game, 2009) listed native plant communities that could be found within a five mile radius vicinity of the City, none of these vegetation communities are present within the City's boundaries (Figure 6).

There is marginal foraging habitat within the City for the Hoary bat, a State Species of Special Concern (California Department of Fish and Game, 2009). The level of historical disturbance in the City has resulted in a low prey – primarily moths - population levels. Marginal or better habitats exist in proximity to the City that are more likely to attract the bat's prey (e.g., coastal and mountain areas) and therefore would provide better foraging habitat (California Department of Fish and Game, 2009). No impacts to roosting individuals would be expected because the habitat the bats prefer (areas within dense foliage of woodlands and forests with medium to large size trees that have ground cover of low reflectivity) does not occur within the City limits.

It is anticipated that only a small number of trees would require removal as a result of the ordinance and no change in land use or allowable development envelopes is contemplated. The ordinance proposes to include the following finding that must be made for approval of a view restoration permit, "Trimming or removal of foliage on Foliage Owner's property will not have a substantial adverse impact on stability of a hillside, drainage of the property, erosion control, energy usage (loss of shade) or on biological resources." No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance. Implementation of the ordinance would not result in adverse impacts either directly or indirectly through habitat modifications, to candidate, sensitive or special status plant and



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
wildlife species.				

Therefore, any impacts would be *less than significant*.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
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There are no riparian or sensitive habitats that are known to occur in the City of Beverly Hills (Figure 6). Based on review of the California Natural Diversity Database (California Department of Fish and Game, 2009), sensitive terrestrial communities identified within 5 miles of the City include the following: 1) California Walnut Woodland, 2) Southern Coast Live Oak Riparian Forest, 3) Southern Cottonwood Willow Riparian Forest, and 4) Southern Sycamore Alder Riparian Woodland. The distribution of these sensitive vegetation communities are shown in Figure 6, and are found primarily within canyon park areas to the north and northeast of the City.

It is anticipated that only a small number of landscape trees on private property would require removal as a result of the ordinance and no change in land use or allowable development envelopes is contemplated. The ordinance includes the following finding that must be made for approval of a view restoration permit, "Trimming or removal of foliage on Foliage Owner's property will not have a substantial adverse impact on stability of a hillside, drainage of the property, erosion control, energy usage (loss of shade) or on biological resources." No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance. Implementation of the ordinance would not result in substantial adverse effects on any identified riparian habitat or other sensitive natural community.

Therefore, the project will result in *no impact* to riparian or other sensitive natural communities.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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No federally protected wetlands or blue-line streams occur in the City. The ordinance includes no development and does not include changes in land use, allowable development envelopes or intensity of use.

Therefore, the project will result in *no impact*.

d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.			X	
e) Conflict with any local policies or ordinances protecting			X	



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
biological resources, such as a tree preservation policy or ordinance?				

Although some local movement of wildlife would be expected to occur throughout the City, the City of Beverly Hills is not recognized as an existing or proposed Significant Ecological Area that links migratory wildlife populations. The ordinance includes no new development and does not include changes in land use or allowable development envelopes.

The proposed ordinance may involve the removal of trees on private property in the Trousdale Estates area; however, the ordinance stresses the importance of balancing the desire for views with the maintenance of trees. It includes the following statement, "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 restore a protected view in accordance with the findings." It is anticipated that only a small number of trees would require removal as a result of the ordinance.

Implementation of the ordinance would be subject to all applicable federal, State, regional and local policies and regulations related to the protection of important biological resources. Specifically, permits issued pursuant to the ordinance would be required to comply with the following policies and regulations:

- Federal Endangered Species Act
- Federal Migratory Bird Treaty Act
- California Endangered Species Act
- California Fish and Game Code
- California Environmental Quality Act—Treatment of Listed Plant and Animal Species
- City of Beverly Hills Municipal Code—Regulations of Trees on Private Property.

The City has a tree preservation ordinance that protects trees of certain size or species in the front or street side yards of private residential property. The intent of that ordinance is to protect trees that can be seen from the public right of way and therefore contribute to the City's aesthetic environment. It is anticipated that trees designated as "protected" pursuant to that ordinance will continue to be subject to the tree preservation ordinance, even if found to be obstructing a view. It is also anticipated that only a small number of trees would require removal as a result of the ordinance. The ordinance does not include changes in land use, allowable development envelopes or intensity of use. No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance.

Therefore, any impacts would be *less than significant*.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, and other approved local, regional, or State habitat conservation plan?				X
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There is no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans that apply to the City and the number of trees that may require removal would be limited.



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Therefore, there would be no impact.

5. CULTURAL RESOURCES. Would the project:			
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X

The City of Beverly Hills has seven sites listed as federal and/ or State resources (listed on the National Register of Historical Place or California Register of Historic Resources, or otherwise listed as historic or potentially historic in the California Historic Resources Information System (CHRIS) maintained by the State Office of Historic Preservation. These structures meet the definition of historical resources under Section 15064.5(a) of the CEQA Guidelines.

New General Plan policies call for establishment of a local historic register and historic preservation program (Policies CON 1.1 – 1.9, CON 2.1). This could involve landscape features such as trees. There is no site in Trousdale Estates or any tree that is currently included on a list of historic resources. The General Plan also has a goal of retaining trees of significance. Where removal of significant trees cannot be avoided, there should be replacement with appropriate species. (OS 2.1 "Trees of Significance"). The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and the potential removal of any mature, healthy trees is expected to be limited.

Therefore, any impacts would be *less than significant*.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X

No archaeological resources were identified during a records search conducted at the South Central Coastal Information Center (2009) and potential for the existence of archaeological or paleontological resources is low due to previous construction-related, ground disturbing activities. Human burials outside of formal cemeteries often occur in prehistoric archeological contexts, although the potential still exists for these resources to be present. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property. Additionally, the General Plan includes Policies CON 1.8 and CON 1.9 which require all construction work to cease if a potential archeological or paleontological resource is discovered and only continue once the potential resource has been evaluated.

Therefore, any impacts would be *less than significant* in these regards.



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS: Would the project				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)			X	
ii) Strong seismic ground shaking?			X	

The City of Beverly Hills is located in the Los Angeles basin, at the southern edge of the Transverse Range, in an area exposed to risk from multiple earthquake fault zones. The highest risks originate from the Hollywood fault zone, the Santa Monica fault zone, and the Newport-Inglewood fault zone, each with the potential to generate moderate to large earthquakes that could cause ground shaking in Beverly Hills and nearby communities. While it appears that at least a portion of the Santa Monica fault may run along the base of the Santa Monica Mountains within the City limits of Beverly Hills, the depth of the fault in this area makes it impossible to map with any accuracy, for which reason there are no Alquist-Priolo zones within the City of Beverly Hills (Dolan, 2000).

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property but may involve the removal of mature, healthy trees which removal could impact land stability if located on a hillside. The proposed ordinance includes the following finding that must be made for approval of a view restoration permit, "Trimming or removal of foliage on Foliage Owner's property will not have a substantial adverse impact on stability of a hillside." This ordinance does not propose any projects and specific applications for view restoration would be reviewed in accordance with the ordinance.

Therefore, any impacts would be *less than significant*.

iii) Seismic-related ground failure, including liquefaction?				X
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Strong ground shaking occurring in areas with high ground water tables and poorly consolidated soils can result in liquefaction. Figure 9 identifies areas within the City limits which are believed to be susceptible to liquefaction during long-duration, strong seismic events (earthquake). The Trousedale Estates area is not included in the area subject to liquefaction.

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property

Therefore, there would be *no impact*.

iv) Landslides?			X	
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Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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In addition to liquefaction, strong ground motions can worsen existing unstable slope conditions, particularly when coupled with saturated ground conditions. Seismically-induced landslides can overrun structures, people or property, sever utility lines, and block roads, and hinder rescue operations after an earthquake. Hillside areas in the northern reaches of the City are susceptible to landslides (refer to Figure 9). This includes a portion of the City approximately 2,000 feet north of Sunset Boulevard and includes portions of the Trousdale Estates area.

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property but may involve the removal of mature, healthy trees which removal could impact land stability if located on a hillside. The proposed ordinance includes the following finding that must be made for approval of a view restoration permit, "Trimming or removal of foliage on Foliage Owner's property will not have a substantial adverse impact on stability of a hillside." Specific applications for view restoration would be reviewed in accordance with the ordinance.

Therefore, any impacts would be *less than significant*.

b) Result in substantial soil erosion or the loss of topsoil?			X	
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Topsoil is the uppermost 6–8 inches of soil. It has the highest concentration of organic matter and microorganisms, and is where most biological soil activity occurs. Topsoil erosion is of concern when the topsoil layer is blown or washed away, which reduces biological content and soil productivity. Since most of the City of Beverly Hills is built out and there is no agricultural production within the City limits, topsoil erosion is of limited concern. The ordinance does not include changes in land use or allowable development envelopes. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property but may involve the removal of mature, healthy trees which removal could impact land stability if located on a hillside. The General Plan includes policies that reduce run-off from irrigation (CON 5.5), require grading plans to be designed to capture stormwater and allow for on-site dissipation (CON 8.2), and continue to implement the National Pollutant Discharge Elimination System's (NPDES) and the South Coast Air Quality Management District's (SCAQMD) regulations, including the use of best management practices (CON 10.3). Specific view restoration permit requests would be reviewed in accordance with the ordinance.

Therefore, any impacts would be *less than significant*.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
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As previously discussed, potential impacts due to landslides and liquefaction would be less than significant; therefore, this analysis addresses impacts related to unstable soils as a result of lateral spreading, subsidence, or collapse.



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Lateral spreading occurs as a result of liquefaction. As such, liquefaction-prone areas could also be susceptible to lateral spreading. Further, subsidence has been identified as a potential hazard in the area from groundwater withdrawal in excess of groundwater recharge.

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property. Any permits issues pursuant to the ordinance would be required to comply with the latest adopted Building Code.

Therefore, any impacts would be *less than significant*.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
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Alluvium, which generally consists of fine particles such as silt and clay along with larger particles like sand and gravel, is generally highly susceptible to ground shaking and is considered an expansive soil. Soils in the City are predominantly alluvium within the flat areas of the City and bedrock at the base of and on the side of the Santa Monica Mountains. The Trousdale Estates area is on the side of the Santa Monica Mountains and therefore, mostly bedrock. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
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The City of Beverly Hills is almost entirely built out with established utility services, including sewer systems. This ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

7. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X	

The ordinance does not include changes in land use, allowable development envelope or intensity of use. Additionally, no project is proposed at this time. Currently, no State or regional regulatory agency has formally



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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adopted or widely agreed upon thresholds of significance for greenhouse gas emissions. CEQA Guidelines §15064.7 States that "each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects." This provides justification for lead agencies to determine their own climate change thresholds. The Association of Environmental Professionals (AEP) recommends that "If a Lead Agency chooses to address GCC [Global Climate Change] in a [CEQA] document, it should be addressed in the context of a cumulative (versus project-specific) impact." Additionally, the California Air Pollution Control Officers Association (CAPCOA) States, "To determine what emission reductions are required for new projects one would have to know accurately the 1990 budget and efficacy of other GHG promulgated regulations as a function of time. Since the California Air Resources Board (CARB) will probably not outline its regulation strategy for several more years, it is difficult to determine accurately what the new project reductions should be in the short term." Additional guidance was given by the legislature in 2007 under SB 97, amending CEQA to establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis. But the law does not address the evaluation and determination of "significance." The law simply directs the state's Office of Planning and Research ("OPR") to develop draft CEQA guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions" and directs the state Resources Agency to certify and adopt the CEQA guidelines. Until that time, the OPR has issued a Technical Advisory ("Addressing Climate Change through CEQA Review") to help guide agencies through the process by providing suggested standards on calculating GHG emissions, determining potential significance, and implementing mitigation measures, if necessary and feasible.

The City has begun requiring reductions in greenhouse gas emissions through adoption of a green building ordinance in 2008 that requires new commercial and multi-family construction to exceed Title 24 energy efficiency requirements by 15-percent and requires the installation of photo-voltaic energy generation systems. Additionally, all future construction occurring in the City would be subject to evolving State green house gas emission regulations and specific impacts would be evaluated on a case-by-case basis assuring that as thresholds and regulations develop, new construction will be evaluated using the most up to date evaluation criteria and will be constructed consistent with the most current requirements.

The ordinance proposes no projects and involves no development beyond landscaping activities on private property but may result in the removal of some healthy, mature trees and healthy, mature trees help remove CO₂ from the atmosphere. It is anticipated that only a small number of trees would require removal as a result of the ordinance so the amount of CO₂ remaining in the atmosphere due to the removal of some trees would be negligible. The ordinance would not result in a project-level or cumulatively significant impact with respect to greenhouse gas emissions.

Therefore, any impacts would be *less than significant*.

c) Would the project require or result in the construction of new energy production or transmission facilities, or expansion of existing facilities the construction of which could cause a significant environmental impact?				X
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The State is currently experiencing constraints related to electrical energy supply and delivery. These constraints are



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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generally limited to peak demand days during the summer months. The current electrical and natural gas demand of the City of Beverly Hills is within the capacity limitations of the electrical and natural gas production and transmission facilities serving the City. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

d) Would the Proposed Project encourage the wasteful or inefficient use of energy?			X	
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The ordinance would not change land use or the allowable development envelopes and involves no development. Energy could be consumed during removal, planting or maintenance of trees and foliage, primarily in the form of petroleum fuels and electricity including hauling, but this level of activity is expected to be little different from the current level of activity. Fuel would be needed for vehicles and construction equipment for uses such as power tools. Fuel would also be consumed during the production and transport of materials and workers; however, construction would consist of temporary activities that would not result in long-term demand for energy. The California Air Resources Board recently passed amendments to Title 13 of the CCR which would require heavy diesel vehicles to restrict idling to five minutes or less. While this requirement was implemented to reduce pollutant emissions (see Section 4.2 [Air Quality]), the anti-idling amendments have the added benefit of reducing fuel consumption.

Therefore, any impacts would be *less than significant*.

8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
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The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Therefore, there would be *no impact*.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
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The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
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The City of Beverly Hills is not within any airport land use plan or within two miles of a public use airport. The nearest public airport is Los Angeles International Airport, approximately 7 miles south of the City limits.

Therefore, the amendments would result in *no impact*.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
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There are no existing private airstrips within the City. Therefore, no safety hazard associated with location to near a private airstrip would occur.

Therefore, the amendments would result in *no impact*.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The Beverly Hills Office of Emergency Management published a Hazard Mitigation Plan in 2004. The Plan provides guidance for the City's response to emergency situations associated with natural and manmade disasters. The Plan concentrates on management concepts and response procedures relative to large-scale disasters. Such disasters could pose major threats to life, the environment and property, and can impact the well being of a large number of people. The ordinance would not change land use or the allowable development envelopes and would not increase the residential or daily working populations in the City beyond those contemplated by the existing general plan and Hazard Mitigation Plan.

Therefore, there would be *no impact*

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
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There are no "Wildland Areas" in the City, however the area of the City north of Elevado Avenue is considered a "Very High Fire Hazard Severity Zone" (Figure 12) and owner's of property located within this zone are subject to maintenance requirements in Section 51182 of the California Government Code (California Department of Forestry and Fire Protection, 2009). In addition, Policies S 1.2 and S 1.3 require property owners to maintain their property to reduce fire potential. The ordinance would not change land use or the allowable development envelopes and involves no development. Additionally, no individual development project is contemplated at this time. The ordinance does involve the removal, planting and maintenance of landscaping and this would need to be done in accordance with all applicable State and Local Codes.

Therefore, any impacts would be *less than significant*.

9. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?				X

The City of Beverly Hills is almost entirely built out with established utility services and discharges wastewater to the Los Angeles Hyperion Wastewater Treatment Plant (HTP), which provides secondary treatment to wastewater and dry-weather stormwater within its service area.

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater				X
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	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				

The ordinance would not change land use or the allowable development envelopes and involves no development. Any new landscaping planted pursuant to the ordinance would be encouraged to be water-conserving landscaping that could result in a minor improvement in overall water quality.

Therefore, there would be *no impact*.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
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The ordinance would not change land use or the allowable development envelopes, and involves no development. The City of Beverly Hills does not discharge to a water body that would be susceptible to erosion and siltation caused by alteration of drainage properties. Additionally, drainage patterns in the City would not be substantially altered in a manner that could cause or contribute to increased erosion or siltation. The ordinance includes restrictions and findings designed to minimize erosion impacts from the removal or relocations of trees.

Therefore, any impacts would be *less than significant*.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
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The ordinance would not change land use or the allowable development envelopes and involves no development. General Plan policies and the Building Code would ensure adequate drainage with regard to landscape activities associated with the ordinance and would eliminate any illegal discharges that could contribute to capacity exceedances and localized flooding. Therefore, storm drain system capacity exceedances and associated flood impacts would be minimized.

Therefore, any impacts would be *less than significant*.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
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The City of Beverly Hills is almost entirely built out with established utility services and discharges stormwater to the Los Angeles Hyperion Wastewater Treatment Plant (HWTP), which provides secondary treatment to dry-weather stormwater within its service area. Since no development is contemplated as part of the ordinance and the ordinance would not change land use or development intensity, the ordinance would not exceed the effluent volume limitations. Additionally, several policies in the General Plan are designed to minimize runoff so that the stormwater system does not contribute to water quality contamination (CON 14.1 - CON 14.3). In accordance



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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with policies included in the General Plan, the City's storm drain system would continue to be maintained and upgraded, the amount of pervious surfaces that could infiltrate stormwater runoff would be increased and flood mitigation including flood hazard mitigation would continue to be addressed as part of the City's Hazard Mitigation Action Plan to minimize potential risks associated with flooding. Any permits issued pursuant to the ordinance would be subject to all applicable State laws.

Therefore, any impacts would be *less than significant*.

f) Otherwise substantially degrade water quality?				X
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Figure 14 provides the approximate boundaries and locations of the three ground water basins underlying the City. Common sources of groundwater contamination during construction include earth-disturbing activities, such as trenching for underground utilities and pile driving for foundations. Another source of ground water contamination is from spillage resulting from improper handling, or storage of hazardous materials used during construction, which, could contaminate surface water or percolate into the groundwater. Common sources of groundwater contamination following construction include leaking underground storage tanks, septic systems, oil fields, leaking sewer systems, use of recycled water, and general industrial land uses. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X

The City of Beverly Hills is not located within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map; however, the City's Building and Safety Division delineated two local flood zone areas within the City (Figure 15) as a result of repeated basement flooding events caused by exceedances of the storm drainage system during peak storm events. A 2009 stormwater study has demonstrated that recent storm drainage improvements in the two areas have adequately mitigated flooding issues; however the City has not had an opportunity to remove the local flood area designations. The ordinance would not change land use or the allowable development envelopes and involves no development and neither of the City-designated flood areas is in or near Trousdale Estates.

Therefore, there would be *no impact*.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure				X
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	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
of a levee or dam?				

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

j) Inundation by seiche, tsunami, or mudflow?			X	
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Development in Beverly Hills is subject to hazards associated with seiche, tsunami, and mudflow. The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

A seiche is wave generated on the surface of a landlocked body of water, such as a lake, reservoir or swimming pool (Merriam-Webster, 2009). A tsunami is a great sea wave produced by submarine earth movement or volcanic eruption (Merriam-Webster, 2009). Both seiches and tsunamis are known to occur following earthquakes. After a major earthquake it can be assumed that there may be minor flooding and damage caused by water sloshing out of swimming pools (resulting from a seiche); however this is not anticipated to be substantial. The City maintains 10 partially above ground storage reservoirs, including the Greystone Reservoir (City of Beverly Hills, pg. 151). If a seiche were to occur in one of the City's reservoirs there is a potential that residential properties near the structure could be damaged; however this also is not anticipated to be substantial (City of Beverly Hills, pg. 151). The City of Los Angeles maintains the Upper Franklin Reservoir which is located in the Santa Monica Mountains, above the Coldwater Canyon Park and Recreational Center in Coldwater Canyon. In addition to the summary on flooding due to failure of a dam above, there is a risk of flooding in the City resulting from water sloshing out of the reservoir after an earthquake. Escaping water would flow into the Higgins-Coldwater Channel, a below-ground concrete channel located on the easterly side of Coldwater Canyon Drive (City of Beverly Hills, pg. 152) and therefore resulting flooding would be minimized and would not be substantial. The City of Beverly Hills is located 6 miles east of the Pacific Ocean and at the lowest point is 120 feet above median sea-level along Olympic Boulevard (City of Beverly Hills, pg. 77). Due to the City's distance from the ocean and elevation, there would be little to no risk of flooding from a tsunami.

Mudflows are often triggered by periods of heavy rainfall. Earthquakes, subterranean water flow and excavation can also trigger mudflows (City of Beverly Hills, pg. 160). Factors contributing to rain-caused mudslides are barren earth, steep slopes and roads. Although landslides are natural processes, the incidence of mudslides and their impacts on people and structures can be exacerbated by human activities. Grading and construction can decrease the stability of a slope by adding weight to the top, removing support at the base, or increasing water content. Other activities that can increase the potential for mudslides include: excavation, improper drainage, ground water alteration, and vegetation removal – due to construction or wildfire. An estimated 20-percent



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(approximately 600 parcels) of the City is located in areas where the existing slope grade exceeds a 2:1 ratio of horizontal to vertical distance, which is the measure used by the City's Building and Safety Division to identify potentially unstable slopes (City of Beverly Hills, pg. 163). The General Plan includes policies that reduce mudslides triggered by construction include Policy CON 12.6 which continues to implement existing flood mitigation strategies including storm drainage system cleaning and replacement of aging pipes and Policy OS 1.1 which encourages preservation of natural features in hillside areas. Landscape activities such as tree removal may affect hillside stability as discussed in the "Geology and Soils" section above; however, the level of landscape activity pursuant to the ordinance is anticipated to be very limited and would be regulated by applicable State and local codes regarding water conservation and drainage and irrigation which would limit the potential for mudslides.

Therefore any impacts would be *less than significant*.

k) Would the proposed project require or result in the construction and/or expansion of new storm drain infrastructure that would cause significant environmental effects?			X	
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Areas of existing flooding occur within the City of Beverly Hills and the storm drain system is in continuing need of repairs. General Plan policies CON 12.1 and CON 12.2 establish policy that the City will upgrade the storm drain system as appropriate to protect lives and property and to ensure contamination is minimized. No development is contemplated pursuant to the proposed ordinance and any additional run-off from landscape activity pursuant to the proposed ordinance is anticipated to be minimal.

Therefore, any impacts would be *less than significant*.

10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
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Applicable regionally adopted plans, policies, and regulations include the 2007 Air Quality Management Plan (AQMP), the Regional Transportation Plan (RTP), and SCAG's Regional Comprehensive Plan and Guide (RCPG).



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The SCAG regional plans cover Los Angeles County, which includes the City of Beverly Hills, and five other counties within Southern California. The SCAG regional plans that require a consistency discussion in this section are the RCPG and the 2004 RTP, which is administered by SCAG. Applicable locally adopted plans would include the Beverly Hills General Plan and the Beverly Hills Street Tree Master Plan. Applicable local zoning and building ordinances include the City's Tree Preservation ordinance and the City's Green Building Ordinance.

The proposed ordinance would not change land use or the allowable development envelopes and involves no development. Implementation of the ordinance would be consistent with applicable adopted plans, regulations, or policies as discussed in various section of this document.

Therefore, any impacts would be *less than significant*.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
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The City does not have any habitat conservation or natural community conservation plans. Further, based on the California Natural Diversity Database, the City does not contain any significant habitat capable of supporting sensitive species and does not contain any significant ecological areas. A majority of the City has been developed, paved, or landscaped, and is either denuded of vegetation or contains mainly ornamental and non-native plant species. Suitable habitat for sensitive mammal, reptile, amphibian, or fish species occurring in the region does not occur within the City limits. No major regional wildlife migration corridors have been identified and there is no native riparian habitat, mapped blueline streams (Figure 4), or sensitive natural communities within the City (Figure 6).

Therefore, there would be *no impact*.

11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Mineral resource zones underlying the City are provided in Figure 18. The State Mining and Geology Board (SMGB) classifies significance of mineral resources in accordance with the California Surface Mining and Reclamation Act of 1975 (SMARA) using a system that classifies land into one of four possible Mineral Resources Zones (MRZ) based on quality and significance of mineral resources (California Department of Conservation, Division of Mines and Geology, 1983). According to the State of California (Miller, 1994), the City of Beverly Hills is located in an area classified as MRZ-3, which is defined as "...areas of known or inferred mineral occurrence." The City of Beverly Hills is also located in a highly urbanized area and is almost completely built out and therefore any potential access to mineral resources, such as gravel and sand, is limited or does not exist.



Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Oil Fields underlying the City are provided in Figure 19. Oil and gas deposits are not considered "minerals", however a summary of impacts to oil and gas production has been provided because the City is within a region underlain by oil deposits. The City is located on the San Vicente, East Beverly Hills and South Salt Lake Fields; these fields have produced over 100 million barrels of oil and 200 billion cubic feet of gas (City of Beverley Hills, 2005).

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

12. NOISE. Would the project result in:			
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?			X

Due to the existing character of the City, residential and commercial uses are located relatively close to one another and, in some instances, co-exist. Noise that would be experienced by sensitive uses is determined at the property lines and the nearest sensitive uses would vary at different locations in and around the City. Specific development is not contemplated pursuant to the proposed ordinance; however, there is the potential that future landscaping activities pursuant to the ordinance could be close to sensitive receptors (single- and multi-family residential, educational, and medical uses). It is anticipated that noise from such landscaping activities would be of a temporary nature. Policies in the General plan tend to limit noise generation and provide better protections to noise-sensitive receptors. For example, the amendments contain Goal N 1, which states, "Minimize land use conflicts between various noise sources and other human activities." and Goal N 3, stating, "Minimize non-transportation-related noise impacts on sensitive noise receptors." To achieve these goals the General Plan contains several policies intended to reduce the potential exposure of sensitive receptors to noise related impacts (N 1.1 - N 1.6, N 3.1 and N 3.2). Implementation of these policies, as well as compliance with the City of Beverly Hills Noise Ordinance would ensure that potential impacts to sensitive receptors due to exposure to noise levels that exceed the established local standards are minimized. Beverly Hills is subject to ground-borne vibration and noise levels associated with traffic and construction activities. Existing Roadway Noise Contours are provided in Figure 20. Policies included in the General Plan would tend to limit noise generation and provide better protections to noise-sensitive receptors (Policies N 1.1 - N 1.6, N 2.1 - N 2.3, N 3.1 - 3.2, and N 4.1). In addition to the new policies and programs the protective measures already required would remain in place (BHMC 5-1-104: General Standards Relative to Disturbance of the Peace).

Therefore, any impacts would be *less than significant*.



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

Noise created by activities pursuant to the proposed ordinance would be expected to be of a temporary nature related to planting, removal and maintenance of landscaping. It is possible that landscaping removed pursuant to the ordinance could result in an increase in noise if the landscaping removed was perceived as a noise screen. The ordinance includes no projects and view restoration permits approved pursuant to the ordinance would be subject to restrictions and findings in the ordinance.

Therefore, any impacts would be *less than significant*.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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Noise created by activities pursuant to the proposed ordinance would be expected to be of a temporary nature related to planting, removal and maintenance of landscaping. It is possible that landscaping removed pursuant to the ordinance could result in an increase in noise if the landscaping removed was perceived as a noise screen. The ordinance includes no projects and view restoration permits approved pursuant to the ordinance would be subject to restrictions and findings in the ordinance.

Therefore, any impacts would be *less than significant*.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
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The City is not in the vicinity of any commercial airport nor does any area of the City fall within an airport land use plan.

Therefore the amendments would have *no impact*.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
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There are no private airstrips in the vicinity of the City.

Therefore the amendments would have *no impact*.

13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	

The City is fully developed with urban uses and this ordinance does not include changes in land use, allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

b) Police protection?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

c) Schools?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

d) Parks?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Other public facilities?				X

The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

15. RECREATION. Would the project:				
a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X

The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

c) Result in a change in air traffic patterns, including either an increase in traffic levels, or a change in location, that result in substantial safety risks?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
property.				

Therefore, there would be *no impact*.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e. g. farm equipment)?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

e) Result in inadequate emergency access?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

f) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

g) Result in inadequate parking capacity?				X
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The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

17. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

Implementation of the ordinance is expected to have no impact on wastewater treatment requirements as the ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

b) Require or result in the construction of new water or				X
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	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				

The City of Beverly Hills is almost entirely built out and the ordinance would not change land use, the allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
---	--	--	---	--

The City of Beverly Hills sends approximately 6 Million Gallons per Day (MGD) to the Los Angeles County Hyperion Treatment Plant. The plant has a dry weather capacity of 450 MGD for full secondary treatment and an 850 MGD wet weather capacity. Current flow is 340 MGD, well below the facility's design capacity (City of Los Angeles Regional Water Quality Control Board, 2008). The ordinance proposes no projects and involves no development beyond landscaping activities on private property. It is anticipated that any run-off from landscape activities associated with the ordinance would be negligible, since the number of view restoration permits approved would be limited and larger landscape projects would be subject to the City's water conservation ordinance.

Therefore, any impacts would be *less than significant*.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
--	--	--	---	--

Goals and policies in the General Plan direct the City to continue to implement water conservation measures to limit water consumption and meet the current and projected future daily and peak water demands, which are designed to increase reliability. As a member of the California Urban Water Conservation Council, the City has a demonstrated commitment to efficient water use by integrating urban water conservation Best Management Practices into the planning and management of California's water resources. The ordinance proposes no projects and involves no development beyond landscaping activities on private property. It is anticipated that any water use associated with the ordinance would be consistent with or even less than current use, since the number of view restoration permits approved would be limited, larger landscape projects would be subject to the City's water conservation ordinance and as part of the proposed ordinance, the City is reviewing additional landscape guidelines that promote water conservation including the planting of appropriate water-conserving trees and plants.

Therefore, any impacts would be *less than significant*.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the				X
--	--	--	--	---



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
provider's existing commitments?				

Implementation of the ordinance is expected to have no impact on wastewater treatment requirements as the ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
--	--	--	--	---

The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

g) Comply with federal, State, and local statutes and regulations related to solid waste?				X
---	--	--	--	---

The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*

	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE. Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

Degrade the quality of the environment. As previously summarized under Item 9, in at the beginning of this document, - "Location, Plan Area and Regional Access", the City is 5.7 square miles, located in an urbanized area, and surrounded by the cities of West Hollywood to the east and Los Angeles to the south, west and north.

The proposed ordinance would include standards, restrictions and findings that articulate the City's goal to restore and maintain certain views while providing for residential privacy and security, maintaining the garden quality of



the City (aesthetics), 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. Although this ordinance involves no development, an initial study has been prepared because adoption of this ordinance may result in some mature, healthy landscape trees on private property being trimmed, topped or cut down to restore or maintain views for single family residential property owners. No specific projects affecting mature, healthy trees are contemplated as part of this ordinance. Specific view restoration applications would have to be consistent with the General Plan and landscape activities consistent with the Building Code. The General Plan includes policies regarding aesthetics (Policy OS 6.1 States that the City "seek to protect scenic views and vistas from public places"). The ordinance stresses the importance of balancing the desire for views with the maintenance of trees. It includes the following statement, "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 restore a protected view in accordance with the findings." The City has a tree preservation ordinance that protects trees of certain size or species in the front or street side yards of private residential property. The intent of that ordinance is to protect trees that can be seen from the public right of way and therefore contribute to the City's aesthetic environment. It is anticipated that trees designated as "protected" pursuant to the Tree Preservation ordinance will continue to be subject to that ordinance, even if found to be obstructing a view. A particular application that may result in reduction of shade would be regulated by State laws addressing energy consumption. The proposed ordinance does not apply to the City's street trees which are regulated by a Street Tree Master Plan in accordance with the City's General Plan. General Plan policies adopted in 2010 will improve the quality of the environment by conserving water, requiring additional protections for stormwater quality and reducing greenhouse gas emissions. It is anticipated that only a small number of trees would require removal as a result of the ordinance and that such limited removal would not substantially degrade the existing visual character or quality of the area, affect hillside stability or, with regard to landscaping activities, would not result in additional water use, impact on the storm drain system or water quality, and would not impact greenhouse emissions.

Therefore, there would be *no impact*.

Substantially reduce the habitat of a fish or wildlife species. As summarized above and previously in Section 4 – "Biological Resources", lands in the City are largely urbanized and contains few to no significant biological resources. Areas that may provide habitat for special-status species are primarily located in the chaparral areas in the Santa Monica Mountains north of Sunset Boulevard. No native plant communities are present within the City's boundaries (Figure 6). Although there is marginal foraging habitat within the City for the Hoary bat, a State Species of Special Concern (California Department of Fish and Game, 2009), the level of historical disturbance in the City has most likely resulted in a low prey - primarily of moths- population level and it is assumed based on the California Natural Diversity Database that marginal or better habitats would exist in proximity to the City that are more likely to attract the bat's prey (e.g., coastal and mountain areas) and therefore would provide better foraging habitat. No impacts to roosting individuals would be expected because the habitat they prefer (areas within dense foliage of woodlands and forests with medium to large size trees that have ground cover of low reflectivity) does not occur within the City limits.

The ordinance does not change land uses, allowable development envelopes or intensity of use and implementation would not result in either a direct or an indirect loss of a plant or animal community. In addition the General Plan encourages preservation of natural features in the hillside areas, (generally, all areas of the City above Sunset Boulevard, which is also the area of the City in the foothills of the Santa Monica Mountains), thereby conserving areas potentially suitable for native plants and animals (Policy OS 1.1). It is anticipated that only a small number of trees would require removal as a result of the ordinance. The ordinance proposes to include the following finding that must be made for approval of a view restoration permit, "Trimming or removal of foliage on Foliage Owner's property will not have a substantial adverse impact on stability of a hillside, drainage of the



property, erosion control, energy usage (loss of shade) or on biological resources." Implementation of the ordinance would not result in adverse impacts either directly or indirectly through habitat modifications, to candidate, sensitive or special status plant and wildlife species.

The ordinance proposes no projects and involves no development beyond limited landscaping activities on private property; implementation would not reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal.

Therefore, there would be *no impact*.

Eliminate important examples of the major periods of California history or prehistory. As summarized in Section 5 – "Cultural Resources", no archeological resources have been identified in the City and the potential existence of resources is low, due to previous construction-related, ground disturbing activities. No specific development is proposed and therefore the amendments would not affect any potentially existing paleontological or historical resources. Additionally, the amendments would conserve any potential archeological, paleontological or historical resources through Policies CON 1.8 and CON 1.9. There is no site in Trousdale Estates or any tree that is currently included on a list of historic resources. Additionally, the General Plan includes Policies CON 1.8 and CON 1.9 which require all construction work to cease if a potential archeological or paleontological resource is discovered and only continue once the potential resource has been evaluated. The ordinance proposes no projects and involves no development beyond landscaping activities on private property.

Therefore, there would be *no impact*.

	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)				X

The City of Beverly Hills is almost entirely built out and the ordinance would not change land use, the allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property. It is anticipated that only a small number of trees would require removal as a result of the ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance and development regulations established in the municipal code. Considering these factors, it is unlikely that implementation of the ordinance would have physical impacts that are individually limited but cumulatively considerable.

Therefore, there would be *no impact*.

	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact



	Potentially Significant	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

The City of Beverly Hills is almost entirely built out and the ordinance would not change land use, the allowable development envelopes or intensity of use. The ordinance proposes no projects and involves no development beyond landscaping activities on private property. It is anticipated that only a small number of trees would require removal as a result of the ordinance. Specific view restoration permit requests would be reviewed in accordance with the ordinance and development regulations established in the municipal code. Considering these factors, it is unlikely that implementation of the ordinance would have physical impacts that are individually limited but cumulatively considerable.

Therefore, there would be *no impact*.



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Appendix A

List of Figures

1. Regional Location
2. Planning Area
3. Fault Lines
4. Watershed Plan
5. Hydro Regions
6. Sensitive Species and Vegetation Communities
7. Existing Storm Drainage System
8. Topography Flow Arrows
9. Landslide Prone Areas and Soil Liquefaction Zones
10. Zoning
11. School Facilities
12. Fire Zones
13. Park Facilities
14. Water Basin Resources
15. Local Flood Zones
16. City of Los Angeles Flood Map
17. Santa Monica Mountains Topographic Maps, No. 219 (Coldwater Canyon)
18. Mineral Resources
19. Oil Fields
20. Existing Roadway Noise Contours
21. Police and Fire Facilities

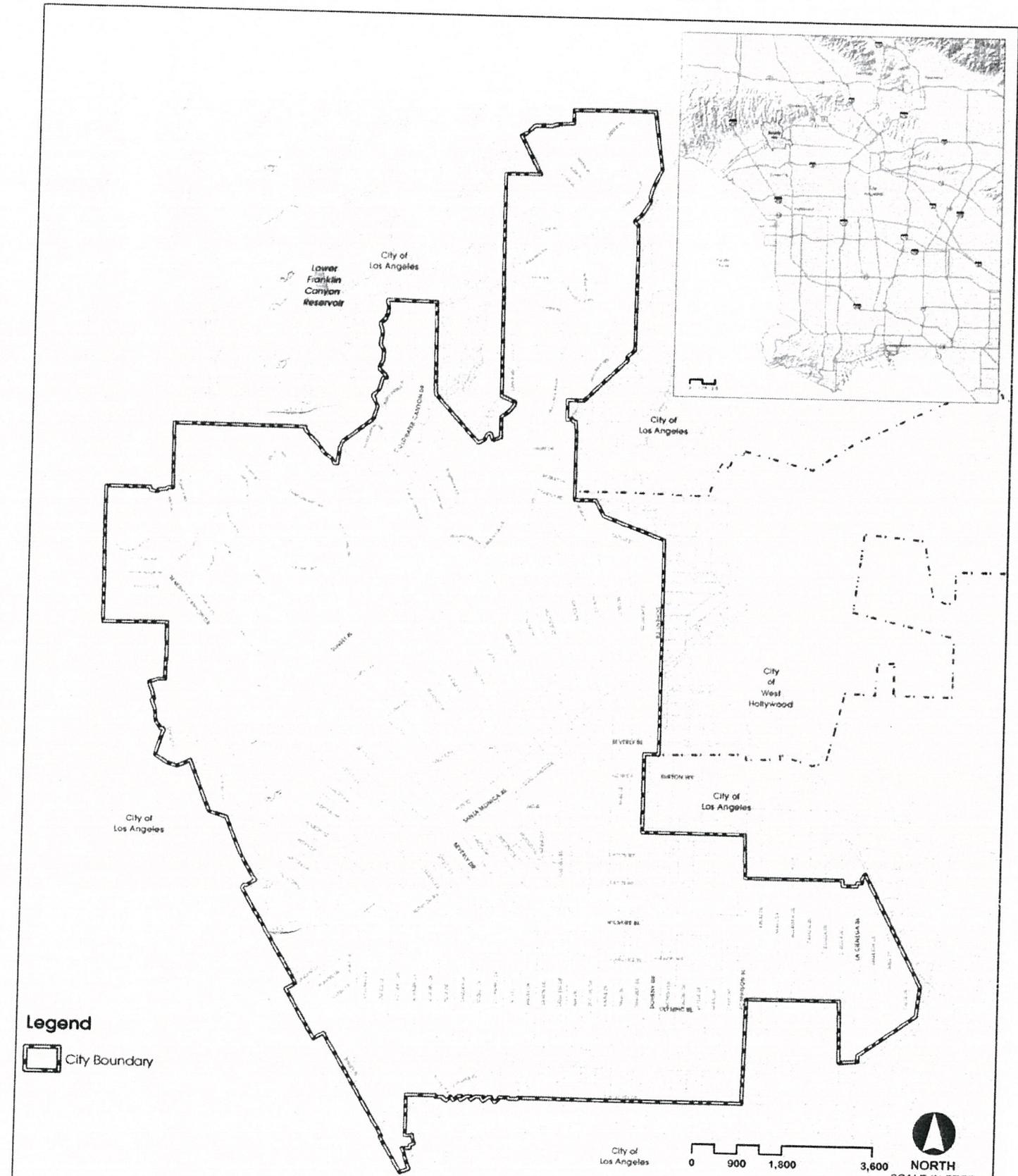
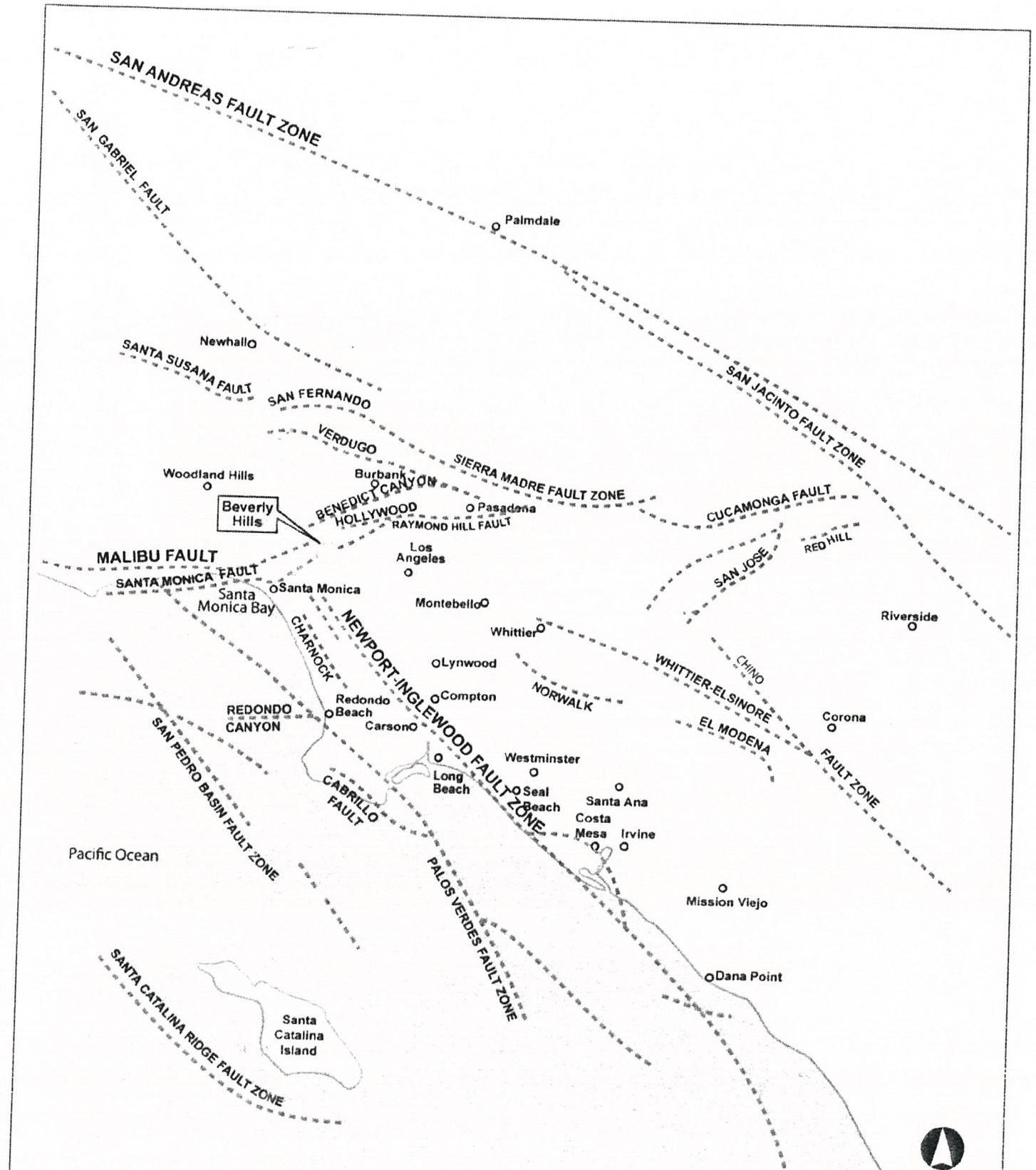
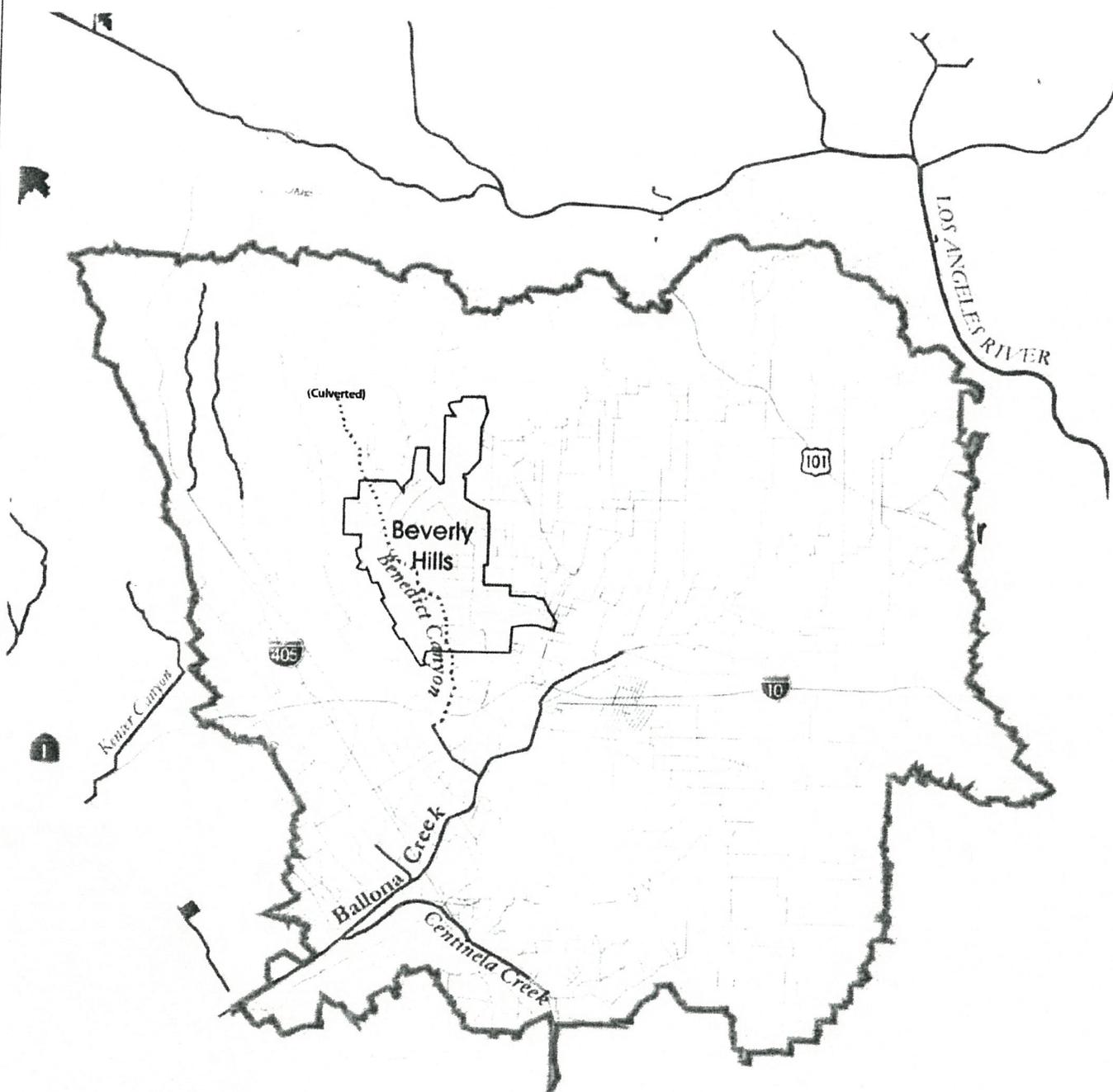


FIGURE 2
Planning Area



Source: CDMG OFR 93-03, 1993, USGS MFI-512, 1985.

Figure 3
Regional Fault Map



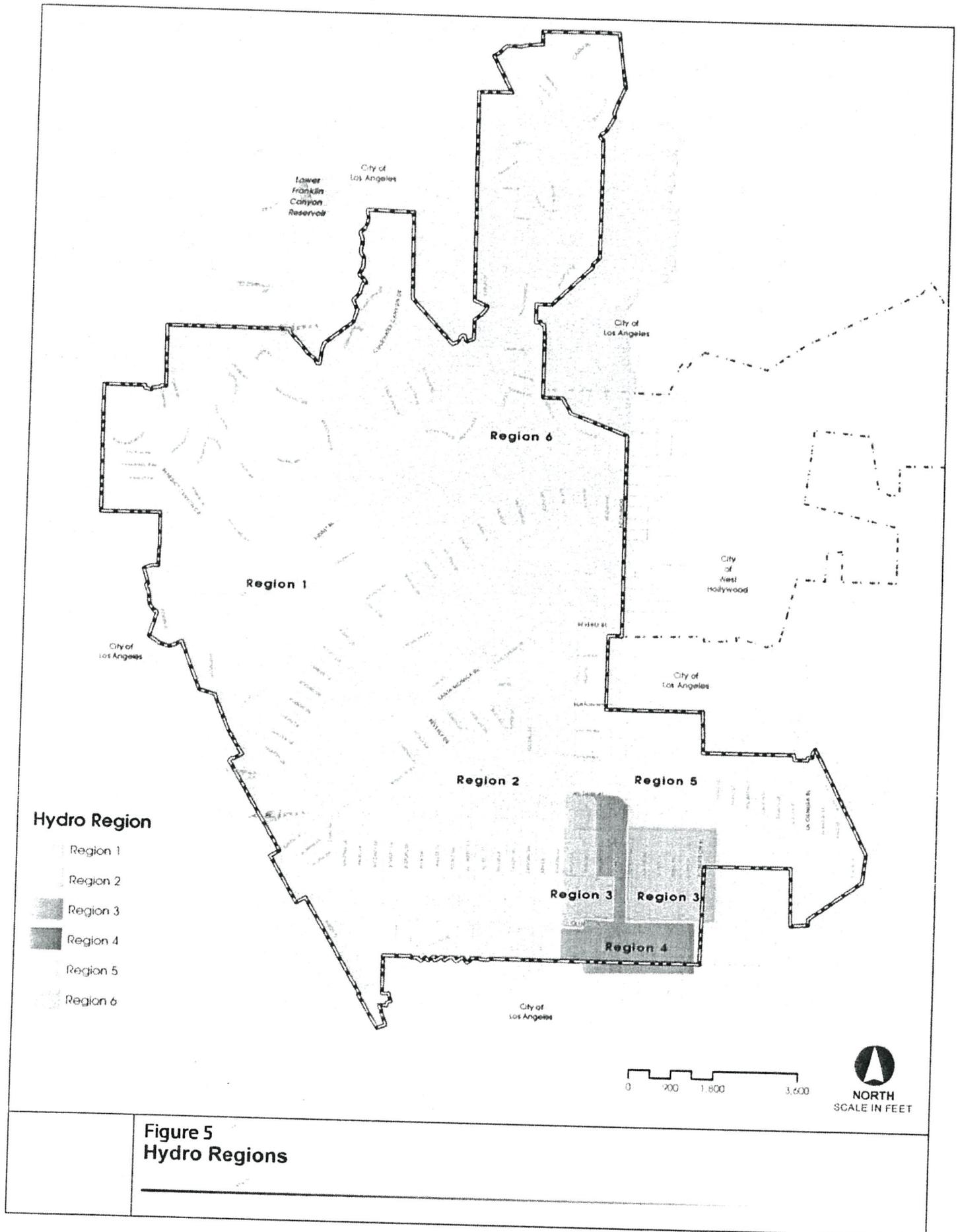
PACIFIC OCEAN

-  Ballona Creek Watershed
-  Major Channel
-  Drainage Line
-  Minor Channel

Source: LA County, Department of Public Works, Watershed Boundaries, Channels, and Roads, May 2003



**Figure 4
Watershed Plan**



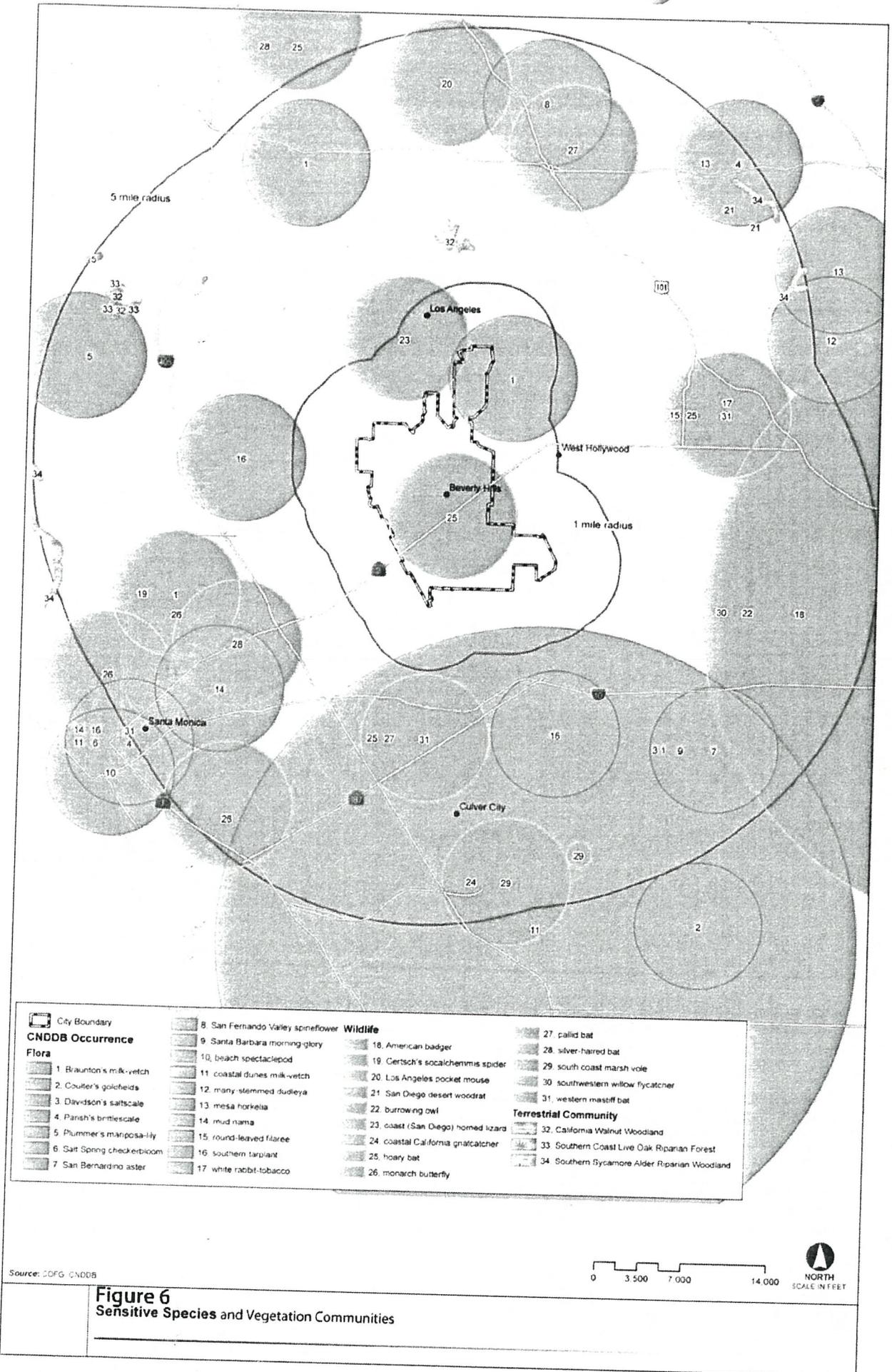
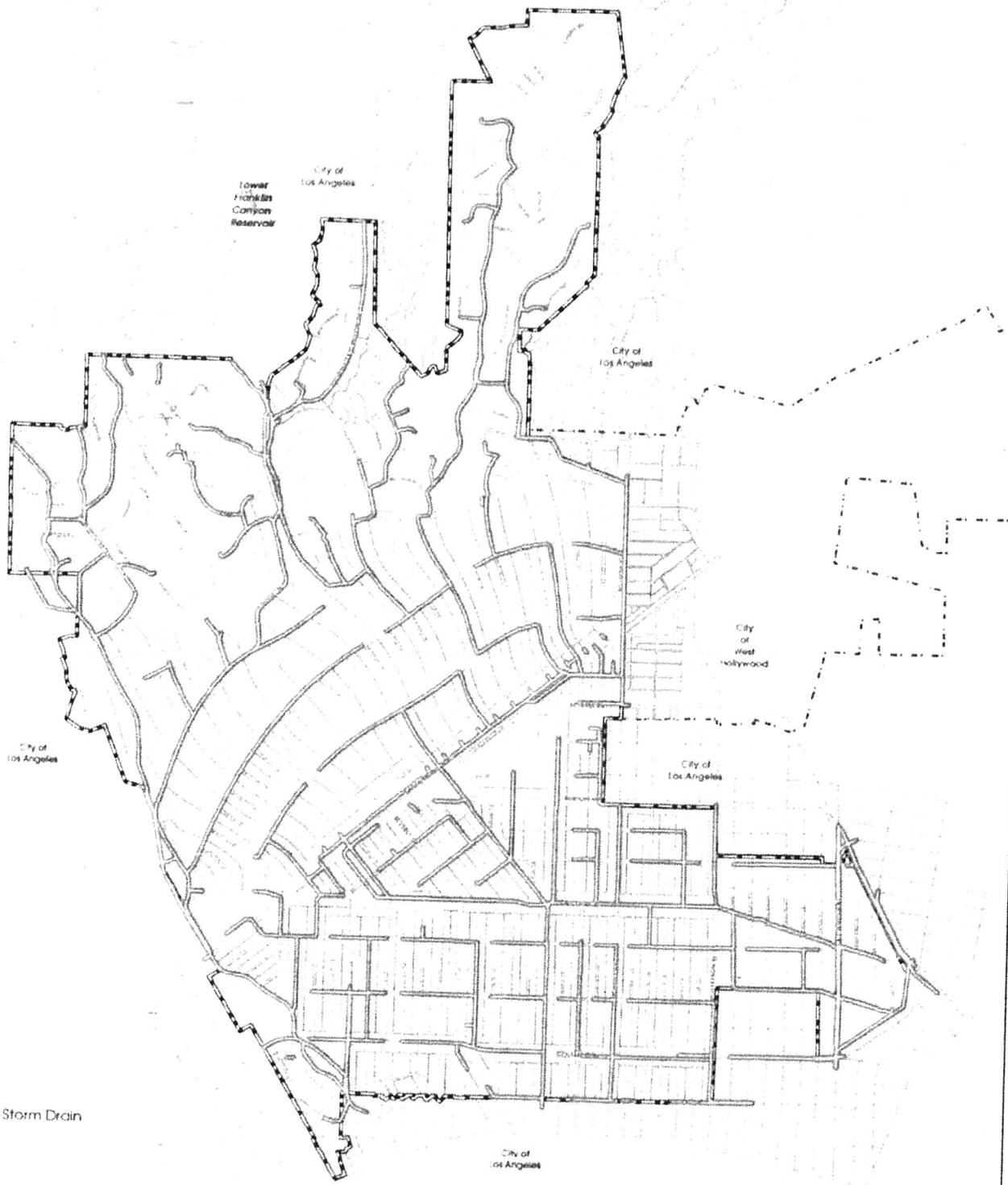
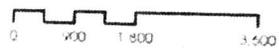


Figure 6
Sensitive Species and Vegetation Communities



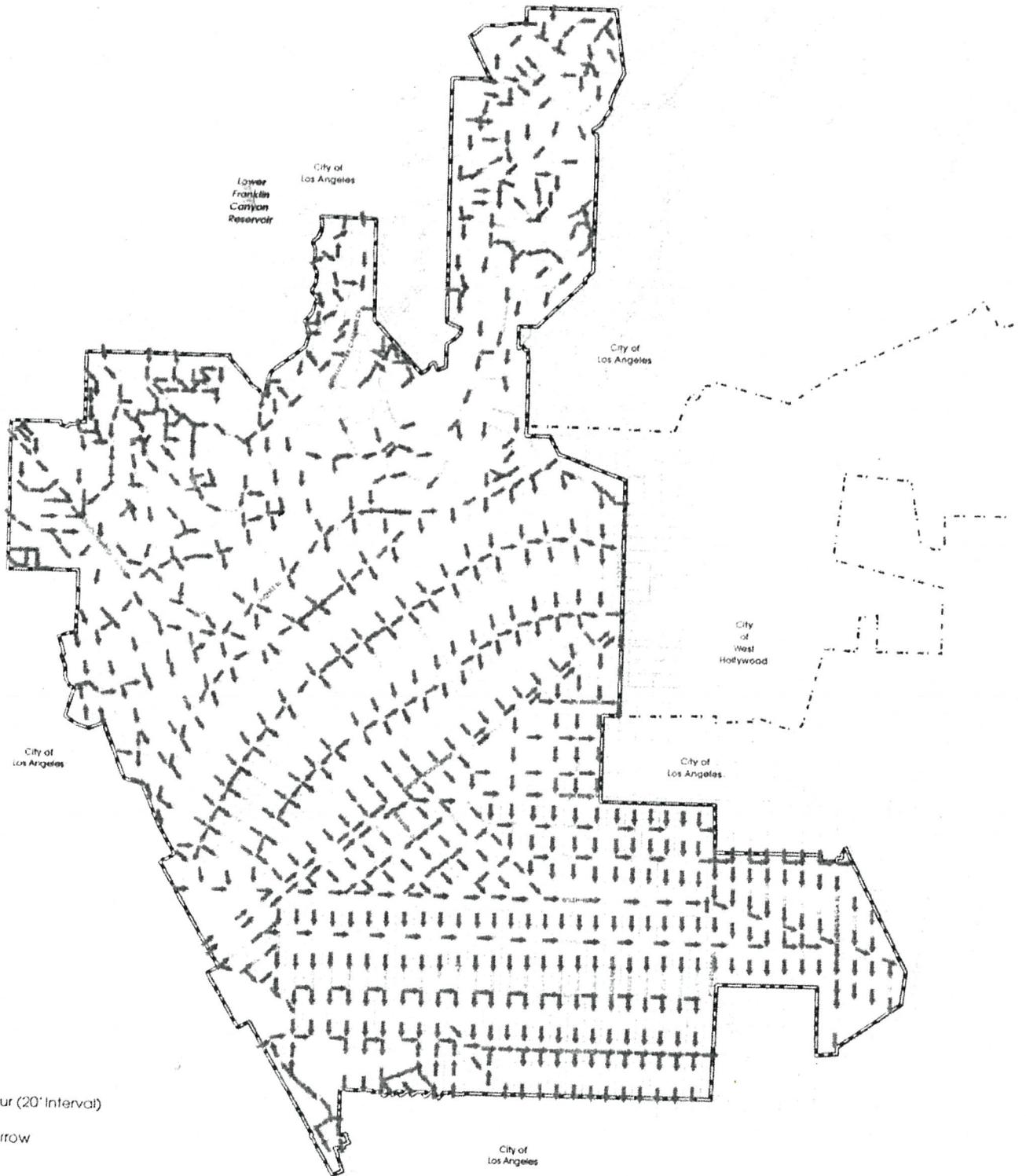
Legend

— Existing Storm Drain



Source: City of Beverly Hills

**Figure 7
Existing Storm Drain Locations**



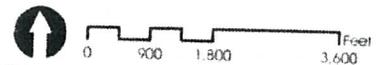
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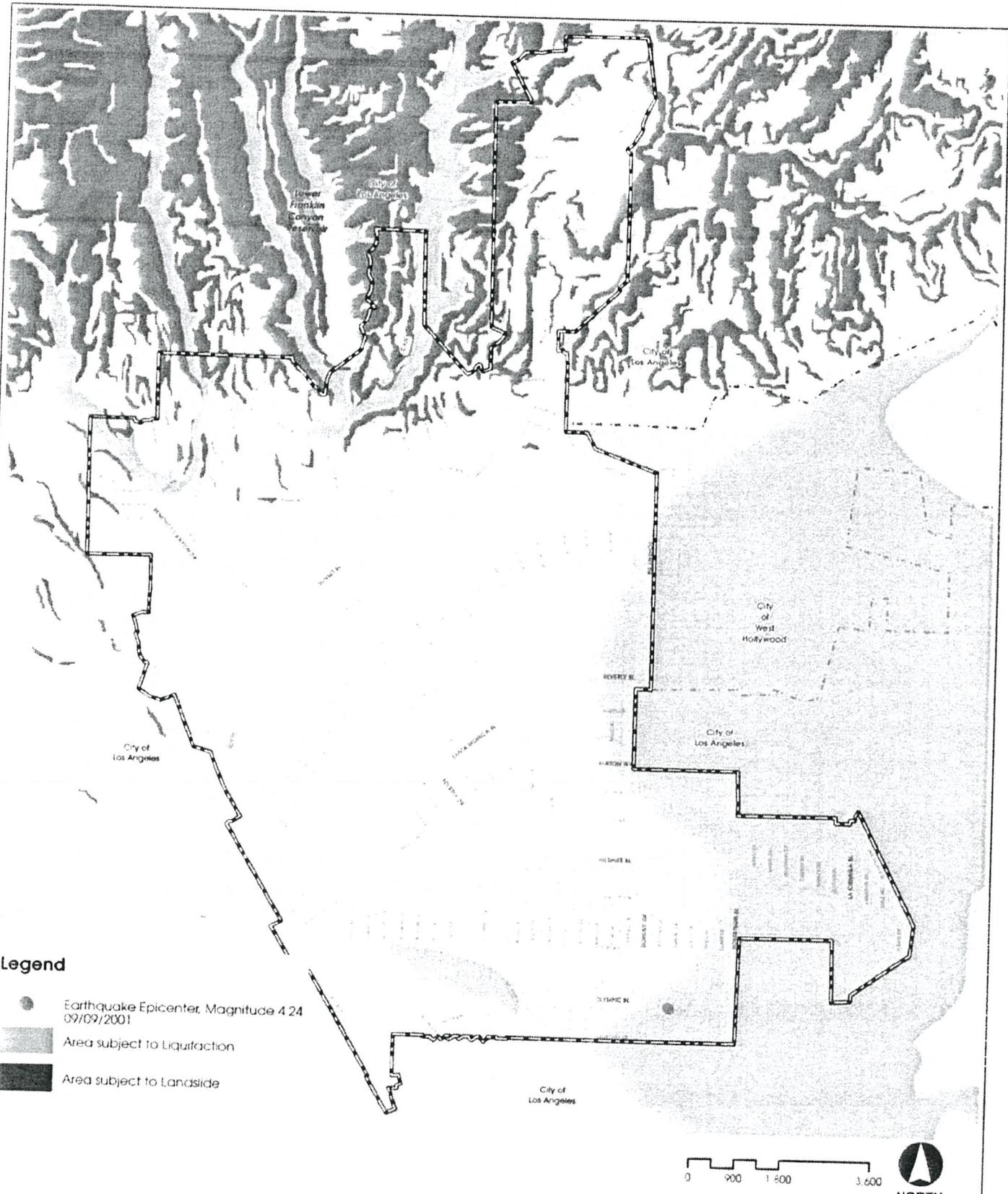
Contour (20' Interval)

→ Flow Arrow

Source: City of Beverly Hills.

Figure 8





Legend

- Earthquake Epicenter, Magnitude 4.24 09/09/2001
- Area subject to Liquefaction
- Area subject to Landslide

Source: City of Beverly Hills

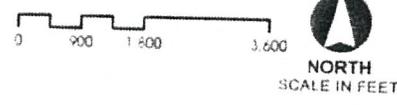


Figure 9
Landslide Prone Areas and Soil Liquefaction Zones



City of Beverly Hills Zoning Map

Planning Division, October 2008

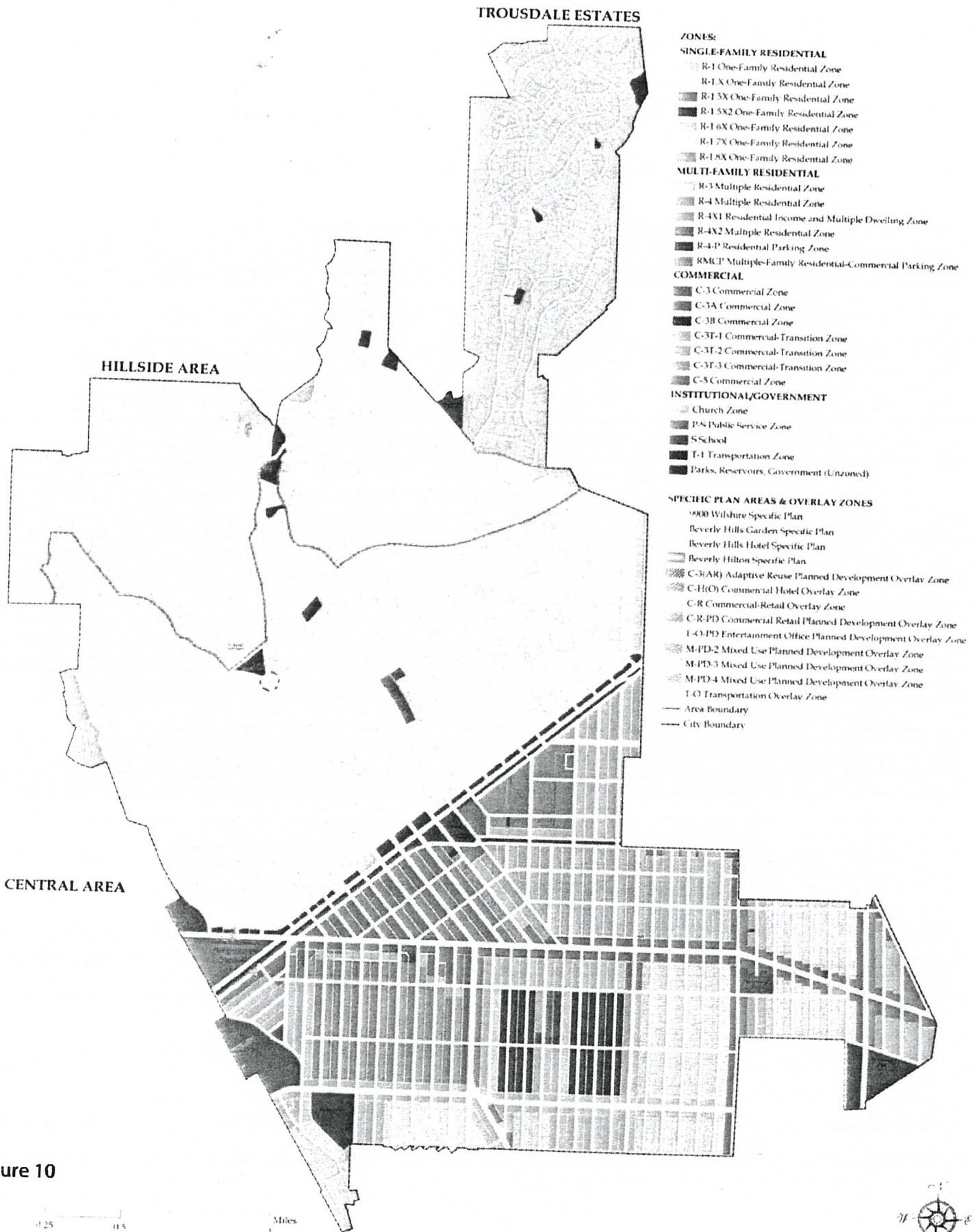
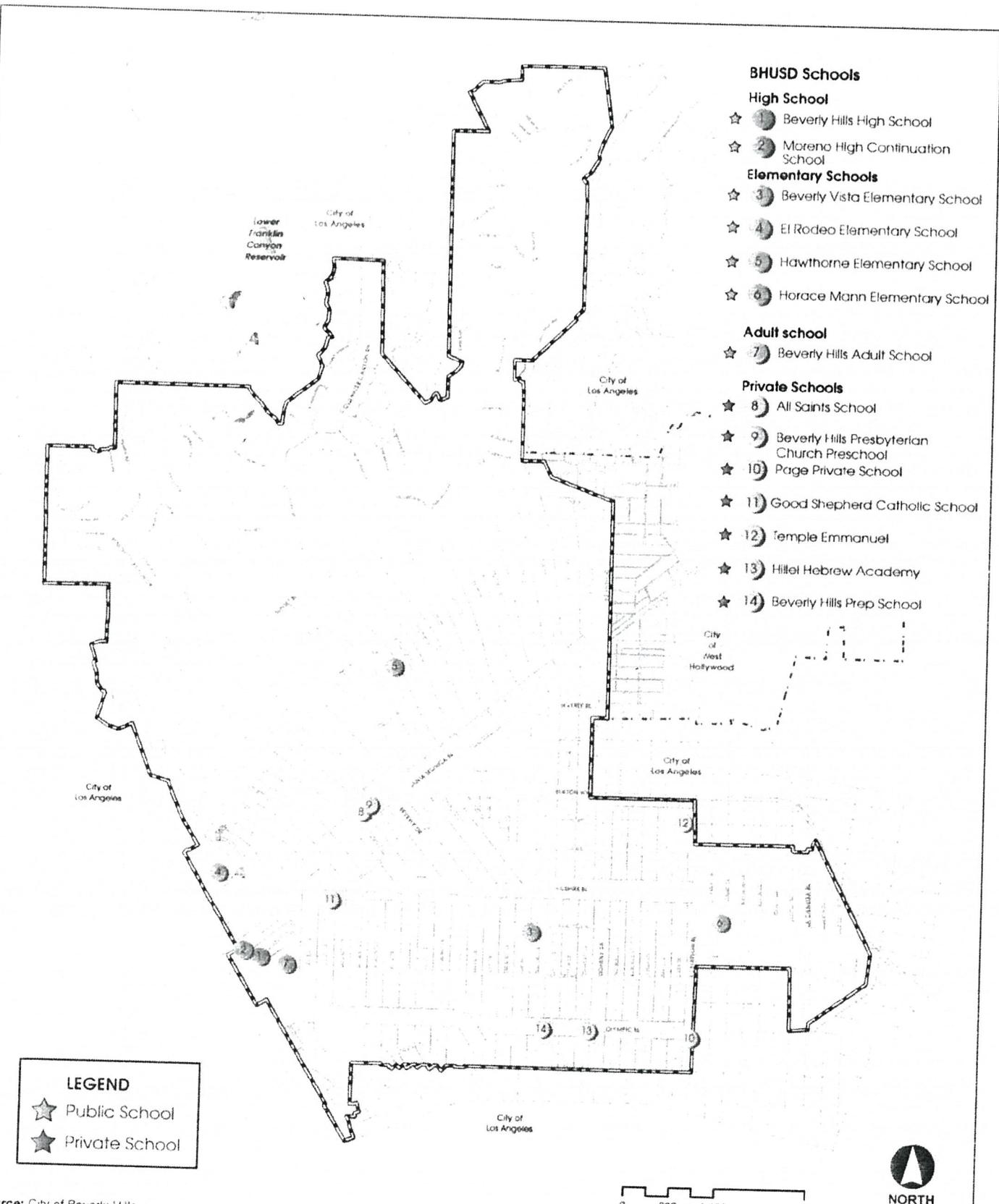


Figure 10



BHUSD Schools

High School

- ☆ 1 Beverly Hills High School
- ☆ 2 Moreno High Continuation School

Elementary Schools

- ☆ 3 Beverly Vista Elementary School
- ☆ 4 El Rodeo Elementary School
- ☆ 5 Hawthorne Elementary School
- ☆ 6 Horace Mann Elementary School

Adult school

- ☆ 7 Beverly Hills Adult School

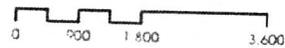
Private Schools

- ☆ 8 All Saints School
- ☆ 9 Beverly Hills Presbyterian Church Preschool
- ☆ 10 Page Private School
- ☆ 11 Good Shepherd Catholic School
- ☆ 12 Temple Emmanuel
- ☆ 13 Hillel Hebrew Academy
- ☆ 14 Beverly Hills Prep School

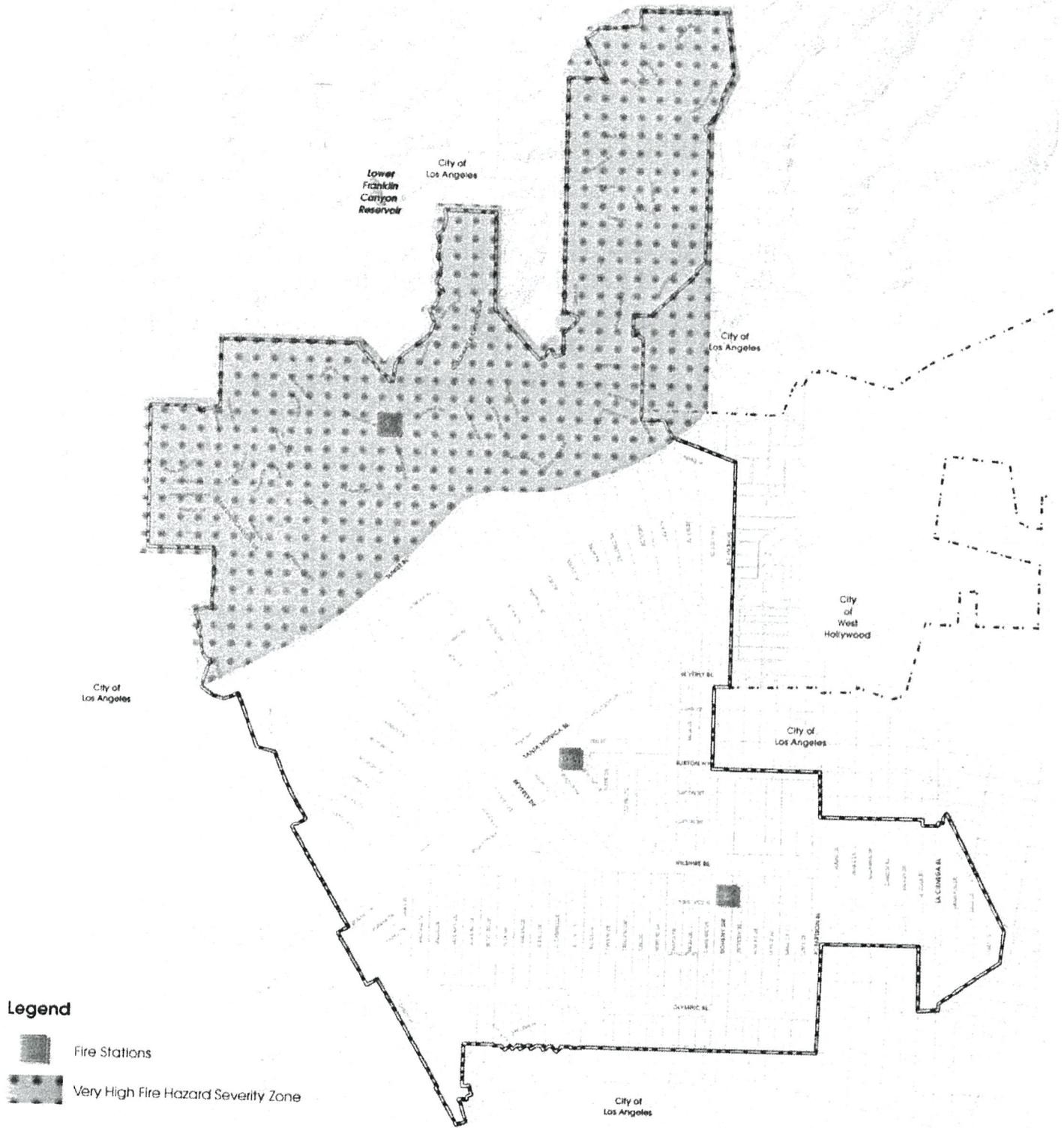
LEGEND

- ☆ Public School
- ★ Private School

Source: City of Beverly Hills

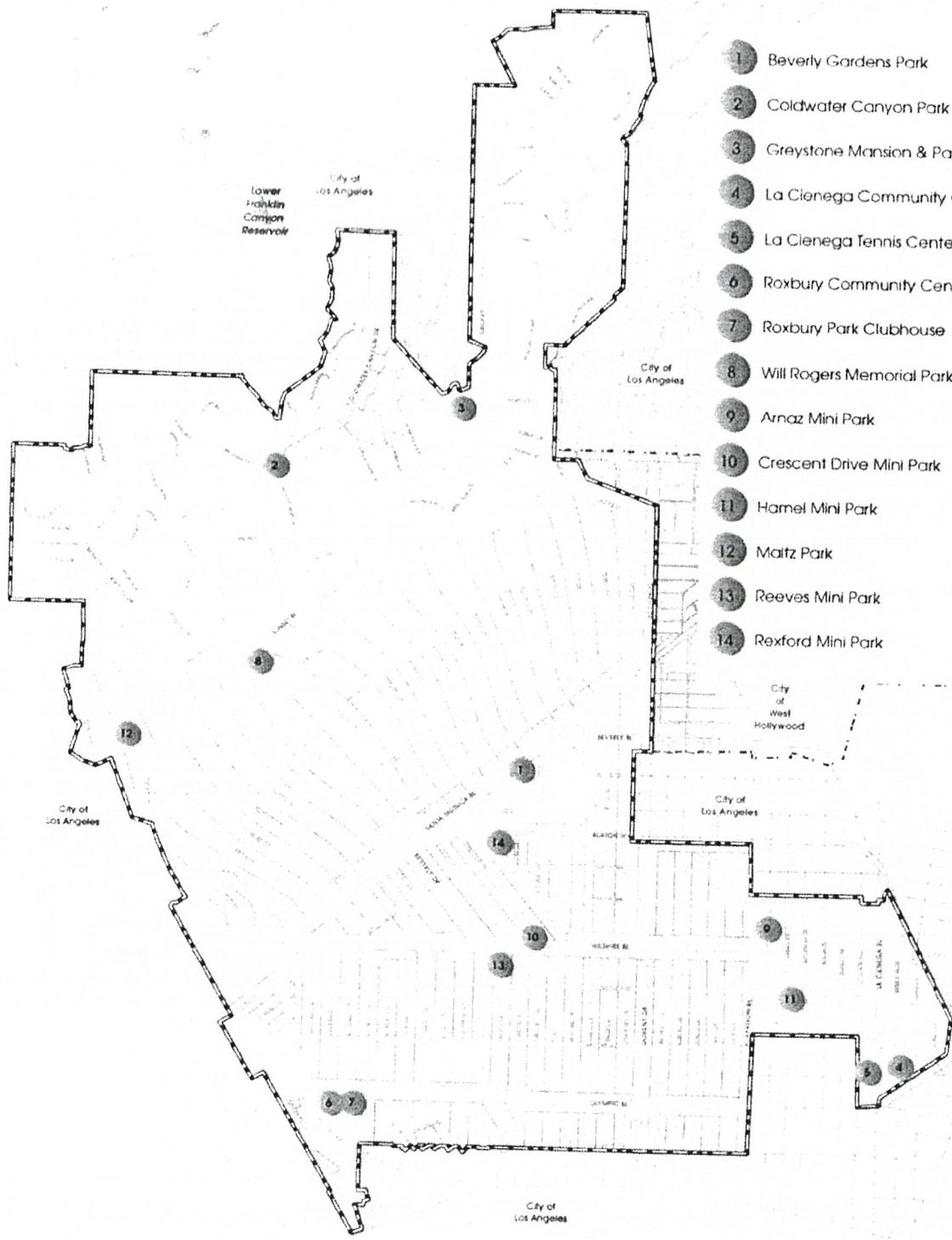


**Figure 11
Schools**



Source: City of Beverly Hills,

Figure 12



- 1 Beverly Gardens Park
- 2 Coldwater Canyon Park
- 3 Greystone Mansion & Park
- 4 La Cienega Community Center & Park
- 5 La Cienega Tennis Center
- 6 Roxbury Community Center & Park
- 7 Roxbury Park Clubhouse
- 8 Will Rogers Memorial Park
- 9 Arnaz Mini Park
- 10 Crescent Drive Mini Park
- 11 Hamel Mini Park
- 12 Maitz Park
- 13 Reeves Mini Park
- 14 Rexford Mini Park

Source: City of Beverly Hills.

Figure 13
Park Facilities

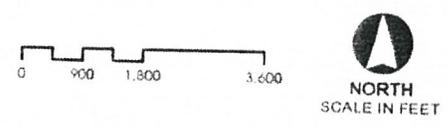
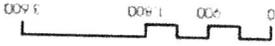


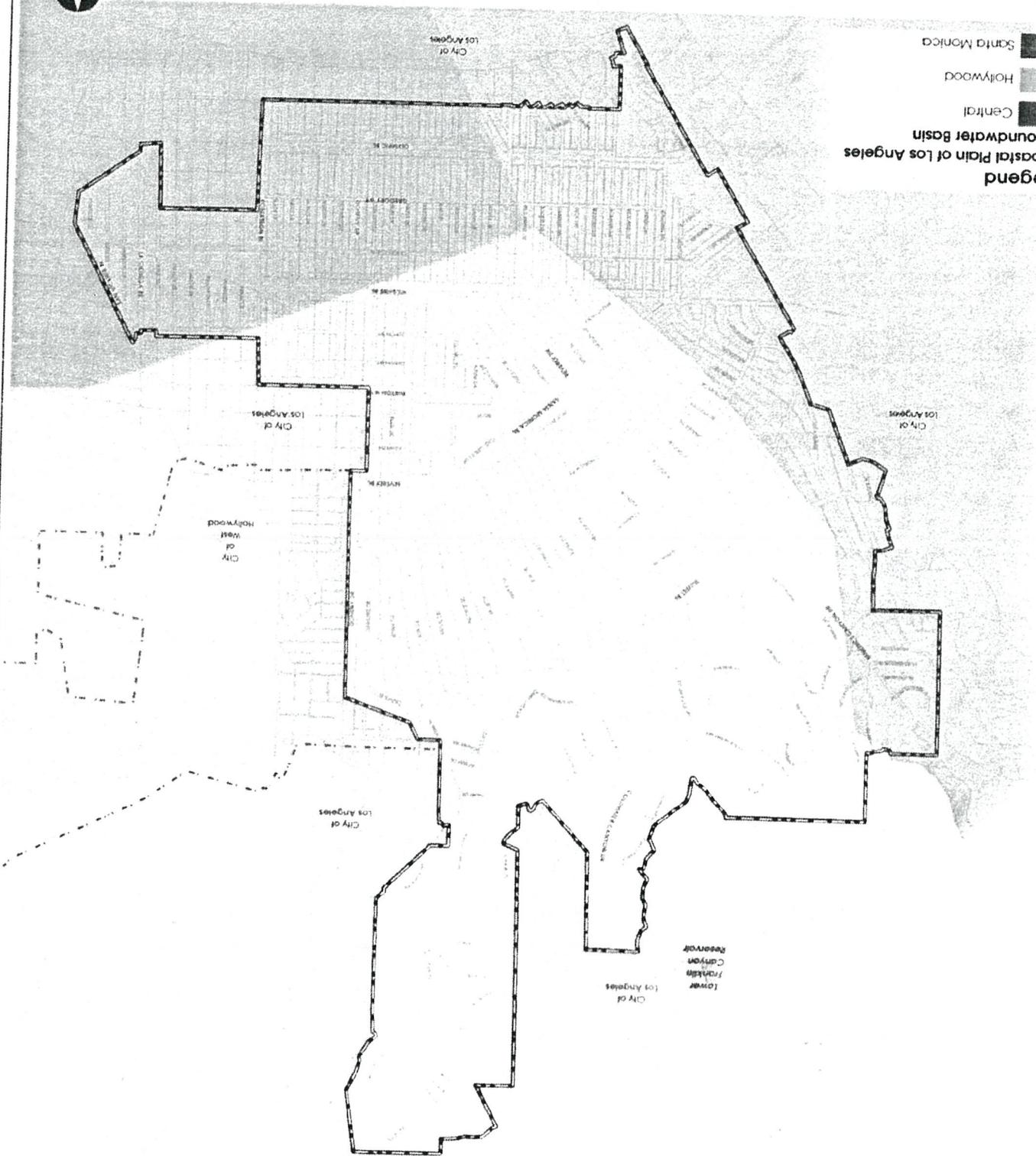
Figure 14 Water Basin Resources

Source: City of Beverly Hills.

SCALE IN FEET

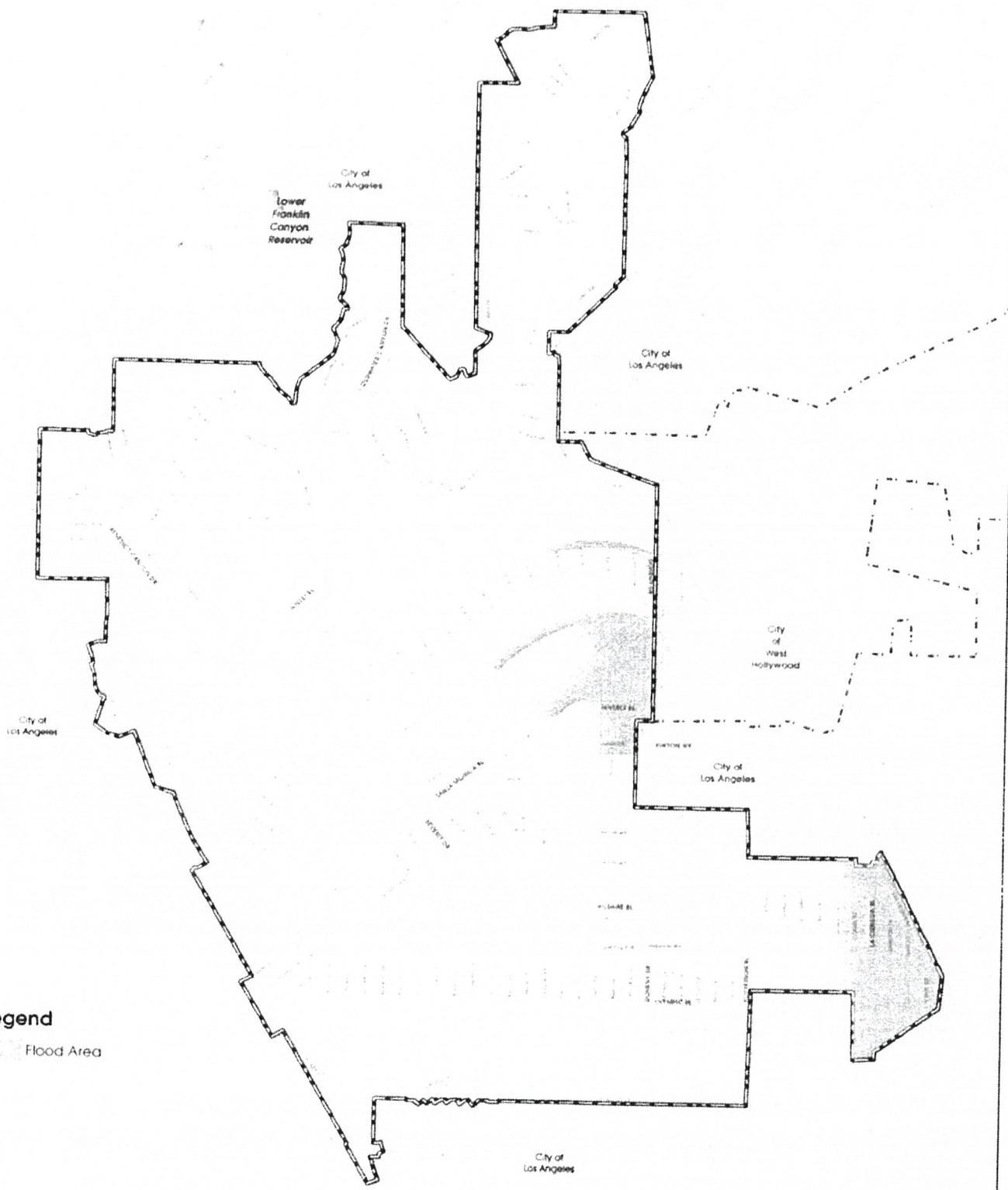


- Legend**
Coastal Plain of Los Angeles
Groundwater Basin
- Santa Monica
 - Hollywood
 - Central



Legend

 Flood Area



Source: City of Beverly Hills

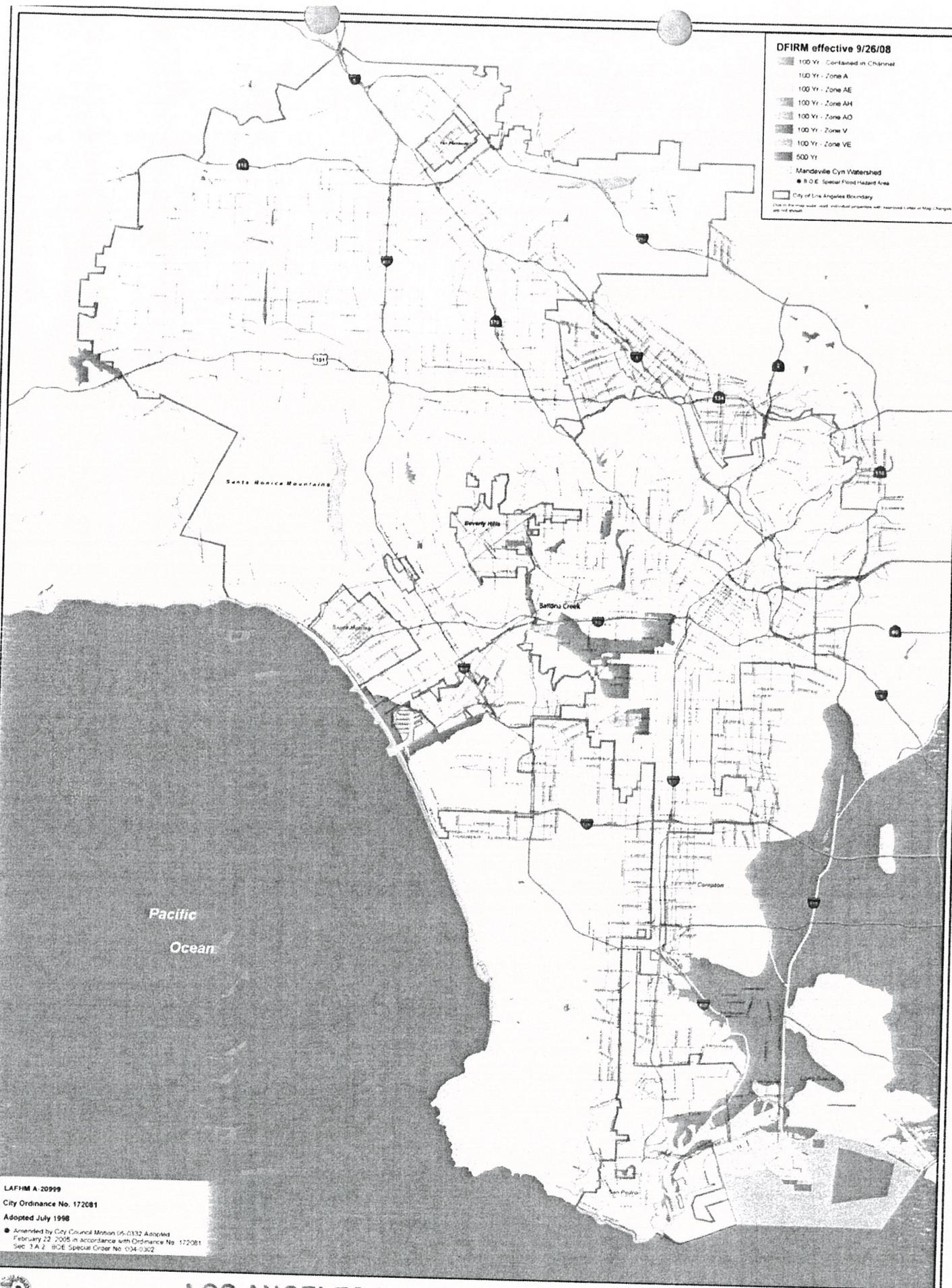


**Figure 15
Flood Zones**

DFIRM effective 9/26/08

- 100 Yr - Contained in Channel
- 100 Yr - Zone A
- 100 Yr - Zone AE
- 100 Yr - Zone AH
- 100 Yr - Zone AD
- 100 Yr - Zone V
- 100 Yr - Zone VE
- 500 Yr
- Mandeville Cyn Watershed
- B.O.E. Special Flood Hazard Area
- City of Los Angeles Boundary

Check the original map for additional information with reference to the City of Los Angeles Department of Public Works.



LAFHM A-20999
 City Ordinance No. 172081
 Adopted July 1998
 • Amended by City Council Motion 05-0132 Adopted February 22, 2005 in accordance with Ordinance No. 172081 Sec. 3 A 2 B.O.E. Special Order No. 034-0302

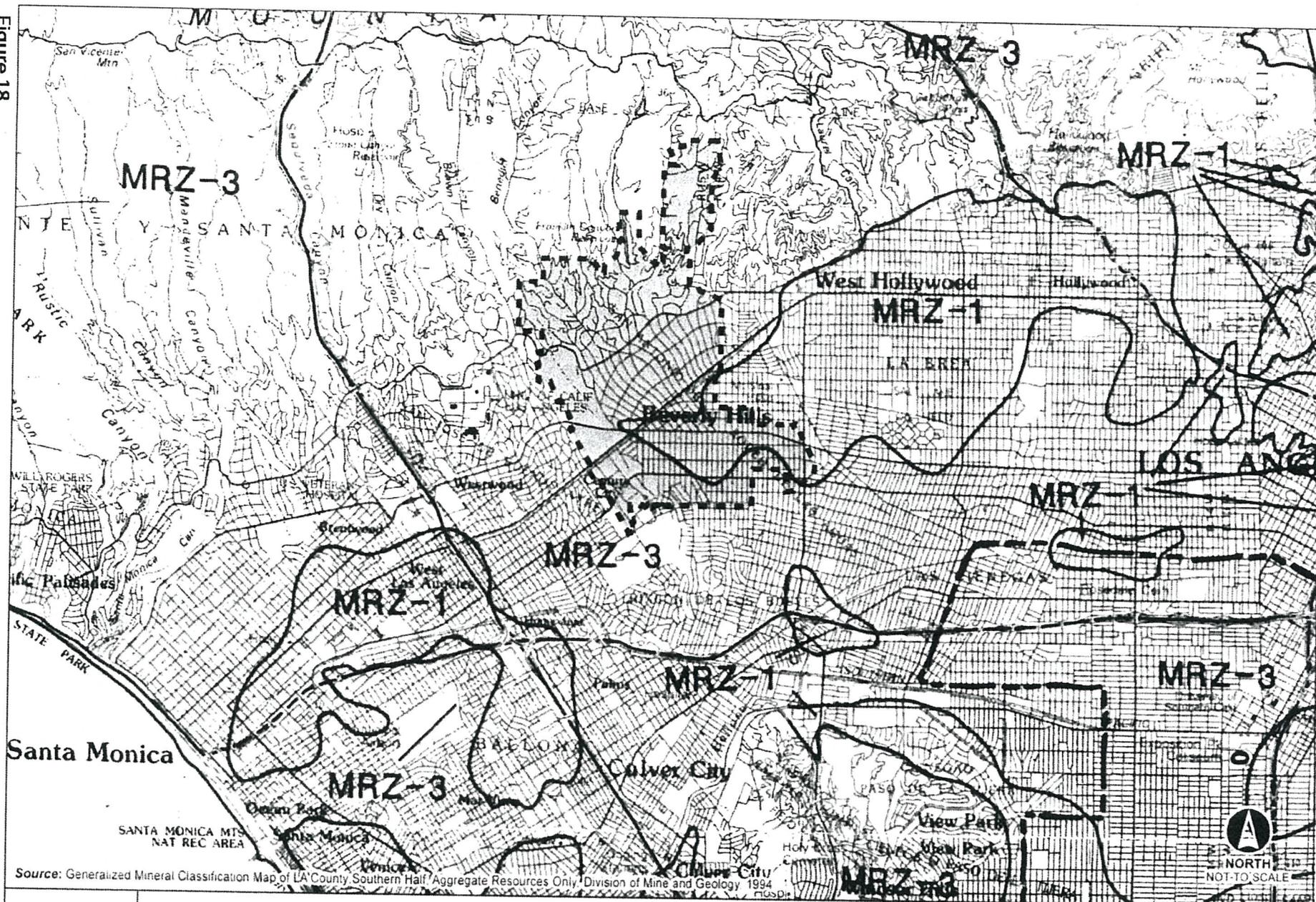
Figure 16

LOS ANGELES FLOOD HAZARD MAP (LAFHM)

CITY OF LOS ANGELES



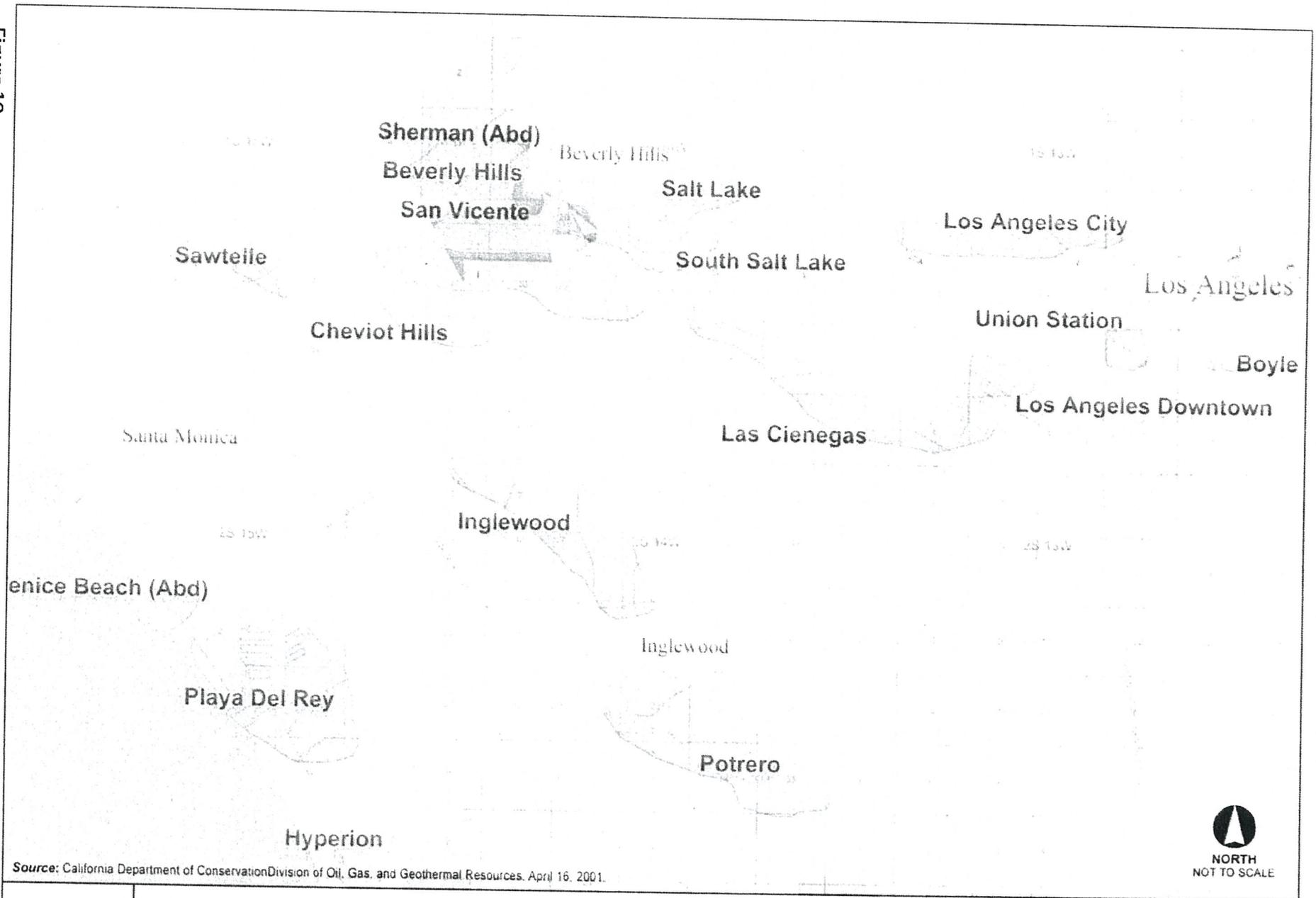
Figure 18



Mineral Resource Zones

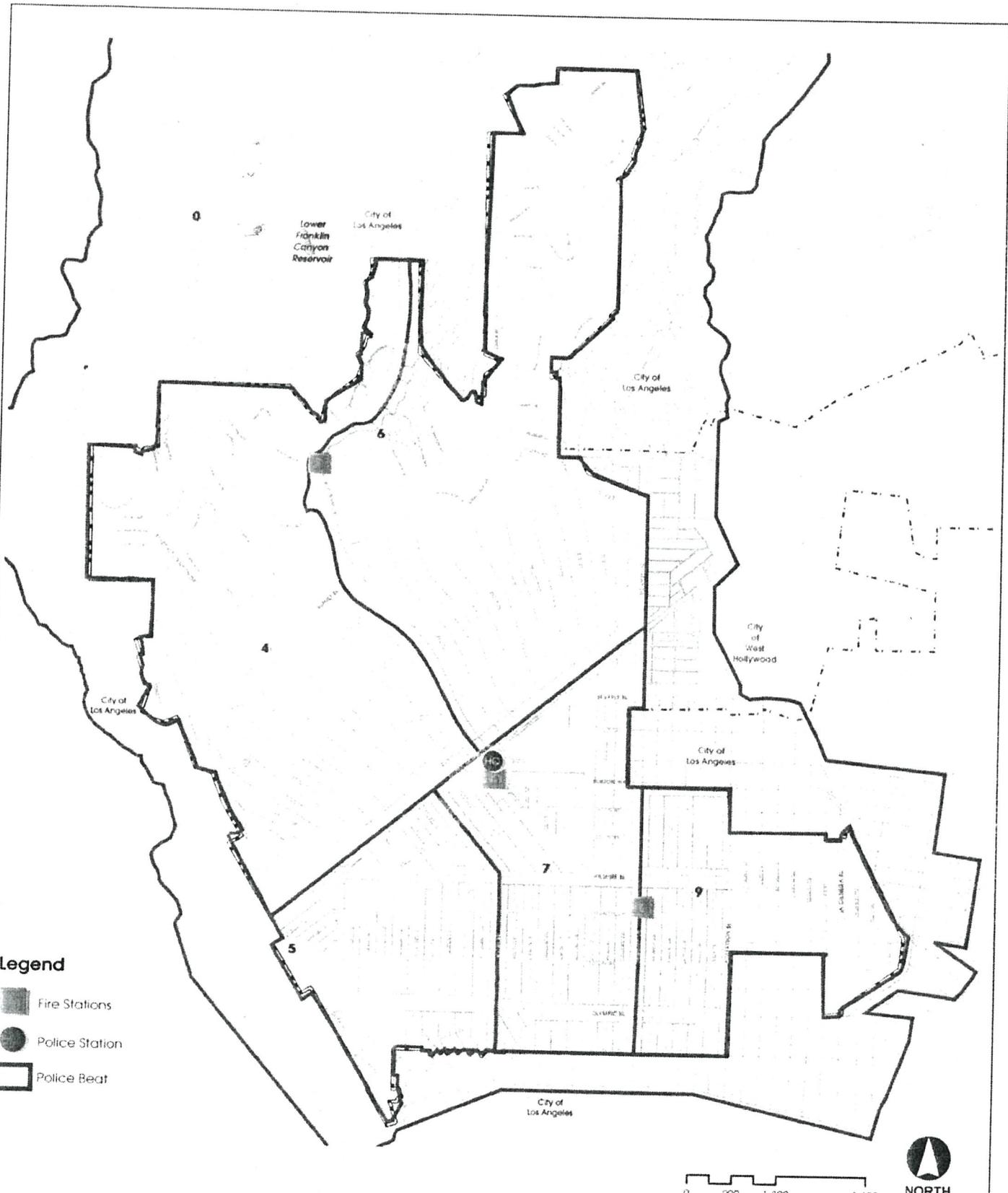
MRZ-1

Figure 19



Source: California Department of Conservation Division of Oil, Gas, and Geothermal Resources, April 16, 2001.

Beverly Hills Oil Fields



Legend

-  Fire Stations
-  Police Station
-  Police Beat

Source: City of Beverly Hills

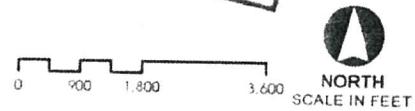


Figure 21
Police and Fire Facilities

ATTACHMENT 4

City Council Study Session Staff Report

July 7, 2011



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: July 7, 2011

To: Honorable Mayor & City Council

From: Susan Healy Keene, AICP, Director of Community Development

Subject: Trousdale Estates View Restoration: Ordinance limiting height of fences and hedges

Attachments:

1. Draft Ordinance
2. Enforcement Costs

INTRODUCTION

Following the City Council's study session review of a draft view preservation ordinance (January 25) and subsequent to a City Council Ad Hoc meeting (April 20: Mayor Brucker & Vice Mayor Brien), the Planning Commission has held three public hearings on revisions to the view restoration ordinance. On June 23, 2011, the Planning Commission adopted a resolution forwarding to the City Council a revised ordinance that focuses solely on enhancing administrative remedies to address view-related disputes in Trousdale. Evaluation of a much broader view restoration permit and public hearing process was deferred and the Planning Commission will resume that discussion on July 28.

The subject ordinance modifies fence and hedge standards on certain slopes between properties in Trousdale. It is anticipated that these standards will address some of the more impactful conditions in the area that obstruct view, with the goal of providing an administrative process that can be objectively enforced. However, as explained in this report, there are fiscal impacts to the city associated with this administrative remedy.

DISCUSSION

For nearly two years the city has been working on regulations to restore views in the Trousdale area. As fiscal costs and alternative policy objectives are being evaluated for a more comprehensive view restoration ordinance, the Planning Commission has recommended that the City Council adopt the

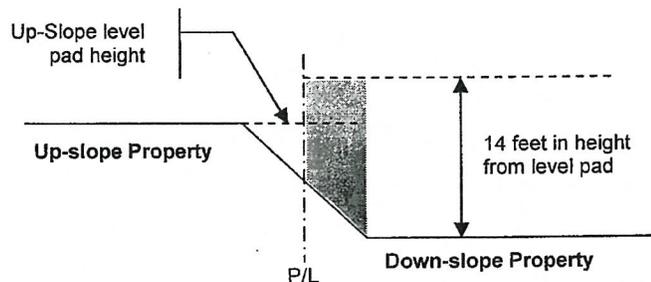
attach draft ordinance in order to provide more immediate relief and a less costly remedy to up-slope property owners whose views are obstructed by hedges cultivated by down-slope neighbors. The recommended, 'code enforcement solution' is not intended to address all obstructed views, but is intended to resolve some of the more egregious conditions. Comments from the City Council Ad Hoc meeting suggested support for this approach.

Draft Ordinance

The draft ordinance is included with this report as Attachment 1. In summary, the ordinance substantively amends the existing Trousdale estates Walls, Fences and Hedges code section (BHMC Section 10-3-2616) as follows:

- Limits the height of fences located on the slope of a down-slope property to no more than 36-inches above the immediately adjacent, up-slope property's level pad;
- Limits, in areas outside of the front yard setback, the height of hedges on the slope of a down-slope property to the higher of:
 - Finished grade of the level pad on the immediately adjacent up-slope property, or
 - 14 feet as measured from the down-slope property's level pad;
- Modifies the hedge definition such that three (3) or more individual plants (including trees) that are cultivated or maintained in a manner to produce a barrier to inhibit passage or obscure view, shall constitute a hedge. The previous definition did not include the 'three or more plants' language and did not include trees with canopies above eight feet from grade. The hedge definition includes other objective criteria, which is provided in the attachment.

The following diagram illustrates bullet point two above and represents a cross section between adjacent up- and down-slope properties. The regulation only affects the shaded area delineated below.



Code Enforcement

The City's code enforcement staff is able to evaluate these objective criteria in the field without requiring a substantial amount of information to be provided by any view or foliage owners. Compliance can be determined with modest measuring equipment and visual inspection. The same general code enforcement procedures would apply for these regulations as for other zoning regulations, including: conducting site investigations; contacting affected parties; gaining access to property; sending compliance letters; verifying compliance; and following through on other administrative remedies in cases of non-compliance, including city prosecution. It is estimated that it would take upwards of 11

Meeting Date: July 7, 2011

staff hours for each case. Complex cases or cases that do not result in a more timely resolution, including cases that involve city prosecution, would require substantially more time.

Additionally, other complaints or violations are frequently reported when a code enforcement officer responds to any given complaint. These additional complaints may come from either the aggrieved party or alleged violator. As a result, it is anticipated that even more code enforcement activity will be generated when enforcing the subject ordinance.

View Restoration

The Planning Commission will continue its discussion regarding a public hearing process to address other view restoration issues not remedied with this ordinance. Staff continues to evaluate the approximate costs associated with such a process, including; costs to applicants; staff costs; and, legal costs and risks. Additionally, work on the view restoration process has exceeded conservative staff workload estimates and impedes the Planning division's ability to work on other Council-defined priorities. Accordingly, the City Council may want to consider adopting the subject code enforcement solution and have staff evaluate the effect of the ordinance in 12 - 24 months to see if a more comprehensive view restoration program is warranted.

FISCAL IMPACT

There would be a fiscal impact to the City to implement the subject ordinance. Primarily, the City's Code Enforcement Division would expect an increase in workload. It is anticipated that Code Enforcement would process 4-6 complaints per month and that each complaint would require 5-11 hours of Code Enforcement staff time. The estimated costs are provided below:

- Low estimate (4 complaints per month; 48 complaints a year, at 5 staff hours per complaint):
\$60,912.
- High Estimate (6 complaints per month; 72 complaints a year, at 11 staff hours per complaint):
\$201,024.

The average of the above figures would be approximately \$130,968 annually. The above costs do not reflect additional cost from code enforcement activity that will be generated when other violations are revealed through enforcement of the subject ordinance.

In order to enforce the regulations imposed by the subject ordinance and to maintain existing levels of service in the Code Enforcement Division, it will be necessary to augment that program by one full time Code Enforcement Officer. That employee would also be able to address other violations that would arise from the new ordinance.

In addition to code enforcement staff cost, there would be costs related to Planning staff assistance for code enforcement cases. These costs are difficult to monetize but planning staff assistance with cases resulting from the new ordinance could impact planning staff time directed to other priorities such as processing applications and advancing other City Council priorities.

The City does not charge fees for enforcement of City zoning standards. When using the City's Administrative Penalty process to enforce the Zoning Code, the City may receive back a small

Meeting Date: July 7, 2011

percentage of costs incurred through penalties that may be levied on a violator if the violator does not comply with the Code in a timely manner.

RECOMMENDATION

Staff recommends that the City Council provide direction as to whether staff should proceed with a City Council public hearing on the fence and hedge height ordinance and whether that ordinance should proceed separately from or concurrent with an ordinance creating a Trousdale View Restoration Permit process to address foliage, including individual trees (not subject to the proposed hedge height standard).



Susan Healy Keene, AICP
Approved By

Attachment 1

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION
10-3-2616 REGARDING DEVELOPMENT STANDARDS FOR
WALLS, FENCES AND HEDGES IN 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 _____ and, at the conclusion of the hearing, introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. An initial study of the potential environmental impact of a broader view restoration ordinance, of which this ordinance was a part, was prepared. The initial study concluded that the broader 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). This ordinance, being narrower in scope, will have less potential for impacts than the broader ordinance, and will not result in potentially significant environmental impacts. A notice of intent to adopt a negative declaration was published on June 11, 2010, and the proposed negative declaration and initial study were made available for a 20-day public review period from June 18, 2010 through July 8, 2010. 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 this ordinance may result in significant adverse impacts on the environment. 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. The City Council hereby amends Section 2616 of Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"10-3-2616: WALLS, FENCES AND HEDGES:

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

A. Thickness: No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.

B. Supporting Elements: No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.

C. Front Yards: The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

D. Side Yards: The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge that exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Notwithstanding the provisions of this paragraph D, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

E. Rear Yards: The maximum allowable height for a fence, wall or hedge located in a rear yard shall be eight feet (8').

Notwithstanding the provisions of this paragraph E, in no event shall a hedge exceed the maximum height permitted pursuant to paragraph F below.

F. Height Limit for Fences and Hedges meeting certain criteria.

Fences: New fences on a slope of a down-slope property shall not in any event extend above a point thirty-six inches (36") above the finished grade of the level pad on the upslope property in any area where the upslope property faces the Los Angeles Area Basin. The fence shall be open to public view, as defined in article 1 of this chapter. Notwithstanding Sections 10-3-2759 and 10-3-2603, any existing fence subject to this paragraph F that was constructed in accordance with applicable ordinances and regulations at the time of construction shall be deemed a nonconforming structure, and may be maintained in its existing configuration unless more than fifty percent (50%) of the area of the fence measured from the outer perimeter of the structure without deductions for open spaces in the fencing, is replaced or reconstructed in any five (5) year period. If more than fifty percent (50%) of the combined area of the fence is replaced or reconstructed, then the replacement structure shall be treated as new for the purposes of this paragraph and shall be constructed so that the entire structure conforms with the development standards of this paragraph.

Hedges: Hedges planted outside of the front yard setback on a slope between adjacent downslope and upslope properties shall not extend above the higher of:

- i. The finished grade of the level pad on the upslope property; or,
- ii. Fourteen feet (14') from the level pad of the downslope property.

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

Hedge, as used in this paragraph F, shall be defined as growth of vegetation, consisting of three (3) or more individual plants, that is cultivated or maintained in such a manner as to produce a barrier to inhibit passage or to obscure view, which is more than twelve inches (12") in height. Where there are interruptions of growth by vertical space to the top of the vegetation material having a horizontal distance of more than twenty four inches (24") in every four horizontal feet (4'), such growth shall not be considered a hedge for purposes of this paragraph F."

Section 4. 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 5. The City Council hereby adopts a Negative Declaration, approves this Ordinance, and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 6. A report regarding the implementation of this Ordinance shall be provided to the Planning Commission and City Council after twelve months from the effective date of the Ordinance.

Section 7. 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 8. 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:

BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

BYRON POPE (SEAL)
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

Attachment 2

Attachment 2

Proposed Ordinance Amending Maximum Height of Fences and Hedges in Trousdale Estates		
Potential City Cost Per Complaint to Code Enforcement		
Enforcement Steps	City Code Enforcement Costs	City Prosecutor Costs
<p>1. Referral to City Code Enforcement (CE): (City Administrative Penalty process) (BHMC 1-3-300)</p> <ul style="list-style-type: none"> • CE verifies violation (inspection) • Confer w/Planning staff in some cases • CE Compliance Orders (up to 3) • Violator may request City Administrative Hearing at each step • City Prosecutor (CP) Demand Letter w/date for compliance • Compliance by violator • CE compliance inspection 	<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> It would be expected that most cases would be resolved at this level </div> <p>(Does not include Planning staff cost)</p> <p>TOTAL \$1,269 – \$2,792</p>	<p>TOTAL \$290 - \$725</p>
<p>2. Noncompliance or Partial Compliance = City Prosecutor Process</p> <p>(Failure to Comply = City Abatement Action; each step in abatement action may be appealed to City Council)</p>	<p>TOTAL \$3,500 - \$8,000</p>	<p>TOTAL \$11,600 - \$17,400</p>
<p>3. Restitution of City Cost</p> <p>City legal action to obtain reimbursement re some of the above costs including abatement cost (may require a lien on violator's property). Most prosecutorial costs not recoverable.</p>	<p>Minimal CE staff time but may include Admin Services staff time</p>	<p>TOTAL \$5,000</p>

NOTE: All dollar figures on this table are estimates. Each case will be different and costs can vary depending on the specifics of a case.