

3.2 Responses to Oral Comments

Commenter No. 1: Robbie Anderson, August 22, 2007

Response 1-1

The commenter states that he purchased his house under the assumption that the existing height limits on the project site would not be altered. This comment is acknowledged. However, as this comment does not address the adequacy or completeness of the Draft EIR, no further response is required.

Response 1-2

The commenter states that the proposed building heights would encroach on neighbors. 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. It should be noted that subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design. Compatibility between the project and the building heights of surrounding uses is discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR. The analysis acknowledges that the project would alter the visual character and quality of the site and its surroundings partially due to the proposed building heights, which is a potentially significant impact.

Response 1-3

The commenter expresses a concern regarding the project's shadow impacts to residential areas. The project's shade impacts are analyzed in Section 4.1.3, Shade and Shadow, of the Draft EIR. The analysis found that given the small areas affected and short durations of shading, impacts to the residences north of Wilshire Boulevard would be less than significant.

Response 1-4

The commenter suggests that the proposed buildings should be located closer to Santa Monica Boulevard and Merv Griffin Way, farther from Wilshire Boulevard and the residential areas north of Wilshire Boulevard. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 1-5

The commenter wants to know where the employees will park and how it can be said that the project will not impact traffic and parking. In response to concerns about traffic:

- The Draft EIR states that the project would not generate “significant” traffic impacts related to intersections and roadways. Under CEQA, the identification of significant impact considers project-related characteristics and the City’s Significance Criteria.
- The analysis determined that the project would add some incremental traffic (less than 100 peak hour trips) to the surrounding roadway network. The determination of incremental traffic is based on extensive empirical data collection at the existing Beverly Hilton and developments for facilities similar to those proposed on the site.
- The project proposes several roadway improvements at nearby intersections at or near the project frontage.
- The incremental traffic does not increase traffic to sufficient levels to create impacts under CEQA.

In regards to statements about the adequacy of parking:

- Extensive field surveys of the site indicate that the existing hotel is able to provide sufficient parking for both guests and employees during 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 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 for residents, guests, and employees.

Commenter No. 2: Darian Bojeaux, August 22, 2007

Response 2-1

The commenter stated that she wanted the presentations to be more neutral and claimed the staff referred to the date the resolution will be made, rather than if the resolution is made. As Mr. Bertoni stated at the August 22, 2007, Planning Commission meeting, the Planning Commission is in fact impartial and must act whenever an application is before the Planning Commission by passing a resolution. However, passing a resolution can be to approve a project, approve the project with conditions, or deny the project; either way a resolution will be made unless the application is withdrawn.

Response 2-2

The commenter states that the EIR discusses open space, but does not address the air space that would be used. The air space above the project site would remain open and unobstructed. The volume of air space between the proposed buildings is implicitly addressed throughout Section 4.1, Aesthetics, of the Draft EIR through analysis of project massing, FAR and shade/shadow effects. As the comment does not specifically relate to the analysis included within the EIR, no further response is required.

Response 2-3

The commenter supports the existing building height limit of 45 feet and opposes the increased height limits of the proposed buildings. It should be noted that the existing Wilshire Tower on the project site is 95 feet and eight stories in height, which exceeds the building height limit of 45 feet referenced by the commenter. The commenter's opposition to the increased building height 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 2-4

The commenter stated that she does not think the traffic presentation was helpful at all, especially since the graphics did not show how traffic is now and how it would be if the project is approved. Given the large amount of material presented, much of the presentation material was merely a summary of extensive information provided in the Draft EIR. Information regarding existing and future traffic is provided in Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR.

Response 2-5

The commenter discusses how she thinks the project will make traffic worse and prefers alternative one, two, or a renovation of the current hotel. As this comment expresses a preference for a particular alternative, the City will consider this view when preparing recommendations related to the project approval or denial of the project. This recommendation will also be considered when evaluating potential changes to the project configuration or description during the remainder of the entitlement process.

Commenter No. 3: Ed Brown, August 22, 2007

Response 3-1

The commenter requests that the City complete its General Plan update before considering the proposed project. CEQA does not require that the submittal of project applications be delayed based on the status of a General Plan update. Furthermore, the date for the completion of the City's General Plan update is uncertain and unknown at this time. However, the EIR for the proposed project took into consideration information contained within the City's General Plan Update Technical Background Report, which was prepared in October 2005 and is available for public review, and consultation with City staff and agency representatives.

Response 3-2

The commenter does not want a traffic signal on Santa Monica Boulevard and Merv Griffin Way because the signal will create traffic in the residential neighborhoods by people using those streets as a way to get around the traffic on Wilshire. Also the commenter stated that currently Santa Monica Boulevard is too busy so only a few can cross, but the light will make it easier to use the residential streets as a means to avoid traffic. There was a request from the Planning Commission to provide additional information regarding the potential for a traffic signal at Santa Monica Boulevard/Merv Griffin Way. This

information was presented to the Planning Commission by the City's Traffic consultant who concluded the following:

- Traffic volumes on Merv Griffin Way are generally insensitive to the level of congestion. Over the past 40 years, the growth on Merv Griffin Way has averaged less than 1 percent per year and has not changed significantly as traffic and congestion levels on adjacent roadways like Wilshire Boulevard and Santa Monica Boulevard have increased substantially.
- There appear to be few vehicles using alternative routes which might divert to Merv Griffin Way if a traffic signal were placed. During the PM Peak Hour, there are 445 vehicles which turn left from Santa Monica Boulevard onto Merv Griffin Way. On four parallel streets (Roxbury, Beverly, Canon, and Crescent), there are less than 100 vehicles making that same movement that could potentially divert to Merv Griffin Way.
- The travel time along several parallel routes is much slower than using Merv Griffin Way; therefore we can conclude that anyone who wishes to travel along Merv Griffin Way is already doing so; adding a signal will not substantially increase the travel time to encourage even more people to use Merv Griffin Way.
- Based on these factors above, it is unlikely that a traffic signal would increase cut-through traffic.

Commenter No. 4: Dr. Nanas Fernia, August 22, 2007

Response 4-1

This comment is in support of the aesthetics, open space, and traffic improvements of the proposed project, as well as the increased tax base from 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.

Commenter No. 5: Sender Habalow, August 22, 2007

Response 5-1

This comment is in support of the aesthetics and traffic improvements 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.

Commenter No. 6: Tom Korey, August 22, 2007

Response 6-1

This comment is in support of the traffic improvements of the proposed project, as well as the increased tax base from 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.

Commenter No. 7: Ruth Kraft, August 22, 2007

Response 7-1

The commenter stated that she cannot find anything to substantiate traffic spill over as discussed on page 4.11.35.

The traffic spill over the commenter is discussing is on page 4.11.45, not 4.11.35. Additional information was presented on this topic at the meeting on December 13, 2007, by the City's Traffic consultant. This presentation provided information on surveys which were done on three days at the Hilton which determined that there were few persons walking from the neighborhood area to the Hilton.

Response 7-2

The commenter claims that the community will not use the open space provided by the project, rather the community will use the other parks and their front yards. As stated on page 4.10.4-7, the gardens and landscaped terraces at the ground level are available to residents, hotel guests, and the general public. Access to rooftop gardens and terraces and the pool areas would be restricted to resident and hotel guest uses only. The open space contained within this project are private, however, the ground level open space will be available to the public.

Response 7-3

The commenter prefers Alternative 3 since new buildings would not exceed 45 feet in height. 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.

Response 7-4

The commenter does not think the project has enough parking, especially because parking already spills onto Trenton Dr. (where she lives) during Hotel events. In response:

- 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 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.

Response 7-5

The commenter stated that she already has difficulty getting onto Wilshire Boulevard from Trenton Drive and is concerned about it worsening. The Draft EIR analyzed the Project's impact on residential streets (4.11-44 and 4.11-55) and determined that there would be no new significant impacts on adjacent residential streets.

Commenter No. 8: Larry Larson, August 22, 2007**Response 8-1**

The commenter stated that the parking is not adequate as it does not meet current code (only about 38% of what the code requires), which will create huge problems especially at large events. In response:

- 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 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.

In addition, several issues relate to the application of the parking code standards to this site:

- The Beverly Hilton is an existing use and its parking areas are therefore allowed under code.
- All of the requirements of the parking code would only apply to the Beverly Hilton if the building were to be substantially rebuilt as the Municipal Code has several provisions which address existing parking adequacy even if renovation/reconstruction of a site occurs. These provisions are generally

referred to the 50 percent/70 percent rule which require full parking code compliance only if a majority of a building is reconstructed.

- New uses on the site, which include a restaurant and the condominiums, would have to provide sufficient parking to comply with the provisions of the municipal code. The Draft EIR indicated that these uses had sufficient parking as required by code.

Response 8-2

The commenter wants more detail on how the traffic generations were created. The commenter claimed that the area should be surveyed during tourist season and when the hotel is more than 70 percent occupied since the new hotel will most likely be more than 70 percent occupied on a continual basis. The Draft EIR provides additional information about the trip generation analysis process on pages 4.11-26 to 4.11-29. The hotel trip generation estimates are based on data collected on a variety of days including several days where hotel occupancy was in excess of 85 percent. There was only a single day when the occupancy was less than 70 percent.

Commenter No. 9: Ruth Lowe/Dorothy Factor, August 22, 2007

Response 9-1

The commenter states that the proposed building heights would detract from the City's community identity, specifically the Garden City image. 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 discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 9-2

The commenter states that building height on the project site is limited by a covenant. The City Attorney has investigated this issue and has determined that no covenant or other limitation other than City Code regulates building height on the project site.

Commenter No. 10: Robert Mirvis, August 22, 2007

Response 10-1

This comment discusses general opposition to the proposed project because the project is too big, traffic in the area is getting worse, the project will lower the standard of living, and the decreasing aesthetics of architecture within Beverly Hills. Thus, the discussion does not raise specific concerns with the content and scope of the Draft EIR. The concerns raised are anecdotal in nature; as such 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. No further response is required.

Commenter No. 11: Frank Moris, August 22, 2007

Response 11-1

This comment discusses opposition to the proposed project because there are too many projects going on in Beverly Hills. A cumulative impacts analysis subsection is included within each environmental impact area analyzed in the Draft and Recirculated EIRs that discusses the project's impacts in combination with related past, present, and reasonably foreseeable future projects, as required by Section 15355(b) of the *CEQA Guidelines*.

Response 11-2

The commenter claims that the project lacks adequate parking. In response:

- 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 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.

Response 11-3

The commenter states that he does not want an increase in traffic. This comment will be considered by the City and decision-makers in developing recommendations for any changes in the project description and other overall approval process. Accommodating this request would require a modification to the project description to remove several elements or scale back their intensity.

Response 11-4

The commenter claims that the cumulative effects should be voted on. The geographic scope of the cumulative projects are determined by the City, as required by *CEQA Guidelines*, Section 15130(b)4. Once the geographic scope is determined and the appropriate analysis is conducted, the EIR is reviewed by the Planning Commission for adequacy. Once the Planning Commission has reviewed the EIR the City Council then has a hearing to consider the project. Prior to any project approval, certification of the EIR would be required by the City Council. Certification of the EIR would mean that the City Council agrees with the analysis and findings included within the EIR.

Response 11-5

The commenter states that the project would block residential views from his property and shade his property, which is located south of the project site at 9879 Santa Monica Boulevard. Visual simulations

prepared from locations along Santa Monica Boulevard show that views of the residential area north of Wilshire Boulevard are currently obstructed by existing Beverly Hilton Hotel buildings. The shade and shadow diagrams prepared for the Draft EIR and subsequently for the Planning Commission hearing in November 2007 show that the properties south of Santa Monica Boulevard would not be shaded by the project during the Winter Solstice when shadows would be most prominent. Therefore, no significant visual or shade impacts to properties south of Santa Monica Boulevard, including 9879 Santa Monica Boulevard, would occur.

Commenter No. 12: Nadia Nourian, August 22, 2007

Response 12-1

This comment is in support of the traffic improvements of the proposed project at the intersection of Santa Monica Boulevard and Wilshire Boulevard. 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.

Commenter No. 13: Joyce Saleh, August 22, 2007

Response 13-1

This comment is in support of the aesthetics, open space, and traffic improvements 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.

Commenter No. 14: Mark Saleh, August 22, 2007

Response 14-1

This comment is in support of the aesthetics, open space, and traffic and parking improvements 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.

Commenter No. 15: Ilonna Sherman, August 22, 2007

Response 15-1

This comment is in support of the increased tax base and increased property values from 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.

Commenter No. 16: Gunther Shiff, August 22, 2007

Response 16-1

This Commenter claims the advertising of the hotel is misleading. 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 action on the project by the City Council. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Response 16-2

The commenter wants to know why it is necessary that in order to have a viable hotel that there be two buildings when there is only one. The applicant submitted plans and studies indicating the need for hotels and, specifically, a Waldorf=Astoria. As the Waldorf=Astoria is a separate owner, it would be constructed as a separate building. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required. 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.

Response 16-3

The commenter claims that the public space will be non-residential use. Please see **Oral Commenter Response No. 7-2** above.

Response 16-4

This comment claims that Beverly Hills does not need condominiums. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required. However, the applicant has submitted plans and studies indicating a need for condominiums within Beverly Hills. 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.

Response 16-5

The commenter states that the proposed building heights are too high. The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction

of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project's inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 17: Steven Weineglass, August 22, 2007

Response 17-1

The commenter expresses concern about setting a precedent by approving the increased height limits associated with the project. Although the proposed building heights exceed the maximum height currently allowed under the existing zoning designation for the project site, the proposed heights would be consistent with the proposed zoning and land use designations upon project approval. Each project proposed within the City of Beverly Hills shall undergo separate environmental review and require the appropriate approvals. The scale of each proposed project must be evaluated on a case by case basis.

Response 17-2

The commenter thinks the increased density of the project will create the traffic that the new lanes are intended to mitigate. The proposed increase associated with the redevelopment of the site is less than 100 vehicles in any of the peak hours, as indicated in Section 4.11, Transportation, Traffic, Parking and Circulation. The additional capacity added by the proposed improvements would generate substantial capacity above this increase in traffic. Support for this position is provided in Table 4-11.10 of the Draft EIR which noted that the V/C ratio at the Wilshire Boulevard/Santa Monica Boulevard decreases by 20 percent or more when the No Project and With Project scenarios are compared. If the additional traffic was equal to the roadway capacity added, then there would be no decrease in the V/C ratio.

Response 17-3

The commenter states that the proposed buildings lack creative architecture. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 18: Thomas White, August 22, 2007

Response 18-1

The commenter claims the public hearing notice was misleading in that the notice did not specify the meeting was a Planning Commission meeting. As Mr. Bertoni stated at the August 22, 2007, Planning Commission meeting, the notices for this meeting were adequate and legal notices which sufficiently indicated the location, the purpose of the meeting, and identified the project to be considered.

Response 18-2

The commenter claims that the three-story height limit and 2.0 density limitations are being ignored. The Draft EIR discusses the existing height and density limitations under the current zoning designation for the site and the zone change required for project approval in Section 4.7, Land Use. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 18-3

The commenter discusses opposition to the project because he does not want an increase in traffic at the worst intersection (Wilshire Boulevard and Santa Monica Boulevard) in LA County. This comment will be considered by City Staff and decision-makers in developing recommendations for any changes in the project description and other overall approval process. Accommodating this request would require a modification to the project description to remove several elements or scale back their intensity to reduce the incremental trips at this intersection to zero, as the commenter has requested. It should be noted that impacts associated with the proposed project at the intersection of Wilshire Boulevard and Santa Monica Boulevard, as discussed in Section 4.11, Transportation, Traffic, Parking and Circulation, in the EIR, are less than significant.

Response 18-4

The commenter asserts that the proposed building heights and the increase in vehicle trips associated with project implementation would reduce the quality of life. Impacts regarding height and traffic are discussed throughout the Draft EIR and have been further addressed during several Planning Commission hearings which took place between October 2007 and January 2008. 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. Subsequent to the release of the Draft EIR,

the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 18-5

This comment discusses a desire for an independent needs assessment to justify the need for a hotel; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal and economic in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). However, the applicant has submitted a study that indicates there is a need for hotel rooms in Beverly Hills. 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 18-6

The commenter asserts that the project would reduce the quality of life in the City of Beverly Hills. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 19: Natasha Alexandrovna, September 10, 2007

Response 19-1

This comment is in support of the aesthetics and open space elements 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.

Commenter No. 20: Toraj Amid, September 10, 2007

Response 20-1

This comment is in support of the revitalization efforts to the Beverly Hilton Hotel. 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.

Commenter No. 21: Shari Ardalan, September 10, 2007

Response 21-1

This comment is in support of traffic improvements and the increased tax base from 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.

Commenter No. 22: Jeffery Best, September 10, 2007

Response 22-1

This comment is in support of the increased tax base from 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.

Commenter No. 23: Les Barante/Ali Kasicki, September 10, 2007

Response 23-1

This comment is in support of the aesthetics elements and increased tourism from 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.

Commenter No. 24: Les Barante/Max Salter, September 10, 2007

Response 24-1

This comment is in support of the open space elements of the proposed project and preservation the quality of life. 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.

Commenter No. 25: Roger Baerstock, September 10, 2007

Response 25-1

This comment is in support of the open space elements and traffic improvements 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.

Commenter No. 26: Graydan Brittan, September 10, 2007

Response 26-1

This comment is in support of the open space and the increased tax base from the proposed project, as well as the revitalization of the hotel. 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.

Commenter No. 27: Maynard Brittan, September 10, 2007

Response 27-1

This comment is in support 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.

Commenter No. 28: John Carroll, September 10, 2007

Response 28-1

This comment is in support of the overall decrease in hotel rooms and traffic improvements of the proposed project, as well as the increased tax base from 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.

Commenter No. 29: Joanne Cosberg, September 10, 2007

Response 29-1

This comment is in support 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.

Commenter No. 30: Anthony De Latori, September 10, 2007

Response 30-1

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.

Commenter No. 31: Danny Davis, September 10, 2007

Response 31-1

The commenter claims the height of the project will encroach on privacy and safety of nearby residents. Visual simulations were prepared from the maximum proposed building height towards the residential area north of the project site and were presented to the Planning Commission at the October 3, 2007, public hearing. As discussed in this presentation, views of the residences from the proposed rooftops would be limited due to existing tree canopy. Since the line of sight between residences and the project would largely be obscured, the privacy and safety of residents would not be adversely impacted by the proposed building heights.

Response 31-2

The commenter states that the proposed building heights are too high. The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project's inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 31-3

The commenter lives on Carmelita, already has trouble getting on to Wilshire Boulevard and claims the project will only make it worse. The Draft EIR analyzed the project's impact on residential streets (4.11-44 and 4.11-55) and determined that there were no significant impacts on adjacent residential streets.

Response 31-4

The commenter claims the project should include cul-de-sacs, gates, one-way streets, extra lanes, or Do Not Enter signs on Trenton and Carmelita to help keep traffic on those streets to a minimum. The City does not dispute that there is existing cut-through traffic on roadways like Whittier Drive as evidenced by existing data which was collected for this project analysis. There is also extensive anecdotal evidence that there is cut-through traffic on other residential streets such as Trenton and Carmelita Drives. The analysis prepared for the project and provided in the Draft EIR determined that this project created no significant traffic impacts on these residential streets. Therefore, the requested improvements cannot be attributed to the project through the CEQA process.

Response 31-5

The commenter states that the proposed building heights will encroach on the privacy and safety of children at El Rodeo School. Views of El Rodeo School are currently offered from portions of the existing Wilshire Tower on the project site. Under the proposed project, Residence A would occupy the northwestern corner of the project site at Wilshire Boulevard and Merv Griffin Way, which is diagonally opposite to El Rodeo School. This building is the only proposed structure that could have views of the school grounds. Due to its location and height, the Residence A building would actually obstruct a portion of the existing views of the school grounds from the Wilshire Tower. Nevertheless, the proposed Residence A building would be located closer to El Rodeo School than the existing Wilshire Tower, thereby allowing closer views of the school grounds. However, the mere availability of closer views of the school does not present an increased safety risk and does not constitute a significant impact as defined by the City's thresholds. Therefore, the availability of closer views would not adversely affect the privacy and safety of the students at El Rodeo School.

Response 31-6

The commenter states that the proposed buildings would be "sky-blockers." The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 32: Lisa Detanna, September 10, 2007

Response 32-1

This comment is in support of the aesthetics and traffic improvements 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.

Commenter No. 33: Bill Devore, September 10, 2007

Response 33-1

This comment is in support of the increased tax base from 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.

Commenter No. 34: Marcie Elias, September 10, 2007

Response 34-1

This comment is in support of the increased tax base from 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.

Commenter No. 35: Matthew Finerman, September 10, 2007

Response 35-1

The commenter states that the proposed project design is not a preferable image or gateway for the City. 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 discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped

and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 35-2

The commenter states that he is concerned that property values will rapidly decrease if the proposed project is built. 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 35-3

The commenter states that residents near the project depend on the mature trees along the north side of Wilshire Boulevard to help protect their privacy as the mature trees help block views from the upper floors of the project. The commenter claims that the loss of these trees would diminish the current level of privacy. Street trees are property of the City and the City of Beverly Hills, Department of Recreation and Parks is responsible for maintaining trees on City property. In the event a mature street tree dies, it is the responsibility of the Department of Recreation and Parks to choose a replacement tree or decide not to replant. Additionally, a landscape plan will be reviewed and approved prior to project implementation. As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Response 35-4

The commenter states that construction-related activities and truck trips would generate noise and vibration impacts to nearby residents. Although this comment does not question the analysis or conclusions of the Draft EIR, the following clarifies the anticipated noise and vibration impacts to residential areas during project construction.

Section 4.8, Noise of the Draft EIR found that construction activities would result in significant noise impacts for activity occurring outside the hours permitted by the City's noise ordinance. However, these impacts would be reduced through implementation of mitigation measure MM-NOISE-1, which contains several noise reduction measures as part of the Construction Management Plan.

According to the preliminary Construction Management Plan prepared by the project applicant, haul trucks would use Santa Monica Boulevard to travel between the project site and the 405 Freeway, minimizing the use of residential streets to the extent feasible, as designated by the City's commercial vehicle restrictions under Section 7-2-203 of the Municipal Code. Therefore, impacts regarding truck noise were determined to be less than significant.

Vibration impacts during construction would be significant and unavoidable. As discussed in Section 4.8, Noise, large bulldozers would generate vibration levels of 75 VdB at 100 feet from the source. Under worst-case conditions, single-family residences located approximately 100 feet north of the project site would potentially be exposed to vibration levels that exceed the FRA threshold of 72 VdB for residential uses.

Response 35-5

The commenter notes the potential for groundwater to be encountered during excavation of the proposed subterranean parking structure. Section 4.6, Hydrology, of the Draft EIR states that due to the shallow depth of groundwater, dewatering activities on the project site would be required during construction of the subterranean parking garage. The applicant would be required to comply with the City's dewatering ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code. Therefore, impacts regarding groundwater impacts to the proposed parking structure would be less than significant.

Response 35-6

The commenter states that he does not think the parking is adequate. In response:

- 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 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.

Response 35-7

The commenter claims that the gardens will not be used by the public, but rather only the hotel guests will enjoy them. Please see **Oral Commenter Response No. 7-2** above.

Commenter No. 36: Elliott Finkel, September 10, 2007

Response 36-1

This comment is in support of the increased tax base from 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.

Commenter No. 37: Murray Fischer/Lauren Ackerman, September 10, 2007

Response 37-1

This comment is in support of the aesthetics of the proposed project and increased tourism, as well as the increased tax base from 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.

Commenter No. 38: Murray Fischer/Hamid Gabbay, September 10, 2007

Response 38-1

This comment is in support of the aesthetics and the architecture 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.

Commenter No. 39: Murray Fischer/Richard Ziman, September 10, 2007

Response 39-1

This comment is in support of the aesthetics, open space, and traffic improvements 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.

Commenter No. 40: Holly Claman Freedman, September 10, 2007

Response 40-1

The commenter states that the project area is residential and thus commercial uses should not be allowed. However, the project site and adjacent properties to the east and south are presently developed with commercial uses. Commercial uses are allowed by the current zoning designation for the project site.

Commenter No. 41: Alan Gallant, September 10, 2007

Response 41-1

This comment is in support of the aesthetics of the proposed project and improved quality of life. 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.

Commenter No. 42: Donna Garber, September 10, 2007

Response 42-1

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.

Commenter No. 43: Thea Gabor, September 10, 2007

Response 43-1

The commenter states the proposed building heights and the massing are excessive. The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project's inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 43-2

The commenter states that the proposed building heights are overwhelming for residents and should be prohibited. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 43-3

The commenter requests that the City complete its General Plan update before considering the proposed project. CEQA does not require that the submittal of project applications be delayed based on the status of a General Plan update. Furthermore, the date for the completion of the City's General Plan update is uncertain and unknown at this time. However, the EIR for the proposed project took into consideration information contained within the City's General Plan Update Technical Background Report, which was prepared in October 2005 and is available for public review, and consultation with City staff and agency representatives.

Response 43-4

The commenter stated that the gardens on top of the building are misrepresented when called "open space." The project has been revised to show a breakdown of landscaped areas. The proposed project

has 2.7 acres of landscaped space at ground level (open to the sky), 1.1 acres of designed paving, 0.45 acre of hardscape space at ground level, 0.7 acre in the Wisteria Garden, and 1.2 acres on the rooftop.

Response 43-5

The commenter wants the City to determine the cost of fire, police, and City services for the project so that the revenue that will be generated from the project can be evaluated based upon the cost to City services. Occupancy and operation of future development projects in the City would generate revenues accrued to the City's General Fund (i.e., sales tax, property tax, etc.) that could be used to help meet the capital outlay for police, fire, and library services. Additionally, the City of Beverly Hills Police Department and the City of Beverly Hills Fire Department were consulted during the EIR process and both concluded that the impacts from this project would be less than significant. Beverly Hills Public Library, City of Beverly Hills Recreation and Parks Department, and Beverly Hills Unified School District have also determined that the project impacts would be less than significant. For parks, the project applicant would pay the Parks and Recreation Facilities Construction Tax, which could be used for recreational purposes. Lastly, as required by SB 50, payment of fees to the school district will be required of the project applicant. Therefore, the project will pay for its fair share of City services either through fees or through taxes and will not place a burden on the City.

Commenter No. 44: Marty Geimer, September 10, 2007

Response 44-1

This comment is in support of the shade/shadow considerations of the proposed project, as well as the increased tax base from 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.

Commenter No. 45: Bradley Gibbons, September 10, 2007

Response 45-1

This comment is in support of the aesthetics and an increased tax base from 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.

Commenter No. 46: Sander Habalow, September 10, 2007

Response 46-1

This comment is in support of the aesthetics and an increased tax base from 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.

Commenter No. 47: Fred Hayman, September 10, 2007

Response 47-1

This comment is in support of the traffic improvements and the increased tax base from 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.

Commenter No. 48: Todd Johnson: Lawry's The Prime Rib, September 10, 2007

Response 48-1

This comment is in support of the traffic improvements and the increased tax base from the proposed project, as well as improvement to the community character. 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.

Commenter No. 49: Lya Cordova Latta, September 10, 2007

Response 49-1

This comment is in support of the traffic improvements and the increased tax base from 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.

Commenter No. 50: Ruth Lowe, September 10, 2007

Response 50-1

The commenter is concerned about the loss of community identity. 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 discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 50-2

The commenter states that building height on the project site is limited by a covenant. Please see **Oral Commenter Response No. 9-2**.

Commenter No. 51: Vicki Mense, September 10, 2007

Response 51-1

This comment is in support of community outreach the project applicant has done. 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.

Commenter No. 52: Jeff Mirkin, September 10, 2007

Response 52-1

This comment is in support of the increased tourism and traffic improvements of the proposed project, as well as the increased tax base from 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.

Commenter No. 53: Jeff Okyle, September 10, 2007

Response 53-1

This comment is in support of the traffic and parking improvements 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.

Commenter No. 54: Murray Pepper, September 10, 2007

Response 54-1

This comment is in support of the architecture and the increased tax base from 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.

Commenter No. 55: Al Pirnia, September 10, 2007

Response 55-1

This comment is in support of the increased tax base from 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.

Commenter No. 56: Dr. Ira Pourtian, September 10, 2007

Response 56-1

This comment is in support of the increased tax base from 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.

Commenter No. 57: Reni Reni, September 10, 2007

Response 57-1

The comment suggests that fugitive dust be minimized during project construction for guests and children in the local area. The proposed project incorporates required mitigation measures that will reduce fugitive dust emissions from the proposed project site. The mitigation measures are outlined in Section 4.2, Air Quality, of the Draft EIR.

Response 57-2

The commenter requests that noise during construction be minimized to reduce the impacts to students at El Rodeo School and guests of the Beverly Hilton Hotel. As discussed in Section 4.8, Noise, of the Draft EIR, mitigation measure MM-NOISE-1 would reduce the project's noise impacts during construction. Additionally, see **Letter No. 4, Response No. 4-6** for a discussion of further reducing noise impacts to El Rodeo School.

Commenter No. 58: Herb Reston, September 10, 2007

Response 58-1

This comment is in support of the traffic improvements 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.

Commenter No. 59: George Roland, September 10, 2007

Response 59-1

This comment discusses general opposition to the proposed project; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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 59-2

The commenter is concerned about the loss of community identity. 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 discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 59-3

The commenter recommends that the height limit on the project site remain at eight stories. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 59-4

The commenter claims the traffic report (specifically on page 4.11-69) actually shows the traffic will be worse with this project. The commenter is correct in noting that traffic will increase with the development of the proposed project; however, there are no traffic impacts which cannot be mitigated to reduce the impact to less than significant.

Response 59-5

The commenter stated that he wants property values of near-by residential homes to be considered when approving this 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.

Commenter No. 60: Jo Safier, September 10, 2007

Response 60-1

This comment is in support of revitalizing the Beverly Hilton Hotel. 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.

Commenter No. 61: Marie France Salaun, September 10, 2007

Response 61-1

This comment is in support of revitalizing the Beverly Hilton Hotel. 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.

Commenter No. 62: Mrs. Eric Schuber, September 10, 2007

Response 62-1

This comment is in support of revitalizing the Beverly Hilton Hotel. 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.

Commenter No. 63: Shila Shah, September 10, 2007

Response 63-1

This comment is in support of the aesthetics and the increased tax base from 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.

Commenter No. 64: Rhoda Sherman, September 10, 2007

Response 64-1

This comment is in support of the aesthetics and open space 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.

Commenter No. 65: Daniel Simons, September 10, 2007

Response 65-1

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.

Commenter No. 66: Dr. K. Sobhe, September 10, 2007

Response 66-1

This comment is in support improved quality of life from 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.

Commenter No. 67: Calvin Sweet, September 10, 2007

Response 67-1

This comment is in support of the traffic improvements and the increased tax base from 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.

Commenter No. 68: Corinne Verdery, September 10, 2007

Response 68-1

This commenter asked supporters of the crowd to please stand up; thus the comment is unrelated to the content and scope of the Draft EIR. 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.

Commenter No. 69: Steven Weineglass, September 10, 2007

Response 69-1

The commenter states that the height of the proposed buildings would increase the audibility of noise generating activities, such as special events, on the building rooftops and balconies. Although the maximum height of the proposed residential towers and Waldorf=Astoria Hotel building would be 150 feet, noise generated by typical outdoor activities at these elevations would be imperceptible due to background traffic noise along Wilshire Boulevard. For any special events which may generate higher outdoor noise levels due to sound amplifying equipment, all activities would be subject to Section 5-1-205, Sound Amplifying Equipment, of the City Municipal Code. This section states that the use or operation of any sound amplifying equipment shall be restricted to the hours of 10:00 AM and 6:00 PM daily. Furthermore, it states that no sound emanating from such equipment shall exceed five decibels above the ambient as measured at any residential property line, or 15 decibels at any commercial property line. Given these restrictions, noise generated by outdoor uses of the proposed structures would not result in significant off-site noise impacts, consistent with the conclusion in the Draft EIR.

Response 69-2

The commenter wants an explanation of the infrastructure and maintenance of the infrastructure. The developer pays for water, wastewater, solid waste, and energy infrastructure improvements and maintenance through developer fees and through taxes (property, sales, and transient occupancy taxes). Developer fees are assessed for each project to pay their fair-share for infrastructure improvements. Taxes are used to fund the City's General Fund which pays for infrastructure improvement and maintenance. Additionally, any on-site improvements will be directly made or paid for by the developer.

Commenter No. 70: Gerrie Wormser October 3, 2007

Response 70-1

The commenter lives on Roxbury and claims traffic is already bad, but the project will make it worse and create safety problems for children and elderly. Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR determined that there were no significant traffic impacts which would not be

mitigated to less than significant levels. While this project would generate some incremental traffic, this level of traffic increase is not sufficient to create a significant traffic impact.

Response 70-2

The commenter discussed how it takes her over an hour to get from Beverly Glen to Roxbury (where she lives) on Wilshire Boulevard, and that traffic is already bad and this project is going to make it worse. Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR determined that there were no significant traffic impacts which would not be mitigated to less than significant levels. While this project would generate some incremental traffic, this level of traffic increase is not sufficient to create a significant traffic impact.

Response 70-3

The commenter discussed how the increased road width is only going to make the traffic better in that section, but traffic will be worse along upper and lower Santa Monica and Wilshire Boulevards. Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR determined that there were no significant traffic impacts which would not be mitigated to less than significant levels. While this project would generate some incremental traffic, this level of traffic increase is not sufficient to create a significant traffic impact.

Commenter No. 71: Darien Bojeaux, October 3, 2007

Response 71-1

The commenter states that the proposed project design is not a preferable image or gateway for the City. 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 discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission

has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 71-2

The commenter disagrees with the visual simulations of the project presented in the EIR and states that simulations from residential areas should be provided. Visual simulations were prepared for locations with prominent views of the project site and were presented to the Planning Commission at the October 3, 2007, public hearing. As discussed in this presentation, views of the project from the residential areas north of Wilshire Boulevard would be limited due to existing tree canopy. Further, the Century City skyline is the most prominent visual feature in most of the views offered from the residential area north of the project site. Where visible, the proposed project buildings represent an incremental contribution to the existing views of the developed horizon. Therefore, views of the project from the residential area north of the project site would not be considered a significant impact.

Response 71-3

The commenter claimed that the parking presentation was confusing, unclear and did not include anything about traffic. The presentation materials on the evening the comment was made were directed towards parking. If the commenter wants to obtain additional information about traffic related issues of the proposed Project, that information is provided in Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR.

Response 71-4

The commenter asks why the existing Beverly Hilton Hotel cannot be converted into a Waldorf=Astoria Hotel without increasing height and density. It should be clarified that the Beverly Hilton Revitalization Plan does not propose to convert the Beverly Hilton Hotel into a Waldorf=Astoria Hotel, but proposes to add the Waldorf=Astoria Hotel as a new, five-star hotel on the project site. Although this new hotel would add approximately 120 guestrooms, the total number of guestrooms on the site would actually decrease by 47 rooms under the proposed project due to the removal of 217 existing Beverly Hilton hotel rooms. However, in order to accommodate the hotel component as well as the proposed residential uses, the project would require increased density and increased building heights for the proposed structures. This is discussed throughout Section 4.7, Land Use, of the Draft EIR.

Commenter No. 72: Danny Davis, October 3, 2007**Response 72-1**

The commenter wants to know why the EIRs for the 9900 Wilshire and the Hilton Projects are being prepared independently. The 9900 Wilshire and the Beverly Hill Hilton Revitalization Plan Projects are two different projects and have two separate EIRs because the Planning Commission will be making two different sets of recommendations and the City Council will be taking two separate actions for each project. The same EIR consultant was chosen to prepare both 9900 Wilshire and Beverly Hills Hilton Revitalization Plan EIRs to maintain consistency throughout both documents. Both projects have cumulative impacts analysis that look at other projects as well as impacts from these two projects.

Response 72-2

The commenter does not think that impacts such as air quality, sewage, noise, and traffic can be adequately analyzed without combining the EIRs for 9900 Wilshire and the Hilton Projects. Please see **Oral Commenter Response No. 72-1** of this comment. Additionally, there is a cumulative impacts section within each environmental impact area analysis discussed in the Draft and Recirculated EIRs that discusses this project's impacts in combination with other related past, present and reasonably foreseeable future projects, as required by Section 15355(b) of the *CEQA Guidelines*.

Response 72-3

The commenter stated that City should own Merv Griffin Way to widen and control possible gridlock. In response:

- Both The Beverly Hilton Revitalization Project and the 9900 Wilshire Project generate limited amounts of incremental traffic onto Merv Griffin Way (accounting for historical and existing traffic at both project sites).
- Merv Griffin Way is currently a four-lane roadway and would be maintained in that configuration with the redevelopment of both sites. Four-lane roadways can accommodate upwards of 20,000 vehicles per day.
- The Draft EIR projects that the future traffic volumes on Merv Griffin Way would be approximately 10,000 vehicles per day even accounting for incremental traffic from these projects and future growth.

Based on the above considerations, there is no reason to widen Merv Griffin Way beyond its current four-lane configuration.

Response 72-4

The commenter wants Whittier Blvd to be widened to avoid traffic problems. In response:

- The congestion on this roadway can be attributed to cut-through traffic which currently occurs and also existing access issues at the El Rodeo School.
- There are no significant traffic impacts attributed to this project which would be mitigated by the widening of Whittier Drive.
- Widening the roadway to have more than four lanes or add additional capacity may have the effect of encouraging even more cut-through traffic on Whittier Drive through the neighborhood.

Therefore, this project could not be conditioned to widen Whittier Drive.

Response 72-5

The commenter discusses concern for the capacity of the sewage system. As stated on page 4.12.2-5, City of Beverly Hills Public Works Department has indicated Hyperion Wastewater Treatment Facility has sufficient treatment capacity to serve the project.

Response 72-6

The commenter states that the proposed building heights are too high and that an eight story limit should be imposed. The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project's inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 73: Mathew Finermen, October 3, 2007

Response 73-1

The commenter is concerned about the water shortage and the project demands with the City's water demands could not be met. As stated on page 4.12.1-8 of the Draft EIR, according to the 2005 Urban

Water Management Plan (UWMP), the City has sufficient planned supplies available to meet the City's projected water demand over the planning horizon. The anticipated project demand of approximately 190.2 afy would represent a 14 percent contribution towards the City's projected increased demand for water. Therefore, the project's water needs are accounted for within the UWMP planning period, for which there are sufficient planned supplies. Furthermore, the Public Works Department confirms that there would be sufficient supply available to serve the project and no potential service problems exist in the project vicinity.¹

Response 73-2

The commenter raises concerns regarding the health impacts of project-related emissions during construction, particularly on children, and concerns of dust accumulation on nearby residents' vehicles. Project implementation would incorporate required mitigation measures and comply with other required City of Beverly Hills regulations that will reduce construction emissions. The intent of these mitigation measures on potential health impacts is to reduce the incremental health impacts from project construction. The mitigation measures are outlined in Section 4.2, Air Quality, of the Draft EIR. In addition, construction of the proposed project is subject to the requirements of South Coast Air Quality Management District (SCAQMD) Rule 403 (Fugitive Dust), which prohibits concentrations of respirable particulate matter (PM₁₀) from exceeding 50 micrograms per cubic meter, determined as the difference between simultaneous upwind and downwind samples from the project site. In the event that construction of the proposed project results in accumulation of fugitive dust on residents' vehicles or other property, the SCAQMD may be contacted to conduct sampling to determine whether construction activity at the project site violates Rule 403.

Response 73-3

The commenter claims there is insufficient parking as there would need to be 3,433 spaces to meet code. In response:

- 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

¹ Correspondence with Kevin Watson, Water Operations Manager, City of Beverly Hills Public Works Department.

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 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.

In addition, several issues relate to the application of the parking code standards to this site:

- The Beverly Hilton is an existing use and its parking areas are therefore allowed under code.
- All of the requirements of the parking code would only apply to the Beverly Hilton if the building were to be substantially rebuilt as the Municipal Code has several provisions which address existing parking adequacy even if renovation/reconstruction of a site occurs. These provisions are generally referred to the 50 percent/70 percent rule which require full parking code compliance only if a majority of a building is reconstructed.
- New uses on the site, which include a restaurant and the condominiums, would have to provide sufficient parking to comply with the provisions of the municipal code. The Draft EIR indicated that these uses had sufficient parking as required by code.

Commenter No. 74: Marie France, October 3, 2007

Response 74-1

This comment is in support of revitalization of the Waldorf=Astoria Hotel. 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.

Commenter No. 75: Ruth Kraft, October 3, 2007

Response 75-1

The commenter is concerned about water shortage and its use for landscaping and occupation. Please see **Oral Commenter Response No. 73-1** above.

Response 75-2

The commenter is concerned that traffic is going to be really bad during project construction because the applicant intends to use one lane of Wilshire Boulevard for two or three years. However, this comment is in error since the construction plans proposed by the project applicant do not reflect the use of Wilshire Boulevard during construction. The construction of the site can be accommodated without closing a travel lane on Wilshire Boulevard.

Response 75-3

The commenter stated that the project does not have sufficient parking and it does not meet code. In response:

- 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 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.

In addition, several issues relate to the application of the parking code standards to this site:

- The Beverly Hilton is an existing use and its parking areas are therefore allowed under code.
- All of the requirements of the parking code would only apply to the Beverly Hilton if the building were to be substantially rebuilt as the Municipal Code has several provisions which address existing parking adequacy even if renovation/reconstruction of a site occurs. These provisions are generally referred to the 50 percent/70 percent rule which require full parking code compliance only if a majority of a building is reconstructed.
- New uses on the site, which include a restaurant and the condominiums, would have to provide sufficient parking to comply with the provisions of the municipal code. The Draft EIR indicated that these uses had sufficient parking as required by code.

Commenter No. 76: Lisa Sockolov, October 3, 2007

Response 76-1

This comment is in support of the aesthetics, open space, and traffic improvements of the proposed project, as well as the increased tax base from 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.

Commenter No. 77: Bruce Schulman, October 3, 2007

Response 77-1

This comment is in support of the aesthetic elements of the proposed project and the increased tax base from 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.

Commenter No. 78: Iona Sherman, October 3, 2007**Response 78-1**

This comment is in support of 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.

Commenter No. 79: Steven Weineglass, October 3, 2007**Response 79-1**

The commenter claims the terminology being used (specifically “revitalization”) is unclear and misleading. The project is characterized as revitalization and not redevelopment as California has specific laws as to what can be called a “redevelopment”. Redevelopment Law is contained in California Health and Safety Code Sections 33000, et seq., and declares that Redevelopment must take place within a designated Redevelopment Project Area which is governed by a Redevelopment Agency and an adopted Redevelopment Plan. Additionally, for an area to be considered Redevelopment Project Area the area must exhibit physical and economic blight.² For these reasons the proposed project is not characterized as being a redevelopment project, and is therefore considered “revitalization”.

According to the Webster’s Dictionary, the term “revitalize” means, “to give new life or vigor to.”³ Therefore, project objectives, such as the ones included in Section 3.0, Project Description, of the Draft EIR and as listed below, support the reason why the project is considered revitalization.

- Replace inefficient and aging rooms in detached buildings with rooms that are more centrally located and integrated into the Wilshire Tower and designed to meet current standards for a four-star hotel.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Maintain the integrity of the existing Welton Becket-designed Wilshire Tower.
- Create a unified hotel and residential development that enhances the City’s western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.

² McDonough, Holland & Allen PC, *2007 Community Redevelopment Law of the State of California*, 4 January 2008, <<http://www.calredevelop.org/AM/Template.cfm?Section=Home&CONTENTID=1749&TEMPLATE=/CM/ContentDisplay.cfm>>

³ Webster’s Dictionary, *Revitalize*, [Online] 4 January 2008, <<http://webster.com/dictionary/Revitalization>>

Response 79-2

The commenter requests that the project be consistent with the current zoning designation for the project site. The project applicant is requesting a zone change on the project site from C-3 Commercial to “Specific Plan” as part of the proposed project. However, a code-compliant alternative to the proposed project (“Alternative 2”) was analyzed in Section 8.0, Alternatives, of the Draft EIR. The analysis found that the alternative would substantially reduce significant impacts associated with aesthetics and land use compatibility. However, all other significant impacts associated with the proposed project would apply to Alternative 2. Additionally, the code-compliant alternative would not include any residential uses, thereby not meeting basic project objectives, and would substantially reduce the area of landscaping and gardens associated with the proposed project.

Response 79-3

The commenter claims that condominiums would use more services than hotel users typically do. As shown in Table 4.12.1-1, Water Demand, on page 4.12.1-8 of the Draft EIR, water usage for condominiums is higher than for hotel guestrooms. Table 4.12.2-1, Wastewater Generation, shows that more wastewater is generated for condominiums than for hotel guestrooms. As shown in Table 4.12.3-1, Solid Waste Generation, more solid waste is generated for condominiums than for hotel guestrooms. Table 4.12.4-1, Electricity Demand, shows that electricity usage is higher for condominiums than for hotel guestrooms. Lastly, Table 4.12.4-2, Natural Gas Demand, shows that natural gas usage is higher for hotel guestrooms than for condominiums. The Draft EIR concluded that water, wastewater, solid waste, electricity, and natural gas would all have a less than significant impact on the utility companies’ abilities to provide services to the project.

Response 79-4

The commenter states that the proposed building heights are too high. The impacts of the building heights are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project’s inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 79-5

The commenter claims parking will be exceptionally bad when outdoor events are taking place (such as weddings) at the project site. The square footage of meeting space will not be increased with the redevelopment of the site. Since the square footage of meeting space will not increase, the number of attendees should not increase either. As field observations indicated that the project is currently able to provide sufficient parking for both regular operations and special events (since there is no observed parking spillover), it is reasonable to conclude that the parking for events at the hotel will be adequate.

Commenter No. 80: Thomas White, October 3, 2007

Response 80-1

The commenter opposes the increased building height and density proposed by the 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 80-2

The commenter claims that the supporters of the project are not objective or provide an independent opinion. 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 80-3

The commenter states that the increased building height and density proposed by the project would reduce quality of life and be inconsistent with the City's community identity. 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. The impacts of the building heights and density are discussed throughout Section 4.1, Aesthetics, of the Draft EIR, which analyzes the obstruction of views, shade/shadow effects, and light/glare production, and Section 4.7, Land Use. Both sections acknowledge the project's inconsistency with Land Use Element objectives addressing Areas of Transitional Conflict and Scale of the City, and with development criteria recommending that new development complement the scale and character of adjacent residential areas. This inconsistency is considered a significant impact.

However, as discussed in Section 4.1.1, Aesthetics and Views, of the Draft EIR, the project incorporates a number of design features intended to ease the transition between the project site and surrounding land uses. Although the project would increase the on-site FAR, new development would be concentrated on a smaller percentage of the site, with existing low-rise buildings and the parking structure to be replaced by taller buildings with smaller footprints and entirely subterranean parking. Accordingly, the project would reduce developed lot coverage from 67 percent to approximately 53 percent. The balance of the site would be landscaped and is intended to complement Beverly Gardens Park, north of Wilshire Boulevard, and enhance the pedestrian environment. These and other design features such as proposed off-site roadway improvements acknowledge and reduce the potential for inconsistency between the project and the City's community identity. Furthermore, subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 81: Darien Bojeaux, November 1, 2007

Response 81-1

The commenter states that she disbelieves that Promark Research Corporation was hired by the City Council and thinks it is propaganda for the project. This comment is unrelated to the content and scope of the Draft EIR. The concerns raised are outside of the general scope of the California Environmental Quality Act (CEQA). 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 81-2

The commenter wants the City to provide better access to EIR information, amendments, and alternatives, as well as City Council and Planning Commission meetings. Copies of the Draft and Recirculated EIRs were available for public review at the following locations:

- City of Beverly Hills City Hall
Community Development Department (Planning Division)
455 North Rexford Drive, Room G-40
Beverly Hills, CA 90210
- City off Beverly Hills City Hall
Office of the City Clerk
455 North Rexford Drive, Room 190
Beverly Hills, CA 90210

- Beverly Hills Public Library
444 North Rexford Drive
Beverly Hills, CA 90210

Additionally, all environmental documents are available for review on the City's website: www.BeverlyHills.org.

Analyses of two new alternatives were presented at the Planning Commission meeting on November 1, 2007. Descriptions of the new alternative analyses are available at the Community Development Department (Planning Division) (location listed above) as a part of the staff report for November 1, 2007.

Additionally, the City's website has a "Video On Demand" link which has videos of all Planning Commission and City Council meetings and are available approximately one week after each hearing.

Response 81-3

This comment discusses opposition to the proposed project due to the "high-rise" nature of proposed project and the possible views of the mountains, sky, and surrounding homes that the project could block. 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. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Commenter No. 82: Dr. Menashi Cohen, November 1, 2007

Response 82-1

The comment asks whether the data provided by the applicant for use in the air quality analysis were reviewed by a third-party and if the data are considered unbiased. The applicant provided project description data as well as construction information for use in the air quality analysis. The data provided by the applicant was reviewed by Impact Sciences, Inc. to ensure agreement and consistency with other information received about the proposed project. Impact Sciences, Inc. was retained by the City of Beverly Hills, and not the applicant, to provide an independent environmental analysis. The City of Beverly Hills circulated the Draft EIR and related Appendices to affected agencies, the public and other interested persons, as required by CEQA. The Beverly Hills Planning Commission (Planning Commission) also held several public hearings to receive testimony, both written and oral, regarding the project and the Draft EIR, which is not required by CEQA.⁴

⁴ CEQA Guidelines Section 15202(a) states, "CEQA does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication."

The type of information provided by the applicant for use in the air quality analysis generally addressed the makeup of project components, such as the number of proposed residential units and the construction phasing schedule. The applicant did not provide emission factors or other analytical data that were used to calculate the potential air quality emissions. Analytical data, such as emission factors, were obtained from appropriate air pollution regulatory agencies, such as the California Air Resources Board (CARB). Therefore, the data used in the air quality impact determinations are considered unbiased.

Response 82-2

The commenter requests a joint-project air quality analysis incorporating both the 9900 Wilshire Project and the Beverly Hilton Revitalization Project. The Beverly Hilton Revitalization Project is separate from the 9900 Wilshire Project as they are owned by separate entities. In addition, either project could proceed in the planning process without approval of the other. With respect to regional air quality, a cumulative impacts analysis of this and the other projects on the related projects list was conducted based on South Coast Air Quality Management District (SCAQMD) methodology. The SCAQMD methodology compares the project's population and average daily trip (ADT) rates at build out to the projected regional population and ADT rates at build out. The population rate is based on data from the Southern California Association of Governments (SCAG) and the ADT rate is based on data from the California Air Resources Board's (CARB) vehicle emissions model, EMFAC2007. The SCAQMD methodology also compares the project's emissions to the current attainment status of the each pollutant. The analysis determined the project would result in significant cumulative impacts with respect to project construction. Mitigation measures were incorporated in the Draft EIR to reduce both the project-specific and the cumulative impacts. With respect to localized air quality at nearby sensitive receptors, staff from the SCAQMD stated that the Localized Significance Threshold (LST) analysis is not intended to be conducted for multiple projects. Therefore, based on the guidance from the SCAQMD, the LST analysis for the Beverly Hilton Revitalization Project did not incorporate emissions from the 9900 Wilshire Project.

Response 82-3

The commenter claims that there is a low number of study intersections and would like to see a radius of at least 1 mile and should include El Rodeo School, Beverly Hills School, and Hawthorne School. The project study area is considered to be adequate based on the following considerations:

- The project trip generation, accounting for the credit for the existing uses at the hotel, is less than 100 trips in all of the peak hour analysis scenarios. The project therefore adds minimal trips to the roadway network;
- In these peak hours, the project contribution to incremental traffic is less than 1 percent at all intersections studied; and

- The addition of project trips during the Peak Hours does not result in any significant traffic impacts at any of the study area intersections including the study area gateways. Since there are no impacts at the project gateways, it can be concluded that extending the study area would not result in additional traffic impacts as the number of trips added to any study intersection outside of the study area would only decrease as traffic is distributed onto additional roadway segments and intersections.

Response 82-4

The commenter states that while the Draft EIR indicates the emissions of oxides of nitrogen due to implementation of the proposed project would exceed the established significance thresholds, mitigation measures that would reduce the emissions are not incorporated. It is assumed that the comment refers to emissions of oxides of nitrogen (NO_x) and nitrogen dioxide (NO₂) emitted from the combustion of fossil fuels during project construction. With respect to NO_x, the proposed project exceeds the regional emission-based significance thresholds for NO_x. With respect to NO₂, the LST analysis indicates that the proposed project will not exceed the significance threshold. Several of the required mitigation measures included in the Draft EIR address combustion related emissions, which include NO_x. These mitigation measures, taken from the Draft EIR, are provided below.

- MM-AQ-1 The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes per CARB regulations.
- MM-AQ-2 The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.
- MM-AQ-3 The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.
- MM-AQ-4 The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.
- MM-AQ-5 The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders to the extent feasible.
- MM-AQ-6 The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.

MM-AQ-7 Prior to use in construction, the project applicant and contractor will evaluate the feasibility of retrofitting the large off-road construction equipment that will be operating for significant periods. Retrofit technologies, such as particulate traps, selective catalytic reduction, oxidation catalysts, and air enhancement technologies, shall be evaluated. These technologies will be required if they are verified by CARB and/or the U.S. EPA and are commercially available and can feasibly be retrofitted onto construction equipment.

Based on the above mitigation measures, the Draft EIR incorporates mitigation measures that address project-related emissions of NO_x.

Response 82-5

The commenter disbelieves the project would only add 269 people when considering employees of the project. As stated on page 4.9-8 of the Draft EIR, 3.04 persons per household was determined based off the 2000 Census for Census Tract 7007, where the proposed project would be constructed. Also as stated on page 4.9-8, the rate for 2000 Census is higher than the rate for the City of Beverly Hills and California Department of Finance (DOF).

As stated on page 4.9-12, the project would reduce the number of hotel guestrooms and commercial square footage on the project site, which will result in no increase in the number of on-site employees. Because the city retained an independent EIR consultant and City staff reviews the Draft EIR, providing additional evaluations was not deemed necessary.

Response 82-6

The commenter stated that he wanted a taskforce formed with citizens that would hire experts to effectively evaluate the project and the scientific merits. The Draft EIR has been available since August 8, 2007 and the Recirculated EIR has been available since October 15, 2007. Additionally, comments were accepted beyond the 45 public review period until January 10, 2008. Because the City retained the independent EIR consultant and City staff reviewed the Draft EIR, providing additional evaluations was not deemed necessary.

Response 82-7

This comment discusses opposition to the proposed project as the commenter believes the project will negatively impact the health and quality of life in Beverly Hills; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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.

Commenter No. 83: Mathew Finermen, November 1, 2007

Response 83-1

The commenter states that building height on the project site is limited by a covenant. Please see **Oral Commenter Response No. 9-2**.

Response 83-2

The commenter claims the project will increase traffic. In response:

- The Draft EIR states that the project would not generate “significant” traffic impacts related to intersections and roadways. Under CEQA, the identification of significant impact considers project-related characteristics and the City’s Significance Criteria.
- The analysis determined that the project would add some incremental traffic (less than 100 peak hour trips) to the surrounding roadway network. The determination of incremental traffic is based on extensive empirical data collection at the existing Beverly Hilton and developments for facilities similar to those proposed on the site.
- The Beverly Hilton has proposed several roadway improvements at nearby intersections at or near the project frontage.
- The incremental traffic does not increase traffic to sufficient levels to create impacts under CEQA.

Response 83-3

The commenter claims the project is under code requirements by 2,000 parking spots. In response:

- 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 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.

In addition, several issues relate to the application of the parking code standards to this site:

- The Beverly Hilton is an existing use and its parking areas are therefore allowed under code.
- All of the requirements of the parking code would only apply to the Beverly Hilton if the building were to be substantially rebuilt as the Municipal Code has several provisions which address existing parking adequacy even if renovation/reconstruction of a site occurs. These provisions are generally referred to the 50 percent/70 percent rule which require full parking code compliance only if a majority of a building is reconstructed.
- New uses on the site, which include a restaurant and the condominiums, would have to provide sufficient parking to comply with the provisions of the municipal code. The Draft EIR indicated that these uses had sufficient parking as required by code.

Response 83-4

The commenter does not see how the shuttle will work in Beverly Hills. This comment does not appear to be directed at the analysis within the Draft EIR as there is no requirement for a shuttle as a project mitigation measure. While not a mitigation measure, The Beverly Hilton currently operates a shuttle intermittently during larger events to shuttle their employees to off-site locations.

Response 83-5

The commenter claims that the project will not bring a major increase in revenue to the City when considering the effects on traffic, City services, and water supply.

As stated in Section 4.10.1, Fire Protection and Emergency Services, funding for Beverly Hills Fire Department staffing comes from the City's General Fund, as allocated during the City's budget process. Occupancy and operation of the proposed project would generate revenues accrued to the City's General Fund from sales, transient occupancy, and property taxes that could be used to help meet the capital outlay required to maintain fire protection service. Because the existing, adequate levels of service would be maintained, no additional stations, personnel, or equipment would be required. Additionally, the project applicant would make on-site improvements as required by the BHFD.

Section 4.10.2, Police Protection, states that funding for police department staffing comes from the City's General Fund, and funding is allocated to the Beverly Hills Police Department (BHPD) through the City's budget process. Occupancy and operation of future development projects in the City would generate revenues accrued to the City's General Fund (i.e., sales tax, property tax, etc.) that could be used to help meet the capital outlay for police services. BHPD has indicated that no additional police stations, personnel, or equipment would be required.⁵ Additionally, the project applicant would make on-site improvements as required by the BHPD.

Section 4.10.3, Schools, states that payment of fees to the school district will be required of the project applicant, as mandated by SB 50. Therefore, the project applicant would pay its fair-share of impact fees towards schools.

As stated in Section 4.10.4, Recreation and Parks, the project application would be required to comply with Municipal Code Section 3-1-702 which authorizes the Parks and Recreation Facilities Construction Tax of the City of Beverly Hills. Therefore, the project applicant would pay its fair-share of impact fees towards recreation and parks.

Section 4.10.5, Library Services, states that the primary source of funding for the City's library services is the General Fund. Additional revenue is provided by library fines and fees, conference room rentals to the public at the main library, and contributions from organizations like Friends of the Library.⁶ Future residents of the proposed project would contribute revenue to the tax base that could be used to expand library services such as the reading program as allocated by the City Council's annual budget.

As such, the project would pay for its impacts to City services either through taxes or through developer impact fees.

⁵ Communication with Sergeant Michael Publicker, Beverly Hills Police Department, March 29, 2007.

⁶ Communication with Beverley Simmons, Director of Library Services, Beverly Hills Public Library, 19 December 2006.

Response 83-6

This comment discusses opposition to the proposed project as the commenter believes the project will negatively impact the quality of life in Beverly Hills; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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 83-7

The commenter wants to know whether condominiums or hotel guestrooms bring in more tax revenue to the City; thus the discussion is economic in nature and is unrelated to the content and scope of the Draft EIR. The concerns raised are outside of the general scope of the California Environmental Quality Act (CEQA). 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.

Commenter No. 84: Paula Kent Mayhan, November 1, 2007

Response 84-1

This comment is in support of the aesthetics, open space, and the increased tax base from 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.

Commenter No. 85: Joy Shefter, November 1, 2007

Response 85-1

This comment discusses general opposition to the proposed project as the commenter believes the project will “destroy the City”; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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 85-2

The commenter states that proposed project represents an overdevelopment of the project site. The Draft EIR acknowledges that the project would conflict with Land Use Element Objective 3, Areas of Transitional Conflict, and Objective 4, Scale of the City due to increased building height and density. The Draft EIR also acknowledges that the project would conflict with Land Use Element development criteria for commercial areas recommending that new development complement the scale and character of adjacent residential areas. However, based on analysis within the Draft EIR, the project would result in less than significant operational impacts regarding traffic, air quality, noise, public services, and utilities. Other issues are addressed through the proposed General Plan Amendment and zone change.

Response 85-3

The commenter claims that the Recirculated Draft EIR was not easily accessible on-line. The Recirculated Draft EIR was available on the City's website, as well as at the City of Beverly Hills City Hall, Community Development Department (Planning Division) and Office of the City Clerk, and at the Beverly Hills Public Library. (Please see **Oral Commenter Response No. 81-2** above for the addresses of the fore mentioned places.)

Response 85-4

The commenter claims that the project is mischaracterized as redevelopment because the project doubles in square feet and adds a residential portion, which is a change in use; however, the project is not and has not been characterized as redevelopment. The project has been characterized as revitalization. For an explanation as why the project is characterized as revitalization rather than redevelopment please see **Oral Commenter Response No. 79-1**.

Response 85-5

The commenter states that the proposed building heights are too high and would block existing views. Section 4.1.1, Aesthetics and Views, of the Draft EIR states that the project's impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards, as well as project contributions to cumulative impacts on valued west-facing views from the hotel's Wilshire Tower guestrooms, would also be significant and unavoidable. All other impacts to valued views would be less than significant. Subsequent to the release of the Draft EIR, the Planning Commission has held public hearings in October, November and December of 2007 and January of 2008 to discuss project design.

Response 85-6

The commenter states the proposed building heights are inconsistent with the current General Plan land use designation for the site. The Draft EIR acknowledges this inconsistency throughout Section 4.7, Land Use. The project applicant is requesting a General Plan Amendment to change the land use designation from “Low Density General Commercial” to “Specific Plan” and to reflect that the change in land use designation will be consistent with the applicable goals, policies, and objectives of the General Plan. Without this discretionary approval, the project as proposed would not be constructed. With project approval, the Beverly Hilton Revitalization Specific Plan would be adopted and implementation of the proposed project would thereby be consistent with the site’s proposed *new* General Plan land use designation.

Response 85-7

The commenter claims the traffic study for the project did not include Trenton, Waldon, Carmelita, or Linden which are used as shortcuts to Santa Monica Boulevard and Wilshire Boulevard. The analysis included in Section 4.11, Transportation, Traffic, Parking and Circulation, determined that the incremental trips to larger residential streets such as Whittier Drive were minimal, given the incremental project trip generation. Therefore, analysis of other residential streets such as Carmelita Drive was not conducted since those volumes would be even lower than those found on Whittier.

Response 85-8

The commenter claims that Trenton, Waldon, Carmelita, and Linden are used for parking when there are large events at the hotel and thinks near-by residential streets should have required parking permits to prevent this parking problem from the project. As indicated below, there is no empirical evidence to support the statement that there is spillover parking from the hotel operations. The evidence for this conclusion is as follows:

- The number of persons parking on-street on Whittier, Elevado, Trenton, and other adjacent roadways was not substantially different when event days were compared to non-event days.
- Second, few persons were noted walking between the Hotel and the residential areas to the north during field observations of large events over the recent Holidays.

If there was spillover parking, more persons would be observed parking on the residential streets on event days when compared to non-event days. Also, if spillover parking were occurring, more persons would be observed walking between the Hotel and residential areas to the north.

Regardless of the empirical evidence, the City is free to consider and implement parking restrictions on these residential streets as required outside of the CEQA process applicable to The Beverly Hilton Revitalization.

Response 85-9

The commenter claims that parking spill over already occurs, so how can the Draft EIR say this project will not have the same effect? In response to statements about parking spill over, there is no empirical evidence to support the contention that there is parking spillover in the adjacent residential areas based on the following items:

- The number of persons parking on-street on Whittier, Elevado, Trenton, and other adjacent roadways was not substantially different when event days were compared to non-event days.
- Second, few persons were noted walking between the Hotel and the residential areas to the north during field observations of large events over the recent Holidays.

If there was spillover parking, more persons would be observed parking on the residential streets on event days when compared to non-event days. Also, if spillover parking were occurring, more persons would be observed walking between the Hotel and residential areas to the north.

Response 85-10

The commenter claims the Draft EIR uses the same traffic numbers as 9900 Wilshire and wants to know if these numbers were made by a neutral source. Also the commenter wants to know if the City contacted remaining stores for their customer numbers. This comment is directed at the traffic counts taken at the Robinsons-May site prior to its closure. These counts were taken by an independent data collection firm under the direction of a traffic engineering firm hired by the 9900 Wilshire Project applicant. The City did not conduct independent research related to the number of customers at the Robinsons-May store. Additionally, 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 85-11

The commenter wants to know if the City contact Federated stores for their customer numbers. The City did not conduct independent research related to the number of customers at the Robinsons-May store.

Response 85-12

The commenter claimed that traffic collisions are double the average of the state at the five studied intersections, so how can the Draft EIR claim the project will not impact the number of traffic collisions at these intersections? The Draft EIR notes that no impact occurs because the incremental traffic attributable to the project causes an increase in traffic volumes of less than 1 percent. According to the Significance Thresholds identified in Section 4.11, Transportation, Traffic, Parking and Circulation, in the Draft EIR, the project has to cause an increase in traffic by 5 percent or more for a significant impact to occur.

Response 85-13

The commenter would like to see traffic better mitigated. As noted in the Draft EIR, there are no significant traffic impacts where the project's impacts can not be mitigated to a less than significant level. As a project's impacts under CEQA need only be mitigated to a less than significant level, no additional mitigation is warranted.

Response 85-14

This comment discusses general opposition to the project as it will destroy the quality of life and wants the current "Village" character to be persevered; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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.

Commenter No. 86: Milt Shefter, November 1, 2007

Response 86-1

The commenter claims that the stated financial gains from the project do not take into consideration the financial support for City Services and that the benefits from the Transient Occupancy Tax will go down due to the City services needed to support the residential portion of the project.

Please see **Oral Commenter Response No. 83-5** for a discussion of City services.

Please see **Oral Commenter Response No. 69-2** for an explanation of how infrastructure maintenance and improvements are paid for.

Response 86-2

The commenter alleges that the City is avoiding implementation of a voter-approved General Plan by granting spot variances from existing land use and zoning designations. It should be clarified that the City of Beverly Hills General Plan is not a voter-approved document. Further, the proposed designations do not constitute spot zoning. The proposed General Plan Amendment and Zone Change address the project's consistency with the General Plan and Zoning Ordinance. With project approval, the Beverly Hilton Revitalization Specific Plan would be adopted and implementation of the proposed project would thereby be consistent with the site's proposed land use and zoning designations.

Response 86-3

The commenter wants to know what benefits (like neighborhood revitalization) would come from the project; thus the discussion is largely economic in nature and is unrelated to the content and scope of the Draft EIR. The concerns raised are outside of the general scope of the California Environmental Quality Act (CEQA). 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 86-4

This comment discusses general opposition due to the proposed project's impacts to traffic, schools, and elements where there will still be significant unavoidable impacts; thus the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature; as such, 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.

Commenter No. 87: Ilona Sherman, November 1, 2007

Response 87-1

This comment refutes **Oral Commenter Comment No. 85-9**, stating that no street is immune to traffic spill over. 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. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Response 87-2

The commenter claims that the request made by **Oral Commenter Comment No. 85-8**, for parking permits should be recognized and there should be parking restrictions on residential streets. As indicated below, there is no empirical evidence to support the statement that there is spillover parking from the hotel operations. The evidence for this conclusion is as follows:

- The number of persons parking on-street on Whittier, Elevado, Trenton, and other adjacent roadways was not substantially different when event days were compared to non-event days.
- Second, few persons were noted walking between the Hotel and the residential areas to the north during field observations of large events over the recent Holidays.

If there was spillover parking, more persons would be observed parking on the residential streets on event days when compared to non-event days. Also, if spillover parking were occurring, more persons would be observed walking between the Hotel and residential areas to the north.

However, the City is free to consider implementation of these parking restrictions outside of the CEQA process for the proposed project since the Draft EIR identified no significant impacts associated with project implementation.

Response 87-3

This comment is in support of the proposed project and discusses a demand for high quality design and destinations. 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. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Response 87-4

This comment refutes **Oral Commenter Comment No. 85-14**, and asks if those who want the “Village” life are willing to go back to two-car families to better air quality. Thus, the discussion is unrelated to the content and scope of the Draft EIR. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). 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 87-5

This comment is in support of the proposed project and discusses the benefit of the project to the economy. 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. The concerns raised are anecdotal in nature, and are outside of the general scope of the California Environmental Quality Act (CEQA). As this comment is not directed at the environmental analysis in the Draft EIR, or its conclusions, no further response is required.

Commenter No. 88: Dan Walsh, November 1, 2007

Response 88-1

This comment is in support of the traffic improvements, the LEED certification, and the increased tax base from 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.