



**Attachment A**  
**Required Findings**

**Specific Plan Amendment**

1. In considering the application for a Zone Text amendment, the Planning Commission shall consider whether the Zone Text Amendment will result in a benefit to the public interest, health, safety, morals, peace, comfort, convenience, or general welfare.
2. That the proposed Specific Plan Amendment is consistent with the General Plan.

**Vesting Tentative Tract Map**

1. Whether the proposed vesting tentative tract map and design or improvement of the proposed subdivision are consistent with the General Plan and applicable specific plans of the City;
2. Whether the site is physically suitable for the type of development and the proposed density;
3. Whether the design of the subdivision and the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and
4. Whether the design of the subdivision or type of improvements is not likely to cause serious public health problems; and
5. Whether the design of the subdivision or type of improvement is likely to cause serious public health problems and whether the design of the subdivision or the type of improvement will conflict with any public easements.

**Development Plan Review:**

1. The proposed plan is consistent with the General Plan and any specific plans adopted for the area;
2. The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;
3. The nature, configuration, location, density, height and manner of operation of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;



4. The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards; and
5. The proposed plan will not be detrimental to the public health, safety, or general welfare.

#### Development Agreement

1. Whether the provisions of the Development Agreement are consistent with the General Plan and comply with its objectives and policies.

#### Final Supplemental Environmental Impact Report (Final SEIR)

1. Certification of the Final SEIR
  - a. The Final SEIR has been completed in compliance with CEQA;
  - b. The Final SEIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and
  - c. The Final SEIR reflects the lead agency's independent judgment and analysis
2. Findings for each identified significant environmental effect of the project:
  - a. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final SEIR; or,
  - b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or,
  - c. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.
3. Finding that the lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the following conditions would require the preparation of a subsequent EIR and only minor additions or changes would be necessary to make the previous EIR adequate for the project as revised:
  - a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or



- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - i. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR
  - iii. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
  - iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one of more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative
4. Statement of Overriding Considerations:
  - a. Whether adverse environmental effects may be considered "acceptable" because the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects.
5. Findings relating to feasibility of project alternatives and mitigation measures, as appropriate



**Attachment B**  
Public Notice



## NOTICE OF PUBLIC HEARING

**DATE:** August 23, 2016

**TIME:** 7:00 PM

**LOCATION:** City Council Chamber - Beverly Hills City Hall  
455 North Rexford Drive, Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at a SPECIAL meeting on Tuesday, August 23, 2016, will hold a public hearing beginning at 7:00 PM to consider a request for a Specific Plan Amendment, Amendments to a Vesting Tentative Tract Map and Development Plan Review, and Development Agreement for the property located at **9900 Wilshire Boulevard (One Beverly Hills)**.

**Specific Plan Amendment.** The 9900 Wilshire Specific Plan was previously approved in 2008 and included 235 residential condominiums and approximately 15,856 square feet of retail and restaurant uses. The proposed project consists of revisions that would allow up to 193 residential condominiums and an up to 134 room luxury hotel with ancillary facilities, ballroom/meeting rooms, and restaurant/bar uses. The proposed project also includes a new motor court access along Santa Monica Boulevard. To allow these changes in use, amendments are required to the 9900 Wilshire Specific Plan.

**Vesting Tentative Tract Map and Development Plan Review.** The previously approved project included approval of Vesting Tentative Tract Map No. 67884 and Development Plan Review to subdivide the air rights to permit the individual sales of a maximum of 235 residential condominium units. The applicant is requesting amendments to Vesting Tentative Tract Map No. 67884 to reflect the revised site plan and revise the maximum number of residential condominiums to 193 units. All common interest developments also require approval of a Development Plan Review.

**Development Agreement.** The previously approved project included adoption of a Development Agreement. Revisions are being proposed to the Development

Agreement in conjunction with the proposed project, and the Planning Commission may discuss and provide recommendations on the terms of the proposed revisions to the Development Agreement, as well as determine whether the Development Agreement is consistent with the City's General Plan.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The City of Beverly Hills has prepared a Final Supplemental Environmental Impact Report (Final SEIR) to analyze potential environmental impacts associated with development of the project. Specifically, the Final SEIR analyzes the following potential environmental effects of the project:

- Greenhouse Gas Emissions
- Land Use Planning
- Transportation/Traffic
- Utilities and Service Systems
- Air Quality
- Noise
- Mandatory Findings of Significance

The Planning Commission will consider the Final SEIR, and may adopt a resolution recommending its certification to the City Council.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact **Andre Sahakian, Associate Planner** in the Planning Division at (310) 285-1127, or by email at [asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org). Copies of the project plans and associated application materials are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Sincerely:



Andre Sahakian, Associate Planner

Mailed: August 12, 2016



**Attachment C**  
Correspondence Received from the Public

**PETERSON LAW GROUP**

PROFESSIONAL CORPORATION  
SUITE 2800  
633 WEST 5<sup>TH</sup> STREET  
LOS ANGELES, CALIFORNIA 90071

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**RECEIVED**  
**City of Beverly Hills**

**AUG 19 2016**

**Planning Division**  
**Community Development**

*Via Personal Delivery*

August 18, 2016

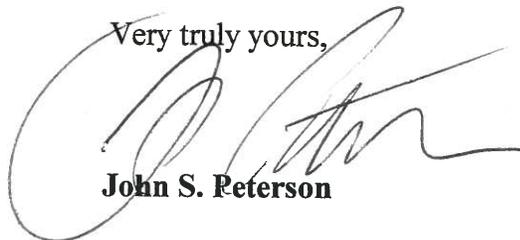
Planning Commission of the City of Beverly Hills  
Attn: Planning Commission Clerk Karen Myron  
455 North Rexford Drive  
Beverly Hills, CA 90210

**Re: Public Hearing on 9900 Wilshire Boulevard (One Beverly Hills) Project**

Dear Commissioners,

This office represents The Belvedere Hotel Partnership. Please include the enclosed letters as part of the Special Planning Commission hearing regarding the above referenced property on August 23, 2016. This letter constitutes a request to appear and be heard at said Special Planning Commission hearing. Please also make this letter and the enclosures part of the official public record.

Very truly yours,



**John S. Peterson**

JSP:swt

## PETERSON LAW GROUP

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*Via E-mail and Facsimile*

May 31, 2016

Community Development Department  
City of Beverly Hills  
Attn: Andre Sahakian, Associate Planner  
455 North Rexford Drive  
Beverly Hills, CA 90210  
[asahakian@beverlyhills.org](mailto:asahakian@beverlyhills.org)  
(310) 858-5966

**Re: Comments on the Draft SEIR for 9900 Wilshire Boulevard (One Beverly Hills) Project**

Dear Mr. Sahakian,

This office has been engaged by The Belvedere Hotel Partnership (“Belvedere”) to respond to the Draft Supplemental Environmental Impact Report (“SEIR”) prepared by the City of Beverly Hills (“City”) for the 9900 Wilshire Boulevard (One Beverly Hills) Project (“Proposed Project”).

Belvedere has assembled a consultant team consisting of traffic engineers, land use professionals, and noise experts to review the SEIR. The conclusions of traffic engineer William Kunzman, P.E., of Kunzman and Associates (“Kunzman”) are attached hereto as **Exhibit “A”**. The conclusions of land use consultant Jim Ries of Craig Lawson & Co., LLC (“Lawson”) are attached hereto as **Exhibit “B”**. The conclusions of senior noise consultant Aaron Betit of Acentech (“Acentech”) are attached hereto as **Exhibit “C”**. Belvedere hereby incorporates each of these conclusions and opinions into this comment letter.

As discussed below, the Proposed Project is a substantially different project from the Approved Project. These substantial changes mandate a new EIR. Not only has the project changed, but the circumstances surrounding the project have changed substantially. Taking this into account, an entirely new EIR is required.

**SEIR Comments:**

**A. The Proposed Project is a New Project that Requires a New EIR.**

The Proposed Project is an alteration of the approved 9900 Wilshire Project for which the City of Beverly Hills certified a Final Environmental Impact Report (“FEIR”) in April 2008 (the “Approved Project”). The City adopted the 9900 Wilshire Specific Plan in April 2008 and subsequently approved a modification to the Specific Plan in December 2012. Currently, the Approved Project includes 235 residential units, 16,456 square feet of commercial/retail space in a two story building along the north side of Santa Monica Blvd., and 876 on-site parking spaces.

The Proposed Project would include 193 residential units; a 134 room hotel; 7,942 sf consisting of a main ballroom and three meeting rooms with pre-function space and ancillary facilities; food and beverage facilities including a VIP function room, an all-day dining restaurant, a fine dining restaurant, and a roof-top bar, totaling approximately 16,057 sf; 1,600 sf of outdoor dining space; 1,907 sf lobby lounge; 14,435 sf spa and fitness facility; and 2,484 sf hotel boutique shop – totaling 204,291 square feet of intensified use. Site access for the Proposed Project will include a hotel motor court and separate residential parking access.

When compared to the existing entitlements, the Proposed Project is essentially “tearing down” 42 residential units and building a 134 room hotel with associated hotel amenities, including ballrooms, meeting rooms, spas, fitness centers, restaurants, and a roof-top bar. In any other situation there is no question a new EIR would be required.

The City states that the SEIR has been prepared pursuant to Section 15163 of the CEQA Guidelines, which outlines the requirements for a supplement to an EIR. SEIR, p. 22. Section 15163 states:

(a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

(2) ***Only minor additions or changes*** would be necessary to make the previous EIR adequately apply to the project in the changed situation. (emphasis added).

On May 12, 2016, staff presented a summary of the Supplemental EIR to the Beverly Hills Planning Commission (“May 12 Hearing”). Staff cited the above referenced code section regarding minor changes to support the use of a supplemental EIR, concluding that “based on the fact that this project is a change to a previously approved project, we went ahead and prepared a supplemental EIR to study it.” In Section 1.4 of the SEIR, the City concludes “the Proposed Project is similar to the Approved Project originally entitled in 2008 and last modified in 2012; therefore, the City has determined that a Supplemental EIR (SEIR) is the appropriate CEQA approach.” SEIR, p. 22. No analysis is provided as

to how the City has reached this conclusion. There is no mention of how the Proposed Project results in only minor changes or additions to the previous EIR.

None of the changes and intensified uses to the Proposed Project is minor. Not only has the Proposed Project changed dramatically, but so has the environment in which the Proposed Project will be built. The construction timetable for the Proposed Project has *almost doubled* from 24 months to 42 months. While the square footage of the Approved Project and Proposed Project are similar, nothing else about the two projects can be described as similar. Nor can the City reasonably conclude that only minor additions or changes are proposed given the intensified use.

The Proposed Project includes an intensification of use and numerous new land uses – a hotel with ballrooms, meeting rooms, spas, fitness centers; restaurants; and a roof-top bar – in addition to revised site access. These are not minor changes. A hotel is not a condo project and restaurants and a roof-top bar are not retail space. Moreover, it is our understanding that the Wanda Group intends to make the hotel portion of the Proposed Project an entertainment hub – hosting industry events, movie premieres, and awards shows. This type of intensified activity is a far cry from residential condos. The traffic and noise that will be associated with this type of activity cannot be ignored.

Implementation of the currently Proposed Project would involve the adoption of an amendment to the 9900 Wilshire Specific Plan to ensure that the Project would comply with the standards and regulations associated with permitted uses and parking, including allowing a hotel use within the Specific Plan area, which is currently prohibited. Other proposed amendments would involve:

- Increasing the amount of allowable open air dining space from 600 feet to 1,600 square feet
- Revisions to site access
- Eliminating the following items from the list of LEED features to be incorporate into the Project
  - Limiting the development footprint to approximately 1/3 of the Project site
  - The recycling of building materials such as asphalt, metals, glass, and concrete from demolition site work. SEIR, p. 141.

These amendments further emphasize the fact that this is a new project, not a project that can be analyzed with a supplemental EIR. Amending the Specific Plan would require adding an entirely new, intensified use to the Approved Project – a hotel use. Outdoor dining space would almost triple, and site access would have to be revised. Additionally, LEED features of the project would be eliminated, making the Proposed Project less environmentally friendly than the Approved Project.

Many new projects have arisen in the vicinity of the Proposed Project since 2008. The cumulative impacts of these projects, combined with the Proposed Project, are ignored. A comparison of Table 4.0-1 Related Projects – City of Beverly Hills, Table 4.0-2 Related Projects – City of Los Angeles, Table 4.0-3 Related Projects – City of West Hollywood, and Table 3.3-1 – Related Projects Added to the Traffic Analysis from the Draft EIR and Final EIR with Table 3.3-1 – Cumulative Projects (collectively attached hereto as **Exhibit “D”**) in the SEIR is telling. According to these tables, 28 new planned or pending projects have arisen since the FEIR was issued in 2008. 10 Projects that were planned or pending in 2008 are still planned or pending today.

Traffic, which was already critical, has increased since 2008. A comparison of Table 4.11-4 in DEIR and Table 4.5-2 in SEIR (collectively attached hereto as **Exhibit “E”**) illustrates that Levels of Service from 2006-2007 to Existing (2015) have gotten worse at almost every measured intersection.

Noise has increased since 2008. A comparison of Table 4.8-3 Monitored Noise in DEIR and Table 4.4-1 Monitored Noise in SEIR (collectively attached hereto as **Exhibit “F”**) illustrates that every monitored site has increased in Community Noise Level Equivalents (“CNEL”) since the FEIR except for Site 4. Site 4 is the only monitored site that has slightly changed. This further illustrates that the environmental circumstances in the area of Beverly Hills have changed.

In sum, the City is avoiding its obligation to perform a new environmental study by stating the two projects are similar. However, too much has changed since 2008 for these projects to be labelled similar; both in the scope and intensity of the Proposed Project and in the surrounding area in Beverly Hills. The Proposed Project will result in new significant impacts and also contains a substantial increase in the severity of previously identified impacts. The Proposed Project is a new project and requires a new EIR. The baseline for this analysis must be the existing physical operational conditions, not the level of operations previously approved eight years ago in 2008.

#### **B. Deficiencies in the SEIR’s Land Use Analysis.**

We submit the attached **Exhibit “B”** analyzing the deficiencies of the SEIR’s land use analysis. Highlight of this analysis, and additional comments, are below.

A hotel use is not a residential use and commercial/retail use. Moreover, a hotel use is not permitted within the 9900 Wilshire Specific Plan. As Lawson points out, “a use not specifically permitted with a use list of a Specific Plan is prohibited.” Lawson, p. 1. However, the SEIR contends that a use that is not specifically prohibited must be permitted. This is an unsupported conclusion. “If this logic was carried to its extreme there would be no limit to the types of uses permitted and one could question why a Specific Plan was even implemented.” Lawson, p. 1. A hotel use requires an amendment to the Specific Plan.

According to the 9900 Specific Plan adopted for the Approved Project, one goal is “(e) to redevelop the Specific Plan Area in a manner that does not substantially increase the traffic impacts and related operational air quality and noise impacts associated with the Existing Building.” SEIR, pp. 115-116. The Existing Building was a quiet department store; so quiet that it closed down. Condos and a hotel with a rooftop bar and multiple restaurants will increase the traffic impacts and the noise impacts compared to the previously existing Robinson-May department store.

In addition, Specific Land Use goals and policies include:

- LU 12 Business Districts Adjoining Residential Neighborhoods. Compatible relationships between commercial districts and corridors adjoining residential neighborhoods, assuring that the integrity, character, and quality of both commercial and residential areas are protected and public safety and quality are maintained. Table 4.3-2. SEIR, p. 128.
- LU 12.1 Function and Operational Comparability. Require that retail, office, entertainment, and other businesses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulating hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, trash storage, and pick-up and other similar business activities. Table 4.3-2. SEIR, p. 128.

The SEIR states that the Proposed Project is potentially consistent with these goals and policies because “similar to the Approved Project, the Proposed Project design orients outdoor activity areas, vehicular entrances, and loading areas toward the south, away from residential neighborhoods to the north of the site across Wilshire Boulevard. The Project is not expected to create public safety or quality of life issues for nearby residential neighborhoods.” This sweeping statement ignores the hotel and residential areas to the south and the cumulative impacts of the Proposed Project and the other projects in the immediate vicinity

The Beverly Hilton and Waldorf Astoria Projects are 50 feet away from the Proposed Project. The cumulative land use impacts of two hotel properties 50 feet away from each other, especially considering that both properties intend to be “entertainment hubs” suitable for events attending by thousands of people, cannot be understated. These two projects alone will add 5 new towers to the Beverly Hills neighborhood. The substantial increase in density and change in land use will destroy the integrity of the neighborhood and have an unreasonable and detrimental impact on the neighborhood, contrary to the Land Use Goals 12 and 12.1. Together, these projects and their intended uses will turn this section of Beverly Hills into an area reminiscent of the Las Vegas Strip

Table 2-3 of the SEIR (attached hereto as **Exhibit “G”**) compares the Approved Project and the Proposed Project. The table highlights in bold the fact that the Proposed Project will

result in 42 less residential units. What the table does not highlight in bold is the addition of 134 hotel rooms. Nor does the table illustrate the net increase in units on the property. The Proposed Project will result in 193 residential units and 134 hotel rooms versus the Approved Project's 235 residential units. This results in a *net increase* of 92 units on the property. The SEIR does not address whether the loss of 42 residential units is the equivalent to the gain of 134 hotel rooms or how the net increase of 92 units is analyzed in the SEIR. The SEIR must address these changes in order to determine the effects on land use of the property.

Table 2-3 also highlights in bold the loss of 188,435 square feet of residential area and the loss of 15,858 square feet of commercial area. The table does not highlight in bold that all of this lost square footage is regained in hotel area. Nor does the table illustrate that the net square footage change is zero.

Land Use Element (LU) Policy 15 and LU 15.1 of the General Plan discuss the need for projects to generate high-paying jobs. Hotel jobs are not considered to be high-paying jobs and the project does not meet this objective of the General Plan. The SEIR needs to analyze this deficiency. Lawson, p. 2.

Circulation (CIR) Element Policy 6 and 6.7 of the General Plan discuss the need to reduce reliance on the single occupant motor vehicle. For both policies, the SEIR concludes these policies are not applicable to the project, but it provides no analysis substantiating that conclusion. In fact, by converting this project from a mainly residential project known to generate fewer trips compared to most uses, to one with more commercial uses, this project should provide a robust trip reduction program. Lawson, p. 2.

CIR Policy 8 and 8.5 of the General Plan also promote trip reduction strategies by mandating bikeways and bike amenities. The SEIR notes the project is potentially consistent because the project would provide bike lanes. There is no evidence of such lanes on the plans in the SEIR. There do not appear to be any of the related facilities considered important by the Circulation Element to incentivize bike usage such as rental bikes for hotel guests. Lawson, p. 2.

Housing Element Policy 2 of the General Plan outlines the need to provide a variety of housing types and adequate affordable housing supply. The project does not provide any deed restricted affordable units creating an inconsistency with this policy. By offering no affordable units and adding in the hotel component, the City is actually moving further away from compliance with its General Plan's housing, economic and circulation goals. Lawson, p. 2.

Lawson also illustrates the traffic implications of the failure of the SEIR to address the change in and intensification of land use (hotel and restaurant) on traffic. As Lawson points out "the modification of this project from a mainly residential project to one that includes a significant commercial component changes the trip rates and patterns generated by this site." Lawson concludes a new traffic study must be done and "must use *current trip rates by use*, update traffic counts of area intersections, consider a current related-projects list, and analyze the impacts of the City of Los Angeles' recently approved Bike Plan and Mobility Element."

Additionally, the SEIR must analyze the staging area for limousines during events. Lawson, p. 3.

Finally, hotels use significantly more water than the residential uses assumed in the original EIR. The SEIR needs to fully analyze the impact of this increased water uses and implement state of the art mitigation measures. Lawson, p. 3.

### **C. Deficiencies in the SEIR's Traffic/Transportation Analysis.**

We submit the attached **Exhibit "A"** comparing the DEIR and SEIR's traffic analysis. Highlight of this analysis, and additional comments, are below.

The SEIR describes a 5-month excavation timeline wherein haul trucks would be required to haul dirt from the Project site to designated landfills. The staging area for these haul trucks is located on Sepulveda Boulevard, north and south of Wilshire Boulevard. The incoming haul truck route would be eastbound on Wilshire Boulevard. The outgoing haul truck route would be westbound on Santa Monica Boulevard. Both of these routes require large haul trucks to travel 2.5 miles along two of the busiest, most congested roads in Los Angeles. Not only this, but the staging area is directly adjacent to the on and off ramps to the 405 freeway, notorious for its traffic backups at all hours of the day. The SEIR estimates the total number of trucks required to access the site during the excavation process could be as many as 162 trucks per day for up to 5 months, or 300 trucks per day for up to 2.5 months. SEIR, p. 48. It defies logic how this many trucks will be able to travel the 2.5 mile each way along two of the busiest roads in Los Angeles. The traffic implications of these additional truck trips are catastrophic, especially considering many of the major intersections along both the incoming and outgoing truck haul routes are already rated E or F.

Belvedere hired an objective traffic consultant, Kunzman, to review the SEIR and FEIR. Kunzman points out that many of the analyses conducted by the City's traffic consultants were done correctly. However, they find several deficiencies in the traffic analysis. Kunzman opined that "it is my professional opinion that (1) nearly doubling the haul period, (2) more than doubling the export tonnage, and (3) increasing the tons per week or truck loads per week by a factor of 1.23 **is a significant traffic impact**." Kunzman, p. 2. Kunzman went on to state that "given the extra-ordinarily high amount of traffic in this location, the construction impacts in terms of trucks hauling material from the site, are significant in both 2007 and 2016, and the change between 2007 and 2016 is also significant." Kunzman, p. 2.

Additionally, Kunzman pointed out that the traffic study failed to properly assess hotel traffic at the Beverly Hilton and the Proposed Project. The SEIR's traffic study fails to account for a portion of trip generation as a result of the hotel use. The traffic study used the Beverly Hilton as its source for typical hotel traffic trip generation in the area. However, at the time of the traffic counts at the Beverly Hilton, only a portion of the Beverly Hilton was operational. As Kunzman points out, "at the time of the existing traffic counts in 2015/2016 were made, **only a fraction of the hotel complex was in operation**." The vehicle trips associated with the fraction of

the hotel that was not in operation when the traffic counts were made has not been accounted for... The fact that the 9876 Wilshire Boulevard project has not fully been accounted for as other future development in the area in the 2016 Report, **the traffic analysis is deficient**. This unaccounted for hotel expansion will probably cause a significant impact.” Kunzman, p. 6. Not only does this skew the results of traffic in the area from the Hilton, but it skews the projected traffic generation for the hotel use at the Proposed Project.

The SEIR in essence concludes that there is no significant traffic impact because the intersections studied are mostly E's and F's, and therefore cannot get any worse. “Without the Proposed Project the 9 of 11 study intersections would be operating at a LOS [level of service] of E or F in Year 2020 for at least one of the peak periods. In comparison, with the Project in Place in 2020, some intersections would experience slight decreases in V/C, while other intersections would experience slight increases.” SEIR, p. 200. Given the fact that the traffic counts conducted in the SEIR are skewed, this is an inappropriate conclusion. The City must account for all of the traffic generated by the Beverly Hilton and Proposed hotel use at their full operational capacities. This will likely lead to an increase in traffic at all measured intersections.

While a traffic impact may not be significant on its own, considered in the cumulative with the current levels of service in the vicinity of the Proposed Project, the impact can be significant. As discussed in *Practice Under the California Environmental Quality Act*, “in some cases, a project-specific impact will be insignificant, but a related cumulative impact is significant even though the project specific impact is not, when, for example a new project will contribute a relatively small amount of traffic to an intersection, but the intersection is already operating at an unacceptable level of service.” CEB. *Practice Under the California Environmental Quality Act*. §13.39. Here, the City has failed to analyze the cumulative traffic impacts of the Beverly Hilton Project and the Proposed Project. CEQA requires these impacts to be considered.

Finally, the City must analyze the proposed motor court and its potential to cause traffic to back up onto Santa Monica Blvd. as it relates to the 9900 Wilshire Project. If the Proposed Project is to be hosting events with thousands of people, backup onto Santa Monica Blvd. is inevitable. Mitigation measures should be adopted to handle this potential traffic nightmare. In addition, the SEIR should address mitigation measures with respect to potential road closures due to special events.

#### **D. Deficiencies in the SEIR's Noise Analysis.**

We submit the attached **Exhibit “C”** analyzing the deficiencies of the SEIR's noise analysis. Highlight of this analysis, and additional comments, are below.

The SEIR concludes “the most common source of noise in the Project site vicinity is traffic on surrounding roads such as Wilshire, Santa Monica, and Merv Griffin Way. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create sustained noise levels. Ambient noise levels would be expected to be highest

during the daytime and rush hour unless congestion slows speeds substantially.” Yet, to determine ambient noise levels, the City’s noise analysts took ten 15-minute noise measurements between 11:00 a.m. and 1:00 p.m. (daytime) and 11:00 p.m. and 2 a.m. (nighttime) at the Project site on February 24, 25, and 29, 2016. Clearly these time intervals do not reflect rush hour traffic noise. As Acentech concludes, “since the metric used to evaluate an impact is a 24-hour noise metric, to provide an accurate evaluation of the ambient noise environment, 24 to 48 hour noise measurements should have been conducted.” Acentech, p. 1.

The monitored levels in the DEIR and SEIR breakdown as follows:

Table 4.8-3 Monitored Noise in DEIR  
(CNEL):  
Site 1: 72.1  
Site 2: 72.5  
Site 3: 68.6  
Site 4: 79.5  
Site 5: 59.2  
(DEIR, p. 4.8-9)

Table 4.4-1 Monitored Noise in SEIR  
(CNEL):  
Site 1: 75.1  
Site 2: 80.3  
Site 3: 74  
Site 4: 75.2  
Site 5: 82.2  
(SEIR, p. 146)

There are problems with these results, as Acentech explains. Even so, all of these levels are above the threshold for “normally unacceptable” Community Noise Level Equivalent (“CNEL”) of 70. Four out of five of them are above the “clearly unacceptable” CNEL for residential and residential multiple family. Two out of five are above the “clearly unacceptable” for transient lodging, schools, libraries, churches, hospitals, and nursing homes.

In order to downplay the monitored results, the SEIR instead uses modeled results to compare the Approved Project with the Proposed Project. Table 4.4-7 (attached hereto as **Exhibit “H”**) uses modeled traffic noise rather than actual measured traffic noise, which is higher. SEIR, p. 159. Table 4.4-8 (attached hereto as **Exhibit “H”**) concludes no significant impact based on lower model numbers rather than actual monitored numbers. SEIR, p. 160. Even more confounding, the SEIR states “because modeled noise only predicts traffic-generated noise and does not take into account other noise events during noise measurement such as car horns, airplanes flying overhead, and human voices, modeled noise was somewhat lower than the measured noise levels at the same locations. Nonetheless, the noise levels at the measurement locations indicate that the model is an appropriate tool for determining existing and future noise levels for this area.” This is a sweeping conclusion that lacks foundation; in fact, the monitored results undermine it entirely. As Acentech concludes “using a noise model to document the ambient noise environment rather than using actual measurements cannot be considered the ‘worst case’ scenario for evaluating the existing noise environment.” Acentech, p. 2.

The SEIR fails to include long term noise measurements. Acentech concludes this is “a significant shortcoming of the analysis.” Acentech, p. 2. Additionally, the SEIR fails to consider effects of long term noise on Sensitive Receptors 4 and 5. These receptors are “likely

to be exposed to noise generated from activities on the rooftop of the new project, and construction as the project progresses upward.” Acentech, p. 2. Mitigation measures need to be put in place for these sensitive receptors.

The analysis of the rooftop bar and outdoor dining area’s potential noise impacts is lacking. As Mr. Betit points out “the evaluation references noise levels report for outdoor dining in Marina Del Rey. This analysis is not included with the Appendix...[c]onsequently, there are no specific details to understand what assumptions were made.” Acentech, p. 4. In addition, there is no discussion of whether or not amplified music, live or programmed, will be permitted at the Proposed Project. Nor is there an evaluation of special events at the dining area or rooftop bar.

At the May 12 Hearing, it was mentioned that truck hauling may be considered at night in order to mitigate traffic issues. While this may make sense as a traffic mitigation measure, if the City intends to direct nighttime hauling, the noise from such hauling must be analyzed, especially with respect to the impacts on nearby residences and hotels. At this time, “there is no evaluation of noise impact due to nighttime/evening hauling. If the project intends to use night hours to remove dirt from the site, it is necessary to include an analysis of this impact in the noise technical report.” Acentech, p. 4.

Finally, the staging area on Sepulveda has not been analyzed at all. CEQA requires analysis at all areas of the Proposed Project. Idling trucks will create a noise impact at that location, and “idling haul trucks could generate enough noise to trigger a significant impact.” Acentech, p. 4. The City of Beverly Hills cannot omit this analysis just because the staging area is located in the City of Los Angeles.

## **E. Other Deficiencies in the SEIR’s Analysis.**

### **i. Population**

As the SEIR mentions, the current population of Beverly Hills is 34,833. Beverly Hills housing consists of 16,433 estimated units; with an average household size of 2.33 persons per unit (California Department of Finance, 2015). SEIR, p. 55. The Proposed Project, adding 450 residents, would cause the citywide population to exceed SCAG’s 2020 population forecast (35,000), but population growth associated with the Project would be within SCAG’s 2035 population forecast (36,300). SEIR, p. 219. Yet again, the SEIR is only looking at the Proposed Project in isolation. There are many other residential projects ongoing in the City of Beverly Hills, including:

- Beverly Hilton (120 condos)
- 9908 Santa Monica (27 Condos)
- 250 North Crescent Drive (8 condos)
- 9262 Burton Way (23 condos)
- 450-460 North Palm Drive (35 condos)

- 154-168 North La Peer Drive (16 condos)
- 425 North Palm Drive (20 condos)
- 332 North Oakhurst Drive (31 condos)
- 305-239 South Elm Drive (30 condos)
- 8600 Wilshire (21 Apartments, 4 Townhouses)
- 9200 Wilshire (53 condos)

This will result in 388 new residential units and 904 new residents (388 x 2.33 persons per unit), bringing the total population to 36,187. This will bring the total population in the next few years to almost exceed population forecasts for 2035, almost 20 years ahead of schedule. The cumulative impacts of population growth and the increases in traffic, noise, use of resources, and other environmental impacts that go hand in hand with population growth must be analyzed.

## **ii. Fugitive Dust**

Two major construction projects occurring within 50 feet of one another have potential to cause fugitive dust problems. This can affect neighbors use and enjoyment of their property, as well as the health of neighboring school children and residents.

### **F. Deficiencies in the SEIR's Cumulative Impacts Analysis.**

The SEIR only addresses cumulative impacts when discussing temporary construction impacts. Specifically, it addresses mitigation measures for construction related noise and traffic. It also finds that construction related noise and traffic are significant unavoidable impacts.

The SEIR states that “cumulative construction-related traffic impacts could occur as a result of simultaneous construction of the Beverly Hilton Revitalization Plan project, the reconstruction of Santa Monica Boulevard and the Proposed Project, since construction schedules will likely overlap.” SEIR, p. 205. Mitigation Measure TRAF-9 requires coordination between the City of Beverly Hills, The Beverly Hilton Revitalization Plan, and the applicant for the Proposed Project to mitigate construction-related impacts. These mitigation measures must be enforced.

The SEIR concludes that Project construction would coincide with other planned and pending construction projects in the area, including projects such as the Beverly Hilton Revitalization Plan and 9908 Santa Monica Boulevard project that are within 1-2 blocks of the Proposed Project. Project construction could also overlap with the Santa Monica Boulevard Reconstruction Project. Ongoing, planned, and pending construction projects, in tandem with the Proposed Project would create significant temporary cumulative construction noise and vibration impacts, and the Project's contribution to these would be considerable. This significant cumulative impact is similar to what was identified in the 2008 FEIR, but the Project would involve an additional 18 months of construction activity beyond the 24 months associated with the approved Project. This is a significant unavoidable impact, but is temporary. Mitigation

NOISE-4 requires coordination with other projects to reduce noise and vibration as feasible. SEIR, pp. 164-165.

In addressing the cumulative impacts with respect to land use and planning, the SEIR states “pending and approved development in the cities of Beverly Hills and Los Angeles would consist of multi-family dwelling units and commercial/retail development in the vicinity of the Project Site. Planned cumulative development would incrementally increase overall development intensity throughout the area, while incrementally reducing the amount of undeveloped land. However, similar to the Proposed Project, *land use and policy consistency impacts associated with individual projects would be addressed on a case-by-case basis to determine consistence with applicable plans and policies, and cumulative significant impacts would not occur.* Moreover, because the Proposed Project’s impacts related to land use compatibility and consistency with local plans and goals would be less than significant with mitigation...*the Project’s contribution to cumulative land use impacts would not be cumulatively considered.*” SEIR, p. 142. (emphasis added).

This circular conclusion defies logic. If projects are analyzed individually on a case-by-case basis, obviously it is impossible for a finding that cumulative significant impacts would occur because they are not being evaluated as they “increase by successive additions” or “accumulate.” CEQA defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” 14 Cal Code Regs § 15355. The individual effects may be changes resulting from a single project or more than one project. 14 Cal Code Regs § 15355(a). Cumulative impacts may result from individually minor but collectively significant projects taking place over a period of time. 14 Cal Code Regs § 15355(b). The cumulative impact from several projects is the change in the environmental that results from the incremental effect on the projects when added to other past, present, and probable future projects. 14 Cal Code Regs § 15065(a)(3), 15130(b)(1)(A), 15335(b).

The conclusion that “the Project’s contribution to cumulative land use impacts would not be cumulatively considered” sums up the failings of the SEIR: it refuses to acknowledge the cumulative impacts of the Proposed Project, other than cumulative construction impacts, as required by CEQA.

As a comparison of the tables in Exhibit D illustrate, 28 new planned or pending projects have arisen since the FEIR was issued in 2008. 10 Projects that were planned or pending in 2008 are still planned or pending today. These projects include:

- 257 North Canon Drive (15.899 KSF retail shopping center, 26.196 KSF office, 1.8 restaurant)
- 246 North Canon Drive (7.1 KSF Restaurant)
- 250 North Crescent Drive (8 Condominiums)
- 9262 Burton Way (23 Condominiums)
- 325 North Maple Drive (7.8 KSF Post Office, 3.7 KSF Retail, & 88.5 KSF Creative Office)

- 450-460 North Palm Drive (35 Condominiums)
- 154-168 North La Peer Drive (16 Condominiums)
- 425 North Palm Drive (20 Condominiums)
- 8955 Olympic Boulevard (19.8 KSF Automobile Sales)
- 9212 Olympic Boulevard (13.3KSF Office, 1 KSF Fast Food w/o Drive Thru, & 4.7 KSF Variety Store)
- 332 North Oakhurst Drive (31 Condominiums)
- 305-239 South Elm Drive (30 Condominiums)
- 9908 South Santa Monica Boulevard (27 Condominiums)
- 207 South Robertson Boulevard (1.7 KSF Office)
- 9000 Wilshire Boulevard (31.7 KSF Office)
- 8600 Wilshire Boulevard (21 Apartments, 4 Townhouses, 2.9 KSF Medical Office & 1.9 KSF Retail)
- 8767 Wilshire Boulevard (21 KSF General Office, 34 KSF Medical-Dental office, 3 KSF restaurant, 15.5 KSF Automobile Sales, 1.5 KSF Pharmacy-Drug Store without Drive-Through Window)
- 9200 Wilshire Boulevard (53 Condominiums, 5.6 KSF Quality Restaurant, & 8.4 KSF Retail)
- 9230 Wilshire Boulevard (Jim Falk Lexus Project 150.3 KSF Automobile Sales)
- 9876 Wilshire Boulevard (120 Condominiums, 522 Hotel Rooms, & 12.3 KSF Restaurant)
- 121 San Vicente Boulevard (35 KSF Medical-Dental Office Building)
- 8816 Beverly Boulevard (Mixed-Use)
- 623 La Peer Drive (La Peer Hotel)
- 645 Robertson Boulevard (Hotel, Restaurant, & Retail)
- 9001 Santa Monica Boulevard (Mixed-Use)
- 9040, 9060, 9080, 9098 Santa Monica boulevard (Mixed-Use)
- 10131 Constellation Boulevard (483 Condominiums)
- 10250 West Santa Monica Boulevard (West Century City-New Century Plan Project)
- 9786 West Pico Boulevard (Museum of Tolerance Expansion to add 13.5 KSF of Cultural Space)
- 9760 West Pico Boulevard (YULA Boys High School Expansion)
- 2025 South Avenue of the Stars (Century Plaza Mixed Use Development – 293 Condominiums, 91 KSF Retail, 100 KSF Office, Hotel)
- 10330 West Bellwood Avenue (Bellwood Avenue Senior Care & 24 KSF Medical Office Project, 158 Condominiums)
- 10000 West Santa Monica Boulevard (283 Condominiums)
- 10250 West Santa Monica Boulevard (71.7 KSF New Retail & Renovation of the Century City (Westfield Shopping Center)
- 1950 South Avenue of the Stars (Century City Center Project – 72.5 KSF Office)
- 888 South Devon Avenue (32 Apartments)
- 300 South Wetherly Drive (140 Condominiums)

- 8723 West Alden Drive (Cedars-Sinai Medical Center Project-West Tower (New medical building with 100 hospital beds))

Apparently missing from these projects and therefore from the analysis are the cumulative impacts of MTA's Purple Line extension. The Purple Line Project contemplates two stations and major construction in the vicinity of the Proposed Project. These are not minor or insignificant changes. The surroundings of the Proposed Project have changed significantly since 2008, and are continuing to change. Each of these projects needs to be considered on a cumulative basis in a new EIR.

The Beverly Hilton Project in August 2007 included the addition of 120 dwelling units and the demolition/loss of 47 hotel rooms, 13,030 square feet of non-hotel office, and 1,804 square feet of hotel support. This is the project that was considered in the FEIR. Since then, it is unclear what the Beverly Hilton/Waldorf Astoria Tower project is going to entail. The owner and developer have changed plans multiple times. At this time, we are informed and believe they are attempting to get approval for a 26 story, 375 foot tall tower via ballot initiative in November. A Public Records Act request to the City of Beverly Hills regarding entitlements and planning documents for 9876 Wilshire Blvd. (The Beverly Hilton) resulted in nothing other than documents stemming from the 2008 approval of the Beverly Hills Specific Plan. As Planning Commission Vice Chair Shooshani raised at the May 12 Hearing, the unknowns at the Beverly Hilton/Waldorf Astoria make it difficult to look at the cumulative impacts with respect to these next door projects. Yet CEQA requires this cumulative impacts analysis for this project, regardless of the uncertainties surrounding the Beverly Hilton/Waldorf Astoria Tower project.

We urge you to consider the ramifications of the Proposed Project, coupled with the cumulative impacts resulting from currently planned or on-going projects in the Beverly Hills and Los Angeles area. The Proposed Project should be treated as a new project requiring a new EIR. Too much has changed since the 2008 FEIR, and the baseline conditions should reflect actual, current conditions, not hypothetical conditions from modeling and analysis over eight years ago. A new EIR is required to protect the community from the unintended consequences of deficient analysis.

Very truly yours,

**John S. Peterson**

JSP:swt

## Andre Sahakian

---

**From:** Lois Hirt <loismile@aol.com>  
**Sent:** Tuesday, May 24, 2016 3:57 PM  
**To:** Andre Sahakian  
**Subject:** One Beverly Hills

To whom it may concern,

As a resident, I am opposed to the new One Beverly Hills plan to include a hotel for a number of reasons. Some are :

1. Beverly Hills does not need another hotel. That area with the other two hotels next to it can become a hotel row. Why did they not come up with the hotel idea originally? Was it because they figured if they got the condominiums plan thorough, they later could change it easily since one thing was already approved?
2. With hotels, they are more strangers/transients around and with a school right across the street, we don't need that.
3. We are in a drought. Hotel guests don't care about our situation and will use water without caring about our situation. The hotel will be using more water also
4. With where the property is, it isn't an area where people can or will easily walk to, so the park they plan on putting on the property wouldn't be easily accessible for residents or shoppers like the Beverly Canon Park is. Will there be any free parking since most people will have to drive to use it?
5. Is the hotel willing to guarantee the money they claim it will create in taxes, since no one knows what will happen each year? It is easy to predict that X number of dollars will be created, but it actually happening can be another story. We have heard this story before like the Montage did.
6. The hotel, with its restaurants, bar, spa, park, ballroom, deliveries, staff, etc., will create more traffic than the 42 residential units they are taking away.

Very truly yours,

Lois Hirt  
203 N. Rexford Dr.  
Beverly Hills, CA 90210  
(310) 271-6944  
[loismile@aol.com](mailto:loismile@aol.com)

Could you please let me know you received this email. Thank you.

## Andre Sahakian

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**From:** Ryan Gohlich  
**Sent:** Thursday, October 15, 2015 5:01 PM  
**To:** Andre Sahakian  
**Subject:** FW: ONE BEVERLY HILLS

Public comment email for when we get to public hearings.

-----Original Message-----

From: Lois Hirt [<mailto:loismile@aol.com>]  
Sent: Thursday, October 15, 2015 4:57 PM  
To: Ryan Gohlich  
Cc: [loismile@aol.com](mailto:loismile@aol.com)  
Subject: : ONE BEVERLY HILLS

- > Lois Hirt  
203 N. Rexford Dr.  
Beverly Hills, CA 90210  
310) 271-6944  
[loismile@aol.com](mailto:loismile@aol.com)
- > To Whom It May Concern:
- > I am totally opposed to the ONE BEVERLY HILLS hotel project for a number of reasons:
- > 1. We are in a drought situation that is not going to end anytime soon.
- > Our "Every drop counts" slogan won't mean anything to the hotel or tourists who will visit Beverly Hills.
- > The hotel will use water for kitchen, service and bar purposes. There is the laundry factor. There is the cleaning of the hotel. Will the hotel guests care about how much water they use for a bath, a shower, toilet flushing, brushing their teeth, hand and face washing? There will be sheets and towels to be washed daily.
- > 2. The traffic at and around that location is very bad. The hotel will increase traffic.
- > 3. We don't need a hotel corridor. The Hilton is already there and the 17 story Waldorf Astoria is being built. How many more hotels does Beverly Hills need?
- > 4. There is an elementary school right across the street. We don't need the possibility of more strangers lurking near by.
- > 5. What revenue projected, that looks good on paper, is not guaranteed. We have had other hotels who have built here and promised a certain amount of money every year and that didn't happen.
- > 6. There will be more drainage on our police and fire departments.
- > 7. Are the rooms in the other hotels filled?
- > Thank you very much.
- > Very truly yours,
- > Lois Hirt
- >



**Attachment D**

May 12, 2016 Planning Commission Staff Report  
(Without Attachments)



## Planning Commission Report

**Meeting Date:** May 12, 2016

**Subject:** **9900 Wilshire Boulevard (One Beverly Hills)**  
Pursuant to the provisions set forth in the California Environmental Quality Act, the Commission will review and comment on a Draft Supplemental Environmental Impact Report (Draft SEIR) prepared for a request to amend the 9900 Wilshire Specific Plan. The request includes conversion of a portion of the previously approved project from condominiums and retail into a luxury hotel with ancillary uses. The proposed project also includes rooftop amenities, open air dining areas, and a new motor court access from Santa Monica Boulevard.

**Project Applicant:** Wanda Beverly Hills Properties, LLC

**Recommendation:** That the Planning Commission:  
1. Receive public comments on the Draft SEIR  
2. Provide Commission comments on the Draft SEIR

### REPORT SUMMARY

This report describes the proposed modifications to the 9900 Wilshire Specific Plan and provides a comparison of the proposed Project and the previously approved project at the site. The report also outlines how the environmental review process fits into the decision-making process for this Project, provides an overview of environmental issue areas studied in the Draft SEIR, and includes a summary of the project alternatives that were considered in the Draft SEIR. The purpose of this report is to provide information to the public, any interested outside agencies, and the Planning Commission regarding the content and adequacy of the Draft SEIR. The recommendation in this report is for the Planning Commission to accept public comment and provide Commission comments regarding the content and adequacy of the Draft SEIR.

### BACKGROUND

File Date 6/26/2014  
Application 7/25/2014  
Complete

Applicant(s) Wanda Beverly Hills Properties, LLC  
Owner(s) Wanda Beverly Hills Properties, LLC  
Representative(s) Athens Group

Attachment(s):  
A. Notice of Public Hearing and Notice of Availability  
B. Motor Court Access Options  
C. Architectural Plans

Report Author and Contact Information:  
Andre Sahakian, Associate Planner  
(310) 285-1127  
asahakian@beverlyhills.org



## **PROPERTY AND NEIGHBORHOOD SETTING**

### Property Information

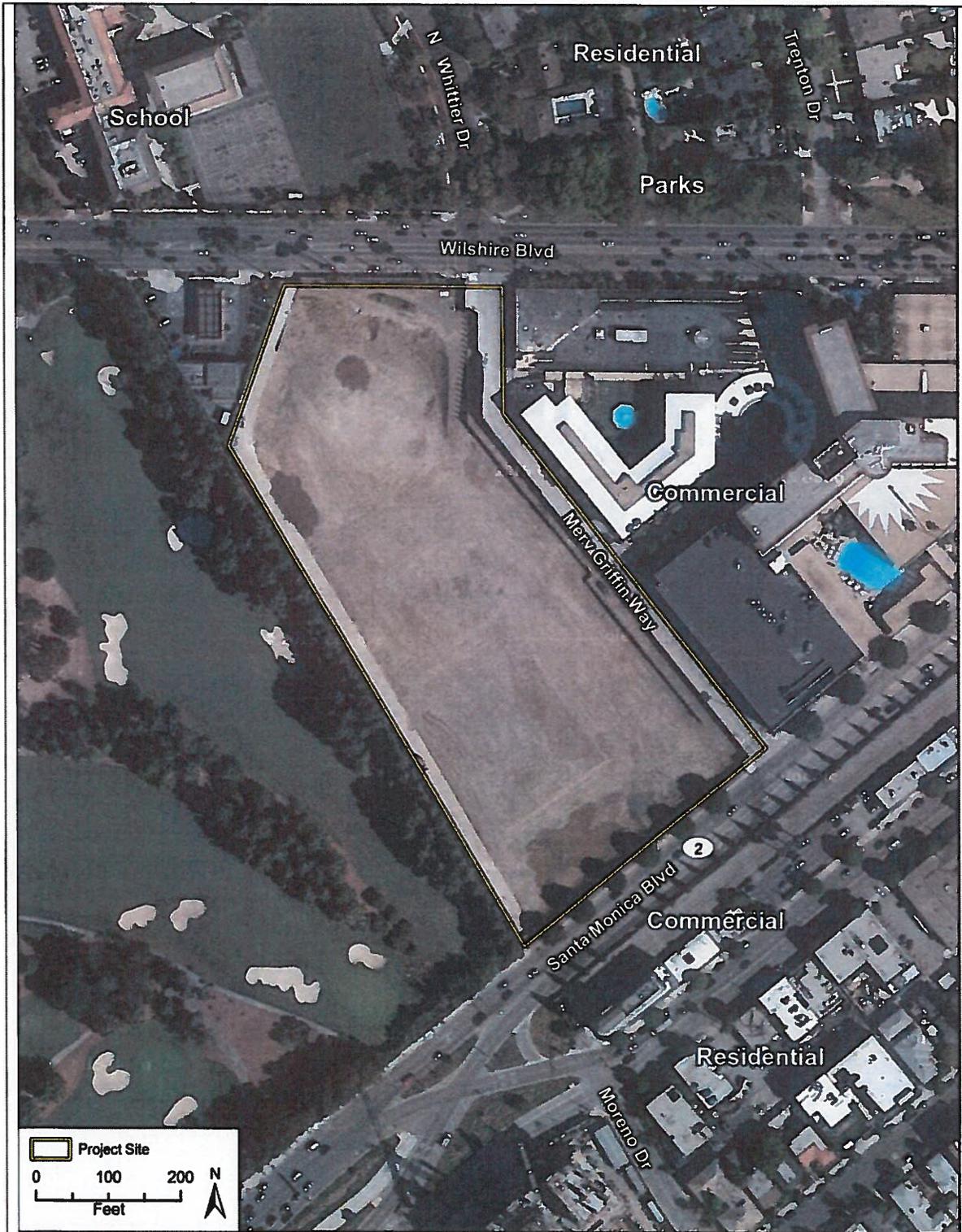
Address	9900 Wilshire Boulevard
Assessor's Parcel No.	4327-028-002
Zoning District	9900 Wilshire Specific Plan
General Plan	9900 Wilshire Specific Plan
Existing Land Use(s)	None (vacant)
Lot Dimensions & Area	7.95 acres
Year Built	n/a
Historic Resource Protected	None
Trees/Grove	None

### Adjacent Zoning and Land Uses

North	S – School; Parks; R-1.X Single Family Residential
East	Beverly Wilshire Specific Plan
South	T-O – Transportation Overlay Zone; C-3/C-3A – Commercial Zone
West	C-3 – Commercial Zone; City of Los Angeles A1-1XL – Agricultural Zone (Los Angeles Country Club)

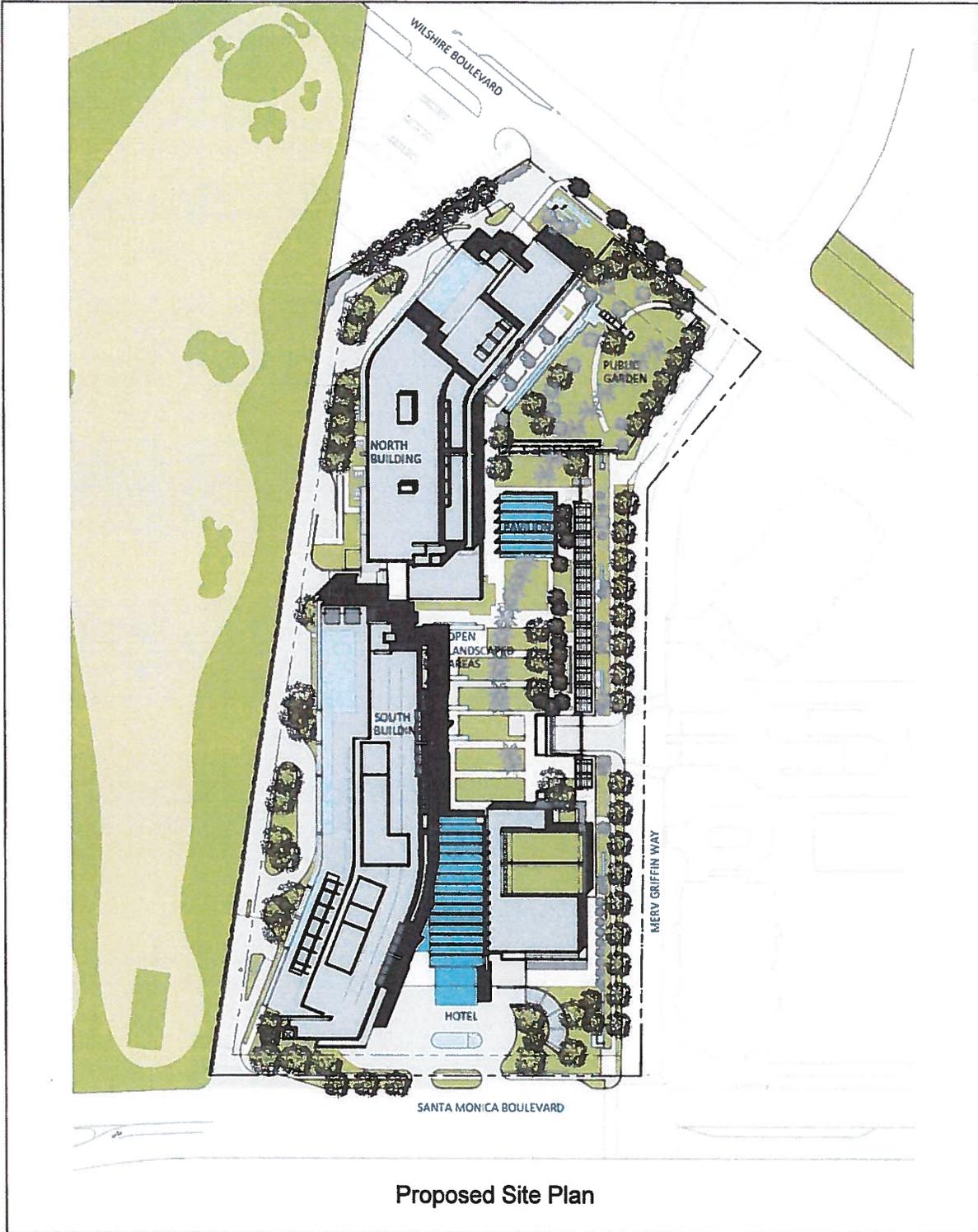
### Circulation and Parking

Adjacent Street(s)	North Santa Monica Boulevard and Wilshire Boulevard
Traffic Volume	Please refer to Section 4.5 (Transportation and Traffic) of the Draft SEIR, as well as Appendix D – Transportation Impact Analysis for more detailed information regarding traffic volumes.
Adjacent Alleys	None
Parkways & Sidewalks	North Santa Monica Blvd – 63' street width with 20' North parkway and 2' South parkway. Wilshire Blvd – 70' street width with 15' North and South parkways.



Imagery provided by Google and its licensors © 2015.

Project Location



**Proposed Site Plan**



## **PROJECT DESCRIPTION**

The proposed One Beverly Hills Project (Proposed Project) consists of modifications to the approved 9900 Wilshire Specific Plan. The City adopted the 9900 Wilshire Specific Plan in April 2008 and subsequently approved an Administrative Modification to the Specific Plan in December 2012 (Approved Project). The Approved Project includes 235 residential units, 15,856 sf of commercial building area, and 876 subterranean parking spaces. A two-story commercial building is allowed along the north side of Santa Monica Boulevard, continuing north along Merv Griffin Way.

The Proposed Project involves the development of 901,514 sf of floor area, matching the floor area total of the Approved Project. The Proposed Project includes up to 193 condominiums and a luxury hotel with up to 134 rooms (keys) located in two buildings ("North Building" and "South Building"). The Proposed Project also includes development of a smaller building located to the east of the South Building. The smaller building was identified as a "spa pavilion" in the Approved Project. In the Proposed Project the smaller building will be shifted to the north and used as an ancillary structure for the hotel lobby and associated uses. In the Proposed Project, the maximum height of the South Building is 185 feet and the maximum height of North Building is 161 feet. The Approved Project allows a maximum height of 205 feet for the South Building and 161 feet for the North Building. Thus, the Proposed Project will not increase the building heights already approved for the site.

The Proposed Project includes minor changes to the footprint of the North and South Buildings. The width of the South Building and North Building would increase by five feet along the eastern sides. However, there would be reductions of approximately 10 feet on both the east and west sides of the South building on floors two, three, four, and five. The total floor area of the Proposed Project is identical to the Approved Project, resulting in no net change.

The North Building would contain 102 condominium residences and amenities, such as a rooftop pool, that would be available only to residents. The South Building would contain 91 condominium residences. The 134-room hotel would be located solely in the South Building along with all of the hotel-related facilities other than the meeting space, which would be located in an adjacent building to the east of the South Building. The hotel's guestrooms would be located on levels two, three, four, and a portion of level five of the South Building.

The proposed hotel includes a main ballroom and three meeting rooms totaling 7,942 square feet, along with pre-function space and ancillary facilities. Food and beverage facilities would include a VIP Function Room, an all-day dining restaurant, a fine dining restaurant, and a rooftop bar, resulting in a cumulative total of approximately 16,057 square feet. In addition, there would be 1,600 square feet of outdoor dining space and a 1,907 square foot lobby lounge. Other hotel uses would include a 14,435 square foot spa and fitness facility and a 2,484 square foot hotel boutique shop. Table 2-3 on page 7 of this report compares the Approved Project to the Proposed Project.

### **Site Access and Parking**

Vehicle access to the site is designed to separate residential traffic from hotel traffic. A motor court accessible from North Santa Monica Boulevard would provide vehicular access to the



hotel located within the South Building. This motor court would replace the Approved Project's public, self-parking garage access on North Santa Monica Boulevard. All hotel guests, including guests utilizing the restaurants or the meeting space, would be required to valet park their cars unless they are being dropped off in the motor court. Residents and their guests would access their residences via a private, secured drive at the west property line that is accessible from both Wilshire Boulevard and Santa Monica Boulevard, and runs parallel to the property line shared with the Los Angeles Country Club. Multiple small-scale building lobbies have been incorporated into both the North and South Buildings to provide private elevator access to residences.

All parking (other than motor court parking) would be located below grade, with hotel parking separated from residential parking. The total depth of the parking garage would be approximately 42 feet in order to accommodate three levels of parking. A total of approximately 1,140 parking spaces would be provided. This takes into account Beverly Hills Municipal Code (BHMC) permitted reductions and/or other means to provide legally adequate parking for One Beverly Hills. Similar to the Approved Project, loading docks and staff parking would be below grade and accessible from Merv Griffin Way.

The Proposed Project includes two options for site access. These two options address access to: the private drive for residences; the hotel motor court (for hotel guests, spa and restaurant visitors, taxis, shared ride vans, private cars/limos, and the hotel valet service); and access to Merv Griffin Way. These options are described below and illustrated on Figures 2-5a and 2-5b of the Draft SEIR (also provided as Attachment C to this report). The potential effects of each option on local traffic levels of service are discussed in Section 4.5 of the Draft SEIR, *Transportation and Traffic* (under Impact T-3).

*Option 1*

As shown in Figure 2-5a of the Draft SEIR, Option 1 would allow only right turns into and out of the motor court from Santa Monica Boulevard. Motorists traveling east on Santa Monica Boulevard would need to make a U-turn at the to-be-constructed traffic signal at Merv Griffin Way in order to access the motor court. A deceleration lane would be provided along the north side of Santa Monica Boulevard, east of the motor court driveway. No guest or resident access would be provided from Merv Griffin Way. The driveway for residents and visitors would be located at the western edge of the site and would also be right-in and right-out only.

*Option 2*

As shown in Figure 2-5b of the Draft SEIR, under normal conditions Option 2 would allow two-way access from Santa Monica Boulevard with a left turn lane, as well as a one-way, 26-foot wide entrance access from Merv Griffin Way. Under special circumstances, such as when Santa Monica Boulevard is partially or fully closed, the access point to the motor court from Merv Griffin Way would be converted into a two-way driveway allowing both ingress and egress (which can be accommodated with the 26-foot width).



**Table 2–3: Comparison of the Approved Project and Proposed Project**

Use	Approved Project	Proposed Project	Change from Approved Project
<b>Residential</b>			
Efficiencies	0	0	0
1 Bedroom	35	41	+6
2 Bedrooms	106	67	-39
3 Bedrooms	62	22	-40
3 Bedrooms with Den	0	36	+36
4 Bedrooms	19	15	-4
4 Bedrooms with Den	0	0	-
Townhouse (2 Bedroom)	0	5	+5
Penthouse ( 5 or more bedrooms)	13	7	-6
<b>Total Residential Units</b>	<b>235</b>	<b>193</b>	<b>-42</b>
North Residential Building Floor Area	327,448 SF	324,429 SF	-3,019 SF
South Residential Building Floor Area	486,408 SF	341,009 SF	-145,399 SF
Other Residential Space Floor Area	71,802 SF	31,785 SF	-40,017 SF
<b>Total Residential Area</b>	<b>885,658 SF</b>	<b>697,223 SF</b>	<b>-188,435 SF</b>
<b>Commercial</b>			
Retail	11,656 SF	0 SF <sup>1</sup>	-11,656
Restaurant	4,200 SF	0 SF	-4,200
Outdoor Dining (not counted in commercial floor area)	600 SF	1,600 SF	+1,000
<b>Total Commercial Area</b>	<b>15,856 SF</b>	<b>0 SF</b>	<b>-15,856</b>
<b>Hotel</b>			
Hotel Rooms	0	134	+134
<b>Hotel Floor Area</b>			
Hotel Rooms		95,921 SF	+95,921 SF
Restaurant/Lounge/Bar	0	16,057 SF	+16,057 SF
Hotel Shops	0	2,484 SF	+2,484 SF
Ballroom/Meeting Rooms		7,942 SF	+7,942 SF
Amenity, Storage, BOH		65,545 SF	+65,545 SF
Spa & Fitness		14,435 SF	+14,435 SF
Hotel & Lobby Lounge	0	1,907 SF	+1,907 SF
<b>Total</b>	<b>0</b>	<b>204,291 SF</b>	<b>+204,291 SF</b>

<sup>1</sup>The hotel includes restaurants and shops under the Proposed Project.  
 SF = square feet



## **ENVIRONMENTAL ASSESSMENT**

Pursuant to CEQA Guidelines Section 15163, a lead agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. The Guidelines further state the following:

- *The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.*
- *A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.*
- *A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.*
- *When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.*

The Proposed Project is similar to the Approved Project originally entitled in 2008 and last modified in 2012; therefore, the City has determined that preparation of a Supplemental EIR (SEIR) is appropriate for evaluation of the modified project. The SEIR focuses on CEQA issue areas identified in the Initial Study as potentially having environmental impacts above and beyond those associated with the Approved Project, as identified in the 2008 Final EIR (FEIR). The following issues are studied in the SEIR:

- *Air Quality*
- *Greenhouse Gas Emissions*
- *Land Use*
- *Noise*
- *Transportation/Traffic*
- *Utilities and Service Systems (Water supply)*
- *Appendix F Analysis*

The alternatives section of the SEIR (Section 6.0), which is intended to study the potential environmental impacts associated with alternative development scenarios in lieu of the Proposed Project, was prepared in accordance with Section 15126.6 of the *CEQA Guidelines*. The alternatives discussion evaluates the CEQA-required “no project” alternative and two alternative development scenarios for the site.

In preparing the SEIR, use was made of pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and background documents prepared by the City. A full reference list is contained in Section 7.0 of the Draft SEIR, *References and Report Preparers*.

Certain development standards contained in the adopted 9900 Wilshire Specific Plan and mitigation measures included in the 2008 FEIR are discussed in the Draft SEIR in the context of the issues studied in the Draft SEIR. However, all standards contained in the 9900 Wilshire Specific Plan and mitigation measures included in the 2008 FEIR and mitigation monitoring and reporting plan (MMRP), including those not specifically discussed in the Draft SEIR, continue to



apply to development in the Specific Plan area (the current Project site) unless they are specifically superseded by new or revised Specific Plan standards or new or revised mitigation measures identified in the Draft SEIR and adopted as requirements by the City of Beverly Hills.

The proposed One Beverly Hills Project (Proposed Project) is an alteration of the approved 9900 Wilshire Project (Approved Project). The City of Beverly Hills certified a Final Environmental Impact Report (2008 FEIR) for the 9900 Wilshire Project in accordance with CEQA in April 2008. The City subsequently approved an Administrative Modification to the Specific Plan in December 2012. For the purposes of the Draft SEIR, the Approved Project (the 9900 Wilshire Specific Plan as modified in 2012) was used as the baseline for the analysis as it represents what is currently permitted for development at the Project site. However, the 2008 FEIR and associated studies were used in the analysis, as appropriate, since there was no substantial change to the Project between 2008 and 2012 and, therefore, no additional CEQA environmental document was prepared in 2012.

#### **PUBLIC OUTREACH AND NOTIFICATION**

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	5/6/2016	6 Days
Newspaper Notice	10 Days	5/2/2016	4/15/2016	27 Days
Mailed Notice (Owners & Occupants - 500' Radius + blockface)	10 Days	5/2/2016	4/15/2016	27 Days
Property Posting	10 Days	5/2/2016	4/15/2016	27 Days
Website	N/A	N/A	5/6/2016	6 Days

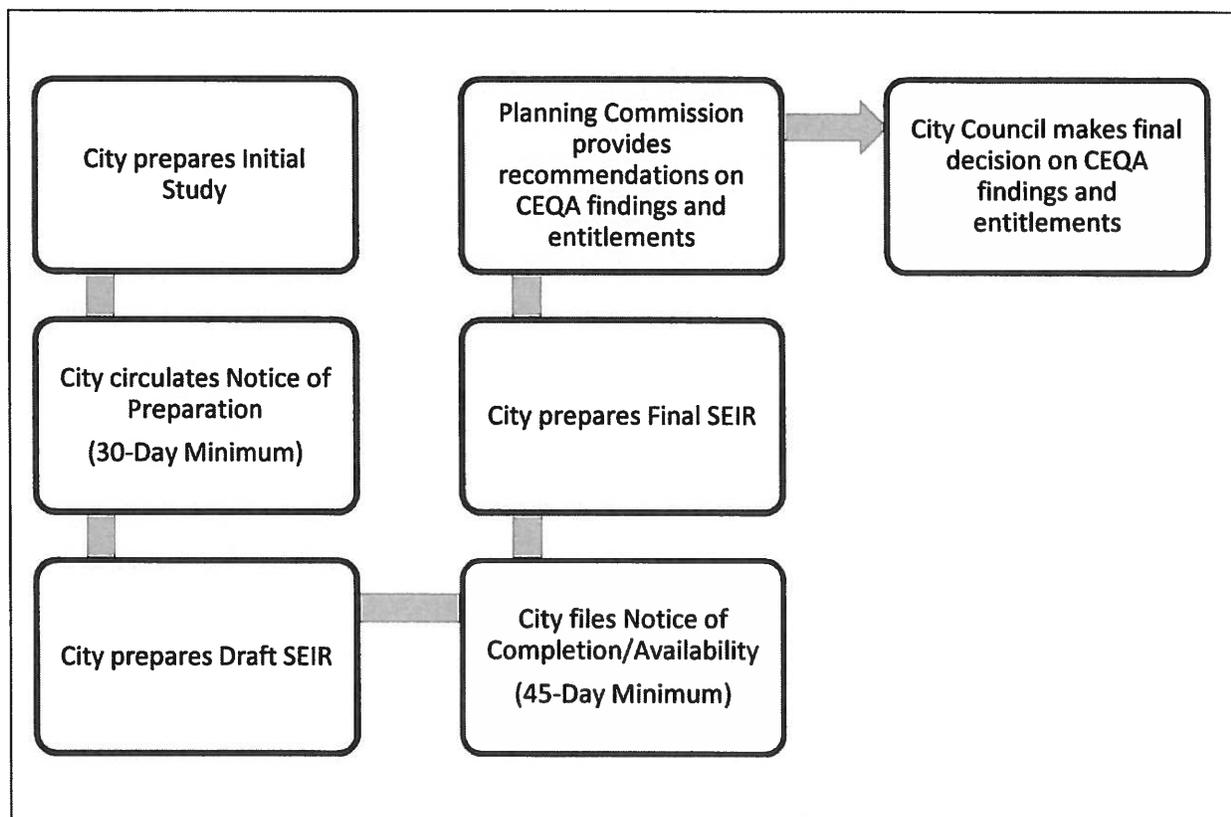
#### **Public Comment**

Staff has received requests from members of the public for copies of the Draft SEIR and project plans. Since release of the Draft SEIR, no written comments have been received.



### **CEQA PROCESS AND PROJECT REVIEW**

The proposed One Beverly Hills Project requires an amendment to the 9900 Wilshire Specific Plan, amendments to the Development Agreement, and amendments to the Vesting Tentative Tract Map. The City Council is the decision-making authority with regard to legislative matters, including General Plan amendments, and the Planning Commission is responsible for making recommendations to the City Council regarding land use issues. Prior to any recommendations or final decisions being made on the requested entitlements, the Proposed Project is subject to environmental review under the provisions of CEQA. The chart below provides an overview of the CEQA process as it relates to the City's overall decision-making process:



At this time, the Draft SEIR has been prepared and is currently within the 45-day circulation and public comment period. The purpose of this Planning Commission hearing is to provide an opportunity for members of the public, interested agencies, and the Planning Commission to comment on the Draft SEIR. The Notice of Availability was filed on April 15, 2016, and the public comment period is scheduled to close on May 31, 2016. Upon completion of the public comment period, the City will prepare responses to any comments received, and prepare a Final SEIR. The Final SEIR, as well as the requested entitlements, will then be scheduled for future public hearings with the Planning Commission for a recommendation on the CEQA findings as well as findings related to the requested entitlements. Once a resolution is adopted by the Planning Commission with its recommendation, the Final SEIR and the requested entitlements will be scheduled for public hearings with the City Council for final decisions.



**CEQA ISSUES NOT STUDIED IN DRAFT SEIR**

The Initial Study identified potentially significant environmental impacts related to six environmental issue areas, but found no potential for significant impacts for the remaining environmental checklist issues. The Initial Study findings for the issues for which it was determined that additional analysis in this SEIR was not warranted are summarized in Table 1–2 of the Draft SEIR. More detailed discussion can be found in the Initial Study.

**Table 1–2**  
**Issues Not Studied in the SEIR**

<b>Issue Area</b>	<b>Initial Study Finding</b>
Aesthetics	The height and footprint of the buildings included in the Proposed Project are similar to those of the Approved Project; therefore, its overall effects to scenic vistas and resources, visual character, and light/glare conditions would be similar to those of the Approved Project. As such, the Proposed Project would not involve any new impacts related to aesthetics beyond those identified in the 2008 FEIR.
Agriculture and Forestry Resources	The Project site is within an urbanized area that lacks agricultural lands or forests. No impact to these resources would occur.
Air Quality (Odors)	Although this SEIR analyzes potential air quality impacts, the Initial Study determined that the residential and hotel uses that make up the Proposed Project would not create odor impacts.
Biological Resources	The project site is within an urbanized area that lacks native biological habitats and the footprints. Therefore, the Proposed Project would have no impacts to biological resources.
Cultural Resources	Pursuant to the 2008 approvals, the Robinson’s May building that the 2008 FEIR identified as a historic resource was demolished in 2014. Impacts to the historic street lights identified in the 2008 FEIR would still be mitigated by MM-CR-3 from the 2008 FEIR. MMR-CR-4, -5, and -6 would still mitigate potential impacts to archaeological and paleontological resources. Therefore, the Proposed Project would not increase the potential for impacts related to cultural resources.
Geology	The 2008 FEIR found that the Approved Project would have significant, but mitigable impacts related to geologic hazards. The Proposed Project would involve a development footprint nearly identical to that of the Approved Project and would be subject to the same mitigation measures that were included in the 2008 FEIR. Therefore, the Proposed Project would not create any new significant impacts related to geologic hazards beyond those identified in the 2008 FEIR. In addition, the



**Table 1–2**  
**Issues Not Studied in the SEIR**

Issue Area	Initial Study Finding
	<p>Phase II Site-Specific Fault Rupture Investigation (prepared by Geocon in 2014) recommended a 50-foot structural setback from the northwestern property line along the common boundary between the Project site and the adjacent service station at 9988 Wilshire Boulevard. Development of the Proposed Project would include this setback, which would ensure that impacts related to possible rupture along any of the nearby off-site faults would be reduced to a less than significant level.</p>
<p>Hazards and Hazardous Materials</p>	<p>The 2008 FEIR identified potentially significant impacts related to the potential release of hazardous materials during onsite building demolition. However, building demolition has already been undertaken and there are no other identified hazards on or around the Project site. Therefore, the Proposed Project would not involve any new significant impacts related to hazards or hazardous materials.</p>
<p>Hydrology and Water Quality</p>	<p>The 2008 FEIR identified potentially significant impacts to water quality due to runoff from the Project site, but included MM-HYDRO-1 and -2 to address such impacts. The footprint and potential impacts of the Proposed Project would be nearly identical to those of the Approved Project and the required mitigation measures would continue to apply. Therefore, the Proposed Project would not involve any new significant impacts related to hydrology or water quality.</p>
<p>Land Use and Planning (Divide an established Community, Conflict with Conservation Plans)</p>	<p>The SEIR addresses land use and planning, but the project involves infill development that would not include new roads or other components that would divide an established community. There is no habitat conservation plan or natural community conservation plan that applies to the Project site. Therefore, the issue of habitat and natural community conservation plans is not studied further in this SEIR.</p>
<p>Mineral Resources</p>	<p>The 2008 FEIR did not identify any impacts to mineral resources and the Proposed Project similarly would have no impact.</p>
<p>Noise</p>	<p>Noise impacts are addressed in this SEIR, but the Project site is not subject to noise from a public or private airport. Therefore, noise issues related to airports are not studied further in this SEIR.</p>
<p>Population and Housing</p>	<p>The Proposed Project would generate fewer new residences</p>



**Table 1–2**  
**Issues Not Studied in the SEIR**

Issue Area	Initial Study Finding
	<p>and less resident population than the Approved Project since it involves 42 fewer residential units. Like the Approved Project, the Proposed Project would not displace housing or residents. Therefore, population is not studied further in this SEIR.</p>
Public Services	<p>The Proposed Project would involve 42 fewer residences than the Approved Project and, therefore, would involve incrementally less demand for schools, and parks. As discussed in the Initial Study, demand for fire and police service would be similar to what was studied in the 2008 FEIR and no new or expanded fire or police facilities would be needed. Consequently, the Proposed Project would have no impact as compared to the Approved Project and further study of these issues in this SEIR is not warranted.</p>
Recreation	<p>The Proposed Project would involve 42 fewer residences than the Approved Project and, therefore, would involve incrementally less demand for parks and recreational facilities. Consequently, the Proposed Project would have no impact as compared to the Approved Project and further study of recreation in this SEIR is not warranted.</p>
Transportation/Traffic	<p>Transportation/traffic issues are studied in this SEIR. However, the Proposed Project would have no impact with respect to air traffic and would provide sufficient parking to meet City requirements. Consequently, these issues are not analyzed further in this SEIR.</p>
Utilities and Service Systems	<p>The Proposed Project would generally have similar or less impact with respect to utilities and service systems as compared to the Approved Project. The Initial Study found no new significant impact related to wastewater, storm drains, or solid waste so these topics are not studied further in this SEIR. However, due to current statewide drought conditions that have occurred since certification of the 2008 FEIR, the issue of water supply is studied in Section 4.6 of this SEIR.</p>

**CEQA ISSUES STUDIED IN DRAFT SEIR**

Air Quality

The Draft SEIR studied the potential for air quality impacts resulting from the Proposed Project. The analysis found that the Proposed Project would result in an increased severity of a previously identified significant and unavoidable impact resulting from on-site construction



activity that would generate temporary emissions and result in temporary adverse impacts to local air quality. The 2008 FEIR identified a significant and unavoidable impact related to construction of the Approved Project due to NOx emissions in excess of the South Coast Air Quality Management District (SCAQMD) threshold. Construction of the Proposed Project would also generate NOx emissions that exceed SCAQMD thresholds and, under the 2.5-month grading scenario, would generate maximum daily NOx emissions substantially exceeding those of the Approved Project. Therefore, it was concluded that construction activity associated with the Proposed Project could increase the severity of the previously identified significant and unavoidable impact for the Approved Project. A total of 13 mitigation measures from the 2008 FEIR would continue to apply to the Proposed Project, and these measures are summarized in the Executive Summary of the Draft SEIR.

The Proposed Project was found to have a less than significant impact on all other Air Quality issues that were studied as part of the Draft SEIR.

#### Greenhouse Gas Emissions

The Draft SEIR studied the potential for greenhouse gas (GHG) emission impacts resulting from the Proposed Project. The analysis found that although the Proposed Project's total GHG emissions would be incrementally higher than those of the Approved Project, they would be less than the former Robinsons-May building; would be consistent with the Climate Action Team GHG reduction strategies; would be consistent with the Southern California Association of Governments Sustainable Communities Strategy; and would be consistent with the Beverly Hills Sustainable City Plan goals. Therefore, the Proposed Project would result in a less than significant impact from generating temporary construction as well as operational GHG emissions which would incrementally contribute to climate change.

#### Land Use Planning

The Draft SEIR studied the potential for land use and planning impacts resulting from the Proposed Project. The analysis found that with approval of the Specific Plan amendment and implementation of mitigation measures identified in the 2008 FEIR and throughout the Draft SEIR, the Proposed Project would be potentially consistent with applicable City policies, regulations, and standards, and thus this impact would be less than significant with mitigation.

#### Noise

The Draft SEIR studied the potential for noise impacts resulting from the Proposed Project. The analysis found that construction activities associated with the Proposed Project would generate temporary noise increases that would be audible at nearby sensitive receptor locations, including the Beverly Hilton, residences and El Rodeo School. Maximum and daily construction-related noise would be similar to that identified for the Approved Project in the 2008 FEIR, but the overall duration of construction activity would be 18 months longer than for the Approved Project. Therefore, the Proposed Project would result in an increase in the severity of the significant and unavoidable impact identified for the Approved Project in the 2008 FEIR. Mitigation measures from the 2008 FEIR would continue to apply relating to preparation of a Construction Management Plan intended to reduce noise from construction as much as possible.



The analysis in the Draft SEIR found that noise associated with operation of the Proposed Project, including noise from traffic on nearby roads, rooftop ventilation, and outdoor dining areas could be audible at nearby sensitive receptor locations. However, the 2008 FEIR determined that operation of the Approved Project would have less than significant operational impacts and the Proposed Project's operational noise impacts would not be substantially greater than those of the Approved Project. Therefore, operational noise impacts associated with the Proposed Project were found to be less than significant.

The analysis in the Draft SEIR found that construction activities associated with the Proposed Project could generate ground-borne vibration. The 2008 FEIR determined that impacts related to construction-generated vibration would be significant and unavoidable. Construction related vibration associated with the Proposed Project would be similar to that identified for the Approved Project in the 2008 FEIR, but the overall duration of construction activity would be approximately 18 months longer. Therefore, the Proposed Project would increase the severity of the significant and unavoidable vibration impact identified for the Approved Project in the 2008 FEIR. The same mitigation measures from the 2008 FEIR that apply to construction-related noise would also apply to construction-related vibration.

The analysis in the Draft SEIR found that noise levels at identified sensitive receptors may exceed City thresholds for interior and exterior noise. The 2008 FEIR determined that the Approved Project would result in a potentially significant impact unless mitigation is incorporated because it would locate receptors in areas exceeding the normally acceptable range for proposed uses. The Proposed Project would be subject to the same noise levels as the Approved Project, but mitigation included in the 2008 FEIR would continue to apply, and would reduce impacts to below a level of significance. These mitigation measures include the implementation of sound attenuation features on lower building floors fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way; incorporating building materials and techniques that reduce sound transmission; and coordinating with other project applicants within a 1,000 foot radius that have overlapping construction schedules. Therefore, the Proposed Project's impact relative to that of the Approved Project would be less than significant.

#### Transportation and Traffic

The Draft SEIR studied the potential for transportation and traffic impacts resulting from the Proposed Project, as compared to the Approved Project. The following intersections were studied as part of this analysis:

- Santa Monica Boulevard North/Beverly Drive
- Santa Monica Boulevard North/Wilshire Boulevard
- Santa Monica Boulevard South/Beverly Drive
- Santa Monica Boulevard South/Wilshire boulevard
- Santa Monica Boulevard North/Merv Griffin Way
- Wilshire Boulevard/Beverly Drive
- Santa Monica Boulevard/Century Park East
- Sunset Boulevard/Whittier Drive
- Wilshire Boulevard/Whittier Drive/Merv Griffin Way
- Santa Monica Boulevard/Avenue of the stars



A comparison of the amount of trip generation resulting from the Approved Project and the Proposed Project is provided in Table 4.5-5 of the Draft SEIR. In summary, the Proposed Project would result in an additional 238 total daily trips as compared to the Approved Project, with a reduction of 20 AM peak hour trips; an additional 14 PM peak hour trips; a reduction of 39 midday peak hour trips; and a reduction of 60 Saturday peak hour trips.

A comparison of intersection levels of service, including the existing plus Approved Project and existing plus Proposed Project, is provided in Table 4.5-6 of the Draft SEIR. In summary, the net change in intersection levels of service resulting from the Proposed Project would not have a significant impact on any of the intersections that were studied.

A comparison of baseline residential street traffic with baseline residential street traffic plus the Proposed Project is provided in Table 4.5-7 of the Draft SEIR. In summary, the Proposed Project would not result in a significant impact on any of the residential roadway segments studied. These segments include the following:

- Whittier Drive between Wilshire Boulevard and Elevado Avenue
- Whittier Drive between Elevado Avenue and Lomitas Avenue
- Elevado Avenue between Whittier Drive and Beverly Drive

Based on these and other relevant analyses, the Draft SEIR concluded the following with respect to potential impacts to Transportation and Traffic:

Implementation of the Proposed Project would generate traffic at study intersections; however, Project-generated traffic would not cause any intersection to exceed City standards under existing baseline plus Project traffic conditions or otherwise create significant impacts to roadway operations beyond those associated with the Approved Project. Impacts associated with the Proposed Project would be less than significant.

Implementation of the Proposed Project would increase traffic on residential streets north of the Project Site; however, Proposed Project-generated traffic would not cause any intersection to exceed City thresholds under existing baseline plus Proposed Project traffic conditions. Impacts to residential streets would, therefore, be less than significant.

The Project driveways would provide adequate site access and would not create hazardous traffic conditions. Therefore, impacts associated with the Proposed Project would be less than significant.

The Proposed Project does not include design features that would impede emergency access vehicles. Impacts associated with the Proposed Project would be less than significant.

The Proposed Project would not involve any disruptions to the local active transportation system. Therefore, impacts in this regard would be less than significant.

Metro is constructing the extension of the Purple Line south of the Project site. The Proposed Project would not conflict with applicable policies associated with public transit, and would not



decrease the performance or safety of the Purple Line. Impacts associated with the Proposed Project would be less than significant.

Construction activities for the Proposed Project would result in traffic impacts due to haul truck traffic, equipment and material deliveries, worker traffic, and worker parking. These impacts were identified as part of the 2008 FEIR, and 8 mitigation measures related to the creation and monitoring of a Construction Traffic Management Plan and Construction Workers Parking Plan would continue to apply to the Proposed Project. With implementation of these mitigation measures, impacts associated with the Proposed Project would be less than significant.

#### Utilities and Service Systems (Water)

The Draft SEIR studied the potential for impacts to utilities and service systems resulting from water demand. Table 4.6-3 in the Draft SEIR provides a comparison of the total water demand generated by the Approved Project and the Proposed Project. In summary, this analysis found that the Approved Project would generate a total annual demand of 74 acre-feet per year, while the Proposed Project would generate a total annual demand of 95 acre-feet per year. These amounts take into account any water demand that would be offset through the incorporation of a graywater system. Based on this analysis, the Draft SEIR concluded that the Proposed Project would result in a net increase in water demand of approximately 21 acre-feet per year as compared to the Approved Project. However, this additional demand could be accommodated by the City's projected 2035 water demand and supply scenario presented in the 2010 Urban Water Management Plan. Therefore, impacts would be less than significant.

While mitigation measures would not be necessary because impacts would be less than significant, the Proposed Project would be subject to applicable water conservation requirements in the City's Water Efficient Landscape Ordinance as well as the Green Building Standards Code. Additionally, the Proposed Project would incorporate a number of features aimed at water conservation as part of the project description.

#### Other CEQA-Required Discussions

The Draft SEIR studied whether the Proposed Project would result in any growth-inducing impacts, irreversible environmental impacts, and energy impacts. The analysis found that population growth associated with the Proposed Project would exceed Southern California Association of Governments (SCAG) population forecasts for Beverly Hills for 2020, but would not exceed forecasts for 2034. Nonetheless, it is estimated that 114 fewer persons would result from the Proposed Project than with the Approved Project due to the reduction of condominium units. Employment associated with the Proposed Project is within SCAG forecasts, and the Proposed Project would not remove obstacles to growth.

The Proposed Project would increase overall energy use as compared to the Approved Project, but would not significantly affect local or regional energy supplies. Meeting Title 24 energy conservation requirements in combination with project features aimed at minimizing energy use would ensure that energy is not used in an inefficient, wasteful, or unnecessary manner.



## **PROJECT ALTERNATIVES STUDIED IN THE DRAFT SEIR**

As required by CEQA, this SEIR examines alternatives to the Proposed Project. Studied alternatives include the following.

### **No Project (Approved Project)**

This alternative assumes that the Approved Project as last modified in 2012 is built on the Project site. This would involve 235 condominiums, 11,656 square feet of retail space and 4,800 square feet of restaurant/lounge/bar space.

The No Project alternative (Approved Project) would avoid the increased severity of temporary air quality and noise impacts associated with construction of the Proposed Project. Long-term impacts of the Approved Project would be incrementally lower, but the overall magnitude of long-term impacts would be about the same as those of the Proposed Project. Neither the Reduced Hotel alternative nor the Office alternative would avoid the Proposed Project's increased severity construction-related impacts. Overall long-term impacts of the Reduced Hotel alternative would be slightly lower than those of the Proposed Project with respect to traffic, air quality, GHGs, and utilities. For the Office alternative, impacts related to traffic, air quality, and GHGs would be higher than those of the Proposed Project, but utility (water) impacts would be somewhat lower. The Office alternative could potentially have significant traffic impacts. Either the Approved Project or the Reduced Hotel alternative would be environmentally superior to the Proposed Project overall. The Office alternative would not be environmentally superior to the Proposed Project.

The Approved Project would meet the original objectives outlined in the 2008 FEIR and new objectives related to providing a set of mixed-uses that takes maximum advantage of the physical, social and economic potential of the Project Site and creating a unified, environmentally sensitive development; however, it would not meet any of the new objectives relating to the hotel, including those associated with maximizing transient occupancy tax and other tax revenues.

### **Reduced Hotel Alternative**

Under this alternative, the hotel would be reduced to 67 rooms and the size of all ancillary hotel facilities (spa and fitness center, ballroom/meeting rooms, hotel shops, restaurants/lounge/bars) would be reduced by 50 percent. These facilities would be replaced by an additional 21 residential units, bringing the total number of residences to 214.



The Reduced Hotel alternative would generally meet most of the original objectives outlined in the 2008 FEIR as well as the new objectives for the Proposed Project, but the smaller hotel would have fewer benefits than the Proposed Project with respect to transient occupancy tax and other tax revenues.

#### Office Alternative

Under this alternative, the hotel component of the Proposed Project would be replaced with 204,291 square feet of office space. The office space would replace the hotel spaces and lobby of the South Building. Other than replacing the hotel with office space, this alternative would be identical to the Proposed Project. It would include 193 residences and all other components described in Section 2.0, Project Description.

The Office alternative would generally meet most of the original objectives outlined in the 2008 FEIR as well as the new objectives related to providing a set of mixed-uses that takes maximum advantage of the physical, social and economic potential of the Project Site and creating a unified, environmentally sensitive development; however, it would not meet any of the new objectives relating to the hotel, including those associated with maximizing transient occupancy tax and other tax revenues.

#### **NEXT STEPS**

It is recommended that the Planning Commission open the public hearing, receive public comments on the Draft SEIR and/or project, and provide staff with comments as appropriate.

Report Reviewed By:

A handwritten signature in black ink, appearing to read "Masa Alkire", written over a horizontal line.

Masa Alkire, AICP, Principal Planner