



## AGENDA REPORT

**Meeting Date:** August 23, 2012  
**Item Number:** G-4  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-8-106 REGARDING TROUSDALE VIEW RESTORATION PERMIT PROCEDURES

**Attachments:** 1. Ordinance

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### RECOMMENDATION

Staff recommends that the City Council move to approve the ordinance entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION 10-8-106 REGARDING TROUSDALE VIEW RESTORATION PERMIT PROCEDURES."

### INTRODUCTION

This ordinance amends the Municipal Code regarding the notice procedures for Trousdale view restoration permit hearings.

### DISCUSSION

At the City Council meeting of August 7, 2012, the City Council conducted a first reading of this ordinance.

### FISCAL IMPACT

There is no fiscal impact to the City as a result of this amendment.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 12-O- \_\_\_\_\_

ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING BEVERLY HILLS MUNICIPAL CODE SECTION  
10-8-106 REGARDING TROUSDALE VIEW RESTORATION  
PERMIT PROCEDURES

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 7, 2012 and, at the conclusion of the hearing, introduced this Ordinance. Evidence, both written and oral, was presented during the hearing.

Section 2. The Project has previously been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 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. Based on the initial study, the previously adopted negative declaration, the comments received thereon, and the record before the City Council, the City Council hereby finds that there have been no substantial changes to the Project or the environment that would require the preparation of a subsequent negative declaration or a supplement to the previously adopted negative declaration because the requested approval will make a minor modifications to existing Code sections and will not introduce significant environmental effects or substantially increase the severity of effects previously identified and analyzed in the adopted negative declaration. Furthermore, there are no changed circumstances or new information, which was not known at the time the negative declaration was adopted that would require the preparation of a subsequent negative declaration or major revisions to the previously adopted negative declaration pursuant to CEQA Guidelines Section 15162. Therefore, the original negative declaration represents the independent judgment

of the City and there is no substantial evidence that the approval of the Project, as modified, may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based 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 106E of Chapter 8 of Title 10 of the Beverly Hills Municipal Code to read as follows:

"E. Public Hearing Notice: The reviewing authority shall hold a public hearing concerning each application for a view restoration permit.

Notice of any hearing held pursuant to this section shall be mailed at least thirty (30) days prior to such hearing by United States mail, postage paid, to the applicant and to all owners who are identified as foliage owners in the View Restoration Permit application, as shown on the latest equalized assessment roll, as well as residential occupants of the foliage owners' properties."

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 relies on the previously adopted Negative Declaration for the View Restoration Ordinance and finds that no further environmental review is required because the previously adopted Negative Declaration remains accurate and applicable to the minor change contemplated by this Ordinance.

Section 6. The City Council hereby approves this Ordinance, and authorizes the Mayor to execute the Ordinance on behalf of the City.

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.

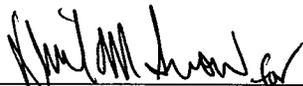
Adopted:  
Effective:

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WILLIAM W. BRIEN, MD  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
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LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager  
  
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SUSAN HEALY KEENE AICP  
Director of Community Development