

ATTACHMENT 9

**EMAIL FROM CALIFORNIA FAIR POLITICAL
PRACTICES COMMISSION**

Laurence S. Wiener

From: Advice [Advice@fppc.ca.gov]
Sent: Friday, August 12, 2016 10:26 AM
To: Laurence S. Wiener
Subject: RE: Question

Mr. Wiener,

I'm confirming the conversation we had this morning regarding your questions for the votes occurring next Tuesday.

As to the first issue, the hillside ordinance regarding terracing and development off of the level pad, Regulation 18702.2 (a)(7) (the governmental decision...would change the development potential of the parcel of real property") and Regulation 18702.2 (a)(12) (the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property) would apply, so the officials would need to recuse themselves, as we discussed.

As for the ordinance limiting the import and export of more than 2,000 cubic yards of dirt from property located on a street of less than 24 feet in width, segmentation would be appropriate, and the officials may participate in and vote on this ordinance; as you have also explained that more than 25% of residences in the city are located on streets that are 24 feet or more in width.



Zachary W. Norton

Senior Commission Counsel, Legal Division

FAIR POLITICAL PRACTICES COMMISSION

428 J Street, Suite 620 | Sacramento, CA 95814

916.322.3956 Office | 916.322.1932 Fax | znorton@fppc.ca.gov

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From: Laurence S. Wiener [mailto:LWiener@rwglaw.com]

Sent: Thursday, August 11, 2016 4:18 PM

To: Advice <Advice@fppc.ca.gov>

Subject: Question

My name is Larry Wiener. I am the City Attorney of Beverly Hills. My telephone number is (310) 285 – 1050 and this question is for Beverly Hills.

The City Council will be considering a hillside ordinance that would make changes to the current development standards in the hillside area of the city. The ordinance would (1) prevent terracing from being counted for floor area purposes; and (2) would limit development from extending off the level pad. Two council members live in the area of the City that would be subject to the hillside ordinance. Their properties, through addition or redevelopment, would be affected by these two standards, although the council members have no plans to construct an addition or to redevelop their property. Would 18702.2 (a)(7) apply, which provides that the "governmental decision...would change the development potential of the parcel of real property" for these council members?

If so, as part of the same ordinance, the Council is also considering a provision which would limit the import and export of more than 2,000 cubic yards of dirt from property located on a street of less than 24 feet in width. Neither councilmember lives on a street that is less than 24 feet in width, nor do they live within 500 feet of such street. Can the Council's consideration and decision on this part of the ordinance be segmented from the first decision in accordance with regulation 18706?

Please feel free to call me with any questions. Thank you for your attention to this matter. This question supersedes my question of yesterday morning.

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