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Attachment 6

Final EIR – Appendix D

9900 WILSHIRE PROJECT

Final Environmental Impact Report

Appendix D

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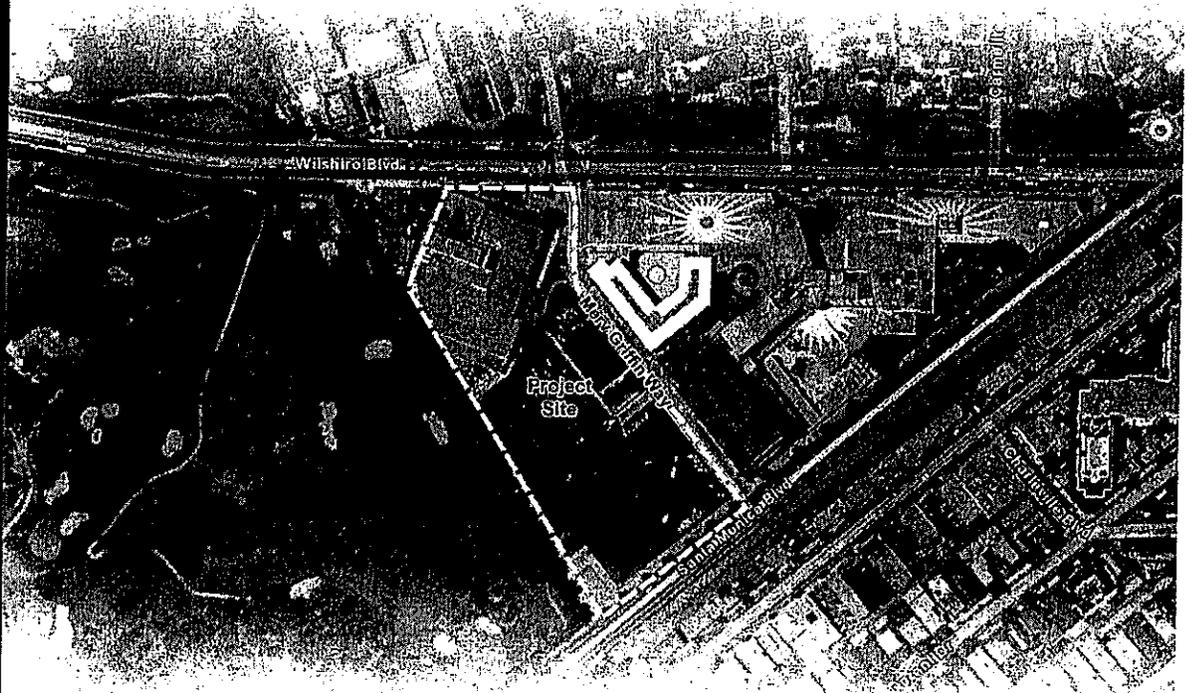
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APPENDIX D

INTRODUCTION

The Final EIR for the 9900 Wilshire Project was printed and distributed to the City of Beverly Hills Planning Commission in February 2008. On March 27, 2008, after the Final EIR had been made public, the applicant presented the City a new variation on the project, referred to herein as the Revised Project. The Revised Project is a combination of Alternative 3, Reduced Density, and Variation B of Alternative 5, Modified Height and Configuration of North/South Buildings, and is designed to address comments made by the City of Beverly Hills Planning Commission and City Council, and by the public.

This document describes the Revised Project and evaluates the associated potential environmental impacts. The Revised Project and its potential impacts are compared to the project evaluated in the Draft EIR, referred to herein as the original project. ~~The new alternative~~Revised Project constitutes a variation on two of the alternatives already evaluated in the Draft EIR, which was circulated for public review between August 7 and September 28, 2007. This appendix analyzes whether the changes to the project constitute significant new information that would require further analysis or recirculation of the EIR.

~~As stated in the Draft EIR, the purpose of the alternatives analysis is to explore potentially feasible ways to avoid or minimize the significant impacts of the project. Pursuant to the CEQA Guidelines, several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include (1) the nature of the significant impacts of the original proposed project, (2) the ability of alternatives to avoid or substantially lessen one or more of the significant impacts, (3) the ability of the alternatives to meet the objectives of the project, and (4) the feasibility of the alternatives.~~

~~The level of analytical detail provided for the alternative evaluated in this document is consistent with that provided in the Draft EIR for the original alternatives.~~

It should be noted that, for purposes of ultimately making recommendations for project approval, the Planning Commission and City Council are not limited to consideration of only the original project, the alternatives defined and evaluated in the Draft EIR, or the ~~new alternative variation presented~~Revised Project described in this document, appendix in their ~~entirety~~whole or in part. Should decision makers choose, they may ultimately recommend or approve a combination of elements of the project and/or alternatives considered in the Draft EIR or during the subsequent public hearing process (for example, land use, height, setback, parking, etc.). As long as the range of impacts of the various project or alternative elements were already evaluated in the Draft EIR, *OR* as long as impacts associated with those

elements remain lesser than, or similar in magnitude to, those evaluated in the Draft EIR, no new impact analysis is necessary.

In summary: CEQA does not constrain decision-makers by requiring consideration or approval *only* of the project or alternatives set forth in the Draft EIR. The City Council may ultimately define the project of its choosing by drawing from any or all of the above and/or by defining new project components. Such changes may require new impact analysis, however that is not the case with respect to the Revised Project.

Recirculation of the Draft EIR based on the analysis contained in this Appendix to the Final EIR is not required based on the standards defined in Section 15088.5 of the CEQA Guidelines. This section of the CEQA Guidelines states that a lead agency is required to recirculate an EIR when significant new information is added to the EIR. This information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Significant new information requiring recirculation could include a new significant environmental impact or a substantial increase in the severity of an environmental impact. The changes that have been made to the original project and result in the Revised Project are designed to reduce impacts. Because no new significant impacts result from these changes, and no new significant information has been added to the Draft EIR, recirculation of the Draft EIR is not necessary. Further, the Revised Project is not considerably different from the alternatives already considered in the Draft EIR.

Revised Project – Combination of Alternative 3, Reduced Density, and Variation B of Alternative 5B-1, 5, Modified Height and Configuration of North/South Buildings

Project Description

The Revised Project is a Combination of Alternative 3, Reduced Density, and Variation B of Alternative 5, Modified Height and Configuration of North/South Buildings. The Revised Project is shown in the **Revised Project Site Plan attached hereto**. A breakdown of the components of the Revised Project is provided in **Table D-1, The Revised Project, Combination of Alternative 3, Reduced Density, and Alternative 5, Modified Height and Configuration of North/South Buildings**.

For the Revised Project, the Applicant presented a project to the City Council that included 235 units in two buildings, a North Building and a South Building containing residences, a three-story retail building

with a spa on the top two floors at the southern end of the project, and a restaurant in a single-story building located in the southeastern corner of the site. At the request of the City Council, the Applicant agreed to remove approximately 8,000 residential square feet from the top ~~story~~two stories along the eastern elevation of the South Building. However, the City Council offered the Applicant the option of introducing up to four garden residences that would be located in a ~~single level~~two levels beginning on top of the northerly portion of the restaurant building, provided that there is no overall increase in the square-footage of the project. ~~Should the Applicant determine that it does want to add these garden residences, the Applicant may opt to remove up to 10,000 residential square feet from the South Building (including the 8,000 residential square feet removed at the City Council's request) and place it atop the restaurant.~~The addition would be approximately 120 feet in length and 40 feet in width. Regardless of whether or not the Applicant chooses to develop the garden residences, approximately 8,000 residential square feet would still be removed from the South Building. In the event that the Applicant does not incorporate the garden residences, that area will be ~~redesigned~~designed as a landscaped area intended to provide a greater sense of privacy for the private garden areas. An architectural feature such as a skylight or atrium would be featured above the restaurant as shown on the revised project site plan (Fig. D-1).

For purposes of this alternatives analysis, it is assumed that the garden residences would be developed and a total of 239 units would be provided on-site (i.e., 235 units total in the North and South Buildings plus four garden units). In the event the garden residences are not constructed, the analysis contained herein would be adequate under CEQA since any environmental impacts would be reduced.

The Revised Project proposes 13 fewer residential units, ~~4,200~~4,000 fewer square feet of ~~retail and restaurant~~commercial uses, and an increased density of 0.12¹ (with a FAR of 2.63:1) compared to the original project. The Revised Project would eliminate the Loft Buildings, increase public open space by 0.39 acres, add a two story spa (exclusively for use by Project residents) above the one story commercial building at the southern end of the property and add up to 4 residential units (i.e., garden residences) on a second and third floor above the eastern restaurant proposed for the original Project.

The original project proposed to develop the North Building at height of 144 feet/12 stories. Under the Revised Project, the North Building has increased articulation and modulation of the eastern elevation and roofline, with building height stepbacks increasing with distance from Wilshire Boulevard and Merv

¹ The original project FAR was identified in the Draft EIR as 2.4:1, but this FAR was miscalculated since it did not include retail square footage or any square footage below grade (approximately 20,000 square feet). The FAR for the original project should have been defined as 2.51:1 in the Draft EIR. The total square footage for ~~Alternative 5B-1~~the Revised Project properly includes retail and below-grade and square footage, and the new FAR is therefore 0.12 greater than the FAR of the original project (2.63 - 2.51 = 0.12).

Griffin Way. Moving south from Wilshire, buildings height step up in increments from 108 feet/9 stories, to 137 feet/11 stories, to 149 feet/12 stories, and finally to 161 feet/13 stories at the southwest corner of the building.

The original project proposed to develop the South Building at a single height of 144 feet/12 stories. Under the Revised Project, the heights of the South Building would be stepped back and up moving away from the site's western boundary, which is coterminous with the Los Angeles Country Club's South Course. The portion of the South Building nearest the western boundary would alternate between 161 feet/13 stories and 180 feet/14 stories high, while the height of the eastern elevation would be 185 feet/15 stories— and 161 feet/13 stories.

Under the Revised Project, the eastern frontage of the project site along Merv Griffin Way would have public gardens comprising terraced landscaping and water features along the eastern boundary, and an entry and perimeter garden at various elevations gardens at the northeastern corner and southeastern corners of the project site.

Finally, the setback of the North Building would increase to 72 feet from the existing curb, which is 57 feet from the sidewalk on Wilshire Boulevard, to match the mid-wall setback of The Beverly Hilton's Wilshire Tower. The South Building would be set back 27 feet from the existing Santa Monica Boulevard curb. Additionally, the south end of the North Building would be set back 80.5 feet from the Los Angeles Country Club (LACC). The retail building would be set back 20 feet from Santa Monica Boulevard, and the restaurant building would be set back 24 to 30 feet from Merv Griffin Way. The separation between the North and South Buildings would decrease from 45 feet to 43 feet at its narrowest point as compared to the original project, but because of increased building articulation and modification of the North Building under The Revised Project, the separation would be as much as 105 feet in places. Further the setbacks of the North and South Building from the western property line in the original project were increased substantially in the Revised Project. Specifically, the North building setback was increased from 72' 6" to 80' 6" at the southern end of that building, and the South Building setback was increased from 35' 7" to 44' 7" at the north end of the South Building and 33' 1" to 42' 1" at the south end of the building closest to Santa Monica Boulevard.

The number of units under the Revised Project would be 13 fewer than under the original project, for a total of 239 residential units. However, under the Revised Project, the mix of units would change to include 58 Studio units, ranging in size from 600 to 960 square feet. A number of these 58 Studio units would be designed to be convertible to one-bedroom units.

The total square footage of the original project is 868,598 square feet. This includes 821,771 square feet of residential space, 7,915 square feet of residential amenities above grade, 19,056 square feet of maintenance and storage space, and 19,856 square feet of retail/restaurant space. The 7,915 square feet of residential

amenities included ~~the business~~an events room/~~lounge~~ and a spa, and this was included in the original project square footage total and thus the original FAR. As previously stated, the original project FAR did not account for the 19,056 square feet of below grade back-of-house space for maintenance and storage areas, lobbies and the parking level elevator lobbies because most of that space is not usable by residents.

The total square footage under the Revised Project would be 910,514 square feet and includes 814,071 square feet of residential space, 80,587 square feet of residential amenities, and 15,856 square feet of retail/restaurant space. When the property was purchased by the present Applicant, the residential amenities were enhanced to include an enlarged 14,850-square foot Spa Pavilion, located at the Southern end of the gardens, as well as two screening rooms, an events room, game rooms, a security office, wine and general storage rooms, a warming kitchen, a laundry area, staff facilities, and a building office all mostly located in an underground mezzanine, Service and maintenance areas are also enlarged in the below grade levels. Because most of this space is considered usable by residents, it is now considered in the FAR. The Revised Project therefore represents a net increase of 41,916 total square feet over the original project, with the difference accounted for by below-grade, back-of-house residential amenities (910,514 – 868,598 = 41,916).

Accordingly, under the Revised Project, there would be a net reduction of approximately 7,700 square feet in the residential ~~units~~unit areas (821,771 – 814,071 = 7,700) and a net reduction of 4,000 square feet of ~~retail/restaurant~~commercial space (19,856 – ~~14,856~~15,856 = 4,000) as compared to the original project. The number of residential units under the Revised Project would be reduced from 252 to 239, or 13 fewer units.

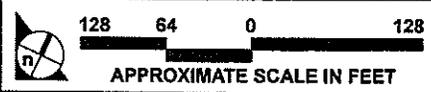
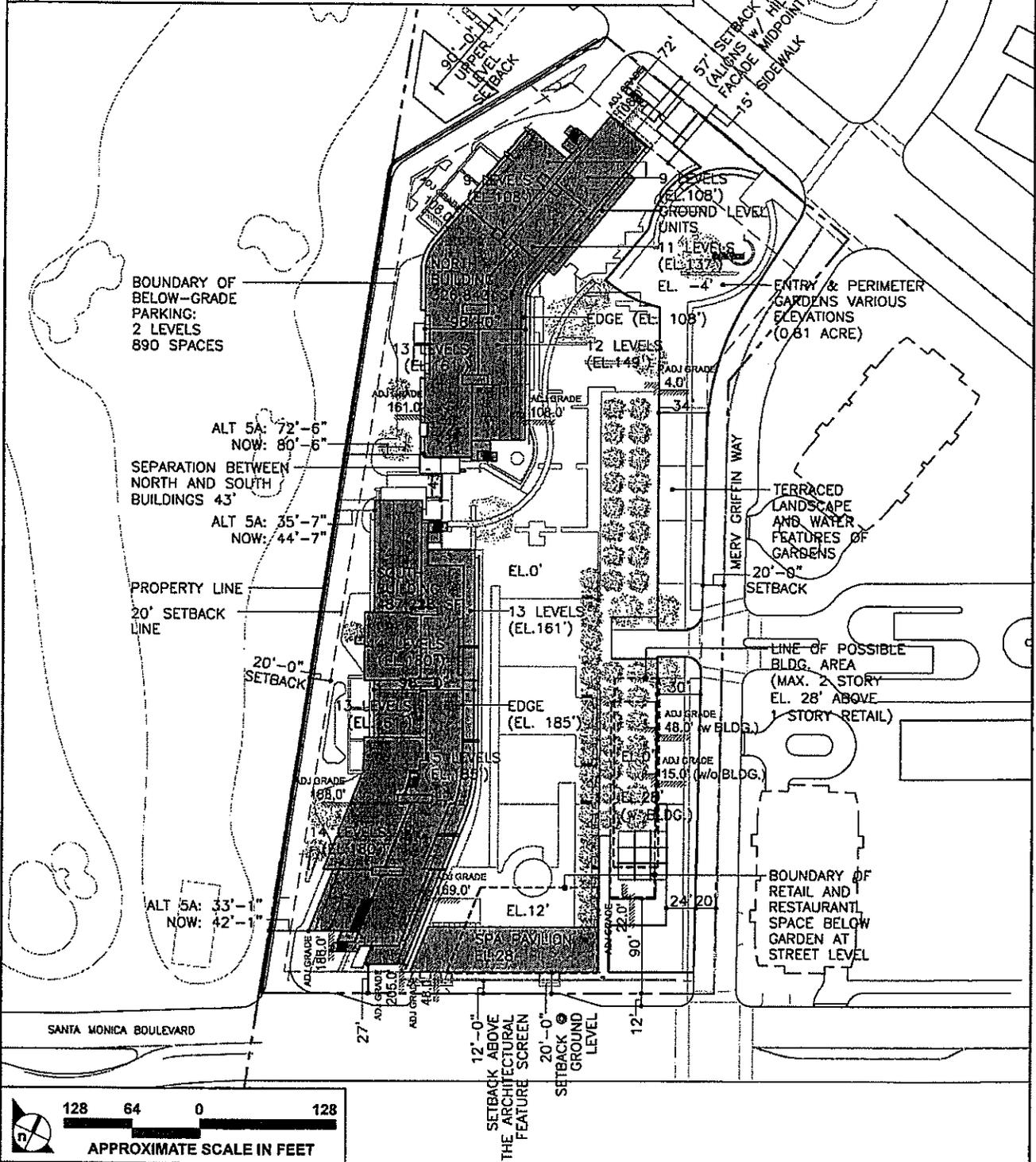
Under the Revised Project, 803 parking spaces would be provided, exceeding the City of Beverly Hills Municipal Code requirements. Of the 803 parking spaces provided, 681 would be available to project residents and their guests as well as to back-of-house residential employees, and the remaining 122 spaces are intended for patrons of the retail and restaurant portions of the project.

The FAR for the Revised Project would be 2.63:1, which exceeds both the 2.51:1 FAR of the original project and the maximum FAR of 2:1 currently permitted on the project site, owing to inclusion of the additional residential amenities, as previously discussed (see also explanatory footnote on the page 3). In addition, the proposed North and South Buildings would exceed 45 feet in height and be more than three stories in height, and the retail/spa pavilion and the restaurant/garden residences building would be 48 feet/3 stories in height as measured from adjacent grade (28' above project datum 0'0"). As with the original project, the Revised Project includes approval of a Specific Plan and a General Plan Amendment.

The original project proposed the use of Santa Monica Boulevard as the primary haul route, but also identified Wilshire Boulevard as a possible haul route. Under the Revised Project, the construction haul

route would be confined to Santa Monica Boulevard and would entirely avoid Wilshire Boulevard. The duration of the construction period under ~~this Alternative~~ the Revised Project would remain at 33 months, unchanged from that of the original project. This is the case even though fewer buildings would be developed under the Revised Project as compared to the original project, because of the need to construct the additional proposed back-of-house amenities as well as complexities of construction associated with the newly increased articulation and modulation of the North Building.

5B-1. MODIFIED PROJECT/EIR PLAN
 235/239 UNITS MAX./B03 PARKING SPACES (PROVIDED); 732 SPACES (REQUIRED)
 910,514 SF (RESIDENTIAL: 814,071 SF; OTHER SPACES: 80,587 SF; RETAIL: 15,856 SF)
 (RETAIL: 11,656 SF; RESTAURANT: 4,200 SF) (OUTDOOR DINING 585/600 MAX.)
 FAR 2.63:1



SOURCE: Richard Meier & Partners LLP - March 2008

FIGURE D-1

Revised Project Site Plan

Table D-1
the Revised Project, Combination of Alternative 3, Reduced Density, and Variation B of
Alternative 5, Modified Height and Configuration of North/South Buildings

	North Building	South Building	Garden Residences	Other Residential Amenities & Services ¹	Retail/Restaurant	Total
Residential Units						
Studios	22	36		-	-	58
1 Bedroom	18	4		-	-	22
2 Bedrooms	17	<u>1923</u>	4	-	-	<u>4044</u>
2 Bedrooms w/Den	-	-		-	-	0
3 Bedrooms	16	12		-	-	28
3 Bedroom w/ Den	15	23		-	-	38
4 Bedrooms	10	16		-	-	26
4 Bedrooms w/ Den	-	9		-	-	9
Penthouse	5	9		-	-	14
<i>Total</i>	103	<u>128132</u>	4	-	-	239
Retail (sf)	-	-		-	11,656	11,656
Restaurant Total (sf)	-	-		-	<u>4,7854,200</u>	<u>4,8004,200</u>
Indoor Dining Area	-	-		-	2,000	2,000
Back of House	-	-		-	2,200	2,200
Outdoor Dining Area ²	-	-		-	585	585
Spa (sf)	-	-		14,850	-	14,850
Other Spaces (sf)	-	-		65,737	-	65,737
Parking Spaces Required		<u>634</u>		0	99	<u>732733</u>
Parking Spaces Provided		<u>633</u>		39	<u>132122</u>	803
		642				
Height (feet) ³	108 to 161	161 to 185	<u>4828</u>	N/A	<u>4828</u>	N/A
Number of Stories ⁴	9 to 13	13 to 15	<u>32</u>	N/A	<u>31</u>	N/A
Total Floor Area (sf)	326,843	477,228	10,000	80,587	15,856	910,514
FAR						2.63:1

sf = square feet

¹ Other residential amenities and services space include the spa pavilion, business lounge, event room, screening rooms, game rooms, wine storage room, storage rooms, security room, etc.

² Outdoor dining space is not included in the project total square footage or the restaurant square footage. Up to 600 sf of outdoor dining space is allowed by Specific Plan; the project provides extra parking spaces that could be used to meet code-required parking for the additional outdoor dining space. Parking for outdoor dining is included in total parking required

³ Building height is measured above project datum elevation 0'0" which is approximately 20' above Santa Monica Blvd.

⁴ Garden residences are 2 stories above the restaurant eastern side building which is 1 story in height. The southern side retail is also 1 story in height with 2 stories of residential amenities above.

Source: Richard Meier & Partners Architects LLP, March 2008.

Aesthetics

Aesthetic Character and Views

Under the Revised Project, the North Building would have increased articulation and modulation as compared to the original project, and would incorporate building height stepbacks with increased distance from Wilshire Boulevard and from Merv Griffin Way. The building's height would step up in four increments from north to south: from 108 feet/9 stories to 137 feet/11 stories, to 149 feet/12 stories, and finally to 161 feet/13 stories at the southwest corner of the building.

South Building heights would be stepped back and up moving away from the site's western boundary, which is shared with the Los Angeles Country Club. The portion of the South Building nearest the western boundary would alternate between 161 feet/13 stories high and 180 feet/14 stories high, while the height of the eastern side would be 185 feet/15 stories—and 161 feet/13 stories.

The setback of the North Building would increase to 72 feet from the existing curb, which is 57 feet from the sidewalk on Wilshire Boulevard, to match the mid wall setback of The Beverly Hilton's Wilshire Tower. The South Building would be set back 27 feet from the Santa Monica Boulevard existing curb. Additionally, the south end of the North Building would be set back 80.5 feet from the Los Angeles Country Club (LACC).

The separation between the North and South Buildings would be decreased from 45 feet to 43 feet at its narrowest point, but because of increased building articulation and modification of the North Building under the Revised Project, the separation would be as much as 105 feet in places.

The North and South Buildings would still largely obstruct panoramic views from some west-facing guestrooms in the Beverly Hilton's Wilshire Tower, comparable to the original project.

Under the Revised Project, the North and South Loft Buildings would be removed and much of the eastern frontage of the project site along Merv Griffin Way would instead be developed with terraced public gardens comprising landscaping and water features, in addition to the ~~entry and perimeter garden at various elevations~~ public gardens at the northeastern corner of the project site, which would be retained from the original project and enhanced. The new gardens would be accessible from Merv Griffin Way and integrate a new public sidewalk. The removal of the Lofts would increase the public open space on the project from 0.42 acres, which included the public garden on the corner of Wilshire Boulevard and Merv Griffin Way under the original project, to 0.81 acres, which now includes ~~that~~ the original public garden as well as the terraced gardens along Merv Griffin Way. This is an increase of 0.39 acres of public open space on the project site. With the option in the Revised Project of constructing up to four ~~residential lofts over the commercial building~~ garden residences, the increase in private open space would be reduced, however no reduction in the public open space along Merv Griffin Way would occur.

Further, the limited height, size and scale of any garden ~~units~~residences in this area would not result in any adverse impacts.

The commercial retail building along Santa Monica Boulevard and Merv Griffin Way would be reduced to 11,656 square feet and moved slightly north and west to increase the setback from the corner of Santa Monica Boulevard and Merv Griffin Way. The Applicant's option to introduce up to four additional ~~single-story~~ residences atop the restaurant building would result in a smaller footprint, lower-profile building than the South Loft Building proposed under the original project, and views from vantages east of the site (including Merv Griffin Way and The Beverly Hilton) would be more open to the landscaped Merv Griffin Way frontage as well as the landscaped interior of the site.

As with the original project, this ~~alternative~~Revised Project still proposes increased intensity of uses on-site, introduces residential uses, and proposes building heights in excess of those in the project area, comparable to the original project. However, the North Building would be set back 72 feet from the Wilshire Boulevard curb line, to match the mid-wall setback of The Beverly Hilton's Wilshire Tower, which would increase physical compatibility with El Rodeo School, residential land uses to the north, and Beverly Gardens Park compared to the original project. Moreover, building height setbacks from Wilshire and Merv Griffin Way would further increase physical compatibility with off-site uses to the north by widening view corridors associated with these roadways and providing more building articulation from roadway vantages. With removal of the Lofts, view corridors would be further increased.

With respect to views, the public gardens (0.81 acres) at the corner of Wilshire Boulevard and Merv Griffin Way, along the entire length of Merv Griffin Way, and at the corner of Merv Griffin Way and Santa Monica Boulevard, would be visible to the public from those streets, at street level vantage points.

With respect to compatibility with the General Plan Land Use Element Objectives related to Areas of Transitional Conflict ~~and~~, Scale of the City, and certain development criteria for commercial areas based on the proposed General Plan Amendment clarifying that the site is now an appropriate location for higher-intensity development, and based on the revisions ~~to~~ the project, the Revised Project is considered consistent with the General Plan. Project revisions incorporated into the Revised Project supporting this conclusion include the following:

- Increased North Building setback from Wilshire Boulevard to match the north wing mid-wall of the Hilton Tower;
- Reduction of the North Building's height at Wilshire Boulevard to a height comparable to the Hilton Tower;

- Incorporation of progressive building height setbacks in the North Building stepping away from Wilshire;
- The increased area of public open space and landscaping; and
- The introduction of open space at the northwest corner of Santa Monica Boulevard and Merv Griffin Way.

For these reasons, the Revised Project would reduce impacts related to Aesthetic Character and Views as compared to the proposed project.

Light and Glare

Construction

During construction, nighttime lighting would only be required for security purposes. Any lighting needed for construction would not create substantial new sources of light or glare that would adversely affect views in the area and impacts would be less than significant. Construction of the Revised Project would concentrate lighting along the western edge of the site and in the southeastern corner as compared to the original project, thereby reducing nighttime illumination levels and glare. Construction activities would not create sources of glare since construction is not expected to involve bright light sources that would be visible from off site. Impacts would be equivalent to the originally proposed Project.

Operation

The residential and commercial buildings would be lighted at night, with interior and exterior building illumination visible from off site, as under the original project. Project implementation would increase light levels on the project site over existing conditions and would contribute to higher ambient nighttime light levels in the project vicinity. As discussed in Section 4.1.2, Light and Glare, the project vicinity is already developed with mid-rise buildings including the Wilshire Tower on The Beverly Hilton property to the east, within the Business Triangle east of the Hilton, and south of Santa Monica Boulevard, as well as high-rises in nearby Century City. New light sources associated with the Revised Project would be somewhat similar to the proposed project; however, the Revised Project would remove the Loft Buildings, expand the commercial building with a spa, add garden units, and reduce the total number of units by 13. As with the original project, the Revised Project would alter the existing ambient nighttime light levels and affect views in the vicinity of the project site.

With regard to glare, similar to the original project, the building materials proposed for the Revised Project would be low-reflectivity and would be designed to minimize glare. The Revised Project would reduce the potential for glare affecting off-site land uses or activities because of the increased North

Building setback from, and reduced height at, Wilshire Boulevard; progressive North Building height stepbacks away from Wilshire Boulevard; removal of the Lofts; increased setback of the restaurant and garden residences and incorporation of landscaped terraces along Merv Griffin Way; and the slight relocation of the proposed commercial building and associated increased setback from the corner of Santa Monica Boulevard and Merv Griffin Way. For these reasons, ~~Alternative 5B~~ the Revised Project would result in reduced light and glare impacts compared to the original project.

Shade and Shadow

Under the Revised Project, the North Building would have increased articulation and would step back and up with distance from Wilshire Boulevard and Merv Griffin Way. The height would step from 108 feet/9 stories to 137 feet/11 stories, to 149 feet/12 stories, and finally to 161 feet/13 stories at the southwest corner of the building.

The South Building would be constructed in the same location as under the original project, but the heights of the South Building would be stepped back and up moving away from the site's western boundary. The portion of the South Building nearest the western boundary would alternate between 161 feet/13 stories and 180 feet/14 stories, while the height of the eastern side would be 185 feet/15 stories: setback from the building edge which is at 161 feet/13 stories.

The 48-foot North and South Lofts proposed under the original project would be removed from Merv Griffin Way, and the Applicant has the option of introducing up to four ~~single-story~~ garden residences above the restaurant on Merv Griffin Way. The commercial building on the corner of Santa Monica Boulevard and Merv Griffin Way would be moved slightly north and west, deeper into the project site interior, which would increase the ~~setback~~ setbacks from Santa Monica Boulevard and Merv Griffin Way.

The reduced height of the North Building at Wilshire Boulevard, and the progressive height stepbacks with distance from Wilshire Boulevard, would result in fewer shading and shadow impacts on the playground at El Rodeo School and Beverly Gardens Park. The shadows cast by the South Building would increase from those cast by the 144-foot tall building under the original project because the eastern portion of the building is 41 feet taller than the originally proposed South Building. The increase in shadows cast by the South Building would slightly increase the length of time when the 16th hole of the Los Angeles Country Club Golf Course is shaded and would increase shade impacts over the Beverly Hilton Hotel and a small portion of Beverly Gardens Park during the Winter Solstice. As such, the Revised Project would reduce impacts at El Rodeo School, increase impacts on the adjacent golf course (but not to a significant degree), and decrease or increase impacts depending on location.

With respect to on-site shading, at the Winter Solstice (December 21st), when the sun is low and shadows are their longest, portions of the entry and perimeter public gardens in the northeast corner of the project site near Wilshire Boulevard and Merv Griffin Way would be shaded by the project's own North Building starting at about 12:00 PM (noon) and would remain in shade until approximately sunset. Approximately half the garden would be shaded at 12:15 PM and the entire garden would be in shade at 1:30 PM.

As for the remainder of the open space in the center of the project site portions would be in shade from 10:30 AM until approximately sunset, with the majority of the area in shade starting at 11:30 AM and the entire area in shade by 1:00 PM.

Leading up to and following the Winter Solstice, shadows would be shorter and less of the project site would be shaded by project buildings.

At the Summer Solstice (June 21st) when the sun is more directly overhead and shadows are at their shortest, portions of the gardens will begin to be shaded by the North and South Buildings starting at about 2:30 PM, with three-fourths of the gardens in shade at 4:00 PM and about 90 percent of the garden shaded at 5:00 PM.

In summary, the Revised Project would reduce shade/shadow impacts on El Rodeo School and residences to the north and slightly increase impacts on the Los Angeles Country Club South Course to the east, although impacts on the South Course would remain less than significant. As such, this alternative would not significantly affect growth of grass on the golf course, as documented by written testimony from William Alkire.

Air Quality

Air quality impacts are evaluated in two categories: construction emissions and operational emissions. Construction-related emissions are associated with construction activities such as demolition, earthmoving, use of construction equipment, and application of coatings to surfaces. Operational emissions are primarily associated with mobile source emissions based on vehicle trips generated by the project.

Construction

Under the Revised Project, there would be 13 fewer residential units and 4,000 square feet less ~~retail~~commercial space. The Revised Project would include a net increase of 41,916 total square feet mostly consisting of below-grade residential back of house amenities. The overall construction-related emissions would be similar to that of the original project. The Revised Project would still involve

demolition of the existing Robinsons-May building and grading and excavation for the underground parking structure. The Revised Project would use only Santa Monica Boulevard for the transport of hauling trucks. While the Revised Project would result in the construction of fewer residential units and retail space, additional back of house amenities would be constructed. For these reasons, the Revised Project would result in similar construction impacts relative to the original project and is generally equal to the original project relative to air quality construction impacts.

Based on the emissions presented at the rear of this document, the reductions in residential units and retail space and the increase in back of house amenities associated with the Revised Project would not reduce the daily construction emissions of nitrogen oxides (NO_x) to less than significant levels. The Revised Project would also result in similar localized respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}) impacts as the original project because demolition, grading, and excavation activities would be unchanged. Moreover, with regard to the exclusive use of Santa Monica Boulevard for the haul route, the Revised Project will not result in a new significant impact or substantially increase the severity of any environmental impact because the same number of construction vehicles are expected. Designating the haul route on Santa Monica Boulevard increases the distance between the sensitive receptors such as the El Rodeo School, residences to the North of the Revised Project, and residential uses along the Wilshire Corridor, thereby decreasing any likelihood that these land uses would be impacted by the construction of the Revised Project. For these reasons, the Revised Project is considered equal to the original project with respect to construction-related air quality impacts.

Further, limiting the hauling of demolition debris and excavated soil to nighttime hours would have minimal, if any, impact on air quality. Because the SCAQMD significance thresholds are based on a midnight-to-midnight daily limit, shifting hauling activity from one portion of the day to another has no discernable effect. Furthermore, mobile sources of emissions do not have a substantial localized impact and are excluded from the LST analysis, per SCAQMD guidelines. Therefore, the nearby El Rodeo School, residences, and Los Angeles Country Club would be largely unaffected.

Extending construction hours through the use of after-hours construction permits in order to limit exposure of the children at the El Rodeo Elementary School similarly will not result in a new significant impact or substantially increase the severity of any environmental impact. Changes in the hours of construction activities, such as starting earlier than 8:00 AM and ending later than 5:00 PM, would not result in substantially different impacts from those shown in the EIR, provided the amount of equipment in use, volume of earthmoving activity, and daily equipment involved in a particular activity (e.g. demolition, grading, excavation, and building construction) would operate 8 hours per day. This assumption is considered conservative since (1) not all equipment on a construction site generally operates concurrently and (2) not all equipment is used for a full, continuous 8-hour period. Furthermore, it has been stated by SCAQMD and SCAQMD staff that URBEMIS2007 (the revised modeling standard for air quality impacts) does not assume 8 hours of continuous operation for all pieces

of equipment, since construction is not necessarily continuous. Therefore, extending the hours by a small amount would not be expected to increase the emissions above what was conservatively estimated in the EIR.

Operation

The Revised Project would result in the operation of 13 fewer residential units and 4,000 square feet less retail space. The Revised Project would include a net increase of 41,916 total square feet mostly consisting of below-grade residential back of house amenities. However, this additional space would not result in the generation of additional trips as the amenities would not be available to the public. Therefore, the Revised Project would generally result in fewer operational impacts than the original project and is considered environmentally superior to the original project relative to operational air quality impacts.

During operation, trips generated by the Revised Project would be less than the original project's trip generation by a total of 218 daily trips. As discussed in the Draft EIR, the original project would not result in significant operational air quality emissions. The Revised Project would generate fewer operational-related air emissions compared to those generated by the original project, due the decreased trip generation. Because the Revised Project would result in fewer net operational air emissions than the original project, it is considered environmentally superior with respect to operational emissions. **Table D-2, Estimated Revised Project Operational Emissions**, provides a comparison of the operational emissions associated with the Revised Project compared to the emissions from the original project. As shown in Table D-1, the net operational emissions of the Revised Project are less than those of the original project and no significant impacts would occur.

**Table D-2
Estimated Revised Project Operational Emissions**

Emissions Source	Emissions in Pounds per Day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Summertime Emissions¹						
Operational (Mobile) Sources	11.08	11.99	110.02	0.13	20.24	3.94
Area Sources	10.26	3.22	6.05	0.00	0.03	0.03
Summertime Emission Totals	21.34	15.21	116.07	0.13	20.27	3.97
Emissions Due To Existing Uses	20.66	17.57	163.21	0.09	13.54	2.90
Net Emissions	0.68	- 2.36	- 47.14	0.04	6.73	1.07
Recommended Threshold	55	55	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
Revised Project Net Emissions	7.59	- 0.36	- 4.04	0.03	7.81	5.35
Wintertime Emissions²						
Operational (Mobile) Sources	11.83	14.41	107.58	0.10	20.24	3.94
Area Sources	9.97	4.48	1.97	0.01	0.12	0.12
Wintertime Emission Totals	21.80	18.89	109.55	0.11	20.36	4.06
Emissions Due To Existing Uses	19.13	24.17	167.64	0.07	13.54	2.90
Net Emissions	2.67	- 5.28	- 58.09	0.04	6.82	1.16
Recommended Threshold	55	55	550	150	150	55
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
Revised Project Net Emissions	6.71	2.82	- 15.75	0.02	5.92	5.47

Source: Impact Sciences, Inc., March 2008 Emissions calculations are provided as an attachment to this Appendix.

Totals in table may not appear to add exactly due to rounding in the computer model calculations.

¹ Summertime Emissions are representative of the conditions that may occur during the ozone season (May 1 to October 31).

² Wintertime Emissions are representative of the conditions that may occur during the balance of the year (November 1 to April 30).

Cultural Resources

Similar to the original project, the Revised Project would involve demolition of the Robinsons-May building. Therefore, the Revised Project would result in comparable historic resources impacts compared to the original project.

Geology and Soils

The Revised Project would result in comparable geology impacts to the original project since it would develop residential towers as well as a subterranean parking structure, and would comply with the Uniform Building Code.

Hazards and Hazardous Materials

Similar to the original project, the Revised Project would develop land uses which would not use or generate large quantities of hazardous and/or toxic materials. The Revised Project would also remove ACMs, LBPs and PCBs during construction in accordance with SCAQMD and mitigation measures similar to those of the original project. Therefore, the Revised Project would result in comparable hazards impacts compared to the original project.

Hydrology and Water Quality

Similar to the original project, construction activities under the Revised Project would be subject to NPDES Permit requirements, and an SWPPP would be prepared. Also similar to the original project, the Revised Project would develop land uses which have the potential to affect surface and ground water quality by generating urban runoff. Therefore, the Revised Project would result in comparable hydrology impacts compared to the original project.

Land Use and Planning

With respect to compatibility with the General Plan Land Use Element Objectives related to Areas of Transitional Conflict and, Scale of the City and certain development criteria for commercial areas, based on the proposed General Plan Amendment clarifying that the site is now an appropriate location for higher-intensity development, and based on revisions to the original project, the Revised Project is considered consistent with the General Plan. Project revisions incorporated into the Revised Project supporting this conclusion include the following:

- Increased North Building setback from Wilshire Boulevard to match the mid-wall setback of the Hilton Tower, which establishes the scale of the area;
- Reduction of the North Building's height at Wilshire Boulevard to be comparable to the Hilton Tower;
- Incorporation of progressive building height setbacks in the North Building stepping away from Wilshire;
- The increased area of public open space and landscaping; and
- The introduction of open space at the northwest corner of Santa Monica Boulevard and Merv Griffin Way.

Because of reduced conflicts with the Land Use Element, the Revised Project would result in reduced land use impacts compared to the original project. Because the Revised Project is consistent with the Land Use Element, it will result in reduced land use impacts compared to the original project.

Further, after additional analysis by City staff, the City has concluded that both the original project and the Revised Project are consistent with the Conservation Element of the General Plan for the following reasons:

- the Conservation Element does not mandate the preservation of historic buildings
- the Conservation Element does include a goal of preserving the heritage and maintaining historical continuity for buildings that are demolished, which is accomplished through photo and video documentation of the structure prior to demolition. This is required by the mitigation measures imposed on the original Project and the Revised Project.

In addition, the Project addresses other goals of the Conservation Element that would not be fulfilled by the preservation of the building, including:

- the Project's implements water conservation measures through a grey water recycling system
- the Project's use of openable glass to capitalize on natural light furthers the solar energy policies of the Conservation Element

Noise

Noise impacts are evaluated in two categories: construction noise sources and operational noise sources. Construction-related noise sources are associated with construction activities such as demolition, earthmoving, and the use of construction equipment. Operational noise is primarily associated with stationary sources such as rooftop mechanical equipment and mobile sources such as vehicles traveling to and from the project site.

Construction

The Revised Project includes a net increase of 41,916 square feet, primarily consisting of below-grade residential back of house amenities ($910,514 - 868,598 = 41,916$). There would be a net reduction of 7,700 square feet in the residential ~~units~~unit areas ($821,771 - 814,071 = 7,770$) and a net reduction of 4,000 square feet of retail/restaurant space ($19,856 - 14,856 = 4,000$). The number of residential units would be reduced from 252 to 239 units, for a net reduction of 13 residential units. Open space would be increased.

Due to the reduction in size of the above-ground development, the extent of construction activity required for the ~~alternative~~Revised Project would be slightly less than that of the original project. Therefore, ~~this alternative~~the Revised Project would generate incrementally less severe construction-

related noise and ground borne vibration and would reduce the severity of potentially significant ground borne vibration impacts; however, given the fact that extensive excavation and construction activities would occur within close proximity of sensitive receptors to the north, east, and west of the project site, construction noise impacts resulting from construction activities occurring outside hours permitted by the noise ordinance and ground borne vibration impacts would still remain significant. While ~~this alternative~~ the Revised Project does propose additional square footage for residential amenities, because these amenities would be located underground and would be constructed primarily as tenant improvements, the construction of this space would not appreciably increase construction-related noise impacts. In sum, construction-related noise and ground borne vibration impacts would be slightly reduced compared to those of the original project, although impacts would remain significant.

Further, as a condition of the Revised Project, soil and demolition debris resulting from project site demolition, clearing, grading and excavation would be stockpiled in the southwestern corner of the 9900 project site, distant from The Beverly Hilton Hotel to the east and from El Rodeo School and residences north of Wilshire Boulevard. Accordingly, haul trucks would access this part of the site, minimizing after-hours noise impacts on those sensitive receptors. Use to the north and east of the project site. Although ambient nighttime noise levels are generally less than daytime noise levels, the use of Santa Monica Boulevard for nighttime hauling is not anticipated to result in significant noise impacts, since Santa Monica Boulevard is a predominantly commercial corridor. Commercial land uses are less sensitive to increased noise levels, particularly in comparison to Wilshire Boulevard which has residential development along certain segments. Accordingly, noise impacts associated with nighttime hauling would be comparable to those associated with the original project. The haul route would not utilize Wilshire Boulevard. The Draft EIR determined that exterior construction activities outside the hours specified in the City's Noise Ordinance (8 a.m. to 6:00 p.m.) and during weekends and holidays as well as vibration from construction activities would result in a significant and unavoidable impacts. Because impacts outside of construction hours were already determined to be significant in conjunction with the original project, and because the haul route would not be located on a residential street, impacts associated with nighttime hauling would not create substantially more impacts than have already been identified.

Operation

During operation, the Revised Project would result in a total of 1,956 daily trips, including 134 AM peak hour trips and 175 PM peak hour trips. The Revised Project would generate 218 fewer daily trips, 8 fewer AM peak hour trips, and 18 fewer PM peak hour trips than the original project. As discussed in Section 4.8 of the Draft EIR, the original project would not result in significant operational noise impacts. Due to

the reduction in the number of trips and associated roadway noise with implementation of the Revised Project, operational noise impacts would be less severe than those associated with the original project. Therefore, the Revised Project would result in reduced operational impacts compared to the original project.

Population and Housing

Since the Revised Project would develop 13 fewer condominium units and 4,000 fewer square feet of commercial space as the original project, the Revised Project would result in lesser population and housing impacts. As discussed in Section 4.9, Population and Housing of the Draft EIR, a generation rate of 2.24 persons per household is based on the 2000 Census for the City of Beverly Hills, where the project would be constructed. Applying this population factor to the proposed persons per unit factor to the Revised Project the ~~alternative~~Revised Project would result in 535 residents, a reduction of 29 residents compared to the 564 residents that would be generated by the original project.

Also as discussed in Section 4.9, Population and Housing of the Draft EIR, applying an employment density factor of 945 square feet of retail space per employee would yield 12 retail employees, and an employment density factor of 578 square feet of restaurant space per employee would yield 8 restaurant employees. The Revised Project would result in 5 fewer retail employees and 1 fewer restaurant employee, for a total of 6 fewer employees than the original project. Therefore, the Revised Project would result in reduced impacts compared to the original project.

Public Services

Fire Protection

Since the Revised Project would develop 13 fewer residential units, ~~4,2004,000~~ square feet less commercial space, and the same land uses as the original project, the Revised Project would result in similar fire protection impacts. However, the Revised Project would slightly reduce the occurrence of incidents due to the reduced density and retail square footage, and therefore would have reduced impacts compared to the original project.

Police Protection

The Revised Project would develop 13 fewer residential units, ~~4,2004,000~~ square feet less commercial space, and the same land uses as the original project. As discussed in Section 4.10.2, Police Protection of the Draft EIR, a BHPD estimate of 0.95 calls per resident per year was used to generate the call volume

rates for the original project. Based on this rate, the annual call volume generated by the project would be approximately 500 calls, or 36 fewer calls and therefore reduced impacts compared to the original project.

Schools

Using a standard generation rate of 0.7 students per household as stated in Section 4.10.3, Schools of the Draft EIR, and as recommended by BHUSD, the Revised Project would add approximately 167 students. Since the Revised Project would generate 9 fewer new students compared to the original project, the Revised Project would result in reduced school impacts compared to the original project. Further, the Revised Project includes additional mitigation measures and conditions of approval to protect El Rodeo School from environmental and other impacts.

Recreation and Parks

The Revised Project would develop 0.81 acres of public open space, or 0.39 acres more than the original project, and generate 29 fewer new residents than the original project. The Revised Project would generate fewer residents than, and therefore reduced impacts compared to, the original project.

Library Services

Since the Revised Project would generate 29 fewer new City residents than the original project, the Revised Project would result in fewer library service impacts than, and therefore reduced impacts compared to, the original project the Revised Project.

Transportation, Traffic, Parking and Circulation

Under the Revised Project, the residential component of the project would be reduced to 239 condominiums, and the retail space would be reduced to 11,656 square feet and restaurant space would be reduced to 4,800 square feet (which includes 600 square feet of open air dining). Applying the same trip generation rates used to estimate project trips to the proposed 239 residential units, as included within Section 4.11, Transportation, Traffic, Parking and Circulation of the Draft EIR, and standard ITE trip generation rates to the 11,656 square feet of retail space and 4,800 square foot restaurant space, the estimated trip generation for ~~this alternative~~ the Revised Project would be a total of 1,956 daily trips, including 134 AM peak hour trips 197 midday peak hour trips, 175 PM peak hour trips and 176 Saturday trips, as shown in Table D-1, 3, Original Project and The Revised Project Trip Generation.

Table D-13
Original Project and The Revised Project Trip Generation

	Daily	AM	Midday	PM	Saturday
Original Project	2,174	141	215	194	199
The Revised Project	1,956	134	197	175	176

Source: Fehr and Peers, March 2008.

Consequently, this alternative would generate 218 fewer daily trips, 8 fewer AM peak hour trips, 18 fewer midday trips, 19 fewer PM peak hour trips, and 24 fewer Saturday trips than the original project. This alternative The Revised Project would impact the same intersections as the original project during both the AM and PM peak hours, although due to the reduction in the number of trips associated with this project alternative the Revised Project, impacts to future traffic and the levels of services for intersections and roadways in the project vicinity would be less severe than those associated with the original project. Additionally, this alternative the Revised Project would generate slightly more trips than the former Robinsons-May department store during the AM peak hour only.

The Revised Project will not result in new impacts or substantially increase the severity of environmental impacts in the areas of traffic and circulation. The Revised Project's impacts will be substantially similar to those impacts already studied in the EIR. With reference to opportunities to perform construction activities outside of regular construction hours normally permitted by the City of Beverly Hills and to the designation of Santa Monica Boulevard as the primary haul route for the Revised Project, a detailed Construction Monitoring Plan will be prepared which will effectively control construction traffic to and from the site. Among other things and as evaluated in the EIR, the Revised Project will: (1) schedule deliveries and pick-ups of construction materials for non-peak travel periods; (2) coordinate deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time; (3) minimize obstruction of through-traffic lanes on Santa Monica Boulevard and prohibit obstruction to accommodate traffic during peak hours; (4) employ the use of flagmen to minimize impacts from construction traffic; and (5) use radio communication and scheduling of vehicle movements to ensure that there are no vehicles waiting off-site and impeding traffic flow. Additionally, construction traffic before morning peak hours or after evening peak hours will reduce traffic impacts as streets will be generally less congested at these times. With the implementation of these mitigation measures, the Revised Project's impacts will not result in environmental impacts not already examined and mitigated to the extent feasible in the EIR.

Under this project alternative the Revised Project, a total of 803 parking spaces would be provided within a 2-level subterranean parking structure. The number of parking spaces provided would be consistent

~~with exceeds~~ the City of Beverly Hills Municipal Code requirements. As such, adequate parking would be provided to accommodate anticipated demand associated with the implementation of the Revised Project and no significant parking impacts would result.

The Revised Project would result in fewer trip impacts on transportation and traffic due to the reduced trip generation. Therefore, ~~this alternative~~ the Revised Project would result in fewer trip impacts compared to the original project and impacts would be reduced with respect to transportation, traffic, circulation, and parking.

Utilities and Service Systems

Water

Due to the reduction in the number of condominium units and retail space, the Revised Project would generate a lower annual water demand than the original project. Therefore, the Revised Project would result in fewer water impacts than, and therefore reduced impacts compared to, the original project the Revised Project. The proposed gray-water system further reduces the project demand for irrigation water.

Wastewater

Due to the reduction in the number of condominium units and retail space, the Revised Project would generate a lower annual quantity of wastewater than the original project. Therefore, the Revised Project would result in fewer wastewater impacts than, and reduced impacts compared to, the original project the Revised Project.

Solid Waste

Due to the reduction in the number of condominium units and retail space, the Revised Project would generate a lower annual quantity of solid waste than the original project. Therefore, the Revised Project would result in fewer solid waste impacts than, and reduced impacts compared to, the original project. The Revised Project.

Energy

Electricity

Due to the reduction in the number of condominium units and retail space, the Revised Project would have a lower electricity demand than the original project. Therefore, the Revised Project would result in

fewer electricity impacts than, and thus reduced impacts compared to, the original project. The Revised Project

Natural Gas

Due to the reduction in the number of condominium units and retail space, the Revised Project would have a lower natural gas demand than the original project. Therefore, the Revised Project would result in fewer natural gas impacts than, and thus reduced impacts compared to, the original project.

Relationship to Project Objectives

The Revised Project would result in the implementation of a project with 13 fewer residential units and 4,000 square feet less retail space than the original project, and the building heights and configuration would be modified. Additionally, the North and South Loft Buildings would be removed and a spa would be added to the western retail building and garden residences would be added to the eastern restaurant building. ~~Open~~Public open space would be increased. All project objectives identified in Section 3.0, Project Description of this EIR would also be achieved under this project alternative. Slightly less housing would be produced, but the Revised Project would still substantially fulfill the project objectives related to housing. The project would exceed objectives relating to public open space and gardens, as there would be 0.81 acres of open space, 0.39 acres more public open space than the original project.

Conclusion

Implementation of The Revised Project would result in some of the same significant and unavoidable impacts associated with implementing the original project. These include:

- **Aesthetics (Views)** - The North and South Tower Buildings would obstruct panoramic views from some 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 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*, although this impact does not constitute an inconsistency with the General Plan Conservation Element policies regarding landmark structures.

- **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, including for noise associated with construction activities occurring outside of standard construction hours.
- **Ground borne Vibration** – Due to the proximity of sensitive receptors, ground vibrations from project construction would exceed the FRA ground borne vibration threshold such that significant unavoidable impacts would result.

By reducing building height and incorporating building height setbacks to be more compatible with surrounding land uses, removing the North and South Lofts, and increasing publicly accessible open space, the Revised Project eliminates the inconsistency with the Land Use Element of the General Plan and reduces, but does not eliminate, significant and unavoidable impacts to Visual Character and Quality and Views. The Revised Project also reduces 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 original project.

For these reasons, the Revised Project is considered environmentally superior to the proposed project and no impacts associated with the Revised Project trigger the need to recirculate the Draft EIR.