



**CITY OF BEVERLY HILLS
MIXED USE OVERLAY ZONE
INITIAL STUDY/NEGATIVE DECLARATION**

Table of Contents

INITIAL STUDY

1.	Project Title	3
2.	Lead Agency Name and Address	3
3.	Contact Person and Phone Number	3
4.	Project Location	3
5.	Project Sponsor's Name and Address	4
6.	General Plan Designation	4
7.	Zoning	4
8.	Project Description	4
9.	Surrounding Land Uses and Setting	7
10.	Necessary Public Agency Approvals	7
Environmental Factors Affected		8
Determination		9
Environmental Checklist		10
1.	Aesthetics	10
2.	Agricultural And Forestry Resources	12
3.	Air Quality	13
4.	Biological Resources	16
5.	Cultural Resources	18
6.	Geology And Soils	20
7.	Greenhouse Gas Emissions	23
8.	Hazards And Hazardous Materials	25
9.	Hydrology And Water Quality	28
10.	Land Use And Planning	31
11.	Mineral Resources	33
12.	Noise	34

13.	Population And Housing	37
14.	Public Services	38
15.	Recreation	40
16.	Transportation/Traffic	41
17.	Tribal Cultural Resources	43
18.	Utilities And Service Systems.....	44
19.	Mandatory Findings Of Significance	46
	References	47

List of Figures

Figure 1: Regional Location	6
Figure 2: Areas eligible for overlay zone	6

List of Tables

Table 1: City Noise Compatibility Guidelines.....	35
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APPENDIX A – RESPONSE TO COMMENTS

Initial Study

1. PROJECT TITLE:

Beverly Hills Mixed Use Overlay Zone Project

2. LEAD AGENCY NAME AND ADDRESS:

City of Beverly Hills
Community Development Department
455 N Rexford Drive
Beverly Hills, CA 90210

3. CONTACT PERSON AND PHONE NUMBER:

Timothea Tway, AICP, Senior Planner
Community Development Department, City of Beverly Hills
(310) 285-1122

4. PROJECT LOCATION:

The City of Beverly Hills is bordered by the City of West Hollywood to the east, the City of Los Angeles neighborhoods of Carthay to the south, Century City to the west, and Holmby Hills and Brentwood to the northwest and north. The City is 5.7 square miles and is home to a resident population of approximately 35,000 people.

The project includes a General Plan Amendment and zone text and map amendments for the creation of an overlay zone in the Beverly Hills Municipal Code (BHMC) that would be applied to certain commercial properties in the City. This overlay zone would allow mixed use development (residential and commercial uses in the same structure) as an allowed use. The parcels upon which the overlay zone is proposed are located throughout the City, mostly along major commercial thoroughfares including commercially zoned parcels:

- fronting Wilshire Boulevard between San Vicente Boulevard and Rexford Drive
- fronting Wilshire Boulevard on the southern side of Wilshire Boulevard between Rexford Drive and South Santa Monica Boulevard
- fronting La Cienega Boulevard between the northern and southern borders of the City
- fronting Robertson Boulevard between the northern and southern borders of the City
- fronting Olympic Boulevard located between the eastern border of the City and Rexford Drive to the west
- fronting the 100 block of South Doheny Drive

- fronting San Vicente Boulevard between Wilshire Boulevard and La Cienega Boulevard
- fronting South Santa Monica Boulevard located between Wilshire Boulevard and Moreno Drive
- fronting the 100 block of South Beverly Drive

5. PROJECT SPONSOR'S NAME AND ADDRESS:

City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

6. GENERAL PLAN DESIGNATION:

Commercial

7. ZONING:

Currently: C-3, C-3T-2, C-3-T3, C3-A (Commercial)

Proposed: C-3-MU, C-3T-2-MU, C-3-T3-MU, C3-A-MU (Commercial with mixed use overlay)

8. PROJECT DESCRIPTION:

The proposed project involves a general plan amendment to enable mixed use development in certain commercial areas and the addition of an overlay zone into the BHMC to allow mixed use development. Mixed use development would make residential units an allowed use in mixed use projects in commercial zones where the overlay zone is applied. The overlay zone would be applied to certain commercially zoned parcels in certain areas of the City including commercially zoned properties located:

- fronting Wilshire Boulevard between San Vicente Boulevard and Rexford Drive
- fronting Wilshire Boulevard on the southern side of Wilshire Boulevard between Rexford Drive and South Santa Monica Boulevard
- fronting La Cienega Boulevard between the northern and southern borders of the City
- fronting Robertson Boulevard between the northern and southern borders of the City
- fronting Olympic Boulevard located between the eastern border of the City and Rexford Drive to the west
- fronting the 100 block of South Doheny Drive
- fronting San Vicente Boulevard between Wilshire Boulevard and La Cienega Boulevard

- fronting South Santa Monica Boulevard located between Wilshire Boulevard and Moreno Drive
- fronting the 100 block of South Beverly Drive

The overlay zone would regulate the uses allowed on the property as well as establish the zoning standards that must be followed including density, height and setbacks. The project does not include any proposal for new construction at this time. In general, the overlay zone contains the following regulations:

- Commercial uses that are permitted or conditionally permitted in the BHMC in existing commercial zones would be allowed in mixed use buildings
 - Medical and entertainment uses would not be allowed
 - Any use that requires a Conditional Use Permit in the BHMC in the commercial zone would require a Conditional Use Permit in a mixed use project
- Residential uses would be allowed in mixed use buildings
 - Generally the residential uses would not be allowed in the first 40 feet of street frontage facing a street on the ground floor, with limited exceptions, to preserve this space for commercial uses.
 - One residential unit would be allowed per 550 square feet of site area.
- Allowed height would vary based on adjacent residential zoning
 - for mixed use buildings adjacent to single-family zoning, the height limit would be 45'.
 - for mixed use buildings adjacent to multi-family zoning, the height limit would match the adjacent height limit of the multi-family zone as outlined in the Beverly Hills Multi-family Height District Map (these districts allow three, four or five story buildings).
- Any proposed mixed use development would be subject to the City's existing Development Plan Review Process, including review and approval by the Planning Commission of the City of Beverly Hills. Conditions of approval could be required for projects as part of the approval process.
- Mixed use projects would have the same setback requirements and commercial-residential transitional zone operational requirements as currently exist in the commercial areas of the City.

The addition of this overlay zone in the municipal code will not directly result in construction on any particular property at this time. Any building or project proposed after the creation of the overlay zone would require discretionary review by the City of Beverly Hills development plan review process and would be subject to environmental review as appropriate under the California Environmental Quality Act (CEQA) at that time. Figure 1 illustrates the regional location and Figure 2 illustrates the commercial areas that could be eligible to request the mixed-use overlay zone.

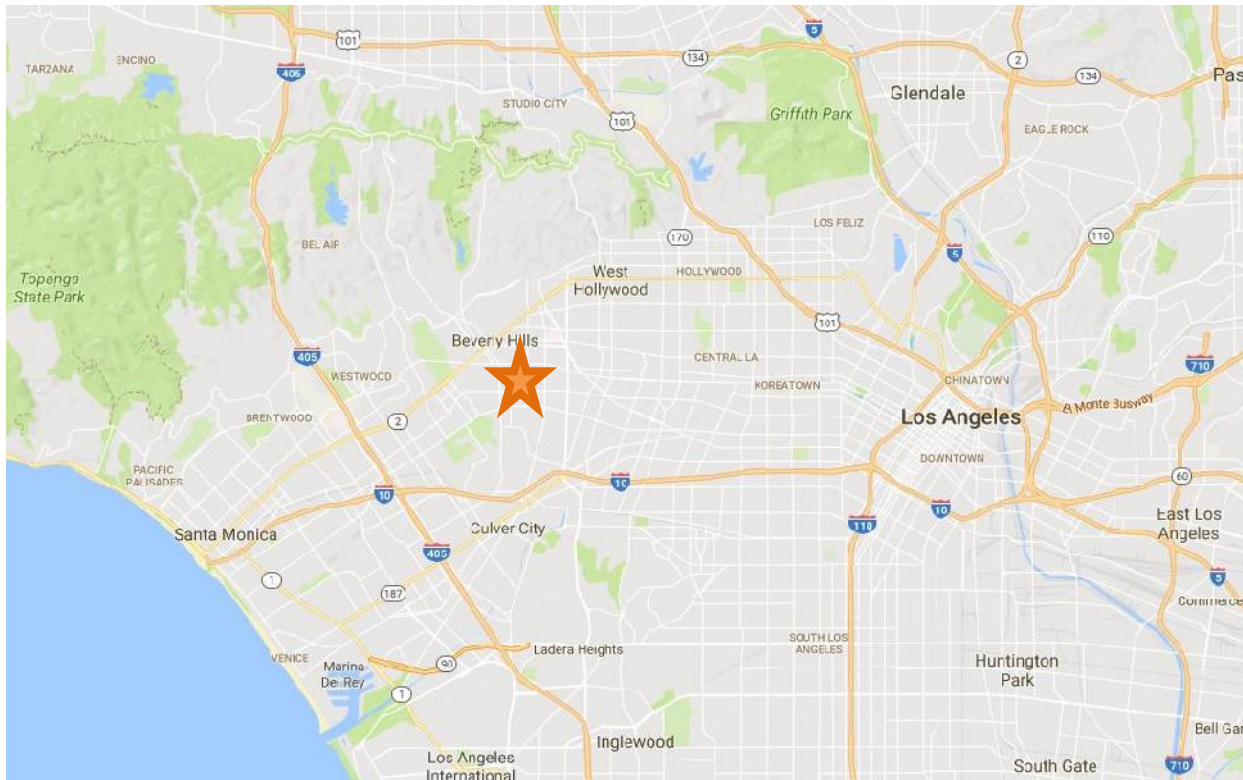


Figure 1 Regional Location

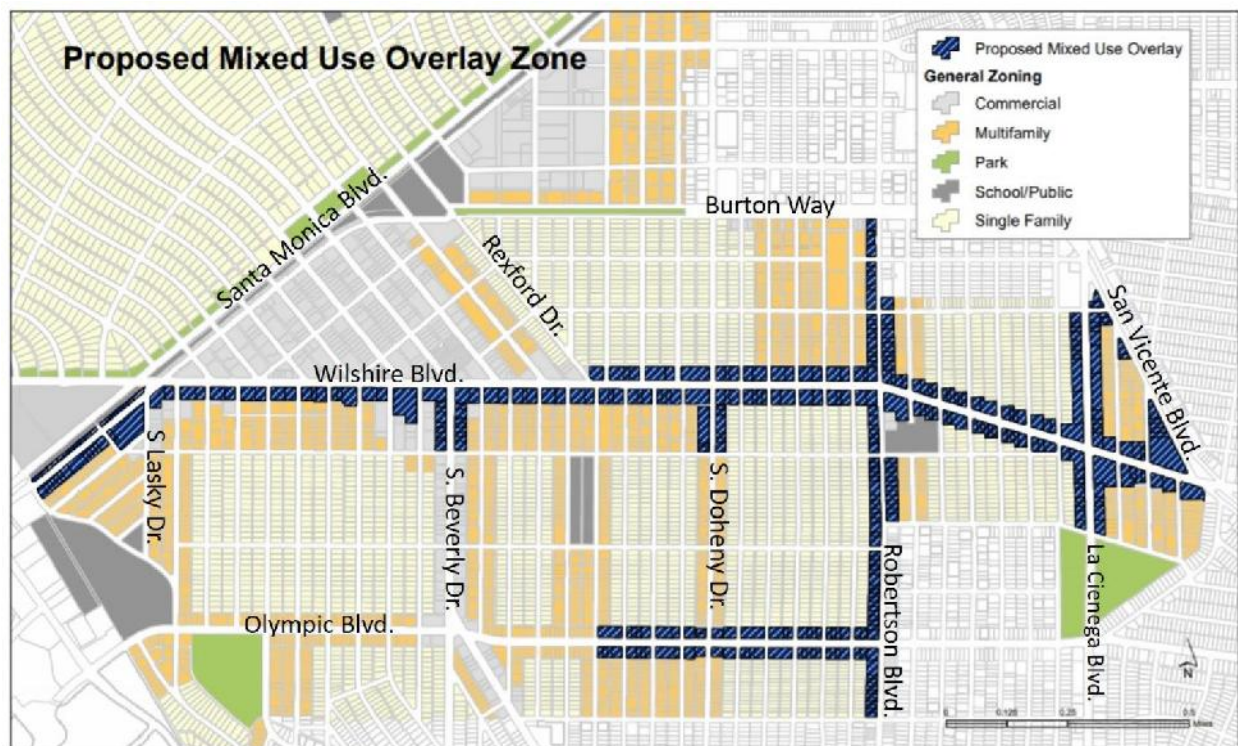


Figure 2 Areas eligible for overlay zone

9. SURROUNDING LAND USES AND SETTING

The mixed use overlay zone would be applied to certain parcels in the City that are currently zoned for commercial use in specific locations throughout the City as illustrated in Figure 2. The land uses surrounding these commercial parcels include single-family, multi-family, institutional, commercial, and park uses. The City of Beverly Hills is a built out urbanized area and the areas where the mixed use overlay would be established are within fully urbanized neighborhoods.

10. NECESSARY PUBLIC AGENCY APPROVALS:

The proposed zone change and General Plan amendment require review and approval by the City of Beverly Hills Planning Commission and City Council.

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Services Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION

On the basis of this initial evaluation:

- ☒ 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 revision or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

JUNE 9, 2020

Date

Timothea Tway, Senior Planner
Printed Name

City of Beverly Hills
For

ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Less than Significant. Generally, scenic vistas are limited in commercial areas of the City due to the fact that these areas are built-out and urbanized. The Project, which is the creation of an overlay zone, would not result in development at this time. There are views of the hills north of the City from several commercial corridors as well as views of some prominent landmark buildings, such as the Saban Theater on Wilshire Boulevard, however height limits for projects proposed in the future set forth in the mixed use overlay zone would not allow for buildings that are substantially taller than other existing buildings in the vicinity, and would be limited to five stories in areas where the tallest buildings would be permitted. Buildings of this scale would fit into the existing commercial development patterns of the City, which range from one-story to ten-story buildings, and are unlikely to block any scenic vistas that may exist. Further, any buildings proposed as a result of this overlay zone will be considered Projects under CEQA and will require review prior to approval. Therefore, there is a less than significant potential for the establishment of the mixed use overlay zone to have a substantial adverse effect on a scenic vista.

b) No Impact. There are no state scenic highways in the City of Beverly Hills. (California Scenic Highway Mapping System, 2016). Therefore, no scenic resources would be damaged by the implementation of the proposed project, no significant impacts would occur, and no mitigation measures would be required.

c) Less than Significant. Areas where the mixed use overlay zone would be established are urbanized, built-out commercial corridors in the City. The project analyzed in this document is the establishment of an overlay zone in some commercial areas of the City. There is no development contemplated as part of the project at this time and any analysis of a hypothetical project would be speculative in nature. Any future temporary construction activities could result in changes to the visual quality of a property. These activities could include excavation

of soil to build subterranean parking and storage of construction materials and equipment. These activities would be temporary in nature and would not permanently impact the visual character of the neighborhood in which it was located. In addition, any future proposal for mixed use development would be required to comply with CEQA because a discretionary approval would be required.

The Beverly Hills Municipal Code regulates the height of buildings constructed in each zone and height limits are established in the mixed use overlay zone. Any future building proposed on a property would be required to meet the height limit as established in the overlay zone (either three, four, or five stories). Any future development project at the site would be subject to development plan review and approval by the City's Planning Commission for the scale and size of the development proposal and by the City's Architectural Commission to ensure the quality of the design and construction material. Such a project would be required to comply with CEQA. Therefore, the current project will not impact overall visual character and quality.

- d) Less than Significant.** The creation of an overlay zone would not introduce a new source of light and/or glare. If, in the future, new structures are proposed in commercial areas due to the overlay zone, they may introduce new sources of light and glare. Any new building proposed would be subject to review by the City and would be required to comply with CEQA. Potential new sources of light and glare from a future project could include windows, lighting of entrances, exterior illumination of the building, and lights from vehicles entering and exiting the building. The overlay zone would be applied to commercial corridors in the City, which are urban and generally have high levels of existing light. Any new source of light would require compliance with the Beverly Hill Municipal Code Section 5-6-1101 (Excessive Lighting Prohibited), which prohibits the installation, use, and maintenance of lighting that creates an intensity of light on residential property greater than one foot-candle above ambient light level. Additionally, pursuant to BHMC Section 10-3-3012.G, the Architectural Commission will review any lighting proposed for a new project. Because of this, the proposed project is not expected to substantially change the lighting in the area or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

2. AGRICULTURAL AND FORESTRY RESOURCES

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 Dept. of Conservation as an option model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environment 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 forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-e) **No Impact.** The project area is located in an urban setting and does not contain any agricultural resources as defined by the state farmland mapping and monitoring program (State of California Department of Conservation, 2012). The project is not located on or adjacent to any agricultural resources or forest land. Further, the proposed project would not require any changes to the existing environment that would result in the conversion of farmland to non-agricultural uses. The project site is not enrolled under a Williamson Act contract and it is not located on or near a site with timberland or other forestry resources, nor does the property have any zoning or General Plan designations for forest land, farmland, timberland or timberland production. Therefore, no significant impacts to existing agricultural resources, forest land, farmland, Prime Farmland, or Unique Farmland would occur from implementation of the project and no mitigation measures are necessary.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b,c) **Less than Significant Impact.** The City of Beverly Hills is within the South Coast Air Basin (SCAB), south of the Santa Monica Mountains, and east of the Pacific Ocean. Air quality in the South Coast Air Basin is managed by the South Coast Air Quality Management District (SCAQMD). The SCAQMD has an Air Quality Management Plan (AQMP) to outline a strategy to meet state and federal air quality standards. A project is considered to have a significant adverse impact to air quality if it individually or cumulatively interferes with progress toward the attainment of ozone standards or results in the exceedance of state or federal ambient air quality standards for criteria pollutants. The air quality analysis included in this report conforms to the methodologies recommended in the SCAQMD's California Environmental Quality Act (CEQA) Air Quality Handbook (1993).

SCAQMD has established the following thresholds for project operations within the SCAB:

55 pounds per day of Volatile Organic Compound (VOC)
 55 pounds per day of Nitrogen Oxides (NOX);
 550 pounds per day of Carbon Monoxide (CO);
 150 pounds per day of Particulate Matter (PM)₁₀; and
 55 pounds per day of PM_{2.5}.

SCAQMD has established the following thresholds for temporary construction emissions for projects within the SCAB:

*75 pounds per day of VOC;
100 pounds per day of NOX;
550 pounds per day of CO;
150 pounds per day of PM10; and
55 pounds per day of PM2.5.*

Because the project is the creation of an overlay zone that will be applied to certain commercial properties in the City, it would be speculative to analyze potential air quality impacts of any one hypothetical mixed use development project at this time. Any air quality impacts of any proposed project will be considered if a project application is submitted to the City in the future.

Further, the creation of the overlay zone would result in a less than significant impact because it does not involve a physical project or development on any project site. The AQMP also discusses the impacts of vehicle miles traveled (VMT) on air quality in the SCAB. Allowing residential uses within existing commercial corridors through the mixed use overlay zone could reduce regional air quality impacts due to the fact that it would be lessening the jobs housing imbalance that exists within the City and could provide housing for workers in the City, thus reducing the need to commute and the VMT.

Appendix IV of the 2016 AQMP discusses the South California Association of Government's (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which projects 46 percent of housing to be located in areas served by high quality transit, such as the corridors proposed for mixed use development as part of the Project. As a result of this high percentage of infill development near transit, SCAG is projecting that daily per capita VMT will decrease in 2040 by 7.4 percent (AQMP Appendix IV, 2016). Further, the document recognizes that new development projects will be constructed in compliance with Title 24 regulations that "greatly reduce construction and operational emissions compared with existing air emissions standards" (Pg. IV-A-121). Appendix IV part C further outlines land use strategies that were developed as part of the RTP/SCS to integrate the transportation network with land uses to achieve a sustainable region. One of these strategies is focusing new growth around high quality transit areas and transit, which is one of the anticipated outcomes of the Project.

- d) **Less than Significant Impact.** In general, projects are considered to have significant impacts to sensitive receptors if they expose sensitive receptors to substantial levels of toxic air contaminants. Nearby sensitive receptors include places where children, the elderly and people with health problems would congregate or frequent. This includes parks, hospitals, community centers, schools, and residential areas. The project is the creation of an overlay zone to be included in the city's municipal code, and no physical development is contemplated at this time. The creation of the overlay zone could result in redevelopment of sites in the City, and all demolition of buildings would need to comply with regulations related to asbestos and lead paint, which are considered to be toxic air contaminants. Rule 2403 of the SCAQMD requires that the applicant obtain an asbestos abatement permit from the City of Beverly Hills if toxic air contaminants are found prior to demolition. Any proposed project would also have to comply with California Code of Regulations Section 1532.1, which requires that lead based materials are handled such that exposure levels do not exceed standards set forth by the California Occupational Safety and Health Administration (CalOSHA). Because any project constructed under the mixed use overlay zone regulations would be subject to the above regulations and would be required to undergo further CEQA review at the time of a specific project proposal, it would not emit substantial levels of toxic air contaminants.

- e) **Less than Significant Impact.** If, in the future, the creation of the overlay zone were to result in future development activity, some objectionable odors may be temporarily created, as they are during most construction activities, such as diesel exhaust. These odors would not impact a substantial number of people and would occur in localized areas during construction. Further, diesel emissions are highly diffusive. Any projects proposed in the future as a result of the creation of this overlay zone are not expected to increase localized air pollutant emissions during operations as they would be commercial and residential in nature and industrial uses would not be allowed. Any proposed project would be required to undergo further CEQA review at the time of a specific project proposal. Therefore, the implementation of the current project would not expose sensitive receptors to substantial pollutant concentrations.

4. BIOLOGICAL RESOURCES

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact.** The City of Beverly Hills is an urban, developed area, and the commercial areas where the new overlay zone would be applied are all currently developed. The Migratory Bird Treaty Act states that it is unlawful to “pursue, hunt, take, capture, or kill” a migratory bird except as permitted by the U.S. Fish and Wildlife Service. The commercial areas of the City currently contain minimal landscaping. The creation of the overlay zone does not include physical development and would not include removal of any existing street trees.

- b,c,d) **No Impact.** The project area is a fully developed urban area. The project involves the addition of an overlay zone to the BHMC and the application of the overlay zone to certain commercial properties in the City. All commercial land that is part of this Project is either improved with structures and/or located within an entirely urbanized area. No significant habitats or migratory wildlife corridors would be directly affected by the project, and the project does not propose any policy changes that present significant impacts to endangered, threatened, or rare species or their habitats. The project area site is not within the vicinity of identified natural water courses. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, streams, lakes, and bogs. According to the U.S. Fish and Wildlife Service Wetlands Mapper, the project is not located within a wetlands or riparian habitat. The proposed project is located in an urban area developed with a mixture of residential and commercial developments that do not contain any wildlife or wetlands. No wildlife species would be impacted by approval of the proposed project. The project site is not considered a migratory wildlife corridor due to the existing surrounding urban development. Therefore, there is no potential impact to any protected habitat or wetlands.
- e) **No Impact.** The potential overlay zone would only apply to certain commercial properties in the City. The City does not have any local policies or ordinances protecting biological resources in commercial areas. Therefore, the project will not conflict with any local policies or ordinances protecting biological resources and no impacts would result from the project implementation.
- f) **No Impact.** The potential overlay zone would only apply to certain commercial properties in the City. There are no natural habitats or natural biological communities in the vicinity of commercial areas in the city. As the project is not of such a scope as to have a significant, wide-ranging effect on the natural environment, it appears to be consistent with all habitat conservation plans and natural community conservation plans that may be applicable to the area.

5. CULTURAL RESOURCES

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant Impact.** CEQA requires an evaluation of project impacts on historic resources, including properties “listed in, or determined eligible for listing in, the California Register of Historical Resources [or] included in a local register of historical resources.” In analyzing the historic significance of properties located within the study area, various criteria for designation under federal, state, and local landmark programs were considered and applied. However, pursuant to CEQA Section 15064.5(a)(4), “[t]he fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources...or identified in an historical resources survey...does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.”

The City of Beverly Hills adopted Ordinance 12-O-2617 in 2012 to establish a Historic Preservation Program. As part of this program local landmarks can be designated in the City. The following properties are located in the Project area and are designated local landmarks:

- 325-333 S. La Cienega Boulevard, Beverly Hills Water Treatment No. 1
- 8440 Wilshire Boulevard, Saban Theater
- 8423 Wilshire Boulevard, Clock Drive-in Market
- 8554 Wilshire Boulevard, Fine Arts Ahrya Theater
- 9101-9111 Wilshire Boulevard, Gibraltar Square - Kate Mantilini Building
- 9145 Wilshire Boulevard, Ahmanson Bank and Trust Building, Millard Sheets
- 9300 Wilshire Boulevard, Wilshire-Rexford Office Building
- 9528 Wilshire Boulevard, Beverly Wilshire Hotel

A search of the California Register of Historic Resources “California Historical Landmarks” lists the following site that is located in the Project area as a landmark:

- No. 665 Portola Trail Campsite, 2, 325 S. La Cienega Boulevard between Olympic and Gregory

Historic districts are unified geographic entities which contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The potential district must meet at least one of the criteria for significance required for listing in the California Register of Historical Resources. Those individual resources contributing to the significance of the historic district will also be listed in the California Register. For this reason, all individual resources located within the boundaries of an historic district must be designated as either contributing or as noncontributing to the significance of the historic district.

None of the areas that would be subject to the mixed use overlay zone are currently within a historic district at this time. Additionally, the proposed project does not include any physical changes at this time, and it would be speculative to attempt to analyze the potential cultural resource impact of a hypothetical future mixed use project. Any future proposal that may contain physical changes on any property would be subject to review under CEQA to determine if there is a potential cultural resource impact. Therefore, the project as proposed would not cause a substantial adverse change in significance of a historical resource as defined in CEQA Section 15064.5 and the impact would be less than significant.

b-d) **Less than Significant Impact.** California Assembly Bill 52 (AB 52) and California Senate Bill 18 (SB 18) outline formal consultation processes for California tribes during the CEQA process. The City of Beverly Hills conducted tribal outreach pursuant to the regulations set forth by the state and no requests for consultation were submitted to the City. The window currently remains open for comment and the City will consult with tribes if requested. Please see. Section 17: Tribal Cultural Resources of this report for additional information.

The commercial properties in the Project area are developed and have been previously disturbed by the construction of the buildings existing on the sites. The project area is not located within a cultural/agricultural sensitive area as identified in the Beverly Hills General Plan and there is no evidence to suggest that the site has ever been used as a cemetery. The project area is located in a developed setting containing no unique geologic features or any identified paleontological resources. Therefore, the project as proposed would not have a significant impact on an archaeological resource and would not destroy a unique paleontological resource or site or unique geological feature as defined in CEQA Section 15064.5.

6. GEOLOGY AND SOILS

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The City of Beverly Hills is located in a region that is subject to high seismic activity. There are several active faults in or near the city.

a) Seismic hazards.

- i. **Less than Significant Impact.** The project site is located in an area that is known to have Alquist-Priolo fault zones, however, no known active faults cross the project area

(State of California Department of Conservation, 2018). According to the most recently released map from the State of California, an “earthquake fault zone” runs through the City of Beverly Hills, crossing portions of Wilshire Boulevard, which are part of the proposed Project area. The nearest known “potentially active” fault is the Hollywood Fault, located approximately 1.7 mile to the north. The California Building Code (CBC) regulates the design of buildings to resist forces generated by strong earthquake. It is not possible to conclude that the building and its inhabitants would never be at risk of significant adverse impacts due to the rupture of a known or unknown earthquake fault, but compliance with the CBC can reduce the potential for the exposure of people or structure to substantial risk of seismic hazards to a less than significant level. The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault.

- ii. **Less than Significant Impact.** Southern California is a seismically active region and prone to earthquakes, which may result in hazardous conditions to people within the region. Earthquakes and ground motion can affect a wide-spread area. The potential severity of ground shaking depends on many factors, including the distance from the originating fault, the earthquake magnitude and the nature of the earth materials beneath the site. The most serious impacts associated with ground shaking would occur if the structures were not properly constructed according to seismic engineering standards. If in the future a project is proposed, all buildings will meet the CBC and be designed to withstand strong earthquakes. All future development in the Project area will adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards. These necessary compliance strategies will reduce potentially significant impacts to less than significant levels.
 - iii. **Less than Significant Impact.** Portions of the Project area are located in a mapped liquefaction area (State of California Department of Conservation, 2018). If in the future a project is proposed, all buildings in the Project area will be required to produce a liquefaction study and full geological report that will meet the CBC and be designed to withstand strong earthquakes. All future development in the Project area will adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards and therefore the impacts are expected to be less than significant.
 - iv. **No Impact.** The commercial areas that are located in the Project area are all mostly level and there is no evidence of potential landslides in any commercial areas of the City. The Beverly Hills GIS system shows that there is minimum grade change within the project area as a whole. The Beverly Hills General Plan indicates that the project site is located several miles from the nearest area subject to landslide (City of Beverly Hills General Plan Safety Element, 2010). Therefore, the project is not expected to have any potentially significant, adverse impact from landslides.
- b. **Less than Significant Impact.** The project area consists of commercial streets in the City of Beverly Hills that are improved with existing structures. The highest risk of erosion would occur during grading and excavation of a site in the project area, if a project were constructed. If, in the future, a construction project is proposed in the project area, it would be subject to the California Stormwater Quality Association Best Management Handbook, which requires that erosion control measures be implemented through the use of effective Best Management Practices (BMPs) per BHMC Section 9-4-507. With implementation of the Best Management Handbook and compliance with South Coast Air Quality Management District Rule 403, which

regulates fugitive dust control, future project implementation would result in a less than significant impact regarding soil erosion or the loss of topsoil.

- c. **No Impact.** The project area is generally flat and not located in an area that is prone to landslides. Landslides are a type of erosion in which masses of earth and rock move down slope as a single unit. Susceptibility of slopes to landslides and other forms of slope failure depend on several factors. These are usually present in combination and include, but are not limited to, steep slopes, condition of rock and soil materials, presence of water, formational contracts, geologic shear zones, and seismic activity. The parcels that are the subject of the proposed project are flat lots that would not be susceptible to landslides. Additionally, there are no hills or slopes near the subject properties that could pose a landslide danger to the project area.

While Beverly Hills has experienced limited subsidence (Beverly Hills Technical Background Report, 2005), any development in the City and on the project site would be required to meet the CBC and Uniform Building Code (UBC) requirements. These requirements would govern the design and construction of excavation and building elements to mitigate any effects related to hazardous soil conditions.

The proposed project area includes properties that are within a liquefaction zone that is located on the eastern side of the City (Map 11 of the City of Beverly Hills Hazard Mitigation Action Plan, 2017-2022). These properties have a high water table and therefore it is possible for the buildings to settle or tilt in an earthquake. These properties are on portions of San Vicente Boulevard, La Cienega Boulevard, Robertson Boulevard, Olympic Boulevard, and Wilshire Boulevard. The potential for liquefaction is considered for all new construction in the city and all new construction must comply with the City's building codes and groundwater and dewatering requirements per the City of Beverly Hills Municipal Code, which addresses any potential liquifaction issues.

Therefore, implementation of the proposed project or future construction would not have an impact regarding unstable soil and no mitigation measures would be required.

- d. **No Impact.** The proposed project is not anticipated to result in impacts involving expansive soils. If in the future a project is proposed in the project area, all buildings will meet the CBC and a soils report would be required by the City of Beverly Hills. All future development in the project area will adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards. Therefore, no impacts are anticipated.
- e. **No Impact.** The use of septic tanks or alternative waste water disposal systems are not proposed since the entirety of the project area is fully served by the City's wastewater disposal system. Therefore no potential exists for soil incompatibility with septic systems and no impact is expected to occur.

7. GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In 2006, the State passed the California Global Warming Solutions Act of 2006 (AB 32), which requires the California Air Resources Board to design and implement emission limits, regulation, and other measures, such that feasible and cost-effective statewide greenhouse gas (GHG) emissions are reduced to 1990 levels by 2020. In 2008, the State passed SB 375, which creates regional planning processes designed to reduce GHG emissions in accordance with AB 32. These processes, tie GHG reduction targets to the region's land use and transportation strategic plans. Senate Bill 97, passed in 2007, requires analysis of climate change in CEQA documents and the California Resources Agency adopted amendments to the CEQA Guidelines for mitigation of GHG emissions. These guidelines give lead agencies the ability to set thresholds for the assessment and mitigation of Greenhouse Gases and climate change impacts.

- a,b) **Less Than Significant:** The SCAQMD has not adopted GHG emissions thresholds that apply to land use projects where the SCAQMD is not the lead agency. In addition, the City of Beverly Hills has not adopted local GHG emissions thresholds or a qualifying local GHG reduction plan. Therefore, the GHG emissions associated with the proposed project are evaluated based on the SCAQMD's "recommended/preferred option threshold" for all land use types, including residential projects, of 3,000 metric tons CO₂e per year (SCAQMD, 2010). This threshold identifies that a project's contribution to cumulative impacts related to GHG emissions and climate change would be cumulatively considerable if a project produces in excess of 3,000 metric tons CO₂e/year. Due to the fact that no physical improvements or development are contemplated as part of the project at this time, and that a number of uses could be allowed in the project area pursuant to the regulations governing commercial properties and potential mixed use projects in the City, it would be speculative to attempt to calculate the expected GHG emissions from a development project in the project area at this time. Any proposed development project would require review by the City's development plan review process to obtain a discretionary permit and therefore, would be subject to additional CEQA review. Any such project would be analyzed by the City to determine construction and operational emissions upon project submittal. The creation and application of an overlay zone would not result in any change to the physical environment at this time and therefore, would not result in significant impacts related to GHG emissions.

As discussed above in the Air Quality section, the SCAQMD Air Quality Management Plan and SCAG's RTP/SCS contemplates development near transit and in high quality transit areas as a desirable patterns of development in the region in order to address GHG emissions and air quality issues. One of the goals of the Project is to facilitate infill growth and housing near transit in the City, which is in line with the RTP/SCS and AQMP. Thus, it is expected that adoption of the ordinance and general plan amendment would not result in any significant indirect impacts because future development would be infill in nature, in keeping with local and regional goals of reducing vehicle miles traveled, and consistent with the RTP/SCS and AQMP.

Existing Plans and Policies

The City of Beverly Hills has an adopted Sustainable City Plan (2009) for the purpose of reducing greenhouse gas emissions. SCAG has an adopted Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) that is a long-range plan that addresses mobility, housing, economic, environmental, and public health goals for the region.

The project is consistent with the City's Sustainable City Plan, including Goal 5 "Land-Use, Transportation and Open Space," which calls for the City to foster an energy efficient, walkable community. The proposed project would allow for the provision of more housing units near mass transit and commercial areas, which could reduce the need for commuting via private automobile. It would also encourage residential development in a job-rich subregion.

The proposed project is also consistent with the SCAG Regional Transportation Plan / Sustainable Community Strategy (RTP/SCS). This plan calls for the identification of areas that are suitable for infill development and also contemplates the development of jobs and housing near transit and along high quality transit corridors as a desirable pattern of growth in the region. The project analyzed in this document is the creation of an overlay zone that would allow mixed use development in existing commercial areas of the City, and does not include any physical development at the site. If, in the future, a site in the project area is developed with additional housing units or other uses allowed in the commercial and mixed use overlay zone, this would represent infill that would provide more housing units along a transportation corridor in an urban core that would be consistent with the RTP/SCS.

Conclusion:

The proposed overlay zone would not produce GHG emissions because it does not involve any physical changes on the project site. Any project proposed in the future will be assessed for potential impacts under CEQA at the time of project. Therefore, the GHG impacts of the ordinance and general plan amendment are less than significant.

8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **Less Than Significant Impact.** The proposed project would not involve the routine transport, use, or disposal of any significant quantities of hazardous materials. No hazardous emissions will be associated with the proposed project. Three properties located in the project area are included in the list of hazardous waste facilities as established by Government Code section 65962.5. These properties include: 243 North Robertson Boulevard, which is listed as a “tiered permit” program type, 8955 West Olympic Boulevard, which is a “voluntary cleanup” site with no further action needed, and 8816-8818 West Olympic Boulevard, which is an “evaluation” with no further action needed. Any buildings proposed to be demolished in the project area in the future would be required by the City to be tested for asbestos and / or lead paint. As

outlined in BHMC 9-1-104 Section 102.9, the City would not issue demolition permits until the applicant has submitted an asbestos abatement completion certificate by qualified contractors. California Occupational Safety and Health Administration (CalOSHA) regulates any lead-based materials exposure. The applicant would be required to comply with California Code of Regulations, §1532.1 to test, monitor and dispose of any lead-based materials to ensure they do not exceed CalOSHA standards for exposure. These regulations would reduce any risk of exposure to hazardous materials to less than significant.

- b) **Less Than Significant Impact.** The project neither proposes nor facilitates any activity involving significant use, transport, or disposal of hazardous substances. A proposed project allowed in a commercially zoned property with a mixed use overlay could involve the use and storage of landscape maintenance supplies such as herbicides and/or pesticides. The use of such materials is regulated by a number of agencies including the Los Angeles Department of Environmental Health, The City of Beverly Hills Fire Department (BHFD) and CalOSHA. The rezoning of the project site would allow multi-family residential units and commercial uses and would not allow industrial uses of the site. Therefore, the impacts would be less than significant.
- c) **Less Than Significant Impact.** Portions of the project area are located immediately adjacent to Horace Mann Elementary School and within one-quarter mile of Beverly Hills High School, Beverly Vista Middle School, and Hawthorne Elementary School. The proposed project would create and apply a mixed use overlay zone to certain existing commercially zoned properties. There is a small potential for the use of hazardous materials during any potential construction that may happen in the project area in the future, but as described in subsection a) of this section, the handling of hazardous materials would be controlled by State and local regulations. The uses and operation of a multi-family project do not normally include hazardous materials. Any hazardous materials used on the site would be regulated by State and local agencies and standards. Therefore, a less than significant impact would occur.
- d) **No Impact.** A review of the California Department of Toxic Substances Control EnviroStor website indicates that several properties that are located in the project area are or were cleanup sites, as established by Government Code section 65962.5. These sites include:

Address	Site/Facility Name	Program Type	Status
8955 West Olympic Blvd.	Beverly Hills Lincoln Mercury	Voluntary Cleanup	No Further Action
243 N. Robertson Blvd.	Beverly Hills Plating Works	Tiered Permit	Referred to LA County. LA County entered into a correction action agreement with the facility
8816-8818 West Olympic Blvd.	Former Beverly Hills Dry Cleaners	Evaluation	No Action Required

No properties in the Project area are hazardous waste facilities and no properties in the project area are subject to inspection, compliance, and enforcement. The proposed project does not include demolition or construction and any project proposed in the project area in the future will be subject to all rules and regulations that apply to cleanup sites and will be subject to further CEQA review at the time of project proposal.

- e) **No Impact.** The project is not located within an airport land use plan and is not located within two miles of any airport. There would be no impacts to any airport land use plan or airport.
- f) **No Impact.** The project is not located within the vicinity of an airstrip. Therefore, there would be no impacts associated with any private airstrip.
- g) **No Impact.** Allowable uses in the mixed use overlay zone would not involve any uses that would interfere with the City's emergency operations plan or with any major emergency evacuation routes out of the area. If projects are proposed in the future, prior to construction, any development access would be required to obtain plan approval by the City Fire Department. In addition, per existing City Fire Department regulations, evacuation plans and procedures would be required to be incorporated into building and site design. Upon implementation of the City Fire Department regulation, no impact would occur.
- h) **No Impact.** The project is located within a highly urbanized area with limited flammable brush, grass, or dense trees in the vicinity. Any construction proposed in the site area would be subject to review and approval by the City to ensure compliance with all applicable codes and regulations for fire protection. Approval of the proposed project would not 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. No impacts to the public or the environment would result from the proposed project and no mitigation measures are required.

9. HYDROLOGY AND WATER QUALITY

Would the project:				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a, e, f) **Less Than Significant Impact.** The properties in the project area are currently improved with commercial structures. The project involves the creation and application of a mixed use overlay zone, which would allow residential uses as an allowable use in certain commercial areas in the City. No development project is proposed at this time. Future development in the project area has the potential to degrade water quality by exposing surface runoff to exposed

soils, dust, and other debris and construction equipment. The City would require any new development to implement best-management practices (BMPs) that meet or exceed local, State and Federal mandated guidelines for storm water treatment to control erosion and to protect the quality of surface water runoff during the construction period. In addition, any project would be required to comply with the regulations established under the National Pollution Discharge Elimination System (NPDES) program to control storm water discharges. Implementation of BMPs would ensure that project-related water quality impacts during construction would be less than significant. Additionally, any proposed development would be required to meet the BHMC 9-4-508 (Planning and Land Development Program) requirements for new development and redevelopment. These requirements apply to construction activities and facility operations and are meant to lessen the water quality impacts of development by using smart growth practices, and integrating Low Impact Development (LID) standards for stormwater pollution mitigation into projects. Therefore, the proposed overlay zone and any future development will not substantially degrade water quality and have less than significant impact that would result from approval of this project and no mitigation measures would be required.

- b) **Less Than Significant Impact.** The project involves the creation of an overlay zone to allow mixed use development in certain commercial areas of the city. Since the project does not include development, it would be speculative to attempt to determine the impact of a hypothetical project on groundwater supplies. Should an applicant propose a development project in the project area in the future, the City would confirm that adequate water supply exists. The overlay zone and associated general plan amendment would not deplete groundwater supplies.

Any proposed dewatering of the area requires a dewatering permit and requires any project to use all extracted groundwater rather than causing the dewatering of the water table. The proposed project does not include any construction at this time. Any future projects in the proposed Project area would be required to meet the regulations in BHMC § 9-4-610 which requires a dewatering permit.

The City of Beverly Hills 2015 Urban Water Management Plan (UWMP) provides a framework for long term water planning for the City's water service area, which is approximately 6.35 square miles. This plan states that due to water conservation measures, water use has decreased in the service area by 21.5% since 2005. Further, per capita water supply in the service area has also decreased. This UWMP contemplates an 8.7% growth in population by 2040 in the water service area, or increase of nearly 4,000 residents in that time. Further, the UWMP illustrates the actual demands for potable water of various uses, and shows that multi-family dwellings require less than half the water that single-family dwellings use on an annual basis and that multi-family development uses approximately the same amount of water per year as commercial development (Table 4-1, 2015 UWMP). Given these parameters, it is expected that allowing multi-family residential as an allowed use in the overlay zone areas would have a less than significant impact.

- c, d) **Less Than Significant Impact.** The proposed project will not result in changes in absorption rates, drainage patterns or the rate and amount of surface runoff. Properties in the Project area are already currently developed with commercial structures with minimal landscaped areas that have proper drainage to enter the storm drain systems. If, in the future any development is proposed in the Project area, it would be required to meet the regulations in BHMC § 9-4-508: "Planning and Land Development Program Requirements for New

Development and Redevelopment; Low Impact Development.” This would require the project to comply with the current municipal NPDES permit to lessen the water quality impacts of development by using smart growth practices, and integrating low impact development practices and standards for stormwater pollution mitigation. Therefore impacts would be less than significant.

g,h,i) **No Impact.** The Federal Emergency Management Agency (FEMA) has classified the City of Beverly Hills under Flood Zone C, which does not require flood mitigation enforcement. Some portions of the project area are located in a portion of the City that has historically experienced flooding (City of Beverly Hills Hazard Mitigation Action Plan, 2017-2022), however no recent flooding has taken place in this area and the flood risk has been minimized through the completion of the Los Angeles County Flood Control District’s Holly Hills Unit 7 Storm Drain Project. Portions of the City north of Carmelita Drive (north of the project site) would be in the inundation path should there be a breach of the Lower Franklin Canyon Reservoir (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010), however as stated, the project is not located in this area. Therefore, no impact would occur.

j) **No Impact.** The project site is located approximately 5 miles east of the Pacific Ocean, and is not located near any lake, river or large body of water, making the risk of damage or endangerment from seiche and mudflow minimal. The City’s Safety Element does not identify mudflows and seiches as dangers in the City. Any future development in the Project area would be required to comply with City permit requirements to ensure soil stability and flooding. Therefore, no impacts would occur as a result of the project and no mitigation measures would be required.

10. LAND USE AND PLANNING

Would the project:					
Environmental Issues		Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) **No Impact.** The project is the creation and application of an overlay zone to certain commercial parcels in the city and does not include physical construction. It will not physically divide an established community. Any development project proposed in the future would be required to adhere to the development standards for projects located in the mixed use commercial overlay zone, which establishes maximum heights and densities for various uses and requires review by the Planning Commission to ensure that it is compatible with surrounding development and neighborhoods. Further, the creation of the mixed use overlay zone, which can provide more opportunity for housing and address the demand for housing, is being pursued, in part, because it would not significantly change, or divide, existing residential neighborhoods. Due to the built-out nature of the property and the surrounding area, implementation of the project would not physically divide an established community.

- b) **Less Than Significant Impact.** The project involves the creation and application of a mixed use overlay zone, which also requires an amendment of the City's General Plan. The change of allowing multi-family residential as an allowed use in commercial areas would not introduce incompatible land uses to the neighborhood. All future development at the project site would be in compliance with the General Plan if this regulatory change is approved. The project is consistent with goals and objectives in the General Plan including "Land Use 3.2 Fair Share of Regional Housing Needs," which calls for the accommodation of the State requirements of the City's fair share of regional housing needs. The addition of multi-family units in commercial areas could provide additional housing units in the City. Additionally, Housing 2.8 "Transit Oriented Housing" calls for new residential developments near existing transit stops and near anticipated subway stations. A number of bus lines and rapid bus lines provide service along Wilshire Boulevard, within the project area and two Purple Line subway stations will be located within the project area. Allowing mixed use development would encourage new housing near transit stops. The proposed project does not conflict with any adopted plan, policy, or regulation, and thus would not have a significant impact in this regard.

The proposed project will not 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. Therefore any impact would be less than significant.

c) **No Impact.**

The project area is located in a highly urbanized setting with no local habitat conservation or natural community conservation plans. The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan area. Therefore, no impact would result from implementation of the project and no mitigation measures would be required.

11. MINERAL RESOURCES

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a, b) **No Impact.** There is no mining activity in the Project area. In addition, no known mineral resource appears to be present that would be valuable to the region or state residents and that would be lost due to the project. The majority of the Project area is located in Mineral Resource Zone MRZ-1 and a portion of the Project area is located in MRZ-3 as defined by the Division of Mines and Geology Mineral Classification System (City of Beverly Hills General Plan Conservation Element, 2010). MRZ-1 areas are areas of no mineral resource significance. MRZ-3 areas are areas that have undetermined mineral resource significance (California Department of Conservation). Further, no mineral resource of value to the region and the residents of the State are known to be within the project area (other than petroleum), and the project proposes no policies that would have any effect on the petroleum resources located in the vicinity. Therefore, there will be no impact or loss of availability of a known mineral resource.

12. NOISE

<i>Would the project result in:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,c,d) **Less than Significant Impact.** The City of Beverly Hills General Plan contains noise policies that address unnecessary, excessive, and annoying noise levels and sources, such as vehicles, construction, special sources (e.g., radios, musical instrument, animals, etc.) and stationary sources (e.g., heating and cooling systems, mechanical rooms, etc.).

The following table shows City noise compatibility guidelines for various land uses.

Table 1 City Noise Compatibility Guidelines

Land Use Categories	Community Noise Equivalent Levels (CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential (Low Density, Single Family, Duplex, Mobile Homes)	50-60	55-70	70-75	75-85
Residential (Multiple Family)	50-65	60-70	70-75	75-85
Transient Lodging (Hotel, Motel)	50-65	60-70	70-80	80-85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-70	60-70	70-80	80-85
Office Buildings, Business Commercial and Professional	50-75	67.5-77.5	75-85	NA

Source: appendix 2 (based on the office of Noise Control California Department of Health, Land Use Noise Compatibility Matrix) of the City of Beverly Hills General Plan (2010)

As illustrated in the table, the normally and conditionally acceptable levels for multifamily and commercial land uses are similar. Noises caused by multifamily uses can include traffic, conversations, playing children, trash hauling, and ventilation and heating systems. These are similar noises that one might expect in the urbanized neighborhoods that contain single family, multifamily and commercial uses, where the overlay zone is proposed to be applied. Introducing multifamily uses onto the existing commercial corridors via the proposed overlay zone would not create a new significant noise source.

The City's noise ordinance (Beverly Hills Municipal Code [BHMC] Section 51-201 through 5-1-210) also includes noise standards and regulations. Title 5, Chapter 1, Noise Regulations, of the City of Beverly Hills Municipal Code contains the following regulations that would apply to the Project:

5-1-201: SOUND AMPLIFYING EQUIPMENT:

It shall be unlawful for any person within any residential zone of the city to use or operate any sound amplifying equipment between the hours of ten o'clock (10:00) PM and eight o'clock (8:00) AM of the following day in such a manner as to be distinctly audible at or beyond the property line of the property on which the equipment is located. (Ord. 11-O-2613, eff. 10-31-2011).

5-1-202: MACHINERY, EQUIPMENT, FANS, AND AIR CONDITIONING:

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning apparatus, or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels based on a reference sound pressure of 0.0002 microbars, as measured in any octave band center frequency, in cycles per second, as follows: 63, 125, 250, 500, 1,000, 2,000, 4,000, and 8,000 and for the combined frequency bands (all pass). (1962 Code § 4-8.206).

Previous studies have been done in the City that indicate that mixed use developments adjacent to residentially zoned properties will not result in a significant long-term noise impact to surrounding areas. A noise impact analysis was completed for the mixed use project

located at 9908 South Santa Monica Boulevard, which is a mixed use project similar in type, and location to project that could be constructed in the overlay zone. This project includes approximately 90,000 square feet of floor area with 27 units above ground floor retail in a five story building that is located immediately adjacent to existing residential uses. The results of the analysis completed indicated that “onsite and offsite noise associated with the Proposed Project would not generate significant long-term noise increases due to operational noise” and it was found that impacts of the proposed project would be less than significant (9908 South Santa Monica Boulevard Condominium Project EIR, pg. 4.6 -14).

The project of creating an overlay zone does not involve physical development. Any potential future mixed use projects constructed in the mixed use overlay zone will be residential and commercial in nature, and will not significantly increase the noise that exists along commercial corridors in the City. Any short term construction impacts due to any future development would be required to be in compliance with a city approved construction management plan and would be subject to city rules and regulations regarding noise.

As proposed, the project consists of the creation of an overlay zone for certain commercial properties in the city and a related general plan amendment. No development is proposed as part of the project. Any future development in the project area will be assessed for potential noise related impacts. In addition, any future project would be required to adhere to local regulations pertaining to noise. BHMC Section 5-1-205 prohibits construction activity between the hours of 6:00 PM and 8:00 AM Monday through Saturday and prohibits construction activity on Sundays and on public holidays, unless an after-hours construction permit is obtained. Further, construction work within 500 feet of a residential zone is prohibited on Saturdays unless an after-hours construction permit has been issued. The Project area is generally immediately adjacent to residential uses. Therefore, construction work within these residential areas (including the Project area) would be prohibited on Saturdays or would have to adhere to conditions of any after-hours construction permit issued for the Project.

BHMC Section 5-1-206 prohibits the creation of noise on any street, sidewalk, or public place adjacent to any school, hospital, institution of learning, or church while in use where the noise substantially and unreasonably interferes, disturbs, or annoys the workings at such places. The Project does not involve construction on any street, sidewalk, or public place adjacent to a school, hospital, church, or institute of learning. If in the future a project is proposed in the project area, it would be subject to the BHMC Noise Ordinance and therefore, it would cause a less than significant impact.

- e,f) **No Impact.** There are no public or private airports within two miles of the project site. The nearest aviation facilities are the Santa Monica Airport, located approximately three and a half miles from the western most portion of the project area, and the Los Angeles International Airport, located approximately ten miles to the south of the City. The City does not fall within either airport’s land use plan. There are no private airstrips located within the City of Beverly Hills or within its immediate vicinity. Therefore, no impacts would occur in the vicinity of a public airport or private airstrip and no mitigation measures would be required.

13. POPULATION AND HOUSING

<i>Would the project:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Less than Significant.** The project area currently generally contains commercial uses with minimal housing uses. The creation of an overlay zone and general plan amendment project does not include development at this time. Future development proposed in the Project area will be analyzed for impacts to population and housing, as it is likely that future development could represent a change in potential population growth if the development were mixed use in nature. Any development resulting from the Project would provide for the creation of housing units in a jobs and transit rich area, which would accommodate growth in a way that has been identified as being desirable in the region. Further, this pattern of development represents a response to the regional demand for more housing, and a mix of housing types in urbanized areas where there are adequate services, transit, and jobs available. While this overlay zone could enable more housing in specified areas, the development would be in furtherance of the City's housing needs and its assigned Regional Housing Needs Assessment (RHNA) requirement. This would result in housing growth in the City that is planned for in regional and city plans because they are near transit, and in amenity rich urbanized areas. Therefore, this is not a new impact and the impacts would be less than significant.

b,c) **No Impact.** The creation and application of the overlay zone and general plan amendment would not displace existing housing or people. Should a mixed use project be proposed in the area in the future, there would be a net increase of housing units in the project area. Creating and implementing a mixed use overlay zone will allow additional housing in the City without the demolition of existing housing, which would displace populations. Analyzing a hypothetical project at this time would be speculative in nature due to the fact that no development project is currently proposed for the project site. Because there are generally not residential uses in the commercial areas of the City, future mixed use development would allow for an increase in units without displacement of existing housing or people. There would be no impact due to the fact that no people or housing units would be displaced as a result of this Project.

14. PUBLIC SERVICES

<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental 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:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant.** Fire protection at the project site is provided by the City of Beverly Hills Fire Department. The project being analyzed in this document is the creation of a mixed use overlay zone that would be applied to certain commercial areas in the City and an associated general plan amendment and does not include any physical changes or development. Impacts to public services, including fire protection, will be analyzed for a specific project at the time a project is proposed in the project area. The overlay zone would be applied to areas of the City that are already developed, and any development that happens as a result of the overlay zone would be replacing existing buildings. Any project proposed in the area would be required to meet all applicable fire codes, building codes, and local fire codes including the California fire Code, Uniform Building Code and Beverly Hills Fire Department standards. This includes any regulations pertaining to fire safety, egress and other design requirements. Therefore, any impacts to fire protection would be less than significant.
- b) **Less than Significant.** Police protection for the site is provided by the City of Beverly Hills Police Department (BHPD). The BHPD has a ratio of 3.6 officers per 1,000 residents. The Department achieves a response time of approximately 2.4 minutes (BHPD, 2019). The project being analyzed in this document does not include any physical changes in the project area at this time. Impacts to public services, including police protection, will be analyzed for each specific project at the time a project is proposed in the project area, however. Impacts would be less than significant.
- c) **Less than Significant.** The project is located in the Beverly Hills Unified School District (BHUSD). The project being analyzed in this document does not include any physical changes or development at this time. Impacts to public services, including schools, will be analyzed for a specific project at the time a project is proposed in the project area. Any future developer would be required to pay City of Beverly Hills school fees. As outlined in Section 65995(3)(h) of the California Government Code, the payment of such fees should be

considered complete mitigation of the impacts of any legislative or adjudicative act and thus the payment of these fees is considered mitigation of any possible project impacts under CEQA such that there would be a less than significant impact.

- d) **Less than Significant.** The Beverly Hills Recreation and Parks department is responsible for the parks in the vicinity of the project. La Cienega and Roxbury Parks are near, or immediately adjacent to the Project area analyzed in this report. The project being analyzed in this document is the creation of a mixed use overlay zone that would be applied to certain commercial areas in the city and associated general plan amendment and does not include any physical changes or development at this time. Impacts to public services, including parks, will be analyzed for a specific project at the time a project is proposed at the site. Beverly Hills Municipal Code Section 3-1-703 requires developers to pay a Parks and Recreation Facilities Tax to fund public parks and offset any impacts associated with new development. Therefore, the impacts would be less than significant.
- e) **Less than Significant.** The project being analyzed in this document does not include any physical changes or development in the Project area at this time. Impacts to public services, including storm drains, public parks, solid waste, water usage and wastewater disposal, will be analyzed for a specific project at the time a project is proposed at the site. It would be speculative to attempt to analyze the impacts to public services at this time; however, due to the types of uses that are allowed, the project would contribute incrementally toward impacts to City services such as storm drain, public parks, solid waste, water usage, and wastewater disposal. Any development project proposed in the project area would result in minimal demands on services, and as such, the project would cause a less than significant impact to other public facilities.

15. RECREATION

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Less than Significant.** The nearest parks to the project area are: La Cienega Park, which is located immediately adjacent to a portion of the project site, Roxbury Park, which is located approximately one half mile from the Project area. The proposed project, which does not include any development at this time, does not include, nor require, the construction or expansion of recreational facilities. Per the proposed regulations contained in the overlay zone, all multi-family units developed in the Project area would be required to provide private open space for residents. If, in the future, mixed use development projects are proposed in the Project area, Beverly Hills Municipal Code Section 3-1-703 would require the payment of a Parks and Recreation Facilities Tax to fund public parks and offset any impacts. Therefore, no significant impacts would occur and no mitigation measures would be required.
- b) **Less than Significant.** The proposed project does not include, nor require, the construction or expansion of recreational facilities. If, in the future, a development project is proposed on the project site, the developer would be required to pay the Parks and Recreation Facilities Tax to offset any potential impacts to parks and recreation. Therefore, no significant impacts would occur and no mitigation measures are required.

16. TRANSPORTATION/TRAFFIC

Would the project:				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a,b,d,e,f) **No Impact.** The project being analyzed in this document is the creation of a mixed use overlay zone that would be applied to certain commercial areas of the City and an associated general plan amendment and does not include any physical changes or development at this time. It would be speculative to attempt to assess the potential transportation impacts related to the hypothetical development of projects in the Project area at this time. Impacts to transportation and traffic will be analyzed for a specific project at the time a project is proposed at the site. In general, the proposed overlay zone would allow multi family housing as an allowed use along several commercial corridors in the City. Residential uses typically generate fewer vehicular trips than commercial office uses, which could mean that the development of mixed use buildings could add fewer trips to the local street network as opposed to commercial buildings that are currently an allowed use. In addition, the City of Beverly Hills has a jobs/housing imbalance, with significantly more jobs in the City than housing units, resulting in a large percentage of workers commuting in to the City on a daily basis. Allowing housing units along commercial corridors, and along corridors such as Wilshire and La Cienega Boulevards, where there is existing rapid transit and future subway

rail, could reduce the number of workers in the City that rely on automobile travel to get to and from work.

The California Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (Dec 2018), lists numerous strategies that may reduce vehicle miles travelled (VMT). The project meets two of these strategies on a broad scale, while individual projects will be able to address more specific mitigations. First, the overlay zone is located near the major transit of the future Metro Purple Line Extension train stations and/or near express bus routes. Second, the project increases the mix of uses within the project surroundings. The Project would create an overlay zone in an already urbanized area near high quality transit. This area currently experiences a jobs/housing imbalance, with more jobs in the City of Beverly Hills than housing units available for workers. The Project, which would allow the construction of more housing in this area, could help alleviate the jobs/housing imbalance, and would likely reduce VMT by providing housing units near existing jobs and existing and future transit that would provide access to jobs.

In 2019, the City of Beverly Hills adopted local CEQA thresholds of significance for transportation impacts per Senate Bill 743. At this time, the City approved thresholds to “screen out” certain projects from requiring VMT analysis due to the fact that they would not cause significant impacts based on state guidance, data, and the characteristics of the City. The majority of mixed use projects that could be constructed in the overlay zone would be “screened out” of requiring VMT analysis due to the fact that they are located in low VMT generating Transportation Analysis Zones, and that they would likely include less than 50,000 square feet of local serving retail uses. Further, the State guidelines state that when mixed use projects are evaluated they should consider “internal capture” or trips between uses in a mixed use development.

Approval of the project would not conflict with an applicable plan, ordinance or policy that establishes measures of effectiveness for the performance of the circulation system. The proposed project does not include physical development and does not contain any features that would alter the alternative transportation provisions of the Circulation Element, conflict with an applicable congestion management program, increase traffic hazards, or result in inadequate emergency access. The General Plan Circulation Element contains Goal 1, Policies 1.1 through 1.5a, which concern the safe and efficient roadway circulation system within the City. All future potential development in the Project area will be reviewed in accordance with these requirements and any proposed changes to the circulation system would be evaluated at the time of proposal. Therefore, no impacts would occur and no mitigation measures would be required.

- c) **No Impact.** The project does not propose any use which could cause any changes to air traffic patterns or a change in location which results in substantial safety risks. Santa Monica Airport is approximately three and a half miles west of the project area. Development allowed under the regulations set forth in the overlay zone would not be taller than existing buildings in the vicinity, and would not affect air operations, alter air traffic patterns or conflict with Federal Aviation Administration flight protection zones.

17. TRIBAL CULTURAL RESOURCES

<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California register of Historical Resources, or in a local register of historical resources as defined in Public resources Code section 5020.1(k) or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b) **Less Than significant Impact.** The project area is a fully developed urbanized area. In order to determine if the project would cause a substantial adverse change to the significance of a tribal cultural resource the City conducted outreach to several tribes per the requirements of Assembly Bill (AB) 52 and Senate Bill (SB) 18. Staff sent letters to a total of nine tribes that requested consultation with the City through the AB 52 and SB 18 process. Staff requested a tribal consultation list from the Native American Heritage Commission (NAHC) per the requirements of AB 52 and was provided with a list of seven tribes with traditional lands or cultural places near the project site. On May 29, 2020, the City of Beverly Hills mailed letters to all contacts provided by the NAHC. Therefore, impacts will be less than significant.

18. UTILITIES AND SERVICE SYSTEMS

Would the project:				
Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a,b,e) **Less Than Significant Impact.** Because the parcels in the project area are already developed with structures, mainline water and sewer infrastructure is in place. The Beverly Hills Department of Public Works maintains the sewer collection and distribution system throughout the City. All wastewater generated in the City of Beverly Hills is collected and treated at Los Angeles Hyperion Wastewater Treatment Plant located near LAX in Los Angeles. The Hyperion Wastewater Treatment Plant treats an average of 275 million gallons of waste per day, which is 175 million gallons per day lower than their capacity of 450 million gallons per day (LA Sanitation, Water Reclamation Plants, 2020).

The project being analyzed in this document is the creation of a mixed use overlay zone that would be applied to certain commercial areas of the City and an associated general plan amendment and does not include any physical changes or development at this time. It would be speculative to attempt to analyze the wastewater impact of a future mixed use development in the project area, as none have been proposed at this time. As currently proposed, the project does not include any mixed use development in the project area, therefore, less than significant impacts would occur and no mitigation measures would be required.

c) **Less Than Significant Impact.** Any development that resulted from the creation and application of the overlay zone would be required to comply with applicable regulations to ensure that stormwater is adequately handled. Best Management Practices would be required during construction and operation of the project. The City also requires urban runoff mitigation plans for new projects that comply with the most recent Standard Urban Stormwater Mitigation Plan (SUSMP) and the current National Pollutant Discharge Elimination System permit. This is meant to reduce the amount of stormwater discharged from the site by requiring an increase in pervious surface area on the project site thus reducing the amount of runoff. Further, the uses that would be allowed in a mixed use zone (general commercial and multi-family residential) are not uses that would generate a large amount of wastewater. At this time, there is no physical development proposed in the project area and no development is included in the scope of the project being analyzed in this document. Therefore, no significant impacts would occur and no mitigation measures would be required.

d) **Less Than Significant Impact.** The City receives 90% of its water from the Metropolitan Water District (MWD) and 10% from groundwater pumped from the Hollywood Basin.

The City of Beverly Hills 2015 Urban Water Management Plan (UWMP) provides a framework for long term water planning for the City's water service area, which is approximately 6.35 square miles. This plan states that due to water conservation measures, water use has decreased in the service area by 21.5% since 2005. Further, per capita water supply in the service area has also decreased. This UWMP contemplates an 8.7% growth in population by 2040 in the water service area, or increase of nearly 4,000 residents in that time. Further, the UWMP illustrates the actual demands for potable water of various uses, and shows that multi-family dwellings require less than half the water that single-family dwellings use on an annual basis and that multi-family development uses approximately the same amount of water per year as commercial development (Table 4-1, 2015 UWMP). Given these parameters, it is expected that allowing multi-family residential as an allowed use in the overlay zone areas would have a less than significant impact.

The project being analyzed in this document does not include any physical changes in the project area at this time. It would be speculative to attempt to analyze the water supply impact of any future mixed use development projects in the area, as none have been proposed at this time. As currently proposed, the project does not include any development, therefore, no significant impacts would occur and no mitigation measures would be required.

f,g) **Less Than Significant Impact.** The City of Beverly Hills achieves the state requirement to divert at least 50% of solid waste from landfills. Over the past decade, the City has achieved a 78% diversion rate (City of Beverly Hills Website, 2017). The solid waste in the City is collected by the City of Beverly Hills Public Works Department, which contracts with Recology Los Angeles. Solid waste from the City is sent to one of three landfills: Chiquita Canyon Landfill, Sunshine Canyon Landfill, and the Calabasas Sanitary Landfill. The existing capacity of the three landfills, are permitted to receive 21,600 tons of waste per day (LA County Solid Waste Information Website). The project being analyzed in this document is the creation of an overlay zone that would allow mixed use development in certain commercial areas of the City and an associated general plan amendment and does not include any physical changes on the site. It would be speculative to attempt to analyze the solid waste impact of any future development projects in the project area, as none have been proposed at this time. As currently proposed, the project does not include any development on the site; therefore, no significant impacts would occur and no mitigation measures would be required.

19. MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Less Than Significant Impact.** Based on the preceding analysis, the proposed project does not 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.

b) **Less Than Significant Impact.** The project being analyzed in this document is the creation of a mixed use overlay zone that would allow mixed use development in certain commercial areas of the City and an associated general plan amendment and does not include any physical changes or development in the project area at this time.

Nearby past, current, and future probable projects include the 8600 Wilshire Project, which involves the development of up to 26 residential units and commercial space on a property within the project area, the 8633 Wilshire Project, a proposed new three-story commercial building, as well as the nearby Metro Purple Line Subway Extension, which will provide subway service from Downtown Los Angeles to west Los Angeles along Wilshire Boulevard through the City of Beverly Hills. The proposed project that has been analyzed in this document does not include any physical development on the site; therefore, no significant impacts have been identified and no mitigation measures are required.

c) **Less Than Significant Impact.** Based on the preceding analysis, the proposed project does not have the potential to cause substantial adverse effects on human beings. Therefore, no significant impacts have been identified and no mitigation measures are required.

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APPENDIX A

RESPONSE TO COMMENTS

Response to Comments on the Draft Negative Declaration for the Mixed Use Overlay Zone Project

A Draft Negative Declaration was prepared for the Mixed Use Overlay Zone Project and a comment period was open from June 10 to July 17, 2020. Comments received by the City that relate specifically to the Negative Declaration document or its contents are summarized below and a response is provided to each comment.

Comment Letter from Mary Jane Diebold

Summary of Environmental Concerns Raised in Letter

The author of the letter raises several environmental related issues in the comment letter. The letter states that there is “inadequate response to environmental impacts to protect the character and health of the residents in Beverly Hills” and that “the environmental review in connection with the Mixed Use Overlay Zone appears to be inadequate”

The comment letter states that the “study is out of date and does not address pollutants such as CO₂, CO, NO_x, SO₂.” And that “current and detailed data should be used and not older unsupported data. Increase in traffic is a consideration that appears to be inadequately addressed in terms of air quality, congestion, and safety.” The author of the letter also expresses concern regarding the lack of study and data on noise and “other nuisance impacts”.

The author states that they do “not see where water issues are properly and fully addressed and impact on construction run off, quality of water and its usage are addressed. No study on potential for sewage and drainage mitigation from increased density...” and requests that these issues be studied and addressed in detail.

The letter states that the Overlay Zone does not appear to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

Further, the author requests that there be further study and data on the result of the Mixed Use Ordinance on “safety protections and crime in Beverly Hills”.

Response to Comments

The Negative Declaration prepared for the project analyzes Air Quality impacts of the overlay zone. Because the creation and implementation of the overlay zone itself does not include construction, it is speculative to attempt to determine what potential air quality impacts could be from projects constructed under the new regulations. Further, the development allowed by the overlay zone would represent infill development in an urbanized area with access to high quality transit, and would also be mixed use in nature, which would provide for more housing units in an area with more jobs than housing. This could provide housing for workers in the City and thus reduce the need for long commutes and reduce air quality impacts associated with commuting. In addition, any development that results from the overlay zone will be assessed for air quality impacts prior to project approval. Finally, individual projects that might be built pursuant to the overlay zone are not expected to result in any significant air quality impacts. By way of example, an environmental impact report (EIR) for a mixed use project at 9908 South Santa Monica Boulevard concluded that there would be no significant air quality impacts associated with that project.

That EIR is available on the City's website at www.beverlyhills.org/environmental and the air quality analysis is incorporated herein by reference.

The Negative Declaration / initial study for the overlay zone also examined the potential for noise impacts. Based on previous studies completed for mixed use projects in the City that would be similar in scale to projects that could be constructed in the overlay zone, residentially zoned properties adjacent to mixed use buildings would not experience significant long-term noise impacts from mixed use buildings. See, by way of example, the EIR for the 9908 South Santa Monica project, which concluded that that mixed used project would not have any significant noise impacts, and did not require any mitigation. That EIR is available on the City's website at www.beverlyhills.org/environmental, and the noise analysis is incorporated herein by reference. Any short term construction noise associated with construction of future projects would be required to be in compliance with a city approved construction management plan and would be subject to city rules and regulations regarding noise. Further, the construction of future projects would be required to adhere to city regulations regarding noise, including Beverly Hills Municipal Code (BHMC) Sections 5-1-205 and 5-1-206.

The Negative Declaration / initial study considered the potential impact that the mixed use overlay zone could have on water and public infrastructure such as water service, sewage and drainage, among other things. The overlay zone does not include development or construction at this time and potential impacts on water usage, wastewater disposal, and storm drains would all be analyzed at the time a mixed use project is proposed. Any development project proposed in the area would result in incremental demands to public services, and these demands would be studied at the time of project proposal.

The Negative Declaration studies the potential impacts that the overlay zone could have on aesthetics. Buildings that would be developed in accordance with the regulations in the mixed use overlay zone would be similar in scale and mass to existing buildings in commercial areas of the City and are unlikely to block any scenic vistas. Further, although any mixed use projects proposed in the future would be subject to review under CEQA prior to approval, aesthetic impacts of any mixed use project located on an infill site within a transit priority area shall not be considered significant impacts on the environment unless the impacts relate to historical or cultural resources. (Pub. Res. Code Sec. 21099 (d).)

The Negative Declaration studies the potential impacts on crime and police services in the City. The Beverly Hills Police Department currently has a ratio of 3.6 officers per 1,000 residents with an average response time of 2.4 minutes. Further, the police department provides services for those that work in and visit the City during the day, which is often a population that is significantly larger than the approximately 34,000 City residents, thus it is reasonable to assume the police services are capable of handling incremental increases in residential population that may be caused by construction in the mixed use ordinance. In addition, the overlay zone does not include any construction at this time. Any construction that results from the overlay zone will be analyzed for impacts on police public services at the time the project is proposed.

As to each of the foregoing comments, it is unknown where or when mixed used projects may be proposed in the overlay zone area, thus the ordinance itself does not create reasonably foreseeable specific environmental impacts, and any attempt to undertake a more detailed analysis would require pure speculation. In this case, analysis of particular impacts is too speculative to allow for meaningful evaluation at this time because it is unknown how many mixed use projects will be proposed over time and where those projects may be located. Given the lack of detail regarding if and when mixed use

projects may be proposed, the City is not able to conduct a meaningful analysis at this time without undue speculation, which is not required by CEQA. (CEQA Guidelines Section 15145.)

The proposed overlay zone provides for discretionary review of each proposed mixed use project, which will make such projects subject to CEQA. Future proposed projects may qualify for a categorical exemption from CEQA as infill development, however, to rely on that exemption, the CEQA review must show that the project would not result in significant impacts related to traffic, noise, air quality, or water quality.

Comment Letter from Andrea and Rick Grossman

Summary of Environmental Concerns Raised in Letter

The authors of this comment letter raise the following concern: “how can the city claim that the environmental impact will be negligible – with added density and added population, added infrastructure demand such as water, traffic, public services, etc.? This is a fallacy.”

Response to Comments

The mixed use standards could add density and population to the City of Beverly Hills, if new projects were proposed and constructed. This additional population will result in incremental increases in demand for public services such as water, however, as described in the Negative Declaration, new proposed projects would be reviewed for these impacts when proposed and mitigation measures can be implemented when any actual impact is disclosed.

As noted above, it is unknown where or when mixed use projects may be proposed in the overlay zone area, thus the ordinance itself does not create reasonably foreseeable specific environmental impacts, and any attempt to undertake a more detailed analysis would require pure speculation. In this case, analysis of particular impacts is too speculative to allow for meaningful evaluation at this time because it is unknown how many mixed use projects will be proposed over time and where those projects may be located. Given the lack of detail regarding if and when mixed use projects may be proposed, the City is not able to conduct a meaningful analysis at this time without undue speculation, which is not required by CEQA. (CEQA Guidelines Section 15145.) Given the lack of detail regarding if and when mixed use projects may be proposed, the City is not able to conduct a meaningful analysis at this time without undue speculation, which is not required by CEQA. (CEQA Guidelines Section 15145.)

The proposed overlay zone provides for discretionary review of each proposed mixed use project, which will make such projects subject to CEQA. Future proposed projects may qualify for a categorical exemption from CEQA as infill development, however, to rely on that exemption, the CEQA review must show that the project would not result in significant impacts related to traffic, noise, air quality, or water quality.

Comment Letter from Susan Collins

Summary of Environmental Concerns Raised in Letter

This comment letter raises concerns over the conclusions drawn in the Draft Negative Declaration that there “will be no significant impact on: The environment, population growth, air quality, greenhouse gas emissions, permanent, temporary or periodic increase in ambient noise levels, increased impact for public

services such as police, fire, schools, parks and other public services, increased demand on water facilities, and storm drainage.” The author states “perhaps the most egregious claim in this report is that the proposed overlay will have NO impact on traffic congestion.”

The author of the letter then states “as worded, this report seems to base these findings on the overlay itself, without taking into consideration the construction of future projects that will be brought forth as a result of the zone change. This is misleading and provides false findings. In order for this report to be accurate and informative, an assumptive model of new construction, retail, increased rental units, increased population, in addition, the parking vs. parking space requirements that will be implements, must be a part of this report. While the overlay itself does not create a significant impact on the items studied, the overlay paves the way to move forward with mixed-use projects that, when combined with vast area included in the overlay zone, will bring many projects to Beverly Hills and will definitely have a profound impact on every area that the current report says will not be impacted.”

The author requests that another study be conducted “with a more realistic outlook, focusing on the projects this overlay will invite into our community and the impact those projects will have on the surrounding areas.”

Response to Comments

The author expresses concern over the general conclusions of the Negative Declaration and claims that it is misleading to base the CEQA findings on the overlay zone instead of the construction of future projects. Due to the nature of the overlay zone, which covers a large number of parcels in the City and would allow both mixed use and commercial development, as well as the unknown nature and extent of the future development in the zone, it would be highly speculative to attempt to study the impacts of future scenarios in the zone and this type of analysis would be unlikely to provide meaningful data or conclusions. As described in the Negative Declaration individual projects will be assessed for potential impacts pursuant to the requirements of CEQA when they are proposed, which will provide more meaningful data and information for the public and decision makers. Given the lack of detail regarding if and when mixed use projects may be proposed, the City is not able to conduct a meaningful analysis at this time without undue speculation, which is not required by CEQA. (CEQA Guidelines Section 15145.)

The proposed overlay zone provides for discretionary review of each proposed mixed use project, which will make such projects subject to CEQA. Future proposed projects may qualify for a categorical exemption from CEQA as infill development, however, to rely on that exemption, the CEQA review must show that the project would not result in significant impacts related to traffic, noise, air quality, or water quality.

Comment Letter from Lauri Hamid

Summary of Environmental Concerns Raised in Letter

The letter author raises concern that the overlay zone will “increase the concentration of car exhaust and chemicals due to the proposed additional height allowance of buildings beyond the 45 height foot limit by limiting airflow and light in the area...”

Response to Comments

The Negative Declaration prepared for the project analyzes Air Quality impacts of the overlay zone. Because the creation and implementation of the overlay zone itself does not include construction, it is speculative to attempt to determine what potential air quality impacts could be from projects constructed under the new regulations. Further, the development allowed by the overlay zone would represent infill development in an urbanized area with access to high quality transit, and would also be mixed use in nature, which would provide for more housing units in an area with more jobs than housing. This could provide housing for workers in the City and thus reduce the need for long commutes and reduce air quality impacts associated with commuting. In addition, any development that results from the overlay zone will be assessed for air quality impacts prior to project approval. Finally, individual projects that might be built under pursuant to the overlay zone are not expected to result in any significant air quality impact. By way of example, an environmental impact report (EIR) for a mixed use project at 9908 South Santa Monica Boulevard concluded that there would be no significant air quality impacts associated with that project.

The proposed overlay zone provides for discretionary review of each proposed mixed use project, which will make such projects subject to CEQA. Future proposed projects may qualify for a categorical exemption from CEQA as infill development, however, to rely on that exemption, the CEQA review must show that the project would not result in significant impacts related to traffic, noise, air quality, or water quality.

Michael Doland Comment Letter

Summary of Environmental Concerns Raised in Letter

The author of this comment letter raised procedural concerns about the environmental review for the Mixed Use Overlay Zone stating “I oppose adopting the Report or Resolution on both substantive grounds and procedural grounds. I urge the Planning Commission to avoid any appearance of impropriety and postpone the hearing, or in the alternative provide for an additional hearing after July 17, 2020 by which time the public comment period will be concluded and the filed documents may be reviewed and considered by the public.”

The author also states:

“the Report “recommends” on page 1 that the Planning Commission 1) conduct the public hearing only two days from now, June 19 and adopt the draft Initial Study/Negative Declaration to forward to the City Council. The June 19 hearing may have been noticed to the Public on May 29, but draft Initial Study/Negative Declaration was only made available to the public on June 10, with a public comment period to be open until July 17, 2020. It is unclear how The June 19 meeting can legally abridge the comment period on the Initial Study/Negative Declaration. This alone suggests that alternative 2 on page 1 of the Report (“... continue the public hearing) is the only real alternative.”

Response to Comments

The author provides procedural comments on the review of the Negative Declaration. The Draft Negative Declaration was noticed according to State law, and the comment period for the draft document ran from June 10 to July 17, 2020 (37 days). The Planning Commission held a hearing on June 19, at which time they considered public comment on the draft document as well as the draft ordinance, and considered

the draft ordinance at this meeting. At the June 19 meeting, the Planning Commission recommended to the City Council the draft ordinance as well as the draft Negative Declaration. The City Council is the ultimate reviewing and approval authority for the overlay zone as well as the Negative Declaration. The review by the City Council is expected to take place on October 13, 2020, which is after the end of the comment period for the Draft Negative Declaration.