

Attachment 7

Addendum to Negative Declaration

ADDENDUM TO NEGATIVE DECLARATION

PROJECT TITLE: Amendments to Trousdale View Restoration Ordinance and Trousdale Fence and Hedge Height Ordinance

PROJECT LOCATION: Trousdale Estates Area. 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.

PROJECT APPLICANT: City of Beverly Hills

PROJECT DESCRIPTION: Previously, the City of Beverly Hills adopted ordinances that affect the City's Trousdale Estates Area by adding Title 10, Chapter 8 establishing regulations regarding the restoration and maintenance of certain defined views from single-family residential property in Trousdale Estates substantially impaired by certain foliage maintained on other private property (Trousdale View Restoration Ordinance adopted December 6, 2011); and, amending Section 10-3-2616 regarding the maximum height of fences and hedges on certain slopes in Trousdale (Trousdale Fence and Hedge Height Ordinance adopted August 16, 2011). The adopted ordinances establish processes and standards through which residential property owners in Trousdale may seek to restore and preserve 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. Neither ordinance involves development but an initial study was prepared prior to adoption of the ordinances because the ordinances 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 were contemplated as part of the ordinances. The ordinances do 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. The Initial Study found no substantial evidence that approval of the ordinances would have a significant effect on the environment, thus negative declarations were adopted for those ordinances.

The proposed amendments to these ordinances clarify the responsibilities for enforcement of View Restoration Permits rendered pursuant to the Trousdale View Restoration Ordinance, including costs associated with such enforcement or litigation related to such decisions, and further clarify the definition of "hedge" for the purpose of establishing the maximum height for certain hedges in Trousdale. The enforcement process and costs associated with enforcement of View Restoration Permits and/or litigation related to such Permits are activities that are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15321, "Enforcement Actions by Regulatory Agencies," as well as

being organizational, administrative and fiscal matters that are not subject to CEQA, and which are thus not addressed in this Addendum.

The Trousdale Fence and Hedge Ordinance revised the definition of hedge for certain slopes in Trousdale and set height standards for such hedges. The term "hedge" was redefined to include trees that were not previously part of the definition of hedge. The Ordinance allows greater maximum hedge height for some hedges than previously allowed and reduced hedge height for other hedges depending on the location of the hedge and the relative slope of adjacent properties. This Addendum specifically addresses the proposed minor modifications to the definition of "hedge" in the Trousdale Fence and Hedge Ordinance (the "Project").

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 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;
- (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 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. The City prepared an initial study (attached) and, based on the

information contained in the Initial Study, determined there was no substantial evidence that approval of the Project may have a significant effect on the environment.

2. On August 16, 2011, the City Council adopted a negative declaration when it approved the Trousdale Fence and Hedge Height Ordinance revising the definition of hedge on certain slopes in Trousdale to include trees that were not previously included in the definition and setting maximum heights for hedges meeting the definition.
3. On December 19, 2011, the City Council reviewed implementation of the Trousdale Fence and Hedge Height Ordinance at a study session and directed staff to review additional amendments to the definition of hedge on certain slopes in Trousdale to better achieve the City Council's stated goal of assisting Trousdale residents in restoring and maintaining views disrupted by foliage. The proposed Amendment would further revise the definition of hedge so more foliage would qualify as a hedge under the definition and would therefore be subject to the height restrictions in the ordinance. In addition, the proposed Amendment clarifies that once foliage in a specific location has been determined to meet the definition of hedge in the Amendment, that foliage would always be considered a hedge subject to the height restrictions and to special enforcement provisions in the Amendment.
4. Staff analyzed the proposed project to determine if any impacts would result from the proposed changes to the definition of hedge. Pursuant to CEQA Guidelines Section 15162, a new negative declaration is not required for the proposed project because:
 - 1) The proposed project does not involve any new significant environmental effects and the original project previously identified no significant effects. The proposed project could result in the trimming, topping or removal of additional foliage in the Trousdale Estates area, including mature, healthy trees; however, the City Council previously anticipated that such trimming, topping or removal would be required by the ordinances to achieve the City Council's stated goal of restoring and maintaining views in Trousdale. As a result, the anticipated removal of foliage was reviewed as part of the initial study conducted for the two original ordinances and was found not to be significant. The key change proposed by the new Amendment is not that additional foliage may be removed but that the foliage would be removed pursuant to City Code standards (Trousdale Fence and Hedge Ordinance) rather than removed as part of a discretionary review process with findings (Trousdale View Restoration Ordinance), resulting in a potentially more efficient process for the property owner seeking assistance with foliage allegedly blocking a view. It is likely that under the proposed Amendment, some additional foliage may be removed that would not have been removed if subject to a Trousdale View Restoration Permit process; however, it is expected that such additional foliage removal would be minor and will not create any significant environmental effects.

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- (2) 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. The area affected by this Amendment was largely developed with single-family homes between the 1950s and 1970s. Landscaping was largely mature when the Negative Declaration was adopted in August 2011 and, while the landscaping has likely grown, foliage that was subject to the ordinances when the Negative Declaration was adopted is likely the same foliage that is subject to the proposed Amendment in February 2013. There have been no other changes with respect to the circumstances under which the project is undertaken that would require revisions of the Negative Declaration.
- 3) 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.

Pursuant to CEQA Guidelines Section 15164, this Addendum to the Negative Declaration for the Trousdale Fence and Hedge Ordinance has been prepared to document the change in the definition of hedge in Beverly Hills Municipal Code Section 10-3-2616 F.

For any questions regarding this matter, please contact Principal Planner Michele McGrath in the Beverly Hills Community Development Department at 310.285.1135.

By:



Michele McGrath, Principal Planner

DATE: February 13, 2013

HEARING DATE: February 19, 2013