Attachment 1

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

RESOLUTION NO. 08-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 9900 WILSHIRE PROJECT CONSISTING OF LUXURY RESIDENTIAL CONDOMINIUMS, PUBLIC GARDENS, AND ANCILLARY COMMERCIAL USES; MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM; (THE FORMER ROBINSONS-MAY DEPARTMENT STORE SITE)

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

Section 1. Formal applications were submitted by Project Lotus, LLC, a Limited Liability Company (the "Applicant"), to allow construction of a mixed-use project with residential condominiums, commercial space, public and private gardens, and subterranean parking (the "Project"). A Draft Environmental Impact Report dated August 2007 (State Clearinghouse No. 2006071107) was prepared for the Project. Section 3.0 of the Draft Environmental Impact Report 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 July 21, 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).

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 20, 2007, September 5, 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 9900 Wilshire 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 9900 Wilshire 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 October 29, 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 Draft EIR and the Project, the Commission requested additional information regarding the potential environmental impacts of five different variations of the Project or Project alternatives. Four of these five additional potential configurations of the Project constituted variations on one or more of the alternatives analyzed in the Draft EIR. The last of the potential project configurations evaluated only the provision of additional parking on the site and thus is merely a variation on the proposed Project. For ease of reference, these proposed variations were referred to as Alternatives 5A, 7, 8, 9, and 10. An analysis of the additional variations was presented to the Planning Commission on October 29, 2007, and that analysis is hereby

incorporated into this Resolution by reference. The analysis is also incorporated into the Final EIR as Appendix C. While some of 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 six alternatives fully analyzed in the Draft EIR. Parts of some 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. Throughout the proceedings, representatives of the Los Angeles Country Club (LACC), whose property is located to the west of the Project site, expressed concerns regarding aesthetic impacts on certain portions of the golf course that is adjacent to the west of the proposed Project, as well as concerns regarding potential shade and shadow impacts on portions of the golf course. The LACC invited the Planning Commission to visit the LACC to view areas of alleged impact so that the Commissioners could get a perspective viewing the Project site from the due west in areas generally open only to members and guests of the LACC. The Planning Commission, staff, Applicant team, LACC representatives, and interested

members of the public visited the LACC during the Commission's January 31, 2008 meeting, at which time the Commissioners observed balloons flown by the LACC to approximate the Project's building heights, observed other development surrounding the LACC including the buildings of Century City to the south, and observed the plentiful existing foliage on the site.

Section 8. 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 20, September 5, September 24, October 29, November 8, and November 28, 2007 and January 10, January 24, and February 7, 2008, and the City Council hearings held on March 11, March 20, and March 27, 2008 (collectively the "Hearings"), as well as concerns raised by the Commission and the City Council, the Planning Commission and City Council recommended various modifications to the Project. At the conclusion of the Planning Commission's deliberations, the project consisted of 235 condominiums, approximately 16,000 square feet of retail space, 0.81 acres of public gardens and water features, private open space areas, and subterranean parking. All loft buildings were removed from the project, and the condominium units would all be located in the North and South Tower Buildings, which are set back farther from the western property line and the Los Angeles Country Club than was the original project. The North Tower Building's height would range from 108 feet to 161 feet, and the South Tower Building's height would vary from 161 feet to 185 feet. The North Building would be set back 72 feet from the Wilshire Boulevard curbline, and would step in height from 9 floors at the north, to 11, 12, and 13 floors moving from north to south. The Southern Tower Building would be 14 to 15 floors. The Applicant has sometimes referred to this as Alternative 5B-1.

The City Council considered the project as recommended by the Planning Commission, and during the deliberations requested a modification to the project. At the request of the City Council, the Applicant agreed to remove approximately 8,000 square feet from the eastern edge of the top level of the South Building. The City Council provided the Applicant the option of adding garden residences that would be located on top of the restaurant building. Should the Applicant choose to add these garden residences, the Applicant may remove up to 10,000 square feet from the eastern edge of the South Building and place it atop the restaurant. The removal of up to 10,000 feet would enable the Applicant to develop four more viable garden residence units. If the Applicant determines that they do not wish to develop the garden residences, then approximately 8,000 square feet would still be removed from the eastern edge of the South Building. The Project as revised by the City Council is referred to herein as the "Revised Project."

Between the analysis of the originally proposed Project, the analysis of the six alternatives, the analysis of the five additional variations on alternatives as discussed in Section 6 above, the analysis of the Revised Project in Appendix D of the Final EIR, and extensive testimony in the record, the City Council finds that the potential impacts of the Revised Project have been fully assessed and fully disclosed. The City Council also finds that impacts of the Revised Project have been 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 9. The City Council held public hearings on the Project on March 11, 2008, March 20, 2008, and March 27, 2008. The City Council considered the administrative record before the Planning Commission, which is hereby incorporated by reference, the Final Environmental Impact Report (the "Final EIR"), the written and oral

comments on the EIR, staff reports and responses to comments incorporated into the EIR and all testimony related to environmental issues.

Section 10. 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 March 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, the revisions to the Draft EIR, and the Final EIR, the City Council concludes 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 11. Additional written comments on the EIR were submitted during the City Council proceedings, although the comment period for the EIR had lapsed. Nonetheless, the City prepared responses to certain written comments which are incorporated into the Final EIR.

Section 12. 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 October 29, 2007, including shade and shadow studies; the Comments and Response to Comments on the Draft EIR, including errata pages; and the Mitigation Monitoring and Reporting Program, responses

to additional comments presented to the City Council, and Appendix D which provides analysis of the project as revised by the Planning Commission and City Council.

Section 13. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence which has been presented at the hearings before the Planning Commission and City Council 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 14. The City Council 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 15. The City Council has independently reviewed and considered the contents of the Final EIR prior to rendering a decision on the Project. The City Council hereby finds that the Final EIR reflects the independent judgment of the City. The City Council further finds that the additional information provided in the staff reports, in comments on the Draft EIR, the responses to comments on the Draft EIR, Recirculated portions of the Draft EIR, and the evidence presented in written and oral testimony at the City Council and Planning Commission Hearings, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the Planning Commission or City Council

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

Section 17. Based upon the Final EIR and the record before the Planning Commission and the City Council, the City Council finds 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); 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 18. Upon considering the information gathered during the visit to the LACC site, the various photo simulations presented during the course of the Planning Commission's hearings, the shade and shadow studies presented to the Planning Commission, the studies regarding shade and shadow impact on turf grass included in appendices to the EIR, the existence of trees and foliage already producing significant shade on the golf course, the existence of the tall buildings in Century City which are readily visible from and produce shade on the LACC golf course, and the responses to the LACC's comments on the EIR, the Planning Commission found that the full degree of potential impacts of the Project on the LACC had been fully disclosed, and that the neither the Project nor the project as revised by the Commission would have significant shade and shadow or aesthetic impacts on the LACC.

The LACC presented additional information regarding alleged potential impacts of shade and shadow on the LACC's golf course and turf at the City Council meeting of March 11, 2008. In rebuttal, the Project Applicant submitted evidence contrary to the expert testimony of the LACC's consultant regarding shade and shadow. Further, the City's environmental consultant reviewed the additional information and provided analysis of the additional evidence, which is incorporated into the Final EIR, and which concludes that the revised project will not result in a significant adverse impact as to shade and shadow or on the turf at the LACC. The City Council considered all of the evidence in the record, as more fully explained in Exhibit A, attached hereto, and having balanced the various evidence concludes that the EIR and the testimony of Mr. William Kent Alkire, II, is the more compelling, and on that basis concludes that alleged impacts on the LACC turf grass are less than significant.

Section 19. Based upon the Final EIR and record before the City Council, the City Council finds that the Revised Project will create significant unavoidable impacts to

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); 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 certain impacts remain significant.

Section 20. The EIR describes, and the City Council 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 – Preservation/Reuse of Robinsons-May Building Alternative, Alternative 5 – Modified Height and Configuration of North/South Buildings, and Alternative 6 – Reconfiguration Alternative. As explained in Section 6 above, the Planning Commission also requested analysis of the four additional variations on the alternatives analyzed in the Draft EIR and one variation on the Project.

With respect to each of the alternatives analyzed in the EIR, and the five project variations considered by the Planning Commission and the City Council, the City Council must 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, is environmentally superior to other feasible alternatives. As such,

the City Council has adopted the Revised Project, and finds all other alternatives and variations, including alternatives proposed by the LACC and the Los Angeles Conservancy, infeasible or not environmentally preferable for the reasons set forth in Exhibit A.

Section 21. For all significant and unavoidable impacts, including 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); and Noise (Construction, Cumulative Construction, Vibration from Construction, Cumulative Vibration from Construction) impacts identified in the Final EIR as "significant and unavoidable," the City Council hereby adopts the "Statement of Overriding Considerations" as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. The City Council finds that each of the overriding benefits, by itself, would justify proceeding with the Revised Project despite any significant unavoidable impacts identified in the Final EIR or alleged to be significant in the record of proceedings.

Section 22. The City Council hereby adopts the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C and incorporated herein by this reference, and imposes each mitigation measure as a condition of Project approval. The City Council also hereby adopts the "Mitigation Monitoring and Reporting Program," attached hereto and incorporated herein by reference. City staff shall be responsible for implementation and monitoring the mitigation measures as described in Exhibit C.

Section 23. The City Clerk 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 City Council of the City.

Adopted:

BARRY BRUCKER
Mayor of the City of Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

VINCENT P. BERTONI, AICP
Director of Community Development

EXHIBIT A

Findings and Facts in Support of Findings

EXHIBIT B

Statement of Overriding Considerations

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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.**[1]

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 on 9900 Wilshire Boulevard (the "Project"), as more fully described in the EIR and as revised by the Planning Commission and 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 including the recirculated portions of the EIR, the Comments and Responses to Comments on the Draft EIR and the recirculated portions of the 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:

- To create a world-class architectural landmark with a visual presence at the dual gateway to the City at Wilshire Boulevard and Santa Monica Boulevard, and which will enhance the beauty and image of the City of Beverly Hills.

- To develop an environmentally sensitive and sustainable project for which the applicant intends to seek Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green Building Council and establish a benchmark for environmentally responsible design in the City of Beverly Hills.

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[1] Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

- To preserve approximately two-thirds of the project site as landscaped gardens and other open space to enhance the visual character of the project.

- To provide a 0.42-acre entry garden along Wilshire Boulevard for the use and enjoyment of the public that complements and extends the existing Beverly Gardens Park on the north side of Wilshire Boulevard, enhances the garden qualities of the City, and replaces a high-density commercial use across the street from an existing school and residential neighborhood. (The final project includes a 0.81 acre public garden.)

- To redevelop the project site in a manner that does not substantially increase the traffic levels and related operational air quality and noise impacts associated with the prior Robinsons-May department store use on the site prior to closure.

- To improve the utilization and visual appearance of the project site by eliminating the existing above-ground parking structure and constructing subterranean parking for the project that will be spread across the entire project site to provide convenient parking for project residents, guests and retail patrons.

- To provide a substantial amount of housing for local and area residents to help meet market demand and alleviate the substantial housing shortage in the City of Beverly Hills and the Westside of Los Angeles.

- To provide new housing within the City without having to tear down existing rental units or otherwise displace existing housing.

- To provide full-service residential condominiums that are competitive with existing and proposed condominium projects in the Wilshire Corridor and Century City and have comparable views, so that residents who desire to "downsize" from their existing homes will not have to move out of Beverly Hills to find suitable housing.

- To provide restaurant and retail spaces along Santa Monica Boulevard to (a) serve project residents and others and (b) enhance pedestrian activity and street life by providing a connection between the current retail uses in Century City and Beverly Hills.

- To improve traffic circulation in and around the project site by providing additional vehicular access points on Wilshire Boulevard and Santa Monica Boulevard for project residents in order to reduce traffic on Merv Griffin Way.

- To reduce the intensity of uses currently permitted thereon by replacing the existing C-3 commercial zoning designation with a specific plan zoning designation that limits development to approximately two-thirds of the number of residential units that would be permitted under the R-4 residential zoning designation, along with a small amount of retail space. (The final project considered by the Planning Commission increases intensity with respect to height.)

- To provide an appropriate transition from the larger office and residential buildings in Century City and the Wilshire Corridor.

- To provide housing in close proximity to the office and retail uses in Century City and Beverly Hills.

- To promote housing, conservation, and green space policies consistent with the land use, housing element, and conservation elements of the General Plan.

- To provide annual net revenue to the City that substantially exceeds the revenue the City would receive from commercial operations on the Project site.

III. Background

The applicant's original proposal for the Project consisted of two 12-story residential tower buildings, four-story loft buildings, retail and commercial space, 42 acres of public open space, garden areas and subterranean parking. The original proposal consisted of 252 condominium residences, 144-foot tall residence towers, 48 foot tall loft buildings along Merv Griffin Way, approximately 20,000 square feet of commercial space along Santa Monica Boulevard and public and private gardens. A total of 829,686 square feet of area would have been dedicated to residences. The original proposal is referred to herein as the "Project."

During Planning Commission deliberations and consideration of various project alternatives, the applicant revised the Project in order to address concerns of the Commission and to respond to certain adverse environmental impacts of the original proposal.

At the conclusion of the Planning Commission's deliberations, the Project consisted of 235 condominiums, approximately 16,000 square feet of retail space, 0.81 acres of public gardens and water features, private open space areas, and subterranean parking. All loft buildings were removed from the project, and the condominium units would all be located in the North and South Tower Buildings. The North Tower Building's height would range from 108 feet to 161 feet, and the South Tower Building's height would vary from 161 feet to 185 feet. The North Building would be set back 72 feet from the Wilshire Boulevard curbline, and set back 80 feet from the Los Angeles Country Club, and would step in height from 9 floors at the north, stepping to 11, 12, and 13 floors moving from north to south. The South Tower Building would be 14 to 15 floors and be set back 42 feet from the Los Angeles Country Club at its southwest corner and 44 feet from the Country Club at its northwest corner. The applicant has sometimes referred to this as Alternative 5B-1. The Planning Commission recommended approval of this project.

The City Council considered the Project as recommended by the Planning Commission, but during the deliberations requested further modification to the Project. At the request of the City Council, the Applicant agreed to remove approximately 8,000 square feet from the eastern edge of the top level of the South Building to reduce massing impacts of the proposed buildings. The City Council provided the Applicant the option of adding garden residences that would be located in one level on top of the restaurant building. Should the Applicant choose to add these garden residences, the Applicant may remove up to 10,000 square feet from the eastern edge of the South Building and place it atop the restaurant. The removal of up to 10,000 feet would enable the Applicant to potentially develop four more viable garden residence units. If the Applicant determines that they do not wish to develop the garden residences, the 8,000 square feet would still be removed from the eastern edge of the South Building. The Project as revised by the City Council is referred to herein as the "Revised Project."

The proceedings before the Planning Commission and City Council resulted in modifications to the project in furtherance of CEQA's policy of changing the project as a method for protecting the environment. CEQA Guidelines Sec. 15002 (h). Revisions to the Project including increased setbacks along Wilshire Boulevard, reduced height at the north end of the project with stepped increases in height to the south end of the site, increased amount of public open space from .42 acres to .81 acres by removing the loft buildings, and introduction of open space garden area at the northwest corner of Santa Monica Boulevard and Merv Griffin Way. These revisions eliminated potentially significant impacts associated with General Plan policies related to community scale and transitional conflicts. The modifications to the project are not substantial, did not result in new or more severe significant impacts, and were clearly articulated during the proceedings. As discussed in Appendix D of the Final EIR, none of these revisions trigger the requirement to recirculate an EIR.

Between the analysis of the originally proposed Project, the analysis of the six alternatives, the analysis of six additional variations on alternatives as discussed in Section VIII below, and the analysis of the Revised Project in Appendix D of the Final EIR 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 July 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 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 or 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 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 a 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 with an increase in 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 with an increase in 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 with an increase in 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 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.

A. AESTHETICS

1. Development of the Project would not obstruct, interrupt, or diminish a valued focal or panoramic view.

2. Development of the Project would not create a new source of shade or shadow which would adversely affect existing shade/shadow sensitive structures or uses.

During testimony before the Planning Commission, representatives of the Los Angeles Country Club (LACC), whose property is located to the west of the Project site, expressed concerns regarding aesthetic impacts on certain portions of the golf course that is adjacent to the west of the proposed Project, as well as concerns regarding potential shade and shadow impacts on portions of the golf course. The LACC invited the Planning Commission to visit the LACC to view areas of alleged impact so that the Commissioners could get a perspective viewing the Project site from the west in areas generally open only to members and guests of the LACC. The Planning Commission, staff, Applicant team, LACC representatives, and interested members of the public visited the LACC during the Commission's January 31, 2008 meeting, at which time the Commissioners observed balloons flown by the LACC to approximate the Project's building heights, observed other development surrounding the LACC including the buildings of Century City to the south, and observed the plentiful existing foliage on the site. The Planning Commission considered the information gathered during the visit to the LACC site, the various photo simulations presented during the course of the Commission's hearings, the shade and shadow studies presented to the Commission, the studies regarding shade and shadow impact on turf grass included in appendices to the EIR, the existence of trees and foliage already producing significant shade on the golf course, the existence of the tall buildings in Century City that are readily visible from and produce shade on the LACC golf course, and the responses to the LACC's comments on the EIR.

Based on this information, the Planning Commission found that the full degree of potential impacts of the Project on the LACC has been fully disclosed, and that the neither the Project nor the Revised Project would have significant shade and shadow or aesthetic impacts on the LACC. Specifically, with respect to shade and shadow impacts at the LACC, the Planning Commission considered and took into account:

a) The DEIR analysis of the shade and shadow impacts and the conclusion that impacts would be less than significant, using the City of Los Angeles 3-hour threshold.

b) The Study Commissioned by the Los Angeles Country Club entitled "Report of Findings and Recommendations Regarding Morning Light Penetration On #16 Tee, Fairway And Green at Los Angeles Country Club" dated June 2006

c) The study "Shade and Shadow Study – The Los Angeles Country Club" incorporated into the Technical Appendices of the Draft EIR as appendix 4.1

d) Updated Shade and Shadow analysis for variations on the Project that included increased height of the southern building, which shows that the Project would not cause shading in excess of the 3-hour City of Los Angeles standard

e) The Commission's visit to the LACC and tour of the potentially impacted areas.

In addition to the information gathered by the Planning Commission, the City Council also considered additional information submitted by the Project applicant and the LACC, including:

f) The letter dated March 20, 2008 from William Kent Alkire, II, Agronomist, concluding that the impact of shade/shadow from the project would will not significantly impact the Los Angeles Country Club's ability to continue to maintain the turf along its golf course's 16th hole to current levels of quality.

g) The letter dated March 6, 2008 from Michael J. Hurdzan, Ph.D. submitted on behalf of LACC regarding alleged impacts of shade/shadow from the project on the LACC's golf course turf.

h) A slideshow presentation made by the applicant at the March 20, 2008 meeting and included in the applicant's letter dated March 20, 2008.

In considering the entirety of the evidence the City Council concludes that Appendix 4.1 of the Draft EIR and the March 20, 2008 letter from Mr. Alkire, II, including the shade and shadow exhibits therein, are more persuasive than contrary evidence offered on behalf of the LACC. The City Council bases its finding that the Revised Project will not have significant impacts on the LACC in large part on the conclusion of Appendix 4.1, which states that "the construction of the proposed 9900 Wilshire Project should have no significant, notable impact on the turf quality and density of the grasses and trees currently being grown on the 16th hole of the South Course at the Los Angeles Country Club," and the similar conclusions set forth in the Alkire letter dated March 20, 2008.

B. AIR QUALITY

1. Development of the 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 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 Project would not generate vehicle trips that cause a CO hotspot, and would not expose future occupants or sensitive receptors to a CO hotspot.

4. Development of the Project would not have the potential to create, or be subjected to, an objectionable odor that could impact sensitive receptors.

5. Development of the 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.

6. Development of the 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 Project would not be occupied by sensitive receptors within 1/4 mile of an existing facility that emits air toxics identified in SCAQMD Rule 1401.

8. Development of the Project would contribute a less than significant amount of greenhouse gas emissions on both a project and a cumulative basis.

9. Development of the 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 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 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 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 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 it create a significant hazard to the public or the environment.

E. HYDROLOGY AND WATER QUALITY

1. Development of the 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).

2. Development of the 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 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 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 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.

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 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.

G. POPULATION AND HOUSING

1. Development of the 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).

H. FIRE PROTECTION

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

I. POLICE PROTECTION

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

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

J. SCHOOLS

1. Development of the Project would not result in a significant impact to school services.

K. RECREATION AND PARKS

1. Development of the Project would not result in a significant impact on recreation and parks.

L. LIBRARY SERVICES

1. Development of the Project would not be considered to have a significant impact on library services.

M. TRANSPORTATION AND TRAFFIC

1. Development of the 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.

2. Development of the 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.

3. Development of the Project would not cause a significant impact on residential roadway segments, since the 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 Project would not cause a significant impact on residential roadway segments, since the 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 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 Project would not cause a significant impact on a Congestion Management Plan (CMP) intersection, since the Project would not cause the V/C ratio to increase by 2 percent or more, causing the V/C ratio to increase beyond 1.00 (LOS F).

7. Development of the Project would not cause a significant impact for alternative forms of transportation, since the Project would not conflict with adopted policies, plans, or programs supporting alternative transportation.

8. Development of the Project would not cause a significant impact for pedestrian facilities, since the Project would not disrupt existing pedestrian facilities.

9. Development of the Project would not cause a significant impact for pedestrian facilities, since the Project would not interfere with planned pedestrian facilities.

10. Development of the Project would not cause a significant impact for pedestrian facilities, since the Project would not conflict with or create inconsistencies with adopted pedestrian system plans, guidelines, policies, or standards.

11. Development of the Project would not cause a significant impact since the 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 Project would not cause a significant impact for project parking, since the Project would not design parking areas that fail to meet City standard design guidelines.

13. Development of the Project would not cause a significant impact for project parking, since the Project would not fail to provide a sufficient quantity of on-site parking for vehicles.

14. Development of the Project would not cause a significant impact for project parking, since the Project would not increase off-site parking above that which is provided in the immediate project area.

15. Development of the Project would not cause a significant impact for risk of off-site intersection collision, since the 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.

16. Development of the Project would not cause a significant impact for risk of off-site intersection collision, since the 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 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 Project would comply with federal, state, and local statutes and regulations related to solid waste.

O. ENERGY

1. Development of the 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 Article VII 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 Article VII 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, and those conclusions are equally applicable to the Project and the Revised Project.

A. LIGHT AND GLARE

The Project's potential impacts on 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 impacts on aesthetics, light, and glare.

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 redevelopment of the 9900 Wilshire Project site and associated lighting is consistent with existing development in the area, and the north-south building alignment on the Project site is intended to minimize views of the buildings from residential neighborhoods to the north, nighttime lighting associated with the two tower buildings along the western side of the property would result in significant lighting 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 potential nighttime lighting impacts from 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. 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 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 Beverly Hilton Revitalization Plan, proposed for the adjacent Beverly Hilton Hotel property at 9876 Wilshire Boulevard, immediately east of the 9900 Wilshire Project site, would increase nighttime light levels on that adjacent project 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. Both the Beverly Hilton Revitalization and 9900 Wilshire 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 9900 Wilshire Project that contains a number of features to reduce the potential for light spillover onto off-site properties. Implementation of mitigation measures **MM-LG-1** would further reduce the potential for light spillover and adverse effects on nighttime views. For these reasons, as mitigated, light sources proposed as part of the 9900 Wilshire 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 Beverly Hilton Revitalization Plan. Further, it is expected that a similar mitigation measure would be imposed on the Beverly Hilton Revitalization Project if approved.

Building materials proposed for the 9900 Wilshire 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 and therefore not significant.

B. 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

The EIR analyzes in detail the potential of the Project's construction and operational activities to impact cultural resources on the Project site and in the surrounding area. Four potentially historic street lights are located adjacent to the Project site; two are on Wilshire Boulevard and two are on Santa Monica Boulevard. These street lights appear eligible for local listing or designation. The permanent removal of or damage to these street lights would result in a 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-3 Potentially historic street lights adjacent to the Project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard in appropriate locations 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 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-3** 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. Archaeological Resources

The EIR analyzes in detail the potential of the Project's construction and operational activities to impact the cultural resources of the Project site and the surrounding area. No archaeological resources are known to have been discovered on the Project site during previous disturbances. However, excavation of the Project site has the potential to disturb unknown resources, causing a potentially significant impact upon those resources. In the event of an unexpected disturbance, significant impacts to archaeological resources could occur.

(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-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.
>
> MM-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).

(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. Implementation of mitigation measures MM-CR-4 and MM-CR-5 would reduce potentially significant impacts to a less than significant level in the unlikely event that archaeological resources are discovered during construction.

3. Paleontological Resources

The EIR analyzes in detail the potential of the Project's construction and operational activities to impact the cultural resources of the Project site and the surrounding area. No paleontological resources are known to have been discovered on the Project site during previous disturbances. However, excavation of the Project site has the potential to disturb unknown resources, causing a potentially significant impact upon those 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. Implementation of mitigation measure MM-CR-6 would reduce potentially significant impacts to a less than significant level in the unlikely event that paleontological resources are discovered during construction.

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 following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

MM-CR-3 Potentially historic street lights adjacent to the Project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard in appropriate locations in consultation with the Project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

MM-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.

MM-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).

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 measures identified in the Draft EIR with the exception of cumulative impacts to historical resources as discussed in Section VII below. With implementation of mitigation measure, **MM-CR-3**, project and cumulative

impacts related to street lights would be less than significant. With implementation of mitigation measures, **MM-CR-4 and MM-CR-5**, project and cumulative impacts related to archaeological impacts would be less than significant. With implementation of mitigation measure, **MM-CR-6**, project and cumulative impacts related to paleontological impacts would be less than significant. Further, to address similar concerns with the adjacent Beverly Hilton Revitalization Project, it is expected that similar mitigation measures would be applied to that project if it is approved.

C. GEOLOGY AND SOILS

The Project's potential impacts on geology and soils 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 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 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 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 ground shaking would be less than significant.

2. 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

Due to the shallow depth of groundwater, encountered at depths of 30 to 45 feet below the existing surface, dewatering activities on the Project site would be required during construction of the subterranean parking garage. Drilled piles used to shore the garage walls would reach depths of approximately 35 feet. During construction, dewatering would be achieved with temporary dewatering wells, storage tanks, and filters. The applicant would 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").

The depth of the finished slab of the lower parking level (P2) would be 32 feet below ground surface at the northern portion of the site and approximately 10 feet below ground surface at the southern portion of the site. Given the above, operation of Project would also require permanent dewatering activities. The applicant would 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**, dewatering activities would require an NPDES Permit for Groundwater Discharge from the LARWQCB.

As the proposed structures would be designed, constructed and operated in conformance with recommendations included within the Report of Geotechnical Investigation, included in the EIR as Appendix 4.4, and all applicable local, state, and federal regulations, such as the UBC, consistent with mitigation measure **MM-GEO-1** and with mitigation measure **MM-HYDRO-1**, impacts to life and property from unstable soils would be less than significant.

3. Expansive Soils

Upper soils on the Project site have 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

As mentioned above, upper soils on-site have a medium expansion potential. The below-grade parking structure planned would be constructed to a depth of approximately 35 feet below grade. Groundwater was measured at 30 to 45 feet below ground surface, but the historic water level has reached 28 to 30 feet. As the depth of groundwater has been known to fluctuate to up to 28 feet below grade, the likelihood of expansive soils impacting the proposed structures at some future date is probable, which represents a potentially significant impact prior to the implementation of mitigation. However, as the Project would be designed and constructed in conformance with recommendations included within the Report of Geotechnical Investigation (EIR Appendix 4.4) 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.

D. HAZARDS AND HAZARDOUS MATERIALS

The Project's potential impacts on 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, mold, PCB's, and hazardous materials within a quarter mile from a school.

1. Asbestos - Lead Paint – Mold - 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, visible mold growth, 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 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:

MM-HAZ-1 Any suspect lead-based paint shall be sampled prior to any renovations or demolition activities. Any identified lead-based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.

MM-HAZ-2 The property owner shall ensure that the source(s) of moisture intrusion resulting in the growth of mold within the building are repaired. As the building is scheduled for demolition, it is not necessary to abate the mold-impacted materials.

MM-HAZ-3 All old unused fluorescent light ballasts potentially containing PCBs shall be properly removed and disposed of prior to demolition activities.

(b) Facts in Support of Findings

The Phase I Environmental Site Assessment (EIR Appendix 4.5) indicated that suspect lead-based paint, visible mold growth, and old unused fluorescent light ballasts exist on the project site; all are recognized as potential environmental conditions. Therefore, the presence of the aforementioned recognized potential environmental conditions could result in potentially significant impacts associated with the release of hazardous materials into the environment. However, incorporation of mitigation measures identified above would reduce potentially significant impacts to less than significant levels by properly handling and disposing the materials.

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

El Rodeo School, a Beverly Hills Unified School District elementary school, is located immediately north of the Project site, across Wilshire Boulevard, and therefore lies within a one-quarter mile of the Project site.

(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-HAZ-1 Any suspect lead-based paint shall be sampled prior to any renovations or demolition activities. Any identified lead-based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.

MM-HAZ-2 The property owner shall ensure that the source(s) of moisture intrusion resulting in the growth of mold within the building are repaired. As the building is scheduled for demolition, it is not necessary to abate the mold-impacted materials.

MM-HAZ-3 All old unused fluorescent light ballasts potentially containing PCBs shall be properly removed and disposed of prior to demolition activities.

(b) Facts in Support of Findings

The presence of the aforementioned hazardous materials could result in potentially significant impacts associated with hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. However, incorporation of the mitigation measures identified above would reduce potentially significant impacts associated with the release of hazardous materials during demolition activities to less than significant levels. Following standard protocols for removal of these potentially hazardous materials will ensure that potential impacts to the nearby school are avoided. While parents of children attending El Rodeo School have expressed concern about demolition, no new impacts have been identified.

E. HYDROLOGY AND WATER QUALITY

The Project's potential impacts on hydrology and water quality 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-HYDRO-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 the 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, 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 occurring post-construction would have to adhere to an NPDES Permit for Groundwater Discharge from the LARWQCB. Under recent regulations adopted by the LARWQCB, projects are required to implement a Standard Urban Storm Water Mitigation Plan (SUSMP) during the operational life of the Project to ensure that stormwater pollution is addressed by incorporating Best Management Practice (BMP) features into the design of the Project. 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 Stormwater Pollution Prevention Program (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.

F. NOISE

The Project's potential noise-related impacts that can be mitigated or are otherwise less than significant are 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 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 any proposed residential units 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. In addition to the foregoing, the Project applicant, in response to comments and concerns of the Planning Commission, removed the loft residential units along Merv Griffin Way, thus increasing the distance between that private street and the nearest residential units. Further, the Applicant increased the setback of the north building from Wilshire Boulevard to approximately 72 feet, thus further decreasing the potential for noise impacts from Wilshire Boulevard traffic. Finally, the City prepared a revised noise study to consider the potential impacts of higher traffic counts at certain intersections. The revised noise study concluded that, with mitigation, all potential impacts would be less than significant.

G. FIRE PROTECTION AND EMERGENCY SERVICES

The Project's potential fire protection impacts that can be mitigated or are otherwise less than significant are 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 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 delay associated with a traffic signal, 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 Beverly Hills Fire Department'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," as determined by the City, 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 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 Beverly Hills Fire Department must respond to a fire incident at the Project site.

H. 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 anticipated 24-month construction period, the provisions within the required Construction Management Plan would be followed. However, potentially significant impacts could result.

Trucks would queue along Sepulveda Boulevard and would travel east to the site along Wilshire Boulevard or Santa Monica Boulevard. 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 300 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 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.

MM-TRAF-3 A 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, unless the CCD Director determines that more frequent updates are otherwise warranted due to resident complaints.

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 and equipment for non-peak travel periods.
- Coordinate haul trucks, 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, and prohibit obstruction of these same lanes during peak hours.
- Construction equipment traffic from the contractors shall be controlled by flagmen.
- 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 streets.
- Establish: (1) requirements for loading/unloading and storage of materials on the Project site, (2) where parking spaces would be encumbered, (3) length of time traffic travel lanes can be encumbered, (4) 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 the 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.

- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the Project site and neighboring businesses.

- 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.

- The Final Construction Traffic 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, 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 City.

- The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction.

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 north of Wilshire 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

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:

- The roadways designated as the truck routes for the Project are already some of the most congested 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 impact other roadways when traveling to and from the site; and

- The number of trucks required to access the site during the excavation process could be as many as 300 trucks per day over a period of five to six weeks.

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 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 truck traffic impacts to less than significant levels.

2. Delivery and Staging of Construction Equipment

The influx of construction equipment and materials could result in potentially significant impacts because there would be intermittent periods when large numbers of material deliveries would be required, the use of large trucks to deliver materials and equipment could contribute to and worsen roadway congestion, and delivery vehicles may need to temporarily queue on adjacent roadways such as Wilshire

Boulevard, Santa Monica Boulevard, and Merv Griffin Way as they enter onto the Project site. As such, potentially significant impacts could result.

(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 condominiums. These materials would have to be delivered to and stored on the site during certain parts of the construction period. 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 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. The Planning Commission imposed conditions on the Project that would prohibit such queuing on Wilshire Boulevard and Santa Monica Boulevard.

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 require staging of vehicles to avoid traffic obstruction and preclude the delivery of equipment during peak hours to minimize and traffic disruptions from such deliveries. Therefore, impacts associated with delivery and staging of material 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 at the Federal Building in West LA and at the adjacent VA facility. 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 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 would result in potentially significant, but temporary, parking impacts. This impact would result from potential worker parking spill-over. The Project applicant has prepared a Draft Construction Traffic Management Plan, which addresses the issues above. Mitigation includes the 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 restriction, or in the alternative, providing parking on-site.

Additionally, construction traffic and parking 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 adherence to 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:

MM-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 the building ensures that, upon occupancy, driveways will function in a safe and controlled manner, thus rendering any potential impacts to less than significant.

5. Roadway Feature Design

As part of the proposed Project, a portion of Santa Monica Boulevard would be reconstructed. The proposed reconstruction would comply with all applicable roadway design standards related to lane widths and sidewalk widths.

The Project would also construct a private roadway along the western edge of the Project site. Based on the current site plan, this roadway would be 20 feet wide with one travel lane in each direction. This width is acceptable based on standardized criteria from American Association of State Highway and Transportation Officials (AASHTO). Therefore, all Project driveways are in accordance with industry and City standards.

All Project driveways exceed the City's minimum width standard and all Project driveways classified as residential or commercial do not exceed the City's maximum allowable width. Therefore, all Project driveways are designed in accordance with industry and City standards.

Curb radii at the entry way on Wilshire Boulevard, however, were measured to be 15 feet, which is indicative of a design speed of 10 miles per hour. On many roadways within the City of Beverly Hills, this radius may be desirable, however such a minimum radii could prove problematic on the driveway located on Wilshire Boulevard. There is no deceleration lane for turning vehicles from Wilshire Boulevard into the Project site, meaning that vehicles would have to decelerate in the travel lane to turn safely. In order to reduce the severity of the potential deceleration impact, the Project site plan must be revised to increase the curb radius at Wilshire Boulevard to allow vehicles traveling 25-35 mph to turn into the Project. Therefore, implementation of mitigation would reduce impacts associated with the curb radii at the Wilshire Boulevard driveway 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 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 Project applicant shall revise the Project site plan to increase the curb radius at the driveway on Wilshire Boulevard to allow vehicles traveling 25 to 35 mph to turn safely.

(b) Facts in Support of Findings

Vehicles traveling on Wilshire Boulevard are able to travel at high speeds outside of the peak traffic hours and may be unable to decelerate safely in the travel lane in order to make safe right turn movements into the Project from Wilshire Boulevard. The Wilshire driveway has a sharp bend for entering vehicles, which could have difficulty maneuvering after making the abrupt right turn. In order to reduce the severity of this impact, the Project site plan would need to be revised to increase the curb radius at Wilshire Boulevard to allow vehicles traveling 25-35 mph to turn into the Project. Therefore, implementation of mitigation, as discussed above, would increase the margin of safety for vehicles navigating this turn and reduce impacts associated with the curb radii at the Wilshire Boulevard driveway to less than significant. The applicant has revised the plans in accordance with Planning Commission comments and provides a more gentle curb return which allows negotiations of the turn at higher speeds, thus minimizing the need for vehicles to substantially decelerate in Wilshire Boulevard travel lanes in order to safely access the Project site. As section 3.1 of the Final EIR states, the alternative approach of allowing a right-turn deceleration lane is not feasible because of the adjacent gas station driveway.

Pursuant to mitigation measure MM-TRAF-8, the plans must be revised, and these revisions must be approved by the City's Community Development Department and City Traffic Engineer before issuance of a building permit.

6. 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 Beverly Hilton Revitalization Plan would result in potentially significant cumulative construction traffic impacts.

(a) Findings

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

> MM-TRAF-9 The applicant for the 9900 Wilshire Project shall coordinate with the applicant for The Beverly Hilton Revitalization Plan 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 Beverly Hilton Revitalization Plan, which is located directly adjacent to the project site to the east. Most of the remaining related projects are a sufficient distance from one another to reduce the potential for cumulative construction-related traffic at any one location from having an effect. Construction phases of the Beverly Hilton Revitalization Plan are anticipated to overlap with construction phases of the 9900 Wilshire Project.

Due to the proximity of the 9900 Wilshire Project and the adjacent Beverly Hilton Revitalization Plan, the potential construction overlap could result in an increase in truck traffic on surrounding roadways, which could potentially cause traffic disruptions. Although both project applicants have prepared draft construction management plans that identify truck staging areas and designate appropriate travel routes to access the respective sites, truck traffic from simultaneous construction at both project sites could still result in a potentially significant impact to the roadway network in the vicinity of the project sites. In addition, trucks entering and exiting the two sites could result in traffic disruptions on roadways adjacent to the sites, including Wilshire Boulevard and Santa Monica Boulevard. Therefore, based on the anticipated overlap of the construction schedules and the proximity of the two project sites, construction-related truck traffic impacts potentially would be cumulatively significant.

Since the construction phases of the Beverly Hilton Revitalization Plan are anticipated to overlap with construction phases of the 9900 Wilshire Project, and due to the fact that the two sites are located immediately adjacent to one another, the influx of this material and equipment for construction of both projects could create impacts on the adjacent roadway network that result in traffic disruptions on roadways adjacent to the sites. Based on the above and the proximity of the two projects, construction-related traffic impacts would be cumulatively significant.

The Project applicant would provide construction worker parking on the Project site during all phases of construction, except during excavation and construction of the parking structure where the Project applicant would provide off-site worker parking at federal office buildings and an adjacent VA facility and shuttles would be provided to facilitate travel between these off-site locations and the construction-site as required by MM-TRAF-6. Even if shuttles are provided, it is likely that there may be some construction workers who, for personal convenience, attempt to park in areas adjacent to the site instead of at the designated off-site locations. Since construction phases of the proposed Project and the Beverly Hilton Revitalization Plan would likely overlap, the parking for construction workers for both projects has the potential to result in parking impacts in areas surrounding the two project sites. Therefore, the lack of available on-site parking for construction workers would result in a cumulatively significant short-term parking impact.

However, with implementation of mitigation measures **MM-TRAF-6** and cumulative mitigation measure **MM-TRAF-9**, the Project's contribution to cumulative impacts and the cumulation impact itself associated with truck traffic, delivery of construction material and equipment, and construction workers parking would be reduced to less than significant due to controls to limit traffic obstructions, prohibitions on peak hour activities, and limitations on worker parking, along with enforcement controls for these measures.

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

I. 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-2**, which is the same as MM-FIRE-2. With the incorporation of **MM-WTR-2**, impacts to water services would be less than significant. Implementation

of the mitigation will ensure that adequate fire flows are available in the event that the Beverly Hills Fire Department must respond to a fire incident at the Project site.

J. 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 would have the potential to contribute a heavier discharge of fats, oils, and grease into the sewer system than uses associated with the previous use of the site, a Robinsons-May store. These substances could clog the system and potentially result in decreased wastewater flow.

(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.

K. 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 decrease of approximately 1,231,623 kWh in electricity demand compared to the Robinsons-May store. Given that the Project's anticipated electricity demand would be lower than that of the Robinsons-May store or a similar commercial operation, 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, and implement appropriate energy conservation features, the impact to facilities would be less than significant. Further, the Project proposes a number of energy efficient design features that will further reduce energy demand.

2. Natural Gas

Project implementation may require alterations to existing distribution facilities or the installation of new facilities or equipment. 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 Project and that all applicable energy conservation features have been incorporated into the Project design.

(b) Facts in Support of Findings

The Project is projected to have a higher gas demand than the former use on the Project site, 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 and implementation of applicable energy conservation features 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 to natural gas facilities would be less than significant. Further, the Project proposes a number of energy efficient design features that will further reduce energy demand. (See Specific Plan Section 4.8.)

VII. Environmental Effects that Remain Significant and Unavoidable After Mitigation

In the environmental areas of aesthetics, air quality, cultural resources, land use and planning, and noise and groundborne vibration 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 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 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 that substantially increase development density and building heights on the Project site as compared to existing conditions. Accordingly, the Project would alter the visual character and quality of the site and its surroundings, which is a potentially significant impact. Alternatives that would reduce this impact to a level of insignificance were examined in the EIR. However, the City Council determined that each of these alternatives were infeasible for the reasons set forth in Section VIII. However, the Project has been modified to reduce the level of impact, even though the impact remains significant. The modifications that reduce these effects include increasing the setback of the north building from Wilshire Boulevard, reducing heights closest to Wilshire and stepping the building up in height, as the building progresses to the south, removing the loft buildings, increasing the open space areas, integrating open space near the

intersection of Santa Monica Boulevard and Merv Griffin Way, and increasing setbacks from the western property line. These changes incorporate elements of several alternatives, including Alternative 5 and variation 5A. However, the Revised Project is less intensive than this alternative and variation. The Applicant, through the Revised Project, has addressed the issue to the extent feasible.

No feasible mitigation is available to reduce the impact to a less than significant level.

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.

2. Cumulative Visual Character and Quality

The Project, considered together with the Beverly Hilton Revitalization Plan, 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 that would reduce cumulative impacts to insignificance. However, changes or alterations have been required in or incorporated into, the Project which substantially lessen the Project's contribution to significant impacts identified in the EIR.

(b) Facts in Support of Findings

The proposed Project in combination with the adjacent Beverly Hilton Revitalization Plan 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 Project, the adjacent Beverly Hilton Revitalization Plan would introduce new tower buildings, approximately 150 feet in height. The Project, in combination with this neighboring project, would substantially alter the visual character of the surrounding area and would therefore result in cumulative aesthetic impacts. Therefore, the 9900 Wilshire Project would result in a cumulative 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 in the foregoing Section III of this Resolution and in Section VIII.A.1 to substantially lessen the impacts. The cumulative impact, however, remains significant. Alternatives that would reduce the Project's contribution to cumulative impacts to a level of insignificance that is not cumulatively considerable were examined in the EIR. However, the City Council determines that each of these alternatives are infeasible for the reasons set forth in Section VIII. However, as described above, the Project has been revised to incorporate elements of several alternatives, including Alternative 5 and variation 5A to reduce aesthetic impacts. The Revised Project, as revised, is less intrusive than Alternative 5 or variation 5A.

No feasible mitigation is available to reduce the cumulative impacts to insignificance.

3. Views

Evaluation of views from nine viewpoints showed that Project impacts would be less than significant at eight viewpoints. Project implementation would adversely affect panoramic west-facing views from guestrooms in the Beverly Hilton Hotel's Wilshire Tower (Viewshed Nine). This 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.

No feasible mitigation is available to reduce the impact to a less than significant level.

(b) Facts in Support of Findings

Construction of the 9900 Wilshire Project, specifically the North and South Tower Buildings, would obstruct the existing panoramic views of trees and distant high-rise towers from west-facing guestrooms in the hotel's Wilshire Tower. This view obstruction is considered a significant impact and no feasible mitigation is available to reduce the impact to a less than significant level. Alternatives that would reduce this impact to a level of insignificance were examined in the EIR. However, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section VIII.

4. Views - Cumulative

The proposed Project, considered together with the Beverly Hilton Revitalization Plan which proposes residential towers at the western end of the hotel property, 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.

(b) Facts in Support of Findings

Considered together with the Residence A building on the Beverly Hilton property, the North and South Tower buildings proposed on the 9900 Wilshire Project site would contribute to a significant visual impact from west-facing guestrooms in the hotel's Wilshire Tower. The proposed Project would result in a considerable contribution to a cumulatively significant impact. No feasible mitigation measures are available to reduce the significant impacts associated with obstructing panoramic views from west-facing hotel rooms in the adjacent Wilshire Tower of the Beverly Hilton. Alternatives that would reduce this impact to a level of insignificance were examined in the EIR. However, the City Council determined that each of the alternatives are infeasible for the reasons set forth in Section VIII.

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 (NOX), PM10 and PM2.5 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 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 5 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.

- All corrective measures, as necessary to educe emissions to acceptable levels, shall be implemented immediately. If immediate implementation of a specific corrective measure will result in the creation of a hazardous situation, as determined by the Environmental Monitor, construction activity shall be allowed to continue for a reasonable period of time, ad determined by the Environmental Monitor, until such time that is it safe to implement that corrective measure. 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 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 Community Development Director 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).

- 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.

- 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 is it 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 is to reduce the potential for incremental health impacts from Project construction. However, even with implementation of all feasible mitigation, construction of the Project would result in significant NOX emissions. While construction could be drawn out to reduce the NOX emissions on a daily basis, this would result in increased emissions over time for NOX and other pollutants due to the longer construction period. Thus, the City Council finds that such measures would not be environmentally beneficial and that such measures are socially infeasible because each would extend the period that the community is exposed to the impacts of construction. However, taller construction enclosures have been required by the Planning Commission to help minimize off-site migration of particulate matter. Further, CARB recently adopted an In-Use Off-Road Diesel Vehicle Control Measure that is aimed at reducing PM10, PM2.5 and NOX 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 the potential for incremental health impacts.

2. Localized Significance Threshold (LST) – Construction

The Localized Significance Threshold (LST) analysis shows that maximum 24-hour PM10 and PM2.5 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 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 significant impact.

(b) Facts in Support of Findings

The LST analysis shows that maximum 24-hour PM10 concentrations are anticipated to exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site. The maximum 24-hour PM2.5 concentrations are also anticipated to exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site, but by a smaller margin than PM10. The impacts suggest that PM10 emissions could exceed the limitations in SCAQMD Rule 403.

The EIR identifies feasible mitigation measures that would reduce the impacts, although not to less than significant levels. Further mitigation, at the suggestion of certain commenters on the EIR, has been added to require monitoring of air quality (dust) upwind at the construction site and downwind of the construction site and requires the applicant to take corrective actions to address any exceedance of

SCAQMD Rule 403 thresholds. (See MM-AQ-14 and MM-AQ-15.) The mitigation measures require monitoring of air quality off site in the vicinity of the El Rodeo School, and sets actions to be taken in the event that exceedences occur.

The School District suggested a number of additional measures to address air quality issues, however, none of those measures would have reduced the level of impact beyond that achieved through implementation of the already identified and required mitigation measures. The Council finds that no other feasible mitigation to further reduce impacts has been identified. Thus the short term construction impact remains significant. Although the proposed measures will not reduce environmental impacts, staff recommended that many of the measures be incorporated as conditions of approval for the Project.

The EIR identified an alternative (the No Project alternative) that would reduce construction related air emissions to a less than significant level. However, this alternative is rejected by the City Council as infeasible and not environmentally superior for the reasons discussed in Section VIII.

3. Cumulative 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.[2] 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. As shown in Table 4.2-11, the Project's construction emissions would exceed the project-level threshold of significance for NOX, PM10, and PM2.5. Because the Basin is nonattainment for ozone (NOX is a precursor to ozone), PM10, and PM2.5, construction of the Project would generate a cumulatively considerable contribution to air quality impacts in the Basin. This is considered a significant and unavoidable impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen the Project's contribution to cumulative air quality impacts. Specifically, mitigation measures AQ-1 through AQ-15, discussed above, imposed upon the Project lessen the significant impact.

No other feasible mitigation is available to reduce the impact to a less than significant level.

(b) Facts in Support of Findings

The Project's construction emissions would exceed the project-level threshold of significance for NOX, PM10, and PM2.5. Because the South Coast Air Basin is nonattainment for ozone (NOX is a precursor to ozone), PM10, and PM2.5, construction of the Project would generate a cumulatively considerable contribution to air quality impacts in the Basin. As discussed above, in Section VII. B.2.(b), all feasible mitigation measures available to reduce the Project's contribution to the existing regional non-attainment

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[2] Personal communication with Steve Smith, Program Supervisor, South Coast Air Quality Management District, Diamond Bar, California, with David Deckman, Impact Sciences, April 19, 2006.

status have been required. Additionally, as discussed above and in Section VIII, no feasible alternative would reduce the Project's contributions to cumulative impacts to a level of insignificance.

C. CULTURAL RESOURCES

1. Historical Resources

With demolition of the Robinsons-May building, implementation of the proposed Project would cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5. This is a potentially significant impact.

(a) Findings

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

> MM-CR-1 The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report which follows Historic American Buildings Survey ("HABS")/Historic American Engineering Record ("HAER") standards at a minimum Level 3 Recordation. The 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.
>
> MM-CR-2 The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history. The video shall be placed in the City of Beverly Hills Library and posted on the City of Beverly Hills' website.

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

(b) Facts in Support of Findings

The EIR contains an evaluation of the historic character of the Robinsons-May building, which is not on the California register of historic places. The building does not qualify for listing on the California Register under several criteria set forth in the CEQA Guideline 15064.5; however, it has been determined to be a potential resource for CEQA purposes.

Implementation of mitigation measure **MM-CR-1 and MM-CR-2,** requiring documentation of the Robinsons-May department store in an archival manner and the donation of the documentation to a suitable repository, such as the City of Beverly Hills Public Library, would reduce potentially significant impacts. However, documentation of an historical resource does not mitigate the building's demolition to a less than significant level. Therefore the demolition of Robinsons-May would remain a significant and unavoidable impact on historical resources even after mitigation.

Alternatives that would reduce this impact to a level of insignificance were examined in the EIR and identified by the Los Angeles Conservancy. However, the City Council determines that each of the alternatives are infeasible for the reasons set forth in Section VIII.

2. Cumulative Historic Resources Impacts

The proposed Project would be constructed to the west of The Beverly Hilton, an historical resource that was found to meet California Register Criteria 1, 2 and 3. While the demolition of the Robinsons-May and construction of the proposed Project would alter the immediate surroundings of the Beverly Hilton, the demolition of the Robinsons-May building and the development of the proposed Project would not materially impair the significance of the Beverly Hilton because it stands on a separate parcel, and the architectural design characteristics that convey its historic significance under California Register Criteria 1 and 3 would not be adversely affected.

Because the Robinsons-May building and the Beverly Hilton Hotel are considered historic resources for purposes of CEQA and are in such close proximity to each other, demolition of the Robinsons-May building considered together with demolition of portions of the Beverly Hilton constitutes a considerable, and therefore significant cumulative impact on cultural resources.

(a) Findings

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

MM-CR-1 The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report which follows Historic American Buildings Survey ("HABS")/Historic American Engineering Record ("HAER") standards at a minimum Level 3 Recordation. The 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.

MM-CR-2 The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history. The video shall be placed in the City of Beverly Hills Library and posted on the City of Beverly Hills' website.

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

(b) Facts in Support of Findings

Because the Robinsons-May building and The Beverly Hilton Hotel are considered historic resources for purposes of CEQA, demolition of the Robinsons-May building considered together with demolition of portions of The Beverly Hilton, constitutes a considerable, and therefore significant impact on cultural resources.

Implementation of mitigation measure **MM-CR-1 and MM CR-2,** requiring documentation of the Robinsons-May department store in an archival manner and the donation of the documentation to a suitable repository, such as the City of Beverly Hills Public Library, would reduce the Project's contribution to potentially significant cumulative impacts. However, documentation of an historical resource does not mitigate the Project's contribution to a less than significant level. Therefore the demolition of Robinsons-May would remain a significant and unavoidable contribution to cumulatively significant impacts on historical resources even after mitigation.

Alternatives that would reduce to insignificance the Project's contribution to cumulative cultural resource impacts were identified in the EIR and by the Los Angeles Conservancy. However, the City Council determines that each of the alternatives are infeasible for the reasons set forth in Section VIII.

D. LAND USE AND PLANNING

1. Land Use Element Policy

With the adoption of the 9900 Wilshire Specific Plan, the Project site's zoning and land use designations would change to "9900 Wilshire Specific Plan." The Project would be consistent with the City of Beverly Hills General Plan and with the City of Beverly Hills Municipal Code.

However, the 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 certain non-mandatory policies or objectives of the General Plan, including 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 effects identified in the EIR. Although no mitigation measures would reduce impacts to a level of insignificance, the City Council adopted the Revised Project, which eliminates potential inconsistencies with the Land Use Element of the General Plan.

(b) Facts in Support of Findings

The City Council finds that the Revised Project, considering all its aspects, will further the objectives and policies of the General Plan and will not obstruct their attainment, even though it is not in perfect conformity with the General Plan. First, by providing new garden and green space open to the public, the Revised Project promotes policies consistent with the General Plan's land use and conservation elements. Second, by developing new housing for City residents, the Revised Project is consistent with the General Plan's housing element.

While consistent with the General Plan, as a whole, implementation of the original Project had the potential to conflict with two objectives within the Land Use Element of the General Plan and one program included in the Conservation Element. The Land Use Element includes objectives related to areas of transitional conflict and maintaining the existing scale of the City, Objectives 3 and 4. The 144-foot height of the North and South Tower Buildings as originally proposed would result in visual and

height incompatibilities with the surrounding land uses and would be inconsistent with Land Use Element objectives related to areas of transitional conflict and scale of the city.

During the Planning Commission's and City Council's review of the Project at the various hearings, requests for project revisions were made. In response to those requests, the Revised Project addresses some of the potential conflict with the Land Use Element policies. The Planning Commission requested an increased setback from Wilshire Boulevard for the northern building, and reductions in building height on the northern building with stepped increases in height from north to south, as discussed in Section III above.

The revisions that have been made to the Project address the issue of transitions between neighboring uses in that the increased setbacks and reduced height provide for a transition to the institutional use (El Rodeo Elementary School) and residential uses to the north, and are compatible with the existing Beverly Hilton Hotel. Moreover, revisions to the Project's set backs and step ups in building height match the northern wing of the Hilton Tower. The Hilton Tower establishes the existing scale and appropriate transition for this area. Although the Project is taller than the Hilton Tower, the Project's revised set backs and step ups in building height match this scale, making the Revised Project (and alternatives 5A and 7) compatible with the scale of the area and eliminate transitional conflicts, thus eliminating the conflicts with Land Use Element policies.

Second, the increased area open space achieved by removal of all, or a substantial number, of loft buildings provides for continuation of Beverly Gardens Park and enhances the pedestrian link from the project site to Beverly Gardens Park and the Business Triangle by providing an attractive travel route in a park-like setting. The revisions to the Project's southern end also address transition issues by keeping the area at the northwest corner of the intersection of Santa Monica Boulevard and Merv Griffin Way for an open space area which serves to eliminate the overwhelming presence of earlier designs for the corner and which is consistent with the garden quality of the City.

Third, the Project's parking, which is above that required by code, coupled with roadway improvements along Merv Griffin Way and Wilshire Boulevard, ensure that potential traffic and parking transitional conflict is minimized.

Thus, the Revised Project's extensive landscaping and open space, increased set backs complimentary to the Hilton Hotel, gradual height increases, and clear, open architecture combine to create a development that fits into the scale of what is appropriate for this unique area in the City. For these reasons, the City Councils find that the Revised Project is no longer in conflict with Objectives 3 and 4 of the General Plan Land Use Element.

2. Conservation Element Policy

Proposed demolition of the Robinsons-May building, which is potentially eligible for listing on the California Register and is therefore considered a historic resource for purposes of CEQA was identified in the EIR as a potential conflict with goals related to landmark preservation in the General Plan Land Use Conservation Element.

(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 City Council has adopted the Revised Project to lessen land use impacts and the following mitigation measures lessen the significant impact related to consistency with the Conservation Element:

> MM-CR-1 The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report which follows Historic American Buildings Survey ("HABS")/Historic American Engineering Record ("HAER") standards at a minimum Level 3 Recordation. The 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.
>
> MM-CR-2 The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history. The video shall be placed in the City of Beverly Hills Library and posted on the City of Beverly Hills' website.

(b) Facts in Support of Findings

While the Project is consistent with the General Plan, as a whole, the potential does exist for the Project to conflict with the goals included in Conservation Element relative to Landmark Preservation, due to the fact that the Robinsons-May building has been determined to be potentially eligible for listing in the California Register, as discussed in **Section 4.3, Cultural Resources**, of the **Draft EIR.** However, the Revised Project with mitigation is consistent with the Conservation Element of the General Plan. The Conservation Element does not require the preservation of historic structures. The mitigation in the Revised Project implements the Conservation Element's policies regarding documentation before demolition; implements the Conservation Element's policies regarding regeneration and redevelopment needed and desired at the Project site; and maintains continuity with the past through full documentation of the building for retention by the Beverly Hills Library to ensure the information is accessible for future generations.

Additionally, the Revised Project would implement and be consistent with Conservation Element Policies related to water conservation and solar energy because it incorporates such measures. If conservation of the Robinsons-May department store were to be required, as contemplated in EIR Alternative 4 (Preservation/Reuse of Robinsons-May Building Alternative), it would likely frustrate the Project's ability to meet the other goals and policies of the Conservation Element regarding energy efficiency through LEED standards, and energy conservation through capitalizing on natural heating and cooling aspects available at the Project site. Therefore, the City Council finds that the Revised Project is consistent with the Conservation Element of the General Plan.

3. Cumulative Impacts

As discussed above, the Draft EIR found that the original Project when considered together with the adjacent Beverly Hilton Revitalization Plan, 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 original Project's proposed demolition of the Robinsons-May building, which is potentially eligible for listing on the California Register and is therefore considered a historic resource for purposes of CEQA was identified in the Draft EIR as a potential conflict with goals related to landmark preservation in the General Plan Land Use Conservation Element.

(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 City Council has adopted the Revised Project to lessen land use impacts and the following mitigation measures lessen the significant impact related to consistency with the Conservation Element:

> MM-CR-1 The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report which follows Historic American Buildings Survey ("HABS")/Historic American Engineering Record ("HAER") standards at a minimum Level 3 Recordation. The 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.
>
> MM-CR-2 The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history. The video shall be placed in the City of Beverly Hills Library and posted on the City of Beverly Hills' website.

(b) Facts in Support of Findings

As noted above, Revised Project's extensive landscaping and open space, increased set backs complimentary to the Hilton Hotel, gradual height increases, and clear, open architecture combine to create a development that fits into the scale of what is appropriate for this unique area in the City. For these reasons, the City Councils find that the Revised Project is no longer in conflict with Objectives 3 and 4 of the General Plan Land Use Element.

Also as noted above, the Revised Project with mitigation is consistent with the Conservation Element of the General Plan. The Conservation Element does not require the preservation of historic structures. The mitigation in the Revised Project implements the Conservation Element's policies regarding documentation before demolition; implements the Conservation Element's policies regarding regeneration and redevelopment needed and desired at the Project site; and maintains continuity with the past through full documentation of the building for retention by the Beverly Hills Library to ensure the information is accessible for future generations. Furthermore, the Council finds that the Revised Project would implement and be consistent with Conservation Element Policies related to water conservation and solar energy because it incorporates energy efficiency measures through LEED standards and promotes energy conservation through capitalizing on natural heating and cooling aspects available at the Project site. Therefore, the City Council finds that the Revised Project is consistent with the Conservation Element of the General Plan.

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 AM, after 6:00 PM, 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 VdB at 100 feet from the source. This exceeds 72 VdB, the Federal Railroad Administration (FRA) vibration threshold for residential uses. As such, construction activity would result in significant vibration impacts on on-site receptors including the hotel to the east and offsite receptors to the north (i.e., residences and El Rodeo 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 but not to a level of insignificance. 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 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).[3]
>
> - All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residential uses to the

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[3] U.S. Department of Housing and Urban Development. *The Noise Guidebook.* 1985.

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.

- 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 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 AM, after 6:00 PM, or on weekends and holidays 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 levels. 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. The City Council finds that imposing mitigation to restrict construction activities to the hours between 8:00 a.m. and 6:00 p.m. is socially infeasible as such a restriction would limit the ability of the City to require demolition and construction activities at times that produce the least impacts to school activities at El Rodeo School.

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 the adjacent Beverly Hilton site and may be perceptible in the open playground areas of the El Rodeo School. Structures on the school site, however, are set back sufficiently from the Project site such that no impact on the structures is expected.

The City has adopted all feasible mitigation measures to reduce the level of impact, however the noise and vibration impacts remain significant even with the Revised Project described in Section III above.

2. Cumulative Construction and Vibration

In the event that exterior construction activities are performed on the Project site and the Beverly Hilton Revitalization Plan Project site outside of the hours specified in the City's noise ordinance, the Project would result in a cumulatively considerable and therefore significant contribution to cumulatively significant noise impacts. Additionally, during construction, the Project, considered together with the adjacent Beverly Hilton Revitalization Plan, 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 9900 Wilshire Project applicant shall coordinate with The Beverly Hilton Revitalization Plan 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 Project before 8:00 AM, after 6:00 PM, 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 Beverly Hilton Revitalization Plan also undertakes exterior construction activity outside of the hours specified in the City's noise ordinance, the cumulative construction noise impact would be significant. Although MM-NOISE-4, which requires coordination of construction activities between the two projects, would reduce impacts, cumulative construction noise impacts would remain significant and unavoidable. Furthermore, the 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 residences and hotels. 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 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 east would be significant and unavoidable.

The City Council finds that imposing mitigation to restrict construction activities to the hours between 8:00 a.m. and 6:00 p.m. is socially infeasible as such a restriction would limit the ability of the City to require demolition and construction activities at times that minimize impacts to school activities at El Rodeo School.

VIII. Project Alternatives.

In defining Project alternatives that would be analyzed in the EIR, several alternatives were considered; however, one of those considered was 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 agency initially considered, but ultimately rejected, the evaluation of an Alternative Site Alternative during its determination of alternatives for the proposed 9900 Wilshire Project. Under this Project Alternative, the Project as proposed would be constructed on an alternate site within the City of Beverly Hills.

While development of the Project on an alternative site was initially considered, this Alternative was ultimately rejected because neither the Project applicant nor the City owns or controls any other property in the vicinity of the Project site that could be developed for a residential use (the City owns park land near the site). Additionally, development of the Project on an alternate site within the City would result in the introduction of new residential tower buildings on a site not located along major corridors or in an identified City gateway location. The ability of the Project applicant to find and purchase a suitable alternate site to develop the Project is considered speculative. While development of the Project on an alternate site could potentially avoid the demolition of an historic resource, this Alternative has the potential to increase the severity of aesthetic, land use, air quality, noise, and traffic impacts because the proposed residential use of the site would generate fewer vehicle trips than the former Robinsons-May department store operations and would likely be closer to other uses thereby increasing issues of land use compatibility. As such, this Alternative has been rejected from further consideration and is not examined in detail in this EIR.

As discussed below, the Draft EIR fully analyzed six alternatives, Alternatives 1, 2, 3, 4, 5, and 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 five different configurations of the Project. Four of these five additional potential configurations of the Project constituted variations on one or more of the alternatives analyzed in the Draft EIR. One of the potential Project configurations evaluated only the provision of additional parking on the site and thus is merely a variation on the proposed Project. For ease of reference, these proposed configurations are referred to as Alternatives 5A, 7, 8, 9, 10 and the Revised Project. An analysis of the additional alternative variations

was presented to the Planning Commission on October 29, 2007, and that analysis is hereby incorporated into this Resolution by reference. While some of these additional variations lessened or eliminated certain significant environmental impacts, none of these additional variations changed the conclusions in the Draft EIR regarding the environmentally superior alternative, as discussed below. Further, because these variations are not considerably different from the Project and alternatives analyzed, do not add significant new information to the EIR, do not deprive the public of an opportunity to comment on a substantial adverse environmental effect on the Project or a feasible way to mitigate or avoid such an effect, and parts of these variations have been accepted by the Applicant, incorporation of these variations into the Final EIR does not require recirculation of the EIR prior to certification.

A. ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

1. Summary of Alternative

Under the No Project Alternative, the existing 228,000-square-foot building, which has been historically operated as a Robinsons-May department store (the "Existing Building"), and the associated two-level, 956-space parking structure (the "Existing Parking Structure") would remain in substantially their current condition and the building would be re-leased and occupied as a single-tenant department store.

2. Reasons for Rejecting Alternative

Implementation of the No Project Alternative would result in the reduction of some significant and unavoidable impacts associated with the Project. Specifically, the following significant impacts would be avoided:

- **Aesthetics and Views** –The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM_{10} and $PM_{2.5}$ concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant Project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

However, under Alternative 1, the following significant impacts would occur:

- **Air Quality** - Due to the increased trip generation and associated net new daily trips this alternative would generate additional operational related air emissions, including NOx and CO emissions, above and beyond those generated by the proposed Project.

- **Operational Noise** - Due to the increased trip generation and associated roadway noise the alternative has the potential to result in new operational noise impacts.

- **Traffic** – A new store would result in a greater impact on future traffic and the level of service for intersections and roadways in the Project vicinity when compared to both the proposed Project and the former Robinsons-May store.

- **Solid Waste** - The quantity of solid waste generated during operation of the re-opened store would significantly exceed that of the proposed Project.

- **Electricity** – The electricity demand of a re-opened store would be 150% greater than that of the proposed Project.

- **Natural Gas** – The natural gas demand of a re-opened store would exceed that of the proposed Project when mitigation measures are adopted.

As discussed above, greater impacts to operational air quality, operational noise, traffic impacts on level of service and safety, solid waste, electricity and natural gas use would result from implementation of the No Project Alternative in comparison to the Project. The Project would generate significantly less traffic than would a successful commercial use at the site. The Project site is located in close proximity to the intersection of Santa Monica Boulevard and Wilshire Boulevard, which is one of the most congested intersections in the City and the Region. Introduction of a high traffic-generating commercial use would have significant traffic impacts that would not result from development of the Project.

(a) Objectives Not Met by Alternative:

- To create a world-class architectural landmark with a visual presence at the dual gateway to the City at Wilshire Boulevard and Santa Monica Boulevard that will enhance the beauty and image of the City of Beverly Hills.

- To develop an environmentally sensitive and sustainable project for which the applicant intends to seek LEED certification from the U.S. Green Building Council and establish a benchmark for environmentally responsible design in the City of Beverly Hills.

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre garden with public access along Wilshire Boulevard for the use and enjoyment of Beverly Hills residents and visitors that complements and extends the existing garden parkway on the north side of Wilshire Boulevard, enhances the garden qualities of the City and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

- To redevelop the Project site in a manner that does not substantially increase the traffic impacts and related operationally air quality and noise impacts associated with the Existing Building.

- To improve the utilization and visual appearance of the Project site by eliminating the existing above-ground parking structure and constructing subterranean parking for the Project that will be spread across the entire Project site to provide convenient parking for Project residents, guests and retail patrons.

- To provide a substantial amount of housing for local and area residents to help meet market demand and alleviate the substantial housing shortage in the City and the Westside of Los Angeles.

- To provide new housing within the City without having to tear down existing rental units or otherwise displace existing housing.

- To provide full-service luxury residential condominiums that are competitive with existing and proposed condominium projects in the Wilshire Corridor and Century City and have comparable views, so that Beverly Hills residents who desire to "downsize" from their existing homes will not have to move out of Beverly Hills to find suitable housing.

- To downzone the Project site and reduce the intensity of uses currently permitted thereon by replacing the existing C-3 commercial zoning designation with a specific plan zoning designation that limits development to approximately two-thirds of the number of residential units that would be permitted under the R-4 residential zoning designation and a small amount of retail space.

- To promote housing, conservation, and green space policies consistent with the land use, housing element, and conservation elements of the General Plan.

Implementation of Alternative 1 would not achieve many of the primary objectives of this Project.

Alternative 1 would not provide needed housing and would have greater long-term environmental impacts in the sensitive areas of traffic, noise, and air quality than the Project or the Revised Project.

3. Conclusion Regarding Alternative 1.

The City Council hereby finds that failure to meet each of the Project objectives set forth above would be an independent ground for rejecting Alternative 1 as socially infeasible and by itself, independent of any other reason, would justify rejection of Alternative 1. The City Council also finds, despite the reduction in certain impacts, that Alternative 1 is not environmentally beneficial due to its greater long-term impacts in the sensitive areas of air quality, noise and traffic.

B. ALTERNATIVE 2 – CODE-COMPLIANT OFFICE/RETAIL ALTERNATIVE

1. Summary of Alternative

This Alternative includes a mixed-use office/retail project that complies with the principal use and development standards for the C-3 Zone that currently govern the Project site, including permitted uses, maximum floor area ratio (FAR), maximum height and number of stories and applicable code parking requirements. This Alternative includes three buildings that are all three stories and 45 feet in height and have a total FAR of 2:1. This Alternative would require the elimination of the Entry Garden and significantly reduce the other landscaped gardens and open space associated with the proposed Project.

2. Reasons for Rejecting Alternative

Implementation of the Code-Compliant Office/Retail Alternative would avoid the following significant impacts associated with Project implementation:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Land Use and Planning** – The proposed Project would conflict with two objectives within the Land Use Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

However, under Alternative 2, the following significant impacts associated with implementation of the Project would also occur:

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM_{10} and $PM_{2.5}$ concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

Furthermore, Alternative 2 would have significantly greater long-term traffic and air quality impacts due to significantly more vehicle trips that will be generated by Alternative 2.

(a) Objectives Not Met by Alternative:

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden along Wilshire Boulevard for the use and enjoyment of the public that complements and extends the existing Beverly Gardens Park on the north side of Wilshire Boulevard, enhances the garden qualities of the City, and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

- To redevelop the Project site in a manner that does not substantially increase the traffic levels and related operational air quality and noise impacts associated with the prior Robinsons-May department store use on the site prior to closure.

- To provide a substantial amount of housing for local and area residents to help meet market demand and alleviate the substantial housing shortage in the City of Beverly Hills and the Westside of Los Angeles.

- To provide new housing within the City without having to tear down existing rental units or otherwise displace existing housing.

- To provide full-service residential condominiums that are competitive with existing and proposed condominium projects in the Wilshire Corridor and Century City and have comparable views, so that residents who desire to "downsize" from their existing homes will not have to move out of Beverly Hills to find suitable housing.

- To reduce the intensity of uses currently permitted thereon by replacing the existing C-3 commercial zoning designation with a specific plan zoning designation that limits development to approximately two-thirds of the number of residential units that would be permitted under the R-4 residential zoning designation, along with a small amount of retail space.

- To promote housing, conservation, and green space policies consistent with the land use, housing element, and conservation elements of the General Plan.

Due to the increase in vehicle trips associated with the implementation of this Alternative, in comparison to the Project, Alternative 2 will result in significant and unavoidable impacts greater than those anticipated for the Project. In addition to potential increases in impacts related to traffic level of service, traffic at residential roadway segments, additional impacts would result in the following areas: operational air, operational noise, water demand, wastewater and solid waste generation, and electricity and natural gas consumption. Alternative 2 has a greater environmental impact than the Project or the Revised Project and fails to meet most project objectives.

3. Conclusion Regarding Alternative 2.

The City Council hereby finds that failure to meet each of the Project objectives set forth above would be an independent ground for rejecting Alternative 2 as socially infeasible and by itself, independent of any other reason, would justify rejection of Alternative 2. The City Council also finds that Alternative 2 is not environmentally beneficial because of its greater long-term impacts on traffic, air quality, wastewater and solid waste generation, and electricity and natural gas consumption.

C. ALTERNATIVE 3 – REDUCED DENSITY ALTERNATIVE

1. Summary of Alternative

Under this Alternative, the principal components of the Project would be reduced by 35 percent, including the number of condominiums, the residential and retail floor areas, building height and number of parking spaces. The total FAR for this Alternative is 1.6:1. The intent of this Alternative would be to reduce the severity of identified potentially significant impacts.

2. Reasons for Rejecting Alternative

Implementation of the Reduced Density Alternative would avoid the following identified significant impacts associated with implementation of the Project:

- **Aesthetics and Views** – Alternative 3 would not result in the construction of new structures out of scale with, or inconsistent with neighboring land uses and would not substantially alter the visual character of the site and surrounding area.

- **Land Use and Planning** - By modifying building height, and configuration to be more compatible with surrounding structures, Alternative 3 would eliminate conflicts with the General Plan's Land Use element

However, with implementation of Alternative 3, the following same significant and unavoidable impacts would remain:

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NOX emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24- hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

No additional significant impacts above and beyond those identified for the Project would result from implementation of the Reduced Density Alternative. Additionally, Alternative 3 would reduce impacts, in comparison to the Project, relative to aesthetics and land use. Alternative 3, however, would not provide as much housing for the city or the region and would be less effective in meeting the housing production goals set for the city.

(a) Objectives Not Met by Alternative:

This Alternative would further the primary Project objectives, however, as noted above, the reduced density would not meet the Project objectives to the same extent as the Project because of the reduction in density, project design changes, reduction in housing units and reduced economic benefits of the Project to the City. Additionally, a financial analysis of Alternative 3 shows that it would render the Project economically infeasible to build because its costs would exceed expected revenues, and would reduce the City's annual net revenue from the Project.

3. Conclusion Regarding Alternative 3.

Although Alternative 3, the Reduced Density Alternative, would have no additional significant impacts beyond those identified for the Project and would have the limited benefit of reducing some of the Project's impacts, the City Council hereby finds that failure to meet the Project objectives regarding housing to the same extent as the Project makes this Alternative socially infeasible and by itself, independent of any other reason, would justify rejection of Alternative 3. The City Council also finds that Alternative 3 would not be economically feasible to build.

D. ALTERNATIVE 4 – PRESERVATION/REUSE OF ROBINSONS-MAY BUILDING ALTERNATIVE

1. Summary of Alternative

Under this Alternative, the Existing Building would be rehabilitated and reused as a museum, the Existing Parking Structure would be demolished, the southern portion of the Project site would be redeveloped with three residential buildings ranging in height from four levels and 48 feet to 12 levels and 144 feet and a new subterranean parking structure would be constructed under the southern portion of the Project site with sufficient parking for all of the new and adaptive uses on the Project site. The total FAR for this Alternative is 2.4:1. The preservation and reuse of the Existing Building would require the elimination of the Entry Garden. The intent of this Alternative would be to continue to provide housing

on the Project site while avoiding significant impacts associated with the demolition of an historic resource.

2. Reasons for Rejecting Alternative

Implementation of the Preservation/Reuse of the Robinsons-May Building Alternative would avoid the following significant impact associated with implementation of the Project:

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Land Use and Planning** – Demolition of the Robinsons-May building without the mitigation measures in the Revised Project would conflict with objectives within the Conservation Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

Other significant impacts associated with implementation of the Project would also occur with implementation of this Alternative, including:

- **Aesthetics and Views** – The visual character of the Project site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the alternative would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

(a) Objectives Not Met by Alternative:

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden with public access along Wilshire Boulevard for the use and enjoyment of Beverly Hills residents and visitors that complements and extends the existing garden parkway on the north side of Wilshire Boulevard, enhances the garden qualities of the City and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

3. Conclusion regarding Alternative 4.

The City Council hereby finds that failure to meet the Project objectives set forth above regarding open space would be an independent ground for rejecting Alternative 4 as socially infeasible and by itself, independent of any other reason, would justify rejection of Alternative 4. The City Council

also finds based on the Applicant's Feasibility Report that Alternative 4 is not economically feasible to build because projected revenue from this Project would not exceed projected costs by a sufficient margin. The social costs to the public from losing garden and green space exceed the benefit to the public of preserving the Robinsons-May building. Moreover, the residential component of Alternative 4 would be technically infeasible because it would require demolition of part of the building's exterior to create natural light for residential units.

E. ALTERNATIVE FIVE – MODIFIED HEIGHT AND CONFIGURATION OF NORTH/SOUTH BUILDINGS

1. Summary of Alternative

This Alternative is similar to the Project, including the same number of units, the same amount of residential and retail floor area and the same FAR, except that (1) the height of the North Building would be reduced from 144 feet to 108 feet and the number of stories would be reduced from 12 to 9, (2) the height of the South Building would be increased from 144 feet to 180 feet and the number of stories would be increased from 12 to 15, (3) the North Building would be moved from 35 feet to 45 feet from the southerly boundary of Wilshire Boulevard and (4) the separation between the North and South Buildings would be increased from 45 feet to 60 feet. The intent of this Project Alternative is to expand view corridors along Wilshire Boulevard and between the North and South Tower Buildings on the Project site and reduce significant impacts to views from west-facing guestrooms in the Wilshire Tower hotel building of The Beverly Hilton.

2. Reasons for Rejecting Alternative

Implementation of the Modified Height and Configuration of the North/South Buildings Alternative would result in the same significant and unavoidable impacts associated with implementing the Project. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines.

- **Land Use and Planning** – The proposed Alternative would conflict with two objectives within the Land Use Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

The Modified Height and Configuration of the North/South Building in Alternative 5 would not avoid the potentially significant impacts associated with Land Use and Planning, because Alternative 5 does not match the setback of the north wing of the Hilton tower and thus still creates transition conflicts with the uses to the north of the Project site. Additionally, all impacts associated with this project Alternative would be comparable to impacts associated with the Project.

3. Conclusion Regarding Alternative 5.

The Modified Height and Configuration of the North/South Building Alternative would not avoid or reduce the severity of any identified potentially significant impacts associated with the Project. Additionally, as discussed above, all impacts associated with this Project Alternative would be comparable to impacts associated with the Project. Moreover, Alternative 5 would not avoid the potentially significant impacts associated with Land Use and Planning, because Alternative 5 does not match the setback of the north wing of the Hilton tower and thus still creates transition conflicts with the uses to the north of the Project site.

The City Council hereby finds that this alternative is not environmentally superior to the Revised Project because the Revised Project eliminates conflicts with General Plan policies and increases open space and public gardens. However, because aspects of this Alternative reduce certain impacts, though not to a level of insignificance, the City Council has incorporated concepts of this alternative into the Revised Project.

F. ALTERNATIVE 6 – RECONFIGURATION ALTERNATIVE

1. Summary of Alternative

This Alternative would include the same number of units, the same amount of residential and retail floor area and the same FAR as the Project, but would consist of five buildings that are each 60 feet in height and have five stories. The height reduction under this Alternative would require the elimination of the Entry Garden and significantly reduce the other landscaped gardens and open space associated with the Project. The intent of this Alternative is to evaluate impacts associated with build-out of a similar project on the site without the introduction of high-rise residential tower buildings and reduce significant impacts to views from west-facing guestrooms in the Wilshire Tower hotel building of The Beverly Hilton.

2. Reasons for Rejecting Alternative

Implementation of the Building Reconfiguration Alternative would avoid the following identified significant impacts associated with implementation of the proposed Project:

- **Aesthetics and Views** – The visual character of the Project site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Land Use and Planning** – Alternative 6 would both eliminate conflicts with the Land Use Element of the General Plan such that significant land use impacts would no longer result from inconsistency with the City's General Plan.

However, implementation of the Building Reconfiguration Alternative would still result in most of the same significant and unavoidable impacts associated with implementing the Project. These significant and unavoidable impacts include:

- **Air Quality** – During Project construction NOX emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

(a) Objectives Not Met by Alternative:

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden with public access along Wilshire Boulevard for the use and enjoyment of Beverly Hills residents and visitors that complements and extends the existing garden parkway on the north side of Wilshire Boulevard, enhances the garden qualities of the

City and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

3. Conclusion Regarding Alternative 6.

Implementation of this Alternative would result in fewer aesthetic impacts than the Project or Revised Project and fewer land use impacts than the Project. All other impacts would be comparable to those associated with the Project. However, the important open space objectives described above would not be achieved through implementation of Alternative 6.

The City Council hereby finds that failure to meet each of the Project objectives set forth above would be an independent ground for rejecting Alternative 6 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 6. The City Council finds it socially infeasible to eliminate public gardens and other open space associated with the Revised Project in order to reduce aesthetic impacts due to height. Additionally, based on the Financial Feasibility Analysis dated March 2008 and prepared by CB Richard Ellis, the City Council finds this Alternative 6 financially infeasible.

G. 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 5A, 7, 8, 9, 10, and the Revised Project, follows.

1. Alternative 5A – Variation on Alternative 5 (Modified Height and Configuration of North/South Buildings.

Summary of Alternative 5A

Alternative 5A would include the same number of residential units, the same square footage of retail and restaurant uses, and the same density as the Project and Alternative 5. However, Alternative 5A would modify building height and configuration of the North, South and Loft Buildings. Under this alternative, the height of the North Building would be stepped down along its Wilshire Boulevard and Merv Griffin Way elevations. The height of the South Building would step down along its western elevation, facing the Los Angeles Country Club. The stepped building heights would introduce more articulation to the buildings, reducing their apparent height from off-site vantages. The North Building setback from the southerly Wilshire Corridor curb line would increase to 63 feet, equivalent to The Beverly Hilton's Wilshire Tower setback (i.e., the northeast corner of the Tower's northern wing). This alternative also introduces a new single-story Spa Pavilion at the former location of the garden deck. The number of units (252) under Alternative 5A would be the same as under the Project. However, under Alternative 5A, the mix of units would change to include 58 Studio units. Under Alternative 5A, additional residential amenities would be provided including an expanded spa and below-grade amenities, including a back-of-house kitchen, back-of-house laundry, security offices, wine storage, and increased area for storage units. The FAR of Alternative 5A would be 2.74:1, which is slightly more than the Project due to the added amenities. The intent of this alternative is to reduce Aesthetic impacts related to visual

character and shade impacts on El Rodeo School, Beverly Gardens Park and residences north of Wilshire Boulevard.

Implementation of Alternative 5A would eliminate significant and unavoidable impacts associated with implementing the Project as described below. The significant and unavoidable adverse impacts that remain include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered. Nevertheless, this Alternative does reduce aesthetic impacts because the North Building would be set back farther from the Wilshire Boulevard curbline so as to approximately match the setback of the Wilshire Tower of the adjacent Beverly Hilton Hotel. The increased setback increases the separation between the Project and the El Rodeo School, thus making this alternative more compatible with the School and other land uses to the north. Further, the building height would incorporate setbacks from Wilshire Boulevard and Merv Griffin Way, which would further increase the physical compatibility with off-site uses by widening view corridors associated with the roadways and providing more building articulation. In light of these revisions, Alternative 5A is considered environmentally superior to Alternative 5 and the Project as to Aesthetics, even though the impacts would remain significant and unmitigable.

- **Aesthetics and Views** – The North and South Tower Buildings would continue to obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation. Alternative 5A would have similar impacts as the Project.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction. Alternative 5A would have similar impacts as the Project.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines. Alternative 5A would have similar impacts as the Project.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project and Alternative 5A would both result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result. Alternative 5A would have similar impacts as the Project.

However, Alternative 5A would eliminate the conflicts with the General Plan's Land Use Element by increasing the setback from Wilshire Boulevard in conjunction with the reduced height and steps up in building height from north to south. Alternative 5A is setback to the same extent of the northern wing of the Hilton Tower (specifically Alternative 5A is setback to the same extent as the northeast corner of the

Wilshire façade of the northern wing of the Hilton Tower). The Hilton Tower, which has been in existence for more than fifty years, establishes the existing scale and appropriate transition for this area. The setback and step ups in building height make Alternative 5A compatible with the scale of the area and eliminate transitional conflicts, thus eliminating the conflicts with the Land Use elements.

Otherwise, alternative 5A would have impacts that are comparable to impacts associated with the Project. Although the height of the South Building would be increased above that of the Project and five feet above that considered in Alternative 5, the building also would integrate step backs such that the western side of the building, facing the Los Angeles Country Club, would be lower than the eastern side of the building. The EIR consultant prepared Supplemental Shade and Shadow Diagrams for 9900 Wilshire Project, dated October 2007, which were presented to the Planning Commission at the October 29, 2007 meeting. The supplemental diagrams demonstrate, along with later testimony from the Applicant's consultant, and the Planning Commission found, that the shade and shadow from the increased height of the South Building would not result in a significant impact to the Los Angeles Country Club.

Conclusion Regarding Alternative 5A

The City Council finds that Alternative 5A meets all of the objectives of the Project, would eliminate conflicts with Land Use Element policies, and would reduce the severity of significant and unmitigable impacts on aesthetic character and view for the reasons set forth above, although that impact remains significant under this Alternative. Concepts from this alternative, therefore, are incorporated into the Revised Project. However, the Revised Project is environmentally superior to Alternative 5A due to increased public gardens, the elimination of the lofts on Merv Griffin Way, thus reducing the number of residential units, and additional setback from Wilshire Boulevard.

2. Alternative 7 – Variation on Alternative 5 (Modified Height and Configuration of North/South Buildings)

Summary of Alternative 7

Alternative 7 would include the same number of units, the same square footage of retail and restaurant uses, and the same FAR as the proposed Project, but would modify the building heights and configuration in several ways. The North Building would be stepped back from Wilshire Boulevard, with heights ranging from 84 to 108 feet, and the height of the South Building would be increased from 144 to 196 feet. The North Building setback from the southerly curb line of Wilshire Boulevard would increase to approximately 80 feet, comparable to that of the Beverly Hilton's Wilshire Tower (i.e., the southwest corner of the Wilshire façade of the Tower's northern wing)(*See* Figure 6, 9900 Wilshire Project – Planning Commission Requests for Additional Study/Clarification at page 16, as included in the September 24, 2007 Planning Commission Staff Report). The intent of this alternative is to reduce Aesthetic and Land Use impacts by expanding the view corridor along Wilshire Boulevard.

Implementation of Alternative 7 would eliminate significant and unavoidable impacts associated with implementing the Project, as described below. The significant and unavoidable adverse impacts that remain include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered. Nevertheless, this Alternative does reduce aesthetic impacts because the North Building would be set back approximately 80 feet from the Wilshire curb line, a setback comparable to that of the Wilshire Tower to the east, which would improve physical compatibility with El Rodeo School and other land uses to the north. Moreover, the substantial building height reduction along Wilshire Boulevard, compared to the Project, and the accompanying building height setbacks with distance from Wilshire would increase physical compatibility with off-site uses by widening view corridors associated with these roadways and providing more building articulation from roadway vantages. Alternative 7 is therefore considered environmentally superior to the Project relative to Aesthetic Character and Views.

- **Aesthetics and Views** – The North and South Buildings would continue obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of the Beverly Hilton, although this impact would be less than with the Project because increased separation between the North and South Buildings would allow for some views through the site.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation. Alternative 7 would have similar impacts as the Project.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction. Alternative 7 would have similar impacts as the Project.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines. Alternative 7 would have similar impacts as the Project.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result. Alternative 7 would have similar impacts as the Project.

Alternative 7 would reduce the severity of the Aesthetic impacts associated with the Project. Alternative 7 would also eliminate the conflicts with the General Plan's Land Use Element by increasing the setback from Wilshire Boulevard in conjunction with the reduced height and steps up in building height from north to south. Alternative 7 is setback to the same extent as the northern wing of the Hilton Tower (specifically Alternative 7 is setback to the same extent as the southwest corner of the Wilshire façade of the northern wing of the Hilton Tower). The Hilton Tower, which has been in existence for more than fifty years, establishes the existing scale and appropriate transition for this area. The setback and step ups in building height make Alternative 7 compatible with the scale of the area and eliminate transitional conflicts, thus eliminating the conflicts with the Land Use elements.

Otherwise, Alternative 7 would have impacts that are comparable to impacts associated with the Project. Although the height of the South Building would be increased above that of the Project, the building also

would integrate step backs such that the western side of the building, facing the Los Angeles Country Club, would be lower than the eastern side of the building. The EIR consultant prepared Supplemental Shade and Shadow Diagrams for 9900 Wilshire Project, dated October 2007, which were presented to the Planning Commission at the October 29, 2007 meeting. The supplemental diagrams demonstrate, along with later testimony from the Applicant's consultant, and the Planning Commission found, that the shade and shadow from the increased height of the South Building would not result in a significant impact to the Los Angeles Country Club.

(a) Objectives Fully Met by Alternative:

Alternative 7 would result in the implementation of a Project similar to the Project; however, the North Tower Building would be set back further from Wilshire Boulevard with lower height at the north stepping to more height to the south, the South Tower Building height would increase, and the separation between the North and South Tower Buildings would be increased. As such, all Project objectives would also be achieved under this Project Alternative.

Conclusion Regarding Alternative 7

The City Council hereby finds that Alternative 7 would reduce potentially significant impacts. Concepts from this alternative, therefore, are incorporated into the Revised Project to reduce the level of impact. However, the City Council finds that Alternative 7 as a whole provides no materially different environmentally benefits than the Revised Project. Both Alternative 7 and the Revised Project are setback to the same extent as the northern wing of the Wilshire Tower. The Revised Project is setback to the midpoint of the Wilshire Tower. Therefore both Alternative 7 and the Revised Project will eliminate the inconsistencies of the Project with the Land Use Element of the General Plan. But the South Building of Alternative 7 is taller with less modulation than the South Building of the Revised Project. Additionally, the Revised Project has fewer residential units, more public gardens, and more open space due to removal of the loft buildings. Therefore, the Revised Project is environmentally superior to Alternative 7.

3. Alternative 8 - Combination of Alternative 3 (Reduced Density) and Alternative 5 (Modified Height and Configuration of North/South Buildings).

Summary of Alternative 8

Under this Alternative 8, several of the land uses and buildings associated with the Project would be reduced in size by approximately 35 percent, including the number of condominium units, the residential floor area, the height of, and number of stories in, the North and South Buildings, and the number of parking spaces. The retail and restaurant floor area would be equivalent to that of the Project. Setback distances from surrounding property lines and roadways would be similar to the Project, except that the North Building setback from the southerly curb line of Wilshire Boulevard would increase to 62.5 feet, comparable to that of the Beverly Hilton's Wilshire Tower (i.e., the northeast corner of the Tower's Wilshire facade), and the distance from between the North and South buildings would increase from 45 to 60 feet. The FAR under this alternative is 1.7:1. The intent of this alternative is to reduce the severity of identified potentially significant impacts and to expand view corridors along Wilshire Boulevard and between the North and South Tower Buildings on the Project site.

Implementation of Alternative 8 would eliminate significant and unavoidable impacts associated with implementing the Project, as described below. The significant and unavoidable adverse impacts that remain include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered. Nevertheless, this Alternative does reduce aesthetic impacts because the North Building would be set back farther from the Wilshire Boulevard curbline so as to approximately match the setback of the Wilshire Tower of the adjacent Beverly Hilton Hotel. The increased setback increases the separation between the Project and the El Rodeo School, thus making this alternative more compatible with the School and other land uses to the north. Further, the building height would incorporate setbacks from Wilshire Boulevard and Merv Griffin Way, which would further increase the physical compatibility with off-site uses by widening view corridors associated with the roadways and providing more building articulation.

- **Aesthetics and Views** – The North and South Tower Buildings would still obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NOx emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24- hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project or Alternative 8 would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from construction of either the Project or Alternative 8 would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

However, Alternative 8 would eliminate the conflicts with the General Plan's Land Use Element by increasing the setback from Wilshire Boulevard in conjunction with the reduced height and steps up in building height from north to south. Alternative 8 is setback to the same extent of the northern wing of the Hilton Tower (specifically Alternative 8 is setback to the same extent as the northeast corner of the Wilshire façade of the northern wing of the Hilton Tower). The Hilton Tower, which has been in existence for more than fifty years, establishes the existing scale and appropriate transition for this area. The setback and step ups in building height make Alternative 8 compatible with the scale of the area and eliminate transitional conflicts, thus eliminating the conflicts with the Land Use elements.

Conclusion Regarding Alternative 8

Although Alternative 8 would have no additional significant impacts beyond those identified for the Revised Project and would reduce some of the Project's impacts, the City Council hereby finds that failure to meet the Project objectives regarding housing to the same extent as the Project makes this Alternative socially infeasible and by itself, independent of any other reason, would justify rejection of Alternative 8. Additionally, based on the March 2008 report from CB Richard Ellis, the City Council also finds that Alternative 8 would not be economically feasible to build for the same reasons that Alternative 3 with reduced density would not be feasible economically.

4. Alternative 9 – Variation on Project (Additional Parking).

Summary of Alternative 9

Alternative 9 would develop the same number of condominium units, retail and restaurant space square footage, and building heights and configuration as the Project, but would add an additional level of subterranean parking for a total of three levels of subterranean parking. Under this alternative, 572 new parking spaces would be added for a total of 1,501 parking spaces. The intent of this alternative is to add to the general public parking supply, over and above Project-related parking demand.

Implementation of Alternative 9 would result in the same significant and unavoidable impacts associated with implementing the Project and would result in greater impacts in some areas. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NOx emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines.

- **Land Use and Planning** – The original Project would conflict with two objectives within the Land Use Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

Alternative 9 would also have greater levels of impacts associated with the additional grading and excavation necessary to construct the additional level of parking in such areas as air quality; geology and soils; and transportation, traffic, and circulation.

Conclusion Regarding Alternative 9

The City Council finds that Alternative 9 is not environmentally superior to the Project or the Revised Project and would result in greater impacts associated with the additional grading and excavation necessary to construct an extra level of parking than would the Project as originally proposed and adopted. These greater impacts would be in such areas as air quality, geology and soils, transportation, traffic, and circulation.

5. Alternative 10 – Combination of Alternative 2 (Code Compliant Office/Retail) and Project.

Summary of Alternative 10

Alternative 10 would include the same number of residential units and the same retail and restaurant square footage as the Project. Additionally, the heights of the North, South, and Loft Buildings would remain the same, except that the North Building would be articulated in height such that the northeastern portion of the building closest to Wilshire Boulevard would be 24 feet tall. Additionally, under this alternative, a new Spa Pavilion building would be located at the southern edge of the site along Santa Monica Boulevard and would house one level of retail and six levels of Class A office space. Building setbacks would be similar except that the North Building setback would increase to 50 feet from the southerly Wilshire Boulevard curb line. The FAR would be 2.96:1. The intent of this alternative is to increase the supply of Class A office space in the City.

Implementation of the Alternative 10 would result in the same significant and unavoidable impacts associated with implementing the Project and would result in greater impacts in some areas. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM_{10} and $PM_{2.5}$ concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Land Use and Planning** – The proposed project would conflict with two objectives within the Land Use Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

Additionally, due to the addition of 175,000 square feet of office space, Alternative 10 would increase impacts, in comparison to the Project, relative to construction-related and operational air emissions, operational noise, population and housing, public services, transportation and traffic, and utilities and service systems.

Conclusion Regarding Alternative 10

The City Council finds that Alternative 10 is not environmentally superior to the Project and Revised Project and would increase Project impacts in comparison to the Project, including impacts relative to construction-related and operational air emissions, operational noise, population and housing, public services, transportation and traffic, and utilities and service systems.

6. The Revised Project

Summary of the Revised Project

This Revised Project is the product of Planning Commission and City Council deliberations and modifications made by the applicant in response to Planning Commission and City Council direction. The Revised Project would include 17 fewer residential units, 4,200 square feet less of retail and restaurant uses, and an increased density of 0.12 for the Project. The Revised Project would also modify building height and configuration of the North and South Buildings, remove the North and South Loft Buildings, and increase open space by 0.39 acre. The North Building would be stepped back from Wilshire Boulevard with heights ranging from 108 to 161 feet. The height of the South building would range from 161 to 185 feet.

Implementation of the Revised Project would eliminate some of the significant and unavoidable impacts associated with implementing the Project as described below. These significant and unavoidable adverse impacts that remain include:

- **Aesthetics and Views** – The visual character of the site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM_{10} and $PM_{2.5}$ concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

However, by modifying building height, and configuration to be more compatible with surrounding structures and by removing the lofts and increasing open space, the Revised Project would eliminate conflicts with the General Plan's Land Use element. The Revised Project is setback to the same extent of the northern wing of the Hilton Tower (specifically the Revised Project is setback to the same extent as the midpoint of the Wilshire façade of the northern wing of the Hilton Tower). The Hilton Tower establishes the existing scale and appropriate transition for this area. The setback and step ups in building height make the Revised Project compatible with the scale of the area and eliminate transitional conflicts, thus eliminating the conflicts with the Land Use Element policies.

The Revised Project would also reduce the severity of the significant aesthetic impacts associated with the Project, construction-related and operational air emissions, operational noise, population and housing, public services, transportation and traffic, and utilities and service systems due to the reduction of units and increased open space. All other impacts associated with the Revised Project would be comparable to impacts associated with the Project.

(a) Objectives Fully Met by the Revised Project:

- To create a world-class architectural landmark with a visual presence at the dual gateway to the City at Wilshire Boulevard and Santa Monica Boulevard, and which will enhance the beauty and image of the City of Beverly Hills.

- To develop an environmentally sensitive and sustainable Project for which the applicant intends to seek Leadership in Energy and Environmental Design (LEED) certification from the U.S. Green

Building Council and establish a benchmark for environmentally responsible design in the City of Beverly Hills.

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden along Wilshire Boulevard for the use and enjoyment of the public that complements and extends the existing Beverly Gardens Park on the north side of Wilshire Boulevard, enhances the garden qualities of the City, and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

- To redevelop the Project site in a manner that does not substantially increase the traffic levels and related operational air quality and noise impacts associated with the prior Robinsons-May department store use on the site prior to closure.

- To improve the utilization and visual appearance of the Project site by eliminating the existing above-ground parking structure and constructing subterranean parking for the Project that will be spread across the entire Project site to provide convenient parking for Project residents, guests and retail patrons.

- To provide a substantial amount of housing for local and area residents to help meet market demand and alleviate the substantial housing shortage in the City of Beverly Hills and the Westside of Los Angeles.

- To provide new housing within the City without having to tear down existing rental units or otherwise displace existing housing.

- To provide full-service residential condominiums that are competitive with existing and proposed condominium projects in the Wilshire Corridor and Century City and have comparable views, so that residents who desire to "downsize" from their existing homes will not have to move out of Beverly Hills to find suitable housing.

- To improve traffic circulation in and around the Project site by providing additional vehicular access points on Wilshire Boulevard and Santa Monica Boulevard for Project residents in order to reduce traffic on Merv Griffin Way.

- To reduce the intensity of uses currently permitted thereon by replacing the existing C-3 commercial zoning designation with a specific plan zoning designation that limits development to approximately two-thirds of the number of residential units that would be permitted under the R-4 residential zoning designation, along with a small amount of retail space.

- To provide annual net revenue to the City that substantially exceeds the revenue the City would receive from commercial operations on the Project site.

Conclusion Regarding the Revised Project

The City Council finds that the Revised Project achieves the Project objectives without increasing any of the impacts associated with the Project as described in the Draft EIR. By amending the General Plan to

establish that the Project site is appropriate for higher intensity development and by modifying the building heights, increasing the building setbacks from Wilshire Boulevard, incorporating the progressive steps in the building heights from north to south, increasing the amount of public open space and landscaping, introducing open space at the northwestern corner of Santa Monica Boulevard and Merv Griffin Way, and reducing the number of residential units to a small extent, the Revised Project configuration would be more compatible with surrounding structures, would eliminate any inconsistencies with the General Plan Land Use Element and reduce the severity of the impacts on aesthetics, construction-related and operational air emissions, operational noise, population and housing, public services, transportation and traffic, and utilities and service systems. All other impacts associated with the Revised Project would be comparable to impacts associated with the Project.

Although the height of the South Building would be increased above that of the Project, the building also would integrate step backs such that the western side of the building, facing the Los Angeles Country Club, would be lower than the eastern side of the building. The EIR consultant prepared Supplemental Shade and Shadow Diagrams for 9900 Wilshire Project, dated October 2007, which were presented to the Planning Commission at the October 29, 2007 meeting. The supplemental diagrams demonstrate, along with later testimony from the Applicant's consultant, and the Planning Commission found, that the shade and shadow from the increased height of the South Building would not result in a significant impact to the Los Angeles Country Club.

The City Council finds that the Revised Project is the environmentally superior alternative among the feasible alternatives.

H. Alternatives Proposed by Los Angeles Country Club and the Los Angeles Conservancy

During the proceedings for the Project, the Los Angeles Country Club proposed two alternative potential Project layouts designed to address the Club's concerns. Additionally, the Los Angeles Conservancy suggested an alternative focused on preserving historic resources on the site. Analysis and discussion of these alternatives follows.

1. Los Angeles Country Club – Alternative 1

Summary of LACC Alternative 1

LACC's Alternative 1 proposes locating the South Tower farther to the East to increase the setback between the golf course and the tower.

(a) Reasons for Rejecting Alternative

Implementation of LACC Alternative 1 would result in the same significant and unavoidable impacts associated with implementing the Revised Project and would result in the loss of the proposed gardens and green space. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – The North and South Tower Buildings would continue to obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton. Movement of the South Tower may increase the aesthetic impacts of the Project on the Beverly Hilton.

- **Air Quality** – During the Revised Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation. LACC Alternative 1 would have similar impacts as the Revised Project.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction. LACC Alternative 1 would have similar impacts as the Revised Project.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines. LACC Alternative 1 would have similar impacts as the Revised Project.

- **Land Use and Planning** – The Revised Project and LACC Alternative 1 would both eliminate conflicts with the Land Use Element of the General Plan such that significant land use impacts would no longer result from inconsistency with the City's General Plan. LACC Alternative 1 would eliminate the garden and open space proposed in the Project because movement of the South Tower to the center of the property would split the site into marginal and insignificant landscaped areas. This would conflict with the goal of the General Plan Open Space Element to pursue additional open space in multi-family zones.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Revised Project and LACC Alternative 1 would both result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result. LACC Alternative 1 would have similar impacts as the Revised Project.

LACC Alternative 1 would have impacts comparable to impacts associated with the Revised Project, and would not achieve the Project's objective of having additional public gardens and green space. Since the City Council finds based on the conclusion of Appendix 4.1 of the Draft EIR and the testimony presented by William Kent Alkire, II that the shade and shadow from the increased height of the South Building would not result in a significant impact to the Los Angeles Country Club, LACC Alternative 1 does not reduce any of the Revised Project's significant impacts.

(b) Objectives Not Met by Alternative:

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden along Wilshire Boulevard for the use and enjoyment of the public that complements and extends the existing Beverly Gardens Park on the north side of Wilshire Boulevard, enhances the garden qualities of the City, and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

Conclusion Regarding LACC Alternative 1

The City Council finds that LACC Alternative 1 would have impacts comparable to the Revised Project in all areas and is therefore not environmentally superior. Moreover, LACC Alternative 1 is socially infeasible because it would adversely affect the publicly accessible gardens and open space of the Revised Project, undermining two of the important objectives of the Project that result in public benefit. Moreover, the City Council finds that LACC Alternative 1 will increase the aesthetic impact of the Project on the Beverly Hilton by moving the South Tower closer to the Hilton. The City Council also finds that the movement of the South Tower would produce no significant benefits because the Revised Project will not have significant impacts on the LACC golf course as found in Appendix 4.1 of the Draft EIR the testimony of William Kent Alkire, II.

2. Los Angeles Country Club – Alternative 2

Summary of LACC Alternative 2

LACC Alternative 2 would result in the implementation of a project similar to the Revised Project; however, the South Tower Building would have its orientation reversed so it will be set back further from the LACC golf course.

(a) Reasons for Rejecting Alternative

Implementation of LACC Alternative 2 would result in the same significant and unavoidable impacts associated with implementing the Revised Project, and would have additional adverse impacts on the proposed gardens and green space and the single family residences to the north of the Project site. These significant and unavoidable adverse impacts include:

- **Aesthetics and Views** – The North and South Tower Buildings would continue to obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton. Movement of the South Tower will increase the aesthetic impacts on the single family residences north of Wilshire Blvd. by directing the views from the 9900 Wilshire Residences towards this area.

- **Aesthetics and Views** – Movement of the South Tower eliminates direct sunlight to many of the 9900 Wilshire residents during the winter months. It would also block midday south light from reaching the public and private landscape along Merv Griffin way.

- **Air Quality** – During Project construction NO_x emissions would exceed SCAQMD established significance thresholds such that significant unavoidable impacts would result, even after incorporation of mitigation. LACC Alternative 2 would have similar impacts as the Project.

- **Air Quality** – The LST analysis shows that maximum 24-hour PM10 and PM2.5 concentrations would exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site during construction. LACC Alternative 2 would have similar impacts as the Project.

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines. LACC Alternative 2 would have similar impacts as the Project.

- **Land Use and Planning** – The Revised Project and LACC Alternative 2 would both eliminate the conflict with the Land Use Element of the General Plan related to scale. However, by directing views from the 9900 Wilshire Boulevard Project to single family residences to the North, the Project creates a transitional conflict not created by the Revised Project.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project and LACC Alternative 2 would both result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result. LACC Alternative 2 would have similar impacts as the Project.

LACC Alternative 2 would have impacts that are comparable to impacts associated with the Project, and would have additional aesthetic and land use impacts on the single family residences north of Wilshire, the residents of 9900 Wilshire, and the landscaped gardens and open space on the Project site. Since the City Council finds based on the conclusion of Appendix 4.1 of the Draft EIR and the testimony of William Kent Alkire, II that the shade and shadow from the increased height of the South Building would not result in a significant impact to the Los Angeles Country Club, LACC Alternative 2 does not reduce the Project's impacts.

Conclusion Regarding LACC Alternative 2

The City Council finds that LACC Alternative 2 is not environmentally superior to the Revised Project, is socially infeasible because it would increase aesthetic and land use impacts on the single family residences north of Wilshire by orienting the views from 9900 Wilshire towards those residents, and would diminish the sunlight available to the residents of 9900 Wilshire and to the landscaped gardens and open space on the Project site. The City Council also finds that the movement of the South Tower would produce no significant benefits since the Revised Project will not have significant impacts on the LACC golf course as found in Appendix 4.1 of the Draft EIR and in the testimony of William Kent Alkire, II.

3. Los Angeles Conservancy Alternative

Summary of Los Angeles Conservancy Alternative

In a March 11, 2008 letter, the Los Angeles Conservancy suggested variations on Alternative 4 in order to preserve the Robinsons-May building. These suggestions incorporate many of the elements of Alternative 4, with minor variations. The Conservancy suggested that the upper floors of the Robinsons-May building could be used for a fitness center, a private events room, screening rooms, or residential storage. The lower floors could be used for retail or restaurant uses. The roof could be used for a rooftop deck or pool or outdoor dining. The south and west sides of the building could be used for residential uses. And, finally, the Conservancy suggested the landscaped plaza could be redesigned as an entry garden or publicly accessible open space.

(a) Reasons for Rejecting Alternative

Implementation of the Conservancy variations would avoid the following significant impacts associated with implementation of the Project:

- **Cultural Resources** – Demolition of the Robinsons-May building would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the *CEQA Guidelines*.

- **Land Use and Planning** – The original Project would conflict with two objectives within the Land Use Element of the General Plan such that significant land use impacts would result from inconsistency with the City's General Plan.

However, the Conservancy Alternative would only meet some of the Project objectives, as described below.

All other significant impacts associated with implementation of the Project would also occur with implementation of this Alternative, including:

- **Aesthetics and Views** – The visual character of the Project site and surrounding area would be substantially altered.

- **Aesthetics and Views** – The North and South Tower Buildings would obstruct panoramic views from west-facing guestrooms in the adjacent Wilshire Tower hotel building of The Beverly Hilton.

- **Noise** – For construction activities performed outside the hours specified within the City's noise ordinance, the Project would result in significant project-level and cumulative noise impacts.

- **Groundborne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from Project construction would exceed the FRA groundborne vibration threshold such that significant unavoidable impacts would result.

(b) Objectives Not Met by Alternative:

- To preserve approximately two-thirds of the Project site as landscaped gardens and other open space to enhance the visual character of the Project.

- To provide a 0.42-acre entry garden with public access along Wilshire Boulevard for the use and enjoyment of Beverly Hills residents and visitors that complements and extends the existing garden parkway on the north side of Wilshire Boulevard, enhances the garden qualities of the City and replaces a high-density commercial use across the street from an existing school and residential neighborhood.

Conclusion Regarding Los Angeles Conservancy Alternative

The City Council hereby finds that failure to meet each of the Project objectives for increased open space and public gardens set forth above would be an independent ground for rejecting the Conservancy variations as socially infeasible and by itself, independent of any other reason, would justify rejection of

the Conservancy Alternative. The City Council also finds based on the March 2008 Financial Feasibility Analysis prepared by CB Richard Ellis for Alternative 4 and the letter dated March 20, 2008 from Mr. Thomas Jirorsky of CB Richard Ellis that the Conservancy Alternative is not economically feasible to build because projected revenue from this Alternative would not exceed projected costs by a sufficient margin. The City Council also finds the Conservancy Alternative socially infeasible: the social costs to the public from having fewer housing units and no new gardens or green space would exceed the benefit to the public of preserving the Robinsons-May building.

EXHIBIT B
Statement of Overriding Considerations

The following Statement of Overriding Considerations is made in connection with the approval of the Revised Project.

The City Council finds that the economic, social and other benefits of the Revised Project outweigh the significant and unavoidable environmental impacts identified in the EIR and in the record, some of which have been eliminated or reduced in severity to the degree feasible through modifications to the originally proposed Project. 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 Revised Project will provide a substantial amount of housing for local and area residents to help meet market demand and the City's Regional Housing Needs Allocation from the State of California.

B. The Project will provide full-service luxury residential condominiums that are competitive with existing and proposed condominium projects in Beverly Hills, the Wilshire Corridor, and Century City and have comparable amenities, so that residents who desire to "downsize" from their existing homes will not have to move out of Beverly Hills to find suitable housing.

C. The Revised Project will create a world-class architectural landmark with a visual presence at the dual Wilshire Boulevard and Santa Monica Boulevard gateways to the City, which will enhance the beauty and image of the City of Beverly Hills.

D. The Revised Project will improve traffic circulation in and around the Project site by providing additional vehicular access points on Wilshire Boulevard and Santa Monica Boulevard, widening and realigning Merv Griffin Way, and installing a new traffic signal at Merv Griffin Way and Santa Monica Boulevard, and developing the site with uses that will generate less traffic than would result from commercial redevelopment of the site.

E. The Revised Project will provide a 0.81-acre entry garden along Wilshire Boulevard and Merv Griffin Way for the use and enjoyment of the public that complements and extends the existing Beverly Gardens Park on the north side of Wilshire Boulevard and enhances the garden qualities of the City.

F. The Revised Project will augment the City's economic base by providing additional property tax revenues to the City of Beverly Hills and by providing tax-generating revenues from the sales within the proposed retail component. Further, the Revised Project will enhance the economic resources of the City through the Public Benefit Contribution and Environmental Mitigation and Sustainability fees established through the Development Agreement.

G. The Revised Project will enhance the City's ability to meet its affordable housing goals in two ways. First, the Project will contribute $3 million to an affordable housing fund. Second, it will help meet the City's need for market rate housing units without removing older housing stock that would typically be more affordable than new housing stock.

EXHIBIT C

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING PLAN

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 9900 Wilshire project. 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.

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Aesthetics, Light, and Glare						
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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Air Quality						
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.		

9900 Wilshire Project 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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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 (CARB) and/or the U.S. Environmental Protection Agency (U.S. EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.	See above.	See above.	See above.		
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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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.	Community Development Department	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 and have such plan approved prior to commencement of demolition activities.	During demolition and grading.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• 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_{10} 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
	• 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
	• 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_{10} thresholds are exceeded. • All corrective measures, as necessary to reduce emissions to acceptable levels, shall be implemented immediately. If immediate implementation of a specific corrective measure will result in the creation of a hazardous situation, as determined by the Environmental Monitor, construction activity shall be allowed to continue for a reasonable period of time, as determined by the Environmental Monitor, until such time that it is safe to implement that corrective measure. 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
	• 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 Community Development Director prior to commencing demolition.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
				Check Box	**Date**
• 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 is it 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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Cultural Resources						
CR-1	The Robinsons-May department store shall be photographed with large-format black-and-white photography, and a written report, which follows Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. The 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.	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	The Applicant shall fund the production of a video of the Robinsons-May property showing the interiors and exteriors of the building and site to show its history The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills' website.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards to produce the video.	Prior to issuance of demolition permits.		
CR-3	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
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.	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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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).	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
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	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.					
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.	Community Development Department	The project applicant shall provide proof that a certified paleontologist has investigated and has made appropriate recommendations.	During project construction.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Geology and Soils						
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 Department/ 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.		
Hazards and Hazardous Materials						
HAZ-1	Any suspect lead based paint shall be sampled prior to any renovations or demolition activities. Any identified lead based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.	Community Development Department/ 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-2	In the event that the building is maintained on the site, the property owner shall ensure that the source(s) of moisture intrusion resulting in the growth of mold within the building are repaired.	Community Development Department	The site shall be inspected for moisture intrusion, and a written report submitted to the Community Development Department.	Prior to the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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HAZ-3	All old unused fluorescent light ballasts potentially containing PCBs shall be properly removed and disposed of prior to demolition activities.	Community Development Department/ 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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Hydrology and Water Quality						
HYDRO -1	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.	Community Development Department	The project applicant will prepare a NOI and SWPPP.	Prior to the issuance of grading and building permits.		

9900 Wilshire Project 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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Noise						
NOISE-1	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: • 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 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).	Community Development Department School District	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.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
				Check Box	**Date**
• 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). • All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the residential and institutional uses to the 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. • 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.).		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.			

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
	• 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 School District.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
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.	Community Development Department/ Building & Safety Division	The project plans 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 requirement shall be met prior to the issuance of relevant building permits.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
NOISE-4	The 9900 Wilshire project applicant shall coordinate with The Beverly Hilton Revitalization Plan 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.	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Fire Protection and Emergency Services						
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 Division and Community Development Department Fire Department	The Department of Public Works/Civil Engineering Division 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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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.	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
Transportation, Traffic, Parking, and Circulation						
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.	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.		
TRAF-2	The Environmental Monitor shall pro-actively 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.	See above.	See above.	See above.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
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.	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, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director, 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.		

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Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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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 haul trucks, 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, and prohibit obstruction of these same lanes that accommodate construction during peak hours. • Construction equipment traffic from the contractors shall be controlled by flagman.	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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	• 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.		and the Construction Working Parking Management Plan.			

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
	Mitigation Measure	**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
					Check Box	**Date**
	• 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. • Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	• 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. 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 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.					

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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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.		

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Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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	• 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 north of Wilshire or in public parking structures; • No parking for construction workers shall be permitted except only 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					

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Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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	• 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.					
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.	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.		
TRAF-8	The project applicant shall revise the project site plan to increase the curb radius at the driveway on Wilshire Boulevard to allow vehicles traveling 25 to 35 mph to turn safely.	Community Development/ Building & Safety Department; City Traffic Engineer	The project design plans filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers and City Traffic Engineer will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior the issuance of relevant building permits.		

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Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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TRAF-9	The applicant for the 9900 Wilshire project shall coordinate with the applicant for The Beverly Hilton Revitalization Plan 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 • 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.	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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Water						
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.	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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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Wastewater						
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 Department of Public Works shall regularly inspect the FOG inceptor.	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.		
Energy						
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.		

9900 Wilshire Project Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		**Responsible Department**	**Monitoring Action**	**Implementation Schedule**	**Verification of Completion**	
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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.	Community Development Department	The applicant shall provide to the Community Development Department a letter from the Gas Company.	This measure shall be met prior to submittal of final plans.		