

RESOLUTION NO. 08-R-12600

RESOLUTION OF THE CITY OF BEVERLY HILLS
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
REPORT FOR THE BEVERLY HILTON SPECIFIC PLAN
THAT ENABLES REVITALIZATION OF THE
BEVERLY HILTON HOTEL SITE WITH A NEW
LUXURY HOTEL, CONDOMINIUMS, AND OPEN
SPACE; MAKING ENVIRONMENTAL FINDINGS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT; ADOPTING A STATEMENT OF
OVERRIDING CONSIDERATIONS; AND ADOPTING A
MITIGATION MONITORING AND REPORTING
PROGRAM

The City Council of the City of Beverly Hills hereby finds and resolves as follows:

Section 1. Formal applications were submitted by Oasis West Realty LLC, a Limited Liability Company (the "Applicant"), for revitalization of the existing Beverly Hilton Hotel to allow a new luxury hotel, a new luxury condominium building, gardens, subterranean parking, and modifications to the existing Beverly Hilton Hotel located at 9876 Wilshire Boulevard. The proposed project includes requests for an amendment to the General Plan, a Specific Plan, zone text amendment and zone change and a Development Agreement (the "Project"). A Draft Environmental Impact Report (the "Draft EIR") dated August 2007 (State Clearinghouse Number 2006091053) was prepared for the Project. Section 3.0 of the Draft EIR provides a full description of the Project as originally proposed by the Applicant. In accordance with the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code § 21000 *et seq.*) and the State Guidelines (the "Guidelines") (14 Cal. Code Regs. § 15000 *et seq.*) promulgated with respect thereto, the City analyzed the Project's potential impacts on the environment.

Section 2. Pursuant to Section 15063 of the Guidelines, the City prepared an Initial Environmental Study (the "Initial Study") for the Project. The Initial Study concluded that there was substantial evidence that the Project might have a significant environmental impact on several specifically identified resources and governmental services, including aesthetics; air quality; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services; transportation, traffic and parking; and utilities and service systems.

Section 3. Pursuant to Guidelines Sections 15064 and 15081, and based upon information contained in the Initial Study, the City ordered the preparation of an Environmental Impact Report ("EIR") for the Project. The City contracted with various independent consultants for the preparation of the technical studies for the EIR and on September 11, 2006, prepared and sent a Notice of Preparation of the EIR to responsible, trustee, and other interested agencies and persons in accordance with Guidelines Section 15082(a). A public scoping meeting was held on September 18, 2006.

Section 4. The City completed the Draft EIR, together with those certain technical appendices (the "Appendices"), on or about August 8, 2007. The City circulated the Draft EIR and the Appendices to the public and other interested parties between August 8, 2007 and September 28, 2007, for a 52-day comment period, exceeding the 45-day public comment period required by Guidelines Sections 15087(c) and 15105. The Planning Commission held duly noticed public hearings during the public review period on August 22, 2007 and September 10, 2007, and September 24, 2007, at which times it received oral and documentary evidence from the public regarding the Project and the Draft EIR. During the public comment

period on the Draft EIR, the City received written comment letters and numerous oral statements regarding the adequacy of the Draft EIR.

Section 5. Concurrent with preparation of the Draft EIR, the City was processing another EIR for a separate office building project at 231-265 North Beverly Drive. The traffic studies for these two projects included collection of traffic data at some of the same intersections. Because of differences between the traffic data, the 231-265 North Beverly Drive EIR suggested that some intersections might have more existing traffic than acknowledged by the traffic data shown in the Draft EIR for the Beverly Hilton Revitalization project. Therefore, the City opted to incorporate the traffic counts from the 231-265 North Beverly Drive EIR for those common intersections studied in both EIRs into the Beverly Hilton Revitalization EIR where the 231-265 North Beverly Drive EIR counts were higher. Thereafter, portions of the Draft EIR dealing with traffic, parking, circulation, noise and air quality were revised and recirculated for a shortened 30-day review period between October 15, 2007 and November 13, 2007. During this period, the Planning Commission held a public hearing on November 1, 2007 for the purpose of taking testimony on the Project and the Recirculated portions of the Draft EIR (the "Recirculated EIR"). (The Draft EIR and the Recirculated EIR together constitute the Draft EIR for the Project).

Section 6. During the course of the Planning Commission's deliberations on the Draft EIR and the Project, the Commission requested additional information regarding the potential environmental impacts of two different configurations of the Project. These additional potential configurations of the Project constituted variations on alternatives already analyzed in the Draft EIR. For ease of reference, these proposed configurations were referred to as Alternatives 6 and 7. An analysis of the additional variations was presented to the Planning

Commission on November 1, 2007, and that analysis is hereby incorporated into this Resolution by reference, and is incorporated into and is a part of the final environmental impact report. While these additional variations lessened or eliminated certain significant environmental impacts, neither of these additional variations changed the conclusions in the Draft EIR regarding the environmentally superior alternative, as discussed in the findings attached hereto as Exhibit A, and incorporated herein by reference. Further, these additional variations are not considered new alternatives and are not considerably different from the other five alternatives fully analyzed in the Draft EIR. Parts of these project variations have been incorporated into a revised project, as discussed below, with the goal of reducing the level of severity of significant and unmitigable impacts. As such, consideration of these variations does not require recirculation prior to certification of the Draft EIR. Further, consideration of these project variations is consistent with CEQA's policies, including changing the project as a method for protecting the environment (CEQA Guidelines Sec. 15002 (h)), and encouraging project proponents to incorporate environmental considerations into project conceptualization, design and planning at the earliest feasible time (CEQA Guidelines Sec. 15004 (b)(3)).

Section 7. As a result of the comments received during the public comment periods for the Draft EIR and the Recirculated Draft EIR sections; the comments received at the Planning Commission hearings held on August 22, September 10, October 3, November 1, November 8, and December 13, 2007 and January 31, February 7, and February 20, 2008; the comments received at the City Council hearings held on March 25, 2008, March 27, 2008, April 1, 2008, April 8, 2008, and April 15, 2008 (collectively the Commission and Council hearings are referred to as the "Hearings"), as well as concerns raised by the Commission and City Council, various modifications were made to the Project, including greater setbacks, and

reductions in building height and massing. At the conclusion of the City Council's deliberations, the proposal consists of a condominium building located south and east of the intersection of Wilshire Boulevard and Merv Griffin Way that is six stories in height at the north side and stepping up to eight stories on the south side of the building, a condominium building located at the northeast corner of the intersection of Santa Monica Boulevard and Merv Griffin Way that is 16 stories in height on the north side and 18 stories on the south side, a new 12-story 170-room luxury hotel west of the intersection of Wilshire Boulevard and Santa Monica Boulevard. In addition, portions of the existing Beverly Hilton Hotel facilities would be revitalized and remain in place. Collectively, the foregoing comprise, and are referred to as, the "Revised Project." The Revised Project includes requests for a general plan amendment, zone text amendment, zone change, specific plan, and development agreement for the subject property.

Between the analysis of the originally proposed Project, the analysis of the five alternatives, and the analysis of the two additional variations on alternatives as discussed in Section 6 above, and the analysis of the Revised Project contained in Appendix C of the Final EIR, which is hereby incorporated by reference, the potential impacts of the Revised Project have been fully assessed, fully disclosed, and mitigated or avoided to the extent feasible for the reasons set forth in the Findings and Facts in Support of Findings attached hereto as Exhibit A.

Section 8. The City prepared written responses to all comments received on the Draft EIR and made revisions to the Draft EIR, as appropriate, in response to those comments. The City completed the written responses to comments on the Draft EIR in February 2008, and those responses to comments are incorporated herein by reference. The written responses to comments were made available for public review in the Department of

Community Development, at the Beverly Hills Public Library and on the City's website. After reviewing the responses to comments and the revisions to the Draft EIR, the Planning Commission concluded that the information and issues raised by the comments, the responses thereto and the additional analysis in response to Project revisions did not constitute new information requiring recirculation of the Draft EIR. Based on its review of the documentation, the City Council concurs and finds that recirculation of the EIR is not required.

Section 9. The Final Environmental Impact Report (the "Final EIR") is comprised of the Draft EIR, including Appendices, dated August 2007; the Recirculated EIR dated October 2007; the Additional Project Alternatives analysis presented to the Planning Commission on November 1, 2007 including supplemental shade and shadow studies; the Comments and Response to Comments on the Draft EIR, including errata pages; the Mitigation Monitoring and Reporting Program, and Appendix C to the Final EIR – assessment of the Revised Project.

Section 10. The findings made in this Resolution are based upon the information and evidence set forth in the Final EIR and upon other substantial evidence that has been presented orally and in writing at the Hearings and in the record of the proceedings, including the proceedings and records before the Planning Commission which is hereby incorporated by reference. The documents, staff reports, technical studies, appendices, plans, specifications, and other materials that constitute the record of proceedings on which this Resolution is based are on file for public examination during normal business hours in the Department of Community Development and with the Director of Community Development, who serves as the custodian of these records. Each of those documents is incorporated herein by reference.

Section 11. The City Council finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the EIR, the Project, and the Revised Project.

Section 12. The City Council has independently reviewed and considered the contents of the Final EIR prior to deciding whether to approve the Revised Project. The City Council hereby finds that the Final EIR reflects the independent judgment of the City and the City Council. The City Council further finds that the additional information provided in the staff reports, in the responses to comments received during circulation of the Draft EIR, and recirculation of the traffic, noise and air quality sections of the Draft EIR, and in the evidence presented in written and oral testimony presented at the Hearings, does not constitute new information requiring recirculation of the EIR under CEQA. None of the information presented to the Planning Commission or City Council has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the Project or a feasible mitigation measure or alternative that the City has declined to implement.

Section 13. The City Council finds that the comments regarding the Draft EIR and the responses to those comments have been received by the City; that the Planning Commission and City Council received public testimony regarding the adequacy of the Draft EIR; and that the City Council has reviewed and considered all such documents and testimony prior to making its determination on the Project. The City Council, pursuant to Guidelines Section 15090, hereby certifies that the Final EIR has been completed in compliance with CEQA.

Section 14. Based upon the Final EIR and the record before the City Council and Planning Commission, the City Council finds that the Revised Project will not cause any significant environmental impacts after mitigation except in the areas of Aesthetics, Air Quality, Cultural Resources, and Noise. Explanations for why the impacts other than the foregoing were found to be less than significant are contained in the “Findings and Facts in Support of Findings” set forth in Exhibit A, which is attached hereto and incorporated herein by this reference and in the Final EIR and the Initial Study which is included as Appendix A to the Final EIR.

Section 15. Based upon the Final EIR and record before the City Council, the City Council finds that the Revised Project will create significant unavoidable impacts to Aesthetics, Air Quality, Cultural Resources, and Noise. These significant impacts are further described in the “Findings and Facts in Support of Findings,” set forth in Exhibit A, which is attached hereto and incorporated herein by this reference, and in the Final EIR. The findings in Exhibit A explain that all feasible mitigation, including project revisions, have been incorporated to reduce the level of impact, but that even after mitigation the impacts remain significant.

Section 16. The Final EIR describes, and the City Council has fully considered a reasonable range of alternatives to the Project. These alternatives include Alternative 1 - No Project Alternative, Alternative 2 – Code Compliant Office/Retail Alternative, Alternative 3 – Reduced Density Alternative, Alternative 4 – Modified Residential Building Height Alternative, and Alternative 5 – Preservation Alternative. As explained in Section 6 above, the Planning Commission also requested analysis of the two additional variations on the alternatives analyzed in the Draft EIR.

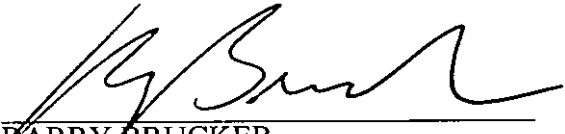
With respect to each of the alternatives analyzed in the EIR, and the two project variations considered by the Planning Commission and City Council, the City Council hereby makes the findings set forth in Exhibit A, which is attached hereto and incorporated by reference. On the whole, the Revised Project, which incorporates features of some of the alternatives and variations, will reduce, although not to a level of less than significant, otherwise unmitigable impacts to aesthetics. As such, the City Council adopts the Revised Project, and finds all other alternatives and variations infeasible or not environmentally preferable for the reasons set forth in Exhibit A.

Section 17. For the Aesthetics, Air Quality, Cultural Resources, and Noise impacts discussed in the Final EIR and Findings And Facts in Support of Findings, attached hereto as Exhibit A, as “significant and unavoidable,” the City Council hereby adopts the “Statement of Overriding Considerations” as set forth in Exhibit B, which is attached hereto and incorporated herein by reference. The City Council finds that each of the overriding benefits, by itself, would justify proceeding with the Revised Project despite the significant unavoidable impacts identified in the Final EIR or alleged to be significant in the record of proceedings.

Section 18. The City Council hereby adopts the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C and incorporated herein by this reference, and imposes each mitigation measure as a condition of Project approval. The City Council hereby adopts the “Mitigation Monitoring and Reporting Program,” attached hereto and incorporated herein by reference. City staff shall be responsible for implementation and monitoring the mitigation measures as described in Exhibit C.

Section 19. The Secretary shall certify to the adoption of this Resolution, and shall cause this Resolution and his certification to be entered into the Book of Resolutions of the Planning Commission of the City.

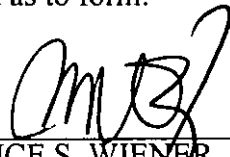
Adopted: April 21, 2008


BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

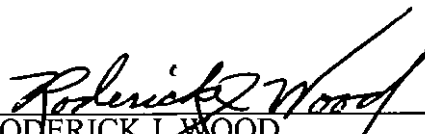
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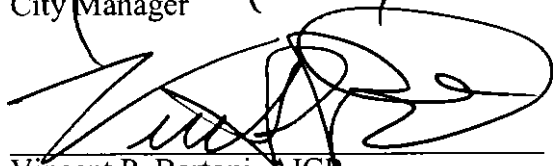

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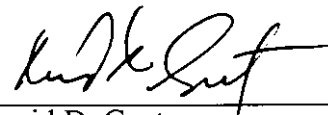

David D. Gustavson
Director of Public Works & Transportation

EXHIBIT A

Findings and Facts in Support of Findings

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Findings and Facts in Support of Findings

I. Introduction.

The California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (the "Guidelines") provide that no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that will occur if a project is approved or carried out unless the public agency makes one or more of the following findings:

- A. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the EIR.**
- B. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.**
- C. Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.¹**

Pursuant to the requirements of CEQA, the City Council hereby makes the following environmental findings in connection with the proposed construction of the residential and retail buildings with subterranean parking totaling 970,620 square feet, as more fully described in the environmental impact report ("EIR") and as revised by the City Council. These findings are based upon evidence presented in the record of these proceedings, both written and oral, the EIR and all of its contents, the Comments and Responses to Comments on the Draft EIR, and staff and consultants' reports presented to the Planning Commission and the City Council.

II. Project Objectives.

As set forth in the EIR, objectives of the project (the "Project Objectives") are as follows:

- Allow the Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.

¹ Cal. Pub. Res. Code § 21081; 14 Cal. Code Regs. § 15091.

- 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.
- Create a business conference center that meets the needs of business travelers, hotel guests, and meeting attendees.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the project site.
- Arrange the existing and planned on-site hotel facilities and other uses in a way that is logical and promotes efficient operations.
- Co-locate residential and hotel units to permit shared use of hotel services and site amenities.
- 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.
- Develop the project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Improve the transition from commercial uses on Santa Monica Boulevard to residential uses north of Wilshire Boulevard through the introduction of residential uses and development of the site at a scale compatible with neighboring land uses.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the project site to Wilshire Boulevard and Merv Griffin Way and to pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

III. Background.

The Applicant's original proposal (the "Project") consisted of redevelopment and reconfiguration of the Project site through the addition of 50 guestrooms to the Beverly Hilton Hotel, as well as new hotel support, retail and office facilities, a conference center, and outdoor landscaped areas; a new luxury 14 story 120 room hotel, with 30 condominium units on the top six floors. The proposal also included two condominium buildings, Residence A, at the intersection of Wilshire Boulevard and Merv Griffin Way, which was proposed to have 13 stories and 42 condominium units, and Residence B, at the intersection of Santa Monica Boulevard and Merv Griffin Way, which is proposed to have 13 stories and 48 condominium units. The Project also would remove the Palm Oasis Court (181 guestrooms) and Cabana/Lanai Rooms (36 guestrooms), while the existing Wilshire Tower and its 352 guestrooms would remain. The Project contemplated an overall reduction of 47 hotel rooms on the site. The Project also contemplated subterranean parking and removal of the existing above and below ground parking structure and the former Trader Vic's restaurant. The summary of existing facilities and the Proposed Project's components appears at Table 3.0-1 in the Draft EIR, and is incorporated herein by reference.

During Planning Commission deliberations and consideration of variations of the Project, the Commission requested certain revisions to the Project to address concerns of the Commission and to respond to certain adverse environmental impacts of the original proposal. The Planning Commission's recommended project was similar, but less intense than the originally proposed Project.

At the conclusion of the Planning Commission's deliberations, the Commission considered a project consisting of the following changes from the original proposal: a luxury hotel building of 12 stories in height and containing a maximum of 140 hotel rooms with the tower element set back further from Wilshire Boulevard and a two-story restaurant element closer to the intersection of Santa Monica and Wilshire Boulevards. Further, Residence A was removed and replaced with open space gardens, such that the only condominium building would have been Residence B, which would be increased in size to 16 stories and a maximum of 60 units. Other project modifications included revised access to the new luxury hotel which increases the distance between the entry point and the intersection of Wilshire Boulevard and Santa Monica Boulevard, a revised conference center building including elimination of fifty hotel rooms, poolside residences, and increased landscaped setbacks from Wilshire Boulevard.

During the City Council deliberations on the Project, the City Council considered revisions to the originally proposed project that modified the Project to address community and environmental concerns, but the modifications resulted in fewer changes to the Project. The project as modified by the City Council is referred to herein as the "Revised Project." The Revised Project, limits the height of the new luxury hotel to 2 stories at the closest point to the

intersection of Santa Monica Boulevard and Wilshire Boulevard and 12 stories further back from such intersection with 170 rooms and sets back the luxury hotel tower further from Wilshire Boulevard than the proposed Project. The Revised Project eliminates the thirty (30) residences at the pool that were contemplated in revisions requested by the Planning Commission. The Revised Project reduces the size and height of Residence A as originally proposed so that Residence A is set back approximately 68'11' from the curblin of Wilshire Boulevard, equivalent to the midpoint of the Wilshire facade of the north wing of the existing Hilton tower. Additionally, the front portion of Residence A closest to Wilshire Boulevard is limited to six stories in height, which is shorter than the existing Wilshire Tower and the rear portion of Residence A is limited to eight stories, which is the same number of stories as the Wilshire Tower. Residence B is increased in height to sixteen stories on the portion closest to Wilshire Boulevard and eighteen stories on the portion of the building along Santa Monica Boulevard. The Revised Project also incorporates elements of the Planning Commission recommendation, including, revised access to the luxury hotel which increases the distance between the entry point and the intersection of Wilshire Boulevard and Santa Monica Boulevard, a revised conference center building including the elimination of fifty hotel rooms, and increased landscaped setbacks along Wilshire Boulevard.

Between the analysis of the originally proposed Project and the analysis of the five project alternatives and two variations on the alternatives, as discussed in Section VIII below, the potential impacts of the Revised Project have been fully assessed, fully disclosed, and mitigated or avoided to the extent feasible.

IV. Effects Determined to be Less Than Significant/No Impact in the Initial Study/Notice of Preparation.

The City of Beverly Hills conducted an Initial Study in September 2006 to determine significant effects of the Project. In the course of this evaluation, certain impacts of the Project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant for the reasons set forth in the Initial Study, and were not analyzed in the Draft EIR (refer to Appendix A, Initial Study/Notice of Preparation, in the Draft EIR). Revisions to the Project, as described in Section III do not change the conclusions of the Initial Study.

A. AESTHETICS

1. The Project will not have a substantial adverse effect on a scenic vista.
2. The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

B. AGRICULTURAL RESOURCES

1. The Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant

to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

2. The Project will not conflict with existing zoning for agricultural use, or a Williamson Act Contract.
3. The Project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

C. AIR QUALITY

1. The Project will not create objectionable odors affecting a substantial number of people.

D. BIOLOGICAL RESOURCES

1. The Project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
2. The Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. The Project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
4. The Project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. The Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

E. GEOLOGY AND SOILS

1. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.
2. The Project will not result in substantial soil erosion or loss of topsoil.
3. The Project will not have soils incapable of adequately supporting the use of septic tanks or alternatives wastewater disposal systems where sewers are not available for the disposal of wastewater.

F. HAZARDS AND HAZARDOUS MATERIALS

1. The Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
2. The Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and therefore will not result in a safety hazard for people residing or working in the project area.
3. The Project is not within the vicinity of a private airstrip, and therefore will not result in a safety hazard for people residing or working in the project area.
4. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
5. The Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with vegetation.

G. HYDROLOGY AND WATER QUALITY

1. The Project will not place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Map or other flood hazard delineation map.
2. The Project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows.
3. The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure

of a levee or dam.

4. The Project will not be subject to inundation by seiche, tsunami, or mudflow.

H. LAND USE AND PLANNING

1. The Project will not physically divide an established community.
2. The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan.

I. MINERAL RESOURCES

1. The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
2. The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

J. NOISE

1. The Project is not located within an airport land use plan or within two miles of a public airport or public use airport, and thus would not expose people residing or working in the Project area to excessive noise levels from airport activities.
2. The Project is not located within the vicinity of a private airstrip, and thus would not expose people residing or working in the Project area to excessive noise levels from airstrip activities.

K. POPULATION AND HOUSING

1. The Project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.
2. The Project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

L. TRANSPORTATION AND TRAFFIC

1. The Project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risk
2. The Project will not cause a four-way stop-controlled intersection operating at LOS A, B or C to operate at LOS D and increases the average delay by five

seconds or more.

3. The Project will not cause a four-way stop-controlled intersection operating at LOS D to operate at LOS D and increases the average delay by four seconds or more.
4. The Project will not cause a four-way stop-controlled intersection operating at LOS E or F to operate at LOS F and increases the average delay by three seconds or more.
5. The Project will not cause a two-way stop-controlled intersection operating at LOS D or better to operate at LOS E or F.

V. Effects Determined to be Less Than Significant Without Mitigation in the EIR.

The EIR found that the proposed Project would have a less than significant impact without the imposition of mitigation on a number of environmental topic areas, listed below. A less than significant environmental impact determination was made for each of the following topic areas, based on the more expansive discussions contained in the EIR. Further, the project revisions described in Section III above do not change the following conclusions, except that impacts of the Revised Project may be reduced as compared to those of the originally proposed Project.

A. AESTHETICS

1. Development of the proposed Project would not create a new source of shade or shadow which would adversely affect existing shade/shadow sensitive structures or uses. Any potential impacts to sensitive land uses to the north of the Project site would be further reduced with the increased setback and reduced height of the Residence A Building, which was closest in proximity to the northern properties.

B. AIR QUALITY

1. Development of the proposed Project would not interfere with the attainment of the federal or state ambient air quality standards by either violating or contributing to an existing or projected air quality violation.
2. Development of the proposed Project would not result in population increases within an area that would be in excess of that projected by SCAG in the AQMP, or increase the population in an area where SCAG has not projected that growth for the project's buildout year.
3. Development of the proposed Project would not generate vehicle trips that cause a CO hotspot and would not expose future occupants of patrons to a CO hotspot.
4. Development of the proposed Project would not have the potential to create, or

be subjected to, an objectionable odor that could impact sensitive receptors.

5. Development of the proposed Project would not have hazardous materials on-site and could result in an accidental release of toxic air emissions or acutely hazardous materials posing a threat to public health and safety. Further, in the event that asbestos containing materials are discovered during demolition or renovation activities, compliance with SQAQMD's Rule 1403 regulating asbestos emissions from demolition and renovation activities will ensure that no significant impacts will result. SQAQMD's Rules apply to the Project, and the Applicant must comply with these rules. Because compliance with Rule 1403 ensures that any impact is less than significant, no mitigation is necessary. See also mitigation measures imposed to deal with the potential discovery of asbestos-containing materials, lead based paints, and other potentially hazardous materials.
6. Development of the proposed Project would not emit a toxic air contaminant regulated by SQAQMD rules or that is on a federal or state air toxic list.
7. Development of the proposed Project would not be occupied by sensitive receptors within one-quarter mile of an existing facility that emits air toxics identified in SQAQMD Rule 1401.
8. Development of the proposed Project would not emit carcinogenic or toxic air contaminants that individually or cumulatively exceed the maximum individual cancer risk of 10 in 1 million.

C. GEOLOGY AND SOILS

1. Development of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault.
2. Development of the proposed Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.
3. Development associated with the proposed Project, in conjunction with other related cumulative projects, would not result in cumulatively considerable geology, soils, and seismicity impacts.

D. HAZARDS AND HAZARDOUS MATERIALS

1. Development of the proposed Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

2. A Phase 1 Environmental Site Assessment completed in 2003 identified common moisture related growth (Cladosporium) in a majority of the mechanical rooms at the Project site. The 2003 assessment recommended the removal of this growth following elimination of moisture issues. In 2005, a follow-up Phase 1 Environmental Site Assessment, included in the Draft EIR as Appendix 4.5, was completed. The 2005 Assessment did not identify the presence of moisture intrusion or microbial growth. Therefore, no microbial growth impacts are expected and no mitigation is necessary.

E. HYDROLOGY AND WATER QUALITY

1. Development of the proposed Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned land uses for which permits have been granted). Incorporation of a graywater reuse system for substantial portions of the Revised Project would provide an alternate source for irrigation and certain other water demands associated with the project and will result in a reduced demand for water from other sources thus further reducing the potential impacts of the Project.
2. Development of the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site.
3. Development of the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
4. Development of the proposed Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
5. Development of the proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

F. NOISE

1. Noise levels measured at off-site land uses would not exceed the 45 dB(A) interior noise threshold or 65 dB(A) exterior noise threshold contained in the State's guidelines. Based on this information, the proposed Project would not result in significant noise impacts.
2. Use of the proposed subterranean parking structures would not result in audible noise at on- or off-site locations, since parking structure noise would be masked by traffic noise on nearby roadways. On- and off-site noise impacts associated with the parking structures would be less than significant.

G. POPULATION AND HOUSING

1. Development of the proposed Project would not induce population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Further, the reduction in the number of condominium units contemplated in the Revised Project further ensures that impacts in this regard would be less than significant.

H. FIRE PROTECTION

1. Development of the proposed Project would not create a demand for additional fire stations, department personnel, and/or equipment.

I. POLICE PROTECTION

1. Development of the proposed Project would not increase demand for the level of police protection that would reduce the level of protection services.
2. Development of the proposed Project would not create a demand for additional police stations, department personnel, and/or equipment.

J. SCHOOLS

1. Development of the proposed Project would not result in a significant impact to school services because the Project would not substantially increase demand for the level of school services or create a substantial need for additional schools in the area. Further, payment of statutory school fees would address the incremental demand for school services generated by the residential component of the project.

K. RECREATION AND PARKS

1. Development of the proposed Project would not result in a significant impact on recreation and parks because the proposed Project would not increase

demand for the level of parks services or create a substantial need for additional parks in the area. Further, the Revised Project has fewer residential units. As such, no significant impacts are expected.

L. LIBRARY SERVICES

1. Development of the proposed Project would not be considered to have a significant impact on library services because it would not increase demand for the level of library services or create a substantial need for additional libraries in the area. The Revised Project, with fewer residential dwelling units, would reduce the impact even further below the level of significance.

M. TRANSPORTATION AND TRAFFIC

1. Development of the proposed Project would not cause a significant impact for intersections within the City of Beverly Hills, since the proposed Project would not cause an increase in V/C ratio of equal to or greater than 0.040 at a signalized intersection operating at LOS D during a peak hour.
2. Development of the proposed Project would not cause a significant impact for intersections within the City of Beverly Hills, since the proposed Project would not cause an increase in V/C ratio of equal to or greater than 0.020 at a signalized intersection operating at LOS E or F during a peak hour.
3. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 25 percent or more on a residential street with a daily traffic volume of less than 3,750.
4. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 12.5 percent or more on a residential street with a daily traffic volume of between 3,750 and 6,750.
5. Development of the proposed Project would not cause a significant impact on residential roadway segments, since the proposed Project would not cause an increase in daily traffic volume by 6.25 percent or more on a residential street with a daily traffic volume of more than 6,750.
6. Development of the proposed Project would not cause a significant impact on a Congestion Management Plan (CMP) intersection, since the proposed Project would not cause the V/C ratio to increase by two percent or more, causing the V/C ratio to increase beyond 1.00 (LOS F).

7. Development of the proposed Project would not cause a significant impact for alternative forms of transportation, since the proposed Project would not conflict with adopted policies, plans, or programs supporting alternative transportation.
8. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not disrupt existing pedestrian facilities.
9. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not interfere with planned pedestrian facilities. In fact, the addition of open space and planting along Wilshire Boulevard will improve existing pedestrian facilities.
10. Development of the proposed Project would not cause a significant impact for pedestrian facilities, since the proposed Project would not conflict with or create inconsistencies with adopted pedestrian system plans, guidelines, policies or standards.
11. Development of the proposed Project would not cause a significant impact since the proposed Project would not fail to provide adequate accessibility for service and delivery trucks on-site, including access to truck loading areas.
12. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not design parking areas that fail to meet City standard design guidelines.
13. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not fail to provide a sufficient quantity of on-site parking for vehicles. Parking is provided in excess of City requirements and will improve existing parking supply for hotel clients.
14. Development of the proposed Project would not cause a significant impact for project parking, since the proposed Project would not increase off-site parking above that which is provided in the immediate project area. Parking is provided in excess of City requirements and will improve existing parking supply for hotel clients.
15. Development of the proposed Project would not cause a significant impact for risk of off-site intersection collision, since the proposed Project would not change off-site intersection location, geometrics, or traffic control devices, resulting in obstructed sight distance, over-reduced lane width, removal of exclusive left-turn or right-turn lanes, unsafe timing and phasing designs, or

other safety deficiencies. The Project proposes a number of circulation improvements, as set forth in Section 4.11.6 of the Recirculated Draft EIR. The planned improvements, along with the project driveways that conform to industry and City standards, will not cause significant impacts with respect to traffic safety. Further, the access point to the new luxury hotel has been set back further from the intersection of Wilshire Boulevard and Santa Monica Boulevard in the Revised Project in order to further enhance safety.

16. Development of the proposed Project would not cause a significant risk of off-site intersection collision, since the proposed Project would not increase conflicting traffic (vehicular, pedestrian or bicycle) at intersections.

N. SOLID WASTE

1. Development of the proposed Project would not be served by a landfill without sufficient permitted capacity to accommodate the Project's solid waste disposal needs.
2. Development of the proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

O. ENERGY

1. Development of the proposed Project would not result in a substantial increase in energy demand relative to the availability of supply.

VI. Potentially Significant Environmental Impacts Determined to be Mitigated to a Less Than Significant Level.

The EIR identified the potential for the Project to cause significant environmental impacts in the areas of light and glare; cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; fire and emergency services; transportation, traffic and circulation; water; wastewater; and energy. With the exception of the specific impacts as discussed in Section VII below, measures were identified that would mitigate all of these impacts to a less than significant level.

The City Council finds that the feasible mitigation measures for the Project identified in the Final EIR would reduce the Project's impacts to a less than significant level, with the exception of those unmitigable impacts discussed in Section VII below. The City Council adopts all of the feasible mitigation measures for the Project described in the Final EIR as conditions of approval of the Project and incorporates those into the Project. Further, the project revisions described in Section III above do not change the following conclusions, except that impacts of the Revised Project may be reduced as compared to those of the originally proposed Project.

A. AESTHETICS

1. Visual Character and Quality

Increased development intensity, and building heights would potentially conflict with General Plan Land Use Element Objective 3, "Areas of Transitional Conflict," and Objective 4, "Scale of the City," and with Land Use Element development criteria recommending compatibility between commercial and residential areas. This would alter the visual character and quality of the site and its surroundings and is a potentially significant impact.

(a) Findings

Changes or alterations have been required in or incorporated into the Revised Project which substantially lessen certain significant impacts identified in the EIR to less than significant levels.

(b) Facts in Support of Findings

Project implementation would introduce new buildings and land uses and substantially increase development density and building heights on the Project site as compared to the existing conditions. The Project would alter the visual character and quality of the site and its surroundings, which is a potentially significant impact. Nonetheless, the Revised Project is consistent with the General Plan, as proposed to be amended in conjunction with this Revised Project. The City Council modified the Project to reduce the levels of impact, even though one impact on views remains significant, as discussed in Section VII below. The modifications that reduce the effects include the increased setback and reduced height of Residence A which was closest to the residential neighborhood to the north, removing the proposed additional Hilton hotel rooms along Wilshire Boulevard and increasing the setback of the taller portions of the new luxury hotel a substantial distance from Wilshire Boulevard, increasing the amount of landscaped setback areas along Wilshire Boulevard, and increasing the amount of garden and open-space at the intersection of Merv Griffin Way and Wilshire Boulevard.

In total, the revisions to the Project required by the City Council, and specifically including the reduction in height and the increase in setback of Residence A, the articulation of the height of Residence B (stepped from sixteen to eighteen stories to reduce the appearance of mass and "box" appearance), the elimination of the proposed Hilton hotel rooms along Wilshire Boulevard and the increased setback of the luxury hotel tower from Wilshire Boulevard, are found to mitigate to less than significant levels the potentially significant visual character and quality impact along Wilshire Boulevard, which is the most visually sensitive frontage of the Project site and the most sensitive with respect to land use compatibility with the school, park and residential uses to the north. Further, the Revised Project provides gradual steps up in building height from north to south (6 to 8 to 16 to 18 stories) from Residence A and east to west (2 stories to 12 to 16 to 18) from the Waldorf Astoria to Residence B with the Wilshire Tower providing a central anchor to the site. Additionally, these revisions would mitigate to a level of insignificance the view impact from the intersection of Wilshire Boulevard and Santa Monica Boulevard identified as significant and unmitigable by the EIR. The Revised Project allows significant views of the Wilshire Tower of the Hilton Hotel from the intersection.

Although the height of Residence B has increased under the Revised Project, the increased height is concentrated along Santa Monica Boulevard where it serves as an appropriate transition from the taller buildings in Century City to the lower scale of Wilshire Boulevard without impacting visually sensitive uses such as parks and residences. Therefore, the increased height will not have a significant visual impact.

2. Views

Evaluation of views from ten viewpoints showed that impacts would be less than significant at eight viewpoints. Project implementation would adversely affect views of the Beverly Hilton from the intersection of Wilshire and Santa Monica Boulevards (Viewshed Four) and west-facing panoramic views from the hotel's Wilshire Tower guestrooms (Viewshed 10). These are potentially significant impacts.

(a) Findings

Changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR such that the impacts from Viewshed Four are less than significant.

(b) Facts in Support of Findings

The luxury hotel building incorporated into the Revised Project would be limited to two stories and 45 feet at the intersection, and twelve stories farther from the intersection. Further, it would be separated from Wilshire Boulevard by a landscaped building setback. Therefore, the luxury hotel building would no longer significantly obstruct views of the Wilshire Tower building from this intersection. The new Beverly Hilton hotel rooms along Wilshire Boulevard have been eliminated from the Revised Project and no longer would obstruct views of the hotel tower. Farther west, the new Residence A building would have been just visible, however that building is farther set back and reduced in height in the Revised Project. Partial obstruction of hotel views from this vantage point by the luxury hotel building and new Beverly Hilton hotel rooms building is no longer considered a significant impact due to Project revisions.

B. LIGHT AND GLARE

The Project's potential in regard to aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 4.1.2, Light and Glare, of the Draft EIR. Identified impacts include operational and cumulative aesthetic, light, and glare impacts.

1. Operational Impacts

The EIR analyzes in detail the potential of the Project's operational activities to impact the visual character of the Project site and the surrounding area and to introduce new sources of light and glare. Project implementation would introduce new light sources on the Project site. While the proposed revitalization of the Beverly Hilton-site, and the associated lighting, are consistent with existing development in the area, the building alignment on the Property, which focuses taller buildings on the southern side of the site closer to the Santa Monica Boulevard frontage, minimizes any potential impact on adjacent residential and institutional property to less than

significant.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-LG-1 Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the Project site, to prevent light spillover onto adjacent properties or roadways.

(b) Facts in Support of Findings

Project implementation would increase ambient nighttime light levels on the Project site, and illuminated buildings and outdoor areas would be visible from some off-site vantages. However, the nearest residential properties are more than 100 feet to the north, across Wilshire Boulevard and north of Beverly Gardens Park, and project light sources are not expected to raise ambient light levels on those properties by more than one foot-candle. The Project would therefore comply with Municipal Code regulations governing residential lighting. While a number of Project features are proposed to reduce the visibility of light sources from off-site, the potential still exists for unshielded or misdirected light sources to adversely affect nighttime views. With implementation of mitigation measure **MM-LG-1**, which would reduce the potential for off-site light spillover, Project lighting would not adversely affect nighttime views and impacts would be less than significant. In addition, the level of impact would be further reduced due to the increased setback of Residence A in the Revised Project.

2. Cumulative Light and Glare Impacts

Development of the proposed Project, in conjunction with related cumulative projects, could result in significant cumulative light and glare impacts.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-LG-1 Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the Project site, to prevent light spillover onto adjacent properties or roadways.

(b) Facts in Support of Findings

The proposed redevelopment of the former Robinsons-May property at 9900 Wilshire Boulevard, immediately west of the Beverly Hilton property, would increase nighttime light levels on that

site over existing levels and those associated with operations of the former department store, and would contribute to higher ambient nighttime light levels in the project vicinity. The residential and commercial buildings of the 9900 Wilshire Project would be lighted at night, with interior and exterior building illumination visible from off site.

Both projects would be required to comply with Municipal Code requirements governing light spillover onto residential properties. A lighting program is proposed for the Project that contains a number of features to reduce the potential for light spillover onto off-site properties. Implementation of mitigation measure MM-LG-1 would further reduce the potential for light spillover and adverse effects on nighttime views. For these reasons, light sources proposed as part of the Project would constitute a less than considerable, and therefore not significant, incremental contribution to light levels and impacts on nighttime views when considered together with the 9900 Wilshire project.

Building materials proposed for the Project would be low-reflectivity and are intended to minimize glare, and new development would be set back from surrounding roadways. The Project's contribution to cumulative glare impacts is less than considerable with implementation mitigation measure MM-LG-1, and therefore is not significant. The level of impact would be further reduced due to the increased setback of Residence A in the Revised Project.

C. CULTURAL RESOURCES

The Project's potential impacts on cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.3, Cultural Resources, of the Draft EIR. Identified impacts include historical, archeological, and paleontological resources.

1. Historical Resources - Street Lights

Sixteen potentially historic street lights are located adjacent to the Beverly Hilton-site; nine are located along Wilshire Boulevard and seven are located along Santa Monica Boulevard. These street lights are potentially eligible for local listing or designation as historic resources. Removal of these street lights would result in a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-CR-2 Potentially historic street lights adjacent to the Project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

(b) Facts in Support of Findings

The potential cultural resources impacts to the potentially historic street lights from construction and operational activities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR. Implementation of mitigation measure **MM-CR-2** requiring removal and reinstallation of the lights adjacent to the Project site would reduce this potentially significant impact to a less than significant level.

2. Historical Resources – Sign Posts

Three potentially historic sign posts are located between Wilshire and Santa Monica Boulevards along Merv Griffin Way. These sign posts have not been formally surveyed or evaluated and are currently considered potential historical resources. Removal of the signs would constitute a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

CR-3 Potentially historic sign posts adjacent to the Project site on Merv Griffin Way shall be preserved and reinstalled in approximately the same locations, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.

(b) Facts in Support of Findings

Three potentially historic sign posts are located between Wilshire and Santa Monica Boulevards along Merv Griffin Way. While their removal would not be a substantial adverse change under the City's Threshold of Significance, Mitigation Measure **MM-CR-3** requires that these sign posts be preserved and reinstalled along Merv Griffin Way to ensure impacts are less than significant.

3. Archaeological Resources

No archaeological resources or human remains are known to have been discovered on the Project site during previous disturbances. However, excavation activities have the potential to result in a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5, as well as the potential to disturb human remains. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR.

Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

CR-4 If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5(f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.

CR-5 If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5(d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.

(b) Facts in Support of Findings

No archaeological resources are known to have been discovered on the Project site during the extensive disturbances associated with development of the structures presently existing on the Project site. However, the additional excavation of the Project site necessary to develop the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources that may exist. In the event of an unexpected disturbance, significant impacts on archaeological resources could occur. Implementation of mitigation measures MM-CR-4 and MM-CR-5 would reduce potentially significant impacts to a less than significant level.

4. Paleontological Resources

The EIR analyzes in detail the potential of the Project's construction and operational activities to impact the paleontological resources of the Project site and the surrounding area. No paleontological resources are known to have been discovered on the Project site during previous construction disturbances. However, excavation of the site for development of the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-CR-6 In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

(b) Facts in Support of Findings

The potential cultural resources impacts from construction and operational activities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR. No paleontological resources are known to have been discovered on the Project site during the extensive disturbances associated with development of the structures presently existing on the Project site. However, the additional excavation of the Project site necessary to develop the proposed Project has the potential to disturb unknown resources, causing a potentially significant impact upon any such resources that may exist. In the event of an unexpected disturbance, significant impacts on paleontological resources could occur. Implementation of mitigation measure **MM-CR-6** would reduce potentially significant impacts to a less than significant level.

5. Cumulative Impacts

Development of the proposed Project, in conjunction with related cumulative projects, could result in significant cultural resources impacts.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant operational related environmental effect as identified in the Draft EIR. Specifically, the implementation of mitigation measures **MM-CR-2** through **MM-CR-6**, as described above, imposed upon the Project mitigate impacts to less than significant levels.

(b) Facts in Support of Findings

With implementation of mitigation measures **MM-CR-2** and **MM-CR-3**, impacts related to street lights and sign posts would be less than significant because the lights and signs associated with this Project would be integrated into the Revised Project, thus not contributing to a significant cumulative impact.

With implementation of the recommended mitigation measure, **MM-CR-4** and **MM-CR-5**, project and cumulative impacts related to archaeological impacts would be less than significant. No contribution to cumulative impacts is expected from the Revised Project. Similar requirements are imposed on other cumulative projects under the City of Beverly Hill's jurisdiction further ensuring that cumulative impacts would remain less than significant.

With implementation of the recommended mitigation measure, **MM-CR-6**, Project and cumulative impacts related to paleontological impacts would be less than significant. No contribution to cumulative impacts is expected from the Revised Project. A similar requirement is imposed on other cumulative projects under the City of Beverly Hills' jurisdiction further ensuring that cumulative impacts would remain less than significant.

D. GEOLOGY AND SOILS

The Project's potential in regard to geology and soils impacts that can be mitigated or are otherwise less than significant is discussed in *Section 4.4, Geology and Soil*, of the Draft EIR. Identified impacts include seismic groundshaking, ground failure, and expansive soils.

1. Seismic Groundshaking

Several active faults are located within 10 miles of the Project site; as such, the Project site may be subject to strong ground shaking in the event of an earthquake. Therefore, people and structures may be exposed to potential adverse effects from seismic groundshaking.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-GEO-1 The proposed Project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.

(b) Facts in Support of Findings

The potential geological impacts from construction and operational activities of the proposed Project have been eliminated or substantially lessened to a level of less than significant by virtue

of the mitigation measures identified in the Draft EIR. Recommendations and specifications of the geotechnical investigation, as well as compliance with all City Building and Safety standards and requirements, would guide the design and construction of the proposed Project, and are intended to mitigate seismic impacts. In addition, the Project would be required to conform to the latest edition of the Uniform Building Code (the "UBC"), which includes design measures to mitigate against seismic hazards. The UBC and City of Beverly Hills building standards would be enforced through review of plans and inspection of structures during construction. By incorporating recommendations of the Report of Geotechnical Investigation, included in the Draft EIR as Appendix 4.4, as required through implementation of mitigation measure **MM-GEO-1**, and complying with the UBC and City of Beverly Hills standards, project impacts related to groundshaking would be less than significant.

2. Seismic-Related Ground Failure

While the Project site is not located within a designated Liquefaction Hazard Zone, due to the shallow depth of groundwater and required excavation activities, there is the potential for the Project to be constructed on a geologic unit or soil that is unstable or could become unstable as a result of construction-related activities. This impact is potentially significant.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure **MM-GEO-1**, discussed above, imposed upon the Project mitigates impacts to less than significant levels.

(b) Facts in Support of Findings

The Seismic Hazard Evaluation of the Beverly Hills Quadrangle, as published by the California Geological Survey, indicates that the Project site is not within a State of California-designated Liquefaction Hazard Zone. Due to the shallow depth of groundwater encountered at between 26 and 42 feet below ground surface, dewatering activities on the Project site would be required during construction of the subterranean parking garage. Based on the depth to groundwater and the density of the subsurface materials at the site, the site is not considered susceptible to liquefaction. The proposed structures would be designed and constructed in conformance with all applicable local, state, and federal regulations, such as the UBC. The UBC and City of Beverly Hills building standards would be enforced through review of plans and inspection of structures during construction, and would reduce potential risks to the proposed Project associated with seismic-related ground failure.

The depth of the proposed subterranean parking could be below groundwater levels as they fluctuate over time. All structures planned below groundwater level would be waterproofed and designed to withstand the hydrostatic pressure associated with high groundwater levels. Alternately, a permanent dewatering system may be installed to maintain the groundwater at a depth below the proposed structures to relieve hydrostatic pressure. The Applicant must comply with all aspects of the City's dewatering ordinance, Section 9-4-610 of Article 6 of Chapter 4 of Title 9 of the Beverly Hills Municipal Code. Consistent with mitigation measure **MM-Hydro-1** of Section 4.6 of the Draft EIR, dewatering activities would require an NPDES Permit for

Groundwater Discharge from the Los Angeles Regional Water Quality Control Board ("LARWQCB").

With incorporation of the recommendations contained in the Report of Geotechnical Investigation prepared for the Project, as required through implementation of mitigation measure MM-GEO-1, impacts related to seismic-related ground failure would be reduced to less than significant.

3. Expansive Soils

Upper soils on the Project site have low to medium expansive potential. Additionally, the shallow depth of groundwater on the site has the potential to result in significant geologic and soils impacts.

(a) *Findings*

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure MM-GEO-1, discussed above, imposed upon the Project mitigates impacts to less than significant levels.

(b) *Facts in Support of Findings*

Soils on-site have a low to medium expansion potential. The below-grade parking structures planned would be constructed to a depth of approximately 40 feet below grade. Groundwater was measured at 26 to 42 feet below ground surface, but the historic water level has reached 30 feet. As the depth of groundwater has been known to fluctuate to up to 30 feet below grade, it is likely that expansive soils would impact the proposed structures at some future point, which is considered a significant impact. However, as the proposed Project would be designed and constructed in conformance with recommendations included within the Report of Geotechnical Investigation and all applicable local, state, and federal regulations, such as the UBC, consistent with mitigation measure MM-GEO-1 above, impacts to life and property from expansive soils would be less than significant.

E. **HAZARDS AND HAZARDOUS MATERIALS**

The Project's potential impacts due to hazards and hazardous materials that can be mitigated or are otherwise less than significant is discussed in *Section 4.5, Hazards and Hazardous Materials*, of the Draft EIR. Identified impacts include asbestos, lead paint, PCBs, and hazardous materials within a quarter mile from a school.

1. Asbestos - Lead Paint - PCBs

The Phase I Environmental Site Investigation (EIR Appendix 4.5) indicated a moderate potential for the existing building materials to contain asbestos. All asbestos containing materials would be removed and disposed of prior to demolition or renovation in accordance with the requirements of SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities.

The Phase I Environmental Site Assessment also indicated that suspect lead-based paint and old unused fluorescent light ballasts potentially containing PCBs exist on the Project site. Construction activities therefore have the potential to temporarily result in upset and/or accident conditions involving the accidental release of hazardous materials into the environment.

Operation of the proposed Project would not include uses with the potential to generate large quantities of hazards and/or toxic materials, and thus would not have a high potential to cause fires or result in accidents from hazardous materials or substances.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

HAZ-1 The sampling of all suspect asbestos-containing materials (ACMs) such as roofing, wall finishes and non-friable floor finishes, shall be conducted prior to demolition. If the suspect ACMs are confirmed to contain asbestos, their removal in accordance with applicable regulations shall be necessary prior to impact by renovation or demolition activities.

HAZ-2 Construction activities shall comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. This Rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of ACMs generated or handled during these activities. The Rule requires that SCAQMD be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site shall be removed prior to demolition or renovation in accordance with the requirements of Rule 1403.

HAZ-3 Prior to demolition activities, the sampling of suspect materials for lead content shall be conducted. If these surfaces are determined to contain concentrations of lead at or above regulatory limits, their removal by a licensed abatement contractor in accordance with applicable regulations shall be necessary prior to demolition or renovation activities.

HAZ-4 During demolition or renovation activities, the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by the California Occupational Health and Safety Administration (Cal/OSHA), Title 8, California Code of Regulations (CCR), Construction Safety Orders for Lead, Section 1532.1.

HAZ-5 The demolition debris waste stream shall be analyzed for lead content during materials separation to ensure compliance with U.S. Environmental Protection Agency (EPA) regulations related to transportation and disposal of hazardous materials.

HAZ-6 All personnel workers potentially exposed to lead-containing materials shall be trained and protected in accordance with federal OSHA regulations.

HAZ-7 Fluorescent light ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement "No PCBs," the ballast(s) shall be properly removed by a licensed PCB removal contractor and disposed of as PCB-containing waste prior to demolition.

(b) Facts in Support of Findings

Project implementation would demolish some existing buildings and structures on the Project site. Previous asbestos surveys have identified ACMs on the Project site and the Phase I ESA Update indicates a moderate potential for existing building materials to contain asbestos. Although a number of known ACMs have been abated on the site, some materials have not been sampled for asbestos content. Without mitigation, demolition involving ACMs could result in the release of asbestos into the environment, resulting in a significant hazardous impact.

Construction activities would be required to comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. SCAQMD Rule 1403 was adopted in September 1989 and amended in April 1994. This Rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of asbestos-containing waste generated or handled during these activities. The Rule requires SCAQMD to be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site must be removed prior to demolition or renovation in accordance with the requirements of Rule 1403. Project compliance with Rule 1403 would ensure that ACMs would be detected and disposed of appropriately. With compliance with Rule 1403 and incorporation of mitigation measures **MM-HAZ-1** and **MM-HAZ-2**, potential impacts associated with ACMs would be reduced to a less than significant level.

Materials containing lead-based paints and glazes have been detected on the site, notably in ceramic tiles found throughout the premises. While some lead-containing materials on the site have been tested and removed, the potential exists for additional lead-containing materials to occur on-site. Demolition involving lead-containing materials could result in the release of lead into the environment, resulting in a significant hazardous impact. With incorporation of mitigation measures **MM-HAZ-3** through **MM-HAZ-6**, potential impacts associated with lead-containing materials would be reduced to a less than significant level.

Based on the fact that on-site transformers are not likely to contain PCBs and that Southern California Edison (SCE) is responsible for ensuring that its transformers comply with all applicable regulations, these transformers are not anticipated to constitute a significant hazardous impact. However, PCBs may also be found in capacitors and fluorescent lighting unit ballasts. Given the construction dates of the on-site buildings (1953, 1959 and 1963), the potential exists for the presence of PCB-containing fluids in the florescent lighting unit ballasts on the site. The release of PCBs into the environment during demolition would result in a significant hazardous impact. Therefore, as required by mitigation measure **MM-HAZ-7**, ballast labels shall be inspected prior to demolition. If the ballast labels do not include the statement "No PCBs," the ballast(s) shall be disposed of as PCB-containing waste. With incorporation of this mitigation,

impacts associated with PCB-containing equipment would be less than significant.

2. Hazardous Materials within a Quarter-Mile of a School

El Rodeo Elementary School is located north and west of the Project site and across Wilshire Boulevard and therefore lies within 0.25 mile of the Project site. Construction activities have the potential to result in temporary upset and/or accident conditions involving the accidental release of hazardous materials into the environment. Operation of the proposed Project would not include uses with the potential to release hazardous materials or substances into the environment. Impacts would be less than significant.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures **MM-HAZ-1** through **MM-HAZ-7**, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

(b) Facts in Support of Findings

El Rodeo Elementary School, a Beverly Hills Unified School District elementary school, is located northwest of the Project site and across Wilshire Boulevard and lies within one-quarter mile of the Project site. As indicated above, the presence of the aforementioned recognized environmental conditions could result in the release of hazardous substances during demolition without implementation of mitigation. Therefore, the Project could involve hazardous emissions within one-quarter mile of an existing school, which could result in a significant impact. With incorporation of mitigation measures **MM-HAZ-1** through **MM-HAZ-7** identified above, impacts associated with the release of hazardous materials during demolition activities within one-quarter mile of an existing school would be reduced to less than significant levels.

F. HYDROLOGY AND WATER QUALITY

The Project's potential impacts on hydrology and water quality that can be mitigated or are otherwise less than significant is discussed in Section 4.6, Hydrology and Water Quality, of the Draft EIR. Identified impacts include construction and operational impacts to surface water quality.

1. Surface Water Quality – Construction

During project construction, demolition and grading activities would expose soils to erosion and temporarily increase suspended solids in surface water flows originating on the Project site during a storm event. Additionally, dewatering may be necessary during excavation because of shallow groundwater, and could degrade downstream water quality through discharge of treated water into the City storm drain system. This could violate water quality standards and waste discharge requirements and is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

MM-HYDRO-1 Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and SWPPP shall be prepared by the Applicant in accordance with, and in order to partially fulfill, the California SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers and silt fences.

MM-HYDRO-2 Prior to issuance of any grading or building permits, the Project Applicant shall prepare and submit to the City of Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.

(b) Facts in Support of Findings

Consistent with mitigation measure **MM-HYDRO-1**, dewatering activities would require an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged to the City's storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters, thereby reducing water quality impacts associated with this activity to a less than significant level. Additionally, consistent with mitigation measure **MM-HYRDO-2**, prior to issuance of any grading or building permits, the Applicant must receive City approval of the SWPPP. Potential water quality impacts of development of the Project would be less than significant through the preparation and implementation of the SWPPP and best management practices (BMPs) as specified in the NPDES permit.

2. Surface Water Quality – Operations

Permanent dewatering of subterranean buildings and structures may be necessary and could degrade downstream water quality through discharge of treated water into the City storm drain system, in violation of water quality standards and waste discharge requirements. This is a potentially significant impact. Additionally, potential disposition of urban pollutants generated during operation of the proposed Project, including pollutants generated by motor vehicles and

the maintenance of landscaped areas, could result in the potential for the Project to violate water quality standards and waste discharge requirements. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant surface water quality effects as identified in the Draft EIR. Specifically, mitigation measures **MM-HYDRO-1** and **MM-HYDRO-2**, discussed above, imposed upon the Project mitigate impacts to less than significant levels.

(b) Facts in Support of Findings

Consistent with mitigation measure **MM-HYDRO-1**, dewatering activities occurring post-construction would have to adhere to an NPDES Permit for Groundwater Discharge from the LARWQCB. This permit would ensure that water discharged to the City's storm drain system would meet all NPDES requirements for suspended solids, organic material, and other water quality parameters thereby reducing stormwater quality impacts associated with this activity to a less than significant level. Additionally, consistent with mitigation measure **MM-HYDRO-2**, prior to issuance of any grading or building permits, the City must approve the SWPPP. Potential water quality impacts of development of the project would be less than significant through the preparation and implementation of the SWPPP and the BMPs as specified in the NPDES permit.

G. NOISE

The Project's potential impacts related to noise that can be mitigated or are otherwise less than significant is discussed in Section 4.8, Noise, of the Draft EIR. Identified impacts include interior and exterior noise levels generated by roadway traffic.

1. Mobile-Source Noise

Traffic noise generated on Santa Monica Boulevard, Wilshire Boulevard, and Merv Griffin Way in the future "with project" condition would approach or exceed the multi-family residential noise standard of 65 dB(A). This is a significant impact. Additionally, traffic noise along Santa Monica and Wilshire Boulevards would exceed the interior noise threshold of 45 dB(A) CNEL for on-site residential spaces even with compliance with Title 24 requirements. This is also a significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

NOISE-2 The Applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards

and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the Applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

NOISE-3 The Applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the Applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

(b) Facts in Support of Findings

Implementation of **MM-NOISE-2** would reduce exterior noise levels by 7 to 10 dB(A), depending on the material(s) used, and would require an acoustical analysis prior to issuance of an occupancy permit to demonstrate that exterior livable spaces do not exceed state residential noise standards. As such, exterior noise levels for the proposed residential units and hotel rooms on floors 1 through 6 adjacent to Merv Griffin Way, Santa Monica Boulevard and Wilshire Boulevard would be less than significant with mitigation. Implementation of **MM-NOISE-3** would reduce interior noise levels by 7 to 10 dB(A), depending on the material(s) used and would require an acoustical analysis prior to issuance of an occupancy permit to demonstrate that interior livable spaces do not exceed state residential noise standards. As such, interior noise levels for the proposed residential units on floors 1 through 6 adjacent to Santa Monica and Wilshire Boulevards would be less than significant with mitigation. Further, the City prepared and recirculated a revised noise study to consider the potential impacts of higher traffic counts at certain intersection. The revised noise section concluded that with mitigation, all potential noise impacts would be less than significant.

H. FIRE PROTECTION AND EMERGENCY SERVICES

The Project's fire protection impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.10.1, Fire Protection and Emergency Services, of the Draft EIR. Identified impacts include access and fire flow.

1. Access

The Beverly Hills Fire Department (BHFD) indicates that the proposed traffic signal at the intersection of Merv Griffin Way and Santa Monica Boulevard has the potential to slow emergency response times and inhibit access to the site. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-FIRE-1 The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the BHFD to provide a safe response route and to decrease response times to emergencies.

(b) Facts in Support of Findings

Emergency access and circulation will be improved by the addition of a traffic signal at Merv Griffin Way and Santa Monica Boulevard with an Opticom device. In response to the potential traffic impacts at the intersection and associated with implementation of the proposed Project, the BHFD has requested the installation of an Opticom device at the signal, which controls the light to facilitate the flow of emergency vehicles. This has been incorporated into the Draft EIR as MM-FIRE-1. With the ability to preempt the signal during an emergency response, the BHFD's ability to effectively respond to emergencies will be enhanced such that no significant impacts will result.

2. Fire Flow

The City Engineer has indicated that the fire flow of 1,000 to 1,500 gallons per minute (gpm) measured at hydrants serving the Project site may not be adequate flow for the Project. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-FIRE-2 The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the Project site. The Project

Applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The Project Applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the Revised Project.

(b) Facts in Support of Findings

The City Engineer recommends that the 8-inch and 10-inch sections of the line beneath Wilshire Boulevard, which feeds the hydrants, be upgraded to a 12-inch line in order to achieve sufficient fire flow for the Project and thereby meet the requirements outlined in the California Fire Code (Part 9 of Title 24). This has been incorporated into the Draft EIR as MM-FIRE-2. Implementation of the mitigations will ensure that adequate fire flows are available in the event that the BHFD must respond to a fire incident at the Project site.

I. TRANSPORTATION, TRAFFIC, AND CIRCULATION

The Project's potential traffic related impacts that can be mitigated or are otherwise less than significant are discussed in Section 4.11, Transportation, Traffic, and Circulation, of the Draft EIR. The traffic impacts that are reduced to less than significant levels include construction impacts, internal traffic control devices, and roadway feature design.

1. Construction Trucks

During the approximately 50-month construction period, the provisions of the Construction Management Plan would be followed. Trucks would exit the site and proceed west to I-405 along Santa Monica Boulevard. However, construction trucks could result in potentially significant impacts because trucks would be traveling along already congested roadways, trucks could deviate from designated travel routes, and the number of trucks required to access the Project site during excavation could be as many as 100 trucks per day. As such, construction trucks could result in potentially significant impacts.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the Project mitigate impacts to less than significant levels:

MM-TRAF-1 An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The Developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.

MM-TRAF-2 The Environmental Monitor shall proactively inform the public of the ongoing project progress and exceptions to the expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The Developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance when impacts raise special concerns by members of the public.

MM-TRAF-3 The Construction Relations Officer shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the Project site, along Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard, to address day-to-day issues.

MM-TRAF-4 The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director.

MM-TRAF-5 The Developer shall revise and finalize the Draft Construction Traffic Management plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following:

- Maintain existing access for land uses in the proximity of the Project site during project construction;
- Schedule deliveries and pick-ups of construction materials for non-peak travel periods;
- Coordinate deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time;
- Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard;
- Construction equipment traffic from the contractors shall be controlled by flagman;
- Designated transport routes for heavy trucks and haul trucks to be used over the duration of the proposed Project;
- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets;
- Establish requirements for loading/unloading and storage of materials on the Project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses;

- Prior to submittal to the City of Beverly Hills, the Developer shall provide its Construction Traffic Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transportation Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan;
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the Project site and neighboring businesses;
- Prohibit parking for construction workers except on the Project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive; and
- Prior to submittal to the City of Beverly Hills, the Developer shall provide its Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and the Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan.

The Final Construction Traffic Management Plan shall be submitted and approved by the City no later than 30 days prior to commencement of construction and shall include (1) a requirement for use of double belly trucks to the maximum extent feasible to reduce the number of truck trips, (2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton projects, (3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, (4) requiring truck access and deliveries in non-peak traffic periods, and (5) prohibition on queuing of construction-related vehicles on public streets in the City.

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

- All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide

clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets or in public parking structures;

- No parking for construction workers shall be permitted except within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and
- In lieu of the above, the Project Applicant/Construction Contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the Project site throughout the entire duration of demolition, excavation and construction activities.

(b) Facts in Support of Findings

Haul trucks would travel along Santa Monica Boulevard. Santa Monica Boulevard is a major roadway used by trucks and other heavy vehicles on a consistent basis. Although the Applicant's preliminary Construction Management Plan provides truck staging areas and designates appropriate travel routes to access the site, the trucks could still have a potentially significant impact to the adjacent roadway network due to the following:

- Santa Monica Boulevard is one of the most congested roadways in the City of Beverly Hills and the City of Los Angeles;
- There is no guarantee that truck traffic will not deviate from the designated routes and use and impact other roadways when traveling to and from the site; and
- The number of trucks required to access the site during the excavation phase could be as many as 100 trucks per day.

Based on the above, the truck traffic from construction of the proposed Project could lead to temporary but significant construction-related traffic impacts. Given the above factors, the project-related impact is significant prior to the incorporation of mitigation. Incorporation of measures **MM-TRAF-1** through **MM-TRAF 6**, would reduce impacts associated with truck and construction worker traffic to less than significant because these measures provide ongoing monitoring mechanisms, specific performance criteria (such as limitations on peak hour construction traffic) and parking plans that will reduce potentially significant construction traffic impacts to less than significant levels.

2. Delivery and Staging of Construction Equipment

Once equipment and materials are delivered, they would be stored on-site. Given the construction plan for the site, it is anticipated that the site will be able to accommodate staging and storage areas for the construction materials and equipment and impacts associated with staging and storage would be less than significant. However, delivery of material and equipment

could create impacts on the adjacent roadway network. Impacts associated with the delivery of material and equipment would be potentially significant.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Revised Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures **MM-TRAF-1** through **MM-TRAF-6**, discussed above, imposed upon the Revised Project mitigate impacts to less than significant levels.

(b) Facts in Support of Findings

An additional source of construction traffic would occur from the transportation of materials and equipment to and from the site. One example would be concrete, of which substantial quantities would be required for the proposed parking garage and the buildings on-site. Other materials could include plumbing supplies, electrical fixtures, wood and steel framing, and even items used in furnishing the new hotel rooms, restaurant, and condominiums. These materials would have to be delivered to and stored on the site. It is anticipated that these deliveries would occur through vehicles of various sizes, including small delivery trucks to cement mixer trucks, and possibly 18-wheel trucks.

Additionally, construction equipment would have to be delivered to the site. This equipment could include cranes, bulldozers, excavators, and other large items of machinery. It is anticipated that most of the heavy equipment would be transported to the site on large trucks such as 18-wheelers or other similar sized vehicles and would remain on-site until the piece of equipment is no longer needed.

The influx of this material and equipment could, without mitigation, create impacts on the adjacent roadway network.

Once equipment and materials are delivered, they will be stored on-site. Given the construction plan for the site, discussed above, it is anticipated that the site will be able to accommodate staging and storage areas for the construction materials and equipment thus minimizing impacts to adjacent streets. Further, the mitigation measures require coordinated staging of vehicles, preclude delivery of equipment during peak hours and prohibit queuing of delivery vehicles on Santa Monica Boulevard and Wilshire Boulevard to minimize traffic disruptions from such deliveries. Therefore, impacts associated with delivery and staging of materials and equipment would be less than significant.

3. Construction Worker Parking

Construction worker parking would be available on the Project site during all phases of construction, except during construction of the subterranean parking structure. Off-site worker parking would be provided during this phase of construction and shuttles would be provided to facilitate travel between these off-site parking locations and the Project site. The off-site construction worker parking could result in a potentially significant impact associated with workers parking closer to the Project site in adjacent residential neighborhoods. As such, mitigation is required to reduce this potential impact to a less than significant level.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Revised Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, mitigation measures **MM-TRAF-1** through **MM-TRAF-6**, discussed above, imposed upon the Revised Project mitigate impacts to less than significant levels.

(b) Facts in Support of Findings

Construction activity on the Project site could result in potentially significant, but temporary parking impacts. These impacts would result from potential construction worker parking spill-over. The Project Applicant has prepared a Construction Traffic Management Plan, which addresses the issues above. Mitigation includes preparation and submittal of a Construction Workers' Parking Plan (MM-TRAF-6) which requires off-site parking, shuttles, strict enforcement, prohibition of construction parking in adjacent neighborhood areas, retention of security personnel to enforce these restrictions, or in the alternative, providing parking on-site. The Project Applicant will provide construction worker parking on the Project site during all phases of construction, except during construction of the underground parking garages. During the project demolition and excavation phases, construction workers will park on those areas of the site that are not actively undergoing demolition or excavation. During the final construction phases, after the parking garage is completed, there will be sufficient parking for construction workers on-site.

With implementation of mitigation as discussed above, submittal of and adherence to the Final Construction Management Plan, Construction Workers' Parking Plan, and the Municipal Code, potential traffic impacts from construction activities on the Project site would be less than significant.

4. Internal Traffic Control Devices

The site plans of the parking garage indicate that there will be some internal traffic control devices at the exits to the parking garage. In particular, there are several locations where stop lines are noted. However, there are no notations on the current site plan related to any internal traffic control devices within the Project site, either at the project entrances or exits or along the internal roadway provided by the Project. Therefore, impacts to on-site circulation would be potentially significant in the absence of internal traffic control devices.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Revised Project mitigates impacts to less than significant levels:

TRAF-7 The Project Applicant shall revise the Project site plan to indicate on-site traffic control planned for the project. At a minimum, all traffic control devices should be placed at all Project exits onto Wilshire Boulevard, Santa Monica

Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.

(b) Facts in Support of Findings

Mitigation, as described above, is included in order to reduce this potentially significant impact to a less than significant level. Incorporation of appropriate traffic controls before occupancy of any of the new buildings ensures that, upon installation, driveways will function in a safe and controlled manner, thus rendering any potential impacts less than significant.

5. Cumulative Construction Impacts

Construction activities, truck traffic, delivery of construction material and equipment, and construction worker parking from the proposed Project simultaneously with construction of the adjacent 9900 Wilshire project would result in cumulatively considerable and therefore potentially significant construction traffic impacts.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Revised Project that avoid or substantially lessen the significant related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-TRAF-8 The Applicant for the Beverly Hilton Revitalization Plan project shall coordinate with the Applicant for the 9900 Wilshire project during all phases of construction regarding the following:

- All temporary roadway closures shall be coordinated to limit overlap of roadway closures;
- All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The Applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;
- The Applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and
- The Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

(b) Facts in Support of Findings

The closest related project to the proposed Project would be the 9900 Wilshire project, which is located directly adjacent to the Project site to the west. Most of the remaining related projects are

a sufficient distance from one another to reduce the potential for construction-related traffic at any one location from having an effect elsewhere. Construction phases of the 9900 Wilshire project are anticipated to overlap with construction phases of the Beverly Hilton Revitalization Plan.

Due to the proximity of the two projects, this construction overlap would result in an increase in truck traffic on surrounding roadways, which could potentially cause traffic disruptions. Although haul trucks would travel to the site along a City designated truck route, Santa Monica Boulevard, truck traffic from both projects could still have a potentially significant impact on the adjacent roadway network. Both Project Applicants have prepared draft Construction Management Plans that identify truck staging areas and designate appropriate travel routes to access the respective sites. Nonetheless, truck traffic from simultaneous construction at both Project sites could still result in a potentially significant impact to the roadway network adjacent to the sites. Based on the above and the proximity of the two projects, construction-related traffic impacts would be cumulatively significant.

An additional source of construction traffic would occur from the transportation of materials and equipment to and from the site. These materials and equipment would have to be delivered to and stored on the site. It is anticipated that the deliveries would occur through variously sized vehicles including small delivery trucks to cement mixer trucks, and possibly 18-wheel trucks and the delivery of construction equipment would be through 18-wheel trucks. As discussed above, the transportation of materials and equipment during construction could impact adjacent roadways because there may be intermittent periods when large numbers of material deliveries are required such as when concrete trucks will be needed for the parking garage and the buildings. Additionally, some of the materials and equipment could require the use of large trucks (18-wheelers) which can create additional congestion on the adjacent roadways. Also, delivery vehicles may need to queue temporarily on adjacent roadways such as Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way as they enter onto and deliver their items to the Project site.

The Project Applicant will provide construction worker parking on the Project site during all phases of construction, except during construction of the underground parking garages. Since construction phases of the proposed Project and the 9900 Wilshire project may overlap, construction workers from both projects could potentially park in areas adjacent to the site, the combination of which could result in a cumulatively significant impact.

With implementation of the mitigation measures for Revised Project, MM-TRAF-1 through MN-TRAF-7 and cumulative mitigation measure **MM-TRAF-8**, cumulative impacts associated with truck traffic, delivery of construction material and equipment, and construction workers parking would be reduced to less than significant because construction traffic would be coordinated, hauling would be prohibited during peak hours, and parking restrictions would be enforced.

No cumulatively considerable operational impacts associated with operation of the proposed Project in combination with identified related projects would occur to transportation, circulation, or parking.

J. WATER

The Project's potential in regard to water service impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.12.1, Water, of the Draft EIR. Identified impacts include fire flow.

1. Fire Flow

According to the BHFD, although sufficient water supply exists to serve the Project, the fire flow of 1,000 to 1,500 gallons per minute from adjacent fire hydrants may be inadequate for the Project upon buildout. Further, the City Engineer has indicated that the fire flow may not be adequate for the Project. Impacts on fire flow are potentially significant.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant water related environmental impact as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-WTR-1 The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the Project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the Project site. The Project Applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The Project Applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed Project.

(b) Facts in Support of Findings

The City Engineer recommends that the 8-inch and 10-inch sections of the line beneath Wilshire Boulevard, which feeds the hydrants, be upgraded to a 12-inch line in order to achieve sufficient fire flow for the project and thereby meet the requirements outlined in the California Fire Code (Part 9 of Title 24). This has been incorporated into the Draft EIR as MM-WTR-1. With the incorporation of MM-WTR-1, impacts to water services would be less than significant. Implementation of the mitigation measure will ensure that adequate fire flows are available in the event that the BHFD must respond to a fire incident at the Project site.

K. WASTEWATER

The Project's potential in regard to wastewater service impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.12.2, Wastewater, of the Draft EIR. Potential impacts identified include wastewater flow.

1. Wastewater Flow

The proposed restaurant uses in proposed luxury hotel have the potential to contribute a heavier discharge of fats, oils, and grease into the sewer system than existing uses on the Project site. These substances could clog the system and potentially result in decreased wastewater flow rate, diminishing system capacity, which is considered a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Revised Project that avoid or substantially lessen the potentially significant wastewater flow impact as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-WW-1 The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.

(b) Facts in Support of Findings

The Department of Public Works recommends the installation of a Fat, Oil and Grease (FOG) Interceptor to remove these substances from restaurant generated wastewater before the wastewater is discharged into the City's sewer system. With implementation of mitigation measure **MM-WW-1**, the impact to wastewater flow would be less than significant because compounds with the potential to cause adverse impacts to the system would be removed from the wastewater before it is discharged into the system.

L. ENERGY

The Project's potential in regard to energy service impacts that can be mitigated or are otherwise less than significant is discussed in Section 4.12.4, Energy, of the Draft EIR. Identified impacts include electricity and natural gas.

1. Electricity

The Project could require alterations to existing distribution facilities or the installation of new facilities or equipment such as transformers. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant electricity related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates potential impacts to less than significant levels:

MM-ENG-1 Prior to submittal of final plans, the Applicant shall make necessary

alterations to the generation or distribution system as required by SCE. The Applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE which states that electricity will be provided to the proposed Project and that all applicable energy conservation features have been incorporated into the project design.

(b) Facts in Support of Findings

The Project is estimated to result in a net increase of approximately 482,613 kWh in electricity demand compared to the existing hotel. Given that the Project's anticipated electricity demand would only be 15 percent higher than that of the existing hotel, it is not expected that major changes to the existing electricity system would be necessary. Nevertheless, the Project could potentially require alterations to existing distribution facilities or the installation of new facilities or equipment such as transformers, the provision of which may result in a significant impact. However, with implementation of MM-ENG-1, which requires that the Applicant consult with SCE upon submittal of final plans, the impact to facilities would be less than significant. Further, the Project must comply with the City's green building criteria and intends to incorporate other energy efficient design features that will further reduce the Project's energy demand.

2. Natural Gas

Although the Project is projected to have a lower gas demand than the existing hotel, minor alterations to local distribution facilities, including conveyance infrastructure, may be required. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant natural gas related environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the Project mitigates impacts to less than significant levels:

MM-ENG-2 Prior to submittal of final plans, the Applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The Applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed Project and that all applicable energy conservation features have been incorporated into the project design.

(b) Facts in Support of Findings

The Gas Company currently has infrastructure in place to service the Project site. Additionally, the Gas Company has indicated that gas service to the Project could be provided without any significant impact on the environment. Despite the fact that the Project is projected to have a lower gas demand than the existing hotel, minor alterations to local distribution facilities, including conveyance infrastructure, may be required. The Gas Company has indicated that a load survey would be needed to determine if Project demand would exceed the capacity of any of

its facilities or require new or altered facilities. However, a load survey can only be completed once plans detailing the quantity, British thermal unit (Btu) ratings, and use of gas consuming equipment on the Project site are submitted. Therefore, the provision that the Applicant shall consult with the Gas Company upon submittal of final plans to conduct a load survey and complete any necessary alterations to the conveyance and/or distribution system is included as mitigation. With incorporation of **MM-ENG-2**, impacts on natural gas facilities would be less than significant. Further, the Project must comply with the City's green building criteria and intends to incorporate other energy efficient design features that will further reduce the Project's energy demand.

M. LAND USE AND PLANNING/AESTHETICS

1. Land Use Compatibility

With the adoption of the Beverly Hilton Revitalization Specific Plan, the Project site's zoning and general plan land use designations would change to "Beverly Hilton Specific Plan." Thus, the Project would be consistent with the City of Beverly Hills General Plan and with the City of Beverly Hills Municipal Code.

However, the Project would introduce residential land uses where none currently exist, substantially increase development density, and substantially increase building heights on the Project site. For these reasons, the Project would not be consistent with certain non-mandatory policies or objectives of the General Plan, including General Plan Land Use Element Objective 3, Areas of Transitional Conflict, and 4, Scale of the City, or with Land Use Element development criteria for Commercial Areas recommending compatibility between commercial and residential areas. This is a potentially significant impact.

(a) Findings

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the EIR. Although no mitigation measures would reduce impacts of the original Project to a level of insignificance, the Revised Project, eliminates potential inconsistencies with the Land Use Element of the General Plan.

(b) Facts in Support of Findings

While consistent with the General Plan, as a whole, implementation of the original Project had the potential to conflict with two objectives within the Land Use Element of the General Plan, Land Use Element development criteria for Commercial Areas, and one program included in the Conservation Element. The Land Use Element includes objectives related to areas of transitional conflict and maintaining the existing scale of the City, Objectives 3 and 4. The setback and height of Residence A and the luxury hotel as originally proposed would result in visual and height incompatibilities with the surrounding land uses and would be inconsistent with Land Use Element objectives related to areas of transitional conflict and scale of the city.

During the Planning Commission's and City Council's review of the Project at the various hearings, requests for project revisions were made. In response to those requests, the Revised Project addresses the potential conflict with the Land Use Element policies. With regard to the luxury hotel, the Planning Commission recommended an increased setback from Wilshire Boulevard, increased landscape buffering along Wilshire Boulevard, and reduced height, as discussed in Section III above. The Revised Project incorporates these elements.

With regard to Residence A, the revisions that have been made to the Project address the issue of transitions between neighboring uses in that the increased setbacks and reduced height provide for a transition to the institutional use (El Rodeo Elementary School) and residential uses to the north, and are compatible with the existing Beverly Hilton Hotel Tower. Moreover, revisions to the Project's setbacks match Residence A with the northern wing of the Wilshire Tower and the height of the front portion of Residence A is less than the height of the existing Wilshire Tower. The Wilshire Tower, which has been in existence for more than fifty years, establishes the existing scale and appropriate transition for this area. Although the rear portion of Residence A is slightly taller than the Wilshire Tower and Residence B is substantially taller than the Wilshire Tower, the Revised Project's setbacks and step ups in building height match the scale along Wilshire and then transition to the larger scale of the 9900 Wilshire Project and Century City, making the Revised Project compatible with the scale of the area and eliminating transitional conflicts, thus eliminating the conflicts with Land Use Element policies.

Second, the increased open space area achieved by setting back Residence A and providing a larger buffer along Wilshire Boulevard address transition issues by eliminating the overwhelming presence of earlier designs, complementing Beverly Gardens park across the street, and enhancing the garden quality of the City.

Third, the Project's parking, which is above that required by code, coupled with contributions to roadway improvements along Merv Griffin Way and Wilshire Boulevard, ensure that potential traffic and parking transitional conflict is minimized.

Thus, the Revised Project's extensive landscaping and open space, the increased set back of Residence A to be consistent with the Hilton Hotel Tower, and the gradual height increases transitioning to 9900 Wilshire Boulevard and Century City, combine to create a development that fits into the scale of what is appropriate for this unique area in the City. For these reasons, the City Councils find that the Revised Project is no longer in conflict with Objectives 3 and 4 of the General Plan Land Use Element.

2. Conservation Element Policy

Proposed demolition of the certain buildings on the Project site, which is potentially eligible for listing on the California Register and is therefore considered a historic resource for purposes of CEQA, was identified in the EIR as a potential conflict with goals related to landmark preservation in the General Plan Conservation Element.

(a) Findings

Changes or alterations have been required in, or incorporated into the Project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR.

Specifically, the City Council has adopted the Revised Project to lessen land use impacts and the following mitigation measures lessen the significant impact related to consistency with the Conservation Element:

CR-1 Components of the Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

CR-2 The Applicant shall fund the production of a video of the Beverly Hilton property showing the interiors and exteriors of the building and the site to show its history. The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills website.

(b) Facts in Support of Findings

While the Project is consistent with the General Plan, as a whole, the potential does exist for the Project to conflict with the goals included in Conservation Element relative to landmark preservation, due to the fact that the Project site has been determined to be potentially eligible for listing in the California Register, as discussed in the EIR. However, the Revised Project with mitigation is consistent with the Conservation Element of the General Plan. The Conservation Element does not require the preservation of historic structures. However, the Project contemplates retention of the Welton-Beckett designed Wilshire Towner, even though other ancillary components of the facility will be demolished. The mitigation in the Revised Project implements the Conservation Element's policies regarding documentation before demolition; implements the Conservation Element's policies regarding regeneration and redevelopment needed and desired at the Project site; and maintains continuity with the past through full documentation of the demolished buildings for retention by the Beverly Hills Library to ensure the information is accessible for future generations.

If conservation of the existing buildings were to be required, it would likely frustrate the Project's ability to meet the other goals and policies of the Conservation Element regarding energy efficiency through LEED standards, and energy conservation through capitalizing on natural heating and cooling aspects available by creating green roof tops. Therefore, the City Council finds that the Revised Project is consistent with the Conservation Element of the General Plan.

3. Cumulative Impacts

As discussed above, the Draft EIR found that the original Project when considered together with the adjacent 9900 Wilshire Project, would result in cumulatively significant land use impacts as the result of inconsistency with General Plan Land Use Element Objectives 3 and 4 and Land Use Element development criteria for Commercial Areas.

In addition, the Revised Project's proposed demolition of certain buildings in conjunction with the 9900 Wilshire Project, which involves the demolition of the Robinsons-May building, was

identified in the Draft EIR as a potential conflict with goals related to landmark preservation in the General Plan Land Use Conservation Element.

(a) Findings

Changes or alterations have been required in, or incorporated into the Revised Project that avoid or substantially lessen the original Project's significant contribution to cumulative land use and aesthetic effects as identified in the Draft EIR. Specifically, the City Council has adopted the Revised Project to lessen land use impacts and the following mitigation measures lessen the significant impact related to consistency with the Conservation Element:

CR-1 Components of the Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

CR-2 The Applicant shall fund the production of a video of the Beverly Hilton property showing the interiors and exteriors of the building and the site to show its history. The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills website.

(b) Facts in Support of Findings

As noted above, the Revised Project's extensive landscaping and open space, increased set backs and reduced height of Residence A complimentary to the long existing Wilshire Tower, and the Revised Project's gradual height increases, create a development that fits into the appropriate scale for this unique area in the City. For these reasons, the City Council finds that the Revised Project is no longer in conflict with Objectives 3 and 4 or the commercial area development standards of the General Plan Land Use Element and does not contribute to cumulative impacts arising from any such inconsistencies.

Also as noted above, the Revised Project with mitigation is consistent with the Conservation Element of the General Plan. The Conservation Element does not require the preservation of historic structures. However, the Project preserves the Welton-Beckett designed Wilshire Tower. The mitigation in the Revised Project implements the Conservation Element's policies regarding documentation before demolition; implements the Conservation Element's policies regarding regeneration and redevelopment needed and desired at the Project site; and maintains continuity with the past through full documentation of the building for retention by the Beverly Hills Library to ensure the information is accessible for future generations. Furthermore, the Council finds that the Revised Project would implement and be consistent with Conservation Element Policies related to energy because it incorporates energy efficiency measures and promotes energy conservation through use of green rooftops.

Because the City Council finds that the Revised Project does not conflict with either the Land Use Element or the Conservation Element of the General Plan, the Revised Project does not contribute to significant cumulative land use impacts due to conflicts with the General Plan.

Additionally, revisions to the 9900 Wilshire Project, as described in the CEQA Findings for that project, have reduced its contribution to these impacts to a level that is less than significant. Thus, overall, cumulative impacts to land use and aesthetics have been reduced to a level of insignificance.

VII. Environmental Effects that Remain Significant and Unavoidable After Mitigation.

In the environmental areas of aesthetics, air quality, cultural resources, and noise there are instances where environmental impacts would remain significant and unavoidable after mitigation. These areas are discussed below.

A. AESTHETICS

1. Views

Increased development intensity, and building heights alter the visual character and quality of the site and its surroundings and is a potentially significant impact.

(a) Findings

Evaluation of views from ten viewpoints showed that impacts would be less than significant at eight viewpoints. Project implementation would adversely affect views of the Beverly Hilton from the intersection of Wilshire and Santa Monica Boulevards (Viewshed Four) and west-facing panoramic views from the Beverly Hilton Wilshire Towner guest rooms (Viewshed Ten). As discussed in Section VI of this resolution, the impacts on views from Viewshed Four have been mitigated to a level of insignificance. However, impacts on views from the Wilshire Tower guestrooms (Viewshed Ten) remain significant and unmitigable. These are potentially significant impacts. Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR that would reduce aesthetic impacts to a level of insignificance, however, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR.

(b) Facts in Support of Findings

Project implementation would introduce new buildings and land uses and substantially increase development density and building heights on the Project site as compared to the existing conditions. The EIR identified two impacts to views as significant. Nonetheless, the Revised Project is consistent with the General Plan, as proposed to be amended in conjunction with this Project. Additionally, the Revised Project reduces the view impact from Viewshed Four to a level of insignificance as discussed in Section VI above. Nevertheless, the impact to views from Viewshed Ten, the west facing panoramic views from the hotel's Wilshire Tower guestrooms, remains significant due to the blockage of these views by Residence A. Although the impact on this view could be fully mitigated by the removal of Residence A from the Revised Project, the City Council has found that any alternative involving the removal of Residence A is infeasible for the economic and social reasons discussed below in Section VIII. The impact on Viewshed Ten has, however, been mitigated to some degree, but not to a level of insignificance, due to the

reduction in height and the increased setback of Residence A. The reduction in height and increased setback will restore some of Viewshed Ten to the rooms in the Beverly Hilton Wilshire Tower. Finally, it warrants noting that the Applicant's project proposes to block the Applicant's own view, and does not impact views at other properties.

2. Views - Cumulative

The Revised Project, considered together with the 9900 Wilshire project, could result in cumulatively significant impacts on the visual character and quality of the project area due to the combined blockage of Viewshed Ten.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR that would reduce the cumulative impact on Viewshed Ten to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant cumulative impacts identified in the EIR.

(b) Facts in Support of Findings

The cumulative impact to views from Viewshed Ten, the west facing panoramic views from the hotel's Wilshire Tower guestrooms, will be significant due to the combined blockage of these views by Residence A and the 9900 Wilshire Project. Although Revised Project's contribution to this cumulative impact could be fully mitigated by the removal of Residence A from the Revised Project, the City Council has found that any alternative involving the removal of Residence A is infeasible for the economic and social reasons discussed below in Section VIII. The cumulative impact on Viewshed Ten has, however, been mitigated to some degree, but not to a level of insignificance, due to the reduction in height and the increased setback of Residence A. The reduction in height and increased setback will restore some of Viewshed Ten to the rooms in the Beverly Hilton Wilshire Tower.

B. AIR QUALITY

1. Short-Term Construction Impacts

During the demolition, grading and excavation, and building construction phases of project construction, oxides of nitrogen emissions (NO_x), PM₁₀ and PM_{2.5} would exceed established thresholds of significance, even with compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 – Fugitive Dust. This is a potentially significant impact.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measures or project alternatives identified in the EIR that would reduce short term construction impacts on air quality to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR. Specifically, the following mitigation measures lessen the significant impact:

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.

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, air enhancement technologies, etc., will be evaluated. These technologies will be required if they are verified by the California Air Resources Board (ARB) and/or the U.S. Environmental Protection Agency (EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.

MM-AQ-8 The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 miles per hour or less.

MM-AQ-9 The Contractor shall ensure that the Project site is watered at least three times daily during dry weather.

MM-AQ-10 The Contractor shall install wind monitoring equipment on-site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 miles per hour per SCAQMD guidelines.

MM-AQ-11 The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).

MM-AQ-12 The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

MM-AQ-13 The Contractor shall replace ground cover in disturbed areas as quickly as possible.

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

The third-party consultant shall be approved by the City of Beverly Hills Planning Department.

Costs for the monitoring network and tests by the third-party consultant shall be borne by the Project applicant.

Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the Project are selected. The locations shall be selected in order to monitor the Project's contribution to ambient PM10 concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the Project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the Project site. All locations shall be approved by the third-party air quality consultant and the Community Development Director.

The monitoring network shall include at least one anemometer to measure wind speeds and directions.

Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment.

Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity).

Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications.

The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide sufficient warning for

on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.

Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of Project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the Project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website.

Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM10 thresholds are exceeded.

All corrective measures, as necessary to reduce emissions to acceptable levels, shall be implemented immediately. If immediate implementation of a specific corrective measure will result in the creation of a hazardous situation, as determined by the Environmental Monitor, construction activity shall be allowed to continue for a reasonable period of time, as determined by the Environmental Monitor, until such time that it is safe to implement that corrective measure. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.

The Project applicant and contractor shall develop a corrective action plan. The plan shall be prepared and finalized prior to the commencement of Project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but not be limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The Project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills Community Development Director prior to commencing demolition.

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

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

The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the Project applicant and contractor. The Project applicant and contractor shall require coordination of all construction activities so as to minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible.

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

(b) Facts in Support of Findings

Revised Project implementation would incorporate the required mitigation measures, described above, and comply with other required City of Beverly Hills regulations that will reduce construction emissions. The intent of these mitigation measures is to reduce the incremental health impacts from Project construction. However, even with implementation of all feasible mitigation, construction of the Project would result in significant NO_x emissions. While construction could be drawn out over a longer construction period to reduce daily NO_x emissions, this would result in increased emissions over time for NO_x and other pollutants due to the longer construction period. Thus, the City Council finds that such measures would not be environmentally beneficial and that such measures are socially infeasible because each would

extend the period that the community is exposed to the impacts of construction. However, taller construction enclosures have been required to help minimize off-site migration of particulate matter. Further, CARB recently adopted an In-Use Off-Road Diesel Vehicle Control Measure that is aimed at reducing PM₁₀, PM_{2.5} and NOX emissions from construction equipment and other diesel-fueled off-road vehicles. Certain vehicles would have to comply with the new regulation as early as 2010. This could also lead to further emissions reductions, thereby reducing the potential for incremental health impacts. The mitigation measures imposed on the Revised Project also include a comprehensive monitoring system that will provide real time information by comparing upwind (baseline) air quality to downwind air quality to determine if the project is creating unexpected and unreasonably high concentrations of dust pollutants. With the information regarding the concentration of dust emissions generated, appropriate actions can be taken on the Project site to address the emissions. The types of actions to be taken are identified in the mitigation measures and will be formalized into an action plan to be approved by the City prior to demolition or construction. Further, information will be provided to the School District so that it may take actions it deems appropriate in the event of exceedances of the standards. This mitigation reduces the likelihood and severity of a significant temporary impact on the school and nearby residential uses, but in light of existing air quality conditions and potential contributions from the Project construction activities, the impact will remain significant.

2. Localized Significance Threshold (LST) – Construction

The Localized Significance Threshold (LST) analysis shows that maximum 24-hour PM₁₀ and PM_{2.5} concentrations are anticipated to exceed the SCAQMD threshold of significance at the nearest residential and sensitive receptors during construction.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce short term construction impacts on air quality from particulate matter to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant impacts identified in the EIR.

(b) Facts in Support of Findings

The LST analysis set forth in the EIR indicates that maximum 24-hour PM₁₀ concentrations are anticipated to exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site. The maximum 24-hour PM_{2.5} concentrations are also anticipated to exceed the threshold of significance at the nearest residential and sensitive receptors to the Project site.

The EIR identifies feasible mitigation measures that would reduce the impacts, although not to less than significant levels. Further mitigation, at the suggestion of certain commenters on the EIR, has been added to require monitoring of air quality (dust) upwind at the construction site and downwind of the construction site and requires the applicant to take corrective actions to address any exceedance of certain thresholds.

The Beverly Hills Unified School District has suggested a number of additional measures to address air quality issues that have not been adopted as mitigation measures, although some of those have been incorporated into the Specific Plan as conditions of approval. However, none of those measures would reduce the level of impact beyond that achieved through implementation of the already identified and required mitigation measures. The City Council finds that no other feasible mitigation to further reduce impacts has been identified. Thus the short term construction impact remains significant.

The EIR identified an alternative (the No Project alternative) that would reduce construction related air emissions to a less than significant level. However, this alternative is rejected by the City Council as infeasible for the reasons discussed in Section VIII.

3. Cumulative Construction Impacts

In addition to the cumulative significance methodologies contained in SCAQMD's CEQA Air Quality Handbook, the SCAQMD staff has suggested that the emissions-based thresholds be used to determine if a project's contribution to regional cumulative emissions is cumulatively considerable. Individual projects that exceed the SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the Basin is in nonattainment. The project's construction emissions would exceed the project-level threshold of significance for NO_x, PM₁₀ and PM_{2.5}. Because the Basin is nonattainment for ozone (NO_x is a precursor to ozone), PM₁₀ and PM_{2.5}, construction of the project would generate a cumulatively considerable contribution to air quality impacts in the Basin. This is considered a significant and unavoidable temporary impact.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce cumulative impacts on air quality from short term construction to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant contribution to cumulative impacts identified in the EIR. Specifically, mitigation measures AQ-1 through AQ-15, discussed above, imposed upon the Project lessen the severity of the contribution to a significant cumulative impact.

(b) Facts in Support of Findings

The Revised Project is consistent with regional growth projections, therefore the cumulative impacts during operation of the Revised Project are less than significant based on this criterion. However, the mitigated construction-related NO_x emissions exceed the SCAQMD's recommended daily emission thresholds of significance. Additionally, localized impacts for PM₁₀ and PM_{2.5} may exceed the SCAQMD Localized Significance Thresholds. As the Basin is already designated as nonattainment for ozone (NO_x is an ozone precursor), PM₁₀, and PM_{2.5}, project emissions that exceed the SCAQMD thresholds during construction are cumulatively considerable, and thus, are considered significant and unavoidable cumulative air quality impacts. The EIR identifies feasible mitigation measures that would reduce the impacts, although not to less than significant levels. Further mitigation, at the suggestion of certain commenters on the

EIR, has been added to require monitoring of air quality (dust) upwind at the construction site and downwind of the construction site and requires the applicant to take corrective actions to address any exceedance of certain thresholds.

The Beverly Hills Unified School District has suggested a number of additional measures to address air quality issues that have not been adopted as mitigation measures, although some of those have been incorporated into the Specific Plan as conditions of approval. However, none of those measures would reduce the level of cumulative impact beyond that achieved through implementation of the already identified and required mitigation measures. The City Council finds that no other feasible mitigation to further reduce impacts has been identified. Thus the cumulative impacts remain significant.

The EIR identified an alternative (the No Project alternative) that would reduce cumulative air emissions to a less than significant level. However, this alternative is rejected by the City Council as infeasible for the reasons discussed in Section VIII.

C. CULTURAL RESOURCES

1. Historical Resources

The Project would demolish a portion of the Beverly Hilton property, including the Wilshire Edge building, Wilshire Boulevard pedestrian entrance, pool, and former Trader Vic's restaurant, all determined to be potentially eligible for listing on the National Register and California Register. Demolition is considered a substantial adverse change of the significance of an historical resource under Section 15064.5(b)(1) of the CEQA Guidelines, which would be a significant impact.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce impacts on cultural resources to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant contribution to cultural resources impacts identified in the EIR. Specifically, the mitigation measures discussed below and imposed upon the Revised Project lessen the severity of the cultural resources impacts.

CR-1 Components of the Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

CR-2 The Applicant shall fund the production of a video of the Beverly Hilton property showing the interiors and exteriors of the building and the site to show its history. The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills website.

(b) Facts in Support of Findings

Implementation of mitigation measures **MM-CR-1** and **MM-CR-2**, and elimination of the new Hilton Hotel rooms along Wilshire Boulevard would reduce significant cultural resources impacts on the Beverly Hilton site to the maximum extent feasible by reducing the visual obstruction of the Wilshire Tower. Additionally, the increased setback from Wilshire Boulevard of the luxury hotel would reduce cultural resources impacts by reducing the visual obstruction of the Wilshire Tower. However, demolition of portions of the Beverly Hilton, including the Wilshire Edge, the Wilshire pedestrian entrance, the pool, and the former Trader Vic's restaurant as well as obstruction of views of the Wilshire Tower by new construction, would remain a significant and unavoidable impact.

For the reasons discussed below in Section VIII, the City Council has rejected as infeasible the no project alternative, which would reduce cultural resources impacts to a level of insignificance, and Alternative 5 – Preservation Alternative, which would reduce, but not to a level of insignificance, impacts on cultural resources. No other feasible mitigation measures or alternatives have been identified to further reduce cultural resources impacts.

2. Cumulative Impacts

The adjacent Robinsons-May building, which is planned for demolition as part of the 9900 Wilshire project, is considered a historic resource for purposes of CEQA. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce the Revised Project's contribution to cumulative impacts on cultural resources to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the significant contribution to cumulative impacts identified in the EIR. Specifically, the mitigation measures discussed below and imposed upon the Revised Project lessen the severity of the cultural resources impacts.

CR-1 Components of the Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report which follows to Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library.

CR-2 The Applicant shall fund the production of a video of the Beverly Hilton property showing the interiors and exteriors of the building and the site to show its history. The video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hills website.

(b) Facts in Support of Findings

Implementation of mitigation measure **MM-CR-1 and MM-CR-2**, and elimination of the new Hilton Hotel rooms along Wilshire Boulevard would reduce the Revised Project's contribution to significant cumulative cultural resources impacts to the maximum extent feasible. Additionally, the increased setback from Wilshire Boulevard of the luxury hotel would also reduce the contribution to cumulative cultural resources impacts by reducing the visual obstruction of the Wilshire Tower. However, demolition of portions of the Beverly Hilton, including the Wilshire Edge, the Wilshire pedestrian entrance, the pool, and the former Trader Vic's restaurant as well as obstruction of views of the Wilshire Tower by new construction, would remain a significant and unavoidable cumulative impact.

For the reasons discussed below in Section VIII, the City Council has rejected as infeasible the No Project Alternative, which would reduce the Revised Project's contribution to cumulative cultural resources impacts to a level of insignificance, and Alternative 5 – Preservation Alternative, which would reduce, but not to a level of insignificance, cumulative impacts on cultural resources. No other feasible mitigation measures or alternatives have been identified to further reduce cumulative cultural resources impacts.

D. NOISE

1. **Project Construction Noise and Vibration**

Exterior construction activities performed outside of the hours specified in the City's noise ordinance, including before 8:00 a.m., after 6:00 p.m., and during weekends and holidays, would result in significant impacts at off-site sensitive receptors. Additionally, construction activity would generate vibration levels of up to 75 velocity decibels (VdB) at 100 feet from the source. This exceeds 72 VdB, the FRA vibration threshold for hotels and residential uses. As such, construction activity associated with the original Project would result in significant vibration impacts on on-site receptors (i.e., the hotel) and off-site receptors to the north (i.e., residences and El Rodeo Elementary School).

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce noise impacts to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the construction noise impacts identified in the EIR. Specifically, the mitigation measures discussed below and imposed upon the Revised Project lessen the severity of noise impacts.

MM-NOISE-1 Prior to issuance of grading permits, the Applicant shall submit a Construction Management Plan satisfactory to the City's Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following:

- Excavation, grading, and other construction activities related to the proposed Project shall be restricted to the hours of operation allowed under Section 5-1-206, Restrictions on Construction Activity in the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.
- Stockpiling and vehicle staging areas shall be located as far away from occupied residences as possible, and screened from these uses by a solid noise attenuation barrier. Noise attenuation barriers constructed to the specifications identified in the bullet point below are capable of reducing noise levels by 7.7 dB(A).
- Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along all project boundaries during the construction phases associated with the development of the project. Noise attenuation barriers constructed at the property lines to a height of 8 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dB(A).²
- All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the multi-family residential uses to the south of the Project site as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.
- Haul routes for removing excavated materials from the site shall be designed to avoid residential areas, and areas occupied by noise sensitive receptors (e.g., hospitals, schools, convalescent homes, etc.).
- Prior to the start of every school year, the Applicant shall obtain a schedule of testing periods at El Rodeo Elementary School. The Applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g., demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.

(b) Facts in Support of Findings

Construction activities undertaken before 8:00 AM, after 6:00 PM, or on weekends and holidays could generate noise levels in excess of 5.0 dB(A) above ambient noise levels outside the hours permitted by the City's noise ordinance, which is a significant impact. While implementation of MM-NOISE-1 would reduce daytime and nighttime noise impacts associated with all

² U.S. Department of Housing and Urban Development. *The Noise Guidebook*. 1985.

construction activity, no feasible mitigation exists to reduce impacts to less than significant levels. Therefore, impacts associated with noise generated by construction undertaken outside hours permitted by the City's noise ordinance would be significant and unavoidable. Further, potential impacts to the adjacent school will be lessened by limiting noise creation during certain testing periods, although the impact cannot be reduced to a less than significant level. The City Council finds that imposing mitigation to restrict construction activities to the hours between 8:00 a.m. and 6:00 p.m. is socially infeasible as such a restriction would limit the ability of the City to require demolition and construction activities at times that produce the least impacts to school activities at El Rodeo School.

The primary and most intense vibration source would be the use of bulldozers during construction, because the City of Beverly Hills does not permit pile driving. Although the results of vibrations can range from no perceptible effects at the lowest levels to rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels, ground vibrations from construction activities rarely reach the levels that can damage structures. The vibration impacts of this Project have the potential for impacting structures and guests on the Beverly Hilton site and may be perceptible at residential properties. Due to the increased set back of Residence A, vibration impacts are unlikely to reach the school, even in the open playground areas. Additionally, structures on the school site are set back sufficiently from the Project site such that no impact on the structures is expected.

The City has adopted all feasible mitigation measures to reduce the level of impact, however the noise and vibration impacts remain significant for the Revised Project.

2. Cumulative Construction and Vibration

In the event that exterior construction activities are performed on the Project site and the 9900 Wilshire Project site outside of the hours specified in the City's noise ordinance, the Revised Project would result in a cumulatively considerable and therefore significant contribution to cumulatively significant noise impacts. Additionally, during construction, the originally proposed Project, considered together with the adjacent 9900 Wilshire Project, would result in cumulatively considerable and therefore significant contributions to cumulatively significant vibration impacts on sensitive receptors north of Wilshire Boulevard.

(a) Findings

Specific economic, social or other considerations make infeasible any mitigation measure or project alternative identified in the EIR that would reduce cumulative noise impacts to a level of insignificance. However, changes or alterations have been required in or incorporated into the Revised Project which substantially lessen the cumulative construction noise impacts identified in the EIR. Specifically, the mitigation measures discussed below and imposed upon the Revised Project lessen the severity of noise impacts.

MM-NOISE-4 The Project applicant shall coordinate with 9900 Wilshire Project applicant regarding the following:

All temporary roadway closures shall be coordinated to limit overlap of roadway closures;

All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously;

The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and

Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking.

(b) Facts in Support of Findings

Exterior construction activities associated with the Revised Project before 8:00 AM, after 6:00 PM, or on weekends could generate noise levels in excess of 5.0 dB(A) above ambient noise levels outside the hours permitted by the City's noise ordinance, and therefore have the potential to be significant and unavoidable. In the event that the 9900 Wilshire Project also undertakes exterior construction activity outside of the hours specified in the City's noise ordinance, the cumulative construction noise impact would be significant. Although MM-NOISE-4, which requires coordination of construction activities between the two projects, would reduce impacts, cumulative construction noise impacts would remain significant and unavoidable. Furthermore, the Revised Project by itself would generate vibration levels up to 75 VdB at 100 feet from the source, which exceeds the FRA groundborne vibration threshold for residences and hotels. Since sensitive receptors are located approximately 100 feet north of the 9900 Wilshire Project and since the Beverly Hilton Hotel also constitutes a sensitive land use, the Project's incremental contribution to cumulatively significant vibration impacts would be cumulatively considerable and therefore significant. MM-NOISE-4 is applicable to this impact, but no feasible mitigation is available to fully reduce construction vibration impacts to less than significant. Therefore, although short-term in duration, cumulative construction vibration impacts on off-site and on-site receptors would be significant and unavoidable.

The City Council finds that imposing mitigation to restrict construction activities to the hours between 8:00 a.m. and 6:00 p.m. is socially infeasible as such a restriction would limit the ability of the City to require demolition and construction activities at times that minimize impacts to school activities at El Rodeo School. Construction activities undertaken before 8:00 a.m., after 6:00 p.m., or on weekends could generate noise levels in excess of 5.0 dB(A) above ambient noise levels outside the hours permitted by the City's noise ordinance, which is a significant impact. While implementation of MM-NOISE-1 would reduce daytime and nighttime noise impacts associated with all construction activity, no feasible mitigation exists to reduce cumulative impacts to less than significant. Therefore, impacts associated with noise generated by construction undertaken outside hours permitted by the City's noise ordinance would be significant and unavoidable. Further, potential impacts to the adjacent school will be lessened by limiting noise creation during certain testing periods, although the impact cannot be reduced to a less than significant level.

VIII. Project Alternatives.

In defining project alternatives that would be analyzed in the EIR, several alternatives were considered; however, two of those considered were rejected. CEQA Guidelines Section 15126.6(c) states: "The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." As stated previously, the CEQA Guidelines stipulate that alternatives addressed in an EIR should be feasible and should not be considered remote or speculative.

The alternatives available for evaluation were limited, in part, by the unique history of the Project site as well as the fact that hotel operations are expected to continue in the future. The City of Beverly Hills initially considered, but ultimately rejected as infeasible, two alternatives: The evaluation of an alternate site, and the evaluation of a code-compliant alternative that assumes no hotel uses would remain on-site (i.e., comprehensive redevelopment of the Project site).

The Beverly Hilton Hotel opened in 1955 and has been in continuous operation since that time. The original complex of buildings was designed for the Hilton Hotels Corporation by the Los Angeles-based architecture firm Welton Becket and Associates. The original group of buildings was completed between 1953 and 1955. The Beverly Hilton hotel is differentiated from other area hotels of the time in its resolution of the design challenges inherent in the Project site, in what was considered a pivotal urban location. At the time of its initial purchase, the nine-acre Project site was the highest-priced, and among the most coveted, properties in the City. Welton Becket designed several Hilton hotels from 1949 through the 1970s, including six of the 17 post-World War II Hilton International Hotels built through 1966. The Beverly Hilton Hotel was considered a template and prototype for later Hilton International Hotels, which were often sited in the most desirable locations in a given city. The hotel is therefore significant in the context of the 1950s growth of the Hilton chain and in the architectural portfolio of Welton Becket and Associates. Today, the hotel hosts cultural events such as the Golden Globes in addition to serving as a tourist destination.

For these reasons, selection of feasible alternate sites was limited and alternative sites were not evaluated in detail in this EIR. Neither the Project Applicant nor the City owns or controls any other property of similar size or characteristics in the vicinity of the Beverly Hilton. The Project proposes construction and operation of a Waldorf Astoria Hotel and associated condominiums in affiliation with the Beverly Hilton, including sharing back-of-house services, an arrangement that would be infeasible if the Waldorf Astoria Hotel project component were built elsewhere in the City. Development of the other residential uses proposed by the Project on an alternate site could result in the introduction of significant new residential height on property not necessarily located along major corridors or in an identified City gateway location. Moreover, the ability of the Project Applicant to find and purchase a suitable alternate site for development of the project is considered speculative. Finally, while development of the proposed Project on an alternate site could potentially avoid the demolition of an historic resource, it has the potential to increase the severity of aesthetic, land use, air quality, noise, and traffic impacts. As such, this alternative has been rejected from further consideration and is not examined in detail in this EIR.

Under a code-compliant alternative, development on the Project site would be constructed in compliance with the City of Beverly Hills Municipal Code requirements for the commercial (C-3) zoning designation applicable to the Beverly Hilton property. The permitted uses in the C-3 Zone include a wide range of commercial uses, including retail shops, restaurants and offices, but do not include residential uses. The maximum Floor Area Ratio, or FAR, in a C-3 Zone is 2:1. In addition, height standards in C-3 zones require that no structure exceed 45 feet, or three stories, in height.

As stated above, the Beverly Hilton Hotel has been in continuous operation since 1955 and anticipates continuing operations in the future. The hotel has undergone periodic renovation, upgrades, and additions over the years, with the most recent major remodel in 2004; these upgrades represent a considerable investment in the property and hotel operations by its owner/proprietor. There are no plans to close or demolish the hotel or to cease operations. Finally, the hotel property was determined to be potentially eligible for the California Register and National Register because of its association with local and national history, with Conrad Hilton and Welton Becket, and because its design served as a prototype for Hilton International Hotels. Demolition of the hotel would increase the severity of impacts on historic resources compared to the proposed Project. For these reasons, the City did not evaluate the cessation of hotel operations and demolition of the hotel buildings when developing a code-compliant alternative. Instead, Alternative 2, Code-Compliant Office/Retail Alternative, was developed and is evaluated in detail in this EIR, and assumes that *new* development on the Project site would be required to comply with applicable code, while the existing hotel facilities remain unchanged.

A. ALTERNATIVE ONE: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

1. Summary of Alternative

Under the No Project Alternative, the Beverly Hilton Revitalization Plan would not be implemented. The Beverly Hilton Hotel would remain in operation and could undergo routine improvements and minor remodels in the future, but the hotel property would not be redeveloped as proposed. This alternative is required to be evaluated by CEQA, in order to compare significant and unavoidable project impacts against impacts in the event the project is not implemented.

2. Discussion of Alternative

Implementation of the No Project Alternative would result in fewer significant and unavoidable impacts in comparison to the proposed Project and with implementation of the No Project Alternative, several of the unavoidable impacts associated with the proposed Project would be reduced and/or avoided. Specifically, the following significant impacts would be avoided:

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also

have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.

- **Air Quality** – During project construction, NO_x, PM₁₀ and PM_{2.5} would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Land Use and Planning** – The originally proposed Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Construction Traffic** – Project construction would result in a considerable, and therefore significant, contribution to cumulatively significant traffic impacts as a result of the potential overlapping construction phases of the Beverly Hilton Revitalization Plan and 9900 Wilshire projects.

The No Project Alternative would not result in increased impacts compared to the original proposed Project or Revised Project in any impact area. This Alternative's impacts would be comparable with respect to aesthetics, hazards and hazardous materials, hydrology and water quality, land use and planning, and natural gas consumption. Impacts would be reduced compared to the original proposed Project or Revised Project with respect to construction-related and operational air quality, geology and soils, operational noise, population and housing, police and fire protection services, schools, libraries, recreation and park services, water consumption, wastewater generation, solid waste generation, and electricity.

(a) Objectives Not Met by Alternative:

- Allow the Beverly Hilton to remain competitive in the hotel industry and local and regional marketplaces.
- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Open the Project site to Wilshire Boulevard and pedestrians and promote pedestrian activity in the Project area.
- Place parking and ancillary uses below grade to accommodate at-grade gardens and landscaped common space and create a more pleasant visual environment for hotel guests, residents, pedestrians, and motorists.
- Expand, upgrade, and increase the efficiency of existing parking facilities to serve the project and the community.
- Improve vehicular circulation on-site and in the project vicinity by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.
- Encourage maintenance and enhancement of the sources and amount of transient occupancy tax for the City, so that vital City services can be maintained and enhanced.

3. Conclusion Regarding Alternative 1

Under the No Project Alternative, the Beverly Hilton Revitalization Plan would not be implemented. The Beverly Hilton Hotel would remain in operation and could undergo routine improvements and minor remodels in the future, but the hotel property would not be redeveloped as proposed under the project. Implementation of Alternative 1 would only achieve one of the

main objectives of this project: maintain the integrity of the existing Welton Becket-designed Wilshire Tower. No other basic objectives of the proposed Project would be achieved with implementation of the No Project Alternative.

The City Council rejects this alternative as socially infeasible because:

(1) This alternative does not achieve the important objectives of increasing the City's housing stock without eliminating existing housing stock. The City Council recognizes its obligation to encourage the production of additional housing to meet the goals of the Housing Element of its General Plan. The Revised Project would promote those goals by providing market rate housing without eliminating current housing.

(2) This alternative does not produce the economic benefits that will arise from the addition of a luxury hotel at the site. The City Council finds that local tax revenues, such as transient occupancy tax generated by a hotel, are critically important to the City's revenues in order to maintain a strong revenue base and to provide services to the community and also to provide protection against the erosion of the City's revenue base due to redistribution of City revenues by the State Legislature. The City Council finds that generating additional transient occupancy tax revenue and other local revenues not subject to retention by the State legislature is a very important public policy goal and that this alternative would not achieve that goal.

(3) This Alternative would not enhance the City's Gateway through open space, landscaping and a gateway statement at the corner of Wilshire and Santa Monica Boulevards.

The City Council finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 1 as infeasible and by itself, independent of any other reason, would justify the rejection of Alternative 1 as infeasible.

B. ALTERNATIVE TWO – CODE-COMPLIANT RETAIL/OFFICE ALTERNATIVE

1. Summary of Alternative

This Alternative would evaluate redevelopment of the Beverly Hilton Hotel property in compliance with the City of Beverly Hills Municipal Code commercial (C-3) zoning designation for the property. Redevelopment of the site would, accordingly, be restricted to mixed office and retail uses, the maximum permitted floor area ratio (FAR) of 2:1, a 45-foot/three-story height restriction, and compliance with other applicable development standards. Accordingly, under this Alternative no residential uses would be developed. The number of new hotel rooms planned would be fewer than under the proposed Project (131) but would be distributed across the site in buildings no more than three stories and 45 feet in height. A restaurant would still be developed as under the proposed Project, and hotel retail and hotel office space would be developed as under the proposed Project. The hotel brand and class could vary under this alternative, and a Waldorf Astoria hotel may not be developed. This Alternative would introduce new retail and office space in addition to hotel-related uses. This Alternative would substantially reduce the area of landscaping and gardens associated with the proposed Project. The intent of this Alternative is to evaluate impacts associated with permissible development on the Project site assuming compliance with the applicable land use and zoning designations on the site, and compare those

impacts against the proposed Project.

2. Discussion of Alternative

Implementation of the Code-Compliant Office/Retail Alternative would reduce two of the significant and unavoidable impacts associated with the proposed Project:

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Land Use and Planning** – As originally proposed, the Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.

The following significant impacts identified for the proposed Project would still occur with implementation of this Alternative:

- **Air Quality** – During project construction, NO_x, PM₁₀, and PM_{2.5} emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in

project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

The following additional impact would result from this Alternative.

- **Traffic** – Average daily trips associated with operation of this alternative would be substantially greater than the Revised Project, thus creating greater traffic impacts. Additionally, the number of peak hour trips would be greater than the number generated by this alternative.

The Code-Compliant Retail/Office Alternative would also result in increased impacts compared to the original proposed Project or Revised Project with respect to operational air quality, operational noise, population and housing, and electricity and natural gas consumption.

(a) Objectives Not Met by Alternative:

- Create a five-star hotel that will serve the needs of the City of Beverly Hills and the surrounding area while reducing the overall number of hotel rooms on the Project site.
- Create a unified hotel and residential development that enhances the City's western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Develop the Project site in a manner that takes maximum advantage of its physical, social, and economic potential without adversely impacting neighboring residential uses.
- Expand the variety of high-quality housing options available to Beverly Hills residents, and in close proximity to Beverly Hills and Century City office and commercial centers, without displacing existing housing or residents.

3. Conclusion Regarding Alternative 2

The Code-Compliant Retail/Office Alternative would result in increased impacts compared to the original proposed Project or Revised Project in the extremely sensitive areas of traffic, operational air quality, and operational noise. The increased impacts would result from the more intense retail and commercial development contemplated by the Alternative, which generally has greater impact than would residential development. Specifically, this Alternative would have a substantially greater number of average daily trips, as well as a greater number of peak hour trips. As such, this Alternative is not environmentally superior to the Revised Project.

Additionally, the key project objectives described above would not be achieved through implementation of Alternative 2. The City Council rejects this alternative as socially infeasible because:

(1) This alternative does not achieve the important objectives of increasing the City's housing stock without eliminating existing housing stock. The City Council recognizes its obligation to encourage the production of additional housing to meet the goals of the Housing Element of its General Plan. The Revised Project would promote those goals by providing market rate housing without eliminating current housing.

(2) This alternative does not produce the economic benefits that will arise from the addition of a luxury hotel at the site. The City Council finds that local tax revenues, such as transient occupancy tax generated by a hotel, are critically important to the City's revenues in order to maintain a strong revenue base and to provide services to the community and also to provide protection against the erosion of the City's revenue base due to redistribution of City revenues by the State Legislature. The City Council finds that generating additional transient occupancy tax revenue and other local revenues not subject to retention by the State legislature is a very important public policy goal and that this alternative would not achieve that goal.

(3) This alternative would not enhance the City's Gateway through open space, landscaping and a gateway statement at the corner of Wilshire and Santa Monica Boulevards.

The City Council finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 2 as infeasible and by itself, independent of any other reason, would justify the rejection of Alternative 2 as infeasible.

C. ALTERNATIVE THREE – REDUCED DENSITY ALTERNATIVE

1. Summary of Alternative

Under this Alternative, the residential component of the proposed Project would be reduced by 30 percent, from 120 to 85 condominium units. The number of hotel rooms proposed would likewise be reduced 30 percent from 170 guestrooms to 119 guestrooms. Residential building heights, the height of the Wilshire Boulevard building proposed to house the new Beverly Hilton Hotel rooms and/or the new hotel on Santa Monica Boulevard, and the number of parking spaces on-site would be reduced correspondingly. Under this Alternative, the new hotel may not be a Waldorf Astoria hotel. The intent of this Alternative is to avoid or reduce the severity of the project-related significant impacts resulting from construction and operation by reducing the amount of development on the Project site.

2. Discussion of Alternative

Implementation of the Reduced Density Alternative would reduce three of the identified significant impacts associated with implementation of the proposed Project.

- **Aesthetics and Views** –As originally proposed, the Project would have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO_x, PM₁₀, and PM_{2.5} emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.

However, the following significant impacts identified for the proposed Project would still occur with implementation of this Alternative:

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses.
- **Cultural Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.
- **Land Use and Planning** – The Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.

3. Conclusion Regarding Alternative 3

The Reduced Density Alternative would result in the implementation of project characteristics similar to those of the original proposed Project or Revised Project; however, the residential density and net new number of hotel rooms of the Project would be reduced by 30 percent. As such, all project objectives identified in Section 3.0, Project Description, of the EIR would be achieved under this project Alternative, but not to the same extent as the Revised Project.

The Revised Project incorporates certain elements of this Alternative in order to reduce potentially significant impacts associated with the originally proposed Project. Specifically, the Revised Project incorporates reduction in the building heights and mass and an increased set back for Residence A in the Revised Project results in a reduction in the density of the Project.

Although Alternative 3 would slightly reduce impacts on Air Quality, it is not environmentally superior to the Revised Project because the Revised Project reduces certain aesthetic and land use impacts to a level of insignificance as described above in Section VI. Alternative 3 does not mitigate these impacts to a level of insignificance due to the small setback of Residence A. Otherwise the Revised Project would have impacts similar to impacts associated with this Alternative.

The City Council also finds that Alternative 3 is socially infeasible because it does not achieve the important social goals of the City to the same extent as the Revised Project:

(1) This alternative does not achieve the important objectives of increasing the City's housing stock to the same extent as the Revised Project. The City Council recognizes its obligation to encourage the production of additional housing to meet the goals of the Housing Element of its General Plan. The Revised Project would promote those goals by providing market rate housing without eliminating current housing.

(2) This alternative does not, to the same extent, produce the economic benefits that will arise from the addition of a luxury hotel at the site. The City Council finds that local tax revenues, such as transient occupancy tax generated by a hotel, are critically important to the City's revenues in order to maintain a strong revenue base and to provide services to the community and also to provide protection against the erosion of the City's revenue base due to redistribution of City revenues by the State Legislature. The City Council finds that generating additional transient occupancy tax revenue and other local revenues not subject to retention by the State legislature to the maximum extent practical, is a very important public policy goal and that this alternative would not achieve that goal.

(3) The City Council finds that the 30% reduced density project is economically infeasible based on testimony from the City's economic consultant regarding the need for the condominiums component of the Project, and based on the letter from Mariposa Real Estate Advisors Inc. dated April 16, 2008, which states the Project must have close to 400,000 square feet of condominium space to maintain economic viability.

The City Council finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 3 as infeasible and by itself, independent of any other reason, would justify the rejection of Alternative 3 as infeasible.

D. ALTERNATIVE FOUR – MODIFIED BUILDING HEIGHT ALTERNATIVE – RESIDENCES A AND B

1. Summary of Alternative

This Alternative would be similar to the proposed Project, including the same number of Beverly Hilton and Waldorf Astoria hotel rooms, the same ancillary uses including new hotel retail and hotel office space, a new executive conference center and the same number of residential units. The site would be developed to the same floor area ratio (FAR) as under the proposed Project. However, the maximum height of the Residence A building, in the northwest corner of the Project site near the intersection of Merv Griffin Way and Wilshire Boulevard, would be reduced from 150 feet and 13 stories to 112 feet and 10 stories. The

height of the Residence B Building, in the southwest corner of the Project site, would be increased from 150 feet and 13 stories to 184 feet and 16 stories. The buildings would be constructed in the same locations as under the proposed Project. The intent of this Alternative is to reduce significant impacts on views from west-facing guestrooms in the Wilshire Tower hotel building of the Beverly Hilton, and reduce significant land use impacts related to inconsistency with Land Use Element objectives addressing areas of transition, the scale of the City, and compatibility between commercial and residential land uses.

2. Discussion of Alternative

Implementation of the Modified Building Height Alternative would reduce, but not eliminate, two of the significant and unavoidable impacts associated with implementing the proposed Project.

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable Project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Land Use and Planning** – As originally proposed, the Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.

Furthermore, in addition to the above, the following significant impacts identified for the proposed Project would still occur and would not be reduced with implementation of this alternative:

- **Air Quality** – During project construction, NO_x, PM₁₀, and PM_{2.5} emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Cultural Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.

- **Noise** – Project construction outside the hours specified in the City’s noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

3. Conclusion Regarding Alternative 4

The Modified Building Height Alternative would reduce the severity of significant aesthetic and land use impacts associated with the proposed Project. However, the impacts remain significant due to the limited setback of Residence A and the fact that Residence A is still ten stories in height. All other impacts associated with this project Alternative would be comparable to impacts associated with the originally proposed Project.

This alternative is not environmentally superior to the Revised Project. The Revised Project incorporates the concept of this alternative but implements it to a greater extent by further reducing the height of Residence A and setting back Residence A farther from Wilshire Boulevard. By so doing, the Revised Project is able to further reduce aesthetic impacts and eliminate the land use impacts associated with the original Project and this alternative for the reasons described in Section VI. Additionally, the Revised Project incrementally reduces other impacts due to the reduction in height and increased set back of the luxury hotel, the elimination of the new Hilton Hotel rooms on Wilshire Boulevard, and the increased set back from Wilshire Boulevard and the new landscaping along Wilshire Boulevard. Although Residence B in the Revised Project would have an element of the building that is sixteen feet higher and two stories more than Residence B in this alternative, for the reasons set forth in Appendix C of the Final EIR, this increase in height does not have a materially different environmental impact.

The City Council rejects this alternative as not environmentally superior to the Revised Project.

E. **ALTERNATIVE FIVE – HISTORIC PRESERVATION ALTERNATIVE**

1. Summary of Alternative

Under this Alternative, the Wilshire Boulevard frontage of the hotel, also known as the Wilshire Edge, would be retained and adaptively reused in conjunction with future hotel operations. The Wilshire Edge is considered the second most architecturally significant feature on the property, after the Wilshire Tower, and extends from the intersection of Wilshire Boulevard and Santa Monica Boulevard on the east to Merv Griffin Way on the west. It presently houses the former Trader Vic’s Restaurant, hotel support and office space, the Wilshire Boulevard hotel entrance/drop-off area, and the Executive Conference Center. Under this Alternative, the proposed improvements to Beverly Hilton retail, extensive landscape improvements, conference center, and additional Beverly Hilton hotel rooms would not be built. Proposed additional lanes on Wilshire Boulevard would not be included, although some of the proposed roadway improvements for Santa Monica Boulevard would be

implemented under this Alternative. As a result of the preservation of the Wilshire Edge, the new hotel on Santa Monica Boulevard would be relocated to the southwest and Residence A would be moved to the south. There would be 80 fewer hotel rooms, 6 fewer condominium units and 232 fewer parking spaces built under this alternative. Under this Alternative, the new hotel may not be a Waldorf Astoria hotel. The intent of this Alternative is to reduce significant project impacts on cultural resources resulting from proposed demolition of portions of the Beverly Hilton.

2. Discussion of Alternative

This Alternative would reduce one of the significant and unavoidable impacts associated with the proposed Project:

- **Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.

However, implementation of the Historic Preservation Alternative would not avoid the following significant impacts associated with implementation of the proposed Project:

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the intersection of Wilshire and Santa Monica Boulevard and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.
- **Air Quality** – During project construction, NO_x, PM₁₀, and PM_{2.5} emissions would exceed SCAQMD established significance thresholds and result in significant unavoidable impacts would result, even after incorporation of mitigation.
- **Land Use and Planning** – As originally proposed, the Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The Project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.

- **Noise** – Project construction outside the hours specified in the City’s noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

(a) Objectives Not Met by Alternative:

- Create a unified hotel and residential development that enhances the City’s western gateway and views from Wilshire Boulevard and Santa Monica Boulevard.
- Minimize new building footprints to increase open space and accommodate on-site gardens and landscaped common space that complement the garden character of the project area and City.
- Create an environmentally efficient site with new construction, using the best practices of the U.S. Green Building Council (i.e., LEED standards) by implementing environmentally sensitive construction and operational practices.

3. Conclusion Regarding Alternative 5

Alternative 5 is not environmentally superior to the Revised Project. Although Alternative 5 would reduce impacts on cultural resources compared to the Revised Project, the Revised Project would reduce aesthetic and land use impacts to a level of insignificance as described in Section VI.

Additionally, the City Council finds that Alternative 5 is socially infeasible because:

- (1) This alternative does not, to the same extent, produce the economic benefits that will arise from the addition of a luxury hotel at the site due to the reduction of rooms in the proposed new hotel. The City Council finds that local tax revenues, such as transient occupancy tax generated by a hotel, are critically important to the City’s revenues in order to maintain a strong revenue base and to provide services to the community and also to provide protection against the erosion of the City’s revenue base due to redistribution of City revenues by the State Legislature. The City Council finds that generating additional transient occupancy tax revenue and other local revenues not subject to retention by the State legislature to the maximum extent practical, is a very important public policy goal and that this alternative would not achieve that goal.
- (2) This alternative fails to achieve the social goal of creating an aesthetically pleasing gateway to Beverly Hills with increased landscaping and open space areas.

The City Council hereby finds that each of the reasons set forth above would be an independent ground for rejecting Alternative 5 as infeasible and by itself, independent of any other reason, would justify rejection of Alternative 5 as infeasible.

F. ADDITIONAL VARIATIONS ON ALTERNATIVES CONSIDERED BY THE PLANNING COMMISSION.

As noted above, the Planning Commission requested analysis of variations on the Alternatives to understand how the impacts of various potential project designs would compare to the impacts of the Project and the foregoing six Alternatives. Analysis of these variations, referred to for convenience as Alternatives 6 and 7 follows.

1. Variation 1 (Alternative 6)– Reduced Building Heights and Elimination of Condos at the Waldorf (Variation on Alternative 4 - Modified Building Height Alternative – Residences A and B)

1. Summary of Alternative

Alternative 6 is a variation on Alternative 4, Modified Building Height Alternative – Residences A and B (already evaluated in the Draft EIR). Alternative 6 eliminates both the proposed New Beverly Hilton Hotel Rooms wing along Wilshire Boulevard and the two-floor restaurant portion of the Waldorf-Astoria at the intersection of Wilshire and Santa Monica Boulevards. Additionally, Alternative 6 eliminates the condominium units from the Waldorf-Astoria building. Under Alternative 6, the height of the Residence B building would be increased to 16 floors/183 feet, the height of the Residence A building would be decreased to 7 floors/84 feet, and the step-down heights of the Waldorf-Astoria building would be decreased to 7 floors/73 feet and 4 floors/47 feet.

Further changes include having all buildings set back a minimum of 50 feet from a proposed sidewalk on Wilshire Boulevard.

The Floor Area Ratio (FAR) for this alternative is approximately 2.4:1, the same FAR as the proposed Project, but greater than the maximum FAR of 2:1 currently permitted on the Project site. In addition, like the proposed Project, the proposed Residence A and B buildings, as well as the Waldorf Astoria building, would exceed 45 feet in height and have more than three stories. Therefore, this alternative would still require the approval of the proposed General Plan Amendment and Specific Plan needed for the proposed Project, with modifications reflecting the fact that the maximum height and number of stories for the Residence A Building under this alternative would be reduced and the height and number of stories for the Residence B Building would be increased.

2. Discussion of Alternative

Implementation of Alternative 6 would reduce, but not eliminate, two of the significant and unavoidable impacts associated with implementing the proposed Project.

- **Aesthetics and Views** – As originally proposed, Project implementation would result in significant and unavoidable Project impacts and contributions to cumulatively significant aesthetic impacts because of inconsistency with Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use development criteria addressing compatibility of commercial and residential land uses. The Project would also have significant and unavoidable impacts on valued views of the hotel from the

intersection of Wilshire and Santa Monica Boulevards and on panoramic west-facing views from the hotel's Wilshire Tower guestrooms. Considered together with the adjacent 9900 Wilshire project, the Project would also contribute to cumulatively significant impacts on panoramic views from the hotel's Wilshire Tower guestrooms.

- **Land Use and Planning** – As originally proposed, the Project would result in significant and unavoidable project-level and cumulative impacts related to inconsistency with General Plan Land Use Element Objectives 3, Areas of Transitional Conflict, and 4, Scale of the City, and with Land Use Element development criteria recommending compatibility between commercial and residential areas. The project would also result in significant and unavoidable project-level and cumulative impacts related to inconsistency with goals related to landmark preservation in the General Plan Conservation Element.

The following significant impacts identified for the proposed Project would still occur with implementation of this alternative:

- **Cultural Resources** – Demolition of portions of the Beverly Hilton, including the Wilshire Edge building, pedestrian entry area, pool, and former Trader Vic's restaurant, and the introduction of four new buildings to the Project site, would result in significant and unavoidable impacts to an historic resource, as defined in Section 15064.5 of the CEQA Guidelines, even after incorporation of mitigation. Demolition of portions of the Beverly Hilton, considered together with demolition of the Robinsons-May building, would contribute to cumulatively significant impacts on cultural resources.
- **Noise** – Project construction outside the hours specified in the City's noise ordinance would result in significant and unavoidable project-level and cumulative off-site noise impacts, even after incorporation of mitigation.
- **Groundborne Vibration** – Project construction would result in ground vibrations that exceed the Federal Railway Administration (FRA) groundborne vibration threshold, resulting in project-level and cumulative significant and unavoidable impacts at off-site sensitive receptors, even after incorporation of mitigation.

No additional significant impacts above and beyond those identified for the proposed Project would result from implementation of Alternative 6. Additionally, Alternative 6 would reduce many impacts, in comparison to the originally proposed Project.

3. Conclusion regarding Alternative

Alternative 6 would not be environmentally superior to the Revised Project. Many elements of Alternative 6 were incorporated into the Planning Commission's recommendation to the City Council and are incorporated into the Revised Project. Thus, Alternative 6 is partially feasible and is partially adopted. The reduced height on Residence A as set forth in Alternative 6 is not necessary to mitigate land use or aesthetic impacts as the Revised Project mitigates the land use and aesthetic impacts associated with Residence A as described in Section VI by further reducing height in the portion of Residence A closest to Wilshire Boulevard and allowing additional height at the rear of Residence A.

2. Variation 2 (Alternative 7) – Additional Parking Level (Variation on the Proposed Project)

Alternative 7 is a variation on the proposed Project. Alternative 7 is not environmentally superior to the Revised Project. The construction of additional parking spaces does not mitigate any impact as the originally proposed Project did not create a significant parking impact. However, additional grading for additional garage area will lead to additional construction emissions and additional construction traffic. Furthermore, this alternative does not provide the environmental benefits of the Revised Project, including mitigation of certain aesthetic and land use impacts to a level of insignificance.

3. Variation 3 (Alternative 8)- Elimination of Residence A

The Planning Commission recommended an alternative to the Revised Project that included the elimination of Residence A. The City Council finds that elimination of Residence A, even if Residence B is increased in size to sixteen stories to offset the elimination of Residence A, is economically infeasible. The City Council's finding is based on the testimony of Mr. Cal Holis, the City's economic consultant, who after extensive review of this variation, concluded that the variation is not economically feasible. Additionally the finding is based on the oral and written testimony of the economic and real estate experts retained by the Applicant, including the following letters:

Letter #1: From Theodore F. Kahan of Alagem Capital Group to the Mayor and Council members dated April 15th, 2008 regarding the Beverly Hilton Revitalization Plan.

Letter #2: From Robert J. Gardner of Robert Charles Lesser & Co. to Mr. Ted Kahan dated April 11th, 2008 regarding Sales Revenue and Sales Price per Square Foot Impacts of Proposed Relocation of All Residential Condominiums to Building B Site are Santa Monica Boulevard and Merv Griffin Way –Beverly Hilton; Beverly Hills, California.

Letter #3: From Thomas R. Jirovsky of CBRE Consulting to Mr. Ted Kahan dated April 14th, 2008 regarding the Beverly Hilton Hotel.

Letter #4: From Robert B. Stiles of Cushman & Wakefield to Mr. Vincent P. Bertoni dated April 14th, 2008 regarding the letter dated April 11th, 2008 prepared by Robert Gardner.

Letter #5: From Marion Fong of Mariposa Real Estate Advisors, LLC to Mr. Vincent P. Bertoni dated April 14th, 2008 regarding the Beverly Hilton Revitalization Plan.

EXHIBIT B

Statement of Overriding Considerations

EXHIBIT B

Statement of Overriding Considerations

The following Statement of Overriding Considerations is made in connection with the proposed approval of a specific plan for revitalization of the existing Beverly Hilton hotel to allow a new luxury hotel, two new condominium buildings, gardens, subterranean parking and modifications to the existing Beverly Hilton Hotel (the “Revised Project”). Approval of the Revised Project includes a general plan amendment, specific plan, zone text amendment, zone change and development agreement. CEQA requires the decision-making agency to balance the economic, legal, social, technological or other benefits of a project against its unavoidable environmental impacts when determining whether to approve a project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered acceptable. CEQA requires the agency to provide a written statement articulating the specific reasons for considering a project acceptable when significant environmental impacts are unavoidable. Those reasons are provided in this Statement of Overriding Considerations.

The City Council finds that the economic, social and other benefits of the Revised Project outweigh its significant and unavoidable environmental impacts, including impacts to aesthetics, air quality, cultural resources, and noise identified in the EIR and in the record. In making this finding, the City Council has balanced the benefits of the Revised Project against its unavoidable adverse environmental impacts and has indicated its willingness to accept those adverse environmental impacts. The City Council finds that each one of the following benefits of the Revised Project, independent of the other benefits, would warrant approval of the Revised Project notwithstanding the unavoidable environmental impacts of the Revised Project.

A. The Revised Project includes a luxury hotel that will generate substantial revenue for the City. Local tax revenues, such as transient occupancy tax generated by a hotel, are critically important to the City's revenues in order to maintain a strong revenue base and to provide services to the community and also to provide protection against the erosion of the City's revenue base due to redistribution of City revenues by the State Legislature. The City Council believes that generating additional transient occupancy tax revenue and other local revenues not subject to retention by the State legislature to the maximum extent practical, is a very important public policy goal.

B. The Revised Project will expand the variety of high-quality housing options available to Beverly Hills residents without displacing existing housing or residents.

C. The Revised Project will provide a substantial amount of housing to help meet market demand and the City's Regional Housing Needs Allocation from the State of California.

D. The Revised Project will improve vehicular circulation in and around the Project site by providing multiple points of access to the Project site, increasing on-site accommodations for event parking, and implementing off-site roadway improvements.

E. The Revised Project will provide open space at the southeast corner of the intersection of Merv Griffin Way and Wilshire Boulevard, which is consistent with the presence of the Beverly Gardens Park on the opposite side of Wilshire Boulevard and the public open space proposed by the 9900 Wilshire project on the western side of Merv Griffin Way.

F. The Revised Project will enhance the economic resources of the City through the Public Benefit Contribution, Municipal Surcharge, and Environmental Mitigation and Sustainability Fees established through the Development Agreement that is part of the Revised

Project.

G. Pursuant to the terms of the Development Agreement, the Applicant will pay approximately \$1,500,000.00 to the City, which funds will be used by the City for the purpose of promoting the provision of affordable housing in the City of Beverly Hills. The City Council believes that promoting affordable housing is an important public policy goal.

EXHIBIT C

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING PLAN

Section 2.0 and Section 4.0 of the Final EIR identify the mitigation measures that will be implemented to reduce the impacts associated with the Beverly Hilton Revitalization Plan. The California Environmental Quality Act (CEQA) was amended in 1989 to add Section 21081.6, which requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in Section 21081.6 of the Public Resources Code,

... the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final certification of the EIR.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. These measures correspond to those outlined in Section 2.0 and discussed in Section 4.0. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Beverly Hills departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
Aesthetics, Light, and Glare						
LG-1	Project light sources shall be shielded, directed downward when intended to illuminate walking or working surfaces, and focused on the project site, to prevent light spillover onto adjacent properties or roadways.	Community Development Department	The project lighting plan filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		
Air Quality						
AQ-1	The Developer shall prepare a Construction Traffic Emission	Community Development	The project applicant shall submit a Construction	This measure shall be met during the		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	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.	Department	Traffic Emission Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Emission Management Plan.	construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
AQ-2	The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.	See above.	See above.	See above.		
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.	See above.	See above.	See above.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
AQ-4	The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.	See above.	See above.	See above.		
AQ-5	The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.	See above.	See above.	See above.		
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.	See above.	See above.	See above.		
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, air enhancement technologies, etc., will be evaluated. These technologies will be required if they are verified by the California Air Resources Board (CARB) and/or the U.S. Environmental Protection Agency (U.S. EPA) and are commercially available and can feasibly be retrofitted onto construction equipment.	See above.	See above.	See above.		
AQ-8	The Contractor shall ensure that traffic speeds on all unpaved roads are reduced to 15 mph or less.	See above.	See above.	See above.		
AQ-9	The Contractor shall ensure that the	See above.	See above.	See above.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	project site is watered at least three times daily during dry weather.					
AQ-10	The Contractor shall install wind monitoring equipment on site, to the extent feasible, and suspend grading activities when wind speeds exceed 25 mph per Southern California Air Quality Management District (SCAQMD) guidelines.	See above.	See above.	See above.		
AQ-11	The Contractor shall water storage piles by hand or apply cover when wind events are declared (wind speeds in excess of 25 miles per hour).	See above.	See above.	See above.		
AQ-12	The Contractor shall apply nontoxic chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).	See above.	See above.	See above.		
AQ-13	The Contractor shall replace ground cover in disturbed areas as quickly as possible.	See above.	See above.	See above.		
AQ-14	The project applicant shall retain a third-party air quality consultant to conduct continuous monitoring of the PM10 (dust) concentrations during the project demolition, excavation and grading phases of project construction (approximately 92 work days) to determine compliance with applicable air quality standards and regulations. Monitoring shall be accomplished using DustTrak™ aerosol monitors or other	Community Development Department	The Community Development Department shall hire a third-party air quality consultant. Weekly monitoring reports shall be submitted to the Community Development Department for review. The project proponent shall submit a corrective action plan and	During demolition and grading.		

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
				Check Box	Date
<p>similar monitoring networks and shall meet the following requirements:</p> <ul style="list-style-type: none"> • The third-party consultant shall be approved by the City of Beverly Hills Planning Department. • Costs for the monitoring network and tests by the third-party consultant shall be borne by the project applicant. 		have such plan approved prior to commencement of demolition activities.			
<ul style="list-style-type: none"> • Monitors shall be located in such a manner that appropriate upwind (background) and two downwind locations from the project are selected. The locations shall be selected in order to monitor the project's contribution to ambient PM10 concentrations and to minimize the influence of dust contributions from outside sources. One downwind monitoring station shall be located at or near the El Rodeo School's southern perimeter. The other downwind monitor shall be located in an area beyond the project boundary where the general public could be present for a period of more than one hour. The upwind and downwind directions shall be based on the prevailing daytime wind direction in the vicinity of the project site. All locations shall be approved by the third-party air quality consultant and the Community Development 					

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	Director.					
	<ul style="list-style-type: none"> The monitoring network shall include at least one anemometer to measure wind speeds and directions. Each monitoring station shall be secured in such a manner to prevent access and tampering by unauthorized persons and to prevent damage to the equipment. Each monitoring station shall be sited in a location with access to necessary infrastructure (e.g., electricity needs, foundation requirements, internet connectivity). Monitors shall be calibrated using collocated filter-based samplers (Mini-Vol or other similar equipment). The third-party consultant shall calibrate the DustTrak™ monitors as needed to ensure that data is within acceptable margins of error as determined by manufacturer's specifications. 					
	<ul style="list-style-type: none"> The 5-hour rolling average dust concentration threshold is equal to the threshold specified in SCAQMD Rule 403 (50 micrograms per cubic meter) as determined by the difference between the upwind and downwind stations. The 1-hour average dust concentration threshold shall be set at a level of 150 micrograms per cubic meter to provide 					

Mitigation Monitoring Plan

Beverly Hilton Revitalization Plan Environmental Impact Report Mitigation Monitoring and Reporting Plan						
Mitigation Measure		Responsible Department	Monitoring Action	Implementation Schedule	Verification of Completion	
					Check Box	Date
	sufficient warning for on-site construction managers or supervisors to implement corrective measures. An exceedance of the 1-hour threshold shall not be deemed as a violation of any air quality standard or regulation.					
	<ul style="list-style-type: none"> Monitoring shall be continuous and provide data at 5-minute intervals. The data shall report rolling 5-hour and rolling 1-hour average PM10 concentrations. Monitoring shall be active on any day that construction activity occurs during the demolition, excavation, and grading phases of project construction. Data shall be made available to the third-party consultant, the City of Beverly Hills, the project applicant, and the on-site contractor on a secured internet website. The general public shall have access to 5-hour rolling average PM10 concentrations on a publicly accessible website. 					

Mitigation Monitoring Plan

	<ul style="list-style-type: none"> • Monitors shall be equipped with a visual alarm (strobe light or similar) that shall notify appropriate on-site construction managers or supervisors if established thresholds are exceeded. Additionally, an email shall be sent to appropriate on-site construction managers or supervisors if specified PM10 thresholds are exceeded. • All corrective measures, as necessary to reduce emissions to acceptable levels, shall be implemented immediately. If immediate implementation of a specific corrective measure will result in the creation of a hazardous situation, as determined by the Environmental Monitor, construction activity shall be allowed to continue for a reasonable period of time as determined by the Environmental Monitor, until such time that it is safe to implement that corrective measure. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken. 					
	<ul style="list-style-type: none"> • The project applicant and contractor shall develop a corrective action plan. 					

Mitigation Monitoring Plan

	<p>The plan shall be prepared and finalized prior to the commencement of project demolition. The plan shall indicate steps to safely and adequately reduce on-site dust emissions. The plan shall contain a list of possible corrective measures. The measures shall include, but at not limited to, application of water or other soil stabilizers, temporary reduction in on-site vehicle speed, temporary reduction in construction activity, suspension of construction activity and other appropriate measures. The plan shall also require notification of the Principal of El Rodeo School and the Beverly Hills Unified School District Superintendent in the event of an exceedance of any of the established thresholds. The project applicant and contractor shall obtain approval of the plan from the City of Beverly Hills Community Development Director prior to commencing demolition.</p>					
AQ-15	<p>The project applicant and/or contractor shall comply with SCAQMD Rule 403 by ensuring visible dust emissions from the project site do not go beyond the property line.</p> <ul style="list-style-type: none"> • The project applicant and/or contractor shall designate a person located on-site who is trained and certified by the California Air Resources Board to conduct visible emissions evaluations (VEE). The designated person shall ensure compliance with SCAQMD Rule 403 by observing for visible dust 	See above.	See above.	See above.		

Mitigation Monitoring Plan

	emissions beyond the property line during daytime working hours. Observations shall be conducted in accordance with U.S. Environmental Protection Agency Method 9 (Title 40, Code of Federal Regulation, Part 60, Appendix A).					
	<ul style="list-style-type: none"> The Beverly Hills Unified School District (BHUSD) shall provide the City of Beverly Hills with its schedule of outdoor activities and athletic events at El Rodeo School and Beverly Hills High School during the construction period as soon as the information becomes available. The City shall immediately provide this information to the project applicant and contractor. The project applicant and contractor shall require coordination of all construction activities so as to minimize the occurrence of high-emitting fugitive dust construction activities during the scheduled outdoor events to the extent feasible. 					
	<ul style="list-style-type: none"> In the event visible dust emissions are observed beyond the property line, the designated person shall immediately inform a lead supervisor or other appropriate managing personnel. The supervisor shall immediately implement corrective measures. If visible dust emissions are anticipated to impact El Rodeo School, the supervisor shall notify the Principal of El Rodeo School and the Beverly Hills Unified School District. 					

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	Superintendent. If immediate implementation of a corrective measure shall result in the creation of a hazardous situation, construction activity shall be allowed to continue for a reasonable period of time until such time that is it safe to implement corrective measures. Corrective measures shall be documented by the construction contractor in a log book accessible to the third-party air quality consultant and the City of Beverly Hills. Records shall be maintained of the specific action taken, the time and date the corrective action was taken, and written verification by the appropriate on-site construction manager or supervisor that the corrective action was taken.					
Cultural Resources						
CR-1	Components of The Beverly Hilton to be demolished shall be photographed with large-format black and white photography, and a written report, which follows Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER) standards at a minimum Level 3 Recordation. This documentation shall be donated to a suitable repository, such as the City of Beverly Hills Public Library. The costs shall be borne by the Applicant.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. The project applicant shall provide applicable photographs and reports to the Community Development Department.	Prior to issuance of grading and building permits.		
CR-2	The Applicant shall fund the production of a video of the Beverly Hilton property showing the	Community Development Department	The project applicant shall hire an architectural historian qualified under	Prior to issuance of demolition permits		

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	interiors and exteriors of the building and the site to show its history. the video shall be placed in the City of Beverly Hills Public Library and posted on the City of Beverly Hill's website.		the Secretary of Interior's Standards to produce the video.			
CR-3	Potentially historic street lights adjacent to the project site shall be preserved and reinstalled along this section of Wilshire Boulevard and Santa Monica Boulevard, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic street lights will be relocated, as advised.	Prior to issuance of grading and building permits.		
CR-4	Potentially historic sign posts adjacent to the project site on Merv Griffin Way shall be preserved and reinstalled in approximately the same locations, as appropriate, in consultation with the project proponents, the City of Beverly Hills, and an architectural historian qualified under the Secretary of the Interior's Standards.	Community Development Department	The project applicant shall hire an architectural historian qualified under the Secretary of the Interior's Standards. Historic sign posts will be relocated, as advised.	Prior to issuance of grading and building permits.		
CR-5	If buried cultural resources are encountered during construction, all work shall be halted in the vicinity of the archaeological discovery until a qualified archaeologist can assess the nature and significance of the archaeological discovery, per CEQA Section 15064.5 (f). Recovery of significant archaeological deposits, if necessary, shall include but not be limited to, manual or mechanical excavations, monitoring, soils testing, photography, mapping, or drawing to	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

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	adequately recover the scientifically consequential information from and about the archaeological resource. Further treatment may be required, including site recordation, excavation, site evaluation, and data recovery. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the archaeologist.					
CR-5	If human remains are discovered during construction, the coroner and designated Native American representatives shall be notified in accordance with Public Resources Code Section 5097.98, Health and Safety Code Section 7050.5, and Section 15064.5 (d) of the State CEQA Guidelines. State Health and Safety Code Section 7050.5 states that if human remains are unearthed during construction, no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition of the remains pursuant to Public Resources Code Section 5097.98. In accordance with applicable regulations, construction activities shall halt in the event of discovery of human remains, and consultation and treatment shall occur as prescribed by law. If human remains discovered are of Native American origin, it shall be necessary to comply with state laws relating to the disposition of Native American burials that fall within the jurisdiction of the California Native American Heritage Commission (Public Resources Code	Community Development Department	The project applicant shall provide proof that a certified archaeologist has investigated and has made appropriate recommendations.	During project construction.		

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	Section 5097). According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052).					
	If the remains are determined to be Native American, the coroner shall contact the California Native American Heritage Commission to determine the most likely living descendant(s). The most likely living descendant shall determine the most appropriate means of treating the human remains and any associated grave artifacts and oversee disposition of the human remains and associated artifacts by the project archaeologists.					
CR-6	In the event a previously unknown fossil is uncovered during project construction, all work shall cease until a certified paleontologist can investigate the finds and make appropriate recommendations. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.	Community Development Department	The project applicant shall provide proof that a certified paleontologist has investigated and has made appropriate recommendations.	During project construction.		
Geology and Soils						
GEO-1	The proposed project shall be designed and constructed in accordance with recommendations contained in the Report of Geotechnical Investigation prepared by Mactec Engineering and Consulting, Inc. and in accordance with all applicable local, state, and federal regulations, such as the Uniform	Community Development Department/ Building & Safety Division	The construction plans filled with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan	This requirement shall be met prior to the issuance of relevant building permits.		

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	Building Code (UBC) and Title 9 of the Beverly Hills Municipal Code.		check engineers will review the plans to ensure that they comply with this requirement.			
Hazards and Hazardous Materials						
HAZ-1	Any suspect lead based paint shall be sampled prior to any renovations or demolition activities. Any identified lead based paint located within buildings scheduled for renovation or demolition, or noted to be damaged, shall be abated by a licensed lead-based paint abatement contractor, and disposed of according to all state and local regulations.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-2	Construction activities shall comply with SCAQMD Rule 1403 – Asbestos Emissions from Demolition/Renovation Activities. This rule is intended to limit asbestos emissions from demolition or renovation of structures and the associated disturbance of ACMs generated or handled during these activities. The rule requires that SCAQMD be notified before demolition or renovation activity occurs. This notification includes a description of structures and methods utilized to determine the presence or absence of asbestos. All ACMs found on the site shall be removed prior to demolition or renovation in accordance with the requirements of Rule 1403.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-3	Prior to demolition activities, the sampling of suspect materials for lead	Community Development	The remediation plans shall include notes and	This measure shall be in effect until the		

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	content shall be conducted. If these surfaces are determined to contain concentrations of lead at or above regulatory limits, their removal by a licensed abatement contractor in accordance with applicable regulations shall be necessary prior to demolition or renovation activities.	Department/ Building & Safety Division Department of Public Works	specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	issuance of the certificate of occupancy.		
HAZ-4	During demolition or renovation activities, the airborne lead concentration shall not exceed the Permissible Exposure Level (PEL), as required by the California Occupational Health and Safety Administration (Cal/OSHA), Title 8, California Code of Regulations (CCR), Construction Safety Orders for Lead, Section 1532.1.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-5	The demolition debris waste stream shall be analyzed for lead content during materials separation to ensure compliance with U.S. Environmental Protection Agency (EPA) regulations related to transportation and disposal of hazardous materials.	Community Development Department/ Building & Safety Division Department of Public Works	The remediation plans shall include notes and specific instructions outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	This measure shall be in effect until the issuance of the certificate of occupancy.		
HAZ-6	All personnel workers potentially exposed to lead-containing materials shall be trained and protected in accordance with federal OSHA regulations.	Community Development Department	Proof of training and protection in accordance with federal OSHA regulations shall be provided to the Director	This measure shall be in effect until the issuance of the certificate of occupancy		
HAZ-7	Fluorescent light ballast labels shall be inspected prior to demolition. If the ballast labels do not include the	Community Development Department/	The remediation plans shall include notes and specific instructions	This measure shall be in effect until the issuance of the		

Mitigation Monitoring Plan

	statement, "No PCBs," the ballast(s) shall be properly removed by a licensed PCB removal contractor and disposed of as PCB-containing waste prior to demolition.	Building & Safety Division Department of Public Works	outlining the process for implementation of this mitigation measure. The plan check engineers will review the plans to ensure that they comply with this requirement.	certificate of occupancy.		
Hydrology and Water Quality						
HYDRO -1	Prior to start of soil-disturbing activities at the site, a Notice of Intent (NOI) and Stormwater Pollution and Prevention (SWPPP) shall be prepared by the applicant in accordance with, and in order to partially fulfill, the California State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 (General Construction Permit). The SWPPP shall meet the applicable provisions of Sections 301 and 402 of the CWA and Title 9, Chapter 4, Article 5, Storm Water and Urban Runoff Pollution Control from the Beverly Hills Municipal Code by requiring controls of pollutant discharges that utilize best available technology (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants. Examples of BAT/BCT that may be implemented during site grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.	Community Development Department	The project applicant will prepare a NOI and SWPPP.	Prior to the issuance of grading and building permits.		
HYDRO -2	Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of	Community Development Department	The project applicant will prepare a Storm Water Pollution Prevention Plan.	Prior to the issuance of grading and building permits.		

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	Beverly Hills a SWPPP to be administered throughout all phases of grading and project construction. The SWPPP shall incorporate BMPs to ensure that potential water quality impacts during construction phases are minimized. Examples of practices that may be implemented during grading and construction could include straw hay bales, straw bale inlet filters, filter barriers, and silt fences.					
Noise						
NOISE-1	<p>Prior to issuance of grading permits, the applicant shall submit a Construction Management Plan satisfactory to the Director of Community Development and the Building Official. The Building Official shall enforce noise attenuating construction requirements. The Construction Management Plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Excavation, grading, and other construction activities related to the proposed project shall be restricted to the hours of operation allowed under Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Director of Community Development. • Stockpiling and vehicle staging areas shall be located as far away from occupied residences as possible, and screened from these uses by a solid 	<p>Community Development Department</p> <p>School District</p>	The project applicant shall submit a Construction Management Plan to the Director of Community Development prior to issuance of any grading or construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Management Plan.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

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	attenuation barrier constructed. Noise attenuation barriers constructed to the specifications identified in the bullet points below are capable of reducing noise levels by 7.7 dB(A).					
	<ul style="list-style-type: none"> • Solid noise attenuation barriers (temporary barriers or noise curtains) with a sound transmission coefficient (STC) of at least 20 shall be used along all project boundaries during the construction phases associated with the development of the project. Noise attenuation barriers constructed at the property lines to a height of 8 feet with an STC rating of at least 20 are capable of reducing noise levels by 7.7 dB(A). • All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the residential and institutional uses to the north of the project site as possible. If this is not possible, the equipment shall be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development. 		The applicant shall work with the School District to ensure that no construction activity generating the highest noise levels is undertaken during any designated testing periods occurring at El Rodeo School. The exact dates and times shall be determined by the School District.			
	<ul style="list-style-type: none"> • Haul routes for removing excavated materials from the site shall be designed to avoid residential areas, and areas occupied by noise sensitive receptors (e.g., hospitals, schools, convalescent homes, etc.). 					
	<ul style="list-style-type: none"> • Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a 					

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	construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.					
NOISE-2	The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on residence and hotel building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval	Community Development Department/ Building & Safety Division	The project plans filed with the Department of Community Development/Building & Safety Division shall comply with this requirement. The plan check engineers will review the plans to ensure that they comply with this requirement.	This requirement shall be met prior to the issuance of relevant building permits.		

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	prior to the issuance of building permits.					
NOISE-3	The applicant shall incorporate building materials and techniques that reduce sound transmission through walls, windows, doors, ceilings, and floors of on-site residences in order to achieve interior noise levels that are below the state land use guidelines standards for interior noise levels that are below the state land use guidelines standards for interior noise. Such building materials and techniques may include double-paned windows, staggered studs, or sound-absorbing blankets incorporated into building wall design, or outdoor noise barriers erected between noise sources and noise-sensitive areas, such as berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of these materials. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels in the interior livable spaces do not exceed state standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.	See above.	See above.	See above.		
NOISE-4	The Beverly Hilton Revitalization Plan project applicant shall coordinate with the 9900 Wilshire project applicant regarding the following: <ul style="list-style-type: none"> All temporary roadway closures shall be coordinated to limit overlap of 	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the		

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	<p>roadway closures;</p> <ul style="list-style-type: none"> • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking. 		Department for review to enforcement.	certificate of occupancy.		
Fire Protection and Emergency Services						
FIRE-1	The proposed signal at the intersection of Santa Monica Boulevard and Merv Griffin Way shall be outfitted with an Opticom device, a traffic signal pre-emption used to control signalized intersections to allow the Beverly Hills Fire Department (BHFD) to provide a safe response route and to decrease response times to emergencies.	Department of Public Works/Civil Engineering Division and Community Development Department Fire Department	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure for the BHFD to review. The applicant will pay a fair share contribution to this measure.	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of the project.		
FIRE-2	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The	Department of Public Works/Civil Engineering Division and Community	The Department of Public Works/Civil Engineering Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair	This measure shall be implemented prior to issuance of certificate of occupancy and shall remain effective throughout the life of		

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	line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Development Department	share contribution to this measure.	the project.		
Transportation, Traffic, Parking, and Circulation						
TRAF-1	An Environmental Monitor shall be retained that will be responsible for monitoring compliance with the mitigation measures in the adopted Mitigation Monitoring Program. The name, phone number, and other contact information for the Environmental Monitor shall be posted on the construction trailer or other location visible to public view as determined by the Community Development Director. The developer shall deposit funds sufficient to pay for the Environmental Monitor who will be hired by and work for the City.	Community Development Department	An independent Environmental Monitor shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-2	The Environmental Monitor shall proactively inform the public of the ongoing project progress and exceptions to the	See above.	See above.	See above.		

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	expected plans. This shall include sending a quarterly mailer to all property owners within 1,000 feet of the exterior boundaries of the property. The developer shall be responsible for the full cost of the mailer including postage. The Environmental Monitor shall also respond to requests for information and assistance from members of the public when impacts raise special concerns by members of the public.					
TRAF-3	The Construction Relations Officer shall be assigned and a hotline number shall be published on construction signage placed along the boundary of the project site, along Wilshire Boulevard, Merv Griffin Way, and Santa Monica Boulevard to address day-to-day issues.	Community Development Department	An independent Construction Relations Officer shall be retained. The project applicant shall submit photographs of the posted contact information to the Community Development Department.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-4	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the Community Development Department (CDD) Director, unless otherwise warranted due to resident complaints.	Community Development Department	The Developer, Construction Relations Officer, and Environmental Monitor shall each provide monthly project updates to the CDD Director.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
TRAF-5	The Developer shall revise and finalize the Draft Construction Traffic Management Plan to minimize traffic flow interference from construction activities. The Final Construction Traffic Management Plan shall be submitted to the City and shall include plans to accomplish the following: <ul style="list-style-type: none"> • Maintain existing access for land uses 	Community Development Department	The project applicant shall submit a Construction Traffic Management Plan and a Construction Working Parking Management Plan to the Director of Community Development prior to issuance of any grading or	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		

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	<p>in the proximity of the project site during project construction.</p> <ul style="list-style-type: none"> • Schedule deliveries and pick-ups of construction materials for non-peak travel periods. • Coordinate haul trucks, deliveries and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time. • Minimize obstruction of through-traffic lanes on Wilshire Boulevard and Santa Monica Boulevard, and prohibit obstruction of these same lanes that accommodate construction during peak hours. • Construction equipment traffic from the contractors shall be controlled by flagman. 		<p>construction permits. The plan shall be reviewed by the Community Development Department and filed with the Building and Safety Division Prior to the issuance of grading permits. The plan check engineer will review the plan to insure that it complies with this measure. The inspectors in the field will also review the work to ensure that it complies with the requirements noted in the Construction Traffic Management Plan</p>			
	<ul style="list-style-type: none"> • Designate transport routes for heavy trucks and haul trucks to be used over the duration of the proposed project. • Schedule vehicle movements to ensure that there are no vehicles waiting off site and impeding public traffic flow on the surrounding streets. • Establish requirements for loading/unloading and storage of materials on the project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local 		<p>and the Construction Working Parking Management Plan.</p>			

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	<p>businesses.</p> <ul style="list-style-type: none"> • Prior to submittal to the City of Beverly Hills, the Developer shall provide their Construction Traffic Management Plan and Construction Working Parking Management Plan to the Beverly Hills Unified School District and Los Angeles County Metropolitan Transit Authority for their review and comment. The Developer shall notify the City of Beverly Hills of all comments received from these agencies related to the Construction Traffic Management Plan. • Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses. 					
	<ul style="list-style-type: none"> • Prohibit parking for construction workers except on the project site and any designated off-site parking locations. These off-site locations will require the approval of the City of Beverly Hills. These off-site parking locations cannot include any parking garage in the City of Beverly Hills or any residential streets including Whittier Drive and those streets which connect to Whittier Drive. <p>The Final Construction Traffic Management Plan shall be submitted and approved by the City no later than 30 days prior to commencement of construction and shall include 1) a requirement for use of double belly</p>					

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	trucks to the maximum extent feasible to reduce the number of truck trips, 2) provisions for the Environmental Monitor to oversee and coordinate concurrent construction activities at 9900 Wilshire and the Beverly Hilton project, 3) an Action Plan to avoid construction-related traffic congestion and how to respond to unforeseen congestion that may occur, 4) requiring truck access and deliveries in non-peak traffic periods to the greatest extent feasible, and 5) prohibition on queuing of construction related vehicles on public streets in the City.					
TRAF-6	The Developer shall submit a Construction Workers Parking Plan identifying parking locations for construction workers. To the maximum extent feasible, all worker parking shall be accommodated on the project site. During demolition and construction activities when construction worker parking cannot be accommodated on the project site, the Plan shall identify alternate parking locations for construction workers and specify the method of transportation to and from the project site for approval by the City 30 days prior to commencement of construction. The Construction Workers Parking Plan must include appropriate measures to ensure that the parking location requirements for construction workers will be strictly enforced. These include but are not limited to the	Community Development Department	The primary contractor shall submit to the department a program and affidavit attesting to the compliance with this measure as part of the Construction Workers Parking Plan, which will be reviewed by the Community Development Department/Building & Safety Department.	The program and affidavit shall be submitted prior to the commencement of any work on the project site. This measure shall be in effect until the issuance of the certificate of occupancy.		

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	following measures:					
	<ul style="list-style-type: none"> • All construction contractors shall be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations. This information will clearly state that no parking is permitted on residential streets north of Wilshire or in public parking structures; • No parking for construction workers shall be permitted except within designated areas. The contractor shall be responsible for informing subcontractors and construction workers of this requirement, and if necessary as determined by the Community Development Director, for hiring a security guard to enforce these parking provisions. The contractor shall be responsible for all costs associated with parking and the enforcement of this mitigation measure; and 					
	<ul style="list-style-type: none"> • In lieu of the above, the project applicant/construction contractor has the option of phasing demolition and construction activities such that all construction worker parking can be accommodated on the project site throughout the entire duration of demolition, excavation and construction activities. 					
TRAF-7	The project applicant shall revise the project site plan to indicate on-site traffic	Department of Public	The Department of Public Works/Civil Engineering	This measure shall be implemented prior to		

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	control planned for the project. At a minimum, all traffic control devices should be placed at all project exits onto Wilshire Boulevard, Santa Monica Boulevard, and Merv Griffin Way prior to the occupancy of any of the new buildings proposed on the site.	Works/Civil Engineering Division and Community Development Department	Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	issuance of certificate of occupancy and shall remain effective throughout the life of the project.		
TRAF-8	<p>The applicant for The Beverly Hilton Revitalization Plan shall coordinate with the applicant for the 9900 Wilshire project during all phases of construction regarding the following:</p> <ul style="list-style-type: none"> • All temporary roadway closures shall be coordinated to limit overlap of roadway closures; • All major deliveries for both projects shall be coordinated to limit the occurrence of simultaneous deliveries. The applicants shall ensure that deliveries of items such as concrete and other high-volume items shall not be done simultaneously; • The applicants shall coordinate regarding the loading and unloading of delivery vehicles. Any off-site staging areas for delivery vehicles shall be consolidated and shared; and • Applicants or their representatives shall meet on a regular basis during construction to address any outstanding issues related to construction traffic, deliveries, and worker parking. 	Community Development Department	The collective team of the two projects shall submit a signed document explaining their collaborative plans to the Community Development Department for review to enforcement.	This measure shall be met during the construction period. This measure shall be in effect until the issuance of the certificate of occupancy.		
Water						
WTR-1	The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340,	Department of Public	The Department of Public Works/Civil Engineering	This measure shall be implemented prior to		

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	No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "Fair Share" towards the upgrade of the 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard prior to the issuance of building permits. Upgrade of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.	Works/Civil Engineering Division and Community Development Department	Division will prepare a plan to accommodate the proposed measure. The applicant will pay a fair share contribution to this measure.	issuance of certificate of occupancy and shall remain effective throughout the life of the project.		
Wastewater						
WW-1	The proposed restaurant shall install a Fat, Oil and Grease (FOG) Interceptor to remove these substances from its wastewater before entering the sanitary sewer system. This device helps prevent these substances from clogging the sanitary sewer system. The device shall be regularly inspected by the Los Angeles County Department of Public Works.	Los Angeles County Department of Public Works	Los Angeles County of Department of Public Works shall regularly inspect the FOG inceptor.	This measure shall be implemented prior to issuance of the proposed restaurant's business license and shall remain effective throughout the life of the project.		
Energy						
ENG-1	Prior to submittal of final plans, the applicant shall make necessary	Community Development	The applicant shall provide to the	This measure shall be implemented prior to		

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	alterations to the generation or distribution system as required by Southern California Edison (SCE). The applicant shall then provide to the Beverly Hills Community Development Department a letter from SCE, which states that electricity will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Department	Community Development Department a letter from SCE.	submittal of final plans.		
ENG-2	Prior to submittal of final plans, the applicant shall complete a load survey in accordance with the Gas Company procedures and make any necessary alterations to the distribution system as required by the Gas Company. The applicant shall then provide to the Beverly Hills Community Development Department a letter from the Gas Company, which states that natural gas will be provided to the proposed project and that all applicable energy conservation features have been incorporated into the project design.	Community Development Department	The applicant shall provide to the Community Development Department a letter from the Gas Company.	This measure shall be met prior to submittal of final plans.		