



STAFF REPORT
CITY OF BEVERLY HILLS

For the Planning Commission
Meeting of November 19, 2009

TO: The Planning Commission
FROM: Peter Noonan, AICP, Associate Planner *PWN*
THROUGH: Jonathan Lait, AICP, City Planner *JL*
SUBJECT: **General Plan Amendments – Step One**
Environmental Review

SUMMARY

On October 30, 2009 the environmental review for the Step One general plan amendments was released for public review. The review period ends on December 4, 2009. This study session is an opportunity for the Planning Commission to discuss the environmental review and provide comments. This report provides background information, describes the context of the environmental review process and may help answer anticipated questions that arise during the public's review of the document.

BACKGROUND

On October 8, 2009 the Planning Commission completed their review of the Step One amendments as presented in a matrix that integrated the amendments into the existing general plan language. This matrix was in a strike-out/ underline format and indicated what existing general plan goals and policies would be replaced by the new language in the amendments.

An environmental review was conducted pursuant to California Environmental Quality Act (CEQA) requirements and the amendments were determined to have "no significant impacts". The resulting negative declaration was released for public review on October 30, 2009. The comment period would typically be 30 days for this sort of project, however the comment period was extended in consideration of the Thanksgiving holiday and will conclude on December 4, 2009.

A little more than a year ago the City was in the process of replacing its general plan with an entirely new document. That new general plan proposed changes in the maximum buildable area (Floor Area Ratio, or FAR) in certain parts of the City and therefore that comprehensive general plan update would have had "significant effect to the environment", meaning that certain aspects of the plan could have had substantial or potentially

substantial adverse changes in the environment; therefore an Environmental Impact Report (EIR) was prepared.

On May 27, 2009 the City Council directed that the existing general plan be amended in two steps as opposed to continuing to consider adoption of an entirely new general plan document. The general plan amendments – referred to as the “Step One” amendments include all of the goals, policies and programs from the comprehensive general plan update which had broad community support. These goals and policies include neighborhood preservation, parks preservation and conservation of water resources. The Step One amendments do not include or contemplate any changes to land use density, scale of buildings, or traffic and intersection patterns. Potentially, changes of this nature may be considered in the second part (Step Two) of amending the existing general plan.

Step Two of amending the existing general plan, which may include changes to land use density, scale of buildings, and traffic and intersection patterns, has not begun and the earliest date that conversations could occur would be in 2010. Step Two may require the development of additional background and reference material and therefore the anticipated start date is uncertain.

The environmental review contemplates the goals, policies and programs included in Step One of amending the existing general plan only. Since no changes to land use density (FAR), scale of buildings, or traffic and intersection patterns have been included in the general plan amendments the anticipated environmental impacts potentially resulting from their adoption would not be significant in terms of CEQA and an Environmental Checklist and Negative Declaration have been released.

DISCUSSION

This discussion provides context to the environmental review and in particular provides the reasoning behind determining a “No Impact” or a “Not Significant Impact”.

When a city amends its general plan, the State requires that an environmental review be conducted that evaluates the potential for adverse changes in the environment all of the goals, policies, and implementation programs from the standpoint of what is existing “on the ground” currently, not what is included in the existing general plan document. To address this the environmental review was conducted in two parts: 1) implementation of the goals, policies and programs included in these amendments, assuming the baseline to be the existing goals, policies and programs in the existing general plan, and 2) the baseline of the physical environment as it currently exists in the City today. Therefore most statements provided in the environmental checklist are in two paragraphs, the first addressing potential impacts from the amendments and the second addressing impacts from continued build-out of the existing general plan.

It was determined that the amendments would have “No Impact” on the environment only if there was clearly no potential for an impact to occur. An example of when “no impact” was concluded is in regards to impacts on airports. The City is not located near enough to any existing or contemplated airports to have any effects and therefore “No Impacts” were determined in this respect.

If there was any possibility that there could be an adverse change in the environment in respect to any question in the environmental checklist a potential impact was assumed. Upon further analysis and reasoning, it was determined that any impacts potentially resulting from adoption of the Step One general plan amendments would be less than significant.

The public comment period opened on October 30 and will close at 5:00pm on December 4, 2009. It is anticipated that the Planning Commission will consider a recommendation to the City Council on adopting the Step One general plan amendments and environmental review on December 10. This study session is an opportunity for the Planning Commission to discuss the negative declaration in advance of the recommendation and to raise any questions and provide comments that may arise during review.

RECOMMENDATION

Discuss the environmental review findings and provide comments.

PETER NOONAN, AICP