

ADDENDUM
TO
NEGATIVE DECLARATION

Project Title

Beverly Hills Mixed Use Overlay Zone Update

Lead Agency and Address

City of Beverly Hills
Community Development Department
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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 involves an update to the City's existing Mixed Use Overlay Zone, which allows mixed use development (residential and commercial uses in the same structure) on certain commercial properties in the City. The parcels upon which the overlay zone is applied 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

Background

This document is an Addendum to the Initial Study/Negative Declaration (IS/ND) that was prepared for the original general plan amendment and zoning amendments that enabled mixed use development in certain commercial areas, and the creation of an overlay zone in the Beverly Hills Municipal Code (BHMC) to allow mixed use development, which was adopted by the City of Beverly Hills on November 10, 2020 (the “original Project”) per City Council Ordinance No. 20-O-2825 and Resolution No. 20-R-13319. The IS/ND document, inclusive of exhibits, is hereby incorporated by reference, and is available at www.beverlyhills.org/environmental.

The IS/ND for the original Project studied the potential environmental effects on Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Mandatory Findings of Significance. The previously adopted ND concluded there were not significant impacts in any of the studied issue areas listed above.

The City is now proposing a change to the Mixed Use Overlay Zone regulations to allow the use of the minimum unit size (500 square feet) and the building’s existing floor area above the ground floor to calculate the maximum density allowed for residential conversion projects, rather than a calculation based on lot area as would be otherwise required. The proposed change to the density calculation for residential conversion projects also necessitates an update to the General Plan Land Use map for consistency. These changes are proposed to bring the density calculation for residential conversion projects in line with the original intent of the adopted Mixed Use Overlay Zone Ordinance. This addendum to the adopted IS/ND addresses the minor technical changes that will be made to the General Plan Land Use map and the Mixed Use Overlay Zone regulations in the BHMC (the “Amendments”), which will be considered for adoption by the City Council.

Statutory Requirements

Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows for a lead agency to prepare an addendum to an adopted negative declaration or environmental impact report (EIR) if only minor technical changes or additions are necessary or if none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred. Pursuant to CEQA Section 15162, no subsequent negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or,
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This Addendum evaluates the Amendments and demonstrates that these revisions do not necessitate addition of environmental information of substantial importance, and instead necessitate only minor technical changes to the previously adopted ND, and therefore, do not meet any of the requirements set forth in Section 15162. This Addendum will be considered by the decision making body in conjunction with consideration of the Amendments.

Project Description

The Mixed Use Overlay Zone established development standards to guide commercial/residential mixed use developments along specific commercial corridors within the C-3 Commercial Zone. The regulations allow both the construction of new mixed use developments as well as the residential conversion of existing commercial buildings located within the Mixed Use Overlay Zone. A residential conversion (also known as adaptive reuse) project consists of the reuse of an existing commercial building into a building that includes both residential units and commercial uses. The Mixed Use Overlay Zone regulations set forth in BHMC Title 10, Chapter 3, Article 18.7 include a density calculation based on the lot area of the subject site, which allows a maximum of 1 dwelling unit per 550 square feet of lot area (or 79.2 dwelling units per acre). While this density would apply to a new mixed use development because it determines a density of development proportional to the site area, it would not make sense to apply this density calculation to a residential conversion project because there are existing commercial buildings within the Mixed Use Overlay Zone that contain a greater amount of floor area and have a greater height than

what is currently allowed under the Mixed Use Overlay Zone regulations. This means that the density calculation currently allowed under the Mixed Use Overlay Zone regulations may result in a lower number of units than what could be reasonably developed within an existing commercial building. However, the Mixed Use Overlay Zone regulations also set forth a minimum unit size of 500 square feet for an efficiency unit or a 1-bedroom unit, and a minimum unit size of 800 square feet for a 2-bedroom unit, and states that the average floor area of all residential units shall not exceed 1,750 square feet. Rather than applying the lot size density calculation to a residential conversion project, applying the minimum unit size of 500 square feet to calculate the maximum density would allow the maximum number of units that could fit within the existing building envelope to be constructed within a residential conversion project. The proposed change to the Mixed Use Overlay Zone regulations would be to clarify that a residential conversion project may calculate maximum density by using the existing building floor area (as defined by the BHMC, less the ground floor footprint floor area) above the ground floor and divide this by the minimum unit size of 500 square feet to determine the number of dwelling units permitted within the building. The ground floor footprint area would be excluded from the existing building floor area used to calculate the density because the Mixed Use Overlay Zone regulations require that the first forty feet (40') of depth of any façade facing the street on the ground floor be reserved for non-residential uses, which will likely result in the majority of the ground floor being used for commercial purposes. In addition, the General Plan Land Use map would be updated for consistency to note that the maximum density for a residential conversion project may vary across the buildings/properties within the Mixed Use Overlay Zone area, and would be calculated pursuant to existing building floor area above the ground floor divided by 500 square feet. As detailed in this section, the Amendments consist of minor changes and revisions, as well as the addition of new information to the Mixed Use Overlay Zone regulations and General Plan Land Use map.

Review of Environmental Impacts and Determination

An analysis of the Amendments, changes in circumstances, and any new information since the certification of the previous IS/ND has been completed to determine if any new environmental impacts could occur. The environmental analysis and conclusions provided in the IS/ND remain current and applicable to the Amendments. All potential impacts in the CEQA Appendix G Environmental Checklist Form were considered during the preparation of this Addendum, and it has been determined that no new impacts would result from the minor revisions made to the Mixed Use Overlay Zone regulations and the General Plan Land Use map. Nothing in the Amendments will result in greater impacts to the Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, Tribal Cultural Resources, Utilities and Service Systems, and Mandatory Findings of Significance topic areas studied in the project's IS/ND. Furthermore, since the adoption of the ND in 2020, the environmental issue areas of Energy and Wildfire have been added to the Appendix G checklist

for CEQA analysis. This additional analysis is included below:

ENERGY

Would the project:

Question	CEQA Determination
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	No Impact

a) No Impact. The Amendments do not result in potentially significant environmental impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. The adopted Mixed Use Overlay Zone already allows residential conversion mixed use developments to be constructed, and the Amendments would simply change the density calculation applicable to these types of projects. Therefore, the potential environmental impacts for these types of projects has been previously assessed within the adopted IS/ND. The Amendments would potentially increase the maximum number of units that may be created within a residential conversion mixed use development, however, these units would still be contained within the existing building envelope. Thus, a residential conversion project would likely require the use of fewer building materials and resources to construct it, as compared to a new mixed use development that could involve both the demolition of an existing building and construction of a new building. A residential conversion project would also be required to comply with applicable energy efficiency standards and code requirements, and would likely result in the upgrading of the existing building's energy infrastructure, which could lead to greater energy efficiency overall.

b) No Impact. The Amendments do not conflict with nor obstruct a state or local plan for renewable or energy efficiency. Any mixed use development constructed pursuant to the Mixed Use Overlay Zone would comply with all applicable renewable or energy efficiency development standards and code requirements. In addition, a residential conversion mixed use development may be more energy efficient because it utilizes an existing structure and therefore, eliminates the need to demolish and rebuild a structure. A residential conversion project would also likely result in upgrading of the existing building's energy infrastructure.

WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Question	CEQA Determination
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No Impact

a) No Impact. The Amendments would not substantially impair an adopted emergency response plan or emergency evacuation plan because the Amendments would only apply a different density calculation to residential conversion mixed use developments. The Mixed Use Overlay Zone is located along several commercial corridors within the City, and these areas may be accessed by several public right-of-ways in the event of an emergency response or evacuation. A residential conversion mixed use development would also be located within an existing commercial building and therefore, would not result in a change to the development pattern of the City and would be served by existing emergency response plans and emergency evacuation plans.

b) No Impact. The Amendments would apply to residential conversion mixed use developments in the Mixed Use Overlay Zone, which is located along several commercial corridors in the City. These commercial corridors are located in the area of the City that is fully built out and in which there are minimal slopes and no natural hillside topography. While there is a designated Very High Fire Hazard Severity Zone (VHFHSZ) in the City north of Sunset Boulevard, the Mixed Use Overlay Zone is not located within this area nor in close proximity to it. The areas included within the Mixed Use Overlay Zone are fully built out and are easily accessible to emergency responders and other emergency infrastructure. The Mixed Use Overlay Zone is distributed along corridors that run both east-west and north-south throughout the southern portion of the City. Therefore, there are no environmental impacts due to slope, prevailing winds, and other factors that would exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- c) **No Impact.** The Amendments would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The Amendments would only help to facilitate the residential conversion of an existing commercial building to a mixed use development, and such existing buildings would already have infrastructure in place for the building's operation. While it is possible that upgrades to existing infrastructure or additional infrastructure such as power lines or utilities may be required, these would be located within a fully built out area of the City. Any changes to infrastructure would be assessed for compliance with applicable safety code requirements. In addition, since the original IS/ND included analysis of the Mixed Use Overlay Zone regulations that already allowed residential conversion mixed use developments, the totality of potential development under the Mixed Use Overlay Zone has already been assessed and determined to have no significant impact. A residential conversion mixed use development would likely result in a lesser impact than a new mixed use development, since it would be contained within an existing building envelope. The Amendments would only change the applicable density calculation for residential conversion mixed use development, and therefore would not exacerbate fire risk or result in temporary or ongoing impacts to the environment.
- d) **No Impact.** The Amendments would only result in a change to the applicable density calculation for a residential conversion mixed use development that could be constructed within the Mixed Use Overlay Zone area. The Amendments would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes because the Mixed Use Overlay Zone area is located along commercial corridors in an area of the City that does not have a significant slope or hillside topography. While there is a designated Very High Fire Hazard Severity Zone (VHFHSZ) in the City north of Sunset Boulevard, the Mixed Use Overlay Zone is not located within this area nor in close proximity to it. A residential conversion mixed use development would be located within this area and within an existing commercial building in a fully built out area that is easily accessible to emergency responders and other emergency infrastructure. A residential conversion mixed use development would not likely result in significant changes to the existing infrastructure and development pattern and therefore, would not expose people in such projects to significant risks.

Further, the modifications proposed to the Mixed Use Overlay Zone and General Plan Land Use map are minor and none of the conditions outlined in CEQA Section 15162 have occurred as explained below, specifically:

- (1) No substantial changes are proposed in the project that will require major revisions of the previous negative declaration due to the involvement of new, significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The Amendments include only minor technical changes and the addition of further information to the Mixed Use Overlay Zone regulations and General Plan Land Use map. The proposed change is a minor clarification in the Mixed Use Overlay Zone regulations to allow the use of the minimum unit size and the building's existing floor area above the ground level to calculate the maximum density for a residential conversion project. In addition, the General Plan Land Use map will be updated for consistency with the change to the density noted for the Mixed Use Overlay Zone. The Amendments do not include modifications to development patterns or changes in the pattern of land uses established in the General Plan, and do not include changes that affect where mixed use developments are allowed to be constructed in the City. Although the change to the density calculation for residential conversion projects may result in a higher density than is currently allowed under the lot area density calculation, it does not allow for more intense development because a residential conversion project would only allow the creation of residential units within an existing building. A residential conversion project would likely involve only rehabilitation and remodeling of an existing structure, and would likely not consist of more intensive and impactful construction activities typically associated with the demolition of an existing building and subsequent construction of a new building. The Amendments also do not propose or contemplate specific development projects. The adoption of the Amendments to the Mixed Use Overlay Zone and General Plan Land Use map will not result in any direct changes to the physical environment. Therefore, the project would not involve new, significant environmental effects or a substantial increase in the severity of previously identified significant effects, as the adopted IS/ND also did not identify any significant environmental effects.

- (2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

It has been determined that no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and thus no major revisions of the previous negative declaration are necessary. The Amendments include only minor technical changes and the addition of information to the Mixed Use Overlay Zone regulations and the General Plan Land Use map, and will not cause any significant effects to the environment. Since the proposed change to the density calculation applicable to residential conversion projects in the Mixed Use Overlay Zone would simply allow the creation of residential units and a mixed use development within an existing commercial building in the City. The proposed change would not expand the area in the City to which the Mixed Use Overlay Zone applies, and does not allow more development area than what was previously contemplated under the Mixed Use Overlay Zone regulations. The Mixed Use Overlay Zone regulations currently allow new mixed use developments and residential

conversion projects, and the proposed ordinance only clarifies the density calculation applicable to residential conversion projects. The proposed density calculation applicable to residential conversion projects would apply the existing minimum unit size standard for mixed use developments in order to allow the creation of residential units within an existing building envelope. The proposed change to the General Plan Land Use map would simply clarify the density calculation applicable to residential conversion projects in the Mixed Use Overlay Zone. In addition, no circumstances have significantly changed within the Mixed Use Overlay Zone since the adoption of the original project, and thus, no significant changes have occurred since adoption of the IS/ND for the Mixed Use Overlay Zone.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Analysis of the Amendments indicates that there is no new information of substantial importance, which was not known at the time the IS/ND was adopted in November 2020 that shows the project will have significant effects on the environment, or effects that will be substantially more severe than shown in the IS/ND. The additional evaluation included in this addendum concludes that there are no significant effects on the environment as a result of Energy or Wildfire or conflict with a state or local energy plan. These are two new environmental issue areas added to the Appendix G checklist since the 2020 publication of the IS/ND.

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

No significant effects were previously identified in the previously adopted IS/ND and no EIR was previously prepared.

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No significant or potentially significant effects were identified for the previously adopted IS/ND. The Amendments do not include changes to the development potential, or land uses originally contemplated for the Mixed Use Overlay Zone, as the original project allowed both new mixed use developments and residential conversion mixed use projects. Although the proposed change to the density calculation could result in a greater number of residential units that result from a residential conversion project in an existing commercial building that contains greater floor area and height than permitted under the current Mixed Use Overlay Zone regulations, the building is existing in the City and thus would not result in new construction activities or impacts. The proposed change would simply change the calculation formula for the maximum

number of residential units allowed within an existing commercial building that is being converted to a mixed use development. In addition, the proposed change to the General Plan Land Use map would add information to clarify the density calculation for residential conversion projects, consistent with the proposed change to the Mixed Use Overlay Zone regulations. As a result, no significant impacts would result, and no additional mitigation measures or alternatives are or were necessary.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The previously adopted ND indicated that the Project would not result in significant impacts to Agricultural and Forestry Resources, Biological Resources, Mineral Resources, and Transportation/Traffic. The ND also indicated that the ordinance would result in less than significant impacts related to Air Quality, Cultural Resources, Greenhouse Gas Emissions, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and the Mandatory Findings of Significance. The ND found that there was either no impact or less than significant impacts on certain environmental issues related to Aesthetics, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, and Population and Housing. No significant effects were identified for the adopted IS/ND, therefore, no mitigation measures were previously identified in the adopted IS/ND. In addition, since the adoption of the original IS/ND, Energy and Wildfire were added as environmental issue areas required to be included in the CEQA checklist. As analyzed in this addendum, there are no significant effects related to these additional environmental issue areas. The Amendments do not include changes to the development potential of the Mixed Use Overlay Zone, which already permits both new mixed use developments and residential conversion of existing commercial buildings into mixed use developments. The proposed change to the Mixed Use Overlay Zone regulations would allow the use of the minimum unit size to calculate the maximum density allowed within a residential conversion mixed use project. The use of this calculation would not in itself increase the height or physical size of the existing building, but would only allow the creation of residential units within an existing building envelope. Although the proposed change to the density calculation could result in a greater number of residential units that result from a residential conversion project in an existing commercial building beyond what would otherwise be permitted utilizing a lot area calculation, the building is existing in the City and thus would not result in new construction activities or impacts that are typically associated with the construction of a new building. The proposed change to the General Plan Land Use map would bring this map into consistency with the proposed change to the Mixed Use Overlay Zone density calculation for residential conversion projects. As a result, no significant impacts were identified, and no mitigation measures or alternatives were necessary.

Conclusion

Given the analysis presented in this Addendum, it is therefore found that the Amendments to the Mixed Use Overlay Zone and General Plan Land Use map would not result in a measurable increase in environmental impacts over what was previously analyzed in the adopted IS/ND for the Mixed Use Overlay Zone. There are no changes with respect to the circumstances under which the project is undertaken that will require revisions to the previous IS/ND. . In addition, as discussed in this addendum, there are no significant impacts in the issue areas of Energy and Wildfire, two issue areas added to the CEQA Appendix G checklist after the adoption of the 2020 IS/ND. Therefore, pursuant to CEQA Guidelines Section 15164, an Addendum to the IS/ND is appropriate and has been prepared to document the minor technical changes and addition of information that have been included in the Amendments to the Mixed Use Overlay Zone and the General Plan Land Use map.

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CHLOE CHEN, SENIOR PLANNER

September 21, 2023