

APPENDIX B

Revisions to Mitigation Measures since Printing the Final EIR

INTRODUCTION

The Final EIR for the Beverly Hilton Revitalization Plan was printed and distributed to the City of Beverly Hills Planning Commission in February 2008. During the Planning Commission's review and consideration of mitigation measures included within the Final EIR, the text of several mitigation measures was enhanced and/or refined; thus the text of mitigation measures referenced in the Mitigation Monitoring and Reporting Program differ slightly from the text included in the printed version of the Final EIR.

Appendix B to the Final EIR shows the Planning Commission's revisions to mitigation measures and includes updated responses to comments that reference revised the mitigation measures.

Mitigation Measure AQ-14 has been revised as follows:

MM-AQ-14 ~~The project proponent shall establish a third party air quality consultant to conduct monitoring of the PM10 (dust) concentrations at one upwind (background) location and one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within 7 calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM10 concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.
- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general

public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website.

- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM10 thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

New Mitigation Measure AQ-15 has been added to require the following:

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).

- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Mitigation Measure NOISE-2 has been revised as follows:

MM-NOISE-2 The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

Mitigation Measure TRAF-5 has been revised as follows:

MM-TRAF-5 The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction

Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following:

- Maintain existing access for land uses in the proximity of the project site during project construction.
- Schedule deliveries and pick-ups of construction materials for non-peak travel periods.
- Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time.
- Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard.
- Construction equipment traffic from the contractors shall be controlled by flagman.
- Designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project.
- Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets.
- Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.
- ~~Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.~~
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.
- Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive.
- The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental

Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.

- Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

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

Mitigation Measure TRAF-6 has been revised as follows:

MM-TRAF-6 The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and specify the method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the following measures:

- All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets north of Wilshire or in public parking structures;
- No Parking for construction workers shall be permitted except only within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and
- In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker

parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities.

Mitigation Measure TRAF-7 has been revised as follows:

MM-TRAF-7 The project applicant shall revise the project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site. Traffic control devices, and specifically stop signs, shall be installed at each driveway exit point prior to building occupancy.

3.1 Responses to Written Comments

Letter No. 4: Beverly Hills Unified School District, October 12, 2007

Response 4-1

The commenter notes that the construction haul route may greatly interfere with school operations. However, The Beverly Hilton Project, as opposed to the 9900 Wilshire Project, will use Santa Monica Boulevard instead of Wilshire Boulevard. Therefore, haul traffic from this project will not directly travel adjacent to El Rodeo School.

Response 4-2

The commenter requests that the Construction Traffic Management Plan be submitted to the District for review, comment, and approval. The City recognizes the need to involve the BHUSD with further development of the Construction Traffic Management Plan and will modify mitigation measure TRAF-5 to include the following statement (a new bullet point):

- Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

Mitigation Measure TRAF-5 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program. As such, the following language has been added to Letter No. 4, Response No. 4-2.

Additionally, the following language has been added to mitigation measure TRAF-5:

The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include (1) a requirement for use of double-belly trucks to the maximum extent feasible to reduce the number of truck trips, (2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, (3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and (4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.

Response 4-3

The commenter states that the Draft EIR for the Beverly Hilton Revitalization Project relies solely on distant air monitoring stations and calculations. The South Coast Air Quality Management District (SCAQMD) does not require air sampling to be conducted in the local area or at a nearby school for the purposes of CEQA. The SCAQMD operates and maintains a network of monitoring stations located throughout the region under its jurisdiction. The monitoring stations are calibrated according to established protocols, and the data are evaluated by SCAQMD staff to account for errors and other inconsistencies. Each monitoring station generally provides long-term (five years of data were summarized in the Draft EIR) air quality data that is representative of a defined area, known as a source receptor area (SRA). The data from a monitoring station is representative of general air quality conditions in the SRA in which it is located. The SCAQMD recommends that projects should use data from the monitoring station located in the SRA to determine background concentrations. In the event data for a particular pollutant are not available, the next nearest monitoring station should be used.² While local air sampling is feasible, establishing a background concentration would not be possible since it would only provide short-term data. For these reasons, the Draft EIR utilized data from the monitoring station located in the same SRA as the project or from the next closest monitoring station.

The commenter notes that the Draft EIR for the Beverly Hilton Revitalization Project concludes that emissions of oxides of nitrogen (NO_x) during construction exceed the SCAQMD threshold and that these emissions are considered inmitigable. The Draft EIR indicates that emissions of NO_x during construction will exceed the established significance threshold; however, mitigation measures are provided that reduce the level of combustion emissions, which include NO_x. It is acknowledged in the Draft EIR that the mitigation measures would not necessarily reduce the emissions to a less-than-significant level.

The commenter notes that the Draft EIR for the Beverly Hilton Revitalization Project does not incorporate a health risk assessment for diesel fumes. The SCAQMD has established CEQA significance thresholds for the health impacts associated with toxic air contaminants. The California Air Resources Board (CARB) has designated particulate matter emissions from diesel-fueled engines as a toxic air contaminant. Generally, however, the SCAQMD does not require a health risk assessment for diesel particulate matter (DPM) associated with project construction. For the Beverly Hilton Revitalization Project, the SCAQMD did not submit a comment on the Notice of Preparation or Draft EIR recommending that a health risk assessment be conducted for construction-related diesel emissions.

² South Coast Air Quality Management District. *Final Localized Significance Threshold Methodology*, p. I-5, June 2003.

Because the diesel particulate matter emissions during construction are relatively short-term and the students at El Rodeo School may only be exposed for a portion of the construction days, it is not expected that the chronic noncancer health risk or cancer risk would exceed the SCAQMD thresholds for health effects in the vicinity of the project. For these reasons, a health risk assessment was not incorporated in the Draft EIR. Nevertheless, Section 4.2, Air Quality, of the Draft EIR includes a general discussion of the health impacts related to construction of the project and discusses the potential health risks associated with various pollutants.

Based on consultations with the Beverly Hills Unified School District, the District's concerns over air quality identified in the comments above are incorporated into the EIR. In addition, the City of Beverly Hills will work with the District to help mitigate adverse air quality-related impacts on the District's facilities due to project implementation. It is recommended that additional mitigation measures be added to Section 4.2 of the EIR:

~~MM-AQ-14 The project proponent shall establish a third-party air quality consultant to conduct monitoring of the PM₁₀ (dust) concentrations at one upwind (background) location and one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third-party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with Rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third-party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within seven calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

Mitigation Measure AQ-14 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). Further, an additional measure, Mitigation Measure AQ-15, has been added in response to the Planning Commission's review and consideration of the Final EIR and MMRP. As such, the language in **Letter No. 4, Response No. 4-3** has been revised as follows:

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than 1 hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour

threshold shall not be deemed as a violation of any air quality standard or regulation.

- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM₁₀ concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM₁₀ concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM₁₀ thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but not be limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Response 4-4

The commenter states that the Draft EIR for the Beverly Hilton Revitalization Project concludes that standard air mitigation measures will still result in significant and unavoidable impacts with respect to dust emissions. The commenter also notes that the Draft EIR does not include a specific analysis on the air quality impacts to school children and suggests that such an analysis should be included in the Draft EIR and that air monitoring at the school's perimeter nearest to the project site be added as a mitigation measure. The commenter also suggests that construction activities should be reduced if dust exceeds the significance thresholds for children.

Based on the Localized Significance Thresholds (LST) analysis, the Draft EIR concludes that respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}) emissions due to construction of the project

will result in significant and unavoidable ambient air quality impacts. The SCAQMD has not promulgated air quality significance thresholds specific to children. However, the SCAQMD has adopted LSTs for sensitive receptors, which are defined as persons who could potentially remain at a location for a specific length of time (1 hour, 8 hours, or 24 hours) depending on the pollutant being analyzed. The school was considered a sensitive receptor for all pollutants assessed in the LST analysis, including PM₁₀ and PM_{2.5}. It should be noted that SCAQMD Rule 403 prohibits visible fugitive dust emissions beyond the boundary of a project site. While the LST analysis addresses the hypothetical impacts on ambient air quality, the project proponent's compliance with Rule 403, and if necessary, enforcement by the SCAQMD, will help to ensure that adverse impacts do not occur.

Based on consultations with the Beverly Hills Unified School District, the District's concerns over air quality identified in the comments above are incorporated into the EIR. In addition, the City of Beverly Hills will work with the District to help mitigate adverse air quality-related impacts on the District's facilities due to project implementation. It is recommended that additional mitigation measures be added to Section 4.2 of the EIR:

~~**MM-AQ-14** The project proponent shall establish a third-party air quality consultant to conduct monitoring of the PM₁₀ (dust) concentrations at one upwind (background) location and one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third-party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with Rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third-party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within seven calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

Mitigation Measure AQ-14 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). Further, an additional measure, Mitigation Measure AQ-15, has been added in response to the Planning

Commission's review and consideration of the Final EIR and MMRP. As such, the language in Letter No. 4, Response No. 4-4 has been revised as follows:

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than 1 hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average

dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.

- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM₁₀ concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM₁₀ concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM₁₀ thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but not be limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity, and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Response 4-5

The District states its concern about shading of El Rodeo School's campus and states that it will provide the City with comments on those impacts. The commenter also claims that the shade/shadow analysis contained in The Beverly Hilton Revitalization Plan Project EIR only addresses impacts of The Beverly Hilton Revitalization Plan Project and not those of the 9900 Wilshire Project. The EIR contains analysis of the specific impacts associated with The Beverly Hilton Revitalization Plan Project in Section 4.1.3, and

subsection 4.1.3.8 addresses the potential for cumulative shading of the school's campus by the 9900 Wilshire and Beverly Hilton Revitalization Projects.

A subsequent comment letter prepared by Orbach, Huff & Suarez, LLP and transmitting District comments on The Beverly Hilton Revitalization Plan EIR was received by the City (see **Letter No. 90**). This letter recommends that the developer mass the structures in a manner that would not cast significant shadows on El Rodeo School. The shade and shadow study for The Beverly Hilton Revitalization Plan Project, prepared by Impact Sciences, Inc., analyzed shadows that would be cast by proposed project site buildings onto El Rodeo School during the summer solstice (June 21st), for each hour from 9:00 AM to 5:00 PM, and during winter solstice (December 21st) for each half-hour from 7:30 AM to 3:30 PM. The study shows that El Rodeo School would not be shaded at any time during the summer solstice since shadows would not be cast to the north. Since El Rodeo School would not experience any project-generated shade, project-related shadow impacts during the summer solstice would be less than significant.

During winter solstice existing trees in the area shade portions of the campus; however, the proposed project would result in additional shadows cast on the campus. Section 4.1.3, Shade and Shadow, of the Draft EIR contains analysis of project-specific and cumulative shade and shadow impacts to El Rodeo School. The analysis found that (1) a classroom and administration building in the southwestern corner of El Rodeo School's campus would be in shade briefly, until 8:00 AM, and (2) outdoor recreational facilities in the southeastern corner of campus would be in shade from approximately 7:30 AM until 10:00 AM, with only a small area affected after 9:00 AM (refer to Figures 4.1.3-4 and 4.1.3-5 of the Draft EIR). The threshold applied to EIRs prepared by the City of Beverly Hills stipulates that shading "for an extended duration (three hours or more)" is a reasonable threshold for significance determination. Consequently, a three-hour threshold was employed for the determination of significant impacts from the project on adjacent land uses. Since school facilities would be shaded for less than three hours and only in the early morning, shadow impacts were found to be less than significant. Therefore, no significant shadow impacts to El Rodeo School would occur and no mitigation is necessary.

The 9900 Wilshire and The Beverly Hilton Revitalization Plan Projects would shade off-site land uses, including the school, park, and residences north of Wilshire, at different times of day, and no single land use would be shaded for more than three hours as a result of the combined shading effects of the two projects. The shading impacts of The Beverly Hilton Revitalization Plan Project, considered together with the 9900 Wilshire Project and other related projects would be less than cumulatively considerable and therefore not significant.

As stated in Section 4.1.3, and during a presentation of the joint project shading impacts by the City's environmental consultant at the November 8, 2007, Planning Commission hearing, combined shading impacts would remain less than significant.

Response 4-6

This commenter requests that noise monitoring be provided during project construction to ensure that noise thresholds for children are not exceeded. The commenter points out that these thresholds are not provided in the EIR. While the City has adopted the Office of Planning and Research's (OPR) standards for 24-hour community noise exposure levels for various sensitive receptors (see Table 4.8-4 in Section 4.8, Noise, of the Draft EIR), the City has not adopted standards specifically for construction noise levels. Therefore, no specific construction noise thresholds for sensitive receptors such as El Rodeo School have been adopted by the City.

As shown in Table 4.8-5 in Section 4.8, Noise, of the Draft EIR, noise levels experienced at El Rodeo School due to project construction could intermittently reach 88 dB(A). However, noise levels that are presented in Table 4.8-5 reflect the peak noise levels of equipment used during each phase and assume the simultaneous operation of all equipment within each phase. The majority of the time, construction noise levels experienced at the school would be well below the noise levels reflected in Table 4.8-5. Furthermore, mitigation measures would be implemented as part of a finalized Construction Management Plan to reduce project-related construction noise.

As discussed in Section 4.8, Noise, of the Draft EIR, some construction activity may occur outside the hours permitted by the City's noise ordinance (i.e., between the hours of 6:00 PM and 8:00 AM on weekdays, or at any time on Saturday, Sunday or a public holiday). Such "after-hours" construction would help offset noise impacts to the school, but would increase impacts to neighboring residents during evening and weekend periods. Therefore, requiring all construction activity to occur after-hours is not feasible.

In order to reduce impacts associated with project construction noise experienced at El Rodeo School, mitigation measure MM-NOISE-1 will be expanded to include the following restriction on construction activities statement (a new bullet point):

- Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g., demolition and grading) is undertaken during any designated testing periods at the

school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.

Response 4-7

As discussed, the City will consult with the Beverly Hills Unified School District on the applicant's Construction Management and Traffic Mitigation Plans. This comment will be included in the Final EIR and forwarded to decision makers in the City.

Response 4-8

The commenter states that there was no plan or study of impacts on the surrounding community. The Draft EIR contains a review of potential traffic impacts on Whittier Drive and other residential streets within the study, as per the requirements of the City of Beverly Hills. Please see Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR and Recirculated EIR for the analysis and conclusions of the traffic studies completed for the proposed project. Therefore, the traffic study did assess the impact of vehicles entering and exiting the project site during both construction and operation.

Response 4-9

As mentioned in Section 4.11, Transportation, Traffic, Parking and Circulation, of both the Draft EIR and the Recirculated EIR, a Community Liaison Officer (CLO) shall be appointed by the developer to respond to the concerns of surrounding residents, businesses, and the general public. Additionally, the applicant shall provide Beverly Hills Unified School District (BHUSD) and El Rodeo School with a construction schedule and shall notify BHUSD and El Rodeo School of the start date of project construction. Also, BHUSD and El Rodeo School shall be notified of any lane closures within the vicinity of the project.

Mitigation measures in Section 4.11, Transportation, Traffic, Parking and Circulation, of both the Draft EIR and the Recirculated EIR, state that the City shall provide an Environmental Monitor to monitor the compliance of the mitigation measures in the Mitigation Monitoring Program and shall proactively inform the public of the ongoing project progress and respond to requests for information and assistance when impacts raise special concerns by members of the public.

The Construction Management and Mitigation Plan contains provisions for pedestrian safety such as maintaining a solid plywood construction barrier at the perimeter of the site under construction at the time pursuant to the phasing plan and covering sidewalks adjacent to the construction site.

Additionally, the City will review concerns related to pedestrian safety and determine if mitigation is possible and in what way mitigation is possible.

Also, as stated in Section 4.10.2, Police Protection, of the Draft EIR, police response times and service are adequate to serve the project site. As such, in the event of an emergency the police department will be able to quickly and adequately respond.

Response 4-10

The commenter expresses concerns about additional traffic on Santa Monica Boulevard and its impacts on students travel to/from El Rodeo School and the Beverly High School. However, the incremental traffic from this project is minimal with additional peak hour trips ranging from 16 in the AM Peak Hour to 67 in PM Peak Hour generated by the proposed development on the site. The number of incremental project trips using Santa Monica Boulevard ranges from 5 trips in the AM Peak Hour to 20 trips in the PM Peak Hour. The peak hour volumes on Santa Monica Boulevard range from 3,000 trips in the AM Peak Hour to over 4,000 trips in the PM Peak Hour. Given this low incremental volume combined with the high background traffic volumes projected on Santa Monica Boulevard, the project would have little impact on vehicles traveling to/from various schools in Beverly Hills.

Response 4-11

The commenter expresses concerns about the cumulative impacts of planned projects and their timing. The analysis of traffic impacts assumed the completion of both the 9900 Wilshire and Beverly Hilton Revitalization Plan Projects and included traffic associated with both projects. In other words, the traffic analysis for the 9900 Wilshire Project accounted for the completion of The Beverly Hilton Revitalization Plan Project as one of the many projects contributing to future traffic volumes. Likewise, the traffic analysis for The Beverly Hilton Revitalization Plan Project accounted for the completion of the 9900 Wilshire Project as one of the many projects contributing to the future traffic increase. Regarding the timing of the projects, the construction schedule for the 9900 Wilshire Project has been modified so that both projects would be constructed along similar schedules if both projects begin construction simultaneously. Please see **Letter No. 4, Response No. 4-9**, regarding additional information related to construction and project timing.

Response 4-12

Please see **Letter No. 4, Response No. 4-9**, above. As discussed therein, provisions are included in the EIR to avoid contact between students and construction workers, and safeguards would be implemented to prevent injury and threats of safety to students.

Response 4-13

In Section 4.11, Transportation, Traffic, Parking and Circulation, the Draft EIR concludes that the parking for the site is adequate based on the following considerations:

- Extensive field surveys of the site indicate that the existing hotel is able to provide sufficient parking for regular hotel operations and special events held at the hotel. The EIR concludes that the parking is sufficient because there is no evidence of spillover parking, even with the closure of the adjacent Robinsons-May site to overflow parking.
- Much of the alleged shortage in parking, based on parking code, derives from the City's requirements related to meeting spaces. If the City's parking requirement for meeting spaces is an accurate depiction of conditions at the existing Hilton property and did not meet the parking need, then a significant level of parking spillover would be expected. Since this spillover does not currently occur, it can be concluded that the City's meeting space requirements overstate the site's parking needs as current operations. Some reasons why the City's meeting space requirements might overstate parking demand at the Hilton include:
 - The City's meeting space requirement applies to all of the meeting room space and treats all meeting spaces as being simultaneously occupied. Except for very large events like the Golden Globes, there are few occasions when all of the meeting spaces within the hotel are concurrently in use.
 - Attendees at meeting spaces are sometimes hotel guests who will not require a separate parking space.
 - It is not uncommon for meeting attendees to arrive with other attendees, as is often the case with larger events such as evening meetings where dinners are being served.
- The Draft EIR documents that incremental development on the site (condominiums and restaurant) has sufficient new parking spaces. As the Waldorf=Astoria replaces existing rooms on site, the Draft EIR concluded that the existing parking spaces would serve these rooms as well since rooms would be replaced, not added.
- As the existing hotel has sufficient existing parking spaces and the new development has sufficient new parking spaces, then the overall project has sufficient parking.

Letter No. 54: Shirley Zaragoza, dated September 27, 2007

Response 54-1

This comment is in support of the proposed project. This comment is noted and will be incorporated into the Final EIR to be provided for the review and consideration of the decision makers prior to any approval action on the project. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Response 54-2

The commenter states that “The Beverly Hilton [should] follow up on its commitment to monitor and manage air quality concerns, and safety issues, for both our children and the surrounding community.” The City of Beverly Hills, in consultation with the Beverly Hills Unified School District, has agreed to work with the District to help mitigate negative air quality-related impacts on the District’s facilities due to project implementation. It is recommended that ~~an~~ additional mitigation measures be added to Section 4.2 of the EIR:

~~MM-AQ-14 The project proponent shall establish a third party air quality consultant to conduct monitoring of the PM₁₀ (dust) concentrations at one upwind (background) location and one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with Rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within seven calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

Mitigation Measure AQ-14 has been revised in response to the Planning Commission’s review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). Further,

an additional measure, Mitigation Measure AQ-15, has been added in response to the Planning Commission's review and consideration of the Final EIR and MMRP. As such, the language in Letter No. 54, Response No. 54-2 has been revised as follows:

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than 1 hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by

the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.

- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM₁₀ concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM₁₀ concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM₁₀ thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

The Draft EIR also includes other air quality- and safety-related design features and mitigation measures. These features and mitigation measures will reduce the air quality emissions associated with the project and reduce the safety hazards in the local area.

Response 54-3

This comment is in support of the proposed project. This comment is noted and will be incorporated into the Final EIR to be provided for the review and consideration of the decision makers prior to any

approval action on the project. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Letter No. 90: Orbach, Huff & Suarez LLP, November 15, 2007

Response 90-1

This comment is an introduction to comments that follow. Inclusion of this letter in the Final EIR fulfills the request to incorporate the letter into the Record. No further response is required.

Response 90-2

Please refer to **Letter No. 90, Response Nos. 90-6 through 90-13**, for detailed responses regarding concerns raised by the commenter.

Response 90-3

Potential shading and shadow impacts to the El Rodeo School campus are addressed in Section 4.1.3, Shade and Shadow, of the Draft EIR. Potential air quality impacts to students and staff at El Rodeo School are addressed in Section 4.2, Air Quality, of the Draft and Recirculated EIR. Potential noise impacts associated with project construction and operation are evaluated in Section 4.8, Noise, of the Draft and Recirculated EIR. Overall impacts to Beverly Hills Unified School District are evaluated and discussed in Section 4.10.3, Schools, of the Draft EIR. Potential safety impacts, and specifically pedestrian safety impacts are evaluated in Section 4.11, Transportation, Traffic, Parking and Circulation, of the Draft and Recirculated EIR. Additional information regarding pedestrian safety is provided in **Letter No. 4, Response No. 4-9**. Therefore, throughout the analysis included in the EIR, impacts to the El Rodeo School campus as well as the students that attend El Rodeo School are evaluated.

Response 90-4

This comment suggests that preparation and recirculation of the Draft EIR may be necessary. Recirculation of the Draft EIR is not required based on the standards defined in Section 15088.5 of the *California Environmental Quality Act (CEQA) Guidelines*. This section of the *Guidelines* state that a lead agency is required to recirculate an EIR when significant new information is added to the EIR. This information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Significant new information requiring recirculation could include a new significant environmental impact or a substantial increase in the severity of an environmental impact.

The information provided in response to this comment and other comments in this Final EIR do not identify a new significant environmental impact or a substantial increase in the severity of an environmental impact. According to the *CEQA Guidelines* Section 15088.5(b), recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. The responses provided to this comment and to other comments received in response to the Draft EIR clarify, simplify or make insignificant changes to information provided in the Draft EIR; this additional information does not change the conclusions reached in the Draft EIR or disclose any new impacts. Therefore, recirculation of the Draft EIR is not required.

In order to provide the public with a meaningful opportunity to comment upon potential impacts related to traffic, air quality and noise for this project and the adjacent 9900 Wilshire Project, the Lead Agency determined that certain sections of the Beverly Hilton Revitalization Plan Project EIR and the 9900 Wilshire EIR should be revised to use similar baseline conditions as another recent project and thereafter recirculated for additional public review, in accordance with footnote 1 found in Section 4.11, Transportation, Traffic, Parking and Circulation, page 4.11-9. Sections 4.11, Transportation, Traffic, Parking and Circulation, 4.2, Air Quality and 4.8, Noise, were revised and recirculated with a shortened 30-day public review period beginning October 16, 2007, and ending November 13, 2007.

The analyses contained in Sections 4.11, Transportation, Traffic, Parking and Circulation, 4.2, Air Quality, and 4.8, Noise, in the recirculated Draft EIR indicate that the use of higher traffic counts collected for the 231-265 North Beverly Drive, William Morris Project in June 2006 did not lead to the finding of any new or more severe environmental impacts related to air, noise or traffic. Therefore, the findings in the Draft EIR dated August 2007 remain unchanged and no additional or revised mitigation measures are needed.

Response 90-5

The comment requests that this EIR not be certified but instead be revised and recirculated. For the reasons discussed in **Letter No. 90, Response No. 90-4**, above, recirculation of the Draft EIR is not warranted. As such, this comment will be forwarded to the decision-makers for the proposed project.

This comment is an introduction to comments that follow. Inclusion of this letter in the Final EIR fulfills the request to incorporate the letter into the Record. No further response is required.

Response 90-6

The commenter states that the Draft EIR for the Beverly Hilton Revitalization Project relies solely on distant air monitoring stations and calculations. The South Coast Air Quality Management District (SCAQMD) does not require air sampling to be conducted in the local area or at a nearby school for the

purposes of CEQA. The SCAQMD operates and maintains a network of monitoring stations located throughout the region under its jurisdiction. The monitoring stations are calibrated according to established protocols, and the data are evaluated by SCAQMD staff to account for errors and other inconsistencies. Each monitoring station generally provides long-term (five years of data were summarized in the Draft EIR) air quality data that is representative of a defined area, known as a source receptor area (SRA). The data from a monitoring station is representative of general air quality conditions in the SRA in which it is located. The SCAQMD recommends that projects should use data from the monitoring station located in the SRA to determine background concentrations. In the event data for a particular pollutant are not available, the next nearest monitoring station should be used. While local air sampling is feasible, establishing a background concentration would not be possible since it would only provide short-term data. For these reasons, the Draft EIR utilized data from the monitoring station located in the same SRA as the project or from the next closest monitoring station.

The commenter notes that the Draft EIR for the Beverly Hilton Revitalization Project concludes that emissions of oxides of nitrogen (NO_x) during construction exceed the SCAQMD threshold and that these emissions are considered inmitigable. The Draft EIR indicates that emissions of NO_x during construction will exceed the established significance threshold; however, mitigation measures are provided that reduce the level of combustion emissions, which include NO_x. It is acknowledged in the Draft EIR that the mitigation measures would not necessarily reduce the emissions to a less-than-significant level.

The commenter notes that the Draft EIR for the Beverly Hilton Revitalization Project does not incorporate a health risk assessment for diesel fumes. The SCAQMD has established CEQA significance thresholds for the health impacts associated with toxic air contaminants. The California Air Resources Board (CARB) has designated particulate matter emissions from diesel-fueled engines as a toxic air contaminant. Generally, however, the SCAQMD does not require a health risk assessment for diesel particulate matter (DPM) associated with project construction. For the Beverly Hilton Revitalization Project, the SCAQMD did not submit a comment on the Notice of Preparation or Draft EIR recommending that a health risk assessment be conducted for construction-related diesel emissions.

Because the diesel particulate matter emissions during construction are relatively short-term and the students at El Rodeo School may only be exposed for a portion of the construction days, it is not expected that the chronic noncancer health risk or cancer risk would exceed the SCAQMD thresholds for health effects in the vicinity of the Project. For these reasons, a health risk assessment was not incorporated in the Draft EIR. Nevertheless, Section 4.2, Air Quality, of the Draft EIR includes a general discussion of the health impacts related to construction of the project.

The commenter states that the Draft EIR for the Beverly Hilton Revitalization Project should incorporate air monitoring at the school during construction and that the construction activities should be stopped or modified if the air contaminants exceed the threshold for children. The SCAQMD has not established significance thresholds specifically for children, although the California Ambient Air Quality Standards do reflect the particular sensitivity of children to air pollutants. However, the SCAQMD has adopted Localized Significance Thresholds (LSTs) for sensitive receptors, which are defined as persons who could potentially remain at a located for a specific length of time (1 hour, 8 hours, or 24 hours) depending on the pollutant being analyzed. The school was considered a sensitive receptor for all pollutants assessed in the LST analysis.

Based on consultations with the Beverly Hills Unified School District, the District's concerns over air quality identified in the comments above are incorporated into the EIR. In addition, the City of Beverly Hills will work with the District to help mitigate adverse air quality-related impacts on the District's facilities due to project implementation. It is recommended that an additional mitigation measure^s be added to Section 4.2 of the EIR:

~~MM-AQ-14 — The project proponent shall establish a third-party air quality consultant to conduct monitoring of the PM₁₀ (dust) concentrations at one upwind (background) location and one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third-party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with Rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third-party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within seven calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

Mitigation Measure AQ-14 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). Further, an additional measure, Mitigation Measure AQ-15, has been added in response to the Planning

Commission's review and consideration of the Final EIR and MMRP. As such, the language in Letter No. 90, Response No. 90-6 has been revised as follows:

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than 1 hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.
- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average

dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.

- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM₁₀ concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM₁₀ concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM₁₀ thresholds are exceeded.
- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but not be limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Response 90-7

The commenter states that, while the Draft EIR concludes health impacts due to emissions of PM₁₀ and PM_{2.5} are minor or temporary, a specific analysis was not conducted on the impacts to children. The SCAQMD has not established significance thresholds specifically for children, although the California Ambient Air Quality Standards do reflect the particular sensitivity of children to air pollutants. However, the SCAQMD has adopted Localized Significance Thresholds (LSTs) for sensitive receptors, which are defined as persons who could potentially remain at a located for a specific length of time

(1 hour, 8 hours, or 24 hours) depending on the pollutant being analyzed. The school was considered a sensitive receptor for all pollutants assessed in the LST analysis.

Response 90-8

The commenter states that the Draft EIR concludes that standard air mitigation measures will still result in significant and unavoidable impacts with respect to dust emissions. The commenter suggests that air monitoring at the school's perimeter nearest to the project site be added as a mitigation measure and that the City of Beverly Hills should either stop or modify construction if monitoring demonstrates a significant dust impact to school children.

The SCAQMD has not promulgated air quality significance thresholds specific to children, although the California Ambient Air Quality Standards do reflect the particular sensitivity of children to air pollutants. The SCAQMD has adopted LSTs for sensitive receptors, which are defined as persons who could potentially remain at a located for a specific length of time (1 hour, 8 hours, or 24 hours) depending on the pollutant being analyzed. The school was considered a sensitive receptor for all pollutants assessed in the LST analysis.

The feasibility and potential value of ambient air quality monitoring has been evaluated. First, it would be difficult to separate the ambient air quality impacts resulting from motor vehicles traveling on Wilshire Boulevard and nearby streets from those resulting from construction equipment associated with the proposed project as they emit many of the same air pollutants (e.g., oxides of nitrogen, carbon monoxide). Second, SCAQMD Rule 403 prohibits visible fugitive dust emissions beyond the boundary of a project site. If dust complaints were registered with the SCAQMD, the SCAQMD at its discretion may perform PM₁₀ monitoring in the vicinity of the project site. If the fugitive dust due to the project construction results in an increase of 50 micrograms per cubic meter (the 24-hour average California Ambient Air Quality Standard for PM₁₀), the project would be in violation of Rule 403, and the SCAQMD could take enforcement action to ensure that the project does not result in unacceptable levels of fugitive dust.

Based on consultations with the Beverly Hills Unified School District, the District's concerns over air quality identified in the comments above are incorporated into the EIR. In addition, the City of Beverly Hills will work with the District to help mitigate adverse air quality-related impacts on the District's facilities due to project implementation. It is recommended that an additional mitigation measure be added to Section 4.2 of the EIR:

~~MM AQ 14 — The project proponent shall establish a third party air quality consultant to conduct monitoring of the PM₁₀ (dust) concentrations at one upwind (background) location and~~

~~one or more downwind receptor locations to determine if such results are in compliance with the established threshold in SCAQMD Rule 403. The monitoring shall be conducted at least one time per week for the duration of the demolition and grading period. The third-party consultant shall be approved by the City of Beverly Hills Planning Department. Sample locations, methods, and sampling duration shall be selected in accordance with Rule 403. To the extent feasible, one downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. Costs for the monitoring stations and tests by the third-party consultant shall be borne by the project proponent. If any measurements are found by the consultant to exceed the SCAQMD Rule 403 threshold, the project proponent shall submit a corrective action plan to the City of Beverly Hills within seven calendar days after receipt of the report from the consultant. The corrective action plan shall specify a schedule for ongoing remedial action and implementation shall begin as soon as reasonably practical, as determined by mutual agreement with the City of Beverly Hills.~~

Mitigation Measure AQ-14 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP). Further, an additional measure, Mitigation Measure AQ-15, has been added in response to the Planning Commission's review and consideration of the Final EIR and MMRP. As such, the language in Letter No. 90, Response No. 90-7 has been revised as follows:

MM-AQ-14 The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM₁₀ (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other similar monitoring networks and shall meet the following requirements:

- The third-party consultant shall be approved by the City of Beverly Hills Planning Department.
- Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant.
- Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM₁₀ concentrations and to minimize the influence of dust contributions from outside

sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than 1 hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.

- The monitoring network shall include at least one anemometer to measure wind speeds and directions.
- Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.
- Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).
- Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.
- The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.
- Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM₁₀ concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM₁₀ concentrations on a publicly accessible website.
- Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM₁₀ thresholds are exceeded.

- Corrective measures shall be implemented immediately provided that it is safe to do so. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that it is safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.
- The project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but not be limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills prior to commencing demolition.

MM-AQ-15 The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.

- The project applicant and/or contractor shall designate a person located on site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).
- The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as to minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.
- In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate

managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

Response 90-9

The commenter expresses concern regarding the project's shadow impacts to El Rodeo School. See **Letter No. 4, Response No. 4-5.**

Response 90-10

The commenter states that the project site contains asbestos and a 15,000-gallon underground storage tank that has lead components. As stated in Section 4.2 of the Draft EIR, the project will have to comply with SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). This rule requires owners and operators of any demolition or renovation activity and the associated disturbance of asbestos containing materials (ACM), any asbestos storage facility, or any active waste disposal site to implement work practice requirements to limit asbestos emissions from building demolition and renovation activities, including the removal and associated disturbance of ACM. Compliance with Rule 1403 also requires the owner or operator of any demolition or renovation activity to have an asbestos survey performed prior to demolition. The project will also have to comply with required mitigation measures in Section 4.5, Hazards and Hazardous Materials, regarding lead-containing materials. Compliance with these mitigation measures will result in less than significant impacts at El Rodeo School.

Response 90-11

The commenter requests that a comprehensive asbestos and lead survey should be conducted prior to EIR certification and project approval. As discussed in Section 4.5, Hazards, of the Draft EIR, testing for materials containing asbestos and lead has been conducted on the project site. The Draft EIR notes that some materials have not yet been tested and that the release of asbestos and lead during demolition would result in a significant impact. However, the Draft EIR describes several measures that would mitigate this potential impact to a less than significant level. MM-HAZ-1 requires the sampling of all suspect asbestos-containing materials (ACMs) such as roofing, wall finishes and non-friable floor finishes,

prior to demolition. As specified under MM-HAZ-2, all construction activities would be required to comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. The rule requires SCAQMD to be notified before demolition or renovation activity occurs. All ACMs found on the site must be removed prior to demolition or renovation in accordance with the requirements of Rule 1403. These mitigation measures would reduce potential impacts associated with ACMs to a less than significant level. MM-HAZ-3 requires that the sampling of suspect materials for lead content be conducted prior to demolition activities and that any surfaces containing concentrations of lead at or above regulatory limits be removed in accordance with applicable regulations. MM-HAZ-4 states that the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by Cal/OSHA, Title 8, CCR, Construction Safety Orders for Lead, Section 1532.1, during demolition activities. MM-HAZ-5 requires that all demolition debris be analyzed for lead content and sorted for proper hazardous waste disposal. These mitigation measures would reduce potential impacts associated with lead.

Incorporation of all the above mitigation measures would ensure that if the project is approved, no hazardous substances would be released from the project site in excess of allowable concentrations. Additional testing for ACMs and lead, as specified under MM-HAZ-1 and MM-HAZ-3, respectively, would occur prior to demolition activity. Therefore, additional testing for ACMs or lead prior to project approval, as suggested by the commenter, would not further reduce any impacts identified in the Draft EIR, and these on-site controls would ensure that no impact to El Rodeo School would occur and no mitigation would be required.

Response 90-12

The commenter requests that noise monitoring be conducted on the school site during project construction. See **Letter No. 4, Response No. 4-6**, regarding construction noise impacts to El Rodeo School and noise monitoring.

Additionally, the commenter requests that vibration monitoring be conducted on the school site due to the potential for significant vibration impacts. The City's vibration threshold for schools is 75 VdB. As shown in Table 4.8-6 in Section 4.8, Noise, vibration levels associated with operation of a large bulldozer could reach 75 VdB approximately 100 feet from the equipment. It should be noted that such significant vibration impacts would occur at the playground of the school campus and not at the school buildings, which are located farther than 100 feet from the project site. Nevertheless, where vibration impacts would be significant, such impacts would occur intermittently. The majority of the time, construction vibration levels experienced at the school would be well below the levels reflected in Table 4.8-6.

Furthermore, mitigation measures would be implemented as part of a finalized Construction Management Plan to reduce project-related construction vibration.

The commenter also suggests that noise and vibration monitoring be conducted at Beverly Hills High School. This school is located approximately 750 feet south of the project site's southern boundary and the two properties are separated by several buildings and roadways. In contrast, El Rodeo School is located approximately 100 feet from the project site and is separated by a single roadway. Therefore, the noise and vibration levels generated by the project due to distance and the presence of intervening structures would attenuate to less than significant levels at the high school. Therefore, no further analysis of noise and vibration impacts to the high school is required.

Response 90-13

The commenter asks that the Construction Traffic Management Plan be submitted to the Beverly Hills Unified School District for their review and comment. The City recognizes the need to involve the BHUSD with further development of the Construction Traffic Management Plan and will modify mitigation measure TRAF-5 to include the following statement (a new bullet point):

- Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Worker Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

Mitigation Measure TRAF-5 has been revised in response to the Planning Commission's review and consideration of the Final EIR and the Mitigation Monitoring and Reporting Program. As such, the following language has been added to **Letter No. 90, Response No. 90-13**.

Additionally, the following language has been added to Mitigation Measure TRAF-5:

The Final Construction Traffic Management Plan shall be submitted and approved by the City no later 30 days prior to commencement of construction and shall include (1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, (2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, (3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, and (4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible.

Response 90-14

The commenter states that no review of site access was provided in the Draft EIR. This comment is in error; the review of site access is documented on pages 4.11-62 through 4.11-67 of the Draft EIR.

Response 90-15

Section 4.4, Geology and Soils, of the Draft EIR indicates that the applicant would comply with the Dewatering Ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code. The Dewatering Ordinance requires that the water be used for beneficial purposes including but not limited to irrigation. Therefore, if dewatering is necessary it would be conducted consistent with City Code. It is not expected that there would be an on-going need for dewatering such that it would be a reliable source of water to the District for irrigation.

Response 90-16

The commenter states that the parking required is far below what is required by existing codes and regulations. In Section 4.11, Transportation, Traffic, Parking and Circulation, the Draft EIR concludes that the parking for the site is adequate based on the following considerations:

- Extensive field surveys of the site indicate that the existing hotel is able to provide sufficient parking for regular hotel operations and special events held at the hotel. The EIR concludes that the parking is sufficient because there is no evidence of spillover parking, even with the closure of the adjacent Robinsons-May site to overflow parking.
- Much of the alleged shortage in parking, based on parking code, derives from the City's requirements related to meeting spaces. If the City's parking requirement for meeting spaces is an accurate depiction of conditions at the existing Hilton property and did not meet the parking need, then a significant level of parking spillover would be expected. Since this spillover does not currently occur, it can be concluded that the City's meeting space requirements overstate the site's parking needs as to current operations. Some reasons why the City's meeting space requirements might overstate parking demand at the Hilton include:
 - The City's meeting space requirement applies to all of the meeting room space and treats all meeting spaces as being simultaneously occupied. Except for very large events like the Golden Globes, there are few occasions when all of the meeting spaces within the hotel concurrently in use.
 - Attendees at meeting spaces are sometimes hotel guests who will not require a separate parking space.
 - It is not uncommon for meeting attendees to arrive with other attendees, as is often the case with larger events such as evening meetings where dinners are being served.

- The Draft EIR documents that incremental development on the site (condominiums and restaurant) has sufficient new parking spaces. As the Waldorf=Astoria replaces existing rooms on site, the Draft EIR concluded that the existing parking spaces would serve these rooms as well since rooms would be replaced, not added.
- As the existing hotel has sufficient existing parking spaces and the new development has sufficient new parking spaces, then the overall project has sufficient parking.

Response 90-17

The commenter states that the existing Conditional Use Permit for the site anticipates that the adjoining Robinsons-May site will be available for overflow parking. A detailed records search at the City of Beverly Hills did not locate any City-imposed restrictions or requirements that the Robinsons-May site be used to accommodate overflow parking related to the Beverly Hilton Hotel. Additionally, the Robinsons-May site has been fenced off since January 2007 and hotel visitors and guests have been unable to park at this site since that time. Since January 2007, extensive field observations have been conducted which determined that there is no overflow parking into other areas. While the Robinsons-May site may have previously been used for overflow parking, no known requirement or CUP was in place necessitating the provision of this overflow parking on the Robinsons-May site. Further, the Specific Plans for both the proposed project and the adjacent 9900 Wilshire Project would supersede any old permits or requirements that were in place. As detailed within Section 4.11, Transportation, Traffic, Parking and Circulation, in both project-specific EIRs, both projects have been designed with sufficient parking consistent with City Code and the parking supply is anticipated to meet project demands.

Response 90-18

Please see **Letter No. 4, Response No. 4-12**, above.

Response 90-19

The comment contains closing remarks. The comment is noted and will be incorporated into the Final EIR to be provided for the review and consideration of the decision makers prior to any approval action on the project.