



Planning Commission Report

Meeting Date: November 23, 2010

Subject: An ordinance of the City of Beverly Hills amending various sections of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to establish regulations regarding the restoration and maintenance of certain defined views from single-family residential property in Trousdale Estates.

Recommendation: Conduct public hearing, consider draft ordinance and recommend that the City Council adopt the subject ordinance.

REPORT SUMMARY

The Planning Commission held a public hearing on October 28, 2010 at which the Commission considered revisions to the draft ordinance language as proposed by the Planning Commission Subcommittee. The Subcommittee completed its work prior to the last Planning Commission meeting and the attached draft ordinance reflects staff's understanding of the revisions to the ordinance requested by the Planning Commission at the last meeting. These revisions include changes to the findings the Commission would need to make to approve a view restoration permit and a revised formula for apportionment of costs that transfers more cost of restorative action to the Foliage Owner based on the level of Foliage Owner participation in the process and the level of restorative action required. The report also provides additional information about the administrative costs to potential View Owners.

DISCUSSION

1. Proposed Revisions:

Safe Harbor Plane

The definition of Safe Harbor Plane was revised so the plane would be measured from the edge of the upslope property's level pad down to a fourteen foot (14') height on the down-slope neighbor's property rather than to the maximum building height on the down-slope neighbor's property. This was changed because it was recognized that there are a number of legal, nonconforming houses in Trousdale Estates that exceed the current fourteen foot (14') high maximum height limit and these homes are allowed to rebuild to the higher nonconforming height. If the height of trees exempt from the view restoration ordinance is tied to the maximum allowed building height, trees on properties with taller

Attachment(s):

1. Draft Ordinance
2. Resolution
3. Initial Study/Negative Declaration
4. Process Flow Chart

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buildings would be allowed to grow taller without being subject to view restoration. It was determined this would not be fair as trees on most properties would be subject to a fourteen-foot (14') height limit to be exempt from view restoration. The Planning Commission directed that the safe harbor plane definition be revised to a maximum height of fourteen feet (14') as measured from the edge of the down-slope neighbor's buildable area, farthest from the pad edge of the upslope property. The revised definition reads as follows:

SAFE HARBOR PLANE: The plane defined by points at the edge of View Owner's level pad to points at a maximum height of fourteen feet (14') as measured from grade at the edge of the adjacent down-slope Foliage Owner's principal building area, farthest from the pad edge of View Owner's property.

Continuation of Process After Agreement

The draft ordinance clarifies that if a View Owner and Foliage Owner reach a solution at some point in the process prior to the public hearing process (Initial Neighbor Outreach, Mediation, Non-Binding Arbitration), but the solution proves unsuccessful, View Owner may continue the process, with the possibility of a public hearing in the future, at the step after the step at which the process was unsuccessful. For example, if a View Owner and Foliage Owner come to an agreement through mediation that Foliage Owner will perform restorative action to be paid by the View Owner, but the Foliage Owner fails to complete the restorative action, the View Owner may wish to continue with the City-prescribed view restoration process and may do so at the Non-Binding Arbitration step, provided the View Owner retains copies of certified letters and mailing receipts showing Foliage Owner received notice of the previous steps.

Findings

The Commission clarified the "substantial disruption" criteria, which is now stated as follows:

"Reviewing Authority may approve the issuance of a View Restoration Permit if it makes all of the following findings:

- View Owner's protectable view is substantially disrupted by Foliage on Foliage Owner's property that is not exempt under the Safe Harbor exemption of this section. The following criteria shall be considered in determining whether or not a protectable view is substantially disrupted:
- Protectable views from View Owner's property that the reviewing authority deems relevant, individually and in combination, and the relative importance of the protectable views sought to be restored.
 - Foliage Position within a Protectable View. Foliage located in the center of a Protectable View is more likely to be found to substantially disrupt a view than Foliage located on the Protectable View's periphery.

- Hedges within a Protectable View. Hedges as defined in Section 10-3-100 are more likely to be found to substantially disrupt a view than are individual trees.
- View Diminished by other factors. The extent to which the view has been or is diminished by factors other than private Foliage.
- The view most often observed by the occupants of the property from the primary living area. Primary Living Area for the purposes of this section shall mean the portion or portions of a residence from which a view is observed most often by the occupants relative to other portions of the residence. The determination of primary living area is to be made on a case by case basis.

Apportionment of Costs

All application fees are proposed to be paid by the View Owner. Cost for restorative action would be borne entirely by the view Owner at the early steps but would transfer to the Foliage Owner based on the level of Foliage Owner participation in the process and the level of restorative action required. Please see pages 11-13 of the draft ordinance for the apportionment of costs as proposed by staff.

Hedge Standards

The Planning Commission directed staff to develop language for a code enforcement solution to tall hedges that grow in such locations that they completely obscure neighbors' views. Staff is proposing an amendment to the "Walls, Hedges and Fences" section of the Trousdale development standards that would read as follows:

"F. Height Limit for Hedges meeting certain criteria. Hedges planted on a slope of a down-slope property that are within five horizontal feet from the edge of the level pad of an up-slope property shall not extend above the elevation of the level pad on the upslope property in any area where the upslope property may have a view of the Los Angeles Basin."

This language would limit hedges within five feet of an upslope property line to a maximum height that does not exceed the height of the level pad of the upslope neighbor where the upslope neighbor's property may have a protectable view.

Application Costs

The Planning Commission requested information about the cost of the process to a View Owner. Following are categories of cost.

U.S. Post Office Certified Mail

The cost is \$2.80 per letter. This service provides a mailing receipt and delivery information. Certified Mail can be used with first-class mail weighing 13 ounces or less. 500 feet would typically include approximately 50 to 60 properties. Certified mail is not available for international mail. Some owners live outside of the U.S. and a U.S. post office certificate of mailing for select international mailing services would be \$6.50.

Dispute Resolution (Mediation and Non-Binding Arbitration)

“Alternative Dispute Resolution” (ADR) is the term used to describe options available for settling a dispute out of court. ADR processes such as arbitration, mediation and settlement conferences are less formal than court and provide opportunities for litigants to reach an agreement using a problem-solving approach rather than the more adversarial approach of litigation.

The City currently offers mediation services to City residents and business owners for disputes that are not covered by the City’s Municipal Code, including view blockage disputes in Trousdale Estates. For this service, the City contracts with the non-profit Dispute Resolution Services (DRS) of the Los Angeles County Bar Association. The cost to the City for each case (three hours of free mediation) is \$200.00 plus a quarterly total case management fee of \$1,000. The cost to the City for the entire mediation program in 2009-2010 was \$6,150. It is proposed that there would be no cost to applicants if they use no more than three hours of mediation. Additional mediation in excess of three hours would be charged at an hourly rate.

Arbitration is the submission of a dispute to one or more impartial persons for a decision, known as an “award.” Awards are made in writing. At the October 28, 2010 Planning Commission meeting, the Commission discussed specifying the use of the rules and procedures of one of the nationally recognized arbitration services such as the not-for-profit American Association of Arbitrators (AAA) or JAMS, one of the largest private alternative dispute resolution providers in the world. The choice of specific arbitration services would be made by the City and will be part of the View Restoration Guidelines.

Fees for arbitration, like mediation, usually include a non-refundable case management fee and professional fees for the arbitration. For reference purposes, staff obtained fees charged by JAMS for mediation and arbitration services. The case management fee for JAMS to manage and administer a case is \$400 per party, per day for one to three days of arbitration service (a day is defined as 10 hours of professional time). Professional fees for the arbitrator vary based on the arbitrator’s experience and the low end would be approximately \$450 to \$500 per hour. Using these figures, two full days of arbitration services plus eight hours of an arbitrator’s time at \$500 per hour would be approximately \$4,800. City staff would work with the arbitration service selected to reduce costs where possible.

Public Hearing Costs

The cost for the public hearing process includes the application fees, public notice fees and fees for professional reports. An example of an application fee is the Trousdale R-1 Permit which is \$8,406.00, not including public notices.

GENERAL PLAN CONFORMANCE

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.

ENVIRONMENTAL ASSESSMENT

An Initial Environmental study (attached) was prepared for the proposed ordinance because the ordinance could result in the removal of some healthy, mature trees. This ordinance 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 has been prepared, subject to review by the Planning Commission.

PUBLIC OUTREACH AND NOTIFICATION

Action	Type of Notice	Required Notice Period	Required Notice Date	Actual Notice Date	Actual Notice Period
PC Public Hearing 10/28/10	Newspaper Notice Mailed Notice to Owners	10 days	10/18/10	10/18/10	10 days
Report on Website	Min. 4 days prior to meeting	N/A	N/A	N/A	N/A

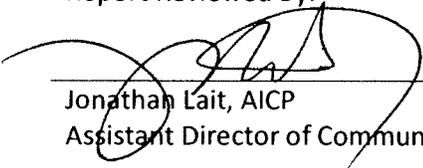
Public Comment

As of the time of this report, one letter has been received by the Planning Division and is attached.

NEXT STEPS

It is recommended that the Planning Commission conduct a public hearing, close the public hearing and recommend the draft ordinance to the City Council.

Report Reviewed By:



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

Attachment 1
Draft Ordinance

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO
ADOPT A VIEW RESTORATION PROGRAM FOR 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 July 24, 2010, October 28, 2010, and November 23, 2010, 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 this ordinance was prepared. The initial study concluded that the 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. Based on the information in the records regarding this ordinance, the City Council finds that there is no evidence suggesting that the ordinance will result in significant adverse impacts on the environment, and hereby adopts a negative declaration for this ordinance. 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 3. City Council hereby adds a new Chapter 8 to Title 10 to the

Beverly Hills Municipal Code regarding View Restoration as follows:

“Chapter 8. VIEW RESTORATION.

Article 1. Trousdale Estates View Restoration

10-8-101 PURPOSE AND INTENT. The intent of this ordinance is to restore and preserve certain views from substantial disruption by the growth of trees, vegetation, or a combination thereof 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. It is the further intent to establish a process by which residential property owners in Trousdale Estates may seek to restore and preserve certain views, with an emphasis on early neighbor resolution of view restoration issues. It is not the intent of this ordinance to create an expectation that any particular view or views would be restored or preserved. It is also the intent of this ordinance to educate residents to consider view blockage potential before planting foliage

10-8-102 DEFINITIONS

Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter:

(A) **ARBORIST:** An individual certified as an arborist by the International Society of Arboriculture (ISA), or “Consulting” Arborist as currently listed as a member of the American Society of Consulting Arborists.

(B) **DAMAGE:** Any action which may cause death or significant injury to a Tree or which places the Tree in a hazardous condition or an irreversible state of decline. Such action may be taken by, but is not limited to, cutting, topping, girdling, poisoning, trenching, grading or excavating within the drip line of the tree.

(C) **FOLIAGE:** The aggregate of leaves, branches and trunks of one or more plants. Trees and hedges are included in the definition of Foliage.

(D) **FOLIAGE OWNER:** An owner of real property in Trousdale Estates upon which is located Foliage that is subject to an action filed pursuant to this Article and which property is within five hundred feet (500’) of a View Owner’s property. “Foliage Owner” shall reference one or more owners of the same property.

(E) **FORESTER:** An individual licensed in California as a Registered Professional Forester.

(F) **HEDGE:** Foliage or landscaping as defined in BHMC 10-3-100.

(G) **LANDSCAPE ARCHITECT:** A landscape architect registered by the State of California.

(H) **PRIMARY RESIDENTIAL STRUCTURE:** The main structure or building on a site zoned for residential use and used or occupied as a private one-family residence.

(I) **PROTECTABLE VIEW:** A Protectable View may include any view of the Los Angeles area basin from a Viewing Area as defined in this section. The view of the Los Angeles area basin may include but is not limited to city lights (Beverly Hills and other cities), ocean and horizon. The term "Protectable View" does not mean an unobstructed panorama of all or any of the above. A Protectable View shall not include views of vacant land that is developable under the City Code.

(J) **PROTECTED VIEW:** A Protectable View that has been determined by the reviewing authority to merit restoration.

(K) **RESTORATIVE ACTION:** Any specific steps taken affecting Foliage that would result in the restoration or preservation of a Protected View.

(L) **SAFE HARBOR PLANE:** The plane defined by points at the edge of View Owner's level pad to points at a maximum height of fourteen feet (14') as measured from grade at the edge of the adjacent down-slope Foliage Owner's principal building area, farthest from the pad edge of View Owner's property.

[Diagram will be inserted.]

(M) **TREE:** A woody perennial plant, consisting usually of a single elongate main stem or trunk and many branches.

(N) **TREE SURVEY:** A tree survey includes the following information for trees alleged to impair a view and all trees within the vicinity of the alleged view-impairing trees as determined by a registered Landscape Architect or Arborist or Forester as defined in this section:

- (1) Species of each tree based on scientific name;
- (2) Tree identifying number and location recorded on a map;
- (3) Physical measurements of the tree such as height and diameter (tree height shall be measured pursuant to the City's Tree Preservation Ordinance);
- (4) Age of the tree;
- (5) Report of overall health and structural condition of the tree;
- (6) Life expectancy; suitability for preservation;

(7) Potential restorative actions to address foliage alleged to disrupt a view, impact of such restorative actions on trees and long-term maintenance activities to prevent future potential view disruption; and

(8) Foliage management recommendations.

The survey shall be signed or stamped by the aforementioned professional (registered Landscape Architect or Arborist or Forester as defined in this section).

(O) **VIEW OWNER:** Any owner or owners of real property in Trousdale Estates that has a Protectable View and who alleges that the growth of Foliage located on a property within five hundred feet (500') of their property is causing substantial disruption of a Protectable View. "View Owner" shall reference one or more owners of the same property.

(P) **VIEW RESTORATION PROPERTY SURVEY:** A survey completed by a certified professional, such as an ALTA (American Land Title Association) survey, of the View Owner's site and Foliage Owner's site that may include calculation of the Safe Harbor Plane as defined in this Article and any other information or calculations as may be of assistance to a reviewing authority pursuant to this section .

(Q) **VIEWING AREA:** An area from which a Protectable View is assessed, located on the level pad that contains the Primary Residential Structure. A Viewing Area may be a room of the Primary Residential Structure at level finished grade, or a patio, deck or landscaped area at level finished grade that does not extend beyond the level pad. There may be one or more Viewing Areas on a property. For purposes of this section, a Protectable View shall be determined from a point thirty-six inches (36" above the finished grade of the level pad.

10-8-103 EXEMPTION: The provisions of this article shall not apply to Foliage where the highest point of the Foliage is below a Safe Harbor Plane as defined in this Chapter. The exemption applies to Foliage on properties any part of which are within five hundred feet (500') of any part a View Owner's property. Foliage shall be maintained in accordance with all other requirements of this Code, including landscape maintenance standards.

10-8-104 PROCEDURES: Violations of the Zoning or Building Code, standards shall be addressed through the City's Code Enforcement Process. All other complaints received by the City regarding foliage blocking views in Trousdale Estates shall be addressed through the procedures in this Article. The procedures in this Article will be augmented with a set of guidelines to be prepared by the Community Development Department, adopted by the City Council, and available to the public.

The procedures set forth below shall be followed in order for a view owner to pursue remedies available in the Article.

(A) **Initial Neighbor Outreach.**

(1) View Owner(s) shall notify each Foliage Owner in writing of concerns regarding disruption of View Owner's view by foliage on Foliage Owner's property. Said notice shall be on a form provided by the City in the View Restoration Guidelines on file in

the City, shall be signed by the View Owner and shall include a signed statement from the View Owner(s) that View Owner(s) or View Owner's representative shall offer to meet with each potential Foliage Owner. The notification shall clearly identify the remedy sought by View Owner.

(2) Acceptance of Initial Neighbor Outreach by each Foliage Owner shall be voluntary, but each Foliage Owner shall have no more than 30 days from service of written request to respond to View Owner(s) unless otherwise extended by View Owner(s). Failure to respond shall be considered rejection by Foliage Owner. The notification should be followed by discussions between View Owner and each Foliage Owner to attempt to reach a mutually agreeable solution.

(3) If View Owner(s) and a Foliage Owner are unable to resolve the matter, or a Foliage Owner fails to respond to the Initial Neighbor Outreach notice, View Owner(s) may proceed with a mediation process. To participate in the City-sponsored mediation process, View Owner(s) shall submit to the City proof of Initial Neighbor Outreach in the form of a certified letter and mailing receipt. If a Foliage Owner did not respond to the Initial Neighbor Outreach notice, View Owner(s) shall also provide a signed affidavit indicating non-response of Foliage Owner(s).

(4) If, pursuant to an agreement between View Owner(s) and a Foliage Owner, View Owner(s) or Foliage Owner may damage or remove, or cause to be damaged or removed, any protected tree as defined in Section 10-3-2900 of the BHMC on his/her property, a tree removal permit must first be obtained in accordance with the requirements of BHMC 10-3-2900.

(B) Mediation

(1) If parties are unable to reach agreement through the Initial Neighbor Outreach process, the City offers a mediation process that the parties may use; or, parties may meet on their own or choose their own mediator. If View Owner(s) wish to proceed with the Neighbor Agreement Process, View Owner(s) shall contact a Mediator, pursuant to View Restoration Guidelines to be adopted by the City. View Owner(s) shall notify each Foliage Owner of an offer to mediate. Said notice(s) shall be on a form provided by the City in the View Restoration Guidelines on file in the City, shall be signed by the View Owner(s) and shall include a signed statement from the View Owner(s) that View Owner(s) or View Owner's representative shall offer to meet with each potential Foliage Owner and a mediator. The notification should clearly identify the remedy or remedies sought by View Owner(s).

(2) Under the Neighbor Agreement Process, acceptance of mediation by each Foliage Owner shall be voluntary, but each Foliage Owner shall have no more than 30 days from service of written request for mediation to accept or reject the offer of mediation, unless otherwise extended by View Owner(s). Failure to respond shall be considered rejection. Each mediation session may involve one or more View Owner and one or more Foliage Owners at the discretion of the parties involved.

(3) View Owner(s) and each Foliage Owner shall comply with requirements in the View Restoration Guidelines regarding submittal of information to the Mediator.

(4) The Mediator shall not have the power to issue binding orders for restorative action but shall strive to enable the parties to resolve their dispute(s) at this stage. If an agreement is reached between the parties as a result of mediation, the Mediator will encourage the participants to prepare and can assist in the preparation of a private agreement(s) for the parties to sign.

(5) If View Owner(s) and a Foliage Owner are unable to resolve the matter, or a Foliage Owner fails to respond to the mediation notice, View Owner(s) may proceed with a non-binding arbitration process. View Owner(s) shall submit to the City proof of mediation notice in the form of a certified letter and mailing receipt. If a Foliage Owner did not respond to the mediation notice, View Owner shall also provide a signed affidavit indicating non-response of Foliage Owner(s).

(6) If, pursuant to an agreement between View Owner(s) and a Foliage Owner, View Owner(s) or Foliage Owner(s) may damage or remove, or cause to be damaged or removed, any protected tree as defined in Section 10-3-2900 of the BHMC on his/her property, a tree removal permit must first be obtained in accordance with the requirements of BHMC 10-3-2900.

(C) Non-binding Arbitration

(1) If parties are unable to reach agreement through the Initial Neighbor Outreach process or through the Mediation process, and View Owner(s) wish to proceed with the View Restoration Process, View Owner(s) shall offer by written notice to each Foliage Owner to submit the dispute to Non-Binding Arbitration. Notice shall be on a form provided by the City in the View Restoration Guidelines, shall be signed by View Owner(s) and shall include a signed statement from View Owner(s) that View Owner(s) or View Owner's representative shall offer to participate in Non-Binding Arbitration with each potential Foliage Owner.

(2) If Foliage Owner accepts non-binding arbitration with View Owner(s), the parties shall agree on a specific arbitrator within twenty-one days. If the parties are unable to agree on an arbitrator within this period of time, the City's on-call arbitrator shall be retained. If non-binding arbitration is rejected by a Foliage Owner, the arbitrator shall proceed with review, using the available information.

(3) View Owner(s) and each Foliage Owner shall comply with requirements in the View Restoration Guidelines regarding submittal of information to the Mediator. The arbitrator may request additional information at the arbitrator's discretion.

(4) The arbitrator shall use the provisions of this Article and other relevant provisions of the Municipal Code to reach a fair resolution of the dispute and shall submit a complete written report to View Owner and each Foliage Owner. This report shall include the arbitrator's conclusions with respect to the required findings in this section, a list of

all recommended restorative actions, a schedule by which the restorative actions must be completed, and the allocation of the costs of restorative actions among the various parties pursuant Section 10-8-109. View Owner shall file copies of the arbitrator's report with the City Clerk and the Director of Community Development.

(5) If View Owner(s) and a Foliage Owner are unable to resolve the matter through non-binding arbitration, View Owner(s) may proceed with a public hearing process as set forth in Section 10-8-109. To apply to the City for a View Restoration public hearing, View Owner(s) shall submit to the City proof of non-binding arbitration by providing a certified letter and mailing receipt showing notice of offer of non-binding arbitration to Foliage Owner and a copy of the arbitration report. If a Foliage Owner did not respond to the offer of non-binding arbitration, View Owner shall also provide a signed affidavit indicating non-response of Foliage Owner(s).

(6) If, pursuant to an agreement between View Owner(s) and a Foliage Owner, View Owner(s) or a Foliage Owner may damage or remove, or cause to be damaged or removed, any protected tree as defined in Section 10-3-2900 of the BHMC on his/her property, a tree removal permit must first be obtained in accordance with the requirements of BHMC 10-3-2900.

10-8-105 CONTINUATION OF PROCESS AFTER AGREEMENT. If View Owner(s) and Foliage Owner(s) enter into a private agreement at any point in the pre-hearing process, and that agreement is not adhered to by the Foliage Owner, View Owner may continue with the pre-hearing process at the step after the step at which the agreement was entered into, provided that less than two (2) years has lapsed since the date of the agreement.

10-8-106 VIEW RESTORATION PERMIT

(A) View Restoration Permit:

After exhaustion of the pre-hearing steps set forth in Section 10-8-104, and upon application by a View Owner in a form satisfactory to the Director of Planning and Community Development, the reviewing authority may issue a View Restoration Permit to a View Owner with a protectable view as defined in this section where the protectable view from a viewing area is substantially disrupted by trees, foliage or hedges as defined in this section and the Planning Commission makes all of the findings as stated in this section.

(B) Reviewing Authority:

The reviewing authority for a View Restoration Permit application shall be the Planning Commission.

(C) Application:

Application for a View Restoration Permit shall be in writing on a form prescribed by the director and shall include but not be limited to the following information:

(1) Proof that View Owner has completed the following procedures as required in this section:

Initial Neighbor Reconciliation,
Mediation, and
Non-Binding Arbitration

(2) A copy of the Arbitrator's Report

(3) Identification of the specific remedy sought by View Owner.

(4) View Restoration Property Survey(s) documenting that the subject foliage is on property within 500 feet of View Owner's property and is growing above the safe harbor plane.

(5) Tree survey.

If an applicant does not submit the necessary information and the application remains incomplete for six (6) months, the director shall deny the application without prejudice, and shall provide notice to the applicant of that determination.

Once a complete application has been received, City shall send a formal notice to Foliage Owner including a copy of the application, information about the process and an invitation to have staff and the reviewing authority visit the Foliage Owner's property with the Foliage Owner's approval.

(D) 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 all owners and residential occupants of property within five hundred feet (500') of the subject property, as shown on the latest equalized assessment roll.

(E) Public Hearing

The Director of Community Development or the reviewing authority may, at its discretion, require the review or additional review of any case by a qualified soils engineer, landscape architect, arborist or other appropriate professional, based on the specific conditions of the foliage owner's property. Foliage owner authorization shall be required prior to accessing their property.

(F) Restrictions and Conditions:

In approving a View Restoration Permit, the reviewing authority may impose such restrictions or conditions, including restorative actions, as it deems necessary or proper to satisfy the findings required for such permit.

(G) Effective Date

Any decision of the reviewing authority made pursuant to this section takes effect fourteen (14) days from the issuance of a notice of decision unless an appeal is filed. If appealed, then the effective day is the date on which the City Council acts.

(H) Appeals:

Any decision of the reviewing authority made pursuant to this section may be appealed to the City Council by the View Owner or the Foliage Owner pursuant to the provisions set forth in Title 1, Chapter 4, Article 1 of this Code. The appeal period shall commence at the date of mailing of the Notice of Decision.

(I) Required Findings:

Reviewing Authority may issue of a View Restoration Permit if it makes all of the following findings:

(1) View Owner has substantially complied with the Initial Neighbor Reconciliation, Mediation and Non-Binding Arbitration procedures of this Article.

(2) View Owner's protectable view is substantially disrupted by Foliage on Foliage Owner's property that is not exempt under Section 10-8-103. The following criteria shall be considered in determining whether or not a protectable view is substantially disrupted:

(i) Protectable views from View Owner's property that the reviewing authority deems relevant, individually and in combination, and the relative importance of the protectable views sought to be restored.

(ii) Foliage Position within a Protectable View. Foliage located in the center of a Protectable View is more likely to be found to substantially disrupt a view than Foliage located on the Protectable View's periphery.

(iii) Hedges within a Protectable View. Hedges as defined in Section 10-3-100 are more likely to be found to substantially disrupt a view than are individual trees.

(iv) View Diminished by other factors. The extent to which the view has been or is diminished by factors other than private Foliage.

(v) The view most often observed by the occupants of the property from the primary living area. Primary Living Area for the purposes of this section shall mean the portion or portions of a residence from which a view is observed most often by the occupants relative to other portions of the residence. The determination of primary living area is to be made on a case by case basis.

(3) Foliage to be removed is located on Foliage Owner's property, any part of which is within 500 feet of View Owner's property.

(4) The proposed trimming, removal or removal with replacement of foliage will balance the reasonable expectation of view restoration for View Owner with the reasonable expectation of privacy and security of Foliage Owner.

(5) Trimming, removal or removal with replacement 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 such as wildlife habitat.

(6) Removal of a protected tree as defined in 10-3-2900 will not:

(i) Adversely affect the neighboring properties or the general welfare or safety of the surrounding area; and,

(ii) Adversely affect the garden quality of the City.

(J) Restorative Actions

The Planning Commission may, through issuance of a View Restoration Permit, require Restorative Actions on Foliage Owners property, which may include, but are not limited to the following:

(1) Trimming, culling, lacing, or reducing Foliage to a height or width to be determined by the Reviewing Authority but not below the safe harbor plane.

(2) Requiring the complete removal of the foliage when the reviewing authority finds that the trimming, culling, lacing, or reduction of the foliage is likely to kill the foliage, threaten the public health, safety or public welfare, or will destroy the aesthetic value of the foliage that is to be pruned or reduced. 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.

(3) Requiring replacement foliage when the reviewing authority finds that removal without replacement will cause a significant adverse impact on one or more of a) the public health, safety and welfare, b) the privacy of the property owner, c) shade provided to the dwelling or property, d) the energy efficiency of the dwelling, e) the stability of the hillside, f) the health or viability of the remaining landscaping, or g) the integrity of the landscape plan.

(4) Requiring View Owner to indemnify the City against any and all claims resulting from the issuance, defense, implementation, or enforcement of the the permit.

(K) Notice of Decision:

(1) Written Decision Required: The action taken by the reviewing authority shall be set forth in writing.

(2) Notice of Decision: Within five (5) days after the issuance of a decision by the reviewing authority, the Director of Community Development shall cause a copy of the decision to be mailed, through the United States mail, postage prepaid, to each of the following persons:

- (i) View Owner, using the mailing address set forth in the application;
- (ii) Each Foliage Owner as listed on a current Tax Assessor's roll.

The failure of the person addressed to receive a copy of the decision shall not affect the validity or effectiveness of any decision.

10-8-107 DECISIONS INTENDED TO RUN WITH THE LAND;
DISCLOSURE. Decisions regarding view restoration shall be binding on the all current and future owners of the View Owners property and the Foliage owners, and such decisions must be disclosed by the each owner to subsequent owners of the property.

10-8-108 LANDSCAPE:

The View Restoration Guidelines shall include landscape standards to include a list of nuisance trees that should not be planted in hillside view areas.

10-8-109 APPORTIONMENT OF COSTS:

(A) Initial Neighbor Outreach

(1) Procedural Costs. Any costs associated with obtaining information, mailing the required notice or preparing an agreement shall be borne by View Owner. View Owner shall pay the cost of a View Restoration Property survey or Tree survey if such a survey is completed.

(2) Restorative Action. Cost of restorative actions agreed upon by View Owner and Foliage Owner shall be borne by View Owner unless otherwise agreed to by Foliage Owner. All restorative actions must be performed by a licensed and bonded tree or landscape service unless mutually agreed upon by View Owner and Foliage Owner. Cost of subsequent maintenance of foliage on Foliage Owner's property shall be borne by Foliage Owner, unless otherwise agreed to by View Owner.

(B) Mediation

(1) Procedural Costs. The City will provide up to three hours of free mediation cost for each application. The parties may elect to continue mediation beyond three hours with the cost borne by View Owner unless otherwise agreed to by Foliage Owner. If the parties elect to choose their own mediator, the cost shall be borne by View Owner unless otherwise agreed to by Foliage Owner. View Owner shall pay the cost of a View Restoration Property survey or Tree survey if such a survey is completed and shall bear costs associated with preparation of a mediation agreement, unless otherwise agreed to by Foliage Owner.

(2) Restorative Action. Foliage owner shall pay ten percent (10%) of cost of restorative action resulting from mediation in which Foliage Owner participates, unless parties agree to a different arrangement. All restorative action must be performed by a licensed and bonded tree or landscape service unless mutually agreed upon by the View Owner and Foliage Owner. Cost of subsequent maintenance of foliage on the Foliage Owner's property shall be borne by the Foliage Owner unless otherwise agreed to by the View Owner.

(C) Non-Binding Arbitration

(1) Procedural Costs. The cost of the arbitrator and preparation of the arbitrator's report shall be borne by the View Owner unless otherwise agreed to by the Foliage Owner. The View Owner shall pay for the cost of a professional report such as a tree survey of the Foliage Owner's property and shall bear costs associated with preparation of an agreement as a result of arbitration unless otherwise agreed to by the Foliage Owner.

(2) Restorative Action. Foliage owner shall pay twenty percent (20%) of cost of restorative action resulting from non-binding arbitration in which Foliage Owner participates, unless parties agree to a different arrangement. Foliage owner shall pay twenty percent (20%) of cost of restorative action resulting from non-binding arbitration in which Foliage Owner does not participate, unless parties agree to a different arrangement. All restorative action must be performed by a licensed and bonded tree or landscape service unless mutually agreed upon by View Owner and Foliage Owner. Cost of subsequent maintenance of foliage on Foliage Owner's property shall be borne by Foliage Owner unless otherwise agreed to by View Owner.

(D) View Restoration Permit with Public Hearing

(1) Procedural Costs. View Owner shall bear the cost of application fees and other applications costs including the View Restoration Property Survey and Tree Survey and the cost of any other information requested by the reviewing authority.

(2) Restorative Action. Foliage Owner shall pay one hundred percent (100%) of restoration costs if Foliage Owner did not agree in writing with the arbitrator's recommended restoration and the reviewing authority finds restorative action is required in the same amount or more than required by the arbitrator's report. View Owner shall pay one hundred percent (100%) of restoration costs if View owner proceeds to hearing seeking more restoration than recommended by arbitration if Foliage Owner agreed in writing with the arbitrator's recommended restoration. All restorative actions must be performed by a licensed

and bonded tree or landscape service unless mutually agreed upon by View Owner and Foliage Owner. Cost of subsequent maintenance of foliage on Foliage Owner's property shall be borne by Foliage Owner unless otherwise agreed to by View Owner.

(E) Appeal to City Council

(1) Procedural Costs. Appellant shall bear the costs of the appeal application including the appeal fee, public notice cost and any other application costs.¹

(2) Restorative Action. Cost of restorative actions resulting from an appeal to the City Council shall be apportioned in the same way as cost of restorative actions pursuant to a decision by the Planning Commission.

Section 4. The City Council hereby add a new subsection F to section 2616 of Article 26 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code to read as follows, with all other parts of Section 2616 remaining without amendment:

“F. Height Limit for Hedges meeting certain criteria. Hedges planted on a slope of a down-slope property that are within five horizontal feet from the edge of the level pad of an up-slope property shall not extend above the elevation of the level pad on the upslope property in any area where the upslope property may have a view of the Los Angeles Basin.”

Section 5. 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 be remain in full force and effect.

Section 6. The City Council hereby adopts a Negative Declaration and approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 7. Trial Period. A report regarding the implementation of this ordinance shall be provided to the Planning Commission within 24 months of the effective date of the ordinance.

¹ Appellant could be either party so it is recommended appellant pays the procedural costs.

Section 8. 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 9. 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:

JIMMY DELSHAD
Mayor of the City of Beverly Hills,
California

ATTEST:

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 2

Planning Commission Resolution

(To Be Provided Later)

Attachment 3

Initial Study/Negative Declaration



City of Beverly Hills
Environmental Initial Study
View Restoration Ordinance

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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
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
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 <i>no impact</i> .				
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 unhealthy 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
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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 Trousdale 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 blue-line 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 Beverly 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
---	--	--	--	---

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
--	--	--	--	---

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
--	--	--	--	---

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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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
--	--	--	--	---

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
---	--	--	--	---

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
--	--	--	--	---

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
---	--	--	--	---

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
--	--	--	--	---



	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	
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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
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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
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
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10. Zoning
11. School Facilities
12. Fire Zones
13. Park Facilities
14. Water Basin Resources
15. Local Flood Zones
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18. Mineral Resources
19. Oil Fields
20. Existing Roadway Noise Contours
21. Police and Fire Facilities

Attachment 4

Flow Chart of View Restoration Process

VIEW RESTORATION PROCESS

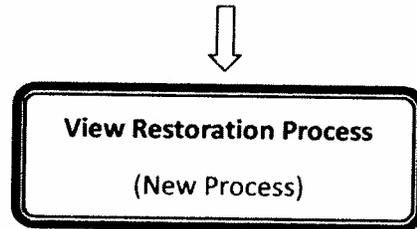
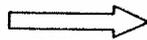
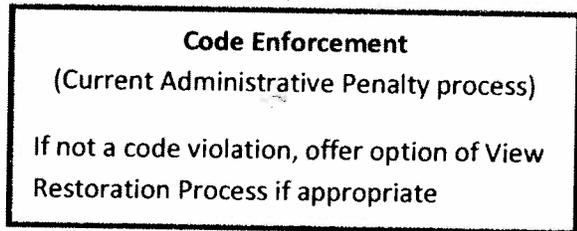
DRAFT

Foliage/View obstruction complaint in Trousdale Estates; Staff to Determine:

A. Foliage Maintenance/Hedge Issue

OR

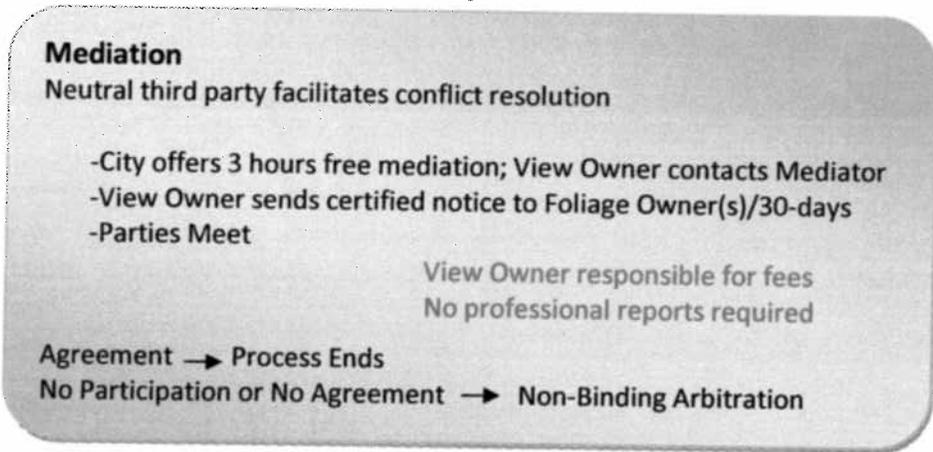
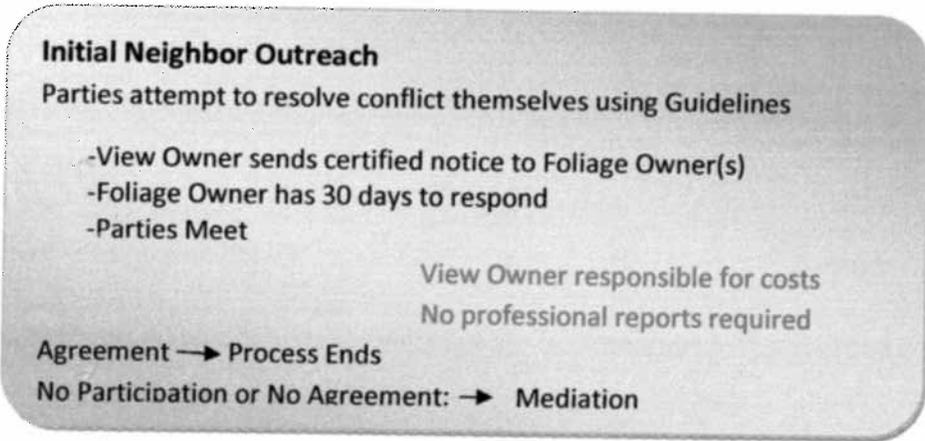
B. View Obstruction Issue

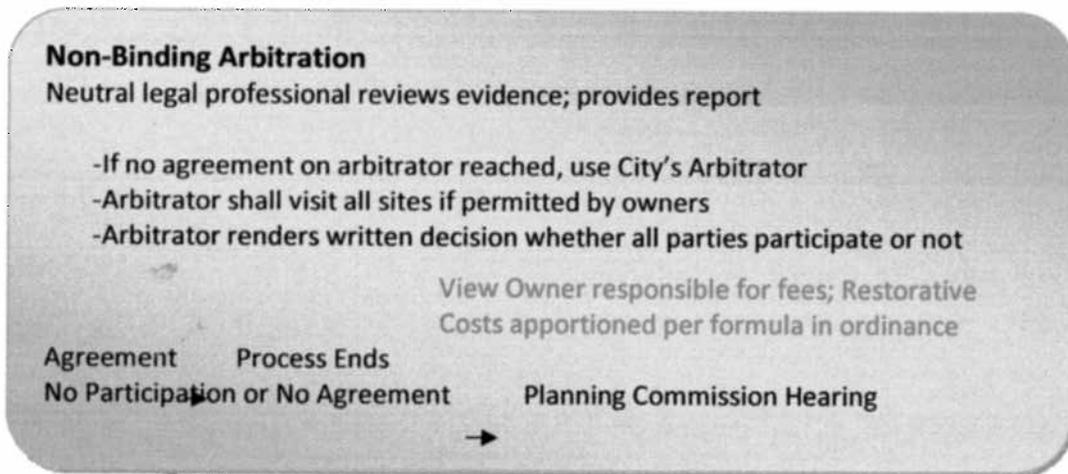


View Restoration Process Guidelines:
Provided by Community Development Staff and available online and at public counter; contains detailed instructions, graphics, forms and contacts to guide residents through process

Private Agreement Process

Residents are encouraged to use the guidelines to resolve issues. A Planning Commission public hearing cannot be scheduled unless this process is completed.





Restorative Action/Enforcement

If parties come to an agreement at any point during the above process but one or more party is not satisfied with disposition of the agreement, parties may seek a civil remedy (Superior Court); the City will not enforce private agreements. Alternatively, an applicant may choose to continue with the View Restoration Process at the step beyond the last step completed provided certain deadlines are met.

Public Hearing Process

Planning Commission

Formal Application includes:

Proof that View Owner has completed the following procedures as required in this section:

- Initial Neighbor Reconciliation, and
- Mediation, and
- Non-Binding Arbitration; A copy of the Arbitrator's Report.

Tree/Land Survey(s) showing subject foliage is within 500' and above safe harbor line

Planning Commission may approve a View Restoration Permit if findings can be made.
Planning Commission may request any professional reports needed to render decision
Restorative Actions shall be determined by Planning Commission

Costs allocated pursuant to formula in Code. All maintenance of foliage on Foliage Owners' property subsequent to restorative actions is to be performed and paid for by Foliage Owner unless otherwise agreed to by View Owner.

City Council

Appellant shall bear cost of fee; cost of restorative actions shall be determined in the same way as at PC

Resolution Enforcement

Resolutions would be enforced by an on-call code enforcement consultant, reimbursed through fees