Attachment D
August 23, 2016 Planning Commission Staff Report
(Without Attachments)

City of Beverly Hills
Planning Division
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TEL. (310) 285-1141 FAX. (310) 858-5966

Planning Commission Report

Meeting Date: August 23, 2016

Subject: **9900 Wilshire Boulevard (One Beverly Hills)**
Zone Text Amendment, Vesting Tentative Tract Map and Development Plan Review, Development Agreement, and Final Supplemental Environmental Impact Report
Request for amendments to the 9900 Wilshire Specific Plan and associated Vesting Tentative Tract Map, Development Plan Review, and Development Agreement to convert a portion of the previously approved project from condominiums and retail space 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 North Santa Monica Boulevard. Pursuant to the provisions set forth in the California Environmental Quality Act (CEQA), the Planning Commission will also consider a Final Supplemental Environmental Impact Report (Final SEIR).

Project Applicants: Wanda Beverly Hills Properties, LLC

Recommendation: That the Planning Commission:
1. Conduct a public hearing and receive testimony on the Project; and
2. Provide direction to staff and the applicant as appropriate.

REPORT SUMMARY

A request has been made for a Specific Plan Amendment, as well as amendments to a Vesting Tentative Tract Map, Development Plan Review, and Development Agreement to allow amendments to the previously approved 9900 Wilshire Specific Plan. The proposed changes include the introduction of an up to 134 room luxury hotel component in exchange for a reduction of condominium units and commercial/retail space. The project would also include a new motor court along North Santa Monica Boulevard to provide access to the hotel, as well as the inclusion of hotel dining and other ancillary amenities. This report includes information on environmental, land use, and operational components of the project, and seeks direction from the Planning Commission concerning the various entitlement requests.

Attachment(s):
A. Required Findings
B. Public Notice
C. Correspondence Received from the Public
D. May 12, 2016 Planning Commission Staff Report (Without Attachments)
E. Past Planning Commission and City Council Resolutions (Separate Attachment)
F. 2012 Administrative Modification
G. Existing Conditions of Approval
H. Draft Revised Specific Plan (Redline)
I. Beacon Economics - Economic Impact Analysis (Submitted by Applicant)
J. PKF Consulting Fiscal Impact Analysis (Submitted by Applicant)
K. CBRE Hotels Study of Hotel Market (Submitted by Applicant)
L. Proposed Revisions to Development Agreement
M. Final Supplemental Environmental Impact Report (Separate Attachment)
N. Architectural Plans (Separate Attachment)

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BACKGROUND

File Date	6/26/2015
Application Complete	7/25/2015
Subdivision Deadline	Within 50 days after CEQA determination.
CEQA Recommendation	Supplemental Environmental Impact Report
CEQA Deadline	As a guideline, generally 1 year from date application deemed complete
Permit Streamlining	Not Applicable (legislative action)
Applicant(s)	Wanda Beverly Hills Properties, LLC
Owner(s)	Wanda Beverly Hills Properties, LLC
Representative(s)	Athens Group
Prior PC Action	Reso No. 1498 (2/21/08) – Recommending that City Council Certify a Final EIR. (approved) Reso No. 1499 (2/21/08) – Recommending that City Council amend Land Use Element for 9900 Wilshire Specific Plan. (approved) Reso 1500 (2/21/08) – Recommending that City Council adopt 9900 Wilshire Specific Plan. (approved) Reso 1501 (2/21/08) – Recommending that City Council approve a Development Agreement for 9900 Wilshire Specific Plan. (approved) Reso 1502 (12/18/08) – Vesting Tentative Tract Map No. 67884 and a Development Plan Review for a maximum of 235 residential condominium units and 5 commercial condominium units. (approved)
Prior Council Action	Reso 08-R-12497 (4/3/08) – Certifying the Final EIR (approved) Reso 08-R-12498 (4/9/08) – Amending the General Plan (approved) Reso 08-R-12499 (4/9/08) – Adopting 9900 Wilshire Specific

Plan (approved)

Ordinance 08-O-2550 (Adopted 6/3/08, Effective 7/4/08) – Adding the 9900 Wilshire Specific Plan to the Municipal Code and applying to 9900 Wilshire Boulevard.

Ordinance 08-O-2551 (Adopted 6/3/08, Effective 7/4/08) – Approving a Development Agreement for 9900 Wilshire Boulevard project.

PROPERTY AND NEIGHBORHOOD SETTING

Address	9900 Wilshire Boulevard
Assessor's ID No.	4327-028-002
Zoning District	9900 Wilshire Specific Plan
General Plan	9900 Wilshire Specific Plan
Existing Land Use(s)	Vacant
Lot Dimensions & Area	7.95 acres
Year Built	n/a
Historic Resource	Previous development on the site was a potential historic resource (Robinsons-May Department Store), however demolition of that building was completed following the regulatory framework in place at the time, as well as any relevant mitigation measures identified in the previously certified Final EIR. Thus, there is currently no historic resource on the project site.
Protected Trees/Grove	None

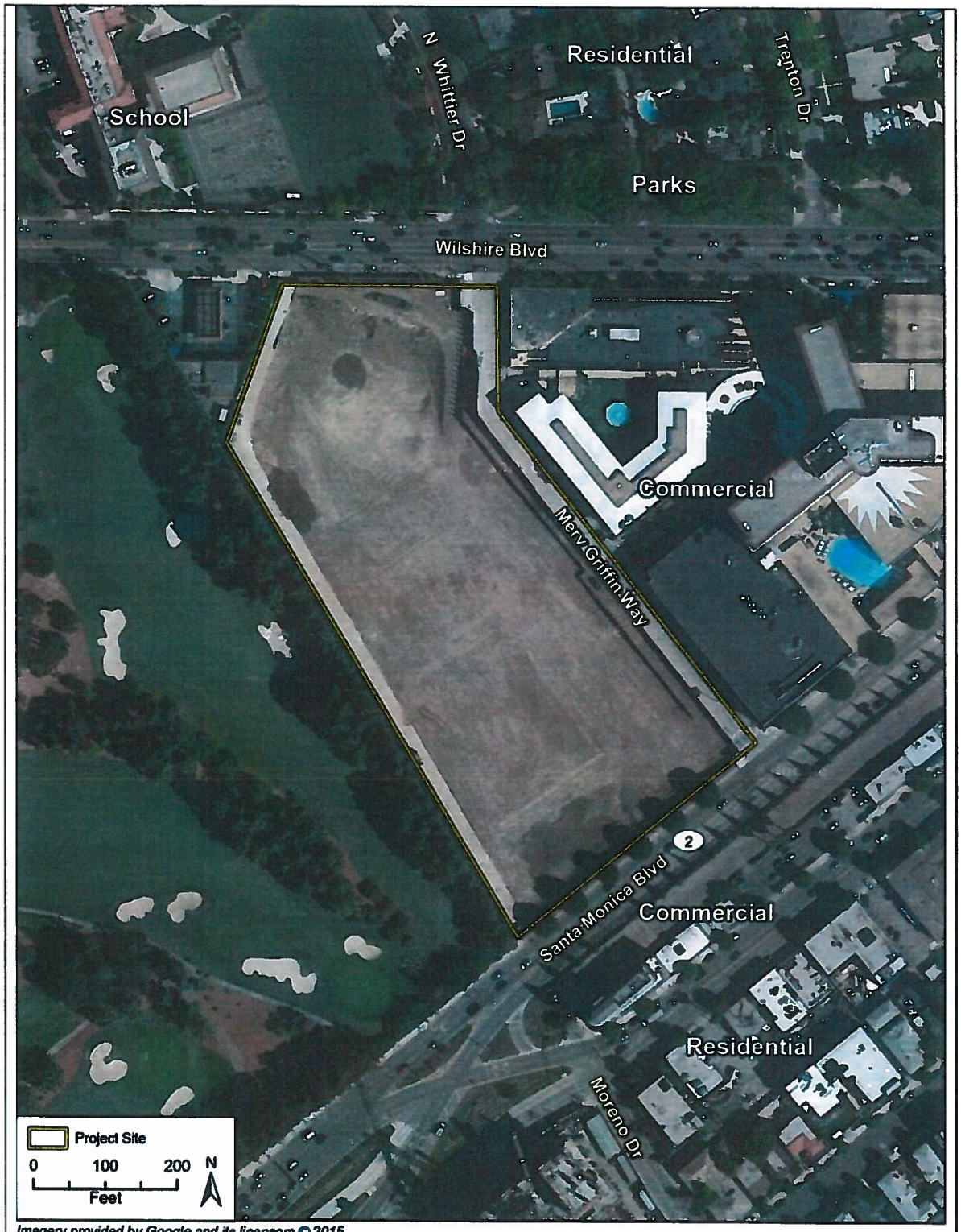
Adjacent Zoning and Land Uses	
North	S – School; Parks; R-1.X Single Family Residential
South	T-O – Transportation Overlay Zone; C-3/C-3A – Commercial Zone
East	Beverly Hilton Specific Plan
West	C-3 – Commercial Zone; City of Los Angeles A1-1XL – Agricultural Zone (Los Angeles Country Club)

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 Final 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.
Parking Restrictions	Merv Griffin Way – No Parking Anytime (red curb)
Nearest Intersection	Wilshire Boulevard and Merv Griffin Way/Whittier Drive; North Santa Monica Boulevard and Merv Griffin Way; North Santa Monica Boulevard and Wilshire Boulevard
Circulation Element	Wilshire Blvd. – Regional Traffic Corridor/Truck Route N. Santa Monica Blvd. – Regional Traffic Corridor/Truck Route

Neighborhood Character

The nearly 8-acre project site is located at the western edge of the City of Beverly Hills. It is bound by the Los Angeles Country Club and a gas station to the west; the Beverly Hilton and Waldorf Astoria to the east; El Rodeo School and single-family residential neighborhoods to the north; and a low-rise retail/commercial corridor along S. Santa Monica Boulevard to the south. A row of narrow lots designated as the Transportation Overlay Zone are located along the south side of North Santa Monica Boulevard. Some of these lots are currently being used for temporary construction parking, while the remaining lots are associated with commercial businesses that front on South Santa Monica Boulevard. The project site is accessed from N. Santa Monica Boulevard from the south and Wilshire Boulevard from the north, both of which are regional traffic thoroughfares for commuters traveling east into Beverly Hills, and west into Century City. The project site is separated from the Beverly Hilton by Merv Griffin Way, which allows north/south travel and connects Santa Monica Boulevard to Wilshire Boulevard and Whittier Drive further north. Further to the west in Century City, numerous high-density condominiums and office buildings are already developed or under construction, as well as the Westfield Century City, which is a major regional retail destination.



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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 185 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 9 of this report compares the Approved Project to the Proposed Project.

<u>Site Access and Parking</u>

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 western 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 originally included two options for site access. These two options addressed 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. After receiving comments during the circulation period for the Draft SEIR, including comments from the Planning Commission hearing held on May 12, 2016, a revised version of Option 2 is being proposed as the preferred motor court access option. This preferred option would allow two-way access from Santa Monica Boulevard with a left turn lane, as well as a two-way access from Merv Griffin Way. This option would maintain the same private drive for residential access along the project's western boundary as well as the loading access from Merv Griffin Way. Further analysis of site access and circulation is provided in the Analysis section of this report. All considered motor court options are also described and illustrated in the Final SEIR (also provided as Attachment M to this report), and the potential effects of each option on local traffic levels of service are discussed in Section 4.5 of the Final SEIR, *Transportation and Traffic* (under Impact T-3).

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

Use	Approved Project	Proposed Project	Change
Residential			
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
Total Residential Units	***235***	***193***	***-42***
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
Total Residential Area	***885,658 SF***	***697,223 SF***	***-188,435 SF***
Commercial			
Retail	11,656 SF	0 SF[1]	-11,656 SF
Restaurant	4,200 SF	0 SF	-4,200 SF
Total Commercial Area	***15,856 SF***	***0 SF***	***-15,856 SF***
Outdoor Dining (not counted in commercial floor area)	600 SF	1,600 SF	+1,000 SF
Hotel			
Hotel Rooms	0	134	+134
Hotel Floor Area			
Hotel Rooms	0 SF	95,921 SF	+95,921 SF
Restaurant/Lounge/Bar	0 SF	16,057 SF	+16,057 SF
Hotel Shops	0 SF	2,484 SF	+2,484 SF
Ballroom/Meeting Rooms	0 SF	7,942 SF	+7,942 SF
Amenity, Storage, BOH	0 SF	65,545 SF	+65,545 SF
Spa & Fitness	0 SF	14,435 SF	+14,435 SF
Hotel & Lobby Lounge	0 SF	1,907 SF	+1,907 SF
Total	***0 SF***	***204,291 SF***	***+204,291 SF***
Grand total SF	***901,514 SF***	***901,514 SF***	***0 SF***

[1]The hotel includes restaurants and shops under the Proposed Project.
SF = square feet ; BOH = back of house

REQUIRED ENTITLEMENTS.
As proposed, the project requires the following entitlements:

- **Specific Plan Amendment.** Section 5.4 of the 9900 Wilshire Specific Plan states than "an Amendment to the Specific Plan shall be required for (a) any proposed modifications that would substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan, including (i) any increases in the total number of residential condominiums or the floor area of the residential or commercial uses or (ii) a reduction in the size or change in the location of the Public Gardens, and (b) an increase in the maximum height of the buildings. The Proposed Project includes a redistribution of commercial and residential uses, reducing the number of condominiums in order to incorporate a luxury hotel with associated ancillary restaurant and commercial uses. Thus, the Proposed Project requires an amendment to the Specific Plan to allow this redistribution of uses.

- **Vesting Tentative Tract Map and Development Plan Review.** The previously approved project included a Vesting Tentative Tract Map to subdivide the property and associated airspace for the previously approved project. The Proposed Project consists of changes to the number and location of condominiums on the property. Thus, an amended Vesting Tentative Tract Map is required. Furthermore, all common interest developments require approval of a Development Plan Review.

- **Development Agreement.** A Development Agreement was adopted in April 2008 as part of the previously approved 9900 Wilshire Specific Plan. In order to address the proposed changes to the 9900 Wilshire Specific Plan, amendments to the previously approved Development Agreement will be required. The terms of a revised Development Agreement have not been negotiated at this time, but the applicant has submitted a preliminary proposal of updated terms and benefits (Attachment L). Prior to commencement of negotiations and as part of the public hearing, the Planning Commission and members of the public are invited to provide input on the public benefits set forth in the draft Development Agreement, which will be forwarded to the City Council for use during negotiations. Although the Planning Commission will not be responsible for negotiating or approving the terms of the Development Agreement, the Planning Commission will be required to make findings regarding whether the Development Agreement is consistent with the General Plan before a final decision on the Development Agreement can be made by the City Council.

GENERAL PLAN POLICIES
The General Plan includes numerous goals and policies relevant to the Planning Commission's review of the project. A full analysis of the Proposed Project's consistency with the General Plan is provided in *Section 4.3 Land Use and Planning*. A select number of particularly relevant General Plan Policies for the Planning Commission's consideration are listed below:

- **Policy LU 2 Community Character and Quality**. A built environment that is distinguished by its high level of site planning, architecture, landscape design, and sensitivity to its natural setting and history.

- **Policy LU 2.7 City Gateways.** Explore opportunities for public improvements and private development to work together to enhance the sense and quality of entry at key gateways into the City.

- **Policy LU 2.10 Development Transitions and Compatibility.** Require that sites and buildings be planned, located, and designed to assure functional and visual transitions between areas of differing uses and densities by addressing property and height setbacks, window and entry placement, lighting, landscape buffers, and service access.

- **Policy LU 9.3 Anchor Locations.** It is also recommended that certain anchor locations be set aside to permit development of a higher intensity type of development which is not otherwise provided in the community. These areas should be located so as to be accessible from the City's major shopping areas and close to the City's major streets. These anchor locations should include those large parcels that are located at the gateways to the City, such as the site at 9900 Wilshire Boulevard where additional building height is appropriate. A variety of land uses such as commercial, residential, and mixed use should be considered for the gateway locations. A change of use from commercial to residential or mixed use should be allowed only if such change provides an adequate transition to adjacent single-family neighborhoods.

- **Policy LU 11.2 Site Planning and Architectural Design.** Require that commercial and office properties and building s are planned and designed to exhibit a high level of site and architectural design quality and excellence.

- **Policy LU 12.1 Functional and Operational Compatibility.** 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, rivacy, 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.

- **Policy LU 15.2 Priority Businesses.** Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail and fashion, restaurant, hotel, technology, and supporting uses.

- **Policy CIR 1.1 Roadway Improvements.** Study and implement opportunities for improving traffic flow on City roadways during Peak hours. Work collaboratively with regional agencies and adjacent jurisdictions to coordinate interface of adjacent roadways.

- **Policy CIR 1.2 Intersection Improvements.** Study and implement opportunities for capacity improvements at City intersections, such as the intersection of Wilshire Boulevard and North Santa Monica Boulevard, to improve traffic flows along major roadways. Work collaboratively with regional agencies and adjacent jurisdictions to help improve the capacity at these intersections.
- **Policy ES 1.4 Retain Existing Industries.** Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.

- **Policy ES 1.5 Attract New businesses and Industries.** Consistent with future economic sustainability plans, encourage and attract new businesses in existing industries and new industries to locate and expand within the City in order to ensure a diverse, leading-edge business community.

ENVIRONMENTAL ASSESSMENT

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines[1], and the environmental regulations of the City. 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 and

[1] The CEQA Guidelines and Statue are available online at http://ceres.ca.gov/ceqa/guidelines

2012 Addendum (hereafter, collectively referred to as the 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 Final 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 Final 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 Final SEIR, *References and Report Preparers.*

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 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, with a CEQA addendum to the Certified Final EIR. For the purposes of the 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.

Based on the studies and analysis contained in the Final SEIR, the following were identified as areas with an increase in the severity of a previously identified significant and unavoidable impact:

- **Impact AQ-2:** On-site construction activity would generate temporary emissions. Such emissions may 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 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, construction activity associated with the Proposed Project could increase the severity of the previously identified significant and unavoidable impact for the Approved Project.

- **Impact N-3**: 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 about 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.

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	08/19/2016	4 Days
Newspaper Notice	10 Days	08/13/2016	08/12/2016	11 Days
Mailed Notice (Owners & Residents - 500' Radius + blockface)	10 Days	08/13/2016	08/12/2016	11 Days
Property Posting	10 Days	08/13/2016	08/12/2016	11 Days
Website	N/A	N/A	08/19/2016	4 Days

Public Comment

To date, staff has received two pieces of correspondence from a single resident expressing opposition to the Proposed Project for various reasons. These include concerns regarding the proposed hotel use, water use, uncertainty in tax revenue, and increased traffic. All correspondence received regarding the Proposed Project (and unrelated to the Draft or Final SEIR) is included in this report as Attachment C. Staff also received four comment letters in response to the Notice of Preparation. These comment letters, including responses from the City, are included in Appendix A of the Final SEIR, which is provided as Attachment M to this report. During the 45-day circulation period for the Draft SEIR, staff received 16 comment letters. These comments related mainly to the adequacy of the Draft SEIR. These comments, along with responses from the City, are included in *Section 8* of the Final SEIR, which is included as Attachment M to this report.

ANALYSIS

Project approval, conditional approval, or denial is based upon specific findings for each discretionary application requested by the applicant. The required findings are included with this report in Attachment A and may be used to guide the Planning Commission's deliberation on the subject project. Additionally, staff's analysis is provided below for the Commission's consideration.

Buildings, Height, and Massing. The previously approved 9900 Wilshire Specific Plan establishes height regulations for various buildings in the Specific Plan Area. The natural slope of the 9900 Wilshire project site results in an approximately 20-foot decrease in elevation from the northwest corner along Wilshire Boulevard to the southern side near

Santa Monica Boulevard. Therefore, the height of buildings in the Specific Plan area is measured from the adjacent grade rather than a single datum point, in order to account for the relative location of each building.

The Approved Project was designed to comply with the 9900 Wilshire Specific Plan, and included a total of three main buildings consisting of a 13-story North Condominium Building located along the northwest portion of the site near Wilshire Boulevard, a 15-story South Condominium Building located along the southwest portion of the site near Santa Monica Boulevard, and a Spa Pavilion with restaurant and retail uses located in the southeast portion of the site along Santa Monica Boulevard and closer to Merv Griffin Way. In the Approved Project, the North Condominium Building is allowed a maximum height of 108' at the northern-most portion of the building, and steps up to a maximum height of 161' on the southern portion of the building. The South Condominium building is allowed a maximum height of 185', and the Spa Pavilion with restaurant and retail uses is allowed a maximum height of 28'.

The Proposed Project includes buildings in the same general area and building envelopes of the approved North and South Condominium Buildings, while shifting the floor area from what was previously the Spa Pavilion further north to make way for a new motor court along Santa Monica Boulevard. The Proposed Project includes a structure in the southeast area of the property along Merv Griffin Way for a ballroom and hotel lobby entrance. The Proposed Project does not include any changes to the heights of the North and South Condominium Buildings, and results in a decrease in height for the ballroom structure to 26' from the 28' that was previously approved for the Spa Pavilion.

In terms of the buildings' footprints, as mentioned above, the Spa Pavilion and restaurant/retail building from the Approved Project are proposed to be reconfigured in order to accommodate the motor court entrance along Santa Monica Boulevard. This results in less building mass being perceived at the Santa Monica Boulevard frontage. Additionally, there are various minor adjustments being proposed for the footprints of the North and South Condominium Towers. These consist of shifting the building widths by 5' to 10' at various points, with some areas being reduced in width while others are being increased. Based on the relatively small amount of building width being added at various points, along with the corresponding reductions at other points, the overall changes to the building widths will likely be imperceptible and would not constitute a substantial change from what was previously approved. Furthermore, the overall architectural design of the revised buildings will be subject to Architectural Review, and is consistent with the general design contemplated in the Approved Project.

Based on the fact that there will be no change in height to the condominium towers; that the previously approved building along Santa Monica Boulevard and Merv Griffin Way will be slightly reduced in height; and the minimal nature of the changes to the building widths of the condominium towers, the proposed changes to the building designs do not appear to result in any negative impacts relating to building height, scale, or massing.

Changes in Use. While the Proposed Project would result in some minor physical changes to the buildings on the site, a more substantial change is the inclusion of a new luxury hotel

use with up to 134 rooms, along with associated amenities and various restaurant/bar uses, which will ultimately result in a greater concentration of activity at the subject property. The Proposed Project would replace the condominiums in levels 2, 3, 4, and portions of level 5 in the South Condominium Tower with hotel rooms, and would include meeting/ballroom facilities and hotel shops in Level P1, which is a subterranean level. A Lobby Lounge would be located at the Ground Level, along with an Outdoor Dining Area in the Hotel Garden. Various amenities and dining areas will also be added to the rooftop of the South Condominium Building, including indoor and outdoor dining and bar areas, a hotel spa, and a function room. Table 2-3 in the Project Description section of this report provides a comparison between the uses in the Approved Project and the Proposed Project. The table below demonstrates the distribution of various function room, dining, and hotel amenity uses in the Proposed Project:

Level	Use	Area
Level P1 (Subterranean)	Meeting Rooms/Ballroom	7,942 SF
	Hotel Shops	2,484 SF
Ground Level	Lobby Lounge	1,907 SF
	Outdoor Dining[2]	1,000 SF
Level 14 – Lower Rooftop (South Building)	Restaurant/Bar[3]	12,834 SF
	Outdoor Dining	600 SF
Level 15 – Upper Rooftop (South Building)	Restaurant/Bar	3,223 SF
	Hotel Spa	7,370 SF

While the new restaurant and hotel amenities in the Proposed Project would likely be desirable for future residents in the project site, the Planning Commission may wish to consider the various compatibility issues typically associated with hotel uses in proximity to residential uses. For example, the Planning Commission may wish to recommend conditions relating to the operating hours of various dining areas on the site in order to minimize disruptions to future residents both at the 9900 Wilshire property, as well as future residents in the proposed condominiums at the Beverly Hilton property across Merv Griffin Way. Additionally, the Planning Commission may wish to consider whether it would be necessary to place operational restrictions on use of the ballroom/meeting rooms, outdoor dining areas, or on the rooftop amenities. These restrictions could address the use of live and/or amplified sound, hours of operation, frequency of events, or limitations on the number of patrons. It should be noted, however, that due to the locations of all these uses (Level P1 for the ballroom/meeting rooms, and Levels 14 and 15 for the rooftop dining/bar areas), it is unlikely that noise or other impacts would be generated from operation of these amenities.

[2] Outdoor Dining areas not counted toward floor area
[3] Figures shown for dining areas are inclusive of both front and back of house areas

A proposed use that could generate undue noise impacts is the 1,000 SF outdoor dining area proposed on the Ground Floor. The Approved Project, which included a 600 SF Outdoor Dining Area, included a Condition of Approval prohibiting amplified music from the outdoor dining areas. The applicant proposes use of outdoor areas for live entertainment, which could include amplified sound. The Commission may wish to discuss whether these uses are appropriate, and whether any restrictions are warranted.

Traffic. The Final SEIR includes a detailed analysis of the traffic impacts of the Proposed Project in Section 4.5 *Transportation and Traffic*, as well as in the Transportation Impact Study prepared by Fehr & Peers, which is included as Appendix D to the Final SEIR. The table below provides a comparison of the overall trip generation between the Approved Project and the Proposed Project in terms of total daily trips and peak hour trips.

Land Use	Approved Project	Proposed Project	Change
	Daily Trips		
Condominiums	834	685	-149
Hotel	-	1,039	+1,039
Restaurant/Lounge/Bar	610	424	-186
Retail	501	-	-501
Spa	-	35	+35
Total Daily Trips	**1,945**	**2,183**	**+238**
	AM Peak Hour Trips		
Condominiums	65	53	-12
Hotel	-	55	+55
Restaurant/Lounge/Bar	56	2	-54
Retail	12	-	-12
Spa	-	3	+3
Total AM Peak Hour Trips	**133**	**113**	**-20**
	PM Peak Hour Trips		
Condominiums	78	64	-14
Hotel	-	76	+76
Restaurant/Lounge/Bar	52	44	-8
Retail	44	-	-44
Spa	-	4	+4
Total PM Peak Hour Trips	**174**	**188**	**+14**
	Mid-day Peak Hour Trips		
Condominiums	78	64	-14
Hotel	-	65	+65
Restaurant/Lounge/Bar	78	24	-54
Retail	40	-	-40
Spa	-	4	+4
Total Mid-day Peak Hour Trips	**196**	**157**	**-39**
	Saturday Peak Hour Trips		
Condominiums	69	56	-13
Hotel	-	35	+35
Restaurant/Lounge/Bar	48	20	-28
Retail	58	-	-58
Spa	-	4	+4
Total Saturday Peak Hour Trips	**175**	**115**	**-60**

As shown in the table, the Proposed Project results in an additional 238 total daily trips. Compared to the Approved Project, the Proposed Project results in an additional 14 trips during the PM Peak Hour. However, the Proposed Project results in a reduction of 20 AM Peak Hour trips, 39 Mid-Day Peak Hour trips, and 60 Saturday Peak Hour trips.

Motor Court and Circulation. In order to determine the most effective circulation program for the project site, several options were considered and studied in the Draft SEIR. All options included a private residential driveway access located along the western boundary of the site, accessible from both Santa Monica Boulevard and Wilshire Boulevard and consistent with the Approved Project. A loading area access point was also included at the eastern boundary from Merv Griffin Way. Finally, in order to provide access for hotel guests, spa and restaurant visitors, taxis, shared ride vans, private cars/limos, and the hotel valet service, a motor court entrance is proposed along Santa Monica Boulevard. The five circulation options proposed by the applicant provided various alternatives for accessing this motor court along Santa Monica Boulevard. The following two options were identified as the most feasible and were studied in the Draft SEIR[4]:

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, 22-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 22-foot width).

Based on comments received during the circulation period for the Draft SEIR, including comments from the Planning Commission hearing held on May 12, 2016, Motor Court Option 1 has been revised with a modified design that is now being proposed by the applicant as the preferred motor court access option. This preferred option would allow two-way access from Santa Monica Boulevard with an east-bound left turn lane, as well as a permanent two-way access from Merv Griffin Way. This option would maintain the same

[4] All considered motor court options are also described and illustrated in the Final SEIR (also provided as Attachment M to this report), and the potential effects of each option on local traffic levels of service are discussed in Section 4.5 of the Final SEIR, Transportation and Traffic (under Impact T-3).

private drive for residential access along the project's western boundary as well as the loading access from Merv Griffin Way.

With the provision of a dedicated east-bound left-turn lane from Santa Monica Boulevard, the preferred option (revised Option 1) removes the need for a U-Turn at Merv Griffin Way, which reduces the likelihood of vehicular conflicts and provides easier access to the hotel motor court. Additionally, with a new two-way secondary access provided along Merv Griffin Way, vehicles leaving the site intending to travel eastbound will be able to exit at Merv Griffin Way and use the new signalized intersection at Santa Monica Boulevard to make a protected left turn, which is preferred over the previous version of Option 1 where vehicles would need to exit onto Santa Monica Boulevard and travel westbound into Century City and make a U-Turn before returning back into Beverly Hills to travel east. The addition of a secondary access point at Merv Griffin also provides flexibility for site access during periods where closures are necessary on Santa Monica Boulevard for various reasons, such as the Golden Globe Awards ceremony, reconstruction of Santa Monica Boulevard, or infrastructure repairs. While this design would increase options for site access, the Commission may wish to discuss whether two-way access to Merv Griffin Way should be subject to any peak-hour or event-related restrictions in order to minimize the possibility of conflicts with cross traffic on Merv Griffin Way.

Parking. The Approved Project, which consisted of 235 condominiums and 15,856 SF of commercial space, requires 876 parking spaces. Although the Proposed Project maintains the same floor area as the Approved Project, the Proposed Project includes changes to the uses in the Specific Plan Area, including replacing a portion of the residential units with a 134-room hotel with ancillary facilities and bar/dining uses. For projects that have a mix of uses, the Beverly Hills Municipal Code (BHMC) requires that parking be provided for each use. In cases where there are commercial uses included with a hotel, the BHMC allows 50% of the parking spaces required for the hotel use to satisfy the parking requirement for the associated commercial uses. The BHMC also allows further reductions in the parking requirements for hotels by up to 15%, provided that the Planning Commission makes a finding that the location of the hotel, availability of public transportation, or proximity and concentration of shopping to the hotel site will result in the hotel not generating a need for the number of parking spaces otherwise required by code. If the Planning Commission were to approve a further reduction of 15%, the total parking requirement would be reduced to 1,140 spaces. The table below provides a summary of the parking requirement for the Proposed Project, assuming all allowable reductions are granted:

Use	# of Parking Spaces Required
Condominiums (including guest parking)	558
Hotel Rooms	134
Bar/Dining	267
General Commercial	45
Meeting Rooms	284
TOTAL PARKING REQUIRED (without reductions)	1,288
Hotel Commercial Use Reduction	*(-45)*
15% Overall Reduction	*(-103)*
TOTAL PARKING REQUIRED (with reductions)	***1,140***

While the 45 space reduction is granted automatically through the application of the BHMC, the Planning Commission retains discretion on whether to grant the 15% overall parking reduction, based on the findings set forth above. With respect to the location of the hotel and availability of public transportation, the 9900 Wilshire site is located at the western edge of Beverly Hills near the intersection of Wilshire Boulevard and Santa Monica Boulevard. There are numerous transit lines that provide service throughout the region and have stops at or near the project site. These include Metro Lines 4, 20, 16/316, as well as Metro Rapid Lines 704 and 720. Additionally, the planned Purple Line subway system includes a stop at Avenue of the Stars/Constellation, which is approximately half a mile from the project site. While the Proposed Project will not contain a high concentration of shopping on-site, it does contain a mix of uses, including residential and bar/dining, and is located just outside the Business Triangle. It is reasonable to assume that a number of patrons of the hotel amenities will either be residents of the condominiums or guests of the hotel. Finally, the project site is immediately adjacent to the Beverly Hilton, Waldorf Astoria, and the proposed condominiums at the Beverly Hilton site. These nearby uses would also likely make up a portion of the visitors to the One Beverly Hills project site, and would most likely not require additional parking due to the walkable distance between the two sites. For these reasons, staff recommends that the Planning Commission find that due to the location of the hotel, availability of public transportation, mix of uses on-site, and proximity to shopping, the hotel site will not generate a need for the number of parking spaces otherwise required by code, and that a 15% reduction to the total parking requirement for the hotel and commercial component of the Proposed Project be granted.

Although the project satisfies the amount of parking required by the Municipal Code (assuming all reductions are granted), it is noted that the Approved Project included 188 parking spaces in excess of Municipal Code requirements, whereas the Proposed Project does not include excess parking spaces. Meeting, rather than exceeding, code requirements is still anticipated to provide an adequate number of parking spaces on site given the mix of uses and increasing use of ridesharing services; however, the Commission

may wish to discuss whether there is a continued benefit to providing additional parking spaces beyond Municipal Code requirements.

Loading. The Proposed Project provides access for loading trucks from a garage entrance off of Merv Griffin Way. The loading docks for both hotel and residential uses are located below grade in Level P1. While the Approved Project also included loading dock access from Merv Griffin Way, the luxury hotel and ancillary uses in the Proposed Project will result in a higher volume and frequency of daily deliveries.

Based on estimates provided by the applicant (which were derived from observing actual loading activities at the Montage Beverly Hills and the Fairmont Miramar Hotel in Santa Monica), the Proposed Project is anticipated to generate 48 loading trips per week, whereas the Approved Project would have generated 24 trips per week. This results in an additional 24 delivery truck trips on a weekly basis. The applicant has indicated that deliveries and loading will occur between the hours of 6:00 AM and 2:30 PM, Monday through Saturday. The majority of loading vehicles (34 weekly trips) are anticipated to be box/step vans, although nearly a third of loading activities (14 weekly trips) are anticipated to be tractor-trailers. Loading activities are anticipated to be spread out evenly throughout the weekdays (8-10 daily trips Monday through Friday), with lesser activity on Saturdays (approximately 4 trips). No loading activities are expected to occur on Sundays.

The Planning Commission may wish to consider the potential impacts of the increase in loading activities in close proximity to existing sensitive receptors (Beverly Hilton Hotel guests), as well as anticipated future sensitive receptors (One Beverly Hills condominium residents and Beverly Hilton Condominium residents), and determine what restrictions, if any, would be appropriate.

Construction Management. Construction of either the Approved Project or the Proposed Project would result in various disruptions and potential impacts to nearby properties, including noise, air quality, and traffic impacts. Additionally, the Planning Commission has expressed concern about the likely overlap of the Proposed Project at 9900 Wilshire Boulevard with other large projects in the vicinity, including construction of the proposed condominiums at the Beverly Hilton site, construction of various projects in nearby Century City (i.e. 10000 Santa Monica Boulevard, Westfield Century City, etc.), and reconstruction of Santa Monica Boulevard. A table is provided below which summarizes nearby projects with their anticipated or projected time frames:

Project	Duration[5]
Century City Center	3 Years
Century Plaza Hotel Plan A	3.5 Years
Century Plaza Hotel Plan B	3.5 Years
10000 Santa Monica Blvd	3 Years
BHUSD – BHHS	4 Years
BHUSD – El Rodeo	4 Years
BHUSD – Hawthorne	4 Years
Beverly Hilton[6]	4 Years
Westfield Century City	4 Years

While it is clear that numerous construction projects will be ongoing during the next 4 years near the project site, attempts to quantify the exact cumulative impacts from these projects would be speculative, especially as these impacts relate to construction traffic. This is because these projects are currently at various stages of completion, with some projects nearing completion while others have not yet broken ground. Based on the particular stage of construction (i.e. demolition, excavation, foundation, grading, interior finishes), a project could be generating various amounts of trips relative to the Proposed Project at 9900 Wilshire Boulevard. Additionally, even if it were possible to determine how many trips would be occurring at any given time, it would also be speculative to determine the distribution of these trips. While hauling activities can be limited to established haul routes, it would be difficult to determine the travel patterns of construction workers traveling to and from the various construction sites, particularly for those projects located outside the City of Beverly Hills. Finally, it would also be difficult to predict the potential cumulative impacts resulting from the reconstruction of Santa Monica Boulevard, since construction management plans have not yet been finalized. However, in recognition of anticipated improvements to Santa Monica Boulevard west of Wilshire Boulevard resulting from implementation of the Beverly Hilton Revitalization Plan and the 9900 Wilshire Specific Plan, the reconstruction of Santa Monica Boulevard undertaken by the City of Beverly Hills will likely begin at the eastern City boundary, and would not extend west of Wilshire Boulevard.

Recognizing these limitations, there are still various approaches that can be taken to minimize the construction impacts as much as possible. For example, the Planning Commission expressed an interest in understanding the implications of allowing certain construction activities, such as excavation and hauling, to occur during the night-time hours to avoid the addition of haul trucks to daytime peak traffic hours. Staff and the consultant team, along with input from the applicants, have conducted additional studies on this issue

[5] Construction information was obtained from the environmental studies completed for each project. More detailed information provided in the Final SEIR in Table RTC-10 in Appendix 9 – Responses to Comments.
[6] Construction duration of Beverly Hilton project would be the same under the Beverly Hills Garden and Open Space Initiative.

to determine whether night-time construction could be allowed while maintaining less than significant impacts with respect to other issues, such as noise, which could increase due to higher sensitivity during the night-time hours. Based on these studies, it was concluded that with the use of a 35' sound attenuating wall located along the entire eastern property boundary along Merv Griffin Way, the noise impacts resulting from night-time construction would be less than significant (below 5 dBA CNEL and Leq above ambient) to the nearest sensitive receptor, which would be the existing Beverly Hilton hotel rooms located along Merv Griffin Way, which is approximately 50 feet from the 9900 Wilshire property line. A 12' sound wall would be required along the remaining perimeter of the property, in accordance with mitigation measures adopted as part of the Approved Project. With the inclusion of the 35' sound wall, construction noise impacts would also be reduced to less than significant levels throughout the daytime construction hours as well, resulting in a less impactful construction period than was identified in the Final EIR for the Approved Project.

The Final SEIR includes a total of 47 Mitigation Measures. Of these, 32 relate to construction-period impacts, and are intended to reduce the significance of these impacts. The full Mitigation Monitoring and Reporting Program (MMRP) is provided as Appendix F to the Final SEIR, which is included as Attachment M to this report. The MMRP includes measures from the original FEIR as well as new or modified mitigation measures identified in the Final SEIR, including measures such as wind-monitoring, preparation of a Construction Traffic Management Plan and a Construction Workers Parking Plan, and various noise-attenuation techniques to minimize construction impacts. Additionally, the Approved Project included a total of 84 conditions of approval, 13 of which related specifically to construction management. Some of these conditions include a requirement for a 12' construction fence to reduce noise, retention of a third-party construction management plan coordinator to maintain the construction management plans, and maintaining a publicly accessible website with an updated construction schedule.

Based on the findings relating to night-time construction, as well as the numerous construction-related Mitigation Measures and Conditions of Approval, staff recommends that the Planning Commission recommend provisions in the Construction Management Plan that would allow heavy hauling outside of normal construction hours, subject to all Mitigation Measures and Conditions of Approval relating to minimizing noise and light/glare impacts.

Fiscal Considerations and Development Agreement. At the time when the Approved Project was originally being reviewed by the Planning Commission and City Council, one area of consideration was the proposed change in zoning from a fully commercial property to a mostly residential use. In particular, it was recognized that the City contains a limited amount of commercially zoned properties from which to generate sales tax and other revenues to provide services for the entire community. Thus, the loss of a major commercial property like 9900 Wilshire would likely result in long-term loss of commercial revenue. In part to address this concern, the City entered into a Development Agreement with the developer at the time. The Development Agreement vested the rights to the Approved Project in exchange for various public benefits to the City. The full terms of the Development Agreement are included as Attachment L to this report, which also includes strikeout/underline edits proposed by the applicant in conjunction with the Proposed Project. The public benefits included in the agreement are set forth in Section 10 of the agreement

(Developer's Obligations). The following is a list of the primary public benefits included with the Approved Project:

- Public Benefit Contribution of $30,000,000
- Environmental Mitigation and Sustainability (EMS) Fee of $4.50 for each $1,000 of value of property sold (paid in perpetuity at the time of any future sale)
- Public Open Space Easement
- Public Art Requirement
- BHUSD Benefit Fee of $1,000,000

These and other terms contained in the Development Agreement were adopted by the City Council in 2008 based on the project that was before them at the time. The currently Proposed Project consists of amending the approved 9900 Wilshire Specific Plan to allow an up to 134 room luxury hotel with ancillary services as well as various restaurant/bar uses. Since the Proposed Project now includes the re-introduction of commercial uses that will likely generate revenue to the City (including transient occupancy tax from the hotel), amendments are being proposed to the Development Agreement as shown in Attachment L. At this time, and without the benefit of any negotiations occurring yet, the applicant's preliminary proposal retains the previously approved public benefits and adds a provision for a 5% Municipal Surcharge, which would provide the City with an additional 5% of hotel room revenue beyond the 14% Transient Occupancy Tax that the City already collects on hotel stays.

The applicant has submitted economic studies of the Proposed Project, including an Economic Impact Analysis prepared by Beacon Economics (Attachment I), a Fiscal Impact Analysis prepared by PKF Consulting (Attachment J), and a study of the potential impact on the Beverly Hills luxury hotel market from the opening of One Beverly Hills, prepared by CBRE Hotels (Attachment K).

During a recent Study Session held on August 16, 2016, the City Council discussed procedures for negotiating Development Agreements in general. After deliberations, the City Council directed staff to identify independent negotiators to assist the City in Development Agreement negotiations, and bring forward qualified candidates for the City Council's consideration. Once an independent negotiator has been chosen, negotiations on the Development Agreement for the Proposed Project can begin. The Council also indicated that the process should include input from the public on any proposed Development Agreements prior to the agreements being brought forward to the City Council for final decision.

Thus, for the Proposed Project, it is recommended that the Planning Commission provide comments on potential amendments to the Development Agreement, and provide an opportunity for the public to do the same during the public hearing. These comments will be forwarded to the independent negotiator and the City Council Ad Hoc Committee for their information as negotiations begin.

Summary of Project Benefits and Concerns. Based on the analysis provided above, a summary of the project's potential benefits and potential concerns is provided in the table below for the Planning Commission's consideration.

Potential Benefits	Potential Concerns
• The establishment of a new luxury hotel will provide additional tax revenue to the City • Luxury hotel will provide amenities for residents of the proposed condominiums • Proposed Project's restaurant and open spaces will provide new amenities to all residents and could activate this important City gateway • Additional outdoor dining opportunities at the ground level will provide additional amenities for visitors of the public gardens, resulting in a more enjoyable experience for residents and visitors alike • The project will add to the City's inventory of luxury hotels • Opportunity to renegotiate Development Agreement and public benefits	• Although the increase in vehicle trips associated with the Proposed Project will not cause a significant environmental impact, these trips may cause additional traffic congestion in the area • Views from the rooftop amenities may result in negative privacy impacts to nearby single-family residential neighborhoods • The concurrent construction of the Proposed Project, along with other construction projects in the vicinity of the project site, may result in overlapping construction impacts that could be more difficult to mitigate • Increased loading activities generated by the hotel use • Motor court configuration may result in increased opportunities for vehicle conflicts

NEXT STEPS

It is recommended that the Planning Commission conduct the public hearing and receive testimony on the project, and direct staff as appropriate with respect to any project modifications, requests for information, or preparation of resolutions memorializing the Commission's findings.

Report Reviewed By:

Ryan Gohlich, AICP, Assistant Director of
Community Development / City Planner

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

City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 285-1141 FAX. (310) 858-5966

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 Complete	7/25/2014
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

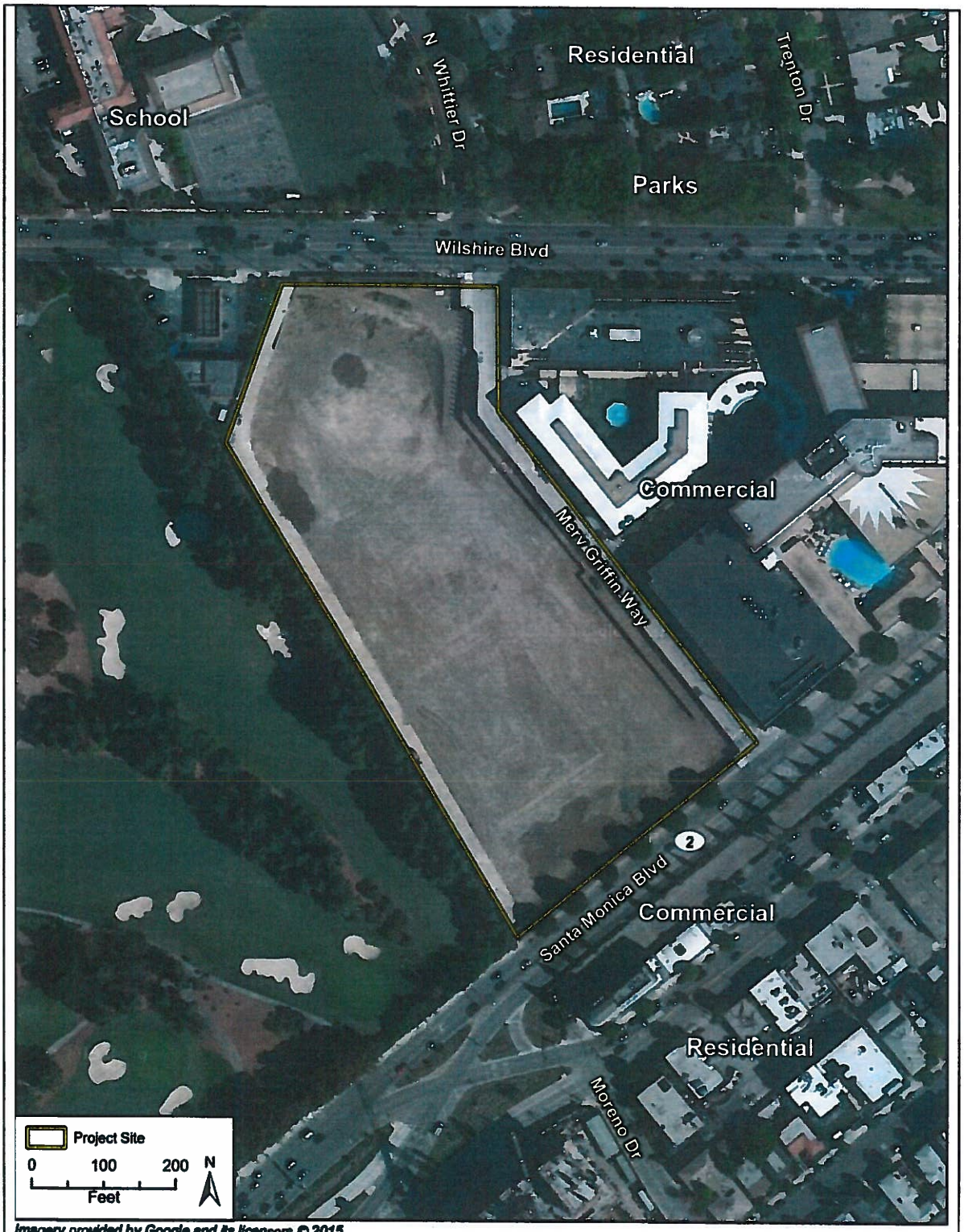
Report Author and Contact Information:
Andre Sahakian, Associate Planner
(310) 285-1127
asahakian@beverlyhills.org

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	None
Protected 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.



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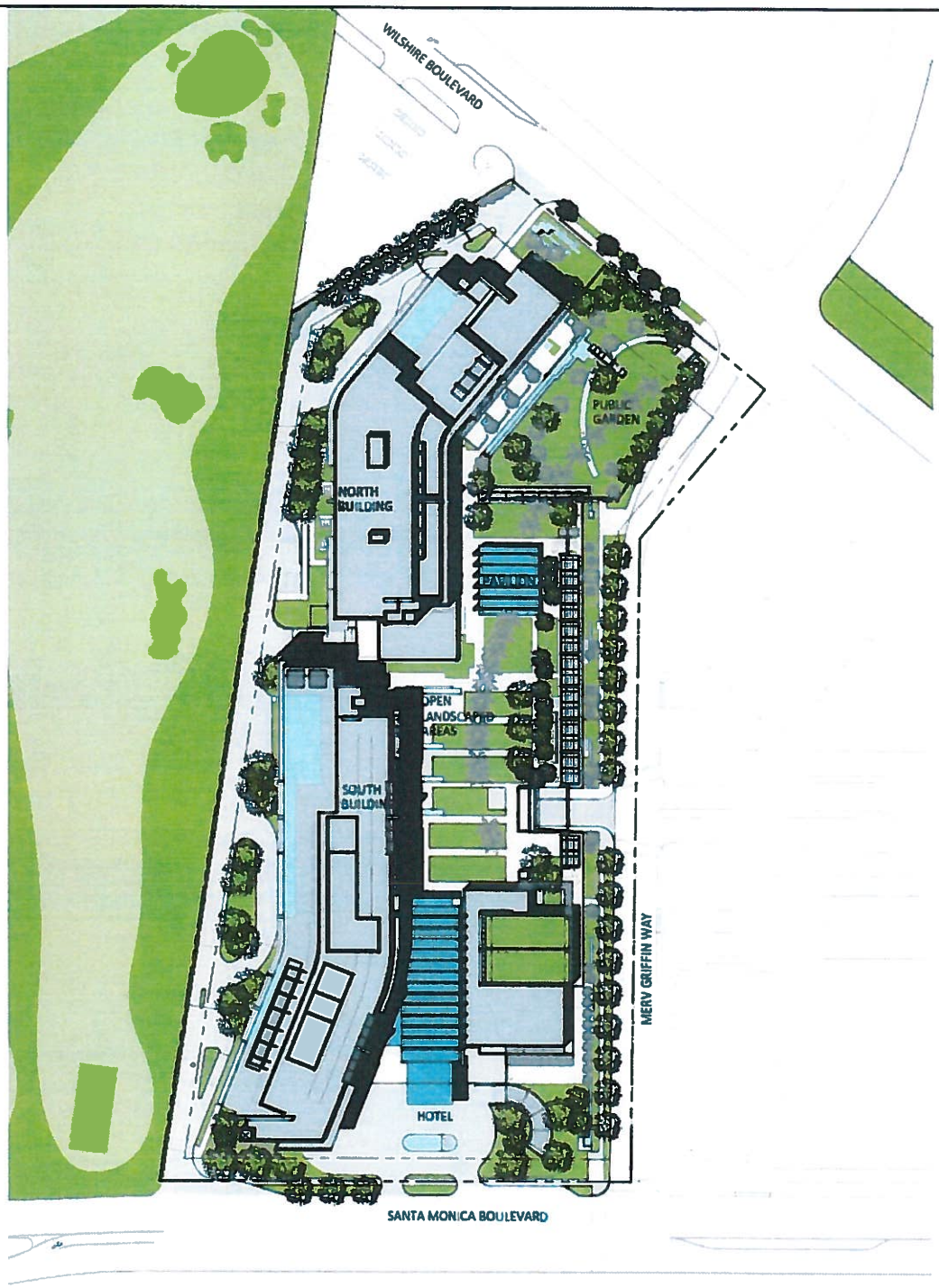
Project Location



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.

<u>Site Access and Parking</u>

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
Residential			
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
Total Residential Units	***235***	***193***	***-42***
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
Total Residential Area	***885,658 SF***	***697,223 SF***	***-188,435 SF***
Commercial			
Retail	11,656 SF	0 SF[1]	-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
Total Commercial Area	***15,856 SF***	***0 SF***	***-15,856***
Hotel			
Hotel Rooms	0	134	+134
Hotel Floor Area			
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
Total	0	204,291 SF	+204,291 SF

[1]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

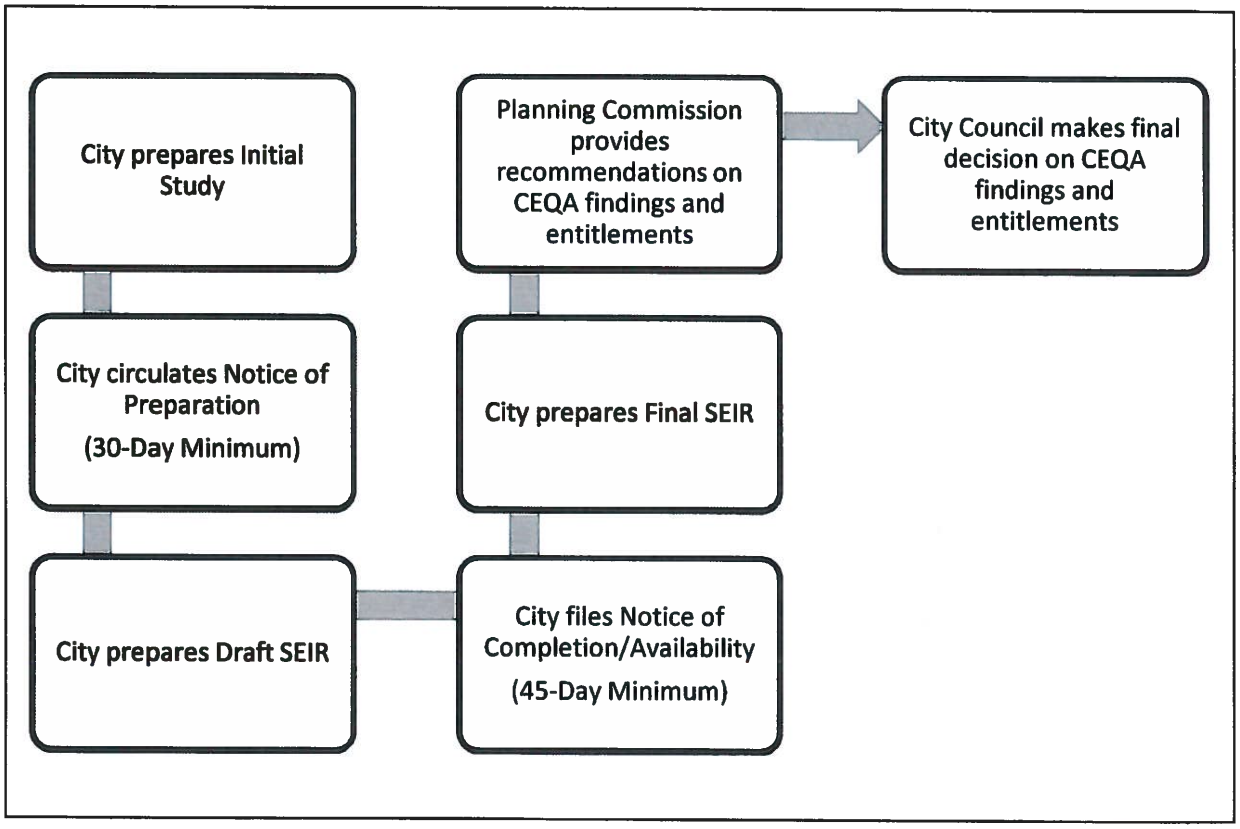
Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	5/6/2016	6 Days
Newspaper Notice	10 Days	5/2/2016	4/15/2016	27 Days
Mailed Notice (Owners & Occupants - 500' Radius + blockface)	10 Days	5/2/2016	4/15/2016	27 Days
Property Posting	10 Days	5/2/2016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

Issue Area	Initial Study Finding
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
	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.
Hazards and Hazardous Materials	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.
Hydrology and Water Quality	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.
Land Use and Planning (Divide an established Community, Conflict with Conservation Plans)	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.
Mineral Resources	The 2008 FEIR did not identify any impacts to mineral resources and the Proposed Project similarly would have no impact.
Noise	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.
Population and Housing	The Proposed Project would generate fewer new residences

Table 1–2
Issues Not Studied in the SEIR

Issue Area	Initial Study Finding
	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.
Public Services	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.
Recreation	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.
Transportation/Traffic	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.
Utilities and Service Systems	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.

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.

<u>Transportation and Traffic</u>
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:

Masa Alkire, AICP, Principal Planner