



AGENDA REPORT

Meeting Date: December 6, 2011
Item Number: G-6
To: Honorable Mayor & City Council
From: Ken Pfalzgraf, Parks and Urban Forest Manager
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE FOCUSED STREET TREE MASTER PLAN
Attachment: 1. Resolution

RECOMMENDATION

Staff recommends that the City Council adopt the Resolution to amend the Focused Street Tree Master Plan to explicitly approve the removal and replacement of sixteen (16) Ficus trees on the south side of the 1700 block of Angelo Drive and adopt an addendum to Negative Declaration ER-11-6-96.

INTRODUCTION

In 1996, through the passage of Resolution No. 96-R-9525, the City Council approved the Focused Street Tree Master Plan, which allowed for the replacement of approximately 3,000 street trees in the City, and the City Council read, considered and approved Negative Declaration ER-11-6-96 for that tree removal project. In 1999, through the passage of Resolution 99-R-10188, the City Council amended the Focused Street Tree Master Plan, adding approximately 135 Ficus trees to the replacement list.

On May 24, 2011, staff presented to the City Council a recommendation regarding the removal and replacement of 16 additional Ficus trees on Angelo Drive between Benedict Canyon Drive and Bridle Lane. At that time, the City

However, since that time some residents of Angelo Drive have objected to the removal and requested additional process, including a CEQA review of the matter. As a result, since May, staff has conducted additional outreach to residents and residents of Angelo Drive have spoken to the City Council on this topic during oral communications.

While staff believes that the removal and replacement of small numbers of street trees is categorically exempt from CEQA, staff also believes that the removal and replacement of Ficus trees such as those on Angelo Drive is analyzed in the negative declaration that was prepared in conjunction with the City's Focused Street Tree Master Plan. Therefore, staff has prepared a minor amendment to the Master Plan to explicitly include the Angelo Drive street tree removal and replacement within that plan and has prepared an addendum to Negative Declaration 11-6-96 to explicitly analyze the addition of the Angelo Drive trees to the Master Plan.

DISCUSSION

In the proposed Resolution, the City Council would amend the Focused Street Tree Master Plan again to approve the replacement of sixteen Ficus trees on Angelo Drive with the Podocarpus Fern Pine trees. Additionally, the City Council would approve an addendum to Negative Declaration ER-11-6-96, finding that only minor additions are necessary to include the sixteen additional trees within the negative declaration, there is no substantial evidence that the amended Focused Street Tree Master Plan may result in a significant adverse impact on the environment, and none of the conditions described in the State CEQA Guidelines calling for a subsequent EIR or negative declaration have occurred.

FISCAL IMPACT

The cost to remove the relevant 16 Ficus trees and replace them with the 18 Podocarpus Fern Pine trees is \$35,000. The cost will be funded through the current Fund 16 CIP budgetary allotment for removal and replacement of trees through the Street Tree Master Plan program for fiscal year 2011/2012. There is no additional fiscal impact.

Steven Zoet

Approved By



Attachment 1

RESOLUTION NO. 11-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AMENDING THE FOCUSED STREET TREE MASTER PLAN

The City Council of the City of Beverly Hills does hereby resolve as follows:

Section 1. In 1996, through the passage of Resolution No. 96-R-9525, the City Council approved the Focused Street Tree Master Plan, which allowed for the replacement of approximately 3,000 street trees in the City of Beverly Hills, including American Elm, Arizona Ash and Phoenix Date Palms, and the City Council read, considered and approved Negative Declaration ER-11-6-96 ("Negative Declaration"), prepared in accordance with the California Environmental Quality Act.

Section 2. In 1999, through the passage of Resolution No. 99-R-10188, the City Council amended the Focused Street Tree Master Plan and approved a Focused Ficus Street Tree Replacement Project, which allowed for the replacement of approximately 135 Ficus street trees on Lasky Drive, Durant Drive, Spalding Drive and a portion of Charleville Boulevard.

Section 3. The City Council hereby amends the Focused Street Tree Master Plan in the manner set forth in Exhibit "A," which is attached hereto and incorporated herein by this reference, thereby approving the replacement of approximately 16 Ficus street trees on the 1700 block of Angelo Drive.

Section 4. The City Council read and considered, and now approves, the Addendum to the Negative Declaration, which is attached hereto as Exhibit "B" and incorporated herein by this reference. The City Council finds that there is no substantial evidence that the amended Focused Street Tree Master Plan may result in a significant adverse impact on the environment, and hereby adopts the Addendum to the Negative Declaration. 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 5. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

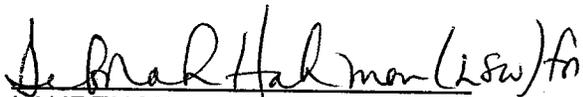
Adopted:

BARRY BRUCKER
Mayor of the City of Beverly Hills, California

ATTEST:

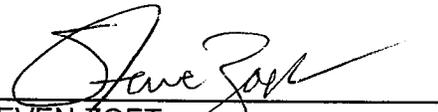
BYRON POPE, City Clerk (Seal)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT



STEVEN ZOET
Director of Community Services

Exhibit "A":

Street and Recommended Species List
(amendment in bold and underlined)

1996 Focused Street Tree Master Plan:

Almont Drive	- Chinese Elm
Beverly Green Drive	- Chinese Flame Tree
Camden Drive	- Chinese Flame Tree
Charleville Blvd.	- Pecan Tree
Clark Drive	- Raywood Ash
Crescent Drive	- Chinese Elm
El Camino	- Chinese Elm
N. Elm Drive (100-400 Block)	- Idaho Locust
N. Elm Drive (500-800 Block)	- Chinese Elm
S. Elm Drive	- Raywood Ash
Gale Drive	- Southern Magnolia
Hamel Drive	- Idaho Locust
Hamilton Drive	- Queen Palm
Hillgreen Drive	- Chinese Elm
Hillgreen Place	- Chinese Flame Tree
Le Doux Road	- Raywood Ash
Loma Vista Drive	- Deodor Cedar
McCarty Drive	- Pink Cedar
Peck Drive	- Pecan Tree
Reeves Drive	- Sawleaf Zelkova
N. Roxbury Drive	- Tipu Tree
S. Roxbury Drive	- Sawleaf Zelkova
Shirley Place	- Pink Trumpet Tree
Spalding Drive (100-300 Block)	- Crape Myrtle
Spalding Drive (400 Block)	- Sawleaf Zelkova
Swall Drive	- Chinese Flame Tree
Tower Drive	- Red Ironbark
Wetherly Drive	- Pecan Tree
Willaman Drive	- Red Ironbark
Young Drive	- Western Catalpa

1999 Amendment:

Lasky Drive	- Sweetshade Tree
Durant Drive	- Fern Pine Tree
Spalding Drive	- Crape Myrtle Tree
Charleville Boulevard	- Gallery Pear Tree

2011 Amendment:

<u>Angelo Drive (1700 Block)</u>	<u>- Podocarpus Fern Pine Tree</u>
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Exhibit "B":

Addendum to the Negative Declaration

SITE: Angelo Drive between Benedict Canyon and Bridle Lane,
City of Beverly Hills

PROJECT TITLE: Minor Amendment to the Focused Street Tree Master Plan

PROJECT APPLICANT: City of Beverly Hills

BACKGROUND: This project ("Project") is a minor amendment to the Focused Street Tree Master Plan adopted by the City Council in 1996 through Resolution No. 96-R-9525 ("Master Plan"). The Master Plan established a citywide program for the ongoing replacement of individual street trees due to age, damage or disease, with the same species, as well as the replacement of existing trees with a different species for approximately 30 streets within the City. Of the over 23,000 City trees identified in the Master Plan, approximately 3,000 of them were to be replaced as specified; this was the physical impact of the original project. The impact of the original project was analyzed extensively in Negative Declaration ER-11-6-96 ("Negative Declaration"). The proposed amendment to the Master Plan constitutes a minor revision of the Master Plan and represents less than a one percent (1%) increase in the number of trees proposed for replacement.

PROJECT DESCRIPTION: The Project Description in the Negative Declaration is hereby amended to read as follows (with new language in bold and underlined):

A citywide master plan for the replacement of missing, declining, diseased or hazardous street trees. With the exception of approximately 30 streets, all trees will be replaced with the same species. The remaining 30 streets, which are planted with declining elm and ash trees, will be replaced on an attrition basis with various species as identified in the document, "Focused Street Tree Master Plan." The program is expected to take five to fifteen years to fully implement.

The citywide master plan is amended to replace the Ficus street trees on the 1700 block of Angelo Drive with Podocarpus Fern Pine Trees. This represents less than a one percent (1%) increase in the number of trees proposed for replacement with a different species. The program is expected to take less than six (6) months to implement.

PURPOSE: This Addendum to the Negative Declaration is being prepared pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, which allows for

the lead agency to prepare an addendum to an adopted negative declaration if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance identifies one or more significant effects not discussed in the previous negative declaration, significant effects previously examined will be substantially more severe than shown in the previous negative declaration, mitigation measures or alternatives previously found not to be feasible or not analyzed in the negative declaration would be feasible and would substantially reduce one or more significant effects but the project proponents decline to adopt of the measure or alternative.

FINDINGS ON THE PROJECT:

- (1) The original project was environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.* ("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines. The City prepared an initial study (attached) and, based on the information contained in the initial study, determined that there was no substantial evidence that approval of the original project may have significant environmental impacts.
- (2) On December 3, 1996, the City Council of the City of Beverly Hills adopted the Negative Declaration as part of Resolution 96-R-9525, approving the Focused Street Tree Master Plan, which called for the replacement of 3,000 City trees, including American Elm, Arizona Ash and Phoenix Date Palms.

(3) For this addendum to the Negative Declaration, staff analyzed the proposed Project to determine if any impacts would result from amending the Focused Street Tree Master Plan to add 16 trees to the 3,000 trees already analyzed for replacement. Pursuant to CEQA Guidelines Section 15162, a new negative declaration is not required to amend the Focused Street Tree Master because:

(a) The change to the project (the amendment to the Master Plan) does not involve any new significant environmental effects and the original project previously identified no significant effects. The change to the project would amend the Focused Street Tree Master Plan, which does not involve any new significant environmental effects because the amendment involves the replacement of only 16 additional trees, which represents less than a one percent (1%) increase in the number of trees proposed for replacement with a different species. The original project was the Master Plan, and the Negative Declaration previously identified no significant environmental effects.

(b) There are no changes with respect to the circumstances under which the Project is undertaken that will require major revisions of the Negative Declaration due to the involvement of new significant environmental effects and there were no previously identified significant effects. Many of the trees identified in the Focused Street Tree Master Plan have been replaced by trees that have been successfully maturing. No significant environmental impacts have been observed as a result of the replacement of thousands of trees. This replacement has not changed the environment in any manner that would alter the analysis of the original Negative Declaration.

(c) Staff has identified no new information of substantial importance identifying a significant effect, and no significant effects or mitigation measures were associated with the Negative Declaration.

Therefore, Pursuant to CEQA Guidelines Section 15164, this Addendum to the Negative Declaration has been prepared to include the additional replacement of the 16 Ficus trees on Angelo Drive within the analysis of the Negative Declaration.

For any questions regarding this document, please contact David Reyes in the Beverly Hills Community Development Department at 310.285.1116 or via email: dreyes@beverlyhills.org.

Addendum to Negative Declaration
Focused Street Tree Master Plan/ Angelo Drive between Benedict Canyon and Bridle Lane
December 6, 2011

By: 

David Reyes, Principal Planner

DATE: November 28, 2011

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