

PUBLIC CORRESPONDENCE

OASIS WEST REALTY (BEVERLY HILTON HOTEL)

14. Beverly Hilton Site Plans

PUBLIC CORRESPONDENCE

OASIS WEST REALTY (BEVERLY HILTON HOTEL)

15. Outstanding Staff requests for Commission to address
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Outstanding Staff Requests for Planning Commission to Address, Consider and Provide Direction to Staff on

Throughout the Planning Commission’s hearing process for the Wanda New Hotel, Destination Restaurant, Bar, Lounge, and Condominium Project, Staff has asked for Commission direction on numerous issues that require their attention and resolution. These issues remain outstanding. Quoted below are the specific instances where City Staff has requested direction from the Commission.

Staff Report - August 23, 2016:

- **Compatibility Concerns Created by New Uses**

“[T]he Planning Commission may wish to consider the various compatibility issues typically associated with hotel uses in proximity to residential uses.” (Staff Report, p. 16.)

“[T]he Planning Commission may wish to recommend conditions relating to the operating hours of various dining areas on the site in order to minimize disruptions to future residents both at the 9900 Wilshire property, as well as future residents in the proposed condominiums at the Beverly Hilton property across Merv Griffin Way.” (Id.)

“Additionally, the Planning Commission may wish to consider whether it would be necessary to place operational restrictions on use of the ballroom/meeting rooms, outdoor dining areas, or on the rooftop amenities.” (Id.)

“These restrictions could address the use of live and/or amplified sound, hours of operation, frequency of events, or limitations on the number of patrons.” (Id.)

- **Access & Circulation Issues Loading Dock Issues**

“[T]he Commission may wish to discuss whether two-way access to Merv Griffin Way should be subject to any peak-hour or event-related restrictions in order to minimize the possibility of conflicts with cross traffic on Merv Griffin Way.” (Staff Report, p. 19.)

- **Substantial Increased Demand for Loading Dock**

“The Planning Commission may wish to consider the potential impacts of the increase in loading activities in close proximity to existing sensitive receptors (Beverly Hilton Hotel guests), as well as anticipated future sensitive receptors (One Beverly Hills condominium residents and Beverly Hilton Condominium residents), and determine what restrictions, if any, would be appropriate.” (Staff Report, p. 21.)

- **Parking**

“the Commission may wish to discuss whether there is a continued benefit to providing additional parking spaces beyond Municipal Code requirements.” (Id.)

“The BHMC also allows further reductions in the parking requirements for hotels by up to 15%, provided that the Planning Commission makes a finding that the location of the hotel, availability of public transportation, or proximity and concentration of shopping to the hotel site will result in the hotel not generating a need for the number of parking spaces otherwise required by code. If the Planning Commission were to approve a further reduction of 15%, the total parking requirement would be reduced to 1,140 spaces...The Approved Project included 188 parking spaces in excess of Municipal Code requirements, whereas the Proposed Project does not include excess parking spaces. Meeting, rather than exceeding, code requirements is still anticipated to provide an adequate number of parking spaces on site given the mix of uses and increasing use of ridesharing services.” (Staff Report, p. 19.)

- **Construction**

“Staff recommends that the Planning Commission recommend provisions in the Construction Management Plan that would allow heavy hauling outside of normal construction hours, subject to all Mitigation Measures and Conditions of Approval relating to minimizing noise and light/glare impacts.” (Staff Report, p. 23.)

Staff Report – September 19, 2016:

- **Conditions of Approval**

“Staff recommends the Planning Commission review the attached conditions and provide staff with guidance and comments on potential modifications, additional conditions or other recommended changes.” (Staff Report, p. 15.)

“Staff has also provided a recommended set of project conditions that could apply to the Proposed Project. Based on the analysis provided in previous staff reports, the Final SEIR, and issue-specific technical memos and diagrams, staff recommends that the Planning Commission consider these issues, as well as any other issues relating to the Proposed Project, and direct staff to return with resolutions memorializing the Planning Commission’s findings regarding the Final SEIR and the requested entitlements.” (Staff Report, p. 16.)

- **Project Modifications and Additional Information**

“[D]irect staff as appropriate with respect to any project modifications, requests for information, or preparation of resolutions memorializing the Commission’s findings.” (Staff Report, p. 16.)

Staff Report – September 26, 2016:

- **Project Entitlement Determination**

“This report contains specific analysis on those items that were requested by the Planning Commission, and *staff seeks direction from the Planning Commission on the various entitlement requests.*” (Staff Report, p. 1.)

- **Direction and Recommendation on Project Design and Conditions of Approval**

“In addition, attached to this staff report are draft Project conditions for the Commission’s review and comment. The attached draft conditions are an updated version of the approved project’s conditions incorporating staff recommendations for the revised project (Attachment K). Conditions that have proposed changes are highlighted in bold text in the attachment. *As part of directing staff, the Commission may choose to review the adequacy and language of the draft conditions, suggest additional or modified conditions, and direct staff to return to a future Planning Commission hearing with draft Planning Commission resolutions incorporating the conditions of approval.*” (Staff Report, p. 2.)

“The analysis provided above, as well as the attached technical studies, provide information in response to several questions and concerns raised by the Planning Commission with regard to motor court access, loading activities, and construction management. Staff has also provided a recommended set of project conditions that could apply to the Proposed Project. Based on the analysis provided in previous staff reports, the Final SEIR, and issue-specific technical memos and diagrams, *staff recommends that the Planning Commission consider these issues, as well as any other issues relating to the Proposed Project, and should the Commission reach consensus regarding project design and conditions, direct staff to return with resolutions memorializing the Planning Commission’s findings regarding the Final SEIR and the requested entitlements.*” (Staff Report, p. 8.)

- **Project Modifications and Additional Information**

“It is recommended that the Planning Commission continue holding the public hearing and receive testimony on the project, and *direct staff as appropriate with respect to any project modifications, requests for information, or preparation of resolutions memorializing the Commission’s findings.*” (Staff Report, p. 8.)

PUBLIC CORRESPONDENCE

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16. Key questions and issues for Staff to resolve

Wanda Group's New Hotel and Commercial Project:

Key Issues for the Planning Commission & Staff to Address

1. Alternative Site Access Study – Provide an analysis of a circulation plan that locates all access, including all loading, along the approved western road along LA Country Club. Assess alternative access plan developed by Beverly Hilton.
2. Parking – Confirm whether off-site parking allowed. The Supplemental EIR states that no off-site parking is allowed. However, Wanda's proposed edits to the Specific Plan state that off-site is allowed for employees. The City should conduct its own study as to whether 40 spaces for employees will actually be sufficient. There is no justification for a 15% parking reduction or any reductions for commercial uses associated with hotels. Evaluate employee parking figures provided by Beverly Hilton.
3. Loading Dock –
 - Wanda's revised plan still requires illegal turns. The Commission cannot approve a loading dock that requires illegal turns.
 - The City should conduct its own study of the number of truck deliveries required for the Project. The City should analyze data collected by Beverly Hilton on Montage and Peninsula loading dock activities.
 - The City should require staff to evaluate whether employee access to the loading dock will be safe with the large trucks utilizing the dock.
4. Traffic Impacts from Simultaneous Events at the Project and the Beverly Hilton – The City should conduct its own independent study of the number of attendees that could exit from both events at the same time. The LLG analysis relies on bad data because it understates activities at the Beverly Hilton. The City should request event data from the Beverly Hilton to use in its study.
5. Specific Plan – Provide a revised version of the Specific Plan for Commission and public to review.
6. Haul Route – Staff must evaluate haul route options further, including reconsidering a Wilshire/Santa Monica Boulevard route and routes from the east, as well as a staging location closer to the Site.
7. Construction Traffic – Staff must evaluate whether Wanda's estimated number of trips is accurate.

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17. Beverly Hilton employee staff figures & parking requirements
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Luxury Hotel Staffing and Parking Guidelines

Luxury 5 Star Hotel - No Banquet Function

Front Desk	4	
Bellman	3	
Doormen	2	
Housekeeping	29	
Culinary	12	
Restaurant FOH	13	
Pool Staff	3	
Stewarding	6	
Room Service	5	
Parking	5	
Grounds Keepers	2	
Engineering	4	
Purchasing	2	
Administrative	10	
Security	4	
Management	<u>31</u>	
	134	Staff during the day shift
65% of staff park in hotel:	87	parking spaces required
Shift Over Lap:	15	parking spaces required
TOTAL SPACES NEEDED:	102	without Banquet Functions

Luxury 5 Star Hotel - Banquet Function for 200 ppl

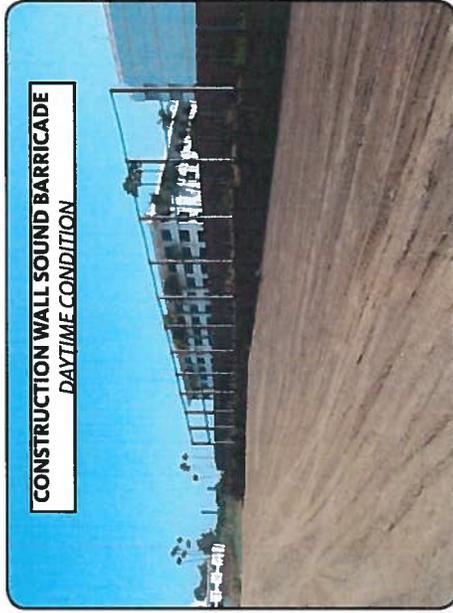
Captains	1	
Servers	13	
Bussers	2	
Culinary	4	
Stewarding	2	
Parking	4	
Audio/Visual	<u>3</u>	
	29	Staff during the banquet shift
65% of staff park in hotel:	19	parking spaces required
TOTAL PARKING SPACES NEEDED:	121	with Banquet Functions

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18. Sound Wall graphics

WANDA CONSTRUCTION SITE PROPOSED SOUND WALL BARRICADE



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19. Beverly Hilton loading dock truck traffic report

Beverly Hilton Loading Dock Traffic

	Sunday 2/7/2016	Monday 2/8/2016	Tuesday 2/9/2016	Wednesday 2/10/2016	Thursday 2/11/2016	Friday 2/12/2016	Saturday 2/13/2016
Occupancy	49	67.7	93.7	98.1	98.2	87.2	98.2
Banquet Covers	0	435	260	250	40	40	40
UPS		2	2	2	2	2	
FedEx		5	4	3	4	4	
Shipping Truck other		1	1	1		1	
Laundry	3	2	3	2	2	3	3
Dry Cleaning	5	2	4	5	6	9	8
Garbage		2				1	
Armored Car		1	1			1	
Bread					1		
Sysco			1	1			1
Produce		2	3	3	3	2	2
Meat		1		1		1	
Fish			2	1		1	1
Beverage		2	3	2	1	3	
Box Truck Misc.	6	17	10	14	20	12	7
Refrig Trick Misc.		3	4		4	5	3
Delivery Van	7	14	12	6	11	12	5
Total	21	54	50	41	54	57	30

Average Weekly 44

Average Weekday 51

Total Deliveries Per Week 307

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20. Modifications to the Project's Conditions of
Approval

Wanda Group's New Hotel and Commercial Project:

Draft Conditions of Approval

The Planning Commission should consider the following revisions to the Draft Conditions of Approval.

Draft Condition No. 5. Square footage of each hotel dining, bar, meeting rooms, and ancillary amenities should be specified with a maximum square footage for each. Change is consistent with prior Conditions of Approval.

Draft Condition No. 7. Parking spaces should not reflect 15% discount or parking reductions for restaurants combined with hotel. Total parking spaces required on site should account for 105 employee parking spaces. All parking shall be provided on-site, including all employee parking.

Draft Condition No. 12. Minimum number of parking spaces meeting ADA requirements shall be specified.

Draft Condition No. 13. Number of dedicated employee parking spaces should be specified.

Draft Condition No. 14. Two hours of free validated parking shall be provided for events.

Draft Condition No. 20. Delivery trucks, including garbage, to commercial and residential portions of project shall be limited to 55 per week.

Draft Condition No. 23. Project shall be constructed to meet LEED Gold standards.

Draft Condition No. 25. [Compare to current language. It's different than the Hilton's condition.]

Draft Condition No. 47. Construction fencing shall be designed to be attractive and to minimize aesthetic impacts and shall include landscaping.

The following conditions of approval were imposed on the Beverly Hilton in 2008. For the benefit of the community and the City, the same conditions should be imposed on the Wanda Group's new project.

Environmental Compliance Monitor

46. The Construction Management Plan Coordinator shall provide assistance in the selection of a full-time Environmental Compliance Monitor. The developer shall deposit funds sufficient to pay for the Environmental Compliance Monitor who shall be hired by and work for the City. The Environmental

Compliance Monitor shall be selected from a list of individuals deemed qualified by the Director of Community Development and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified School District. If the District does not agree with the City on a Monitor within a 14 calendar day period after being presented with the list of qualified monitors, the director of Community Development shall have the authority to select the Monitor.

47. The field office of the Environmental Compliance Monitor shall be located in an office trailer provided by the developer on or adjacent to the El Rodeo School campus for easy access to District staff, parents, and local residents. The location of the field office shall be approved by the Community Development Director. All utility and maintenance costs associated with the installation and maintenance of this trailer shall be paid for by the developer.

48. The Environmental Compliance Monitor shall maintain a daily log and provide monthly reports to the City and School District.

49. The Environmental Compliance Monitor shall immediately report any violations of the construction mitigation measures to the City.

50. City staff shall have the authority to immediately stop construction upon verification of any violation of the Construction Management Plan. Work shall not be allowed to restart until the problem is abated and/or corrective actions are taken to mitigate the violation.

51. The Environmental Compliance Monitor shall conduct a weekly meeting with the project construction manager(s) and shall invite City and School District representatives to attend such meetings.

Specialty Testing

52. Specialty consultants (noise and air quality) shall be hired to provide testing and monitoring and provide recommendations as described in the EIR, and imposed by these conditions of approval. The developer shall deposit funds sufficient to pay for the specialty consultants who shall be hired by and work for the City.

53. The Construction Management Plan Coordinator shall provide assistance in the selection of these specialists.

54. Consultants hired to provide specialty testing services shall be selected from a list of individuals or firms deemed qualified by the Director of Community Development, and shall be mutually agreed upon by the City of Beverly Hills and the Beverly Hills Unified school District. If the District does not agree with the City on specialty testing consultants within a 14 day period after being presented with the list of qualified specialty testing consultants, the Director of Community Development shall have the authority to select the specialty testing consultants.

55. All test results shall be maintained on file with the Environmental Compliance Monitor and included in monthly reports submitted to the City and School District.

56. Construction noise and vibration shall be monitored at El Rodeo School as part of the Construction Management Plan. Construction activities and/or measures may be modified to correct any excesses in the event acceptable thresholds are exceeded.

57. The Environmental Monitor shall initiate, and the Developer shall pay for a traffic study to be undertaken within 45 days after the beginning of each school year during construction of the Project to measure the then existing conditions and to determine whether unanticipated impacts resulting from the Project construction are occurring. Additional measures as maybe identified by any such study that address impacts from the Project shall be implemented by the developer.

58. Construction traffic shall be monitored at the site so that the frequency of construction to/from the project site during the periods when most school children are arriving/departing to/from schools will be reduced in the event that construction traffic exceeds thresholds that shall be identified in the Construction Management Plan.

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21. Wanda Group's unsupported assumptions,
conclusions and data

Wanda Group's New Hotel, Destination Restaurant, Bar, Lounge, Spa and Condominium Project: Unsupported Assumptions, Conclusions, and Data

Loading Dock Trips Are Understated: Wanda's Figures Do Not Add Up

- Wanda projected 54 trucks per week to loading dock on Merv Griffin Way.
- City counted Montage Hotel loading dock for 12 hours and counted 32 delivery trucks.
- City Counted L'Ermitage Hotel loading dock for three days and counted 36 delivery trucks.
- A full week count of Montage Hotel loading dock counted 251 delivery trucks and vans and 247 personal vehicles.

Loading Dock Requires Illegal Access: Wanda Misleads When it Shows Trucks Are Able to Turn Legally Into a Merv Griffin Way Loading Dock

- Wanda's revised plan still requires illegal turns. The Commission cannot approve a loading dock that requires illegal turns.
- The City should conduct its own study of the number of truck deliveries required for the Project. The City should analyze data collected by Beverly Hilton on Montage and Peninsula loading dock activities.
- The City should require staff to evaluate whether employee access to the loading dock will be safe with the large trucks utilizing the dock.

Hotel Employee Numbers Are Understated: Wanda Understates Employee Numbers and Underparks the New Project As a Result

- Wanda says that only 40 employee parking spaces are needed.
- This understates the number of parking spaces needed by 1.5 times. At least 121 employee parking spaces are required.
- City staff should independently verify Wanda's employment figures.

External Restaurant, Bar, Lounge Patrons Are Understated: Wanda's Assumptions Are Wrong & Not Tested

- Wanda told the City to assume that one half of all restaurant patrons would come from hotel guests.
- A 134-room hotel cannot support 20,000 square feet of restaurant, lounge and bar space. (See DEIR, at 31 [16,057 sf of indoor dining, 1,600 outdoor dining, 1,907 lobby lounge].)

Restaurant Seats: Wanda says it doesn't have the numbers, but the EIR does

- The EIR assumed one seat per 30 square feet of restaurant space. (DSEIR, at 211.)
- Using this rate, that is 666 seats for approximately 20,000 square feet of restaurant, lounge, and bar space.
- Restaurant, bar, and lounge space for 666 people will generate more than the 12 left turns on SMB into the hotel than Wanda estimates.
- These conclusions and assumptions need to be independently verified.

Construction Truck Trips

- Wanda's construction assumptions regarding number of truck trips are not verified.

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**OASIS WEST REALTY
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Noise Assessment Review prepared by Ramboll
Environ

Mr. Benjamin Hanelin
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071

REVIEW OF THE NOISE ASSESSMENT FOR THE 9900 WILSHIRE PROJECT

Dear Mr. Hanelin:

Ramboll Environ US Corporation (Ramboll Environ) has reviewed the Noise analysis of the 9900 Wilshire Boulevard Project (Project, 9900 Wilshire Project) as analyzed in the Final Supplemental Environmental Impact Report (FSEIR). Our findings reflect the conclusions reached given the time available for our review and information provided. To the extent that additional information or time is provided, our findings may change.

Date September 29, 2016

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EXISTING SOUND LEVELS

Existing sound levels were not appropriately measured or accounted for in the analysis. Without accurately representing existing ambient conditions at the site, and given that the reported increase due to the Project is close to the threshold (a reported increase of 4.8 dBA compared to a threshold of 5 dBA), no conclusions regarding the potential noise impacts of the Project on noise can be substantiated.

- Existing CNELs¹ were estimated using two 15 minute Leq² measurements (one taken during the mid-morning or early afternoon hours, and one taken during the early nighttime hours).
- Existing sound levels can fluctuate substantially over the daytime and nighttime periods. Using short 15-minute measurements to represent all daytime and all nighttime sound levels is unlikely to result in an accurate characterization of the CNEL sound levels. The noise analysis should have taken 24-hour sound level measurements to fully characterize how sound levels can vary over the 24-hour period.
- Two 24-hour measurements were taken along Santa Monica Boulevard, which is a major roadway with very different traffic flows compared to Merv Griffin Way or Wilshire Boulevard. In addition to Santa Monica Boulevard, the noise analysis should have taken sound level measurements along these two roads to fully characterize the ambient sound levels in the vicinity.

¹ Community Noise Equivalent Level.

² Equivalent Continuous Noise Level.

- The measured CNEL sound levels taken at similar locations for the Beverly Hilton Revitalization Plan EIR are all considerably lower (at least 3 dBA lower) than the estimated CNEL levels identified in the 9900 Wilshire Project FSEIR (see Table 1).
- We further note that the 24-hour sound level measurements taken for the Beverly Hilton Project show that the sound levels between 3 and 4 AM are generally between 4 and 5 dBA lower than the levels measured between 11 PM and 1 AM. The 9900 Wilshire Project’s noise assessment uses a 15-minute Leq obtained between 11 PM and 1 AM to represent the potentially much quieter hours of the night. These data may thus not represent the quietest hours of the night, potentially resulting in an artificially high estimate for existing ambient sound levels that may be inaccurately reflecting the true noise impacts of the Project. These data should be reassessed to obtain an accurate estimate for existing ambient sound levels and accurate noise impacts from the Project.

Table 1. Comparison of CNEL Levels used for the Wanda Project FSEIR and the Beverly Hilton Revitalization Plan FEIR

Location	Wanda Project FSEIR CNEL Estimate	Beverly Hilton FEIR Measured CNEL Level ¹	Difference
55 ft North of Wilshire Blvd	75.1	71.7	3.4
Northern Project Boundary (36 ft South of Wilshire Blvd)	80.3	77.0	3.3
50 ft from Merv Griffin Way	74	68.6 ²	5.4
40 ft North of Santa Monica Blvd	82.2	78.8	3.4

Notes:
¹ Adjusted to reflect same distance from centerline of roadway as for the 9900 Wilshire Blvd measurements, assuming a traffic line source reduces by 3 dBA for every doubling of distance from the source.
² The distance from Merv Griffin Way could not be verified.

CONSTRUCTION

Construction noise impacts are not adequately disclosed because (1) the impacts were assessed using an inappropriate methodology, (2) nighttime construction impacts were not properly analyzed, and (3) mitigation measures were not appropriately considered.

- The Project FSEIR inappropriately uses the CNEL level to assess potential noise impacts from construction activities, which were assumed to occur between 8 AM and 6 PM. A more appropriate method would be to compare the construction sound level to the Leq for the daytime construction period, similar to what was done in Topical Response K for nighttime construction. As mentioned above,

24-hour sound level measurements would likely be required to accurately identify the period Leq during the presumed hours of construction.

- The Project FSEIR did not include a detailed noise assessment to consider the potential impacts of evening or nighttime construction on the surrounding sensitive receivers. The information provided in Topical Response K is not sufficiently detailed to independently confirm the conclusions. Specifically, as stated above, an accurate measurement of existing ambient noise levels is required to substantiate any conclusions regarding noise impacts on sensitive receivers.
- The FSEIR indicates that the noise analysis used a 5 dBA increase over ambient as the threshold for temporary impacts during construction and lesser increases³ (see Table 2) for impacts during operation. Given the increased sensitivity of neighboring uses (e.g., hotel) during nighttime hours, it would be appropriate to apply the more stringent operational thresholds to nighttime construction.

CNEL (dBA)	dBA Increase
55	3
60	2
65	1
70	1
Over 75	1

- We further note that Topical Response K discloses that vibration impacts would be significant and exceed the 72 vibration decibels (VdB) threshold; this impact is likely to be more of a concern during nighttime hours.
- The FSEIR considered noise impacts during daytime construction and assumed a 40-foot high wall would be required along the eastern boundary of the 9900 Wilshire Project. The barrier was presumed to be able to achieve a 20-dBA reduction in construction noise at the Beverly Hilton Hotel, and the FSEIR indicated that other strategies would need to be used to achieve an additional 1-dBA reduction in order to prevent significant construction noise impacts at the hotel. These mitigation measures were identified assuming 8 hours of construction would occur sometime between 8 AM and 6 PM. Although Topical Response K discussed the noise reduction from the sound barrier, the analysis needs to incorporate accurate existing ambient noise levels.
- The FSEIR states that the sound barrier would achieve a STC⁴ of 30. It is unlikely that a fabric barrier would achieve this STC. We further note that the STC was increased from 20 in the DSEIR to 30 in the FSEIR.⁵ No details are provided on the specific sound barrier to be used to substantiate the effectiveness of mitigation measure N-1.

³ Identified in Section N.1.5. of the Noise Element.

⁴ Sound transmission coefficient (STC) is an indicator of how effective a material is at preventing noise from going through it. A greater STC indicates higher effectiveness.

⁵ FSEIR, page 9, Table ES-1, edits to N-1.

- The FSEIR does not disclose the assumptions used in the noise calculations to estimate the effectiveness of the barriers, including assumed height of source or receptors. This information is needed to independently confirm the conclusions.

LOADING DOCK

The noise impacts from the loading dock were not appropriately accounted for in the analysis.

- Noise from loading dock activities was not considered in the FSEIR. Specifically, the acceleration of trucks onto and along Merv Griffin Way during early morning hours before 7 AM would likely be audible and potentially disturbing to nearby sensitive uses (e.g., hotel). The September 8, 2016 noise memorandum provided by Rincon Consultants considered only the effects of 6 daily loading dock deliveries when comparing loading dock noise to the ambient sound levels. This is only the number of additional loading dock deliveries associated with the changes to the approved project. The analysis should have assessed the noise from the total number of daily loading dock trips for comparison to the existing ambient sound levels. The analysis should also consider the noise from trucks pulling onto and accelerating on Merv Griffin Way. This could be accomplished using the TNM model, which can consider truck acceleration.
- The noise impacts from the loading dock were assessed using CNEL. This is not an appropriate noise descriptor to use in this case because noise from loading dock activities is not expected to occur overnight. Given the intermittent use of the loading dock, a noise assessment of the peak loading dock hour is most likely to provide a full characterization of any potential noise impacts.
- Noise from the loading dock should be added to other traffic, HVAC, and restaurant noises to fully gauge cumulative impacts from operation of all noise sources at the site.

CLOSING

We appreciate the opportunity to perform this review. Please feel free to call Kristen Wallace at (425) 412-1807 if you have any comments or questions.

Very truly yours,


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PUBLIC CORRESPONDENCE

**OASIS WEST REALTY
(BEVERLY HILTON HOTEL)**

Traffic Peer Review Memo prepared by Gibson
Transportation Consulting



MEMORANDUM

TO: City of Beverly Hills
FROM: Jonathan Chambers, P.E.
DATE: September 29, 2016
RE: Traffic Commentary on the One Beverly Hills Project
Beverly Hills, California

Ref: J1418

On behalf of Oasis West Realty LLC ("Oasis"), Gibson Transportation Consulting, Inc. ("GTC") reviewed traffic and parking documentation associated with the proposed One Beverly Hills project ("Project"), including the Final Supplemental Environmental Impact Report ("Final SEIR"), an analysis of simultaneous events at One Beverly Hills and the neighboring Beverly Hilton hotel, and a shared parking analysis. GTC previously provided commentary on *Draft Supplemental Environmental Impact Report: 9900 Wilshire Boulevard (One Beverly Hills) Project* (Rincon Consultants Inc., April 2016) ("Draft SEIR") in the form of a memorandum dated May 25, 2016 ("GTC Draft SEIR Comment Letter").

In summary, GTC continues to believe that the traffic analysis presented in the Draft SEIR and Final SEIR fail to adequately identify or address potential significant impacts of the Project. Further, certain key statements made by Wanda Group ("Applicant") and its consultants during public testimony are unsubstantiated, as is discussed in this memorandum.

The following areas are addressed herein:

1. Understatement of the number of vehicles to be turning across Santa Monica Boulevard
2. Overstatement of the potential impacts of consolidating Project access
3. Inadequacy of the analysis of simultaneous hotel events
4. Inconsistencies between the traffic analysis and parking analysis
5. Inadequacy of responses to comments in Final SEIR

VEHICLES ACCESSING PROJECT SITE

In public testimony, including on August 23, 2016 and September 19, 2016, the Applicant has argued that the number of vehicles that would turn left from Santa Monica Boulevard into the proposed hotel motor court would be very few – approximately 13 vehicles per hour during the PM peak hour (the busiest hour for hotel trip generation). This is 20% of the 64 total peak hour arrivals estimated in the Draft SEIR analysis based on the percentage of Project traffic that would travel to and from Santa Monica Boulevard to the southwest.

However, as was extensively documented in the GTC Draft SEIR Comment Letter, the trip generation estimates presented in the Draft SEIR were severely understated. By using more reasonable estimates of internal capture and accounting for more of the dining uses proposed in the Project, GTC estimates that the hotel and its associated uses would generate approximately 153 inbound trips during the PM peak hour, 20% of which equals 31 peak hour trips. This is nearly 140% more peak hour unprotected left turns across Santa Monica Boulevard than disclosed by the Applicant.

Even using the Applicant's own estimates in its "Sensitivity Analysis" presented in the Final SEIR (in which internal capture credit for hotel-associated uses was removed), the Project would generate approximately 93 inbound trips during the PM peak hour, 20% of which equals 19 trips (a 46% increase over 13 trips).

CONSOLIDATED PROJECT ACCESS

Oasis proposed that Project access on Santa Monica Boulevard should be consolidated to a single signalized driveway at the southwest corner of the Project Site. The Project already proposes that residential access to the Project Site, inclusive of all residential deliveries and moving trucks, would be at this location, and Oasis' suggestion would add hotel and related traffic to that location. The driveway would provide full access – left- and right-turns in and out of the Project Site.

This reasonable suggestion was dismissed by the Applicant's representative at the September 19 hearing on the basis that it would not be possible to accommodate the necessary left-turn volumes in the short turn pocket on Santa Monica Boulevard at the western edge of the site. However, the Applicant's same traffic projections were used to suggest that the number of left-turns across Santa Monica Boulevard is miniscule.

The fact is, based on the Applicant's numbers, the entire Project would generate a maximum total of 20 inbound left-turns across Santa Monica Boulevard – approximately one every three minutes. The left-turn pocket at the site's western access road can accommodate four cars without blocking traffic on Santa Monica Boulevard – a 12-minute supply of vehicular arrivals based on the Applicant's estimates. Currently, nearly 500 vehicles an hour make an unsignalized left-turn across Santa Monica Boulevard onto Merv Griffin Way without the benefit of a traffic signal; clearly, 20 vehicles could make a left-turn in an hour at this intersection without causing a queuing problem with space for four vehicles to queue.

Even if trip generation estimates from the GTC Draft SEIR Comment Letter were used, the Project would still only generate approximately 38 peak hour left turns across Santa Monica Boulevard, well under one per minute, and queuing would not be a problem. The City should independently address this consolidated project access proposal as it will avoid unsignalized left turns across Santa Monica Boulevard, will separate further vehicles traveling to the Project and the Beverly Hilton property, and will avoid confusion for drivers traveling to the two adjacent properties.

EVENT ANALYSIS INADEQUACY

The Project's public record includes an analysis of potential traffic impacts assuming simultaneous events occurring at the Project Site and at the Beverly Hilton ("Event Analysis"). However, the assumptions in that analysis are inaccurate and fail to disclose the likely impacts of such a scenario. The following assumptions made in the Event Analysis are inaccurate or not conservative enough to properly assess potential impacts:

- The Event Analysis only assumes a maximum-capacity seated event of 285 persons. For an event without seating, or one with theater-style seating, the capacity would be approximately 20% greater, or approximately 340 persons. This would increase the total Project trip generation attributable to event traffic from the 80 trips assumed in the Event Analysis to 95 trips, including 72 inbound and 23 outbound.
- The Event Analysis used 10-year old data to estimate the number of additional vehicle trips that are generated by an event at a Beverly Hills hotel. Further, no information was provided about the time of day of the surveyed event or of the traffic count that was used to determine event trip generation. Finally, only a single count at a single event was used. This count suggested that there were only between one and two peak hour vehicles for every seven people at the event – fewer, even, when considering that the Event Analysis assumed that 25% of the total trip generation estimate was *departing trips*. With the rapid (and continuing) rise in the use of ridesharing services such as Uber and Lyft, which have not just replaced the use of taxis but have in many cases replaced the use of personal automobiles, a much larger percentage of event traffic today likely consists of both an inbound and outbound trip for each arriving or departing guest. For all of these reasons, updated event traffic data should have been collected during multiple major events to conduct this analysis.
- Oasis confirmed that there were 24 events with over 1,000 attendees at the Beverly Hilton in 2015, and an additional 45 with between 700 and 999 attendees. This is orders of magnitude higher than the six events with 1,000 or more attendees identified in the Event Analysis based on 2006 data. Further, Oasis expects the number of events that it hosts – including large events – to increase by approximately 5% per year between now and 2020 (the year on which the Event Analysis was based) due in part to the construction closure of the Century Plaza Hotel and the fact that, upon reopening, the Century Plaza Hotel will provide less event space than it formerly did. The importance of this point cannot be overstated. The Event Analysis emphasized that the scenario it analyzed would be an exceedingly rare coincidence, based largely on the fact that the Beverly Hilton only hosted six such large events per year. However, given that there were 66 events at the Beverly Hilton with over 700 attendees in 2015, it is likely that the simultaneous event scenario detailed in the Event Analysis could happen frequently.

In short, the Event Analysis provided by the Applicant significantly underestimates both the magnitude and the frequency of potential impacts associated with event conditions.

TRAFFIC AND PARKING INCONSISTENCIES

The GTC Draft SEIR Comment Letter pointed out that additional trip generation should be assumed for much of the square footage proposed in the hotel component of the Project. The Draft SEIR and Final SEIR ignored trips potentially generated by nearly 10,000 sf of dining-related uses, the 7,065 sf fitness center, 7,942 sf of ballroom and meeting rooms, and over 65,000 sf of back-of-house uses and “amenities.”

The assumption that these uses would generate no or only nominal external traffic is erroneous, and is contradicted directly by the Applicant’s own shared parking analysis (*Parking Demand Analysis – One Beverly Hills Project* [Linscott, Law & Greenspan, Engineers, September 9, 2016]) (“Project Shared Parking Study”). The Project Shared Parking Study appropriately accounted for the parking demand generated by the various components of the hotel project, including the ballroom/meeting rooms. It estimated a peak parking demand of 284 spaces for the ballroom/meeting rooms, which is nearly half of the 582 spaces provided for commercial users at the Project Site. In reviewing Table 2 of the Project Shared Parking Analysis, the Meeting Room and Banquet Space were assumed to generate no parking demand during the 7:00 AM hour, but a combined demand of 94 spaces during the 8:00 AM hour and 187 spaces during the 9:00 AM hour. In order to increase the number of parked cars from 0 to 187 over two hours during the morning peak period, an average of 94 vehicles per hour must arrive during those hours destined for those uses. The Draft SEIR assumed that only 37 total vehicles would arrive during the morning peak hour for the hotel and all of its components, including the ballroom and meeting rooms.

This discrepancy further demonstrates that, as we pointed out in the GTC Draft SEIR Comment Letter, external vehicle trips should have been assumed to be generated by the various uses within the Project. As was demonstrated in the analysis included in our letter, a fair estimate of Project traffic would result in significant traffic impacts at several locations, which were not disclosed nor mitigated by the Draft SEIR.

RESPONSES TO DRAFT SEIR COMMENTS

The Applicant’s responses to comments on the Draft SEIR found in the Final SEIR, including responses to the GTC Draft SEIR Comment Letter, do not address the fundamental problems with the traffic analysis presented. These problems are detailed below:

Project Access and Trip Distribution Still Indecipherable: The Final SEIR, in Topical Response C, states that the new Project access plan for hotel and commercial uses would allow left-turn access from Santa Monica Boulevard into the hotel motor court. However, Figures 8-1 and 8-2, which show Project-only traffic at the driveways under this new access plan, fail to show any left-turning traffic at the motor court driveway. (FSEIR, at 288-89; see e.g. data for Driveway 4 [no left turns from Santa Monica Boulevard shown].) As in the Draft SEIR, it is impossible to understand the Project’s anticipated traffic patterns from the information provided.

New Empirical Traffic Data Does Not Compare to Project: The Final SEIR describes new traffic data that was collected from the Peninsula Hotel, which was stated to be “similar to the proposed One Beverly Hills Hotel.” According to the information provided, the Peninsula Hotel includes approximately 3,270 sf of meeting space, a 3,500 sf spa, a 50-seat “club bar lounge,” a

35-seat "living room," a 105-seat restaurant, and a 50-seat rooftop patio. None of the dining-related uses were described in square footage and, therefore, it is impossible to verify that the Peninsula Hotel does, in fact, present a comparable facility to the proposed Project. As summarized in the GTC Draft SEIR Comment Letter, the Project would provide a 3,649 sf fine dining restaurant, a 600 sf rooftop patio, a 3,223 sf private lounge, a 2,215 sf rooftop bar, a 2,633 sf all-day restaurant, a 1,907 sf lobby lounge, 1,000 sf of "other outdoor dining," and 4,337 sf of additional dining-related uses. This is far more dining-related options and space than can be supported by hotel guests and far more than are stated to be provided in the Peninsula Hotel. Additionally, the Project's spa is more than twice as large as that of the Peninsula Hotel, it has more than twice the amount of ballroom/meeting space, it incorporates retail and fitness uses, and 65,000 sf of amenity and back-of-house space. The Project is not comparable to the Peninsula Hotel.

Sensitivity Analysis Still Excluded Trips: As noted above, the Project's traffic analysis should consider trips from all components of the Project. The sensitivity analysis provided in the Final SEIR removed credits for internal capture from the Draft SEIR analysis without considering traffic from any of the other land uses. The resulting analysis is, therefore, still inadequate for identifying potential significant traffic impacts within the study area.

Sensitivity Analysis Did Not Compare to Baseline Conditions: As in the Draft SEIR, the sensitivity analysis conducted in the Final SEIR only compared the Project to conditions with the Approved Project. As described in the GTC Draft SEIR Comment Letter, this is a phantom comparison. The Approved Project was never constructed, and the Project Site has not generated any traffic for years. Therefore, the only accurate way to assess the impacts of the proposed Project is by comparing to existing or future baseline conditions without the Approved Project.

Underestimated Service and Delivery Traffic: The Final SEIR provided estimates of the number of service and delivery vehicles that would access the Project Site throughout a week. These numbers are of particular interest and importance to Oasis, because the Project's service and delivery access is at the same location as the Beverly Hilton's main vehicular entrance. However, the estimates provided are substantially lower than what is expected based on a review of service truck volumes at other hotels in the area. GTC collected a week of traffic count data at the service and delivery entry and exits for the Peninsula Hotel (smaller than the proposed Project) and the Montage Hotel (slightly larger than the proposed Project) and found at both locations that far more vehicles access the service area than reported in the Final SEIR. At the Peninsula Hotel, the week yielded 134 total vehicle arrivals, including 75 fixed-trailer delivery vehicles, three articulated-trailer "big rigs," 42 service vans or trash trucks, and 14 passenger vehicles. At the Montage Hotel, there were over 550 total vehicle arrivals, including over 150 fixed-trailer delivery vehicles, four articulated-trailer "big rigs," over 150 service vans or trash trucks, and over 250 passenger vehicles. This compares to 48 total vehicles over the full week projected in the Final SEIR for the Project.

CONCLUSION

It remains GTC's expert opinion that there are substantial analytical, procedural, and presentation errors in the traffic analysis presented for the Project in the Draft SEIR, Final SEIR, and supplemental documentation in the record. As a result, significant traffic impacts of the

proposed Project were never identified, disclosed, or mitigated by the Project Applicant through the SEIR process.