

# **Attachment 1**

**Planning Commission  
Environmental Impact Report  
Resolution with Attachments  
(Findings of Fact, Statement of  
Overriding Considerations and  
Mitigation Measures)**

RESOLUTION NO. 1502

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR REVITALIZATION OF THE EXISTING BEVERLY HILTON HOTEL TO ALLOW A NEW LUXURY HOTEL, A NEW LUXURY CONDOMINIUM BUILDING, GARDENS, AND MODIFICATIONS TO THE EXISTING BEVERLY HILTON HOTEL WHICH RESULT IN A DECREASE IN THE TOTAL NUMBER OF HOTEL ROOMS; MAKE ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

The Planning Commission of the City of Beverly Hills hereby finds and resolves as follows:

Section 1. Formal applications were submitted by Oasis West Realty, LLC, a Limited Liability Company (the "Applicant"), for revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, gardens, subterranean parking, and modifications to the existing Beverly Hilton Hotel (the "Project"). A Draft Environmental Impact Report (the "Draft EIR") dated August 2007 (State Clearinghouse Number 2006091053) was prepared for the Project. Section 3.0 of the Draft EIR provides a full description of the Project, as originally proposed by the Applicant. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

Section 2. Pursuant to Section 15063 of the Guidelines, the City prepared an Initial Environmental Study (the “Initial Study”) for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources and governmental services, including aesthetics; air quality; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services; transportation, traffic and parking; and utilities and service systems.

Section 3. Pursuant to Guidelines Sections 15064 and 15081, and based upon information contained in the Initial Study, the City ordered the preparation of an Environmental Impact Report (“EIR”) for the Project. The City contracted with various independent consultants for the preparation of the technical studies for the EIR and on September 11, 2006, prepared and sent a Notice of Preparation of the EIR to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a). A public scoping meeting was held on September 18, 2006.

Section 4. The City completed the Draft EIR, together with those certain technical appendices (the “Appendices”), on or about August 8, 2007. The City circulated the Draft EIR and the Appendices to the public and other interested parties between August 8, 2007 and September 28, 2007, for a 52-day comment period, exceeding the 45-day public comment period required by Guidelines Sections 15087(c) and 15105. The Planning Commission held duly noticed public hearings during the public review period on August 22, 2007 and September 10, 2007, and September 24, 2007, at which times it received oral and documentary evidence from the public regarding the Project and the Draft EIR. During the public comment

period on the Draft EIR, the City received written comment letters and numerous oral statements regarding the adequacy of the Draft EIR.

Section 5. Concurrent with preparation of the Draft EIR, the City was processing another EIR for a separate office building project at 231-265 North Beverly Drive. The traffic studies for these two projects included collection of traffic data at some of the same intersections. Because of differences between the traffic data, the 231-265 North Beverly Drive EIR suggested that some intersections might have more existing traffic than acknowledged by the traffic data shown in the Draft EIR for the Beverly Hilton Revitalization project. Therefore, the City opted to incorporate the traffic counts from the 231-265 Beverly Project EIR for those common intersections studied in both EIRs into the Beverly Hilton Revitalization EIR where the 231-265 North Beverly Project EIR counts were higher. Thereafter, portions of the Draft EIR dealing with traffic, parking, circulation, noise and air quality were revised and recirculated for a shortened 30-day review period between October 15, 2007 and November 13, 2007. During this period, the Planning Commission held a public hearing on November 1, 2007 for the purpose of taking testimony on the Project and the Recirculated portions of the Draft EIR (the "Recirculated EIR").

Section 6. During the course of the Planning Commission's deliberations on the EIR and the Project, the Commission requested additional information regarding the potential environmental impacts of two different configurations of the Project. These additional potential configurations of the Project constituted variations on alternatives already analyzed in the Draft EIR. For ease of reference, these proposed configurations were referred to as Alternatives 6 and 7. An analysis of the additional variations was presented to the Planning

Commission on November 1, 2007, and that analysis is hereby incorporated into this Resolution by reference. While these additional variations lessened or eliminated certain significant environmental impacts, none of these additional alternatives changed the conclusions in the Draft EIR regarding the environmentally superior alternative, as discussed in the findings attached hereto as Exhibit A, and incorporated herein by reference. Further, these additional variations are not considered new alternatives and are not considerably different from the other five alternatives fully analyzed in the Draft EIR. Parts of these project variations have been incorporated into a revised project, as discussed below, with the goal of reducing the level of severity of significant and unmitigable impacts. As such, consideration of these variations does not require recirculation prior to certification of the EIR. Further, consideration of these project variations is consistent with CEQA's policies, including changing the project as a method for protecting the environment (CEQA Guidelines Sec. 15002 (h)), and encouraging project proponents to incorporate environmental considerations into project conceptualization, design and planning at the earliest feasible time (CEQA Guidelines Sec. 15004 (b)(3)).

Section 7. As a result of the comments received during the public comment periods for the Draft EIR and the Recirculated Draft EIR sections, and the comments received at the Planning Commission hearings held on August 22, September 10, October 3, November 1, November 8, and December 13, 2007 and January 31, February 7, and February 20, 2008 (collectively the "Hearings"), as well as concerns raised by the Commission itself, the Planning Commission recommended various modifications to the Project, including greater setbacks, and reductions in building height and massing. At the conclusion of the Planning Commission's deliberations, the project consisted of a 12-story 140-room luxury hotel with no condominium units and a 2-story element set back from the intersection of Wilshire Boulevard and Santa

Monica Boulevard; a 16-story luxury condominium building consisting of a maximum of 60 units located at the northeast corner of the intersection of Santa Monica Boulevard and Merv Griffin Way; a 3-story building adjacent to the Beverly Hilton Hotel pool area for 30 poolside guestrooms; a 2-story 22,000 square foot conference center building; reconfigured site access for the luxury hotel, luxury condominium building and Beverly Hilton Hotel; demolition of portions of the existing Beverly Hilton Hotel including the existing Palm Court building adjacent to Merv Griffin Way and the above- and below-ground parking structure; garden space including at the southeast corner of Merv Griffin way and Wilshire Boulevard, and subterranean parking, as more specifically described and shown in the Beverly Hilton Specific Plan, as modified by the Planning Commission. The revised project is referred to herein as the "Revised Project."

Between the analysis of the originally proposed Project, the analysis of the five alternatives, and the analysis of the two additional variations on alternatives as discussed in Section 6 above, the potential impacts of the Revised Project have been fully assessed, fully disclosed, and mitigated or avoided to the extent feasible for the reasons set forth in the Findings and Facts in Support of Findings attached hereto as Exhibit A.

Section 8. The City prepared written responses to all comments received on the Draft EIR and made revisions to the Draft EIR, as appropriate, in response to those comments. The City completed the written responses to comments on the Draft EIR in February 2008, and those responses to comments are incorporated herein by reference. The written responses to comments were made available for public review in the Department of Community Development, at the Beverly Hills Public Library and on the City's website. After

reviewing the responses to comments and the revisions to the Draft EIR, the Planning Commission concluded that the information and issues raised by the comments, the responses thereto and the additional analysis in response to Project revisions did not constitute new information requiring recirculation of the Draft EIR.

Section 9. The Final Environmental Impact Report (the "Final EIR") is comprised of the Draft EIR, including Appendices, dated August 2007; the Recirculated EIR dated October 2007; the Additional Project Alternatives analysis presented to the Planning Commission on November 1, 2007 including supplemental shade and shadow studies; the Comments and Response to Comments on the Draft EIR, including errata pages; and the Mitigation Monitoring and Reporting Program.

Section 10. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented at the Hearings and in the record of the proceedings. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours in the Department of Community Development and with the Director of Community Development, who serves as the custodian of these records. Each of those documents is incorporated herein by reference.

Section 11. The Planning Commission finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR and the Project.

Section 12. The Planning Commission has independently reviewed and considered the contents of the Final EIR prior to deciding whether to recommend approval of the Revised Project to the City Council. The Planning Commission hereby finds that the Final EIR reflects the independent judgment of the City and the Planning Commission. The Planning Commission further finds that the additional information provided in the staff reports, in the responses to comments received during circulation of the Draft EIR, and recirculation of the traffic, noise and air quality sections, and in the evidence presented in written and oral testimony presented at the Hearings, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the Planning Commission has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 13. The Planning Commission finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the Planning Commission received public testimony regarding the adequacy of the EIR; and that the Planning Commission, as an advisory body for the lead agency, has reviewed and considered all such documents and testimony prior to making its recommendation on the Project. The Planning Commission hereby recommends that the City Council, pursuant to Guidelines Section 15090, certify that the Final EIR has been completed in compliance with CEQA.

Section 14. Based upon the Final EIR and the record before the Planning Commission, the Planning Commission finds, and recommends that the City Council find, that

the Revised Project will not cause any significant environmental impacts after mitigation except in the areas of Aesthetics (Visual Character and Quality, Views, Cumulative Visual Character and Quality, and Cumulative Views); Air Quality (Short Term Construction, Localized Significant Thresholds – Construction, Cumulative Construction); Cultural Resources (Historical Resources; Cumulative Historical Resources); Land Use and Planning; and Noise (Construction, Cumulative Construction, Vibration from Construction, Cumulative Vibration from Construction). Explanations for why the impacts other than the foregoing were found to be less than significant are contained in the Environmental Findings set forth in Exhibit A to this Resolution and more fully described in the EIR and the Initial Study which is included as Appendix A to the EIR.

Section 15. Based upon the Final EIR and record before the Planning Commission, the Planning Commission finds, and recommends that the City Council find, that the Revised Project will create significant unavoidable impacts to Aesthetics (Visual Character and Quality, Cumulative Visual Character and Quality, and Cumulative Views); Air Quality (Short Term Construction, Localized Significant Thresholds – Construction, Cumulative Construction) Cultural Resources (Historical Resources; Cumulative Historical Resources); Land Use and Planning; and Noise (Construction, Cumulative Construction, Vibration from Construction, Cumulative Vibration from Construction). These significant impacts are further described in the “Findings and Facts in Support of Findings,” set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, and in the Final EIR. The findings in Exhibit A explain that all feasible mitigation, including project revisions, have been incorporated to reduce the level of impact, but that even after mitigation the impacts remain significant.

Section 16. The EIR describes, and the Planning Commission has fully considered a reasonable range of alternatives to the Project. These alternatives include Alternative 1 - No Project Alternative, Alternative 2 – Code Compliant Office/Retail Alternative, Alternative 3 – Reduced Density Alternative, Alternative 4 – Modified Residential Building Height Alternative, and Alternative 5 – Preservation Alternative. As explained in Section 6 above, the Planning Commission also requested analysis of the two additional variations on the alternatives analyzed in the Draft EIR.

With respect to each of the alternatives analyzed in the EIR, and the two project variations on considered by the Planning Commission, the Planning Commission hereby makes the findings, and recommends that the City Council make the findings, set forth in Exhibit A, which is attached hereto and incorporated by reference. On the whole, the Revised Project, which incorporates features of some of the alternatives and variations, will reduce, although not to a level of less than significant, otherwise unmitigable impacts to aesthetics and land use compatibility. As such, the Planning Commission recommends that the City Council adopt the Revised Project, and find all other alternatives and variations infeasible for the reasons set forth in Exhibit A.

Section 17. For the Aesthetics (Visual Character and Quality, Cumulative Visual Character and Quality, and Cumulative Views); Air Quality (Short Term Construction, Localized Significant Thresholds – Construction, Cumulative Construction) Cultural Resources (Historical Resources; Cumulative Historical Resources); Land Use and Planning; and Noise (Construction, Cumulative Construction, Vibration from Construction, Cumulative Vibration from Construction) impacts discussed in the Final EIR and Findings And Facts in Support of

Findings, attached hereto as Exhibit A, as “significant and unavoidable,” the Planning Commission hereby recommends that the City Council adopt the “Statement of Overriding Considerations” as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. The Planning Commission finds, and recommends that the City Council find that each of the overriding benefits, by itself, would justify proceeding with the Revised Project despite and significant unavoidable impacts identified in the Final EIR or alleged to be significant in the record of proceedings.

Section 18. The Planning Commission hereby recommends that the City Council adopt the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C and incorporated herein by this reference, and impose each mitigation measure as a condition of Project approval. The Planning Commission further recommends that the City Council adopt the “Mitigation Monitoring and Reporting Program,” attached hereto and incorporated herein by reference. City staff would thereafter be responsible for implementation and monitoring the mitigation measures as described in Exhibit C.

Section 19. The Secretary shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered into the Book of Resolutions of the Planning Commission of the City.

Adopted:

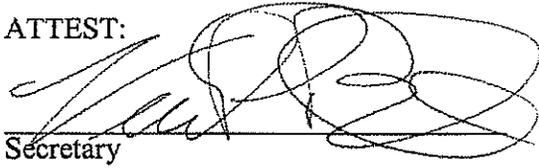


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Noah D. Furie  
Chair of the Planning Commission  
of the City of Beverly Hills, California

[Signatures continue on next page.]

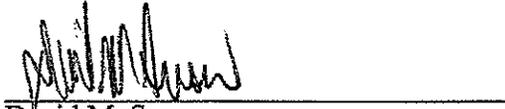
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Secretary

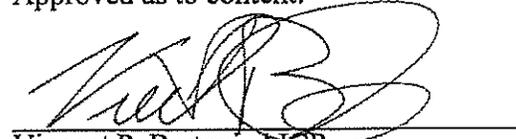
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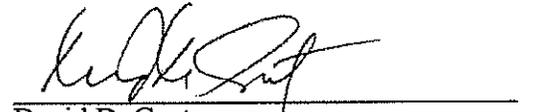
David M. Snow  
Assistant City Attorney

Approved as to content:



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Vincent P. Bertoni, AICP  
Director of Community Development



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David D. Gustavson  
Director of Public Works & Transportation

**EXHIBIT A**

**Findings and Facts in Support of Findings**

## EXHIBIT A

### Findings and Facts in Support of Findings

#### **I. Introduction.**

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (the "Guidelines") provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

- A. **Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.**
- B. **Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.**
- C. **Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.<sup>1</sup>**

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed construction of the residential and retail buildings with subterranean parking totaling 970,670 square feet (the "Project"), as more fully described in the EIR and as revised by the City Council. These findings are based upon evidence presented in the record of these proceedings, both written and oral, the EIR and all of its contents, the Comments and Responses to Comments on the Draft EIR, and staff and consultants' reports presented to the Planning Commission and the City Council.

#### **II. Project Objectives.**

As set forth in the EIR, objectives that the Project Applicant seeks to achieve with this Project (the "Project Objectives") are as follows:

- **Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.**

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<sup>1</sup> Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and Merv Griffin Way and to pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

### **III. Background.**

The Applicant's original proposal consisted of redevelopment and reconfiguration of the Project site through the addition of 50 guestrooms to The Beverly Hilton Hotel, as well as new hotel support, retail and office facilities, a conference center, and outdoor landscaped areas; a new five-star 120 room hotel, and 120 condominium units in two separate buildings. The Project also would remove the Palm Oasis Court (181 guestrooms) and Cabana/Lanai Rooms (36 guestrooms), while the existing Wilshire Tower and its 352 guestrooms would remain. The Project contemplated an overall reduction of 47 hotel rooms on the site. The Project also contemplated subterranean parking and removal of the existing above and below ground parking structure and the former Trader Vic's restaurant. The summary of existing facilities and the Proposed Project's components appears at Table 3.0-1 in the Draft EIR, and is incorporated herein by reference.

During Planning Commission deliberations and consideration of variations of the Project, the Commission requested certain revisions to the Project to address concerns of the Commission and to respond to certain adverse environmental impacts of the original proposal. The revised project is similar, but less intense than originally proposed Project.

At the conclusion of the Planning Commission's deliberations, the Commission considered a revised project consisting the following changes from the original proposal: a luxury hotel building of 12 stories in height and containing a maximum of 140 hotel rooms and a two-story restaurant element closer to the intersection of Santa Monica and Wilshire Boulevards. Further, the condominium building at the southeast corner of the intersection of Wilshire Boulevard and Merv Griffin Way (referred as Residence A Building) was removed and replaced with open space gardens, such that the only condominium building is at the northeast corner of the intersection of Santa Monica Boulevard and Merv Griffin Way at 16 stories and a maximum of 60 units. Other project modifications include revised access to the luxury hotel which increases the distance between the entry point and the intersection of Wilshire Boulevard and Santa Monica Boulevard, a revised conference center building, Poolside Residences, and increased landscaped setbacks from Wilshire Boulevard. The project as modified by the Planning Commission is referred to herein as the "Revised Project."

Between the analysis of the originally proposed Project and the analysis of the five project alternatives and two variations on the alternatives, as discussed in Section VIII below, the potential impacts of the Revised Project have been fully assessed, fully disclosed, and mitigated or avoided to the extent feasible.

#### **IV. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation.**

The City of Beverly Hills conducted an Initial Study in September 2006 to determine significant effects of the Project. In the course of this evaluation, certain impacts of the Project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant for the reasons set forth in the Initial Study, and were not analyzed in the Draft EIR (refer to Appendix A, Initial Study/Notice of Preparation, in the Draft EIR). Revisions to the Project, as described in Section III do not change the conclusions of the Initial Study.

##### **A. AESTHETICS**

1. The Project will not have a substantial adverse effect on a scenic vista.
2. The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

##### **B. AGRICULTURAL RESOURCES**

1. The Project will not 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.
2. The Project will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.
3. The Project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

##### **C. AIR QUALITY**

1. The Project will not create objectionable odors affecting a substantial number of people.

##### **D. BIOLOGICAL RESOURCES**

1. The Project will not 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.
2. The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or

regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

3. The Project will not 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.
4. The Project will not 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 native wildlife nursery sites.
5. The Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**E. GEOLOGY AND SOILS**

1. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
2. The Project will not result in substantial soil erosion or loss of topsoil.
3. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternatives wastewater disposal systems where sewers are not available for the disposal of wastewater.

**F. HAZARDS AND HAZARDOUS MATERIALS**

1. The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. The Project is not 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, and therefore will not result in a safety hazard for people residing or working in the project area.
3. The Project is not within the vicinity of a private airstrip, and therefore will not result in a safety hazard for people residing or working in the project area.
4. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

5. The Project will 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 vegetation.

**G. HYDROLOGY AND WATER QUALITY**

1. The Project will not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Map or other flood hazard delineation map.
2. The Project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows.
3. The Project will not 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.
4. The Project will not be subject to inundation by seiche, tsunami, or mudflow.

**H. LAND USE AND PLANNING**

1. The Project will not physically divide an established community.
2. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

**I. MINERAL RESOURCES**

1. The Project will not 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.
2. The Project will not 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.

**J. NOISE**

1. The Project is not located within an airport land use plan or within two miles of a public airport or public use airport, and thus would not expose people residing or working in the Project area to excessive noise levels from airport activities.
2. The Project is not located within the vicinity of a private airstrip, and thus would not expose people residing or working in the Project area to excessive noise levels from airstrip activities.

**K. POPULATION AND HOUSING**

1. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
2. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

**L. TRANSPORTATION AND TRAFFIC**

1. The Project will not 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 risk
2. The Project will not cause a four-way stop-controlled intersection operating at LOS A, B or C to operate at LOS D and increases the average delay by five seconds or more.
3. The Project will not cause a four-way stop-controlled intersection operating at LOS D to operate at LOS D and increases the average delay by four seconds or more.
4. The Project will not cause a four-way stop-controlled intersection operating at LOS E or F to operate at LOS F and increases the average delay by three seconds or more.
5. The Project will not cause a two-way stop-controlled intersection operating at LOS D or better to operate at LOS E or F.

**V. Effects Determined to be Less Than Significant Without Mitigation in the EIR.**

The EIR found that the proposed Project would have a less than significant impact without the imposition of mitigation on a number of environmental topic areas, listed below. A less than significant environmental impact determination was made for each of the following topic areas, based on the more expansive discussions contained in the EIR. Further, the project revisions described in Section III above do not change the following conclusions, except that impacts of the Revised Project may be reduced as compared to those of the originally proposed Project.

**A. AESTHETICS**

1. Development of the proposed Project would not create a new source of shade or shadow which would adversely affect existing shade/shadow sensitive structures or uses. Any potential impacts to sensitive land uses to the north of the Project site would be further reduced with the removal of the Residences A Building, which was closest in proximity to the northern properties.

**B. AIR QUALITY**

1. Development of the proposed Project would not interfere with the attainment of the federal or state ambient air quality standards by either violating or contributing to an existing or projected air quality violation.

2. Development of the proposed Project would not result in population increases within an area that would be in excess of that projected by SCAG in the AQMP, or increase the population in an area where SCAG has not projected that growth for the project's buildout year.
3. Development of the proposed Project would not generate vehicle trips that cause a CO hotspot and would not expose future occupants of patrons to a CO hotspot.
4. Development of the proposed Project would not have the potential to create, or be subjected to, an objectionable odor that could impact sensitive receptors.
5. Development of the proposed Project would not have hazardous materials on-site and could result in an accidental release of toxic air emissions or acutely hazardous materials posing a threat to public health and safety. Further, in the event that asbestos containing materials are discovered during demolition or renovation activities, compliance with SQAQMD's Rule 1403 regulating asbestos emissions from demolition and renovation activities will ensure that no significant impacts will result. SCAQMD's Rules apply to the Project, and the Applicant must comply with these rules. Because compliance with Rule 1403 ensures that any impact is less than significant, no mitigation is necessary. See also mitigation measures imposed to deal with the potential discovery of asbestos-containing materials, lead based paints, and other potentially hazardous materials.
6. Development of the proposed Project would not emit a toxic air contaminant regulated by SCAQMD rules or that is on a federal or state air toxic list.
7. Development of the proposed Project would not be occupied by sensitive receptors within one-quarter mile of an existing facility that emits air toxics identified in SCAQMD Rule 1401.
8. Development of the proposed Project would not emit carcinogenic or toxic air contaminants that individually or cumulatively exceed the maximum individual cancer risk of 10 in 1 million.

**C. GEOLOGY AND SOILS**

1. Development of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.
2. Development of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
3. Development associated with the proposed Project, in conjunction with other related cumulative projects, would not result in cumulatively considerable geology, soils, and seismicity impacts.

#### D. HAZARDS AND HAZARDOUS MATERIALS

1. Development of the proposed Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.
2. A Phase 1 Environmental Site Assessment completed in 2003 identified common moisture related growth (Cladosporium) in a majority of the mechanical rooms at the Project site. The 2003 assessment recommended the removal of this growth following elimination of moisture issues. In 2005, a follow-up Phase 1 Environmental Site Assessment, included in the Draft EIR as Appendix 4.5, was completed. The 2005 Assessment did not identify the presence of moisture intrusion or microbial growth. Therefore, no microbial growth impacts are expected and no mitigation is necessary.

#### E. HYDROLOGY AND WATER QUALITY

1. Development of the proposed Project would not 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 land uses for which permits have been granted). Incorporation of a graywater reuse system for substantial portions of the Revised Project would provide an alternate source for irrigation and certain other water demands associated with the project and will result in a reduced demand for water from other sources thus further reducing the potential impacts of the Project.
2. Development of the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.
3. Development of the proposed Project would not 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 that would result in flooding on- or off-site.
4. Development of the proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
5. Development of the proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (This threshold is from Appendix G, Utilities and Service Systems.)

## **F. NOISE**

1. Noise levels measured at off-site land uses would not exceed the 45 dB(A) interior noise threshold or 65 dB(A) exterior noise threshold contained in the State's guidelines. Based on this information, the proposed Project would not result in significant noise impacts if:
  - An increase of 3 dB(A) or greater in traffic noise levels that occurs from project-related activities would cause the noise compatibility thresholds for "normally acceptable" exterior or interior noise levels to be exceeded, or a 3 dB(A) increase in noise would occur to a land use experiencing levels above the noise compatibility threshold for "normally acceptable" (a noise level increase of less than 3 dB(A) under either of the previously described scenarios is not considered to be significant).
  - Increases in traffic noise greater than 5 dB(A) result even if the resulting noise levels are below the land use compatibility standards (an increase of 5 dB(A) or less in traffic noise levels that occurs from project-related activities would not be considered significant if the resulting noise levels remain below the "acceptable" thresholds).
  - Stationary noise sources proposed as part of the Project that could result in increases in noise levels at adjacent land uses would exceed the land use compatibility standards
2. Use of the proposed subterranean parking structures would not result in audible noise at on- or off-site locations, since parking structure noise would be masked by traffic noise on nearby roadways. On- and off-site noise impacts associated with the parking structures would be less than significant.

## **G. POPULATION AND HOUSING**

1. Development of the proposed Project would not induce population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Further the significant reduction in the number of condominium units contemplated in the Revised Project further ensures that impacts in this regard would be less than significant.

## **H. FIRE PROTECTION**

1. Development of the proposed Project would not create a demand for additional fire stations, department personnel, and/or equipment.

## **I. POLICE PROTECTION**

1. Development of the proposed Project would not increase demand for the level of police protection that would reduce the level of protection services.

2. Development of the proposed Project would not create a demand for additional police stations, department personnel, and/or equipment.

**J. SCHOOLS**

1. Development of the proposed Project would not result in a significant impact to school services because the Project would not substantially increase demand for the level of school services or create a substantial need for additional schools in the area. Further, payment of statutory school fees would address the incremental demand for school services generated by the residential component of the project. Reduction in the number of residential units as contemplated by the Revised Project would further reduce demand for school district services and reinforces that the potential impacts would be less than significant.

**K. RECREATION AND PARKS**

1. Development of the proposed Project would not result in a significant impact on recreation and parks because the proposed Project would not increase demand for the level of parks services or create a substantial need for additional parks in the area. Further, the Revised Project has less residential units and more open space/gardens that would provide recreational opportunities. As such, no significant impacts are expected.

**L. LIBRARY SERVICES**

1. Development of the proposed Project would not be considered to have a significant impact on library services because it would not increase demand for the level of library services or create a substantial need for additional libraries in the area. The Revised Project, with even less residential dwelling units, would make the impact even further below the level of significance.

**M. TRANSPORTATION AND TRAFFIC**

1. Development of the proposed Project would not cause a significant impact for intersections within the City of Beverly Hills, since the proposed Project would not cause an increase in V/C ratio of equal to or greater than 0.040 at a signalized intersection operating at LOS D during a peak hour for with project traffic condition.
2. Development of the proposed Project would not cause a significant impact for intersections within the City of Beverly Hills, since the proposed Project would not cause an increase in V/C ratio of equal to or greater than 0.020 at a signalized intersection operating at LOS E or F during a peak hour for with project traffic condition.

3. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 25 percent or more on a residential street with a daily traffic volume of less than 3,750.
4. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 12.5 percent or more on a residential street with a daily traffic volume of between 3,750 and 6,750.
5. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 6.25 percent or more on a residential street with a daily traffic volume of more than 6,750.
6. Development of the proposed Project would not cause a significant impact on a Congestion Management Plan (CMP) intersection, since the proposed Project would not cause the V/C ratio to increase by two percent or more, causing the V/C ratio to increase beyond 1.00 (LOS F).
7. Development of the proposed Project would not cause a significant impact for alternative forms of transportation, since the proposed Project would not conflict with adopted policies, plans, or programs supporting alternative transportation.
8. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not disrupt existing pedestrian facilities. This can include adding new vehicular, pedestrian or bicycle traffic to an area experiencing pedestrian safety concerns such as an adjacent crosswalk or school, particularly if the added traffic reduces the number of pedestrian acceptable gaps at un-signalized crossings or cause queues to spillback through pedestrian crossings.
9. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not interfere with planned pedestrian facilities. In existing and/or planned urbanized areas, main streets or pedestrian districts, this can include impacts to the quality of the walking environment.

10. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not conflict with or create inconsistencies with adopted pedestrian system plans, guidelines, policies or standards.
11. Development of the proposed Project would not cause a significant impact since the proposed Project would not fail to provide adequate accessibility for service and delivery trucks on-site, including access to truck loading areas.
12. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not design parking areas that fail to meet City standard design guidelines.
13. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not fail to provide a sufficient quantity of on-site parking for vehicles.
14. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not increase off-site parking above that which is provided in the immediate project area.
15. Development of the proposed Project would not cause a significant impact for risk of off-site intersection collision, since the proposed Project would not change off-site intersection location, geometrics, or traffic control devices, resulting in obstructed sight distance, over-reduced lane width, removal of exclusive left-turn or right-turn lanes, unsafe timing and phasing designs, or other safety deficiencies. The Project proposes a number of circulation improvements, as set forth in Section 4.11.6 of the Recirculated Draft EIR. The planned improvements, along with the project driveways that conform to industry and City standards, will not cause significant impacts with respect to traffic safety. Further, the access point to the new luxury hotel has been set back further from the intersection of Wilshire Boulevard and Santa Monica Boulevard in the Revised Project in order to further enhance safety.
16. Development of the proposed Project would not cause a significant for risk of off-site intersection collision, since the proposed Project would not increase conflicting traffic at intersections where the accident rate exceeds the statewide average.
17. Development of the proposed Project would not cause a significant impact for risk of off-site intersection collision, since the proposed Project would not increase the number of pedestrians or bicyclists crossing at intersections where pedestrian/bicyclist-related traffic collisions already exist.

**N. SOLID WASTE**

1. Development of the proposed Project would not be served by a landfill without sufficient permitted capacity to accommodate the Project's solid waste disposal needs.
2. Development of the proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

**O. ENERGY**

1. Development of the proposed Project would not result in a substantial increase in energy demand relative to the availability of supply.

**VI. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level.**

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of light and glare; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; fire and emergency services; transportation, traffic and circulation; water; wastewater; and energy. With the exception of the specific impacts as discussed in Section VI below, measures were identified that would mitigate all of these impacts to a less than significant level.

The City Council finds that the feasible mitigation measures for the Project identified in the Final EIR would reduce the Project's impacts to a less than significant level, with the exception of those unmitigable impacts discussed in Section VI below. The City Council adopts all of the feasible mitigation measures for the Project described in the Final EIR as conditions of approval of the Project and incorporates those into the Project. Further, the project revisions described in Section III above do not change the following conclusions, except that impacts of the Revised Project may be reduced as compared to those of the originally proposed Project.

**A. AESTHETICS**

**1. Visual Character and Quality**

New residential land uses on the Project site where none currently exist, increased development intensity, and building heights would conflict with General Plan Land Use Element Objective 3, "Areas of Transitional Conflict," and Objective 4, "Scale of the City," and with Land Use Element development criteria recommending compatibility between commercial and residential areas. This would alter the visual character and quality of the site and its surroundings and is a potentially significant impact.

**(a) Findings**

Changes or alterations have been required in or incorporated into the Revised Project which substantially lessen certain significant impacts identified in the EIR to less than significant levels.

**(b) Facts in Support of Findings**

Project implementation would introduce new buildings and land uses and substantially increase development density and building heights on the Project site as compared to the existing conditions. The Project would alter the visual character and quality of the site and its surroundings, which is a potentially significant impact. Nonetheless, the Project is consistent with the General Plan, as proposed to be amended in conjunction with this Project. The Planning Commission modified the Project to reduce the levels of impact, even though some of the impacts remain significant, as discussed in Section VII below. The modifications that reduce the effects include removal of the Residence A building which was closest to the residential neighborhood to the north, increasing the setback of the taller portions of the new luxury hotel a substantial distance from the intersection of Wilshire and Santa Monica Boulevards, increasing the amount of landscaped setback areas along Wilshire Boulevard, and increasing the amount of garden and open-space at the intersection of Merv Griffin Way and Wilshire Boulevard.

In total the revisions to the Project required by the Planning Commission, and specifically including removal of Residence Building A and the increased setback of the East hotel tower from Wilshire Boulevard, are found to mitigate to less than significant levels the potentially significant visual character and quality impact along Wilshire Boulevard, which is the most visually sensitive frontage of the Project site and the most sensitive with respect to land use compatibility with the school, park and residential uses to the north.

## 2. Views

Evaluation of views from ten viewpoints showed that impacts would be less than significant at eight viewpoints. Project implementation would adversely affect views of The Beverly Hilton from the intersection of Wilshire and Santa Monica Boulevards (Viewshed Four) and west-facing panoramic views from the hotel's Wilshire Tower guestrooms (Viewshed 10). These are potentially significant impacts.

### (a) *Findings*

Changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR such that the impacts are less than significant.

### (b) *Facts in Support of Findings*

The luxury hotel building incorporated into the Revised Project would be limited to two stories and 45 feet at the intersection, 11 stories and 120 feet farther from the intersection, and 14 stories and 150 feet at its western end. It would be separated from Wilshire Boulevard by a landscaped building setback. Therefore, the Waldorf Astoria Hotel building would no longer significantly obstruct views of the Wilshire Tower building from this intersection. The New Beverly Hilton Hotel Rooms building would obstruct views of the lower floors of the hotel, but would not obstruct the view of the Wilshire Tower from the intersection. Farther west, the new Residence A building would have been just visible, however that building is not part of the Revised Project. The revisions to the new luxury hotel building include increased setbacks from the intersection of Santa Monica Boulevard and Wilshire Boulevard, and reduction in the footprint of the taller portion of the building to preserve a greater portion of the view corridor through which views of the Wilshire Tower are enjoyed from the intersection. Further, removal of Residence Building A maintains the visibility of the Wilshire Tower when approaching the site from on Wilshire Boulevard from the west. Partial obstruction of hotel views from this vantage point by the Waldorf Astoria Hotel building and New Beverly Hilton Hotel Rooms building is no longer considered a significant impact due to project revisions.

Project implementation would also change views from some guestrooms on the upper floors of the hotel's existing Wilshire Tower, which will continue to occupy the center of the Project site. Views north across Beverly Hills and toward the Santa Monica Mountains would be largely unchanged, since proposed development along the north side of the Project site, along Wilshire Boulevard, would be limited to three stories and 45 feet in height, and even less height under the Revised Project. Views to the south would also remain largely unchanged. Panoramic views east would be partially obstructed by the proposed Waldorf Astoria Hotel building following project implementation, but building alignment limits obstruction to less than significant and panoramic views remain from these wings of the Wilshire Tower. Further, panoramic views west from guestrooms in the north and southwest wings of Wilshire Tower would have been substantially obstructed by the Residence A building, which is not contemplated by the Revised Project. Further, the existing above ground parking structure on the site obstructs views westward from 5 stories of rooms that might otherwise have views through the parking structure area. Therefore, the incremental impact of the Residence building of the Revised Project is less than significant because most of the views through this portion of the site are obstructed under existing conditions. The Revised Project, which includes the removal of the Residence A building, would eliminate impacts to views through that portion of the site, and the remaining Residence building results in only incremental impacts to those already existing because of the existing parking structure and that incremental impacts is not significant with the Revised Project..

## B. LIGHT AND GLARE

The Project's potential in regard to aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 4.1.2, Light and Glare, of the Draft EIR. Identified impacts include operational and cumulative aesthetic, light, and glare impacts.

### 1. Operational Impacts

The EIR analyzes in detail the potential of the Project's operational activities to impact the visual character of the Project site and the surrounding area and to introduce new sources of light and glare. Project implementation would introduce new light sources on the Project site. While the proposed revitalization of The Beverly Hilton-site, and the associated lighting, are consistent with existing development in the area, the building alignment on the Property, which focuses taller buildings on the southern side of the site closer to the Santa Monica Boulevard frontage, minimizes any potential impact on adjacent residential and institutional property to less than significant.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-LG-1 Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the Project site, to prevent light spillover onto adjacent properties or roadways.

#### (b) *Facts in Support of Findings*

Project implementation would increase ambient nighttime light levels on the Project site, and illuminated

buildings and outdoor areas would be visible from some off-site vantages. However, the nearest residential properties are more than 100 feet to the north, across Wilshire Boulevard and north of Beverly Gardens Park, and project light sources are not expected to raise ambient light levels on those properties by more than one foot-candle. The Project would therefore comply with Municipal Code regulations governing residential lighting. While a number of Project features are proposed to reduce the visibility of light sources from off-site, the potential still exists for unshielded or misdirected light sources to adversely affect nighttime views. With implementation of mitigation measure MM-LG-1, which would reduce the potential for off-site light spillover, Project lighting would not adversely affect nighttime views and impacts would be less than significant.

## 2. Cumulative Light and Glare Impacts

Development of the proposed Project, in conjunction with related cumulative projects, could result in significant cumulative light and glare impacts.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-LG-1 Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the Project site, to prevent light spillover onto adjacent properties or roadways.

### (b) *Facts in Support of Findings*

The proposed redevelopment of the former Robinsons-May property at 9900 Wilshire Boulevard, immediately west of The Beverly Hilton property, would increase nighttime light levels on that site over existing levels and those associated with operations of the former department store, and would contribute to higher ambient nighttime light levels in the project vicinity. The 9900 Wilshire project would introduce development with maximum intensity of two tall residential condominium buildings, two four-story (48-foot) loft residential buildings, and a commercial building on Santa Monica Boulevard. The residential and commercial buildings would be lighted at night, with interior and exterior building illumination visible from off site. However, based on Planning Commission recommendations, the 9900 Wilshire development would contain fewer buildings and thus fewer light sources.

Both projects would be required to comply with Municipal Code requirements governing light spillover onto residential properties. As previously stated, a lighting program is proposed for The Beverly Hilton Revitalization Project that contains a number of features to reduce the potential for light spillover onto off-site properties. Implementation of mitigation measure MM-LG-1 would further reduce the potential for light spillover and adverse effects on nighttime views. For these reasons, light sources proposed as part of The Beverly Hilton Revitalization Project would constitute a less than considerable, and therefore not significant, incremental contribution to light levels and impacts on nighttime views when considered together with the 9900 Wilshire project.

Building materials proposed for The Beverly Hilton Revitalization Project would be low-reflectivity and are intended to minimize glare, and new development would be set back from surrounding roadways.

The Project's contribution to cumulative glare impacts is less than considerable with implementation mitigation measure MM-LG-1, and therefore is not significant. The level of impact would be further reduced due to the recommended removal of Residence Building A in the Revised Project.

## C. CULTURAL RESOURCES

The Project's potential impacts on cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.3, Cultural Resources, of the Draft EIR. Identified impacts include historical, archeological, and paleontological resources.

### 1. Historical Resources - Street Lights

Sixteen potentially historic street lights are located adjacent to The Beverly Hilton-site; nine are located along Wilshire Boulevard and seven are located along Santa Monica Boulevard. These street lights are potentially eligible for local listing or designation as historic resources. Removal of these street lights would result in a potentially significant impact.

#### (a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-CR-2 Potentially historic street lights adjacent to the Project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

#### (b) Facts in Support of Findings

The potential cultural resources impacts to the potentially historic street lights from construction and operational activities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR. Implementation of mitigation measure MM-CR-2 requiring removal and reinstallation of the lights adjacent to the Project site would reduce this potentially significant impact to a less than significant level.

### 2. Historical Resources – Sign Posts

Three potentially historic sign posts are located between Wilshire and Santa Monica Boulevards along Merv Griffin Way. These sign posts have not been formally surveyed or evaluated and are currently considered potential historical resources. Removal of the signs would constitute a potentially significant impact.

#### (a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

CR-3 Potentially historic sign posts adjacent to the Project site on Merv Griffin Way shall be preserved and reinstalled in approximately the same locations, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

(b) *Facts in Support of Findings*

Three potentially historic sign posts are located between Wilshire and Santa Monica Boulevards along Merv Griffin Way. While their removal would not be a substantial adverse change under the City's Threshold of Significance, Mitigation Measure MM-CR-3 requires that these sign posts be preserved and reinstalled along Merv Griffin Way to ensure impacts are less than significant.

3. Archaeological Resources

No archaeological resources or human remains are known to have been discovered on the Project site during previous disturbances. However, excavation activities have the potential to result in a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5, as well as the potential to disturb human remains. This is a potentially significant impact.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

CR-4 If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5(f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.

CR-5 If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5(d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human

burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.

*(b) Facts in Support of Findings*

No archaeological resources are known to have been discovered on the Project site during the extensive disturbances associated with development of the structures presently existing on the Project site. However, the additional excavation of the Project site necessary to develop the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources that may exist. In the event of an unexpected disturbance, significant impacts on archaeological resources could occur. Implementation of mitigation measures MM-CR-4 and MM-CR-5 would reduce potentially significant impacts to a less than significant level.

4. Paleontological Resources

The EIR analyzes in detail the potential of the Project's construction and operational activities to impact the paleontological resources of the Project site and the surrounding area. No paleontological resources are known to have been discovered on the Project site during previous construction disturbances. However, excavation of the site for development of the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-CR-6 In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

*(b) Facts in Support of Findings*

The potential cultural resources impacts from construction and operational activities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR. No paleontological resources are known to have been discovered on the Project site during the extensive disturbances associated with development of the structures presently existing on the Project site. However, the additional excavation of the Project site necessary to develop the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources that may exist. In the event of an unexpected disturbance, significant impacts on paleontological resources could occur. Implementation of mitigation measure MM-CR-6 would reduce potentially significant impacts to a less than significant level.

4. Cumulative Impacts

Development of the proposed Project, in conjunction with related cumulative projects, could result in significant cultural resources impacts.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the implementation of mitigation measures MM-CR-2 through MM-CR-6, as described above, imposed upon the Project mitigate impacts to less than significant levels.

*(b) Facts in Support of Findings*

With implementation of mitigation measures MM-CR-2 and MM-CR-3, impacts related to street lights and sign posts would be less than significant because the lights and signs associated with this Project would be integrated into the Project, thus not contributing to a significant cumulative impact.

With implementation of the recommended mitigation measure, MM-CR-4 and MM-CR-5, project and cumulative impacts related to archaeological impacts would be less than significant. Similar requirements are imposed on other cumulative projects under the City of Beverly Hill's jurisdiction further ensuring that cumulative impacts would remain less than significant.

With implementation of the recommended mitigation measure, MM-CR-6, project and cumulative impacts related to paleontological impacts would be less than significant. A similar requirement is imposed on other cumulative projects under the City of Beverly Hills' jurisdiction further ensuring that cumulative impacts would remain less than significant.

**D. GEOLOGY AND SOILS**

The Project's potential in regard to geology and soils impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.4, Geology and Soil, of the Draft EIR. Identified impacts include seismic groundshaking, ground failure, and expansive soils.

**1. Seismic Groundshaking**

Several active faults are located within 10 miles of the Project site; as such, the Project site may be subject to strong ground shaking in the event of an earthquake. Therefore, people and structures may be exposed to potential adverse effects from seismic groundshaking.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-GEO-1 The proposed Project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.

*(b) Facts in Support of Findings*

The potential geological impacts from construction and operational activities of the proposed Project have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Draft EIR. Recommendations and specifications of the geotechnical investigation, as well as compliance with all City Building and Safety standards and requirements, would guide the design and construction of the proposed Project, and are intended to mitigate seismic impacts. In addition, the Project would be required to conform to the latest edition of the UBC, which includes design measures to mitigate against seismic hazards. The UBC and City of Beverly Hills building standards would be enforced through review of plans and inspection of structures during construction. By incorporating recommendations of the Report of Geotechnical Investigation, included in the Draft EIR as Appendix 4.4, as required through implementation of mitigation measure MM-GEO-1, and complying with the UBC and City of Beverly Hills standards, project impacts related to groundshaking would be less than significant.

2. Seismic-Related Ground Failure

While the Project site is not located within a designated Liquefaction Hazard Zone, due to the shallow depth of groundwater and required excavation activities, there is the potential for the Project to be constructed on a geologic unit or soil that is unstable or could become unstable as a result of construction-related activities. This impact is potentially significant.

*(a) Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure MM-GEO-1, discussed above, imposed upon the Project mitigates impacts to less than significant levels.

*(b) Facts in Support of Findings*

The Seismic Hazard Evaluation of the Beverly Hills Quadrangle, as published by the California Geological Survey, indicates that the Project site is not within a State of California-designated Liquefaction Hazard Zone. Due to the shallow depth of groundwater encountered at between 26 and 42 feet below ground surface, dewatering activities on the Project site would be required during construction of the subterranean parking garage. Based on the depth to groundwater and the density of the subsurface materials at the site, the site is not considered susceptible to liquefaction. The proposed structures would be designed and constructed in conformance with all applicable local, state, and federal regulations, such as the UBC. The UBC and City of Beverly Hills building standards would be enforced through review of plans and inspection of structures during construction, and would reduce potential risks to the proposed Project associated with seismic-related ground failure.

The depth of the proposed subterranean parking could be below groundwater levels as they fluctuate over time. All structures planned below groundwater level would be waterproofed and designed to withstand the hydrostatic pressure associated with high groundwater levels. Alternately, a permanent dewatering system may be installed to maintain the groundwater at a depth below the proposed structures to relieve hydrostatic pressure. The Applicant must comply with all aspects of the City's dewatering ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code. Consistent with mitigation measure MM-Hydro-1 of Section 4.6 of the Draft EIR, dewatering activities would require an NPDES Permit for Groundwater Discharge from the Los Angeles Regional

Water Quality Control Board ("LARWQCB").

Site-specific geology or soils conditions may be encountered during project construction that are not addressed by the UBC or City building standards and that could expose people or structures to potentially significant impacts related to ground failure. With incorporation of the recommendations contained in the Report of Geotechnical Investigation prepared for the Project, as required through implementation of mitigation measure MM-GEO-1, impacts related to seismic-related ground failure would be reduced to less than significant.

3. Expansive Soils

Upper soils on the Project site have low to medium expansive potential. Additionally, the shallow depth of groundwater on the site has the potential to result in significant geologic and soils impacts.

(a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure MM-GEO-1, discussed above, imposed upon the Project mitigates impacts to less than significant levels.

(b) *Facts in Support of Findings*

Soils on-site have a low to medium expansion potential. The below-grade parking structures planned would be constructed to a depth of approximately 40 feet below grade. Groundwater was measured at 26 to 42 feet below ground surface, but the historic water level has reached 30 feet. As the depth of groundwater has been known to fluctuate to up to 30 feet below grade, it is likely that expansive soils would impact the proposed structures at some future point, which is considered a significant impact. However, as the proposed Project would be designed and constructed in conformance with recommendations included within the Report of Geotechnical Investigation and all applicable local, state, and federal regulations, such as the UBC, consistent with mitigation measure MM-GEO-1 above, impacts to life and property from expansive soils would be less than significant.

**E. HAZARDS AND HAZARDOUS MATERIALS**

The Project's potential in regard to hazards and hazardous materials that can be mitigated or are otherwise less than significant is discussed in Section 4.5. Hazards and Hazardous Materials, of the Draft EIR. Identified impacts include asbestos, lead paint, PCBs, and hazardous materials within a quarter mile from a school.

1. Asbestos - Lead Paint - PCBs

The Phase I Environmental Site Investigation (EIR Appendix 4.5) indicated a moderate potential for the existing building materials to contain asbestos. All asbestos containing materials would be removed and disposed of prior to demolition or renovation in accordance with the requirements of SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities.

The Phase I Environmental Site Assessment also indicated that suspect lead-based paint and old unused fluorescent light ballasts potentially containing PCBs exist on the Project site. Construction activities therefore have the potential to temporarily result in upset and/or accident conditions involving the accidental release of hazardous materials into the environment.

Operation of the proposed Project would not include uses with the potential to generate large quantities of hazards and/or toxic materials, and thus would not have a high potential to cause fires or result in accidents from hazardous materials or substances.

**(a) Findings**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

HAZ-1 The sampling of all suspect asbestos-containing materials (ACMs) such as roofing, wall finishes and non-friable floor finishes, shall be conducted prior to demolition. If the suspect ACMs are confirmed to contain asbestos, their removal in accordance with applicable regulations shall be necessary prior to impact by renovation or demolition activities.

HAZ-2 Construction activities shall comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. This Rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of ACMs generated or handled during these activities. The Rule requires that SCAQMD be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site shall be removed prior to demolition or renovation in accordance with the requirements of Rule 1403.

HAZ-3 Prior to demolition activities, the sampling of suspect materials for lead content shall be conducted. If these surfaces are determined to contain concentrations of lead at or above regulatory limits, their removal by a licensed abatement contractor in accordance with applicable regulations shall be necessary prior to demolition or renovation activities.

HAZ-4 During demolition or renovation activities, the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by the California Occupational Health and Safety Administration (Cal/OSHA), Title 8, California Code of Regulations (CCR), Construction Safety Orders for Lead, Section 1532.1.

HAZ-5 The demolition debris waste stream shall be analyzed for lead content during materials separation to ensure compliance with U.S. Environmental Protection Agency (EPA) regulations related to transportation and disposal of hazardous materials.

HAZ-6 All personnel workers potentially exposed to lead-containing materials shall be trained and protected in accordance with federal OSHA regulations.

HAZ-7 Fluorescent light ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement "No PCBs," the ballast(s) shall be properly removed by a licensed PCB removal contractor and disposed of as PCB-containing waste prior to demolition.

**(b) Facts in Support of Findings**

Project implementation would demolish some existing buildings and structures on the Project site. Previous asbestos surveys have identified ACMs on the Project site and the Phase I ESA Update indicates a moderate potential for existing building materials to contain asbestos. Although a number of known ACMs have been abated on the site, some materials have not been sampled for asbestos content. Without mitigation, demolition involving ACMs could result in the release of asbestos into the environment, resulting in a significant hazardous impact.

Construction activities would be required to comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. SCAQMD Rule 1403 was adopted in September 1989 and amended in April 1994. This Rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste generated or handled during these activities. The Rule requires SCAQMD to be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site must be removed prior to demolition or renovation in accordance with the requirements of Rule 1403. Project compliance with Rule 1403 would ensure that ACMs would be detected and disposed of appropriately. With compliance with Rule 1403 and incorporation of mitigation measures MM-HAZ-1 and MM-HAZ-2, potential impacts associated with ACMs would be reduced to a less than significant level.

Materials containing lead-based paints and glazes have been detected on the site, notably in ceramic tiles found throughout the premises. While some lead-containing materials on the site have been tested and removed, the potential exists for additional lead-containing materials to occur on-site. Demolition involving lead-containing materials could result in the release of lead into the environment, resulting in a significant hazardous impact. With incorporation of mitigation measures MM-HAZ-3 through MM-HAZ-6, potential impacts associated with lead-containing materials would be reduced to a less than significant level.

Based on the fact that on-site transformers are not likely to contain PCBs and that Southern California Edison (SCE) is responsible for ensuring that its transformers comply with all applicable regulations, these transformers are not anticipated to constitute a significant hazardous impact. However, PCBs may also be found in capacitors and fluorescent lighting unit ballasts. Given the construction dates of the on-site buildings (1953, 1959 and 1963), the potential exists for the presence of PCB-containing fluids in the fluorescent lighting unit ballasts on the site. The release of PCBs into the environment during demolition would result in a significant hazardous impact. Therefore, as required by mitigation measure MM-HAZ-7, ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement “No PCBs,” the ballast(s) shall be disposed of as PCB-containing waste. With incorporation of this mitigation, impacts associated with PCB-containing equipment would be less than significant.

## 2. Hazardous Materials within a Quarter-Mile of a School

El Rodeo Elementary School is located north and west of the Project site and across Wilshire Boulevard and therefore lies within 0.25 mile of the Project site. Construction activities have the potential to result in temporary upset and/or accident conditions involving the accidental release of hazardous materials into the environment. Operation of the proposed Project would not include uses with the potential to release hazardous materials or substances into the environment. Impacts would be less than significant.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures MM-HAZ-4 through MM-HAZ-7, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

*(b) Facts in Support of Findings*

El Rodeo Elementary School, a Beverly Hills Unified School District elementary school, is located northwest of the Project site and across Wilshire Boulevard and lies within one-quarter mile of the Project site. There are no proposed schools within one-quarter mile of the Project site. As indicated above, the presence of the aforementioned recognized environmental conditions could result in the release of hazardous substances during demolition without implementation of mitigation. Therefore, the Project could involve hazardous emissions within one-quarter mile of an existing school, which could result in a significant impact. With incorporation of mitigation measures MM-HAZ-1 through MM-HAZ-7 identified above, impacts associated with the release of hazardous materials during demolition activities within one-quarter mile of an existing school would be reduced to less than significant levels.

**F. HYDROLOGY AND WATER QUALITY**

The Project's potential in regard to hazards and hazardous materials that can be mitigated or are otherwise less than significant is discussed in Section 4.6, Hydrology and Water Quality, of the Draft EIR. Identified impacts include construction and operational impacts to surface water quality.

1. Surface Water Quality – Construction

During project construction, demolition and grading activities would expose soils to erosion and temporarily increase suspended solids in surface water flows originating on the Project site during a storm event. Additionally, dewatering may be necessary during excavation because of shallow groundwater, and could degrade downstream water quality through discharge of treated water into the City storm drain system. This could violate water quality standards and waste discharge requirements and is a potentially significant impact.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

MM-HYDRO-1 Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and SWPPP shall be prepared by the Applicant in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers and silt fences.

MM-HYDRO-2 Prior to issuance of any grading or building permits, the Project Applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

*(b) Facts in Support of Findings*

Consistent with mitigation measure MM-HYDRO-1, dewatering activities would require an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged to the City's storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters, thereby reducing water quality impacts associated with this activity to a less than significant level. Additionally, consistent with mitigation measure MM-HYRDO-2, prior to issuance of any grading or building permits, the Applicant must receive City approval of the SWPPP. Potential water quality impacts of development of the Project would be less than significant through the preparation and implementation of the SWPPP and best management practices (BMPs) as specified in the NPDES permit.

2. Surface Water Quality – Operations

Permanent dewatering of subterranean buildings and structures may be necessary and could degrade downstream water quality through discharge of treated water into the City storm drain system, in violation of water quality standards and waste discharge requirements. This is a potentially significant impact. Additionally, potential disposition of urban pollutants generated during operation of the proposed Project, including pollutants generated by motor vehicles and the maintenance of landscaped areas, could result in the potential for the Project to violate water quality standards and waste discharge requirements. This is a potentially significant impact.

*(a) Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant surface water quality effects as identified in the Draft EIR. Specifically, mitigation measures MM-HYDRO-1 and MM-HYDRO-2, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

*(b) Facts in Support of Findings*

Consistent with mitigation measure MM-HYDRO-1, dewatering activities occurring post-construction would have to adhere to an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged to the City's storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters thereby reducing stormwater quality impacts associated with this activity to a less than significant level. Additionally, consistent with mitigation measure MM-HYDRO-2, prior to issuance of any grading or building permits, the City must approve the SWPPP. Potential water quality impacts of development of the project would be less than significant through the preparation and implementation of the SWPPP and the BMPs as specified in the NPDES permit.

## G. NOISE

The Project's potential in regard to noise impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.8, Noise, of the Draft EIR. Identified impacts include interior and exterior noise levels generated by roadway traffic.

### 1. Mobile-Source Noise

Traffic noise generated on Santa Monica Boulevard, Wilshire Boulevard, and Merv Griffin Way in the future "with project" condition would approach or exceed the multi-family residential noise standard of 65 dB(A). This is a significant impact. Additionally, traffic noise along Santa Monica and Wilshire Boulevards would exceed the interior noise threshold of 45 dB(A) CNEL for on-site residential spaces even with compliance with Title 24 requirements. This is also a significant impact.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigates impacts to less than significant levels:

NOISE-2 The Applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the Applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

NOISE-3 The Applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the Applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

#### (b) *Facts in Support of Findings*

Implementation of MM-NOISE-2 would reduce exterior noise levels by 7 to 10 dB(A), depending on the

material(s) used, and would require an acoustical analysis prior to issuance of an occupancy permit to demonstrate that exterior livable spaces do not exceed state residential noise standards. As such, exterior noise levels for the proposed residential units and hotel rooms on floors 1 through 6 adjacent to Merv Griffin Way, Santa Monica Boulevard and Wilshire Boulevard would be less than significant with mitigation. Implementation of MM-NOISE-3 would reduce interior noise levels by 7 to 10 dB(A), depending on the material(s) used and would require an acoustical analysis prior to issuance of an occupancy permit to demonstrate that interior livable spaces do not exceed state residential noise standards. As such, interior noise levels for the proposed residential units on floors 1 through 6 adjacent to Santa Monica and Wilshire Boulevards would be less than significant with mitigation. Further, the City prepared and recirculated a revised noise study to consider the potential impacts of higher traffic counts at certain intersection. The revised noise section concluded that with mitigation, all potential noise impacts would be less than significant.

## H. FIRE PROTECTION AND EMERGENCY SERVICES

The Project's potential in regard to fire protection impacts that can be mitigated or are otherwise less than significant is discussed in *Section 4.10.1, Fire Protection and Emergency Services*, of the Draft EIR. Identified impacts include access and fire flow.

### 1. Access

The Beverly Hills Fire Department (BHFD) indicates that the proposed traffic signal at the intersection of Merv Griffin Way and Santa Monica Boulevard has the potential to slow emergency response times and inhibit access to the site. This is a potentially significant impact.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-FIRE-1 The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the BHFD to provide a safe response route and to decrease response times to emergencies.

#### (b) *Facts in Support of Findings*

Emergency access and circulation will be improved by the addition of a traffic signal at Merv Griffin Way and Santa Monica Boulevard. In response to the potential traffic impacts at the intersection and associated with implementation of the proposed Project, the BHFD has requested the installation of an Opticom device at the signal, which controls the light to facilitate the flow of emergency vehicles. This has been incorporated into the Draft EIR as MM-FIRE-1. With the ability to preempt the signal during an emergency response, the BHFD's ability to effectively respond to emergencies will be enhanced such that no significant impacts will result.

### 2. Fire Flow

The City Engineer has indicated that the fire flow of 1,000 to 1,500 gallons per minute (gpm) measured at

hydrants serving the Project site may not be adequate flow for the Project. This is a potentially significant impact.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-FIRE-2 The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the Project site. The Project Applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The Project Applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed Project.

(b) *Facts in Support of Findings*

The City Engineer recommends that the 8-inch and 10-inch sections of the line beneath Wilshire Boulevard, which feeds the hydrants, be upgraded to a 12-inch line in order to achieve sufficient fire flow for the Project and thereby meet the requirements outlined in the California Fire Code (Part 9 of Title 24). This has been incorporated into the Draft EIR as MM-FIRE-2. Implementation of the mitigations will ensure that adequate fire flows are available in the event that the BHFD must respond to a fire incident at the Project site.

I. **TRANSPORTATION, TRAFFIC, AND CIRCULATION**

The Project's potential traffic related impacts that can be mitigated or are otherwise less than significant are discussed in Section 4.11, Transportation, Traffic, and Circulation, of the Draft EIR. The traffic impacts that are reduced to less than significant levels include construction impacts, internal traffic control devices, and roadway feature design.

1. Construction Trucks

During the approximately 50-month construction period, the provisions of the Construction Management Plan would be followed. Trucks would exit the site and proceed west to I-405 along Santa Monica Boulevard. However, construction trucks could result in potentially significant impacts because trucks would be traveling along already congested roadways, trucks could deviate from designated travel routes, and the number of trucks required to access the Project site during excavation could be as many as 100 trucks per day. As such, construction trucks could result in potentially significant impacts.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially

lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

MM-TRAF-1 An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The Developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.

MM-TRAF-2 The Environmental Monitor shall proactively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The Developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance when impacts raise special concerns by members of the public.

MM-TRAF-3 The Construction Relations Officer shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the Project site, along Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard, to address day-to-day issues.

MM-TRAF-4 The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director.

MM-TRAF-5 The Developer shall revise and finalize the Draft Construction Traffic Management plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following:

- Maintain existing access for land uses in the proximity of the Project site during project construction;
- Schedule deliveries and pick-ups of construction materials for non-peak travel periods;
- Coordinate deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time;
- Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard;
- Construction equipment traffic from the contractors shall be controlled by flagman;
- Designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed Project;

- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets;
- Establish requirements for loading/unloading and storage of materials on the Project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses;
- Prior to submittal to the City of Beverly Hills, the Developer shall provide its Construction Traffic Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transportation Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan;
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the Project site and neighboring businesses; and
- Prohibit parking for construction workers except on the Project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive.
- Prior to submittal to the City of Beverly Hills, the Developer shall provide its Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include (1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, (2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and The Beverly Hilton projects, (3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, (4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible, and (5) prohibition on queuing of construction-related vehicles on public streets in the City.

MM-TRAF-6 The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the Project site. During demolition and construction activities when construction worker parking cannot be accommodated on the Project site, the Plan shall identify alternate parking locations for construction workers and specify the method of transportation to and from the Project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include, but are not limited to,

the following measures:

- All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets or in public parking structures;
- No parking for construction workers shall be permitted except within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and
- In lieu of the above, the Project Applicant/Construction Contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the Project site throughout the entire duration of demolition, excavation and construction activities.

*(b) Facts in Support of Findings*

Haul trucks would travel along Santa Monica Boulevard from the west and are not expected to use city streets. Santa Monica Boulevard is a major roadway used by trucks and other heavy vehicles on a consistent basis. Although the Applicant's preliminary Construction Management Plan provides truck staging areas and designates appropriate travel routes to access the site, the trucks could still have a potentially significant impact to the adjacent roadway network due to the following:

- Santa Monica Boulevard is one of the most congested roadways in the City of Beverly Hills and the City of Los Angeles;
- There is no guarantee that truck traffic will not deviate from the designated routes and use and impact other roadways when traveling to and from the site; and
- The number of trucks required to access the site during the excavation phase could be as many as 100 trucks per day.

Based on the above, the truck traffic from construction of the proposed Project could lead to temporary but significant construction-related traffic impacts. Given the above factors, the project-related impact is significant prior to the incorporation of mitigation. Incorporation of measures MM-TRAF-1 through MM-TRAF 6, would reduce impacts associated with truck and construction worker traffic to less than significant because these measures provide ongoing monitoring mechanisms, specific performance criteria (such as limitations on peak hour construction traffic) and parking plans that will reduce potentially significant construction traffic impacts to less than significant levels.

2. Delivery and Staging of Construction Equipment

Once equipment and materials are delivered, they would be stored on-site. Given the construction plan for the site, it is anticipated that the site will be able to accommodate staging and storage areas for the

construction materials and equipment and impacts associated with staging and storage would be less than significant. However, delivery of material and equipment could create impacts on the adjacent roadway network. Impacts associated with the delivery of material and equipment would be potentially significant.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures MM-TRAF-1 through MM-TRAF-6, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

(b) *Facts in Support of Findings*

An additional source of construction traffic would occur from the transportation of materials and equipment to and from the site. One example would be concrete, of which substantial quantities would be required for the proposed parking garage and the buildings on-site. Other materials could include plumbing supplies, electrical fixtures, wood and steel framing, and even items used in furnishing the new hotel rooms, restaurant, and condominiums. These materials would have to be delivered to and stored on the site. It is anticipated that these deliveries would occur through vehicles of various sizes, including small delivery trucks to cement mixer trucks, and possibly 18-wheel trucks.

Additionally, construction equipment would have to be delivered to the site. This equipment could include cranes, bulldozers, excavators, and other large items of machinery. It is anticipated that most of the heavy equipment would be transported to the site on large trucks such as 18-wheelers or other similar sized vehicles and would remain on-site until the piece of equipment is no longer needed.

The influx of this material and equipment could, without mitigation, create impacts on the adjacent roadway network based on the following considerations:

- There may be intermittent periods when large numbers of material deliveries are required such as when concrete trucks will deliver the needed material for the parking garage and the buildings;
- Some of the materials and equipment could require the use of large trucks (18-wheelers) which can create additional congestion on the adjacent roadways; and
- Delivery vehicles may need to queue temporarily on Merv Griffin Way as they enter onto and deliver their items to the Project site, however conditions of approval imposed on the Project prohibit queuing on adjacent public streets.

Once equipment and materials are delivered, they will be stored on-site. Given the construction plan for the site, discussed above, it is anticipated that the site will be able to accommodate staging and storage areas for the construction materials and equipment thus minimizing impacts to adjacent streets. Further, the mitigation measures preclude delivery of equipment during peak hours and prohibit queuing of delivery vehicles on Santa Monica Boulevard and Wilshire Boulevard to minimize traffic disruptions from such deliveries. Therefore, impacts associated with delivery and staging of materials and equipment would be less than significant.

### 3. Construction Worker Parking

Construction worker parking would be available on the Project site during all phases of construction, except during construction of the subterranean parking structure. Off-site worker parking would be provided during this phase of construction and shuttles would be provided to facilitate travel between these off-site parking locations and the Project site. The off-site construction worker parking could result in a potentially significant impact associated with workers parking closer to the Project site in adjacent residential neighborhoods. As such, mitigation is required to reduce this potential impact to a less than significant level.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures MM-TRAF-1 through MM-TRAF-6, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

#### (b) *Facts in Support of Findings*

Construction activity on the Project site could result in potentially significant, but temporary parking impacts. These impacts would result from potential construction worker parking spill-over. The Project Applicant has prepared a Construction Traffic Management Plan, which addresses the issues above. Mitigation includes preparation and submittal of a Construction Workers' Parking Plan (MM-TRAF-6) which requires off-site parking, shuttles, strict enforcement, prohibition of construction parking in adjacent neighborhood areas, retention of security personnel to enforce these restrictions, or in the alternative, providing parking on-site. The Project Applicant will provide construction worker parking on the Project site during all phases of construction, except during construction of the underground parking garages. During the project demolition and excavation phases, construction workers will park on those areas of the site that are not actively undergoing demolition or excavation. During the final construction phases, after the parking garage is completed, there will be sufficient parking for construction workers on-site.

Additionally, construction traffic would be controlled in accordance with City standards contained in the Beverly Hills Municipal Code. With implementation of mitigation as discussed above, submittal of and adherence to the Final Construction Management Plan, Construction Workers' Parking Plan, and the Municipal Code, potential traffic impacts from construction activities on the Project site would be less than significant.

### 4. Internal Traffic Control Devices

The site plans of the parking garage indicate that there will be some internal traffic control devices at the exits to the parking garage. In particular, there are several locations where stop lines are noted. However, there are no notations on the current site plan related to any internal traffic control devices within the Project site, either at the project entrances or exits or along the internal roadway provided by the Project. Therefore, impacts to on-site circulation would be potentially significant in the absence of internal traffic control devices.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

TRAF-7 The Project Applicant shall revise the Project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all Project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.

*(b) Facts in Support of Findings*

Mitigation, as described above, is included in order to reduce this potentially significant impact to a less than significant level. Incorporation of appropriate traffic controls before occupancy of any of the new buildings ensures that, upon installation, driveways will function in a safe and controlled manner, thus rendering any potential impacts less than significant.

5. Cumulative Construction Impacts

Construction activities, truck traffic, delivery of construction material and equipment, and construction worker parking from the proposed Project simultaneously with construction of the adjacent 9900 Wilshire project would result in cumulatively considerable and therefore potentially significant construction traffic impacts.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-TRAF-8 The Applicant for The Beverly Hilton Revitalization Plan project shall coordinate with the Applicant for the 9900 Wilshire project during all phases of construction regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures;
- All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The Applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;
- The Applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and
- The Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

*(b) Facts in Support of Findings*

The closest related project to the proposed Project would be the 9900 Wilshire project, which is located directly adjacent to the Project site to the west. Most of the remaining related projects are a sufficient distance from one another to reduce the potential for construction-related traffic at any one location from having an effect elsewhere. Construction phases of the 9900 Wilshire project are anticipated to overlap with construction phases of The Beverly Hilton Revitalization Plan.

Due to the proximity of the two projects, this construction overlap would result in an increase in truck traffic on surrounding roadways, which could potentially cause traffic disruptions. Although haul trucks would travel to the site along a City designated truck route, Santa Monica Boulevard, truck traffic from both projects could still have a potentially significant impact on the adjacent roadway network. Both Project Applicants have prepared draft Construction Management Plans that identify truck staging areas and designate appropriate travel routes to access the respective sites. Nonetheless, truck traffic from simultaneous construction at both Project sites could still result in a potentially significant impact to the roadway network adjacent to the sites. Based on the above and the proximity of the two projects, construction-related traffic impacts would be cumulatively significant.

An additional source of project construction traffic would occur from the transportation of materials and equipment to and from the site. These materials and equipment would have to be delivered to and stored on the site. It is anticipated that the deliveries would occur through variously sized vehicles including small delivery trucks to cement mixer trucks, and possibly 18-wheel trucks and the delivery of construction equipment would be through 18-wheel trucks. As discussed above, the transportation of materials and equipment during project construction could impact adjacent roadways because there may be intermittent periods when large numbers of material deliveries are required such as when concrete trucks will be needed for the parking garage and the buildings. Additionally, some of the materials and equipment could require the use of large trucks (18-wheelers) which can create additional congestion on the adjacent roadways. Also, delivery vehicles may need to queue temporarily on adjacent roadways such as Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way as they enter onto and deliver their items to the Project site.

The Project Applicant will provide construction worker parking on the Project site during all phases of construction, except during construction of the underground parking garages. Since construction phases of the proposed Project and the 9900 Wilshire project may overlap, construction workers from both projects could potentially park in areas adjacent to the site, the combination of which could result in a cumulatively significant impact.

With implementation of cumulative mitigation measure MM-TRAF-8, cumulative impacts associated with truck traffic, delivery of construction material and equipment, and construction workers parking would be reduced to less than significant.

No cumulatively considerable operational impacts associated with operation of the proposed Project in combination with identified related projects would occur to transportation, circulation, or parking.

## J. WATER

The Project's potential in regard to water service impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.12.1, Water, of the Draft EIR. Identified impacts include fire flow.

### 1. Fire Flow

According to the BHFD, although sufficient water supply exists to serve the Project, the fire flow of 1,000 to 1,500 gallons per minute from adjacent fire hydrants may be inadequate for the Project upon buildout. Further, the City Engineer has indicated that the fire flow may not be adequate for the Project. Impacts on fire flow are potentially significant.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-WTR-1 The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the Project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the Project site. The Project Applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The Project Applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed Project.

(b) *Facts in Support of Findings*

The City Engineer recommends that the 8-inch and 10-inch sections of the line beneath Wilshire Boulevard, which feeds the hydrants, be upgraded to a 12-inch line in order to achieve sufficient fire flow for the project and thereby meet the requirements outlined in the California Fire Code (Part 9 of Title 24). This has been incorporated into the Draft EIR as MM-WTR-1. With the incorporation of MM-WTR-1, impacts to water services would be less than significant. Implementation of the mitigation measure will ensure that adequate fire flows are available in the event that the BHFD must respond to a fire incident at the Project site.

**K. WASTEWATER**

The Project's potential in regard to wastewater service impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.12.2, Wastewater, of the Draft EIR. Potential impacts identified include wastewater flow.

1. Wastewater Flow

The proposed restaurant uses in new luxury hotel have the potential to contribute a heavier discharge of fats, oils, and grease into the sewer system than existing uses on the Project site. These substances could clog the system and potentially result in decreased wastewater flow rate, diminishing system capacity, which is considered a potentially significant impact.

(a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the potentially significant wastewater flow environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-WW-1 The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.

*(b) Facts in Support of Findings*

The Department of Public Works recommends the installation of a Fat, Oil and Grease (FOG) Interceptor to remove these substances from restaurant generated wastewater before the wastewater is discharged into the City's sewer system. With implementation of mitigation measure MM-WW-1, the impact to wastewater flow would be less than significant because compounds with the potential to cause adverse impacts to the system would be removed from the wastewater before it is discharged into the system.

**L. ENERGY**

The Project's potential in regard to energy service impacts that can be mitigated or are otherwise less than significant is discussed in *Section 4.12.4, Energy*, of the Draft EIR. Identified impacts include electricity and natural gas.

1. Electricity

The Project could require alterations to existing distribution facilities or the installation of new facilities or equipment such as transformers. This is a potentially significant impact.

*(a) Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant electricity related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates potential impacts to less than significant levels:

MM-ENG-1 Prior to submittal of final plans, the Applicant shall make necessary alterations to the generation or distribution system as required by SCE. The Applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE which states that electricity will be provided to the proposed Project and that all applicable energy conservation features have been incorporated into the project design.

*(b) Facts in Support of Findings*

The Project is estimated to result in a net increase of approximately 482,613 kWh in electricity demand compared to the existing hotel. Given that the Project's anticipated electricity demand would only be 15 percent higher than that of the existing hotel, it is not expected that major changes to the existing electricity system would be necessary. Nevertheless, the Project could potentially require alterations to existing distribution facilities or the installation of new facilities or equipment such as transformers, the

provision of which may result in a significant impact. However, with implementation of MM-ENG-1, which requires that the Applicant consult with SCE upon submittal of final plans, the impact to facilities would be less than significant. Further, the Project must comply with the City's green building criteria and intends to incorporate other energy efficient design features that will further reduce the Project's energy demand.

## 2. Natural Gas

Although the Project is projected to have a lower gas demand than the existing hotel, minor alterations to local distribution facilities, including conveyance infrastructure, may be required. This is a potentially significant impact.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant natural gas related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-ENG-2 Prior to submittal of final plans, the Applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The Applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed Project and that all applicable energy conservation features have been incorporated into the project design.

### (b) *Facts in Support of Findings*

The Gas Company currently has infrastructure in place to service the Project site. Additionally, the Gas Company has indicated that gas service to the Project could be provided without any significant impact on the environment. Despite the fact that the Project is projected to have a lower gas demand than the existing hotel, minor alterations to local distribution facilities, including conveyance infrastructure, may be required. The Gas Company has indicated that a load survey would be needed to determine if Project demand would exceed the capacity of any of its facilities or require new or altered facilities. However, a load survey can only be completed once plans detailing the quantity, British thermal unit (Btu) ratings, and use of gas consuming equipment on the Project site are submitted. Therefore, the provision that the Applicant shall consult with the Gas Company upon submittal of final plans to conduct a load survey and complete any necessary alterations to the conveyance and/or distribution system is included as mitigation. With incorporation of MM-ENG-2, impacts on natural gas facilities would be less than significant. Further, the Project must comply with the City's green building criteria and intends to incorporate other energy efficient design features that will further reduce the Project's energy demand.

## **VII. Environmental Effects that Remain Significant and Unavoidable After Mitigation.**

In the environmental areas of aesthetics, air quality, cultural resources, and land use and planning there are instances where environmental impacts would remain significant and unavoidable after mitigation. These areas are discussed below.

## A. AESTHETICS

### 1. Visual Character and Quality

New residential land uses on the Project site where none currently exist, increased development intensity, and building heights would conflict with General Plan Land Use Element Objective 3, "Areas of Transitional Conflict," and Objective 4, "Scale of the City," and with Land Use Element development criteria recommending compatibility between commercial and residential areas. This would alter the visual character and quality of the site and its surroundings and is a potentially significant impact.

#### (a) *Findings*

Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR, however, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR.

#### (b) *Facts in Support of Findings*

Project implementation would introduce new buildings and land uses and substantially increase development density and building heights on the Project site as compared to the existing conditions. Conflicts would remain with the Land Use Element Objective 3, Areas of Transitional Conflict, and Objective 4, Scale of the City. The Project would also conflict with Land Use Element development criteria for commercial areas that recommend new development complement the scale and character of adjacent residential areas. Accordingly the Project would alter the visual character and quality of the site and its surroundings, which is a potentially significant impact. Nonetheless, the Project is consistent with the General Plan, as proposed to be amended in conjunction with this Project. The Planning Commission modified the Project to reduce the levels of impact, including those along Wilshire Boulevard which have been reduced to less than significant levels as discussed in Section VI above, although other of the impacts remain significant. The modifications that reduce the effects include removal of the Residence A building which was closest to the residential neighborhood to the north, increasing the setback of the taller portions of the new luxury hotel a substantial distance from the intersection of Wilshire and Santa Monica Boulevards, increasing the amount of landscaped setback areas along Wilshire Boulevard, and increasing the amount of garden and open-space at the intersection of Merv Griffin Way and Wilshire Boulevard. Impacts along Santa Monica Boulevard remain significant and unmitigable.

The City's changing vision for this area of the City as being appropriate for higher density, taller buildings and mixed use development, constitutes both a social and an economic consideration that makes infeasible other mitigation and alternatives that may have less impact through less density. However, the project revisions discussed above, and in the Section VIII below, are feasible ways to lessen the severity of the impact. The Planning Commission, through the Revised Project, has addressed the issue to the extent feasible, although the impact remains significant.

### 2. Visual Character and Quality - Cumulative

The proposed Project, considered together with the 9900 Wilshire project, could result in cumulatively significant impacts on the visual character and quality of the project area.

#### (a) *Findings*

Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR, however, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR.

*(b) Facts in Support of Findings*

The proposed Project in combination with the adjacent 9900 Wilshire Boulevard project would result in changes to existing land uses in the City of Beverly Hills, as well as along the Wilshire Boulevard and Santa Monica Boulevard corridors, through the conversion of lower-density uses to higher-density uses. As with the proposed Project, the adjacent 9900 Wilshire project would introduce new tower buildings that would result in visual and height incompatibilities with surrounding land uses. The proposed Project, in combination with this neighboring project, would substantially alter the visual character of the surrounding area and would therefore result in cumulatively considerable aesthetic impacts. Therefore, The Beverly Hilton Revitalization Project would result in a cumulatively considerable, and therefore significant, contribution to cumulative impacts on the visual character of the Project site and surroundings, when considered together with related projects. However, the Project has been modified, as discussed into foregoing Section III of this Resolution, including removal of Residence Building A, to substantially lessen the impacts. The cumulative impact, however, remains significant. The City's changing vision for this area of the City as being appropriate for higher density development is a social and an economic consideration that make infeasible other mitigation or alternatives that may have less impact through less density. Further, while the cumulative impacts of the projects remain significant, the amendment to the General Plan designating the property as appropriate for higher intensity development and the Project's consistency with other elements, policies and objectives of the General Plan support the conclusion that the project and the Specific Plan are consistent with the General Plan.

The overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations and in the Findings regarding Alternatives provide additional facts in support of these findings.

3. Views - Cumulative

The proposed Project, considered together with the 9900 Wilshire project, could result in cumulatively significant impacts on valued panoramic views from the hotel's Wilshire Tower guestrooms.

*(a) Findings*

Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR, however, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR.

*(b) Facts in Support of Findings*

The 150-foot-tall Residence A and B buildings would partially obstruct west-facing views from the majority of the guestrooms in the north wing as well as some rooms in the southwest wing of the hotel's Wilshire Tower. Given the importance of views from Wilshire Tower guestrooms, this is considered a significant impact. Buildout of the 9900 Wilshire property with planned residential buildings would further block views to the west from Wilshire Tower guestrooms. The Beverly Hilton Revitalization Plan would, therefore, have a cumulatively considerable, and therefore significant, contribution to

cumulatively significant impacts on valued panoramic views from Wilshire Tower guestrooms. However, revisions to the Project, as discussed in Section III above, serve to reduce the severity of the impact, although it remains significant. Specifically, removal of the Residence A building reduces the level of impact on views enjoyed from portions of the Wilshire Tower. Further, the City's changing vision for this area of the City as being appropriate for higher density development is both a social and an economic consideration that makes infeasible other mitigations or alternatives that may have less density than the Revised Project.

The overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations and in the Findings regarding Alternatives provide additional facts in support of these findings. Any remaining, unavoidable significant effects after available Draft EIR mitigation measures are implemented are acceptable when balanced against the facts set forth therein.

## B. AIR QUALITY

### 1. Short-Term Construction Impacts

During the demolition, grading and excavation, and building construction phases of project construction, oxides of nitrogen emissions (NO<sub>x</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> would exceed established thresholds of significance, even with compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 – Fugitive Dust. This is a potentially significant impact.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures lessen the significant impact:

MM-AQ-1 The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of five minutes.

MM-AQ-2 The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.

MM-AQ-3 The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.

MM-AQ-4 The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.

MM-AQ-5 The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.

MM-AQ-6 The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.

MM-AQ-7 Prior to use in construction, the Project Applicant and contractor will evaluate

the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies such as particulate traps, selective catalytic reduction, oxidation catalysts, air enhancement technologies, etc., will be evaluated. These technologies will be required if they are verified by the California Air Resources Board (ARB) and/or the U.S. Environmental Protection Agency (EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.

MM-AQ-8 The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 miles per hour or less.

MM-AQ-9 The Contractor shall ensure that the Project site is watered at least three times daily during dry weather.

MM-AQ-10 The Contractor shall install wind monitoring equipment on-site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 miles per hour per SCAQMD guidelines.

MM-AQ-11 The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).

MM-AQ-12 The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

MM-AQ-13 The Contractor shall replace ground cover in disturbed areas as quickly as possible.

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM10 concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall

be approved by the third-party air quality consultant and the Community Development Director.

- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.
- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM10 thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall

include, but not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A). See above. See above. See above.
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as to minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

*(b) Facts in Support of Findings*

Project implementation would incorporate required mitigation measures, described above, and comply with other required City of Beverly Hills regulations that will reduce construction emissions. The intent

of these mitigation measures on potential health impacts is to reduce the incremental health impacts from Project construction. However, even with implementation of all feasible mitigation, construction of the Project would result in significant NO<sub>x</sub> emissions. While construction could be drawn out over a longer construction period to reduce daily NO<sub>x</sub> emissions, this would result in increased emissions over time for NO<sub>x</sub> and other pollutants due to the longer construction period, and therefore is found to be infeasible. However, taller construction enclosures have been required by the Planning Commission to help minimize off-site migration of particulate matter. Furthermore, CARB recently adopted an In-Use Off-Road Diesel Vehicle Control Measure that is aimed at reducing PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>x</sub> emissions from construction equipment and other diesel-fueled off-road vehicles. Certain vehicles would have to comply with the new regulation as early as 2010. This could also lead to further emissions reductions, thereby reducing incremental health impacts. Finally, in response to comments from the Beverly Hills Unified School District, the public and the Planning Commission, Mitigation Measures AQ-14 and AQ-15 have been added to require constant monitoring during the demolition and construction periods with specific requirements up to and including ceasing demolition or construction activity until the activity can be operated within the identified thresholds if the identified standards are exceeded. In addition, the monitoring information will be available to the City and the public. Finally, upon exceedance of the 24-hour or one-hour standards identified in measure MM-AQ-14, the City and the El Rodeo Elementary School Principal will be informed so that the School District can take steps it deems appropriate. The mitigation also requires a trained monitor to observe the construction-site for visible dust emissions. The additional mitigation measures are the most comprehensive monitoring system that is technically available and feasible to implement, and will provide real time information by comparing upwind (baseline) air quality to downwind air quality to determine if the project is creating unreasonably high concentrations of dust pollutants. With the information regarding the concentration of dust emissions generated, appropriate actions can be taken on the Project site to address the emissions. The types of actions to be taken are identified in the mitigation measures and will be formalized into an action plan to be approved by the City prior to demolition or construction can begin. Further, information will be provided to the School District so that it may take actions it deems appropriate in the event of exceedances of the standards. This mitigation reduces the likelihood and severity of a significant temporary impact on the school and nearby residential uses, but in light of existing air quality conditions and potential contributions from the Project construction activities, will remain significant.

## 2. Localized Significance Threshold (LST) – Construction

The Localized Significance Threshold (LST) analysis shows that maximum 24-hour PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are anticipated to exceed the SCAQMD threshold of significance at the nearest residential and sensitive receptors during construction.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures AQ-1 through AQ-15, discussed above, imposed upon the Project lessen the severity of the significant impact.

### (b) *Facts in Support of Findings*

The LST analysis shows that maximum 24-hour PM<sub>10</sub> concentrations are anticipated to exceed the threshold of significance established by SCAQMD at the nearest residential and sensitive receptors to the Project site. The maximum 24-hour PM<sub>2.5</sub> concentrations are also anticipated to exceed the threshold of

significance established by SCAQMD at the nearest residential and sensitive receptors to the Project site. The impacts suggest that PM<sub>10</sub> emissions could exceed the limitations in SCAQMD Rule 403. In response to comments from the Beverly Hills Unified School District, the public and the Planning Commission, Mitigation Measures AQ-14 and AQ-15 have been added to require constant monitoring during the demolition and construction periods with specific requirements up to and including ceasing demolition or construction activity until the activity can be operated within the identified thresholds if the identified standards are exceeded. In addition, the monitoring information will be available to the City and the public. Finally, upon exceedance of the 24-hour or one-hour standards identified in measure MM-AQ-14, the City and the El Rodeo Elementary School Principal will be informed so that the School District can take steps it deems appropriate. The mitigation also requires a trained monitor to observe the construction-site for visible dust emissions. The additional mitigation measures are the most comprehensive monitoring system that is technically available and feasible to implement, and will provide real time information by comparing upwind (baseline) air quality to downwind air quality to determine if the project is creating unreasonably high concentrations of dust pollutants. With the information regarding the concentration of dust emissions generated, appropriate actions can be taken on the Project site to address the emissions. The types of actions to be taken are identified in the mitigation measures and will be formalized into an action plan to be approved by the City prior to demolition or construction can begin. Further, information will be provided to the School District so that it may take actions it deems appropriate in the event of exceedances of the standards. This mitigation reduces the likelihood and severity of a significant temporary impact on the school and nearby residential uses, but in light of existing air quality conditions and potential contributions from the Project construction activities, will remain significant.

### 3. Cumulative Construction Impacts

In addition to the cumulative significance methodologies contained in SCAQMD's CEQA Air Quality Handbook, the SCAQMD staff has suggested that the emissions-based thresholds be used to determine if a project's contribution to regional cumulative emissions is cumulatively considerable. Individual projects that exceed the SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. The project's construction emissions would exceed the project-level threshold of significance for NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Because the Basin is nonattainment for ozone (NO<sub>x</sub> is a precursor to ozone), PM<sub>10</sub> and PM<sub>2.5</sub>, construction of the project would generate a cumulatively considerable contribution to air quality impacts in the Basin. This is considered a significant and unavoidable temporary impact.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures AQ-1 through AQ-15, discussed above, imposed upon the Project lessen the severity of the significant impact.

#### (b) *Facts in Support of Findings*

The proposed Project is consistent with regional growth projections, therefore the cumulative impacts during operation of the proposed Project are less than significant based on this criterion. However, the mitigated construction-related NO<sub>x</sub> emissions exceed the SCAQMD's recommended daily emission thresholds of significance. Additionally, localized impacts for PM<sub>10</sub> and PM<sub>2.5</sub> may exceed the SCAQMD

Localized Significance Thresholds. As the Basin is already designated as nonattainment for ozone (NO<sub>x</sub> is an ozone precursor), PM<sub>10</sub>, and PM<sub>2.5</sub>, project emissions that exceed the SCAQMD thresholds during construction are cumulatively considerable, and thus, are considered significant and unavoidable cumulative air quality impacts. However, in response to comments from the Beverly Hills Unified School District, the public and the Planning Commission, Mitigation Measures AQ-14 and AQ-15 have been added to require constant monitoring during the demolition and construction periods with specific requirements up to and including ceasing demolition or construction activity until the activity can be operated within the identified thresholds if the identified standards are exceeded. In addition, the monitoring information will be available to the City and the public. Finally, upon exceedance of the 24-hour or one-hour standards identified in measure AQ-14, the City and the El Rodeo Elementary School Principal will be informed so that the School District can take steps it deems appropriate. The mitigation also requires a trained monitor to observe the construction-site for visible dust emissions. The additional mitigation measures are the most comprehensive monitoring system that is technically available and feasible to implement, and will provide real time information by comparing upwind (baseline) air quality to downwind air quality to determine if the project is creating unreasonably high concentrations of dust pollutants. With the information regarding the concentration of dust emissions generated, appropriate actions can be taken on the Project site to address the emissions. The types of actions to be taken are identified in the mitigation measures and will be formalized into an action plan to be approved by the City prior to demolition or construction can begin. Further, information will be provided to the School District so that it may take actions it deems appropriate in the event of exceedances of the standards. These same requirements would be imposed on the 9900 Wilshire project, the most closely related cumulative project. Therefore, this mitigation imposed on both projects reduces the likelihood and severity of a cumulatively significant temporary impact on the school and nearby residential uses, but in light of existing air quality conditions and potential contributions from the Project construction activities, will remain cumulatively significant.

## C. CULTURAL RESOURCES

### 1. Historical Resources

The Project would demolish a portion of The Beverly Hilton property, including the Wilshire Edge building, Wilshire Boulevard pedestrian entrance, pool, and former Trader Vic's restaurant, all determined to be potentially eligible for listing on the National Register and California Register. Demolition is considered a substantial adverse change of the significance of an historical resource under Section 15064.5(b)(1) of the CEQA Guidelines, which would be a significant impact.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

CR-1 Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

Further, specific economic, social and other considerations make infeasible other mitigation and

alternatives.

**(b) Facts in Support of Findings**

Implementation of mitigation measure MM-CR-1 would reduce significant impacts on The Beverly Hilton-site, a historic resource scheduled for demolition, to the maximum extent practicable. However, demolition of portions of The Beverly Hilton, including the Wilshire Edge, the Wilshire pedestrian entrance, the pool, and the former Trader Vic's restaurant, and alterations to the Wilshire Tower resulting from the development of the New Beverly Hilton Hotel Rooms building on Wilshire Boulevard, would remain a significant and unavoidable impact.

The EIR contains an evaluation of the various historical components of The Beverly Hilton Hotel buildings, which is not on the California register of historic places. The evaluation fully discloses the potential impacts of the Project. Further, the EIR considered Alternative 5 – Preservation Alternative, which called for retention of the Wilshire Edge building, including the Trader Vic's restaurant, for adaptive reuse in conjunction with the future hotel operations. Alternative 5 was chosen as a means of reducing the significant impact on cultural resources resulting from demolition of portions of The Beverly Hilton Hotel. Although Alternative 5 would reduce the significant and unavoidable impact to cultural resources, significant unavoidable impacts would occur in the areas of aesthetics and views, air quality, land use and planning, noise, groundborne vibration, and construction traffic. However, as discussed below, Alternative 5 would compromise achieving the project objectives, including development of a new five-star hotel to serve the needs of the City of Beverly Hills. Further, the Project retains the signature Welton Becket designed Wilshire Tower, and the Revised Project enhances the presence of that structure on the site by maintaining and enhancing its visibility from Wilshire Boulevard. Mitigation measures reduce the impact to the extent feasible, but the impact remains unavoidable and significant.

**2. Cumulative Impacts**

The adjacent Robinsons-May building, which is planned for demolition as part of the 9900 Wilshire project, is considered a historic resource for purposes of CEQA. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.

**(a) Findings**

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant cumulative environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

CR-1 Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

Further, specific economic, social and other considerations make infeasible other mitigation and alternatives.

**(b) Facts in Support of Findings**

Implementation of mitigation measure MM-CR-1 would reduce significant impacts on The Beverly Hilton-site, a historic resource scheduled for demolition, to the maximum extent practicable. However, demolition of portions of The Beverly Hilton, including the Wilshire Edge, the Wilshire pedestrian entrance, the pool, and the former Trader Vic's restaurant, and alterations to the Wilshire Tower resulting from the development of the New Beverly Hilton Hotel Rooms building on Wilshire Boulevard, would remain a significant and unavoidable impact. A similar mitigation requirement would be imposed on the 9900 Wilshire project to reduce the overall cumulative impact, however, not to a less than significant level. Additionally, the proposed Project, in combination with the 9900 Wilshire project, would result in a cumulatively considerable, and therefore significant, contribution to cumulative impacts on cultural resources.

The EIR contains an evaluation of the various historical components of The Beverly Hilton Hotel buildings, which is not on the California register of historic places. The evaluation fully discloses the potential impacts of the Project. Further, the EIR considered Alternative 5 – Preservation Alternative, which called for retention of the Wilshire Edge building, including the Trader Vic's restaurant, for adaptive reuse in conjunction with the future hotel operations. Alternative 5 was chosen as a means of reducing the significant impact on cultural resources resulting from demolition of portions of The Beverly Hilton Hotel. Although Alternative 5 would reduce the significant and unavoidable impact to cultural resources, significant unavoidable impacts would occur in the areas of aesthetics and views, air quality, land use and planning, noise, groundborne vibration, and construction traffic. However, as discussed below, Alternative 5 would compromise achieving the Project objectives, including development of a new five-star hotel to serve the needs of the City of Beverly Hills. Further, the Project retains the signature Welton Becket designed Wilshire Tower, and the Revised Project enhances the presence of that structure on the site by maintaining and enhancing its visibility from Wilshire Boulevard. Mitigation measures reduce the impact to the extent feasible, but the cumulative impact remains unavoidable and significant.

#### D. LAND USE AND PLANNING

##### 1. Proposed Project

With the adoption of The Beverly Hilton Revitalization Specific Plan, the Project site's zoning and land use designations would change to "Specific Plan." The proposed Project would be generally consistent with most of the Elements of the City of Beverly Hills General Plan and with the City of Beverly Hills Municipal Code, as proposed to be amended.

However, the proposed Project would introduce residential land uses where none currently exist, substantially increase development density, and substantially increase building heights on the Project site. For these reasons, the Project would not be consistent with General Plan Land Use Element Objective 3, Areas of Transitional Conflict, and 4, Scale of the City, or with Land Use Element development criteria for Commercial Areas recommending compatibility between commercial and residential areas. This is a potentially significant impact.

##### (a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR, and specific economic, social or other considerations make infeasible the mitigation measures or project alternatives in the EIR.

##### (b) *Facts in Support of Findings*

The proposed Project would conflict with Objective 3 of the Land Use Element, Transitional Conflict, and Objective 4, Scale of the City. The proposed Project would introduce residential uses onto the Project site where none currently exist; introduce a new hotel; increase the on-site FAR from 1.4:1 to 2.5:1; and increase building heights beyond those permitted under the current height restriction. The Project incorporates a number of design features intended to ease the transition between the Project site and surrounding land uses, especially those north of Wilshire Boulevard.

Even with incorporation of these features, project implementation would introduce new land uses and substantially increase development density and building heights on the Project site. Conflicts would remain with Land Use Element Objective 3, Areas of Transitional Conflict, and Objective 4, Scale of the City. The Project would also conflict with development criteria for commercial areas recommending that new development complement the scale and character of adjacent residential areas. This conflict with Land Use Element objectives and development criteria constitutes a potentially significant impact. However, during the Planning Commission's review of the Project at various hearings, requests for project revisions, as discussed in Section III above were made. The requested changes included increasing landscaping and building setbacks along the Wilshire Boulevard frontage, setting back the building mass of the proposed luxury hotel from the intersection of Santa Monica Boulevard and Wilshire Boulevard, removal of the Residence A building to increase the amount of open space and gardens at the intersection of Wilshire Boulevard and Merv Griffin Way and keep the building mass along Santa Monica Boulevard near other commercial areas rather than along Wilshire Boulevard which is closer to Beverly Gardens Park, residential neighborhoods and the El Rodeo Elementary School. As such, the revisions reduce the severity of the land use impacts of the Project, although the impacts will remain significant and unavoidable. Further, the General Plan amendment contemplated to allow the Project would reflect a change in land use policy for the Project site and represents both a social and economic consideration that make infeasible mitigation or project alternatives that would substantially reduce the height of the structures. Compared to the existing conditions and the status of General Plan prior to any contemplated amendments, the impact remains significant even though reduced by the Revised Project.

## 2. Proposed Project

Proposed demolition of a portion of The Beverly Hilton, which is potentially eligible for listing on the National Register and California Register and is therefore considered a historic resource for purposes of CEQA, would conflict with goals related to landmark preservation in the General Plan Land Use Conservation Element. This is a significant impact.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

CR-1 Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library. The cost shall be borne by the Applicant.

### (b) *Facts in Support of Findings*

The Conservation Element focuses on water conservation, hillside management and flooding, solar energy, and landmark preservation. As discussed above, the proposed Project would not conflict with or affect implementation of recommendations related water conservation, hillside management and flooding, or solar energy. However, because of proposed demolition of portions of the existing hotel, as determined in the Cultural Resources Technical Report included in **Appendix 4.3** and summarized in **Section 4.3, Cultural Resources**, of the **Draft EIR**, project implementation has the potential to conflict with Conservation Element goal related to landmark preservation. While the hotel is not currently included on the Landmark List included within the Conservation Element of the City General Plan, The Beverly Hilton was found to be eligible for listing in the California and National Registers and demolition of portions of the property would result in a significant and unavoidable impact on a cultural resource. The Project could, therefore, conflict with Conservation Element conservation goals related to landmark preservation. The EIR contains an evaluation of the various historical components of The Beverly Hilton Hotel buildings, which is not on the California register of historic places. The evaluation fully discloses the potential impacts of the Project. Further, the EIR considered Alternative 5 – Preservation Alternative, which called for retention of the Wilshire Edge building, including the Trader Vic’s restaurant, for adaptive reuse in conjunction with the future hotel operations. Alternative 5 was chosen as a means of reducing the significant impact on cultural resources resulting from demolition of portions of The Beverly Hilton Hotel. Although Alternative 5 would reduce the significant and unavoidable impact to cultural resources, significant unavoidable impacts would occur in the areas of aesthetics and views, air quality, land use and planning, noise, groundborne vibration, and construction traffic. However, as discussed below, Alternative 5 would compromise achieving the project objectives, including development of a new five-star hotel to serve the needs of the City of Beverly Hills. Further, the Project retains the signature Welton Becket designed Wilshire Tower, and the Revised Project enhances the presence of that structure on the site by maintaining and enhancing its visibility from Wilshire Boulevard. Mitigation measures reduce the impact to the extent feasible, but the impact remains unavoidable and significant.

### 3. Cumulative Impacts

The Beverly Hilton Revitalization Project, considered together with the adjacent 9900 Wilshire project, would result in cumulatively significant land use impacts as the result of inconsistency with General Plan Land Use Element Objectives 3 and 4 and development criteria concerning Commercial Areas. In addition, the Robinsons-May building, which was determined to be potentially eligible for the California Register, is proposed for demolition as part of the 9900 Wilshire project. Accordingly, the proposed Project, considered together with the 9900 Wilshire project, would result in cumulatively significant land use impacts as the result of inconsistency with General Plan Conservation Element goals related to landmark preservation.

#### (a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant cumulative environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

CR-1 Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

Further, specific economic, social or other considerations make infeasible the mitigation measures or project alternatives.

**(b) Facts in Support of Findings**

Project implementation has the potential to conflict with goals in the Conservation Element of the City's General Plan. The Conservation Element focuses on water conservation, hillside management and flooding, solar energy, and landmark preservation. As discussed above, the proposed Project would not conflict with or affect implementation of recommendations related water conservation, hillside management and flooding, or solar energy. However, because of proposed demolition of portions of the existing hotel, as determined in the Cultural Resources Technical Report included in **Appendix 4.3** and summarized in **Section 4.3, Cultural Resources**, of the **Draft EIR**, project implementation has the potential to conflict with Conservation Element goals related to landmark preservation. While the hotel is not currently included on the Landmark List included within the Conservation Element of the City General Plan, The Beverly Hilton was found to be eligible for listing in the California and National Registers and demolition of portions of the property would result in a significant and unavoidable impact on a cultural resource. The Project could, therefore, conflict with Conservation Element conservation goals related to landmark preservation. However as discussed above, revisions to the project reduce the level of the impact, although it remains significant. Further, Alternative 5, the preservation alternative was considered, but it fails to fully meet the project objectives.

**E. NOISE**

**1. Project Construction Noise and Vibration**

Exterior construction activities performed outside of the hours specified in the City's noise ordinance, including before 8:00 a.m., after 6:00 p.m., and during weekends and holidays, would result in significant impacts at off-site sensitive receptors. Additionally, construction activity would generate vibration levels of up to 75 velocity decibels (VdB) at 100 feet from the source. This exceeds 72 VdB, the FRA vibration threshold for hotels and residential uses. As such, construction activity would result in significant vibration impacts on on-site receptors (i.e., the hotel) and off-site receptors to the north (i.e., residences and El Rodeo Elementary School).

**(a) Findings**

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen the significant environmental effect identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

MM-NOISE-1 Prior to issuance of grading permits, the Applicant shall submit a Construction Management Plan satisfactory to the City's Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following:

- Excavation, grading, and other construction activities related to the proposed Project shall be restricted to the hours of operation allowed under Section 5-1-206, Restrictions on Construction Activity in the City Municipal Code. Any deviations from these standards shall require the written approval of the Community

Development Director.

- Stockpiling and vehicle staging areas shall be located as far away from occupied residences as possible, and screened from these uses by a solid noise attenuation barrier. Noise attenuation barriers constructed to the specifications identified in the bullet point below are capable of reducing noise levels by 7.7 dB(A).
- Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along all project boundaries during the construction phases associated with the development of the project. Noise attenuation barriers constructed at the property lines to a height of 8 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dB(A).<sup>2</sup>
- All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residential uses to the south of the Project site as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
- Haul routes for removing excavated materials from the site shall be designed to avoid residential areas, and areas occupied by noise sensitive receptors (e.g., hospitals, schools, convalescent homes, etc.).
- Prior to the start of every school year, the Applicant shall obtain a schedule of testing periods at El Rodeo Elementary School. The Applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g., demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.

**(b) Facts in Support of Findings**

Construction activities undertaken before 8:00 a.m., after 6:00 p.m., or on weekends could generate noise levels in excess of 5.0 dB(A) above ambient noise levels outside the hours permitted by the City's noise ordinance, which is a significant impact. While implementation of MM-NOISE-1 would reduce daytime and nighttime noise impacts associated with all construction activity, no feasible mitigation exists to reduce impacts to less than significant. Therefore, impacts associated with noise generated by construction undertaken outside hours permitted by the City's noise ordinance would be significant and unavoidable. Further, potential impacts to the adjacent school will be lessened by limiting noise creation during certain testing periods, although the impact cannot be reduced to a less than significant level.

Single-family residences are also located approximately 100 feet north of the Project site and the Wilshire Tower will remain in hotel use during construction. The vibration level of 75 VdB at 100 feet from the source exceeds the FRA threshold of 72 VdB for residential uses. Therefore, vibration impacts experienced by the residences located approximately 100 feet north of the Project site and the Wilshire Tower hotel

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<sup>2</sup> U.S. Department of Housing and Urban Development. *The Noise Guidebook*. 1985.

rooms could be significant. The primary and most intense vibration source would be the use of bulldozers during construction because the City of Beverly Hills does not permit pile driving. Although the results of vibrations can range from no perceptible effects at the lowest levels, to rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels, ground vibrations from construction activities rarely reach the levels that can damage structures. The vibration impacts of this Project have the potential for impacting structures.

On-site sensitive receptors include guests of The Beverly Hilton Hotel, which will remain in operation throughout project construction. As discussed above, construction activity would generate vibration levels of up to 75 VdB at 100 feet from the source. This exceeds 72 VdB, the FRA vibration threshold for hotels. As such, construction activity would result in significant vibration impacts on on-site receptors (i.e., the hotel).

The El Rodeo Elementary School site is located approximately 100 feet from the source of any bulldozer activity, and perhaps even farther due to the removal of Residence A. The largest vibrations generated by on-site bulldozer activity would be approximately 75 VdB at 100 feet, therefore, construction activities would meet, but not exceed the FRA groundborne vibration threshold for schools. Therefore, vibration impacts experienced by the school would be less than significant. Further, the school buildings are located even farther than 100 feet from the project's construction areas.

MM-NOISE-1 is applicable to this impact, but no feasible mitigation is available to reduce construction vibration impacts to less than significant. Therefore, although short-term in duration, construction vibration impacts on off-site receptors to the north and on-site receptors would be significant and unavoidable.

## 2. Cumulative Construction and Vibration

In the event that exterior construction activities are performed on the Project site and the 9900 Wilshire project site outside of the hours specified in the City's noise ordinance, the proposed Project would result in a cumulatively considerable and therefore significant contribution to cumulatively significant noise impacts. Additionally, during construction, the proposed Project, considered together with the adjacent 9900 Wilshire project would result in cumulatively considerable and therefore significant contributions to cumulatively significant vibration impacts on sensitive receptors north of Wilshire Boulevard.

### (a) *Findings*

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen the significant environmental effect identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact:

MM-NOISE-4 The Beverly Hilton Revitalization Project Applicant shall coordinate with the 9900 Wilshire Project Applicant regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures;
- All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The Applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;

- The Applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and
- Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

*(b) Facts in Support of Findings*

Exterior construction activities undertaken by the proposed Project before 8:00 a.m. after 6:00 p.m., or on weekends could generate noise levels in excess of 5.0 dB(A) above ambient noise levels outside the hours permitted by the City's noise ordinance, and therefore has the potential to be significant and unavoidable. In the event that the 9900 Wilshire project also undertakes exterior construction activity outside of the hours specified in the City's noise ordinance, the cumulative construction noise impact would be significant and unavoidable. Although MM-NOISE-4, which requires coordination of construction activities between the two projects, would reduce impacts, cumulative construction noise impacts would remain significant. Furthermore, the proposed Project by itself would generate vibration levels up to 75 VdB at 100 feet from the source, which exceeds the FRA groundborne vibration threshold for hotels and residences. Since sensitive receptors are located approximately 100 feet north of the two projects and since The Beverly Hilton Hotel also constitutes a sensitive land use, the proposed Project's incremental contribution to cumulatively significant vibration impacts would be cumulatively considerable and therefore significant. MM-NOISE-4 is applicable to this impact, but no feasible mitigation is available to fully reduce construction vibration impacts to less than significant. Therefore, although short-term in duration, cumulative construction vibration impacts on off-site receptors to the north and on-site receptors would be significant and unavoidable.

The City's permitted construction hours (8:00 a.m. to 6:00 p.m. on weekdays) generally overlap with the peak activity times at the El Rodeo Elementary School to the north. Therefore, the cumulative impacts from construction undertaken within the standard construction hours are significant and unavoidable. Allowing construction outside of the normal permitted hours would help reduce the level of impact to the school, however, this would not reduce the cumulative impact to less than significant and would result in significant adverse impacts to residential neighbors due to construction outside of the permitted construction hours, even though some special construction hours may be approved by the Department of Community Development. Therefore, requiring construction activities to occur outside of school hours is not feasible mitigation.

**VIII. PROJECT ALTERNATIVES.**

In defining project alternatives that would be analyzed in the EIR, several alternatives were considered; however, two of those considered were rejected. CEQA Guidelines Section 15126.6(c) states: "The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." As stated previously, the CEQA Guidelines stipulate that alternatives addressed in an EIR should be feasible and should not be considered remote or speculative.

The alternatives available for evaluation were limited, in part, by the unique history of the Project site as well as the fact that hotel operations are expected to continue in the future. The City of Beverly Hills initially considered, but ultimately rejected as infeasible, two alternatives: The evaluation of an alternate

site, and the evaluation of a code-compliant alternative that assumes no hotel uses would remain on-site (i.e., comprehensive redevelopment of the Project site).

The Beverly Hilton Hotel opened in 1955 and has been in continuous operation since that time. The original complex of buildings was designed for the Hilton Hotels Corporation by the Los Angeles-based architecture firm Welton Becket and Associates. The original group of buildings was completed between 1953 and 1955. The Beverly Hilton hotel is differentiated from other area hotels of the time in its resolution of the design challenges inherent in the Project site, in what was considered a pivotal urban location. At the time of its initial purchase, the nine-acre Project site was the highest-priced, and among the most coveted, properties in the City. Welton Becket designed several Hilton hotels from 1949 through the 1970s, including six of the 17 post-World War II Hilton International Hotels built through 1966. The Beverly Hilton Hotel was considered a template and prototype for later Hilton International Hotels, which were often sited in the most desirable locations in a given city. The hotel is therefore significant in the context of the 1950s growth of the Hilton chain and in the architectural portfolio of Welton Becket and Associates. Today, the hotel hosts cultural events such as the Golden Globes in addition to serving as a tourist destination.

For these reasons, selection of feasible alternate sites was limited and alternative sites were not evaluated in detail in this EIR. Neither the Project Applicant nor the City owns or controls any other property in the vicinity of The Beverly Hilton. The Project proposes construction and operation of a Waldorf Astoria Hotel and associated condominiums in affiliation with The Beverly Hilton, including sharing back-of-house services, an arrangement that would be infeasible if the Waldorf Astoria Hotel project component were built elsewhere in the City. Development of the other residential uses proposed by the Project on an alternate site could result in the introduction of new residential towers on property not necessarily located along major corridors or in an identified City gateway location. Moreover, the ability of the Project Applicant to find and purchase a suitable alternate site for development of the project is considered speculative. Finally, while development of the proposed Project on an alternate site could potentially avoid the demolition of an historic resource, it has the potential to increase the severity of aesthetic, land use, air quality, noise, and traffic impacts. As such, this alternative has been rejected from further consideration and is not examined in detail in this EIR.

Under a code-compliant alternative, development on the Project site would be constructed in compliance with the City of Beverly Hills Municipal Code requirements for the commercial (C-3) zoning designation applicable to The Beverly Hilton property. The permitted uses in the C-3 Zone include a wide range of commercial uses, including retail shops, restaurants and offices, but do not include residential uses. The maximum Floor Area Ratio, or FAR, in a C-3 Zone is 2:1. In addition, height standards in C-3 zones require that no structure exceed 45 feet, or three stories, in height.

As stated above, The Beverly Hilton Hotel has been in continuous operation since 1955 and anticipates continuing operations in the future. The hotel has undergone periodic renovation, upgrades, and additions over the years, with the most recent major remodel in 2004; these upgrades represent a considerable investment in the property and hotel operations by its owner/proprietor. There are no plans to close or demolish the hotel or to cease operations. Finally, the hotel property was determined to be potentially eligible for the California Register and National Register because of its association with local and national history, with Conrad Hilton and Welton Becket, and because its design served as a prototype for Hilton International Hotels. Demolition of the hotel would increase the severity of impacts on historic resources compared to the proposed Project. For these reasons, the City did not evaluate the cessation of

hotel operations and demolition of the hotel buildings when developing a code-compliant alternative. Instead, Alternative 2, Code-Compliant Office/Retail Alternative, was developed and is evaluated in detail in this EIR, and assumes that *new* development on the Project site would be required to comply with applicable code, while the existing hotel facilities remain unchanged.

## A. ALTERNATIVE ONE: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

### 1. Summary of Alternative

Under the No Project Alternative, The Beverly Hilton Revitalization Plan would not be implemented. The Beverly Hilton Hotel would remain in operation and could undergo routine improvements and minor remodels in the future, but the hotel property would not be redeveloped as proposed under the project. This alternative is required to be evaluated by CEQA, in order to compare significant and unavoidable project impacts against impacts in the event the project is not implemented.

### 2. Reasons for Rejecting Alternative

Implementation of the No Project Alternative would result in fewer significant and unavoidable impacts in comparison to the proposed Project and with implementation of the No Project Alternative, several of the unavoidable impacts associated with the proposed Project would be reduced and/or avoided. Specifically, the following significant impacts would be avoided:

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas.

The project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

The No Project Alternative would not result in increased impacts compared to the proposed Project in any impact area. This Alternative's impacts would be comparable with respect to aesthetics, hazards and hazardous materials, hydrology and water quality, land use and planning, and natural gas consumption. Impacts would be reduced compared to the proposed Project with respect to construction-related and operational air quality, geology and soils, operational noise, population and housing, police and fire protection services, schools, libraries, recreation and park services, water consumption, wastewater generation, solid waste generation, and electricity.

*(a) Objectives Fully Met by Alternative:*

- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.

*(b) Objectives Partially Met by Alternative:*

None.

*(c) Objectives Not Met by Alternative:*

- Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.

- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

### 3. Conclusion Regarding Alternative 1

Under the No Project Alternative, The Beverly Hilton Revitalization Plan would not be implemented. The Beverly Hilton Hotel would remain in operation and could undergo routine improvements and minor remodels in the future, but the hotel property would not be redeveloped as proposed under the project. Implementation of Alternative 1 would only achieve one of the main objectives of this project: maintain the integrity of the existing Welton Becket-designed Wilshire Tower. No other basic objectives of the proposed Project would be achieved with implementation of the No Project Alternative. Further, this

Alternative would not involve a development agreement, and this alternative would not provide needed housing or the affordable housing contribution provided for in the related development agreement.

## B. ALTERNATIVE TWO – CODE-COMPLIANT RETAIL/OFFICE ALTERNATIVE

### 1. Summary of Alternative

This Alternative would evaluate redevelopment of The Beverly Hilton Hotel property in compliance with the City of Beverly Hills Municipal Code commercial (C-3) zoning designation for the property. Redevelopment of the site would, accordingly, be restricted to mixed office and retail uses, the maximum permitted floor area ratio (FAR) of 2:1, a 45-foot/three-story height restriction, and compliance with other applicable development standards. Accordingly, under this Alternative no residential uses would be developed. The number of new hotel rooms planned would be fewer than under the proposed Project (131) but would be distributed across the site in buildings no more than three stories and 45 feet in height. A restaurant would still be developed as under the proposed Project, and hotel retail and hotel office space would be developed as under the proposed Project. The hotel brand and class could vary under this alternative, and a Waldorf Astoria hotel may not be developed. This Alternative would introduce new retail and office space in addition to hotel-related uses. This Alternative would substantially reduce the area of landscaping and gardens associated with the proposed Project. The intent of this Alternative is to evaluate impacts associated with permissible development on the Project site assuming compliance with the applicable land use and zoning designations on the site, and compare those impacts against the proposed Project.

### 2. Reasons for Rejecting Alternative

Implementation of the Code-Compliant Office/Retail Alternative would reduce two of the significant and unavoidable impacts associated with the proposed Project:

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel’s Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the project would also contribute to cumulatively significant impacts on panoramic views from the hotel’s Wilshire Tower guestrooms.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

The following significant impacts identified for the proposed Project would still occur with implementation of this Alternative:

- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

The Code-Compliant Retail/Office Alternative would result in increased impacts compared to the proposed Project with respect to operational air quality, operational noise, population and housing, and electricity and natural gas consumption.

*(a) Objectives Fully Met by Alternative:*

- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the Project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

(b) *Objectives Partially Met by Alternative:*

- Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.

(c) *Objectives Not Met by Alternative:*

- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

3. Conclusion Regarding Alternative 2

The Code-Compliant Retail/Office Alternative would result in increased impacts compared to the proposed Project with respect to operational air quality, operational noise, population and housing, and

electricity and natural gas consumption. The increased impacts would result from the more intense retail and commercial development contemplated by the Alternative, which generally has greater impact than would residential development. Specifically, this Alternative would have a higher number of average daily trips, as well as increasing the number of peak hour trips. As such, this Alternative would result in greater air quality, noise and traffic impacts than the proposed Project. Additionally, the key project objectives described above would not be achieved through implementation of Alternative 2. Development under this Alternative would not result in additional housing to help the City achieve its general plan housing production goals, and would likely not involve a development agreement and thus would not involve the financial benefits of the proposed Project, including the substantial amount of funds to be dedicated for use in the creation of affordable housing in the City.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 2 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 2 as infeasible.

### C. ALTERNATIVE THREE – REDUCED DENSITY ALTERNATIVE

#### 1. Summary of Alternative

Under this Alternative, the residential component of the proposed Project would be reduced by 30 percent, from 120 to 85 condominium units. The number of hotel rooms proposed would likewise be reduced 30 percent from 170 guestrooms to 119 guestrooms. Residential building heights, the height of the Wilshire Boulevard building proposed to house the new Beverly Hilton Hotel rooms and/or the new hotel on Santa Monica Boulevard, and the number of parking spaces on-site would be reduced correspondingly. Under this Alternative, the new hotel may not be a Waldorf Astoria hotel. The intent of this Alternative is to avoid or reduce the severity of the project-related significant impacts resulting from construction and operation by reducing the amount of development on the Project site.

#### 2. Reasons for Rejecting Alternative

Implementation of the Reduced Density Alternative would reduce three of the identified significant impacts associated with implementation of the proposed Project.

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel’s Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel’s Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element

Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

However, the following significant impacts identified for the proposed Project would still occur with implementation of this Alternative:

- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

*(a) Objectives Fully Met by Alternative:*

The Reduced Density Alternative would result in the implementation of project characteristics similar to those of the proposed Project; however, the residential density and net new number of hotel rooms of the project would be reduced by 30 percent. As such, all project objectives identified in Section 3.0, Project Description, of this EIR would also be achieved under this project Alternative. However, the project objectives would not be met with the same degree as with implementation of the proposed Project.

- Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.

- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the Project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

*(b) Objectives Partially Met by Alternative:*

None.

(c) *Objectives Not Met by Alternative:*

None.

3. Conclusion Regarding Alternative 3

The Reduced Density Alternative would result in the implementation of project characteristics similar to those of the proposed Project; however, the residential density and net new number of hotel rooms of the Project would be reduced by 30 percent. As such, all project objectives identified in Section 3.0, **Project Description**, of the **Draft EIR** would also be achieved under this project Alternative. However, as discussed above, the objectives would not be met at the same degree as with implementation of the proposed Project. However, the Revised Project, as discussed in Section III and as recommended by the Planning Commission, incorporates certain elements of this Alternative in order to reduce potentially significant impacts associated with the Applicant's proposed Project. Specifically, reduction in the building heights and mass and removal of Residence A results in a reduction in the density of the Project and a significant reduction in the number of residential units. Alternative 3 would reduce the severity of the Aesthetic and Land Use impacts associated with the proposed Project, and otherwise would have impacts similar to impacts associated with the proposed Project. The Planning Commission found, and the City Council hereby finds that Alternative 3 is partially feasible and would reduce the severity of two significant and unavoidable impacts (Aesthetic Character and Views; Land Use and Planning) for the reasons set forth above, although those impacts remain significant under this Alternative. Features of this Alternative, specifically reduce density through removal of the Residence A Building, are incorporated into the Revised Project to reduce the level of impact.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting the entirety of Alternative 3 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 3 as infeasible.

**D. ALTERNATIVE FOUR – MODIFIED BUILDING HEIGHT ALTERNATIVE – RESIDENCES A AND B**

1. Summary of Alternative

This Alternative would be similar to the proposed Project, including the same number of Beverly Hilton and Waldorf Astoria hotel rooms, the same ancillary uses including new hotel retail and hotel office space, a new executive conference center and the same number of residential units. The site would be developed to the same floor area ratio (FAR) as under the proposed Project. However, the maximum height of the Residence A building, in the northwest corner of the Project site near the intersection of Merv Griffin Way and Wilshire Boulevard, would be reduced from 150 feet and 13 stories to 112 feet and 10 stories. The height of the Residence B Building, in the southwest corner of the Project site, would be increased from 150 feet and 13 stories to 184 feet and 16 stories. The buildings would be constructed in the same locations as under the proposed Project. The intent of this Alternative is to reduce significant impacts on views from west-facing guestrooms in the Wilshire Tower hotel building of The Beverly Hilton, and reduce significant land use impacts related to inconsistency with Land Use Element objectives addressing areas of transition, the scale of the City,

and compatibility between commercial and residential land uses.

## 2. Reasons for Rejecting Alternative

Implementation of the Modified Building Height Alternative would reduce two of the significant and unavoidable impacts associated with implementing the proposed Project.

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable Project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

However, the following significant impacts identified for the proposed Project would still occur with implementation of this alternative:

- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

(a) *Objectives Fully Met by Alternative:*

The Modified Building Height Alternative would result in the implementation of a project similar to the proposed Project; differing only in that the Residence A building would be decreased in height from 150 to 112 feet and the Residence B building would increase in height from 150 to 184 feet. As such, this alternative would achieve all of the project objectives identified in Section 3.0, Project Description, of the Draft EIR.

- Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.

- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

(b) *Objectives Partially Met by Alternative:*

None.

(c) *Objectives Not Met by Alternative:*

None.

3. **Conclusion Regarding Alternative 4**

The Modified Building Height Alternative would reduce the severity of significant aesthetic and land use impacts associated with the proposed Project. However, the impacts remain significant. All other impacts associated with this project Alternative would be comparable to impacts associated with the proposed Project. This Alternative transfers residential development from the Residence A building to the Residence B building. The increased height of Building B presents greater impacts than contemplated in the proposed Project, even though the decreased height of Building A offsets that impact to a certain degree. However, the increased impact on Santa Monica Boulevard is not an appropriate trade off to project the appearance from Wilshire Boulevard, even though Santa Monica Boulevard is a more commercial type of street in the areas it fronts the Project site. Because of the increased height of Building B, and the associated increased impact in that area, Alternative 4 is not preferred.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 4 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 4 as infeasible.

E. **ALTERNATIVE FIVE – HISTORIC PRESERVATION ALTERNATIVE**

## 1. Summary of Alternative

Under this Alternative, the Wilshire Boulevard frontage of the hotel, also known as the Wilshire Edge, would be retained and adaptively reused in conjunction with future hotel operations. The Wilshire Edge is considered the second most architecturally significant feature on the property, after the Wilshire Tower, and extends from the intersection of Wilshire Boulevard and Santa Monica Boulevard on the east to Merv Griffin Way on the west. It presently houses the former Trader Vic's Restaurant, hotel support and office space, the Wilshire Boulevard hotel entrance/drop-off area, and the Executive Conference Center. Under this Alternative, the proposed improvements to Beverly Hilton retail, extensive landscape improvements, conference center, and additional Beverly Hilton hotel rooms would not be built. Proposed additional lanes on Wilshire Boulevard would not be included, although some of the proposed roadway improvements for Santa Monica Boulevard would be implemented under this Alternative. As a result of the preservation of the Wilshire Edge, the new hotel on Santa Monica Boulevard would be relocated to the southwest and Residence A would be moved to the south. There would be 80 fewer hotel rooms, 6 fewer condominium units and 232 fewer parking spaces built under this alternative. Under this Alternative, the new hotel may not be a Waldorf Astoria hotel. The intent of this Alternative is to reduce significant project impacts on cultural resources resulting from proposed demolition of portions of The Beverly Hilton.

## 2. Reasons for Rejecting Alternative

This Alternative would reduce one of the significant and unavoidable impacts associated with the proposed Project:

- **Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.

However, implementation of the Historic Preservation Alternative would not avoid the following significant impacts associated with implementation of the proposed Project:

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevard and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.

- **Land Use and Planning** – The project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.
- **Noise** – Project construction outside the hours specified in the City’s noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** –Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

(a) *Objectives Fully Met by Alternative:*

The Historic Preservation Alternative would retain the Wilshire Boulevard frontage of the hotel, also known as the Wilshire Edge, for adaptive reuse in conjunction with future hotel operations. The Wilshire Edge is considered the second most architecturally significant feature on the property. Under this alternative, the proposed improvements to Beverly Hilton retail, extensive landscape improvements, business center, and additional Beverly Hilton hotel rooms (Luxury Hotel Building) would not be built. Project features including additional lanes on Wilshire Boulevard would not be included, although a portion of the proposed roadway improvements for Santa Monica Boulevard would be part of this alternative. There would be 80 fewer hotel rooms, 6 fewer condominium units and 232 fewer parking spaces built under this alternative. Therefore, implementation of this project alternative would achieve most, but not all, of the project objectives identified in Section 3.0, **Project Description**, of the Draft EIR.

- Allow The Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.

- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

*(b) Objectives Partially Met by Alternative:*

None.

*(c) Objectives Not Met by Alternative:*

- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.

### **3. Conclusion Regarding Alternative 5**

Alternative 5 would not result in greater impacts than the proposed Project in any impact area. This Alternative would result in comparable impacts with respect to aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, operational noise, population and housing, police and fire protection services, and recreation and park services. This Alternative would result in reduced impacts with respect to construction-related and operational air quality, cultural resources, construction-related and operation noise, land use and planning, schools, libraries, transportation and traffic, solid waste generation, water consumption, wastewater generation, and electricity and natural gas consumption. However, the key project objectives described above would not be achieved through implementation of Alternative 5. Further, although eligible for listing, nothing on the Project site is presently on a local, state or national list.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 5 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 5 as infeasible.

### **F. ADDITIONAL VARIATIONS ON ALTERNATIVES CONSIDERED BY THE PLANNING COMMISSION.**

As noted above, the Planning Commission requested analysis of variations on the Alternatives to understand how the impacts of various potential project designs would compare to the impacts of the Project and the foregoing six Alternatives. Analysis of these variations, referred to for convenience as Alternatives 6 and 7 follows.

#### **1. Alternative 6 – Reduced Building Heights and Elimination of Condos at the Waldorf (Variation on Alternative 4 - Modified Building Height Alternative – Residences A and B)**

Alternative 6 is a variation on Alternative 4, Modified Building Height Alternative – Residences A and B (already evaluated in the Draft EIR). Alternative 6 eliminates both the proposed New Beverly Hilton Hotel Rooms wing along Wilshire Boulevard and the two-floor restaurant portion of the Waldorf-Astoria at the intersection of Wilshire and Santa Monica Boulevards. The total number of hotel rooms would be reduced to 450 rooms. Additionally, Alternative 6 eliminates the condominium units from the Waldorf-Astoria building; the total number of condominium units would be reduced to 84 units. Under Alternative 6, the height of the Residence B building would be increased to 16 floors/183 feet, the height of the Residence A building would be decreased to 7 floors/84 feet, and the step-down heights of the Waldorf-Astoria building would be decreased to 7 floor/73 feet and 4 floors/47 feet.

Further changes include moving the driveway of Residence A to the north side of the building, locating the Waldorf-Astoria building a minimum of 100 feet west of a new sidewalk at Santa Monica and Wilshire Boulevards, and having all buildings set back a minimum of 50 feet from a proposed sidewalk on Wilshire Boulevard.

The Floor Area Ratio (FAR) for this alternative is approximately 2.4:1, the same FAR as the proposed Project, but greater than the maximum FAR of 2:1 currently permitted on the Project site. In addition, like

the proposed Project, the proposed Residence A and B buildings, as well as the Waldorf Astoria building, would exceed 45 feet in height and have more than three stories. Therefore, this alternative would still require the approval of the proposed General Plan Amendment and Specific Plan needed for the proposed Project, with modifications reflecting the fact that the maximum height and number of stories for the Residence A Building under this alternative would be reduced and the height and number of stories for the Residence B Building would be increased.

Implementation of Alternative 6 would reduce two of the significant and unavoidable impacts associated with implementing the proposed Project.

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable Project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

The following significant impacts identified for the proposed Project would still occur with implementation of this alternative:

- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level

and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

No additional significant impacts above and beyond those identified for the proposed Project would result from implementation of Alternative 6. Additionally, Alternative 6 would reduce many impacts, in comparison to the proposed Project, relative to aesthetics, construction-related and operational air quality, construction-related and operational noise, population and housing, public services, transportation and traffic, and utilities and service systems.

*(a) Objectives Fully Met by Alternative:*

Alternative 6 would achieve all of the project objectives.

*(b) Objectives Partially Met by Alternative:*

None

*(c) Objectives Not Met by Alternative:*

None

Alternative 6 would not result in any significant impacts above and beyond those identified by the proposed Project, and would reduce many impacts in comparison to the proposed Project including aesthetics, construction-related and operational air quality, construction-related and operational noise, population and housing, public services, transportation and traffic, and utilities and service systems. However, the Revised Project, as discussed in Section III and as recommended by the Planning Commission, incorporates certain elements of this project variation in order to reduce potentially significant impacts associated with the Applicant's proposed Project. Specifically, reduction in the building heights and mass and removal of Residence A results in a reduction in the density of the project and a significant reduction in the number of residential units. Variation 6 would reduce the severity of the Aesthetic and Land Use impacts associated with the proposed Project, and otherwise would have impacts similar to impacts associated with the proposed Project. The Planning Commission found, and the City Council hereby finds that Alternative 6 is partially feasible and would reduce the severity of two significant and unavoidable impacts (Aesthetic Character and Views; Land Use and Planning) for the reasons set forth above, although those impacts remain significant under this Alternative. Features of this Alternative, specifically reduce density through removal of the Residence A Building, are incorporated into the Revised Project to reduce the level of impact.

The Planning Commission found, and City Council hereby finds, that Alternative 6 is only partially feasible, and the Revised Project has incorporated parts of Alternative 6, including removal of condominiums from the Waldorf Astoria hotel building, and removal of Residence A, but also finds that increase in the height of Residence B building would increase levels of impacts as compared to the proposed Project's less intense Residence B building. This Alternative would reduce the severity of two significant and unmitigable impacts (Aesthetic Character and Views; Land Use and Planning)

for the reasons set forth above, although that impact remains significant under this Alternative. Features of this Alternative, therefore, are incorporated into the Revised Project to reduce the level of impact, however the Revised Project would include even further reductions in the number of condominium units and thus would be even more preferable from an environmental perspective. On the whole, however, Alternative 6 is rejected as infeasible because of the increased height for Residence B and the increased impacts associated with that increase in height.

## **2. Alternative 7 – Additional Parking Level (Variation on the Proposed Project)**

Alternative 7 is a variation on the proposed Project. Alternative 7 builds out existing subterranean parking level P4 to match the dimensions of subterranean parking level P3. Under Alternative 7, 311 new parking spaces would be available for use by the general public and employees of the Business Triangle. Alternative 7 keeps all other components of the proposed Project, including building heights, setbacks, Floor Area Ratio, and roadway improvements.

Implementation of Alternative 7 would result in the same significant and unavoidable impacts associated with implementing the proposed Project. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of The Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of The Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Land Use and Planning** – The project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element. No feasible mitigation exists to reduce these impacts to less than significant levels.

- **Noise** – Project construction outside the hours specified in the City’s noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of The Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

Alternative 7 would add an additional level of parking for use by the public. However, any impacts would be incremental in nature. As such, all impacts associated with this project alternative would be comparable to impacts associated with the proposed Project.

*(a) Objectives Fully Met by Alternative:*

Alternative 7 would meet all of the objectives set forth for the Project.

*(b) Objectives Partially Met by Alternative:*

None

*(c) Objectives Not Met by Alternative:*

None

Alternative 7 would not reduce the severity of the Aesthetic impacts associated with the proposed Project, and otherwise would have impacts that are comparable to impacts associated with the proposed Project, except that greater impacts could result from the additional grading required to construct the additional subterranean parking area. Further, while additional parking would be available for the public and for certain larger events held on the property, the EIR did not identify parking as a significant impact for which mitigation or alternatives need be considered.

The Planning Commission found, and the City Council hereby finds that Alternative 7 is not feasible because it would have greater impacts on the environment. As such, Alternative 7 is rejected.

**G. ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The Draft EIR identified, and the City Council concurs, that the Reduced Density Alternative is the Environmentally Superior Alternative. From an environmental perspective, this Alternative is superior to the proposed Project since it reduces the level of impacts associated with the proposed Project; however, while impacts associated with this project alternative are less than those associated with the proposed Project, this alternative avoids only two of the significant and unavoidable impacts associated with the proposed Project. Specifically, this Alternative would avoid significant aesthetic impacts by constructing buildings more consistent in visual character with the Project site and the surrounding land uses.

Significant land use and planning impacts would also be avoided by construction buildings consistent in height with the existing scale of the City and maintaining development sensitive to areas of transitional conflict. Significant and unavoidable impacts would remain for obstruction of panoramic views, construction-related air quality, cultural resources, land use and planning, construction-related noise, and construction-related groundborne vibration. Additionally, while this project Alternative does achieve the basic objectives of the proposed Project, because fewer Beverly Hilton Hotel rooms, non-Beverly Hilton Hotel rooms, and residences would be provided under this Alternative, not all project objectives would be achieved to the same extent as under the proposed Project. Further, the Planning Commission found and the City Council finds that the Revised Project is feasible and is less impactful than the Proposed Project, and is consistent with CEQA's policies which include changing the project as a method of protecting the environment (CEQA Guidelines Section 15002(h)) and encouraging project proponents to incorporate environmental considerations into project conceptualization, design, and planning at the earliest feasible time (CEQA Guidelines Section 15004(b)(3)).

**EXHIBIT B**

Statement of Overriding Considerations

## EXHIBIT B

### Statement of Overriding Considerations

The following Statement of Overriding Considerations is made in connection with the proposed approval of a specific plan allowing construction of 60 residential condominium units in a 16-story building located at the northeast corner of the intersection of Merv Griffin Way and Santa Monica Boulevard, a new 12-story 140 room luxury hotel located adjacent to Santa Monica Boulevard and west of the intersection of Wilshire and Santa Monica Boulevards, a three-story building adjacent to The Beverly Hilton Hotel pool area for 30 poolside guestrooms, new hotel retail and office, conference center, restaurant and outdoor landscaped areas, along with demolition of portions of the existing Beverly Hilton Hotel including the existing Palm Court building adjacent to Merv Griffin Way and the above- and below-ground parking structure. (the "Revised Project"). CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable. CEQA requires the agency to provide written findings supporting the specific reasons for considering a project acceptable when significant impacts are unavoidable. Such reasons must be based on substantial evidence in the EIR

or elsewhere in the administrative record. Those reasons are provided in this Statement of Overriding Considerations.

The City Council finds that the economic, social and other benefits of the Revised Project outweigh the significant and unavoidable aesthetic, air quality, noise, cultural resources, land use and noise impacts identified in the EIR and in the record, some of which have been reduced in severity to the degree feasible through project modifications and mitigation measures. In making this finding, the City Council has balanced the benefits of the Revised Project against its unavoidable impacts and has indicated its willingness to accept those adverse impacts. The City Council finds that each one of the following benefits of the Revised Project, independent of the other benefits, would warrant approval of the Revised Project notwithstanding the unavoidable environmental impacts of the Revised Project.

A. The City Council finds that all feasible mitigation measures have been imposed and project revisions required to either lessen Project impacts to less than significant or to the extent feasible, that alternatives to the Project are infeasible because while they have similar or less environmental impacts, they do not provide the benefits of the Revised Project, or are otherwise socially or economically infeasible as fully described in the Statement of Facts and Findings. Further, only the No Project/No Development Alternative eliminates all of the significant and unmitigable

environmental impacts.

B. The Revised Project will create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.

C. The Revised Project will expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents. Further, the Revised Project will provide luxury residential condominiums that are competitive with existing and proposed projects in Beverly Hills, the Wilshire Corridor and Century City, and which are unique in that services from the luxury hotel will be available to the condominiums.

D. The Revised Project will open the Project site to Wilshire Boulevard and Merv Griffin Way, and to pedestrians and as such will promote pedestrian activity in the project area, and will integrate additional open space, landscaping and setbacks along Wilshire Boulevard to enhance the appearance of the Project site.

E. The Revised Project will improve vehicular circulation in and around the Project site by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

F. The Revised Project will augment the City's economic base by providing additional residential units, which would increase the commercial and residential property tax base in the City of Beverly Hills, by providing tax-generating revenues from the sales within the proposed retail component, and the transient occupancy tax revenue from the new luxury hotel.

G. The Revised Project will provide open space at the southeast corner of the intersection of Merv Griffin Way and Wilshire Boulevard, which is consistent with the presence of the Beverly Gardens Park on the opposite side of Wilshire Boulevard and the public open space proposed by the 9900 Wilshire project on the western side of Merv Griffin Way.

H. The Revised Project will enhance the economic resources of the City through the Public Benefit Contribution, Municipal Surcharge, and Environmental Mitigation and Sustainability Fees established through the Development Agreement that is part of the Revised Project.

I. Pursuant to the terms of the Development Agreement, the Applicant will pay approximately \$1,250,000.00 to the City, which funds will be used by the City for the purpose of promoting the provision of affordable housing in the City of Beverly Hills, which is an objective of the City.

**EXHIBIT C**

**Mitigation Monitoring and Reporting Program**

## MITIGATION MONITORING PLAN

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Section 2.0 and Section 4.0 of the Final EIR identify the mitigation measures that will be implemented to reduce the impacts associated with the Beverly Hilton Revitalization Plan. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code,

*... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.*

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. These measures correspond to those outlined in Section 2.0 and discussed in Section 4.0. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Beverly Hills departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<b>Aesthetics, Light, and Glare</b>					
LG-1 Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the project site, to prevent light spillover onto adjacent properties or roadways.	Community Development Department	The project lighting plan filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<b>Air Quality</b>					
AQ-1 The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes.	Community Development Department	The project applicant shall submit a Construction Traffic Emission Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Emission Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
AQ-2 The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.	See above.	See above.	See above.		

**Mitigation Monitoring Plan**

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
AQ-3 The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.	See above.	See above.	See above.		
AQ-4 The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.	See above.	See above.	See above.		
AQ-5 The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.	See above.	See above.	See above.		
AQ-6 The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.	See above.	See above.	See above.		
AQ-7 Prior to use in construction, the project applicant and contractor will evaluate the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies, such as particulate traps, selective catalytic reduction, oxidation catalysts, and air enhancement technologies, shall be evaluated. These technologies will be required if they are verified by CARB and/or the U.S. EPA and are commercially available and can feasibly be retrofitted onto construction equipment.	See above.	See above.	See above.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box	Completion Date
AQ-8 The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 mph or less.	See above.	See above.	See above.		
AQ-9 The Contractor shall ensure that the project site is watered at least three times daily during dry weather.	See above.	See above.	See above.		
AQ-10 The Contractor shall install wind monitoring equipment on site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 mph per Southern California Air Quality Management District (SCAQMD) guidelines.	See above.	See above.	See above.		
AQ-11 The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).	See above.	See above.	See above.		
AQ-12 The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).	See above.	See above.	See above.		
AQ-13 The Contractor shall replace ground cover in disturbed areas as quickly as possible.	See above.	See above.	See above.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
<p>AQ-14</p> <p>The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>• The third-party consultant shall be approved by the City of Beverly Hills Planning Department.</li> <li>• Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.</li> </ul>	<p>Community Development Department</p>	<p>The Community Development Department shall hire a third-party air quality consultant. Weekly monitoring reports shall be submitted to the Community Development Department for review. The project proponent shall submit a corrective action plan, if necessary.</p>	<p>During demolition and grading.</p>		

**Mitigation Monitoring Plan**

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box      Date
<ul style="list-style-type: none"> <li>Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM<sub>10</sub> concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.</li> </ul>				

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<ul style="list-style-type: none"> <li>The monitoring network shall include at least one anemometer to measure wind speeds and directions.</li> <li>Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.</li> <li>Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).</li> <li>Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.</li> </ul>				

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box	Completion Date
<ul style="list-style-type: none"> <li>The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.</li> </ul>					
<ul style="list-style-type: none"> <li>Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM<sub>10</sub> concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM<sub>10</sub> concentrations on a publicly accessible website.</li> </ul>					

**Mitigation Monitoring Plan**

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box      Date
<ul style="list-style-type: none"> <li>Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM<sub>10</sub> thresholds are exceeded.</li> <li>Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.</li> </ul>				

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<ul style="list-style-type: none"> <li>The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.</li> </ul>				

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion
				Check Box      Date
<p>AQ-15</p> <p>The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.</p> <ul style="list-style-type: none"> <li>The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).</li> </ul>	See above.	See above.	See above.	

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<ul style="list-style-type: none"> <li>The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.</li> </ul>					



Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check-Box	Date
<b>Cultural Resources</b>					
CR-1 Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS) / Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. The project applicant shall provide applicable photographs and reports to the Community Development Department.	Prior to issuance of grading and building permits.		
CR-2 Potentially historic street lights adjacent to the project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic street lights will be relocated, as advised.	Prior to issuance of grading and building permits.		
CR-3 Potentially historic sign posts adjacent to the project site on Merv Griffin Way shall be preserved and reinstalled in approximately the same locations, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic sign posts will be relocated, as advised.	Prior to issuance of grading and building permits.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<p>CR-4</p> <p><u>If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5 (f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.</u></p>	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<p>CR-5</p> <p>If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5 (d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).</p>	<p>Community Development Department</p>	<p>The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.</p>	<p>During project construction.</p>		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<p>If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.</p>				
<p>CR-64 In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.</p>	Community Development Department	The project applicant shall provide proof that a certified paleontologist has investigated and has made appropriate recommendations.	During project construction.	

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<b>Geology and Soils</b>					
GEO-1 The proposed project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.	Community Development/ Building & Safety Division	The construction plans filled with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		
<b>Hazards and Hazardous Materials</b>					
HAZ-1 The sampling of all suspect asbestos-containing materials (ACMs) such as roofing, wall finishes and non-friable floor finishes, shall be conducted prior to demolition. If the suspect ACMs are confirmed to contain asbestos, their removal in accordance with applicable regulations shall be necessary prior to impact by renovation or demolition activities.	Community Development/ Building & Safety Division  Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
HAZ-2 Construction activities shall comply with SCAQMD Rule 1403 - Asbestos Emissions from Demolition/Renovation Activities. This rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of ACMs generated or handled during these activities. The rule requires that SCAQMD be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site shall be removed prior to demolition or renovation in accordance with the requirements of Rule 1403.	Community Development/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-3 Prior to demolition activities, the sampling of suspect materials for lead content shall be conducted. If these surfaces are determined to contain concentrations of lead at or above regulatory limits, their removal by a licensed abatement contractor in accordance with applicable regulations shall be necessary prior to demolition or renovation activities.	Community Development/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation, Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
HAZ-4 During demolition or renovation activities, the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by the California Occupational Health and Safety Administration (Cal/OSHA), Title 8, California Code of Regulations (CCR), Construction Safety Orders for Lead, Section 1532.1.	Community Development/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-5 The demolition debris waste stream shall be analyzed for lead content during materials separation to ensure compliance with U.S. Environmental Protection Agency (EPA) regulations related to transportation and disposal of hazardous materials.	Community Development/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-6 All personnel workers potentially exposed to lead-containing materials shall be trained and protected in accordance with federal OSHA regulations.	Community Development/ Building & Safety Division Department of Public Works	Proof of training and protection in accordance with federal OSHA regulations shall be provided to the Director of Community Development.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
HAZ-7	Fluorescent light ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement, "No PCBs," the ballast(s) shall be properly removed by a licensed PCB removal contractor and disposed of as PCB-containing waste prior to demolition.	Community Development/ Building & Safety Division  Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<b>Hydrology and Water Quality</b>					
<p>HYDRO -1</p> <p>Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and Stormwater Pollution and Prevention (SWPPP) shall be prepared by the applicant in accordance with, and in order to partially fulfill, the California State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.</p>	Community Development Department	The project applicant will prepare a NOI and SWPPP.	Prior to the issuance of grading and building permits.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
HYDRO -2 Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a Storm Water Pollution Prevention Plan.	Prior to the issuance of grading and building permits.		

Mitigation Monitoring Plan

Beverly Hillton Revitalization Plan Environmental Impact Report					
Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box	Completion Date
<p><b>Noise</b></p> <p>NOISE-1</p> <p>Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>Excavation, grading, and other construction activities related to the proposed project shall be restricted to the hours of operation allowed under Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Director of Community Development.</li> </ul>	<p>Community Development Department</p> <p>School District</p>	<p>The project applicant shall submit a Construction Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan.</p>	<p>This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.</p>		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box      Date
<ul style="list-style-type: none"> <li>During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the northern boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least one-half inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the single-family residences and elementary school located north of the project site as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.</li> </ul>		<p>The applicant shall work with the School District to ensure that no construction activity generating the highest noise levels is undertaken during any designated testing periods occurring at El Rodeo School. The exact dates and times shall be determined by the School District.</p>		



Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<ul style="list-style-type: none"> <li>Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the &lt;School District&gt;.</li> </ul>					

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box      Date
<p>NOISE- 2</p> <p>The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.</p>	<p>Community Development/ Building &amp; Safety Division</p>	<p>The project plans filed with the Department of Community Development/Building &amp; Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.</p>	<p>This requirement shall be met prior to the issuance of relevant building permits.</p>	

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<p>NOISE-3</p> <p>The applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.</p>	See above.	See above.	See above.	

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box	Completion Date
<p><b>NOISE-4</b></p> <p>The Beverly Hilton Revitalization Plan project applicant shall coordinate with the 9900 Wilshire project applicant regarding the following:</p> <ul style="list-style-type: none"> <li>All temporary roadway closures shall be coordinated to limit overlap of roadway closures;</li> <li>All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;</li> <li>The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and</li> <li>Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.</li> </ul>	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<b>Fire Protection and Emergency Services</b>				
FIRE-1 The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the Beverly Hills Fire Department (BHFD) to provide a safe response route and to decrease response times to emergencies.	Department of Public Works/Civil Engineering and Community Development  Fire Department	The Department of Public Works/Civil Engineering will prepare a plan to accommodate the proposed measure for the BHFD to review. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.	

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<p>FIRE-2</p> <p>The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.</p>	<p>Department of Public Works/Civil Engineering Division and Community Development Department</p>	<p>The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.</p>	<p>This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.</p>		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check-Box	Completion Date
<b>Transportation, Traffic, Parking, and Circulation</b>					
<p><b>TRAF-1</b></p> <p>An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.</p>	Community Development Department	An independent Environmental Monitor shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
<p><b>TRAF-2</b></p> <p>The Environmental Monitor shall proactively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance from members of the public when impacts raise special concerns by members of the public.</p>	See above.	See above.	See above.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report					
Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	Date
				Check-Box	
TRAF-3 A contact person shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the project site to address day-to-day issues.	Community Development Department	An independent Construction Relations Officer shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-4 The Developer and Environmental Monitor shall each provide monthly project updates to the City, unless otherwise warranted due to resident complaints.	Community Development Department	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the CDD Director.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan, Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<p>TRAF-5</p> <p>The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following:</p> <ul style="list-style-type: none"> <li>• Maintain existing access for land uses in the proximity of the project site during project construction.</li> <li>• Schedule deliveries and pick-ups of construction materials for non-peak travel periods.</li> <li>• Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time.</li> <li>• Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard.</li> <li>• Construction equipment traffic from the contractors shall be controlled by flagman.</li> </ul>	Community Development Department	The project applicant shall submit a Construction Traffic Management Plan and a Construction Working Parking Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Management Plan	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<ul style="list-style-type: none"> <li>Identify designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project.</li> <li>Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets.</li> <li>Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.</li> <li>Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.</li> </ul>		and the Construction Working Parking Management Plan.		

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation, Monitoring and Reporting Plan			
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule
			Verification of Completion Check Box
			Date
<ul style="list-style-type: none"> <li>Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive.</li> <li>The Final Construction Management Plan shall be submitted and approved by the City no later than 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.</li> </ul>			

*Mitigation Monitoring Plan*

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box      Date
<ul style="list-style-type: none"> <li>Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.</li> </ul>				

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan			
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule
		Verification of Completion	Date
Check Box			
TRAF-6 The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and specify the method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the following measures:	Community Development Department	The primary contractor shall submit to the department a program and affidavit attesting to the compliance with this measure as part of the Construction Workers Parking Plan, which will be reviewed by the Community Development Department/Building & Safety Department.	The program and affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.



Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<ul style="list-style-type: none"> <li>In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities.</li> </ul>					
<p>TRAF-7</p> <p>The project applicant shall revise the project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.</p>	Department of Public Works/Civil Engineering Division and Community Development Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Completion Date
<p>TRAF-8</p> <p>The applicant for The Beverly Hilton Revitalization Plan shall coordinate with the applicant for the 9900 Wilshire project during all phases of construction regarding the following:</p> <ul style="list-style-type: none"> <li>• All temporary roadway closures shall be coordinated to limit overlap of roadway closures;</li> <li>• All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;</li> <li>• The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and</li> <li>• Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.</li> </ul>	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<p><b>Water</b></p> <p><b>WTR-1</b></p> <p>The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.</p>	<p>Department of Public Works/Civil Engineering Division and Community Development Department</p>	<p>The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.</p>	<p>This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.</p>		

Mitigation Monitoring Plan

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				Check Box	Date
<b>Wastewater</b>					
WW-1 The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.	Los Angeles County Department of Public Works	Los Angeles County of Public Works shall regularly inspect the FOG interceptor.	This measure shall be implemented prior to issuance of the proposed restaurant's business license and shall remain effective throughout the life of the project.		
<b>Energy</b>					
ENG-1 Prior to submittal of final plans, the applicant shall make necessary alterations to the generation or distribution system as required by Southern California Edison (SCE). The applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE, which states that electricity will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from SCE.	This measure shall be implemented prior to submittal of final plans.		

Mitigation Monitoring Plan

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Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion Check Box	Date
<p>ENG-2</p> <p>Prior to submittal of final plans, the applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.</p>	<p>Community Development Department</p>	<p>The applicant shall provide to the Community Development Department a letter from the Gas Company.</p>	<p>This measure shall be met prior to submittal of final plans.</p>		