ATTACHMENT 3

SUPPLEMENTAL RESPONSES TO LATE CEQA COMMENTS

Attachment

Supplemental Responses and References to Comments Submitted to the City Council
One Beverly Hills

1. **Loading Dock**. The Project applicant estimates 60 trucks per week to the loading dock. But at the Montage, the City counted 32 trucks in 12 hours and an independent consultant for the Beverly Hilton counted considerably more. Better data is needed for an accurate estimate of the number of loading truck trips.

The Final EIR estimated that during operations the Proposed Project would generate 48 total truck trips per week to the loading dock on Merv Griffin Way. As compared to the analysis in the Previous EIR, this would result in an increase of about 24 truck trips per week. The Final EIR assumed that 14 of these 48 truck trips would be made by tractor trailer rather than a smaller box van or step van. All truck deliveries would be limited to the hours between 6:00 a.m. and 2:30 p.m., Monday through Sunday.

The Project applicant subsequently increased the truck-trip estimate to 59 truck trips per week based on an analysis of truck-trip counts at other hotels while accounting for differences in the Proposed Project's operations. Tractor-trailer trips, however, were eliminated without any resulting increase in the estimated number of total truck trips and this minor revision was incorporated into the conditions of approval so that deliveries to the Project site during operations are generally limited to trucks of 30 feet or less. Further, the City Council has imposed a condition of approval that prohibits left turns in and out of the loading dock, which will streamline truck movements and even further reduce the visibility of truck trips to the Project site.

Through public hearings and letters, the City Council received and considered truck-trip analyses presented by the adjacent hotel's traffic consultant. Based on truck counts at the Montage Beverly Hills Hotel's loading dock alley, this opposing truck survey counted considerably more trucks at that hotel. However, the traffic consultant's counts included all trucks that entered the alley where the hotel's loading dock is located and this alley services other properties in addition to the Montage Hotel.

The City Council also considered City staff's independent survey of this loading dock in addition to staff's survey of the L'Ermitage Hotel's loading dock. Staff counted truck trips that entered the Montage Hotel's loading dock, but excluded trucks that entered the alley for other properties. At the Montage, staff counted 32 truck deliveries on September 21, 2016. At the L'Ermitage, staff counted 81 truck deliveries. Based on all the analysis presented, the City Council concluded that the revised estimate of 59 truck trips is a reasonable estimate of truck trips for the Proposed Project. Further, the City Council found that the potential range of truck trips would not result in traffic impacts. The number of truck deliveries would be minimal compared to the number of existing truck trips on Merv Griffin Way and other connecting streets. Further, although a 200-truck estimate is an overestimate, the environmental

consultants determined that even 200 weekly truck trips would not cause an environmental impact, as noted in the correspondence attached hereto.

2. **Parking.** The City miscalculated the amount of parking that is required and needed for the Project.
   a. The Project applicant says there will be 40 to 80 employees. The Beverly Hilton estimates 100 employees. But there are only 28 employee parking spaces.
   b. The Project applicant states there is 16,057 square feet of restaurant space, but the City calculated parking based on 13,351 square feet.
   c. The 1,600 square feet of outdoor restaurant space was not included and is not parked.
   d. The small meeting rooms can be combined with a "pre-function" space to create a 4,000 square foot ballroom, but the pre-function portion is not parked.

The City Council considered concerns that were raised at the public hearings regarding the number of parking spaces and City staff presented a detailed parking assessment for each portion of the Project. The number of parking spaces for the Project was calculated by adding the individual parking requirements for each use within the Proposed Project. These calculated parking requirements capture employee parking needs for each use; employee spaces are not separately calculated or required.

Although the parking demand analysis and the City's application of the Municipal Code's parking requirements were based on the entire square footage of the restaurant/bar use, the City applied applicable parking reductions for uses ancillary to the hotel, such as the restaurant. This reduction accounts for overlap between hotel parking and restaurant parking because people who eat at the restaurant are already staying at the hotel and their spaces are captured under the parking calculated for the hotel. Based on all the evidence presented, the City Council specifically determined that application of a parking-reduction provision was appropriate for this mix of uses and that the total number of spaces (1,140) complies with the Municipal Code and would provide sufficient parking for the Proposed Project.

Further, traffic consultants Fehr & Piers conducted—and the City staff peer reviewed—a parking demand analysis, which found that the required parking resulted in a 132-space surplus. For the restaurant use, the parking demand analysis assumed 16,057 square feet of indoor area and 1,600 square feet of outdoor area. The restaurant area requires 267 parking spaces. The City Council determined at the public hearing that the parking requirement is sufficient to meet parking demands and concurs with Fehr & Piers' analysis and the City's peer review of that analysis.

The parking demand analysis and the City's application of its parking requirements exclude the "pre-function" space because its use does not increase the total occupancy of the adjacent meeting rooms and ballroom. Rather, it is used for pre-function activities by the same people who will use the other rooms for an event. The applicant have revised the project plans to

make this clear, and staff recommends the imposition of, a condition of approval to require the wall between the pre-function space and the meeting rooms to be fixed and permanent to ensure that it cannot be used to expand the meeting-room capacity for a single event.

3. **Use of SEIR.**
   a. *Approved Project as Baseline*. The Proposed Project is not a minor change to the Approved Project. It is a major intensification. Other than the square footage, nothing about the Project is similar. Use of an SEIR is inappropriate and results in an inappropriate baseline. The baseline should be existing physical conditions: a vacant lot zoned C-3.
   b. *Approved Project as Baseline – Traffic Analysis*. The SEIR analyzes traffic impacts from the baseline of the Approved Project. Impacts should be assessed from the baseline of a vacant lot.

The Project applicant retains a vested right to develop the Approved Project under a Development Agreement with the City. The development is governed by the 9900 Wilshire Specific Plan and the lot's zoning designation is "9900 Wilshire Specific Plan," not C-3. The lot has not been zoned C-3 since the City approved the Approved Project in 2008 and the Proposed Project does not change the lot's zoning designation. This Proposed Project modifies the Approved Project by reducing the number of condominium units, adding a hotel use, and making related changes to the commercial uses within the same general building footprint of the Approved Project.

Preparation of an SEIR for the Proposed Project was appropriate and in accordance with CEQA because the environmental analyses in the Previous EIR retain informational value to the City and the public. (*See Friends of the College of San Mateo Gardens v. San Mateo Cnty Comm. College Distr.*, 1 Cal. 5th 937, 951 (2016) ("A decision to proceed under CEQA's subsequent review provisions must thus necessarily rest on a determination—whether implicit or explicity—that the original environmental document retains some informational value.").) The commenter suggests that applying the "new project" test would have required the City to prepare a new EIR rather than follow CEQA's subsequent review provisions and prepare the SEIR. In *Friends of the College*, the California Supreme Court rejected the "new project" test that a Court of Appeal formulated in *Save Our Neighborhood v. Lishman* 140 Cal. App. 4th 1288 (2006). (*Id.* at 944, 952–53 ("[T]he new project test plaintiff urges would inevitably invite arbitrary results. . . . Drastic changes to a project might be viewed by some as transforming the project to a *new* project, while others may characterize the same drastic changes in a project as resulting in a dramatically *modified* project. Such labeling entails no specific guidelines and simply is not helpful to our analysis.").)

Instead, the court concluded that an "agency's environmental review obligations depend on the effect of the proposed changes on the decision-making process, rather than on any abstract characterization of the project as 'new' or 'old.'" (*Id.* at 944.) Further, this is "a predominantly factual question" for the agency "to answer in the first instance" based in part on the informational value of the previous environmental document. (*Id.* at 953.) Once an agency

makes the determination to proceed under CEQA's subsequent review provisions, it must prepare a subsequent or supplemental EIR only if "there are substantial changes to the project or its circumstances." (*Id.* at 960.) But the analysis in an SEIR should be limited to only those environmental impacts not considered in the previous EIR. (*Id.* at 949–50. ("The event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis. Only changed circumstances . . . are at issue." [citations omitted]).)

Here, the 2008 FEIR and its analysis of the Approved Project's impacts retain substantial informational value to the decision-making process. The Proposed Project is located on the same site with a nearly identical building footprint and entails many of the same uses. The proposed changes involve converting a portion of the condominium use into a hotel use, along with related modifications to replace retail/commercial space with hotel-ancillary uses, such as a ballroom and meeting rooms. Because fundamental aspects of this development remain the same, the 2008 FEIR's analysis remains valuable as an informational document and relevant to the City's assessment of the Proposed Project. During public hearings, the City Council concurred that preparation of an SEIR, relying in large part on the 2008 FEIR and the relevant information contained therein, was appropriate after hearing arguments against its use and considering the scope of environmental review in the Final SEIR.

The current physical condition of the Project site has been a vacant lot since the former Robinsons-May department store was demolished as part of the Approved Project that was analyzed under the Previous EIR. As such, the Proposed Project is a modification to the Approved Project, which involves clearing the Project Site for construction and has temporarily resulted in the Project Site's current vacate condition. As such, the Approved Project is the accurate baseline condition against which to analyze impacts of the Proposed Project.

Further, see Topical Response A, which addresses comments on the Draft SEIR regarding the use of an SEIR and the baseline.

4. **Traffic Analysis – Internal Capture.** The SEIR discounted the number of restaurant-generated trips by 50 percent, assuming internal capture from the hotel. Does the traffic analysis assume this 50 percent discount? The City did not apply such a discount to the Beverly Hilton project.

See Topical Response C and Responses to Comments 6.3 and 6.4. The SEIR's traffic analysis assumes a 50 percent internal capture between the hotel and hotel-serving uses such as the restaurant. This rate comports with the traffic generation surveys taken at the adjacent Beverly Hilton Hotel in 2007 and with surveys taken at the Peninsula Hotel during peak periods in June 2016. Nonetheless, in response to comments regarding the 50 percent reduction for internal capture, the Final SEIR included a traffic analysis that assumes no internal capture between the hotel, restaurant, and spa uses. Even without any internal capture, operations of the Proposed Project would not result in significant traffic impacts.

5. **Traffic Analysis – Ride Sharing.** The City has cited ride-sharing as one reason the parking reduction will not result in the Project being under parked. But ride-sharing trips result in two trips – arrival and departure. The traffic study should increase the number of trips accordingly, to be consistent with the parking reduction.

The City Council cited ride-sharing as one reason the Proposed Project may end up being over-parked. It was not a basis for determining that the number of parking spaces would be sufficient. As such, there is no inconsistency between the parking and traffic analyses because neither analysis is based on the increased use of ride-sharing services. Further, Response to Comment 5.24 addresses this concern. At this time, it would be speculative to account for ride-sharing services in the trip-generation and parking-demand analysis because it would require speculative assumptions regarding the amount of overlap between drop-off trips and a pick-up trips.

6. **Use of Beverly Hilton Trip Generation Rates.** The traffic analysis used trip-generation rates from the Beverly Hilton as a source for typical hotel traffic generation. But, at the time those traffic counts were collected, the Beverly Hilton was not fully operational. This skews (a) the results of traffic from the Hilton and (b) the projected traffic generation for the hotel use at the Project.

See Topical Response C. The traffic analysis in the Draft SEIR used traffic-generation rates from Beverly Hilton operations as empirical data for the hotel portion of the Proposed Project. These rates were based on trip-generation surveys conducted in February 2007 for the Beverly Hilton revitalization project. The Beverly Hilton similarly used this empirical data to estimate trip generation rates, despite the hotel not being fully operational. This trip-generation data are used to estimate the number of trips generated per hotel use and the data from the Beverly Hilton are comparable because of its proximity to the Proposed Project.

Nonetheless, the Final EIR also utilized trip-generation data from the Peninsula Hotel located at 9882 South Santa Monica Boulevard in Beverly Hills. Again, this trip-generation data was used to estimate trip generation per hotel room. The trip generation rates at the Peninsula Hotel were lower than those from the Beverly Hilton survey. As such, the additional data from the Peninsula Hotel may suggest that the data used from the Beverly Hilton overestimated trip generation rates, but no evidence suggests that it underestimates trip generation rates. As such, the Final SEIR's analysis is conservative and nonetheless found no significant impacts.

7. **Access Plan and West Access Road Alternative.**
    a. Three Left Turns. The three left turns along Santa Monica Boulevard will result in significant traffic problems compared to existing physical conditions. The motor court entrance presents safety concerns because left turns will occur at the same time as right turns.
    b. Westside Access Only Option. These impacts would be avoided if all access were to be provided on the West Residential Drive. The SEIR needs to at least analyze this option as an Alternative to the Proposed Project. The Project applicant estimates 20 cars per hour turning left from Santa Monica

> Boulevard into the residential driveway and hotel motor court. Assuming that is a correct estimate, the residential driveway could handle both. If the estimate is incorrect, there could be a traffic disaster with the left turns.

No evidence has been presented to indicate that the site access plan, including the motor court ingress/egress, would result in a safety hazard. Nonetheless, Fehr & Piers conducted a thorough analysis of the proposed access plan and responded to concerns in its October 2016 letter. City staff peer reviewed the analysis and concurred that the access plan as proposed is the superior option and required as conditions of approval several restrictions on turns in or out of the Project site. To prevent any potential conflicts between vehicles turning left into the motor court and vehicles turning left out of the motor court from Santa Monica Boulevard, no left turns out of the motor court are permitted and a barrier to prevent the left turn is a condition of approval. Access to the motor court from Merv Griffin Way is restricted to right-turn in and right-turn out only.

The City Council considered evidence and testimony from Beverly Hilton representatives on a modified access plan that would place all access points to the Proposed Project along the Project's West Access Road. During the City's deliberations on the Proposed Project, Fehr & Piers conducted and the City's traffic engineer peer reviewed a traffic analysis for this consolidated access option. Based on this analysis, the consolidated access option was not recommended because it would consolidate left-turn access into one intersection that would still likely not satisfy signal warrants and would be in close proximity to the Santa Monica Boulevard North and South crossover intersection approximately 200 feet to the west.

During public hearings, the City Council determined that the Proposed Project's access plan is the preferred alternative for the reasons stated above and because the proposed access plan disperses traffic among three points along three different roads. Further, it separates traffic trips by type: (a) vehicles accessing the residential component use the West Access Road; (b) vehicles accessing the hotel and its ancillary components use either Santa Monica Boulevard or Merv Griffin Way; and (c) trucks making deliveries use Merv Griffin Way. This access plan prevents conflicts and allows the City and the Project operator to better manage traffic irregularities, such as during major events. The access locations and configurations are also generally consistent with the access contemplated by the Approved Project, whereas shifting all traffic to the west access road would be a departure from the existing entitlements.

As such, the City Council determined that the consolidated access option would not substantially reduce a significant environmental impact. The Proposed Project would not result in significant operational traffic impacts and the consolidated access option would not reduce or mitigate traffic impacts even if traffic impacts resulting from the proposed access plan were significant under CEQA. The Final SEIR analyzes a reasonable range of alternatives and need not further analyze this component and variation of the Proposed Project.

Whether the proposed residential driveway on the west side of the Project Site could handle additional left turns if it were the sole access point to the Proposed Project from Santa Monica Boulevard does not change the traffic analysis under the access plan proposed for the Project.

8. **Signal for Westside Residential Driveway.** The number of trips into the residential driveway may meet signal warrants.

Fehr & Piers conducted the traffic analysis for the Final SEIR. Based on comments received during public hearings, Fehr & Piers analyzed peak-hour traffic at the Project's West Access Road/Santa Monica Boulevard intersection and determined that the intersection would not meet signal warrants. Based on this analysis and the City Engineer's peer review, the City Council has determined that a traffic signal at this intersection is not warranted at this time.

Further, left turns would be prohibited onto Santa Monica Boulevard from the Project's West Access Road. Pursuant to the conditions of approval imposed on the Project, the City also retains jurisdiction and authority to impose additional conditions related to traffic if there are unanticipated traffic levels during operations.

9. **Simultaneous Events.** During public hearings, representatives of the Beverly Hilton presented evidence that adverse traffic impacts would result from simultaneous events at both the Beverly Hilton and the Proposed Project (One Beverly Hills). The Beverly Hilton requested a simultaneous events analysis in the event that both hotels have events at full capacity.

Although the Final SEIR conservatively analyzed typical traffic conditions, the Project applicant conducted a simultaneous-event analysis, which Fehr & Piers and City staff independently peer reviewed (see Fehr & Piers letter, dated October 2016). The original study, dated September 9, 2016, assumed a 1,000-guest weeknight event at the Beverly Hilton concurrent with a 285-guest weeknight event at One Beverly Hills. Based on a review of City-required permits for large events and Beverly Hilton's 2006 traffic study, there were only six events larger than 1,000 guests and 98 events between 500 and 1,000 guests. After the Beverly Hilton indicated that its internal records evidenced more events larger than 1,000 guests, the Project applicant supplemented the study to analyze concurrent events with 2,000 guests at the Beverly Hilton and the 285 guests at One Beverly Hills. The Proposed One Beverly Hills Project has an event capacity of about 285 guests, which means that its contribution to traffic would result in an increment of change and its relative contribution reduces as the number of guests at events nearby increases. Fehr & Piers and City staff peer reviewed the study and concluded that there would not be a significant traffic impact under that scenario. Moreover, the City concluded that the City manages large-scale events at The Beverly Hilton, an iconic and historic hotel, for short periods in the year and One Beverly Hills would have a minimal effect on these existing conditions.

10. **Noise Analysis.** The SEIR acknowledges that ambient noise levels would highest during the daytime and during rush hour. But the noise study took ten 15-minute noise measurements between 11:00 a.m. and 1:00 p.m., and between 11:00 p.m. and 2:00 a.m., at the Project site. These are not rush hour times, when noise would be the highest.

See Topical Responses H and Response to Comment 5.87 in the Final SEIR. In addition, see Response to Comment 1 in Rincon Consultants' October 4, 2016, letter to the City of Beverly Hills.

The Final SEIR utilized 15-minute noise measurements taken between 11:00 a.m. and 1:00 p.m., and between 11:00 p.m. and 2:00 a.m. to estimate the 24-hour CNEL. The environmental consultant for the SEIR (Rincon) and City staff have determined that these measurements represent a reasonable estimate of the CNEL and are a sound basis from which to assess the impacts of the Proposed Project. Noise levels in the area do not vary significantly during peak periods. To the extent that the average CNEL varies from these measurements, the Final SEIR's measurements result in a conservative analysis of the Proposed Project's noise impacts because Project-generated noise in the Final SEIR is added to a lower ambient level.

11. **Construction Staging.** The construction staging area on Sepulveda was not analyzed. The City cannot omit this analysis just because it is in Los Angeles.

See Topical Response D for construction staging on Sepulveda as it relates to traffic. See Topical Response H for construction staging on Sepulveda as it relates to noise. See Topical Response K for construction staging on Sepulveda as it relates to impacts associated with nighttime hauling. The City did not omit an analysis of construction staging on Sepulveda.

As discussed in Topical Response D, the qualitative threshold identified in Appendix D of the Draft SEIR was applied to assess the significance of impacts associated with staging at this location A quantitative threshold is not required for short-term construction traffic and no such threshold has been developed in either the City of Beverly Hills or the City of Los Angeles. Under the qualitative threshold, no significant impacts would occur.

12. **Construction Route on Santa Monica Boulevard Only.** Truck hauling will be routed on Santa Monica Boulevard for both arrivals to and departures from the Project site. This plan will have a negative effect on traffic and traffic safety because trucks will be required to turn left across Santa Monica Boulevard to enter the Project site and it concentrates all truck traffic on one road. A route that includes Wilshire Boulevard must be considered. In addition, the construction impact analysis contains no analysis of cumulative impacts resulting from concurrent construction that will take place at the adjacent Beverly Hilton.

The commenter requests that the City consider routing some portion of the truck hauling on Wilshire Boulevard and to limit left turns from Santa Monica Boulevard into the Project site. The Planning Commission and the City Council had already considered this option. As

conditioned (condition of approval 43), the truck haul route would use either Wilshire Boulevard or Santa Monica Boulevard, as determined in the final Construction Management Plan, to access the Project site. Outbound truck hauling would occur only on Santa Monica Boulevard. The potential truck haul routes were analyzed, and found to be less than significant with mitigation, in the 2008 FEIR for the Approved Project and in the Draft SEIR for the Proposed Project.

Additionally, mitigation measure AQ-1 requires a Construction Traffic Emission Management Plan that schedules truck deliveries and haul routes to avoid peak hour traffic. This requirement is incorporated into the conditions of approval (condition of approval 43) to require all heavy-hauling truck traffic to be scheduled as much as possible for non-peak nighttime periods. As discussed in Topical Response K, in addition to further reducing effects on traffic, these requirements would eliminate hauling-related air quality and noise impacts on El Rodeo School (a sensitive receptor located near the corner of Wilshire Boulevard and Whittier Drive) because hauling would occur while school is not in session.

In the event that the haul truck route uses Santa Monica Boulevard to enter and exit the Project site, traffic and safety impacts would be less than significant with the implementation of mitigation measures TRAF-1 through TRAF-9 as determined in the Final SEIR. This haul route is described in Sections 2 and 4.5, as well as Topical Responses B, of the Final SEIR. Its impacts related to traffic are discussed analyzed in various Topical Responses, including Topical Response D as they relate to traffic.

Further, in response to comments during public hearings, Fehr & Peers supplemented the analysis in its letter dated September 2016. It found that this truck route was similar to the one being implemented at the Beverly Hilton Revitalization construction site when Wilshire Boulevard was partially closed for construction. To coordinate the left turn into the Beverly Hilton site, a flagman stopped traffic on Santa Monica Boulevard in sync with the traffic signal at the Santa Monica Boulevard/Wilshire Boulevard intersection.

Based on its findings from the Beverly Hilton site, Fehr & Peers concluded that the flagman coordinated a left-turn movement while contributing little to no traffic delays along Santa Monica Boulevard. If the Proposed Project were to use this route, the left turn from Santa Monica Boulevard into the project site would be coordinated in a similar manner. After considering all the evidence and analysis, Fehr & Peers in its expert opinion and the City determined that this option would result in a less than significant impact, as was determined in the Final SEIR. Fehr & Peers has reviewed and concurred with this analysis.

Both the Draft SEIR and the Final SEIR, in addition to the 2008 FEIR, analyze cumulative impacts that could result from concurrent construction at the Beverly Hilton. Sections 4.4 (Noise) and Section 4.5 (Traffic) of the Draft SEIR analyze impacts from concurrent construction. Mitigation measures NOISE-4, TRAF-5, and TRAF-9 specifically address, and TRAF-9 mitigates, these impacts to less than significant. (See Draft SEIR, Table 4.5-13.) In response to comments, concurrent construction is addressed in Topical Response D of the Final SEIR and in various responses to comments, including 5.131, 5.135, and 7.24.

Mitigation measure TRAF-9 imposes coordination and operation requirements to minimize traffic flow interferences from construction activities. Because day-to-day construction activities fluctuate, it would be speculative to conduct a detailed analysis of potential conflicts and coordination. Mitigation measure TRAF-5 requires an Environmental Monitor to oversee and coordinate concurrent construction activities at the Proposed Project and the Beverly Hilton. Further, similar overlapping construction would occur under the Approved Project, which the applicant has a vested right to build, and further mitigation is not available because construction traffic impacts are temporary and do not warrant physical roadway alterations.

13. **Greenhouse Gas Emission Analysis.**

    (a) The Final SEIR did not assess the Project's consistency with California's 2030 and 2050 GHG reduction targets. Because the 2030 target was codified on September 8, 2016, the Final SEIR should address the 2030 target.

    (b) The Final SEIR failed to assess consistency with SCAG's 2016 RTP/SCS. Because it was adopted on April 7, 2016, it should be addressed.

    (c) The Final SEIR takes a credit for the emissions of the prior Robinsons-May Department Store.

See Topical Responses F and G and Responses to Comments 5.63–5.66. The Final SEIR considered consistency with State reduction targets, including those established by Executive Orders S-3-05 and B-30-15 to reduce emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Although these targets were considered in the analysis, no specific regulations, approaches, or project-level quantitative thresholds have been adopted. The South Coast Air Quality Management District ("SCAQMD") has recommended, but not adopted, a 3,000 MT CO2e threshold for individual projects. The Final SEIR utilizes this threshold as the best available threshold of significance for determining a project's consistency with CO2e reduction targets. It also considered consistency with GHG emission reduction strategies, including those from the Southern California Association of Governments ("SCAG") and the Climate Action Team, and determined that the Proposed Project would be consistent. Further, the California Green Buildings Standards Code requires mandatory measures on all new construction projects. The Proposed Project would be required to comply with the 2016 California Green Buildings Standards Code, which take effect on January 1, 2017.

The Final SEIR includes a detailed analysis of the Proposed Project's consistency with SCAG's 2012 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") (see Draft EIR, Table 4.2-4). SCAG adopted the 2016 RTP/SCS in April 2016, which was after the environmental review had begun and the same month the Draft SEIR was released. Moreover, the planning strategies applicable to the Proposed Project have not changed substantially such that it would result in an inconsistency. As such, there is no requirement to conduct a separate analysis for the 2016 RTP/SCS and it would not offer a substantial benefit to the Final SEIR as an analytical or informational document to do so.

The Proposed Project's operational emissions did not take credits for the Robinsons-May Department Store. Although the store's emissions were calculated and provided as a reference point, they were not used to determine whether the Proposed Project exceeded thresholds. Consistent with the analysis in the Final SEIR, the significance determination was based on the Proposed Project's emissions against the baseline (i.e., the Approved Project).

14. **Cumulative Projects.** The SEIR does not adequately account for new projects that were not considered in the 2008 FEIR. These projects include 10000 Santa Monica Boulevard, the Century Plaza Hotel, among others.

See Topical Response J and Chapter 3 of the Final SEIR. The environmental analysis considered the 10000 Santa Monica Boulevard and Century Plaza Hotel as cumulative projects. It also considered impacts, as appropriate, on the condominiums at 10000 Santa Monica Boulevard.

15. **Planning Commission's Findings in Specific Plan Resolution.** The Planning Commission's recommendation of the Specific Plan failed "to include the finding required by Code Section 10-3-3106, that the Specific Plan Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare."

The cited section in the Beverly Hills Municipal Code—Section 10-3-3106 (Time for Exercise of Rights)—is unrelated to this action. Assuming the commenter meant to refer to Section 10-3-3908, the findings under that section are required for certain zoning code amendments. The Planning Commission did not recommend any amendments to the zoning code and the Proposed Project would retain the prior zoning designation of "9900 Wilshire Specific Plan." As such, the finding provided was not a requirement for the Planning Commission to recommend the Specific Plan amendments to the City Council.

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Date: November 17, 2016

To: Andre Sahakian, Associate Planner

Organization: City of Beverly Hills

From: Lindsey Sarquilla, MESM, Senior Environmental Planner, and Joe Power, AICP CEP, Principal

Re: Loading Dock Maximum Operation Analysis

The purpose of this memorandum is to supplement the loading dock analysis previously prepared for the 9900 Wilshire Boulevard Project (Final SEIR and memorandums dated September 8 and October 4, 2016) by analyzing traffic and noise impacts from maximum operation of the proposed loading dock area.

As discussed in the Final SEIR, the Project includes a loading dock across from the entrance to the Hilton Hotel, which would be accessed from Merv Griffin Way and located below grade. The Project would have deliveries between 6:30 AM and 2:30 PM Monday through Saturday, or over an approximately 8-hour period. All loading dock operations would occur within the enclosed loading dock service area below grade. Consequently, line-of-sight between the loading dock service area and adjacent Hilton Hotel rooms is obstructed. The entrance to the loading dock ramp is at least 100 feet from the nearest Hilton Hotel room, while the loading dock service area itself is 200 feet from the nearest hotel room. The ramp down to the loading dock service area is 90 feet long.

Traffic Impacts

Potential traffic impacts resulting from up to 200 trucks serving the project site was considered based on the analysis conducted for the Transportation Impact Study prepared for the proposed project. Up to 200 trucks serving the project site on a weekly basis would result in approximately 33 trucks per day, assuming that project deliveries occur Monday through Saturday. Deliveries are allowed at the project site over an 8 hour period (generally between

6:30 AM and 2:30 PM). Therefore, 33 trucks per day equates to approximately 4 trucks per hour. Based on the loading dock access plan approved by City Council, trucks would enter the site from northbound Wilshire Boulevard by making a right-turn onto Merv Griffin Way and then make a right-turn onto the driveway serving the loading dock. Trucks would exit the loading dock by making a right-turn onto Merv Griffin Way and then make a right-turn onto North Santa Monica Boulevard. Consequently, approximately 4 truck trips per hour could occur at each of these right-turning movements that provide access into and out of the loading dock. According to Fehr and Peers, who prepared the Transportation Impact Study for the proposed project, the potential increase in truck trips would not trigger a significant impact based on the loading dock access plan, which results in right-turn only movements for trucks accessing the site, the number of trucks that could be added to the right-turn movements in comparison to background traffic volumes, and the City's significance criteria used to identify traffic impacts at intersections.

Noise Impacts

Operational noise from the loading dock service area would consist primarily of tractor trailers maneuvering within the service area. Box vans/step vans, tractor trailers, and garbage trucks would make trips to the site. The proposed project is estimated to generate 24 more deliveries and one more garbage trip per week, roughly 6 more loading dock trips per day than the Approved Project. The September 8 and October 4 analyses were based on this number of new loading dock trips. For the purposes of evaluating noise impacts from potential maximum operation of the loading dock area in accordance with what a project site neighbor has suggested is the likely number of loading dock operations, noise impacts were reevaluated assuming that the loading dock would receive a total of 200 delivery/garbage truck trips per week; this is 176 more trips per week, or approximately 29 more trips per day, than the Approved Project.

Loading dock operational noise calculations are inclusive of noise from trucks operating within the loading dock area, accelerating up the ramp from the loading dock area, and accelerating onto Merv Griffin Way. Existing ambient noise levels plus loading dock operational noise from 176 weekly trips would result in a CNEL of 74.7 dBA (see attached *Loading Dock Noise Impact Estimation - 176 New Trips Per Week Scenario sheets* for CNEL calculation). This represents an increase of 0.7 dBA CNEL at the exterior of the nearest receptors (Beverly Hilton hotel rooms).

Based on a conservative assumption that all 200 trips to the loading dock were new, existing ambient noise levels plus loading dock operational noise would result in a CNEL of 74.8 dBA (see attached *Loading Dock Noise Impact Estimation – 200 New Trips Per Week Scenario* sheets for CNEL calculation). This represents an increase of 0.8 dBA CNEL at the exterior of the nearest receptors (Beverly Hilton hotel rooms).

Table 4.4-9 of the Final SEIR reflects impacts from operational noise of the Proposed Project in comparison of the Approved Project for all operations, except loading dock noise. That table shows that the change in noise level between the Existing Plus Approved Project and Existing Plus Proposed Project is 0 dBA CNEL at Receptor 3, the location nearest to hotel room receptors on Merv Griffin Way. In other words, the Proposed Project (excluding the specific

noise from loading dock operations) would not increase ambient noise levels beyond what would occur under the Approved Project (a difference of 0 dBA). Consequently, adding 0.7 dBA (176 trips per week scenario) or 0.8 dBA (200 trips per week scenario) from loading dock operational noise to the previously estimated combined operational noise impact (0 dBA) would not result in an exceedance of the operational significance threshold (> 1 dBA). Therefore, the Proposed Project's operational noise impacts would remain less than significant.

LOADING DOCK NOISE IMPACT ESTIMATION - 176 New Trips Per Week Scenario

Scenario: Loading Dock Operations
Receptor Location: Beverly Hilton Hotel

Noise Source[1]	Ave. Maximum SPL @ 50 ft., dBA	Number	Percentage of Operation Hours In Use[2]	Effective Use Factor[3]	Distance, Ft.	Leq, dBA
Heavy Duty Truck Accelerating on to Merv Griffin	86	1	0.7%	100%	50	64
Heavy Duty Truck on Ramp	86	1	1.2%	100%	100	61
Mitigated Trucks in Loading Dock Service Area	81	1	30.2%	100%	200	64

TOTAL Leq DURING OPERATIONS: **67.9** **dBA**

Distance attenuation assumed at: 6 dBA per doubling of distance
Notes: #N/A = Not Applicable

[1] California Motor Vehicle Code Section 23130 Lmax for trucks operating at less than 35 mph; includes 5 dBA reduction in noise for the "Mitigated Trucks in Loading Dock Service Area" source because the service area is below grade and line-of-sight between the source and receptor would be blocked.

[2] Operational hours are from 6:30 AM to 2:30 PM (8 hours). Duration of 29 heavy duty trucks accelerating up ramp extends for a total of 5.8 minutes out of 8 hours (or 1.2% of the operation period). Duration of 29 heavy duty trucks manuevuring within loading dock service area extends for a total of 145 minutes out of 8 hours (or 30.2% of the operation period). Duration of 29 heavy duty trucks accelerating onto Merv Griffin Way extends for a total of 3.2 minutes out of 8 hours (or 0.7% of the operation period).
[3] Assumed percentage of time that trucks are operating at near maximum sound level

Loading Dock Noise Impact Analysis - 176 New Trips Per Week Scenario

Loading Dock Noise Impacts at Beverly Hilton Hotel Rooms			
Time	Existing Leq dBA[1]	Loading Dock Leq dBA[2]	Existing + Loading Dock Leq dBA
0:00	66.9	0.0	66.9
1:00	66.9	0.0	66.9
2:00	66.9	0.0	66.9
3:00	66.9	0.0	66.9
4:00	66.9	0.0	66.9
5:00	66.9	0.0	66.9
6:00	66.9	67.9	70.5
7:00	70	67.9	72.1
8:00	70	67.9	72.1
9:00	70	67.9	72.1
10:00	70	67.9	72.1
11:00	70	67.9	72.1
12:00	70	67.9	72.1
13:00	70	67.9	72.1
14:00	70	67.9	72.1
15:00	70	0.0	70.0
16:00	70	0.0	70.0
17:00	70	0.0	70.0
18:00	66.9	0.0	66.9
19:00	66.9	0.0	66.9
20:00	66.9	0.0	66.9
21:00	66.9	0.0	66.9
22:00	66.9	0.0	66.9
23:00	66.9	0.0	66.9
Existing dBA CNEL[3]:	**74**	**70.9**	**74.7**
Change dBA CNEL [Existing + Loading Dock] - [Existing]:			**0.7**

1. Daytime and nighttime Leqs and CNEL from Final SEIR Table 4.4-1 for Measurement Location #3, nearest to Beverly Hilton Hotel rooms
2. Loading dock Leq dBA from Loading Dock Impact Estimation
3. Calculated using CNEL Community Noise Calculator at https://www.noisemeters.com/apps/ldn calculator.asp

LOADING DOCK NOISE IMPACT ESTIMATION - 200 New Trips Per Week Scenario

Scenario: Loading Dock Operations
Receptor Location: Beverly Hilton Hotel

Noise Source[1]	Ave. Maximum SPL @ 50 ft., dBA	Number	Percentage of Operation Hours In Use[2]	Effective Use Factor[3]	Distance, Ft.	Leq, dBA
Heavy Duty Truck Accelerating on to Merv Griffin	86	1	0.8%	100%	50	65
Heavy Duty Truck on Ramp	86	1	1.4%	100%	100	61
Mitigated Trucks in Loading Dock Service Area	81	1	34.7%	100%	200	64

TOTAL Leq DURING OPERATIONS: **68.5** **dBA**

Distance attenuation assumed at: 6 dBA per doubling of distance
Notes: #N/A = Not Applicable

[1] California Motor Vehicle Code Section 23130 Lmax for trucks operating at less than 35 mph; includes 5 dBA reduction in noise for the "Mitigated Trucks in Loading Dock Service Area" source because the service area is below grade and line-of-sight between the source and receptor would be blocked.

[2] Operational hours are from 6:30 AM to 2:30 PM (8 hours). Duration of 33 heavy duty trucks accelerating up ramp extends for a total of 6.7 minutes out of 8 hours (or 1.4% of the operation period). Duration of 33 heavy duty trucks manuevuring within loading dock service area extends for a total of 166.7 minutes out of 8 hours (or 34.7% of the operation period). Duration of 33 heavy duty trucks accelerating onto Merv Griffin Way extends for a total of 3.7 minutes out of 8 hours (or 0.8% of the operation period).
[3] Assumed percentage of time that trucks are operating at near maximum sound level

Loading Dock Noise Impact Analysis - 200 New Trips Per Week Scenario

Loading Dock Noise Impacts at Beverly Hilton Hotel Rooms			
Time	Existing Leq dBA[1]	Loading Dock Leq dBA[2]	Existing + Loading Dock Leq dBA
0:00	66.9	0.0	66.9
1:00	66.9	0.0	66.9
2:00	66.9	0.0	66.9
3:00	66.9	0.0	66.9
4:00	66.9	0.0	66.9
5:00	66.9	0.0	66.9
6:00	66.9	68.5	70.8
7:00	70	68.5	72.3
8:00	70	68.5	72.3
9:00	70	68.5	72.3
10:00	70	68.5	72.3
11:00	70	68.5	72.3
12:00	70	68.5	72.3
13:00	70	68.5	72.3
14:00	70	68.5	72.3
15:00	70	0.0	70.0
16:00	70	0.0	70.0
17:00	70	0.0	70.0
18:00	66.9	0.0	66.9
19:00	66.9	0.0	66.9
20:00	66.9	0.0	66.9
21:00	66.9	0.0	66.9
22:00	66.9	0.0	66.9
23:00	66.9	0.0	66.9
Existing dBA CNEL[3]:	**74**	**71.5**	**74.8**
Change dBA CNEL [Existing + Loading Dock] - [Existing]:			**0.8**

1. Daytime and nighttime Leqs and CNEL from Final SEIR Table 4.4-1 for Measurement Location #3, nearest to Beverly Hilton Hotel rooms
2. Loading dock Leq dBA from Loading Dock Impact Estimation
3. Calculated using CNEL Community Noise Calculator at https://www.noisemeters.com/apps/ldn calculator.asp