

ORDINANCE NO. 99-0-2327

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
ADOPTING A GROUNDWATER MANAGEMENT PLAN FOR  
THE HOLLYWOOD GROUNDWATER BASIN, ADOPTING  
REGULATIONS TO IMPLEMENT SUCH PLAN AND  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY  
ORDAINS AS FOLLOWS:

Section 1. A large portion of water used in the City of Beverly Hills is obtained from underground sources and such water is subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the inhabitants of the City.

Section 2. The City currently provides a healthful, inexpensive potable water supply to all lands within the City's retail water service area. This water supply is a valuable commodity, which the City appropriates and dedicates to beneficial and efficient public use by the City and its inhabitants.

Section 3. The City has a primary interest in the location, construction, maintenance, abandonment and destruction of water wells, which directly affect the quantity, quality and purity of underground waters.

Section 4. Improperly constructed and abandoned water wells can allow contaminated water on the surface to flow down the well casing, and can allow unusable or low quality groundwater from one groundwater level to flow along the well casing to other usable groundwater levels, thereby contaminating the usable groundwater.

Section 5. The proliferation of water wells within the boundaries of the City poses a danger of contaminating the groundwater resource upon which the City relies. In addition, the proliferation of water wells within City boundaries can limit the flexibility of the City's water system by creating artificial constraints or a fluctuating water table and increasing the rate at which available community water supplies are depleted.

Section 6. The City must regulate, manage, conserve, protect and preserve its water supply in such a manner as to ensure a continued adequate supply of water suitable for use by its inhabitants and to protect the health, safety and welfare of its inhabitants.

Section 7. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the adoption of a groundwater management plan.

The City Council considered all oral and written statements, protests and communications made or filed by interested persons. Written protests to the adoption of the plan have been filed and not withdrawn representing property owners owning less than fifty percent of the assessed value of the land within the City subject to groundwater management pursuant to the plan. All oral and written protests and objections are hereby overruled by the City Council.

Section 8. The City Council hereby adopts the "Groundwater Management Plan for the Hollywood Groundwater Basin in Los Angeles County (City of Beverly Hills)," attached hereto as Exhibit A and incorporated herein by this reference.

Section 9. Title 9 of the Beverly Hills Municipal Code is hereby renamed "Building and Property Health and Safety Regulations."

Section 10. Chapter 4 of Title 9 (Building and Property Health and Safety Regulations) of the Beverly Hills Municipal Code is hereby renamed "Water Regulations").

Section 11. Article 6 is hereby added to Chapter 4 (Water Regulations) of Title 9 (Building and Property Health and Safety Regulations) of the Beverly Hills Municipal Code to read as follows:

**"Article 6. Water Supply**

**Sec. 9-4.601 Title and Purpose**

This Article shall be known and cited as the Water Supply Ordinance of the City of Beverly Hills. The City Council of the City of Beverly Hills hereby enacts this Article in order to regulate, manage, conserve, protect and preserve the City's water supply in such a manner that the City's water supply, including but not limited to the groundwater resources within the jurisdiction of the City, will remain a viable resource and be put to the most efficient and beneficial use by the City and its inhabitants, while also safeguarding the health, safety and welfare of the inhabitants of the City.

**Sec. 9-4.602 Definitions**

Unless the context otherwise requires, the following definitions shall govern the construction of this Article:

(a) "Active well" shall mean a water well that is routinely operated and supplies greater than or equal to five percent (5%) of the water supply requirement of the property upon which it is located.

(b) "Basin" shall mean the Hollywood Groundwater Basin.

(c) "Contamination" shall have the meaning set forth in California Water Code Section 13050.

(d) "Emergency" shall mean one of the following circumstances:

(1) An imminent threat of or actual contamination or pollution of the groundwater of the City; or

(2) Jeopardy to the health or safety of the inhabitants of the City; or

(3) An immediate threat of substantial loss of personal or real property within the City.

(e) "Export" shall mean the extraction of groundwater from land overlying the Basin within the Plan Area for use on land outside the Plan Area.

(f) "Extraction" shall mean the act of obtaining groundwater by pumping or by some other controlled means.

(g) "Groundwater" shall mean all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

(h) "Inactive well" shall mean a well that is not routinely operating but capable of being made operable with a minimum effort.

(i) "Modification" or "repair" shall only mean the deepening of an existing well, or reperforation, sealing or replacement of an existing well casing.

(j) "Person" shall include a governmental entity, unless that entity is exempt from the application of this Article pursuant to state or federal law.

(k) "Plan Area" shall mean those lands within the incorporated boundaries of the City of Beverly Hills as well as those lands within the City's retail water service area, as it may exist from time to time.

(l) "Pollution" shall have the meaning set forth in California Water Code Section 13050.

(m) "Re-entry of a well" shall mean the process of cleaning out by drilling, jetting, or any other method an abandoned or inactive well.

(n) "Well" or "water well" shall mean any artificial excavation constructed by any method for the purpose of

extracting water from the ground. "Well" or "water well" shall not include:

(1) Oil and gas wells, or geothermal wells constructed under the jurisdiction of the California State Department of Conservation, except those wells converted to use as water wells; or

(2) Wells used for the purpose of dewatering excavation during construction; or

(3) Wells used for the purpose of stabilizing hillsides or earth embankments.

(o) Words not otherwise defined in this Chapter shall have the meaning ascribed to them in California Department of Water Resources Bulletin Nos. 74-81 and 74-90, as each may be amended.

**Sec. 9-4.603 Multiple Water Supply**

(a) Prohibited without Permit. No person owning, leasing, occupying, or having charge or possession of any premises in the City shall supply the premises with potable water received from the City and concurrently supply the premises with potable water received from a water well located on the premises or a water well located on any other premises located within the boundaries of the City, unless:

(1) on the effective date of this Article, the premises is receiving potable water from the City and concurrently receiving potable water from an active well located on the property; or

(2) the person has obtained prior approval from the City by applying for and obtaining a Multiple Water Supply Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Multiple Water Supply Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Permit Application. In addition to any other information required by Municipal Code Section 4-1.102 and any other information the Director of Public Works may deem necessary in order to determine whether a Multiple Water Supply Permit should be issued, an application for a Multiple Water Supply Permit shall include all of the following information:

(1) The applicant's name and address;

(2) The location of the property to which concurrent water supply is sought, including the street address and assessor's parcel number(s);

(3) A description of the legal interest the applicant has in the property (i.e., owner, lessee, renter) and the name and address of the owner of the property if the applicant is not the owner; and

(4) A detailed description of the water supply sources, other than the City, from which the property will be supplied. Such description shall include:

(A) The name and address of the person supplying the water, and the legal description of the property from which the water is supplied;

(B) A plot plan (scale 1/4 inch equals 20 feet) indicating the location of the supply source and detailing the delivery and piping system providing for receipt of the water to the property;

(C) A statement from the person supplying the water describing the legal basis of their water rights and authority to deliver water from their source off the respective property;

(D) The uses to which all water supplied to the property will be put; and

(E) A detailed description of the need for concurrent water supplies to the property, including the reasons why water service from the City alone is inadequate to meet the water requirements of the applicant.

(d) Standards for Permit Issuance. The Director of Public Works may issue a Multiple Water Supply Permit if the Director finds that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(e) Revocation or Suspension of Permit. The Director of Public Works may revoke or suspend a Multiple Water Supply Permit in accordance with Municipal Code Section 4-1.107 et seq. Upon notification by the City that a Multiple Water Supply Permit is suspended or revoked, the City may terminate City water service to the property, if the premises continues to receive water supplied from a water well located on the property or a water well located on any other property located within the boundaries of the City.

**Sec. 9-4.604 Wells**

(a) Registration of Wells. Any person operating a well within the City shall register the well within 90 days of the effective date of this Section on a form to be provided by the Department of Public Works. The registration shall contain, but shall not be limited to, the following information:

- (1) The name and address of the operator;
- (2) The address of the property upon which the well is located;
- (3) The approximate location of the well on the property; and
- (4) The purpose of groundwater use.

(b) Metering of Wells. No person shall operate a well within the City unless the well is equipped with a waterflow measuring device or meter, or unless the City Council has expressly exempted the well from this requirement.

(c) Annual Extraction Statements. Any person operating a well within the City shall file with the Department of Public Works, on a form to be provided by the Department of Public Works, an annual extraction statement. The statement shall be signed by the operator under penalty of perjury and shall summarize the amount of percolating groundwater extracted by the operator within the preceding water year or an alternatively designated annual reporting period. The statement shall contain, but shall not be limited to, the following information:

- (1) Total extraction in acre-feet of water from the well;
- (2) The types of use and the acreage served by the well compared to the number of acres owned, leased or controlled by the operator; and
- (3) The method of measuring or computing groundwater extractions.

(d) Permit Required for Installation, Modification or Destruction of Wells. No person shall drill, install or construct a well; inactivate a well; modify or repair an existing, inactive or abandoned well; re-enter an abandoned or inactive well; or destroy an existing, inactive or abandoned well within the boundaries of the City, unless:

- (1) The person has obtained prior approval from the City by applying for and obtaining a Well Permit in accordance with this Article for the specific work to be performed; or
- (2) The well is supplying water to land within the City on the effective date of this Section, provided that the well is used for the same purpose as on the effective date of this Section, and provided that the well is maintained, operated, and used in accordance with the standards and provisions of this Article.

(e) Permit Procedures. The Director of Public Works may issue Well Permits in accordance with Municipal Code Section 4-1.101 et seq.

(f) Permit Application. In addition to any other information required by Municipal Code Section 4-1.102 and any other information the Director of Public Works may deem necessary in order to determine whether a Well Permit should be issued, an application for a Well Permit shall include all of the following information:

- (1) The applicant's name and address;
- (2) The name of the person who will perform the work on the well;
- (3) A statement that the person who is to perform the work on the well is licensed under the provisions of Chapter 9 of Division 3 of the California Business and Professions Code as a well drilling contractor, including the number of such license, and that such license is in full force and effect, and a certificate satisfying the requirements of Section 3800 of the Labor Code; or, a statement that the applicant is exempt from these provisions and the basis of the claimed exemption(s).
- (4) The estimated or proposed depth of the well, casing material, sealing material, sealing method, use of the well, and drilling method to be used;
- (5) A description of the proposed method by which the work is to be performed;
- (6) The location of the property and well site, including the street address and assessor's parcel number(s); and
- (7) A plot plan (scale 1/4 inch equals 20 feet) indicating the location of the well with respect to the following items:
  - (A) Property lines;
  - (B) Sewage disposal systems or works carrying or containing sewage or industrial wastes within a two hundred foot radius of the proposed well;
  - (C) Perennial, seasonal, natural or artificial water bodies or water courses, including, if applicable, the location of the one hundred year floodplain;
  - (D) The drainage pattern of the property;
  - (E) Existing wells on the property, whether put to domestic, industrial, agricultural or other use;

(F) Access roads and easements (including water, sewer, utility, and roadway easements);

(G) The approximate ground level elevation of well site above mean sea level and the source of said information;

(H) Existing and/or proposed structures; and

(I) Animal or fowl enclosures, pens, paddocks, stockyards within a two hundred foot radius of the proposed well site.

(g) Standards for Permit Issuance. The Director of Public Works may issue a Well Permit if the Director finds that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103, and:

(1) that the proposed well complies with the design and spacing requirements adopted by the City with respect to wells;

(2) that water service from the City is not available to serve the reasonable water requirements of the property on which the well is proposed to be located; and

(3) the proposed well and its attendant uses will not unreasonably impair the rights of other operators, or the health, safety and welfare of the residents of the City or its customers.

(h) Guarantee of Performance. Prior to the issuance of a Well Permit, the person drilling the well shall post with the City a cash deposit or bond to guarantee compliance with the terms of this chapter and the applicable permit. Such deposit or bond shall be in the amount deemed necessary by the Director of Public Works to include but not be limited to the remedy of improper work, but not in excess of the total estimated cost of such work. Eighty-five percent of the deposit or bond shall be returned to the permittee when the work has been completed to the satisfaction of the City; the remaining fifteen percent of the bond shall be returned after one year of satisfactory well operation as determined by the City. These percentages may vary to cover special conditions and circumstances in order to guarantee performance and compliance with this Article. Licensed well drilling contractors shall not be required to post a bond or deposit guaranteeing performance.

(i) Performance of Work. All work pursuant to a Well Permit shall be performed in accordance with those standards for constructing, drilling, installing, or inactivating a well; modifying or repairing an existing, inactive or abandoned well; re-entering an abandoned or inactive well; or destroying an existing, inactive or abandoned well set forth in Bulletin Nos.

74-81 and 74-90 published by the California Department of Water Resources.

(j) Scope of Permit. A Well Permit issued for construction of a well covers the construction of one complete well. If the well driller proposes to change the site of the well from that shown on the site plan of a permit, the change in site must be pre-approved by the City prior to drilling.

(k) Abandoned or Inactive Wells. Any operator of a well that abandons the well after the effective date of this Article shall give written notice of the abandonment to the Department of Public Works within 60 days after the abandonment. An abandoned well shall be properly destroyed in accordance with the requirements of California Department of Water Resources Bulletin Nos. 74-81 and 74-90. An inactive well shall be considered abandoned and proper destruction required when it has been operated for less than 8 hours of pumping in any 12-month period, or if it is in such a state of disrepair that it cannot be made functional, or if it is a monitoring well from which no data has been taken for a period of 24 months, unless a Well Permit for inactivation is applied for and obtained in accordance with this Article before expiration of the 12-month inactive period. An inactive well must be maintained in accordance with the requirements of California Department of Water Resources Bulletin Nos. 74-81 and 74-90.

(l) Multiple Water Supply. Notwithstanding any other provision of this Section, no person shall drill, install or construct a well; modify or repair an existing, inactive or abandoned well; or re-enter an abandoned or inactive well, if that action will result in a violation of Section 6.03 of this Article.

(m) Emergency. Notwithstanding any other provision of this Section, in the event of an emergency, a person may construct, drill, and install a well, inactivate a well, modify or repair an existing, inactive or abandoned well, re-enter an abandoned or inactive well; or destroy an existing, inactive or abandoned well without the Well Permit required by this Section, provided that:

(1) Such work is performed in conformance with the standards set forth in this Article;

(2) The City is notified of such emergency work no later than the following City working day from initiation of such emergency work; and

(3) An application for the required permit is made within three working City days after initiation of such emergency work.

(n) Exemptions. The operator of an active well from which less than 1.5 acre feet per year is extracted is exempt from the provisions of this Section, except that the operator must still register the well in accordance with subsection (a) of this Section.

**Sec. 9-4.605 Transfer to Non-Adjoining Parcel**

(a) Permit Required. An operator of a well shall not sell, lease or otherwise transfer water from one legal parcel to a nonadjoining legal parcel without obtaining prior approval from the City by applying for and obtaining a Water Transfer Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Water Transfer Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Water Transfer Permit if the Director finds that the nonadjoining parcel is not concurrently receiving water service from the City and that the Applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(d) Limit on Amount Transferred. The well operator may only transfer up to the average amount of the water which was consumptively used annually in the five year period preceding the calendar year in which the transfer is requested. If the well was in operation for less than five years prior to the request for transfer, the Director may establish a limit on the amount of water which may be transferred, based on the amount of water consumptively used from the well in the years immediately prior to the request or the average amount of water consumptively used annually from similar wells in the area.

(e) Other Conditions on Transfers. The well operator shall comply with any other conditions imposed by the City to avoid injury to existing lawful users and the environment.

**Sec. 9-4.606 Export from Basin or Plan Area**

(a) Permit Required. No person shall export groundwater from the Basin or the Plan Area without obtaining prior approval from the City by applying for and obtaining a Water Export Permit, in accordance with this Article. Exports existing on the effective date of this Section shall be exempt from the provisions of this Section.

(b) Permit Procedures. The Director of Public Works may issue Water Export Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Water Export Permit if the Director

finds that the applicant has satisfied the general criteria of Municipal Code Section 4-1.103, has obtained all necessary permits required by law, and has demonstrated that a surplus of water exists capable of safe export without injury to existing beneficial uses of groundwater within the Basin or Plan Area.

(d) Time Limit on Water Export Permits. All Water Export Permits shall be valid for a specified period of time.

(e) Reduction or Suspension of Export. All Water Export Permits shall declare that they are subject to the right of Beverly Hills to further condition, reduce or suspend the permit where necessary to protect beneficial uses of water within the Basin or the Plan Area. The City may reduce or suspend any export of water whenever the export is determined to be causing an unreasonable interference with the ability of the City to meet its retail water supply needs or any other material injury within the Basin or the Plan Area, or whenever the Plan Area is in an overdraft condition and alternative water supplies are not available to rectify the condition. The City Council shall conduct a public hearing prior to terminating or reducing exports from the Basin to consider other appropriate measures to address the overdraft conditions and to consider information presented by any affected well operator.

#### **Sec. 9-4.607 Storage or Recapture of Imported or Developed Water**

(a) Permit Required. No person shall operate a project to store and recapture imported or developed water within the Basin without obtaining prior approval from the City by applying for and obtaining a Storage and Recapture Permit, in accordance with this Article.

(b) Permit Procedures. The Director of Public Works may issue Storage and Recapture Permits in accordance with Municipal Code Section 4-1.101 et seq.

(c) Standards for Permit Issuance. The Director of Public Works may issue a Storage and Recapture Permit if the Director finds that the applicant has satisfied the general criteria of Municipal Code Section 4-1.103.

(d) Exemption. Storage and recapture facilities existing on the effective date of this Section shall be exempt from the provisions of this Section.

#### **Sec. 9-4.608 Activities Degrading or Contaminating Water Supply**

No person shall undertake any activity within three hundred (300) feet of a well used to supply domestic uses that could materially degrade or contaminate a domestic water supply.

**Sec. 9-4.609 Permit Issuance as Discretionary Act**

The issuance of permits pursuant to this Article shall be deemed a discretionary act, and issuance shall be in the sole discretion of the Director of Public Works given the standards and policies set forth in this Article. In approving discretionary permits, the Director of Public Works is hereby authorized to impose any reasonable conditions, modifications, or limitations on any part of the application which are deemed necessary to eliminate or substantially mitigate any significant adverse impact on the environment, the City's groundwater resource and other City water supply sources, or the health and safety of the inhabitants of the City and to otherwise carry out the purpose and goals of this Article. As a discretionary act, issuance of a permit requires compliance with the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)

**Section 9-4.610 Revocation or Suspension of Permits**

The Director of Public Works may revoke or suspend permits issued pursuant to this Article in accordance with Municipal Code Section 4-1.107 et seq.

**Section 9-4.611 Right of Entry to Inspect**

The City shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purposes of enforcement of this Article, subject to the provisions of Code of Civil Procedure Section 1822.50 et seq.

**Section 9-4.612 Appeals from Denial, Suspension, Revocation**

Any person whose application for a permit pursuant to this Article has been denied, or whose permit has been suspended or revoked, by the Director of Public Works may appeal to the City Council in accordance with Chapter 4 of Title 1 of this Code."

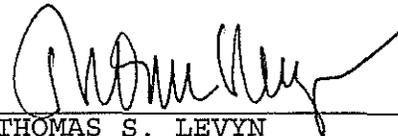
Section 12. This ordinance adopts rules and regulations pursuant to Water Code Section 10753.8 to implement and enforce the Groundwater Management Plan for the Hollywood Groundwater Basin in Los Angeles County (City of Beverly Hills). The City Council has considered the potential impact of these rules and regulations on business activities, including agricultural operations. The rules and regulations adopted in this ordinance minimize any adverse impacts on those business activities to the extent practicable and consistent with the protection of groundwater resources.

Section 13. 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 her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

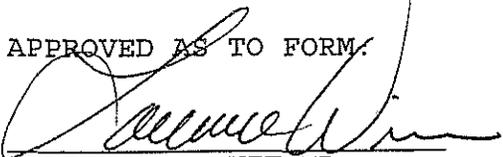
Section 14. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

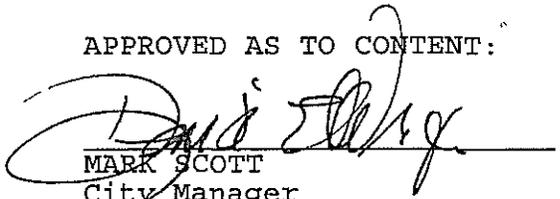
Adopted: May 4, 1999

  
THOMAS S. LEVYN  
Mayor of the City of  
Beverly Hills, California

ATTEST:

 (SEAL)  
NINA UDY  
City Clerk

APPROVED AS TO FORM:  
  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:  
  
MARK SCOTT  
City Manager

  
DAN WEBSTER  
Director of Public Works

**GROUNDWATER MANAGEMENT PLAN FOR THE  
HOLLYWOOD GROUNDWATER BASIN IN LOS ANGELES COUNTY  
(CITY OF BEVERLY HILLS)**

*WATER CODE SECTION 10750 ET SEQ.  
PLANNING AGENCY:  
CITY OF BEVERLY HILLS*

**ARTICLE I  
PREAMBLE**

**SECTION 101.** The City of Beverly Hills (Beverly Hills) is a general law city, authorized to engage in the provision of water service to its customers pursuant to Government Code Section 38730 et seq. Beverly Hills presently provides retail water service through the operation of a municipally owned water system and is a local agency within the meaning of Water Code Section 10753(a).

**SECTION 102.** The incorporated boundaries of Beverly Hills and its extra-territorial service area overlie the historically accepted boundaries of the Hollywood Groundwater Basin (Basin). The Basin encompasses an area of approximately 15 square miles. The Basin is thought to be comprised of three separate but related aquifers with a total storage capacity estimated at approximately 80,000 acre feet.

Beverly Hills has conducted a hydrologic analysis of the Basin on several occasions and most recently in a report prepared by Boyle Engineers in February of 1996. The study generally confirms the previously accepted hydrologic boundaries for the Basin as well as the estimate of the total available storage.

**SECTION 103.** Over the years, quantity and quality problems have been identified for groundwater stored in and extracted from the Basin. The water quality problems include a high total dissolved solids concentration which renders the local water unsuitable for domestic use. In addition, conditions of groundwater overdraft were consistently identified during the period of record 1940-1960. The exact safe yield of the Basin under present operating conditions is unknown. However, studies performed under the direction of Beverly Hills have consistently estimated the safe yield for the Basin to be approximately 3,000 acre feet per year.

**SECTION 104.** The precise amount of groundwater extracted from the Basin under existing operating conditions is unknown. However, Beverly Hills has historically extracted in excess of 10,000 acre feet per year of local groundwater with more than 4,000 acre feet of this production coming from the Basin. Although Beverly Hills temporarily ceased its historical extractions from the Basin in 1976, it simultaneously proceeded to file its annual Cessation of Water Use with the California Department of Water Resources for each year thereafter to preserve and protect its historical prescriptive right to groundwater within the Basin.

**SECTION 105.** Beverly Hills desires and intends to pursue the development of local groundwater resources within the Basin and to adopt a management plan (Plan) which will protect its reliance upon this supply.

**SECTION 106.** Beverly Hills will work cooperatively with other interested parties to develop groundwater management goals and objectives. Beverly Hills intends to manage groundwater underlying those lands within its incorporated boundaries as well as those lands within its retail water service area, as it may exist from time to time (Plan Area). Beverly Hills seeks to carry out this Plan in accordance with Water Code Section 10750 et seq. and pursuant to its police power authority to promote and protect the health, safety and welfare of its

citizens. Nothing herein shall be construed as waiving, limiting or abrogating the power and authority of Beverly Hills to manage, regulate or control the use of water within the Plan Area under any federal, state or local law.

**ARTICLE II  
ADOPTION OF PLAN**

**SECTION 201.** Beverly Hills is authorized to develop and implement a groundwater management plan in accordance with Water Code Section 10750 et seq. and pursuant to its police power authority to promote and protect the health, safety and welfare of its citizens.

**SECTION 202.** Beverly Hills finds and declares that the management of groundwater within the Plan Area is in the public interest and will provide for the common benefit of water users within the Plan Area.

**SECTION 203.** Beverly Hills has considered the potential impact of this Plan upon business activities within the Plan Area and it has determined that the adoption of this Plan will provide benefits to municipal, commercial, industrial and agricultural uses which outweigh any economic hardship that may result.

**ARTICLE III  
ADMINISTRATION OF PLAN**

**SECTION 301.** Beverly Hills has determined that the administration of this Plan can be best accomplished through a Technical Committee appointed by and under the supervision of the City Council.

**SECTION 302.** The City Council shall appoint a Technical Committee comprised of licensed engineers, geologists, hydrogeologists, hydrologists, or other water professionals to review the data, studies, reports and information which are collected, received or prepared by Beverly Hills. Eligibility for service on the Technical Committee is to be determined by rules and conditions the City Council may hereafter establish. However, the following general guidelines shall control. Eligibility to serve upon the Technical Committee shall be limited to those persons with technical expertise in water-related fields, e.g., engineering, hydrology, geology, and water supply and management. In no case may more than three individuals serve on the Technical Committee at any one time. Members of the Technical Committee shall serve at the discretion of the City Council.

**SECTION 303.** The Technical Committee shall meet and confer from time to time and shall operate pursuant to the rules, regulations and procedures which may hereafter be established by the City Council and it shall have only those powers set forth herein. The Technical Committee shall conduct investigations, review and evaluate technical problems and concerns that may arise from time to time, and it shall perform the duties and functions established under this Plan.

**SECTION 304.** The Technical Committee shall submit input and recommendations to the City Council in the form of a report. The failure of the Technical Committee to undertake any action specified under this Plan shall not in itself invalidate any measure or preclude the City Council from taking any measure otherwise authorized herein.

**ARTICLE IV  
PLAN AREA**

**SECTION 401.** For the purpose of carrying out the goals and objectives identified herein, the boundaries of the Plan Area are limited to the Basin and surrounding lands located within the County of Los Angeles and within the boundaries of Beverly Hills and its retail water service area.

**SECTION 402.** Beverly Hills acknowledges that in some cases actions carried on outside the Plan Area may have an impact on the water supply and water production, distribution and treatment facilities within the Plan Area. However, through concentrated groundwater management efforts within the Plan Area and within the sphere of influence of Beverly Hills, this Plan will protect local groundwater supplies and the recovery of imported nontributary supplemental water that may be stored within the Plan Area from time to time.

**ARTICLE V  
DEFINITIONS**

**SECTION 501.** Unless expressly otherwise provided in the ordinances, resolutions, rules, regulations and agreements implementing the provisions of this Plan, and unless the context clearly indicates otherwise, the definitions in this Article shall control the interpretation of the Plan.

**SECTION 502.** "Aquifer" means a geologic formation or structure that transmits or stores water in sufficient quantities to supply the extraction of water by wells, springs or other controlled means.

**SECTION 503.** "Available water supply" means that quantity of water which can safely be withdrawn in any given year from the Basin without resulting in or aggravating conditions of overdraft, such as subsidence or water quality degradation. Available water supply of the Basin includes the naturally occurring supplies which are derived from precipitation, subsurface inflow and stream recharge. Available water supply also includes that amount of water which would not have been available to the Basin through natural recharging events, such as imported water and any other water supply which, by virtue of the efforts of one or more individuals, serves to replenish the Basin. Available water supply may include water added to the Basin through conjunctive use, water reclamation, and desalination as well as the return flows from these sources.

**SECTION 504.** "Basin" means the Hollywood Groundwater Basin as defined in Exhibit A, attached hereto and incorporated herein.

**SECTION 505.** "City Council" means the City Council of the City of Beverly Hills.

**SECTION 506.** "Cathodic Protection" means the technique to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

**SECTION 507.** "Conjunctive use" means the coordinated operation of groundwater and surface water supplies to add reliability to existing supplies and to maximize the number of beneficial uses that may be safely supplied with water.

**SECTION 508.** "Department" means the Public Works Department of the City of Beverly Hills.

**SECTION 509.** "Export" means the extraction of groundwater from land overlying the Basin within the Plan Area for use on land outside the Plan Area.

**SECTION 510.** "Extraction" means the act of obtaining groundwater by pumping or by some other controlled means.

**SECTION 511.** "Extraction facility" means any device or method for the extraction of groundwater.

**SECTION 512.** "Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.

**SECTION 513.** "Groundwater basin" means a geologically and hydrologically defined area, consisting of one or more aquifers and which stores and transmits significant quantities of water.

**SECTION 514.** "Groundwater management programs" mean programs, measures, or actions taken to preserve, monitor, protect, and enhance groundwater resources within the Plan Area.

**SECTION 515.** "Operator" means a person who operates an extraction facility. If Beverly Hills is unable to determine who operates a particular extraction facility, then "operator" shall mean the person assessed by the county assessor or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

**SECTION 516.** "Overdraft" means the condition of the Basin where the average annual amount of water extracted from the Basin exceeds the average annual supply of water to the Basin.

**SECTION 517.** "Person" means any state or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or to the extent authorized by law, any federal agency.

**SECTION 518.** "Plan Area" means the area within the incorporated boundaries of Beverly Hills as well as those lands within its retail water service area, as it may exist from time to time, as identified in Exhibit B, attached hereto and incorporated herein.

**SECTION 519.** "Recharge" means the natural or artificial replenishment of groundwater storage by subsurface infiltration, percolation or injection of one or more sources of water.

**SECTION 520.** "Replenishment" means the spreading or injection of water for the purpose of enhancing the recharge to the Basin, or otherwise adding to the storage of groundwater within the Basin by return flows from supplemental water.

**SECTION 521.** "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the Basin and other water supplies that are conserved and added to the natural sources of recharge to the Basin, which would have been otherwise lost or would not have reached the Basin.

**SECTION 522.** "Technical Committee" means the committee of individuals with technical expertise in the field of water resources that shall be appointed by the City Council as provided herein.

**SECTION 523.** "Well interference" means a substantial static water level decline in a short period of time in a localized area, which is caused by the pumping of groundwater from extraction facilities.

#### *ARTICLE VI GOALS AND OBJECTIVES*

**SECTION 601.** The objective of this Plan is to ensure that sufficient water resources are available to satisfy the present and projected beneficial uses of water within the Plan Area. This Plan is designed to protect groundwater quality within the Plan Area and to balance long-term average annual replenishment with extractions and other losses to the Basin within the Plan Area as may be consistent with the public interest. This Plan is also designed to protect the substantial reliance upon the Basin to satisfy the water requirements of the businesses and residents of Beverly Hills.

**SECTION 602.** Beverly Hills acknowledges the existence of a substantial body of scientific and technical reports that express the opinion that the Basin was in a continuous state of overdraft for the historical period of record between 1940-1960. Since 1976, Beverly Hills has discontinued its extraction of groundwater from the Basin and, therefore, the exact safe yield of the Basin under existing conditions is unknown.

**SECTION 603.** In recognition of the historic overdraft conditions in the Basin, and because of the relatively low costs and high reliability of imported water supplies, Beverly Hills, without abandoning its prior and paramount rights to groundwater, elected to temporarily discontinue its extraction of local groundwater in 1976 and to participate in the acquisition of high-quality imported supplemental water through its indirect participation in the State Water

Project through the Metropolitan Water District of Southern California. However, Beverly Hills has always intended, and retained its authority, to return to the Basin to meet its present and future long-term water supply requirements. Through concentrated management efforts within the Plan Area, Beverly Hills will fulfill its management objectives by protecting local groundwater supplies within the Plan Area for public use.

**SECTION 604.** This Plan will provide proper management and full protection of the quantity and quality of local groundwater supplies within the Plan Area, while also maximizing opportunities for the use of imported water supplies as well as any other nontributary supplemental water which may be obtained by Beverly Hills.

#### *ARTICLE VII STUDIES AND INVESTIGATIONS*

**SECTION 701.** To ensure that its actions are taken in accordance with the public interest, and to ensure against the use of unnecessary and potentially burdensome management techniques, Beverly Hills may routinely collect data and conduct or receive necessary and relevant studies for the purpose of protecting and/or enhancing the quantity and quality of groundwater within the Basin.

**SECTION 702.** Beverly Hills is authorized to collect data and conduct technical investigations to carry out this Plan. All data collection and/or technical investigations authorized under this Plan shall be carried out by the Technical Committee, subject to periodic review by the City Council. The City Council, upon receiving input and recommendations from the Technical Committee, shall evaluate and consider the adequacy of existing information and hydrologic studies which have been compiled by the State Department of Water Resources, the County of Los Angeles, Beverly Hills and any other available source before commissioning any new studies under this Section.

**SECTION 703.** The Technical Committee shall from time to time prepare a report on the status of the Basin and the Plan Area. The report shall include an estimate of annual water supply replenished to and lost or extracted from the Basin within the Plan Area in the preceding reporting year. The report shall include any other information which the City Council deems relevant and necessary to the effective management of groundwater within the Plan Area, including changes in water levels and the amount of usable available water supplies which are held in storage.

**a. Collection and Analysis of Data/Preparation of an Annual Report on Hydrologic Conditions:** Data related to the hydrologic inventory of the Basin within the Plan Area shall be collected and reviewed annually as a component of the annual report. Principal factors to be considered shall include surface water imported to the Basin, recharge to the Basin from infiltration of return flows, supplemental water, rainfall and stream flow seepage, evapotranspiration, discharge from the Basin as surface flow, and extractions from the Basin within the Plan Area by private and public wells.

**b. Preference for Utilization of Existing Data Bases:** To avoid incurring unnecessary costs, the Technical Committee shall investigate and determine the status and adequacy of existing studies and monitoring programs carried out within the Basin by federal, state and local agencies and make recommendations to the City Council as to the need for additional data. Where possible, existing data collection programs should be incorporated into the annual report.

**c. Expansion of Data Collection Efforts:** Where significant and important data is missing or incomplete, the Technical Committee shall make recommendations to the City Council on methods to acquire more complete data.

**SECTION 704.** Beverly Hills may prepare or receive reports on groundwater and supplemental water supplies and conditions within the Plan Area. Beverly Hills may identify information useful to a water replenishment or conjunctive use project and prepare reports on the utility of conjunctive use or replenishment projects within the Plan Area.

**SECTION 705.** Beverly Hills may prepare or receive reports on groundwater quality within the Basin. Beverly Hills may identify additional plans, programs or projects for the protection of water quality.

#### **ARTICLE VIII MONITORING**

**SECTION 801.** To protect and/or enhance the quality and quantity of water within the Basin, Beverly Hills may conduct a Basin monitoring program. The monitoring program may consist of the measures identified in this Article and may be implemented by the adoption of rules and regulations.

**a. Monitoring Basin Conditions:** The ongoing collection and analysis of Basin hydrologic data are important elements of the Plan. Monitoring is essential to characterize Basin conditions within the Plan Area and to provide the technical information needed to make decisions regarding the optimal use and management of the Basin. Monitoring of the Basin will assist in the preparation of reliable studies and investigations and will enable Beverly Hills to identify changing conditions and the need to implement specific programs, and to document the accomplishments of the groundwater management programs. The Technical Committee shall make recommendations to the City Council, from time to time, concerning the adequacy of existing monitoring programs and the desirability of reducing or expanding those efforts.

**b. Monitoring Changes in Water Levels:** Beverly Hills may include one or more monitoring wells within the Plan Area for the purpose of monitoring changes in the amount of groundwater held in storage and the impact that water use practices and the environment have on the Basin. The number and location of these wells shall be determined by the City Council, upon receiving input and a recommendation from the Technical Committee.

c. **Monitoring Water Quality Conditions:** Beverly Hills may include one or more monitoring wells within the Plan Area for the purpose of measuring water quality conditions within the Basin. The number and location of these wells shall be determined by the City Council, upon receiving input and a recommendation from the Technical Committee.

**SECTION 802.** The City Council may adopt regulations requiring each well operator to register the well, to equip the well with a waterflow measuring device or meter, and/or to file periodic statements with the Department regarding well extractions.

**SECTION 803.** The Department shall prepare an annual estimate of the amount of water extracted from the Plan Area by each well operator and of the total cumulative groundwater extractions within the Plan Area.

**ARTICLE IX  
THE PROTECTION OF WATER QUALITY AND QUANTITY**

**SECTION 901.** The City Council may adopt regulations requiring a person installing a new, or replacing an existing, extraction facility within the Plan Area to obtain a well permit. Upon receiving input and a recommendation from the Technical Committee, the City Council may adopt design and construction standards for extraction facilities within the Plan Area. The design and construction standards shall be at least as stringent as provided in the California Model Well Code and shall include cathodic protection. Upon receiving input and a recommendation from the Technical Committee, the City Council may impose reasonable spacing requirements on extraction facilities and other reasonable operating regulations on the operators of extraction facilities to minimize well interference and to protect against water quality degradation, salt-water intrusion and land subsidence. Upon review of an operator's application for a well permit, and upon receiving input and a recommendation from the Technical Committee, the Director of Public Works may, in his or her discretion, accept the operator's demonstrated compliance with the well construction standards established by the County of Los Angeles as otherwise applicable within the Plan Area.

**SECTION 902.** The City Council may adopt regulations requiring a person operating a project to store and recapture imported or developed water within the Basin to obtain a storage and recapture permit.

**SECTION 903.** The City Council may adopt regulations requiring a person operating a project to export water from the Basin or Plan Area to obtain an export permit.

**SECTION 904.** Water supply conditions within the Plan Area may vary from year to year. However, in conditions of prolonged drought or extreme water shortage, additional regulation of groundwater extractions may be required. The City Council may adopt additional rules and regulations as necessary to implement this Plan, Water Code Section 350 et seq. or any other provision of law.

a. **Establishment of Basin Storage Capacity Threshold, Reduction of Extractions, Undertaking of Replenishment Activities:** Water levels in the Basin may fluctuate considerably in response to pumpage, recharge and climatic cycles. The minimum recommended storage capacity of the Basin is 30,000 acre feet. Upon recommendation of the Technical Committee, the City Council may adopt rules and regulations to reduce extractions or undertake replenishment activities to bring the Basin extractions within the long-term safe yield or a managed overdraft condition for the Plan Area when total usable storage is estimated to be less than 30,000 acre feet. The City Council shall not adopt restrictions on water extractions within the Plan Area until it has determined that present water replenishment efforts are insufficient and further that additional replenishment efforts are infeasible.

b. **Protection of Essential Interior Household Domestic and Other Uses:** In the event of prolonged drought or extreme water shortage, the City Council may take action to ensure that essential interior household domestic, health, sanitation and fire protection uses are protected.

**SECTION 905.** The availability of supplemental water to any operator shall not subject that operator to regulations more stringent than other operators.

**SECTION 906.** In the event the City Council adopts restrictions on the extraction of groundwater, the following beneficial uses shall be deemed to have the following priority to available water supplies:

- (a) Fire, health and sanitation within the Plan Area; then
- (b) Essential household domestic uses; then
- (c) All other uses within the Plan Area; then
- (d) All other uses overlying the Basin; then
- (e) Essential export uses; then
- (f) All other uses.

**SECTION 907.** Upon a determination that a significant threat of water quality degradation exists within the Plan Area, the City Council may direct the Technical Committee to conduct an analysis and report to the City Council on the magnitude of the degradation problem and potential remedial measures required to reverse or mitigate the degradation. The analysis shall be completed within one year from the City Council's determination of degradation.

**SECTION 908.** Upon a determination that ground levels are subsiding within the Plan Area, the City Council may direct the Technical Committee to conduct an analysis and report to the City Council on the magnitude of the subsidence problem and potential remedial

measures required to mitigate the subsidence. The analysis shall be completed with one year from the City Council's determination of subsidence.

**SECTION 909.** Beverly Hills shall comply with the provisions of the Best Management Practices Memorandum, compiled by the California Urban Water Conservation Coalition in 1991.

**SECTION 910.** The amount of water applied under agricultural operations, landscape and greenbelt uses may vary significantly. Likewise, differences in soil conditions, crop and plant water requirements (water duty) may significantly impact the extent of return flows for a given operation. Increased water efficiency of agricultural operations, landscape and greenbelt uses shall be encouraged through a program of education and incentives, which may include, but shall not be limited to, the following:

- a. Educational materials to assist agricultural operations, landscape and greenbelt uses to become as water efficient as possible;
- b. References to public and private programs and materials designed to improve the water efficiency of agricultural operations, landscape and greenbelt uses; and
- c. Recommending the use of reclaimed water in lieu of potable water supplies, where consistent with the provisions of Water Code Section 13550 et seq.

**SECTION 911.** Beverly Hills shall confer with the County of Los Angeles and the California Regional Water Quality Control Board to determine whether this Plan can be coordinated with ongoing efforts of the County and the Regional Board on matters related to water quality.

**SECTION 912.** All operators within the Plan Area shall exercise good faith to avoid the possibility of contaminating groundwater within the Plan Area.

**ARTICLE X  
IMPLEMENTING RULES AND REGULATIONS**

**SECTION 1001.** The City Council may adopt complementary ordinances from time to time to implement the purposes set forth in this Plan. In addition, the City Council may, by resolution, adopt rules and regulations from time to time to implement provisions of this Plan.

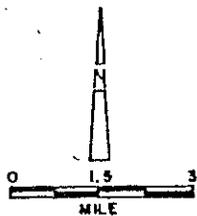
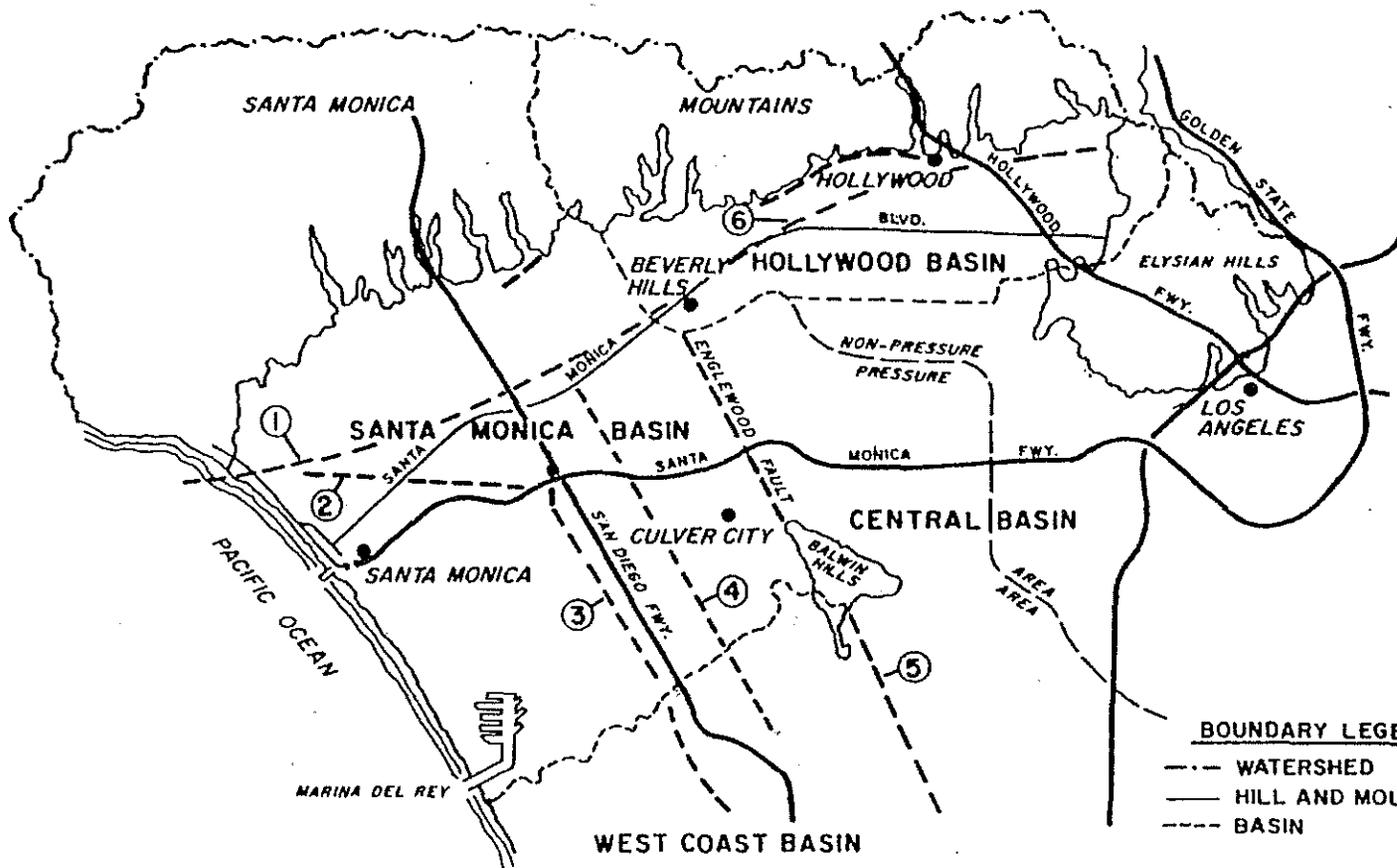
**ARTICLE XI  
COORDINATION**

**SECTION 1101.** The Basin encompasses a hydrologic area which may have some continuity to other groundwater basins in Los Angeles County. While it may be possible to develop a single groundwater management plan for a larger hydrologic area, such a management effort is presently infeasible. There are a number of political entities that overlie the potentially

related hydrologic basins. Moreover, some of the neighboring groundwater basins are subject to court-administered adjudications and expressly exempted from the provisions of Water Code Section 10750 et seq. Finally, Beverly Hills has placed substantial reliance upon existing groundwater supplies within the Basin to meet the short and long term water supply requirements of its customers. Accordingly, Beverly Hills has a unique interest in the local groundwater within the Basin, having planned, designed and proceeded with the construction of water supply extraction facilities for the purpose of fully developing the Basin at great expense to Beverly Hills.

**SECTION 1102.** Beverly Hills acknowledges the possibility that other groundwater management efforts may proceed for groundwater basins in close proximity to the Basin. These efforts may result in the successful formulation of groundwater management plans. Beverly Hills shall attempt to meet with other local agencies that have adopted groundwater management plans that overlie other groundwater basins which may have an impact on the Basin.

**EXHIBIT A**



2322  
232

**EXHIBIT B**

