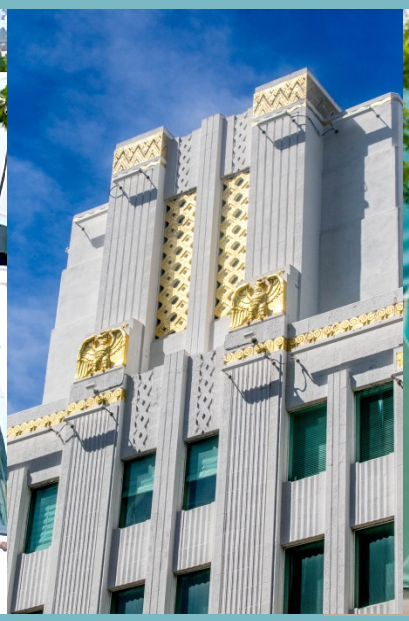
Westside Purple Line Rodeo Station North Portal

Findings of Fact and Statement of Overriding Considerations

October 30, 2020



Findings of Fact and Statement of Overriding Considerations for Adoption of a Final Environmental Impact Report

Westside Purple Line Wilshire/Rodeo Station North Portal Project

State Clearinghouse No. 2019090104

Prepared for:

City of Beverly Hills
455 North Rexford Drive
Beverly Hills, California 90210

Prepared by:

AECOM
300 South Grand Avenue, 8th Floor
Los Angeles, California 90071

October 2020

Page intentionally left blank

Table of Contents

List of Figures

ACRONYMS

Americans with Disability Act	ADA
A-weighted decibels	dBA
best management practices	BMPs
Beverly Hills Fire Department	BHFD
Beverly Hills Police Department	BHPD
Biological Study Area	BSA
California Air Resource Board	ARB
California Building Code	CBC
California Environmental Quality Act	CEQA
California Office of Planning and Research	State Clearinghouse
City of Beverly Hills	City
Clean Water Act	CWA
CO_2e	carbon dioxide equivalent
Department of Toxic Substances Control	DTSC
Environmental Impact Report	EIR
Greenhouse Gas Emissions	GHG
Los Angeles County Metropolitan Transportation Authority	Metro
Los Angeles Regional Water Quality Control Board	LARWQCB
metric ton	MT
million British thermal units	MMBtu
million gallons per day	mgd
mitigation monitoring and reporting program	MMRP
Native American Heritage Commission	NAHC
Notice of Availability	NOA
Notice of Completion	NOC
Notice of Preparation	NOP
Office of Environmental Health Hazard Assessment	OEHHA
Paleontological Resources Monitoring and Mitigation Plan	PRMMP
Project	Beverly Drive
Regional Transportation Plan	RTP
Regional Transportation Plan/Sustainable Communities Strategy	RTP/SCS
Resource Study Area	RSA
right-of-way	ROW

ACRONYMS CONTINUED

Southern California Association of Governments	SCAG
Southern California Edison	SCE
Standard Urban Stormwater Mitigation Plan	SUSMP
State of California, Division of Transportation	Caltrans
State Water Resources Control Board	SWRCB
Sustainable Communities Strategy	SCS
Traffic Management Plan	TMP
Uniform Building Code	UBC
vehicle miles traveled	VMT
Westside Purple Line Wilshire/Rodeo Station North Portal Project	Project

1 INTRODUCTION

1.1 Overview

The *California Environmental Quality Act* (CEQA) (*Public Resources Code* Section 21081) and the CEQA Guidelines (Section 15091) require that no public agency approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant effects of the project on the environment unless both of the following occur:

(a) The public agency makes one or more of the following possible findings with respect to each significant effect:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

2. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

As required by CEQA, the City of Beverly Hills (City) expressly finds that the Final EIR for the Westside Purple Line Wilshire/Rodeo Station North Portal Project (Project) reflects the City's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, the City adopts these Findings as part of its certification of the Final EIR.

In conjunction with its adoption of these Findings, the City has reviewed and considered a substantial amount of material, including, but not limited to, the following:

- Westside Purple Line Wilshire/Rodeo Station North Portal Project Draft EIR and all appendices and technical reports thereto; and
- Comments and Responses to Comments on the Westside Purple Line Wilshire/Rodeo Station North Portal Project Draft EIR.

1.2 Organization of CEQA Findings of Fact

The content and format of this CEQA Findings of Fact and Statement of Overriding Considerations is designed to meet the latest CEQA Statutes and Guidelines. The document is organized into the following sections:

Chapter 1, Introduction, outlines the organization of this document and identifies the location and custodian of the record of proceedings.

Chapter 2, Project Description, describes the location and existing setting, objectives, characteristics, and the required permits and approvals for the proposed project.

Chapter 3, CEQA Review and Public Outreach, describes the steps the City has undertaken to comply with the CEQA Guidelines as they relate to public input, review, and participation during the preparation of the Draft and Final EIRs.

Chapter 4, Findings of No Environmental Effects, provides a summary of those environmental issue areas where no reasonably foreseeable impacts would occur.

Chapter 5, Findings of Less Than Significant Environmental Effects without Mitigation, provides a summary of impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

Chapter 6, Findings of Less Than Significant Environmental Effects with Mitigation, provides a summary of potentially significant environmental effects for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental effects to less than significant levels.

Chapter 7, Findings of Significant Environmental Effects, provides a summary of potentially significant environmental effects for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels.

Chapter 8, Findings Regarding Project Alternatives, provides a summary of the alternatives considered for the proposed Project.

Chapter 9, Findings on Mitigation Monitoring and Reporting Program, provides a brief discussion of the Project's compliance with the CEQA Guidelines regarding the adoption of a program for reporting and monitoring.

Chapter 10, Findings on Changes to the Draft EIR and Recirculation, provides a summary of the changes to the Draft EIR in response to public comments received and findings that changes to the Draft EIR do not require recirculation of the Draft EIR for public review.

Chapter 11, Statement of Overriding Considerations, presents the Statement of Overriding Considerations for the significant adverse effects that cannot be avoided, even with the implementation of proposed mitigation measures.

1.3 Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which project approval is based are located at 455 North Rexford Drive Beverly Hills, California. The City of Beverly Hills Community Development Department is the custodian of such documents and other materials that constitute the record of proceedings. The record of proceedings is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e).

2 PROJECT DESCRIPTION

2.1 Project Location and Setting

The location of the Project and Project Alternatives is bound by North Beverly Drive to the west, the alley adjacent to North Crescent Drive to the east, Clifton Way to the north and Wilshire Boulevard to the south, which is predominantly flat, with a slight incline gradient when traveling in a northerly direction. The roads located adjacent to the location of the Project and Project Alternatives include busy thoroughfares such as Wilshire Boulevard, Rodeo Drive, North Beverly Drive, North Cañon Drive, and North Crescent Drive. Public sidewalks for pedestrians are provided on both sides of these roads and designated pedestrian crossings are located at all major intersections in the area. The location of the Project and Project Alternatives can be accessed locally via North or South Santa Monica Boulevards from the north and/or from the immediately adjacent Wilshire Boulevard. Regional access is provided via Interstate 10, located approximately 2.5 miles to the south, and Interstate 405 (I-405), located approximately 3 miles to the west of the location of the Project and Project Alternatives.

The Project site and Cañon Drive-Half Portal Alternative site are located within the public ROW, which includes roadways and sidewalks. The Cañon Drive Staging Yard Alternative site is located on property that has a General Plan land use designation of Commercial Low-Density General and is zoned C-3 (Commercial), as defined by the City's Zoning Ordinance and the Land Use Element of the General Plan (City of Beverly Hills, 2010). Uses permitted in the C-3 Commercial Zone include commercial uses, such as cafes, offices, and retail shops. The Project is not anticipated to require amendments to the City's General Plan or the Beverly Hills Municipal Code.

2.2 Project Objectives

In accordance with CEQA Guidelines Section 15124, the primary objectives of the project are to:

- Provide direct access from the north side of Wilshire Boulevard to the Wilshire/Rodeo Purple Line Station.
- Provide direct pedestrian access to jobs, retail, and amenities in the City's business triangle
- Improve pedestrian flow and avoid significant degradation of vehicular flow in the vicinity of the Wilshire/Rodeo Purple Line Stations
- Minimize pedestrian street crossings on Wilshire Boulevard

2.3 Selection of a Preferred Project

In the Draft EIR, the City considered the Project (Beverly Drive) and two Project Alternatives (Cañon Drive Half-Portal Alternative and Cañon Staging Yard Alternative) to provide an entrance/exit to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard. The analysis in the Draft EIR identified the Cañon Drive Staging Yard Alternative as the Environmentally Superior Alternative as it would result in the fewest environmental impacts overall when compared to the Project and Cañon Drive Half-Portal Alternative. However,

comments received during the public comment period identified the Project (Beverly Drive) as the preferred location for the north portal. As such, environmental impacts related to the Project construction and operations are described in the EIR.

2.3.1 Project Elements

The Project would comprise a station portal entrance/exit within the existing right-of-way (ROW) on the west side of North Beverly Drive, north of Wilshire Boulevard. The footprint of this alternative would be approximately 9,200 square feet and would extend from its connection to the Wilshire/Rodeo Station at Wilshire Boulevard to approximately 165 feet north along North Beverly Drive.

Three levels would be provided at the new entrance/exit. As shown on Figure 2-1, the street level would comprise the new station portal entrance/exit, including two elevators, one stairway, and one “up” escalator. A covered canopy would also be located above the portal on the street level, which would be enclosed by a translucent glass exterior. The portal would be 12-feet tall on the street level. The adjacent sidewalk would be extended. The Project would impact a total of five existing street trees. Four trees located on the west side of Beverly Drive would require relocation within the site, and one tree would be permanently removed and potentially relocated elsewhere in the area as feasible. Other new landscaping may be provided with the Project. Three on-street parking spaces would be permanently removed along the west side of Beverly Drive, and six on-street parking spaces would be permanently removed along the east side of Beverly Drive. The Project would require removal of the majority of the southbound right-turn pocket on the west side of Beverly Drive, just north of Wilshire Boulevard. The proposed configuration of the Project would consist of one through lane and one shared through-right-turn lane on the southbound Beverly Drive approach. Therefore, two southbound travel lanes would be maintained, as well as two northbound travel lanes.

The intermediate stairway landing level would consist of a landing area serving as a transition between stairways. The walkway or concourse level shown on Figure 2-2 would consist of an open area with adequate space for passengers to ingress and egress from the stairway, escalator, and elevators. The open area would also include a Metro ticket purchasing area followed by a passageway or walkway leading to the fare and turnstile gates and then to the Wilshire/Rodeo Station walkway previously analyzed in the Purple Line Extension EIS/EIR. Other minor supporting elements or ancillary facilities would also be provided as needed.

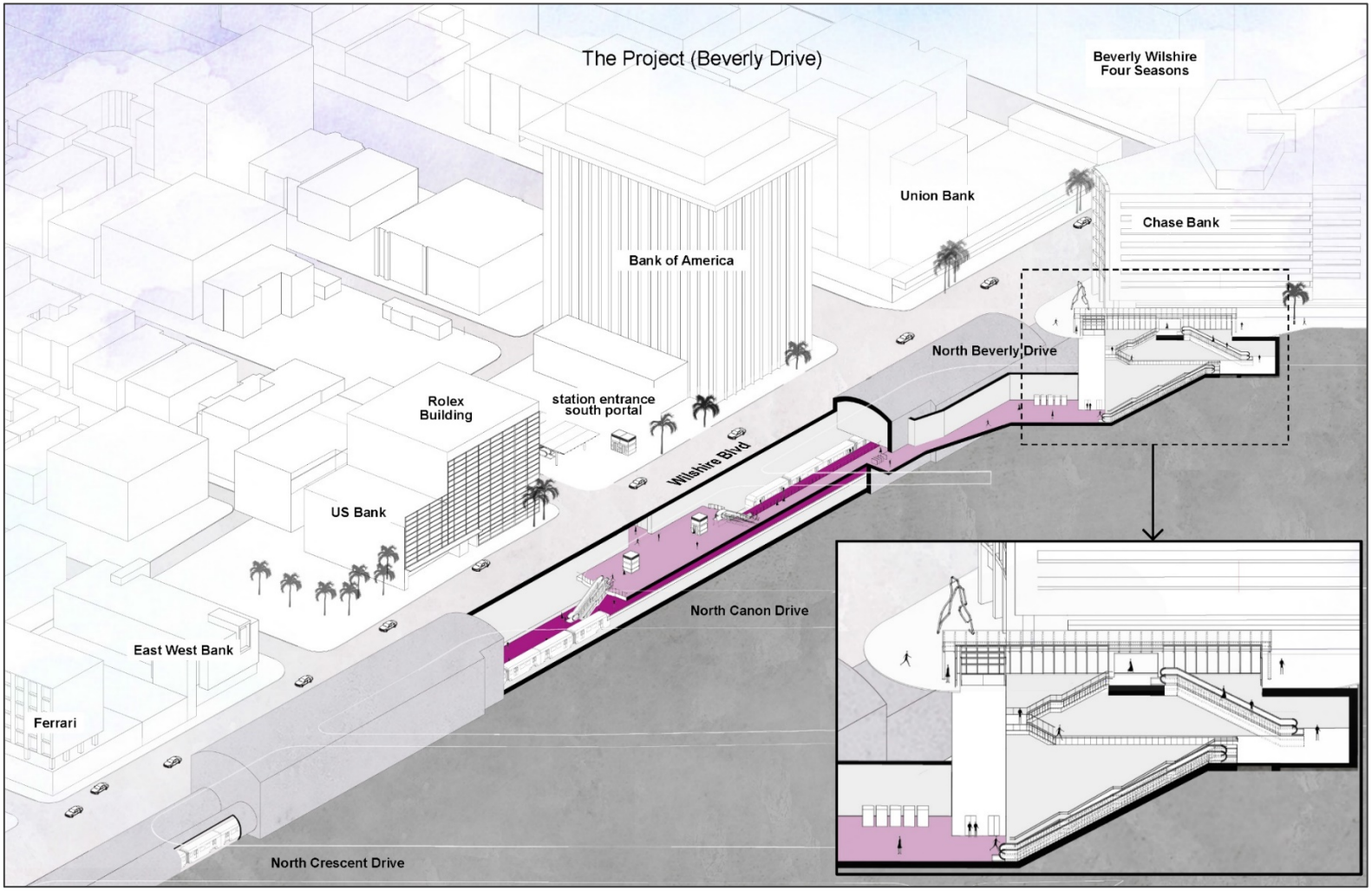


Figure 2-1 Project (Beverly Drive) Three-Dimensional Overview

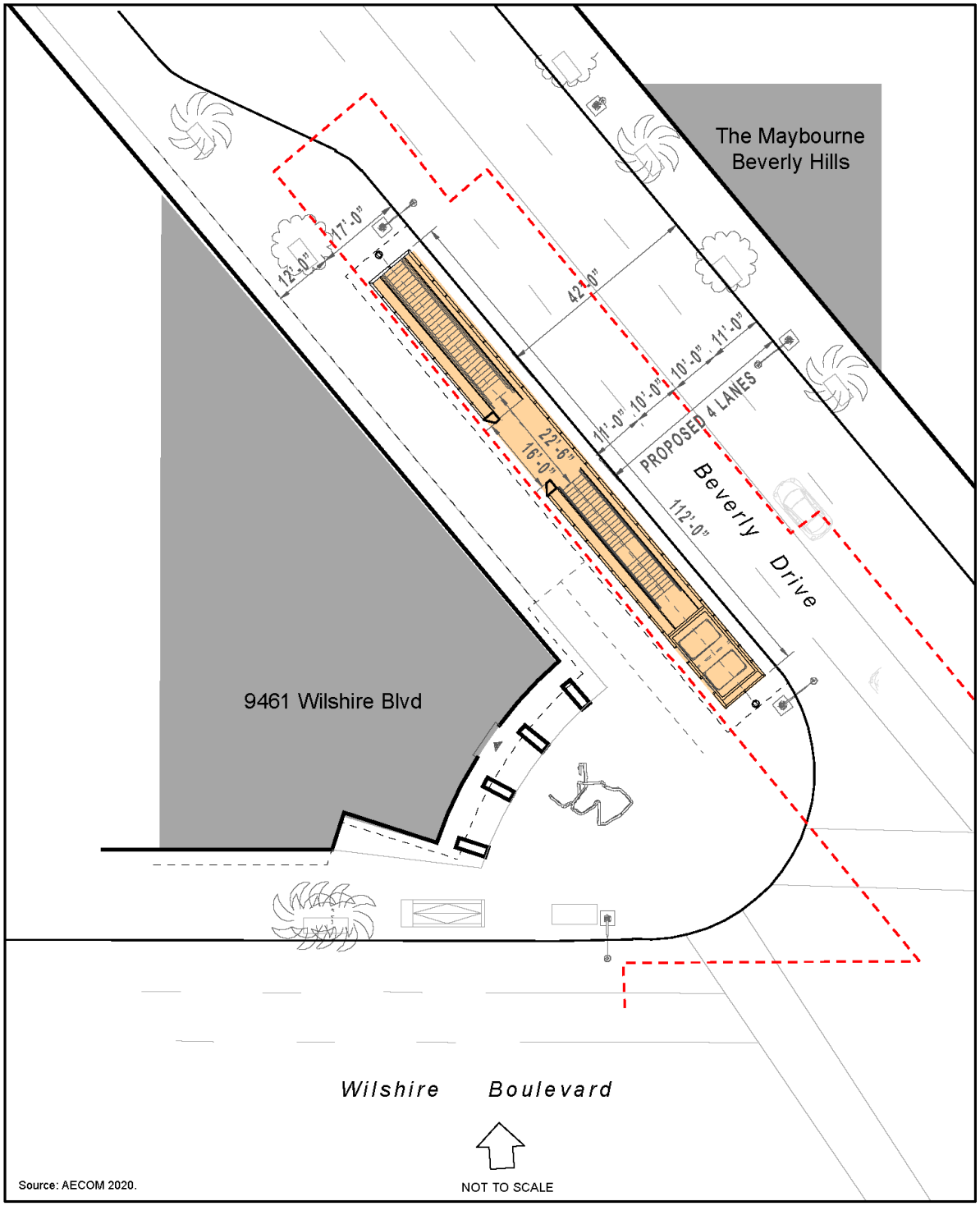


Figure 2-2 Project (Beverly Drive) Street Level Plan

2.4 Discretionary Actions

An EIR is a public document used by a public agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid environmental damage (CEQA Guidelines, Section 15121). As an informational document, an EIR does not recommend for or against approving a project. The main purpose of an EIR is to inform governmental decision makers and the public about potential environmental impacts of a project.

The EIR prepared for the Westside Purple Line Wilshire/Rodeo Station North Portal Project will be used by the City and the Los Angeles County Metropolitan Transportation Authority ("Metro"), as the lead responsible agencies under CEQA, respectively, in making decisions with regard to the adoption of the proposed project and the subsequent construction and development of the Project (Beverly Drive), described above, and the Project Alternatives. Various permits and approvals would be required in order to approve and implement the Project. These may include but may not be limited to, the following:

State of California, Division of Occupational Safety and Health

- Excavations, Trenches, Construction and Demolition and the Underground Use of Diesel Engines in Work in Mines and Tunnels Permit

State of California, Division of Transportation (Caltrans)

- Permits for haul routes

City of Los Angeles

- Permits for disposal of materials and haul routes

City of Beverly Hills

- Traffic Management Plan (TMP)
- Building Permit
- Grading Permit
- Dewatering Permit

Page intentionally left blank

3 CEQA REVIEW AND PUBLIC OUTREACH

The City has complied with the CEQA Guidelines during the preparation of the EIR for the proposed Project. The Draft EIR, dated August 2020, was prepared after soliciting input from the public, responsible agencies, and affected agencies through the EIR scoping process. The "scoping" of the EIR was conducted utilizing several of the tools available under CEQA. In accordance with Section 15063 of the CEQA Guidelines, a Notice of Preparation (NOP) was prepared and distributed to the State Clearinghouse, responsible agencies, affected agencies, and other interested parties on September 5, 2019. The NOP was posted in the Los Angeles County Clerk's office for 32 days; and comments on the NOP were accepted through October 7, 2019. A public scoping meeting was held on September 19, 2019 at Beverly Hills City Hall at 455 North Rexford Drive, to solicit input on the proposed Project. The NOP was also submitted to the California Office of Planning and Research (State Clearinghouse) to officially solicit participation in determining the scope of the EIR. Information requested and input provided during the NOP comment period regarding the scope of the EIR are included in the EIR.

The Draft EIR was circulated for a 48-day public review and comment period starting on August 21, 2020 and concluding on October 8, 2020. The public review period was conducted pursuant to CEQA and its implementing guidelines, which requires a 45-day review period. The document and the Notice of Completion (NOC) were distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the document. A Notice of Availability (NOA) was distributed to approximately 19 relevant legislators, agencies, and community stakeholders, and 1 individual. The NOA informed them of where they could view the document and how to comment. Due to Covid-19 County Health regulations, city halls and local libraries are closed to the public until further notice. An electronic copy of the document was also posted online, and hard copies were made available by request. The NOA was filed with the County Clerk on August 24, 2020.

A virtual public meeting was held during the Draft EIR public review period to solicit comments from interested parties on the content of the Draft EIR. Information regarding the virtual public meeting was included in the NOA, which was widely distributed, as described above. The virtual meeting was held on September 16, 2020, through the City of Beverly Hills website and Beverly Hills TV.

A Final EIR has been completed and includes written comments received by electronic-mail on the Draft EIR, oral comments received at the Draft EIR virtual public meeting, written responses to the written and oral comments received, and the associated changes to the Draft EIR. A total of 35 written comment letters were received.

Page intentionally left blank

4 FINDINGS OF NO ENVIRONMENTAL EFFECTS

Based on the Final EIR and the records of proceedings, the City finds that the Project (Beverly Drive) would have no impacts associated with aesthetics and visual quality (degrade scenic resources); biological resources (wetlands, local polices or ordinances protecting biological resources, and habitat or natural community conservation plans); hazards and hazardous materials (located on a hazardous site, within an airport land use plan, hazardous emissions, and expose people or structures to wildland fires); noise (vicinity of private airstrip or airport land use plan).

The City also finds no impacts would occur associated with agriculture/forestry resources (farmland, agricultural zones, forest land); land use and planning (communities and land use plans); population and housing (growth and displacement of people or housing); recreation (regional parks and recreation facilities); wildfire (emergency response plan, pollutants, infrastructure maintenance, and landslides); and growth inducing impacts (population and economic).

4.1 Aesthetics and Visual Quality

The Project would remove ornamental street trees during construction. The Project would relocate four trees that are located on the west side of Beverly Drive, and would permanently remove one tree from this location that would potentially be relocated elsewhere in the area as feasible. However, no scenic resources such as groves of trees or rock outcroppings are located on the Project site. Therefore, no construction or operational impacts to scenic resources would occur.

4.1.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in no reasonably foreseeable impacts relating to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

4.2 Biological Resources

No sensitive natural communities designated in the region by the CNDDB or aquatic communities under regulatory protection (i.e., Section 404 of the CWA and/or Sections 1600 et seq. of the CFGC) occur within the Biological Study Area (BSA). The Project is located primarily within the public ROW, which includes impermeable roadways and sidewalks. Conditions would not change from those present prior to and after Project construction. As a result, no impacts to riparian habitat or other sensitive natural communities would occur during construction and operation of the Project.

No federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA) occur within the BSA. Additionally, the Project would include primarily impermeable areas. As a result, no impacts to federally protected wetlands would occur during the construction, operation, and routine maintenance of the Project. As a result, no impacts to federally protected wetlands as defined by Section 404 of the CWA.

No native wildlife movement, corridors, or nursery sites occur within the BSA. Additionally, the Project would primarily be located within impermeable areas. As a result, no impacts to native wildlife movement, corridors, or nursery sites would occur during the construction, operation, and routine maintenance of the Project.

No biological resources protected by local policies or ordinances occur within the BSA. The trees identified for removal during construction are non-native ornamental trees that are not protected under the Beverly Hills tree protection ordinance. However, as part of the project design, the trees required to be removed during construction would be replaced. As a result, no conflicts with local policies or ordinances protecting biological resources, including with the City's tree protection ordinance and Open Space Elements of the General Plan, would occur during the construction, operation, and routine maintenance of the Project.

The BSA does not fall within the boundaries of an adopted HCP, NCCP, or other approved local, regional, or state HCP. As a result, no impacts would occur related to conflicts with such plans during the construction, operation, and routine maintenance of the Project.

4.2.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in no reasonably foreseeable impacts relating to, wetlands, local policies or ordinances protecting biological resources, or habitat or natural community conservation plans.

4.3 Hazards and Hazardous Materials

The Project would not be located within one-quarter mile of an existing or proposed school. The school nearest to the Project site is Beverly Vista Middle School, approximately 1,531 feet (0.29 miles) southeast of the Project. No construction or operational impacts related to emitting hazardous emissions or handling hazardous materials within one-quarter mile of a school would occur.

According to the Department of Toxic Substances Control (DTSC) EnviroStor and State Water Resources Control Board (SWRCB) Geotracker databases, the Project site is not located on listed hazardous materials sites. Therefore, no impacts related to being located on a site included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 would occur.

The Project site is located approximately 4 miles northeast of the Santa Monica Municipal Airport and is not within an area covered by an airport land use plan, nor is the site within 2 miles of a public airport. As such, no impacts related to safety hazards or excessive noise for people residing or working in the Project area would occur.

The Project site is located in an urban area and is not within or adjacent to any designated wildland fire hazard areas. Flammable brush, grass, or dense trees do not exist on the sites of the Project. Prior to final plan approvals, the City would require the construction contractor to comply with all applicable codes, regulations, and standard conditions of approval for fire protection. The developer would be required to provide proof of compliance with all applicable building and fire code requirements. These requirements include, but are not limited to, types of roofing materials, building construction, access and design, fire sprinkler systems, and other

hazard reduction programs as set forth by the BHFD and the Uniform Fire Code. Therefore, no impacts related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires during construction and operation would occur.

4.3.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in no reasonably foreseeable impacts relating to the release of hazardous emissions or materials within one-quarter mile of a school, located on a hazardous site or within public airports or private airstrips plans, and exposing persons or structures to wildland fires.

4.4 Noise

The nearest public airport is Santa Monica Municipal Airport 4 miles southwest of the Project. The Project, therefore, is not located within an airport land use plan or within the vicinity of an airport. Therefore, no construction or operational impacts would occur related to exposure of people residing or working in the Resource Study Area (RSA)[1] to excessive noise levels from a public airport or private airport.

4.4.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in no reasonably foreseeable impacts related to exposure of people residing or working in the RSA to excessive noise levels from a public airport or private airport.

4.5 Agricultural/Forestry Resources

The location of the Project can be described as a highly urbanized and densely developed area of the City, generally characterized as a commercial and residential area. The roads located adjacent and near the Project include busy thoroughfares such as Wilshire Boulevard, Rodeo Drive, North Beverly Drive, North Cañon Drive, and North Crescent Drive. Buildings north of Wilshire Boulevard are typically larger and densely packed commercial, retail, residential, and mixed-use developments. Buildings south of Wilshire Boulevard and south of the commercial frontage mostly comprise single-family residences and small multi-family apartment buildings.

No prime or unique farmland, or farmland of statewide importance exists within or near the Project. The Project is not located on or near any property zoned or otherwise intended for agricultural uses or located in an area subject to a Williamson Act contract (California Department of Conservation 2016). Additionally, no forest lands or timberland are located on or near the Project (California Department of Fish and Wildlife 2015).

[1] The resources study area (RSA) includes the aboveground construction and operational footprints of the Project and Project Alternatives, and the surrounding area including noise-sensitive receivers or receptors within approximately 500 feet of the proposed construction areas.

4.5.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to agriculture or forestry resources and no mitigation measures would be required.

4.6 Land Use Planning

The Project site is located within the existing North Beverly Drive ROW and is bordered by the Maybourne Beverly Hills Hotel to the east, Bank of America Financial Centre offices to the southeast, Union Bank offices to the south, and Chase Bank offices to the west. MGM Studios is located to the north of the Project site and the surrounding area is generally occupied by fitness centers, restaurants, and retail establishments.

The implementation of the Project would not introduce structures or permanent road closures that would physically divide an established community. No streets or sidewalks would be permanently closed as a result of the Project, and no separation of existing uses or disruption of existing access between land use types would occur. Road and traffic lane closures would be required temporarily during the construction phase.

The City of Beverly Hills General Plan was originally adopted in May 1977 and the most recent large-scale amendment and publication were in April 2010, with the last Housing Element adopted in 2013. The Project does not require amendments to the City's General Plan or the BHMC.

Southern California Association of Governments (SCAG) is the designated regional transportation planning agency under the state and is responsible for preparing the Regional Transportation Plan (RTP), including the Sustainable Communities Strategy (SCS) pursuant to SB 375, and for reviewing the consistency and alignment of local plans, projects, and programs with its regional plan's goals and policies. Adopted in April 2016, SCAG's RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development, and preserve the quality of life for the region's residents. The Project would be consistent with the goals and policies of SCAG's RTP/SCS.

As such, implementation of the Project would not conflict with any existing land use plan, policy, or regulation and would adhere to and support the development standards, goals, and policies set out by the City, including, but not limited to the General Plan, Zoning Ordinance, or SCAG RTP/SCS.

4.6.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to land use and planning and no mitigation measures would be required.

4.7 Population and Housing

The total population of the City is approximately 34,290 and approximately 90 percent of the City is zoned for residential uses (City of Beverly Hills 2019). The area adjacent to the Project consists primarily of commercial offices, restaurants, retail shops, banks, and hotels. No

residential uses are on or adjacent to the Project site. The nearest residential uses are approximately 175 feet south of Wilshire Boulevard beyond the commercial frontage, as well as approximately 270 feet northeast of the Project along North Crescent Drive.

Existing housing is not on or adjacent to the Project site. As such, people or housing would not be displaced with the implementation of the Project. The Project would not create new homes or businesses or otherwise directly or indirectly increase population. Since a viable station portal would exist on the south side of Wilshire Boulevard for the Wilshire/Rodeo Station for the Metro Purple Line Extension, population growth would not increase beyond what was analyzed as part of the Purple Line Extension EIS/EIR. To the extent the Wilshire/Rodeo Station would have any such impact, the impact of a second portal to serve that station would be minimal and less than significant. It is anticipated that construction workers would be local to the City of Beverly Hills region and would not relocate. The Project would serve the existing community and visitors of the area and would not induce population growth. This is discussed in more detail in Section 4.10, Growth Inducement.

4.7.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to population and housing and no mitigation measures would be required.

4.8 Recreation

The area that would be used to construct and operate the Project is either public ROW or is zoned as C-3 Commercial. Land uses immediately surrounding the Project include commercial offices, restaurants, retail shops, banks, and hotels. No parcels in the area that consist of recreational uses would be required to construct and operate the Project. The Project would not result in an increase of the anticipated Purple Line ridership stated in the Purple Line Extension EIS/EIR. As such, the Project would serve the existing community and visitors of the area and would not increase the use of existing neighborhood and regional parks or other recreational facilities. The Project does not include recreational facilities or require the construction or expansion of recreational facilities.

4.8.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to recreation and no mitigation measures would be required.

4.9 Wildfires

The Project is located in an area that can be characterized as heavily developed and densely urbanized. The area surrounding the Project is predominantly flat, with a slight incline gradient when traveling in a northerly direction. The streets in the Project area are generally neatly landscaped with potted vegetation and well-maintained street trees. There are no forested areas or wildlands near the Project, or within the City.

Cal Fire is responsible for wildfire for the state, and local fire protection agencies are primarily responsible for their relevant local responsibility area (Cal Fire 2007). Given the adjacent urban setting, the Project is not located within a designated Very Fire Hazard Severity Zone, State Responsibility Area, or a Local Responsibility Area (Cal Fire 2017; Los Angeles County Fire Department 2018). As such, the Project is not in or near any State or Local Responsibility Areas or any area classified as a Very Fire Hazard Severity Zone. The area surrounding the Project is completely developed, relatively flat, and lacking in wildfire-prone vegetated areas.

4.9.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to wildfire and no mitigation measures would be required.

4.10 Growth Inducing Impacts

The fundamental purpose of the Project is to provide an entrance/exit to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard thereby delivering improved and direct public access to the Beverly Hills Business Triangle, a prime local and regional destination, and a key hub for tourism, shopping, and dining experiences. The Project is expected to improve pedestrian and vehicle access by minimizing pedestrian crossings from the southern to northern sides of Wilshire Boulevard. An increase in Metro Purple Line ridership that would induce growth is not expected to occur as a result of the implementation of the Project because a viable station portal would exist on the south side of Wilshire Boulevard. The Project would not include the construction of any residential uses or other uses that would result in an increase in the population. Therefore, the Project would not result in a direct significant growth-inducing impact related to population.

In addition, the Project would generate temporary employment opportunities during construction. Because construction workers would be expected to be drawn from the existing regional work force, construction of the Project would not be growth-inducing from a temporary employment standpoint. During construction, vehicular access to certain businesses located adjacent to the construction zone could temporarily affect business operations. However, the City is in coordination with several local businesses and stakeholders in order to implement a plan to reduce business disruption during the construction phase.

The Project would not stimulate significant employment, involve development of new housing, or significantly affect the economy of the region (see Section 4.1.3 above) beyond what was analyzed as part of the Purple Line Extension EIS/EIR. Currently, the area located north of Wilshire Boulevard supports a number of businesses and their employees and is considered a significant employment area within the City. The Project is not expected to substantially impact the local economy as the purpose of the North Portal is to provide additional Wilshire/Rodeo Station access to riders who are already anticipated to utilize the Metro Purple Line Extension. The Project would not substantially increase ridership or economic growth in the area beyond what is currently projected in adopted local and regional planning documents. Therefore, the Project would not result in a direct significant growth-inducing impact related to economic growth.

4.10.1 Findings

Based on the Draft EIR, the City finds that construction and operation of the Project would result in no reasonably foreseeable impacts related to growth and no mitigation measures would be required.

5 FINDINGS OF LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS WITHOUT MITIGATION

Based on the Final EIR and the record of proceedings, the City finds that the Project (Beverly Drive) would have less than significant environmental effects associated with the following:

- aesthetics (scenic vista and visual character);
- air quality (air quality plan and cumulative net increases of pollutants);
- energy (state or local plans);
- geology, soils and minerals (rupture of a known earthquake fault, soil erosion, wastewater, and mineral resources);
- hazards and hazardous materials (transport, use, disposal, or release of hazardous materials, hazardous materials within one-quarter mile of a school);
- hydrology and water quality (drainage pattern changes resulting in erosion or siltation, drainage pattern changes resulting in flooding, and inundation by seiche, tsunami, or mudflow);
- noise (excessive ground borne vibration or ground borne noise levels);
- public services (fire protection and police protection);
- transportation (conflict with CEQA Guidelines section 15064.3, subdivision (b));
- tribal cultural resources (California Register of Historical Resources); and
- utilities and service systems (expanded water, wastewater treatment or storm drainage, electrical power, natural gas or telecommunications, sufficient water supplied, adequate wastewater capacity, state or local standards, federal, state and local statues and regulations).

The City also finds that the Project would not cause cumulatively considerable impacts to aesthetics and visual quality, air quality, biological resources, cultural resources, energy, geology, soils and minerals, greenhouse gas, hazards and hazardous materials, hydrology and water resources (surface water), noise (vibration), and transportation, tribal cultural resources, utilizes and service systems. Each of these issues, as well as the potential irreversible environmental effects and growth inducing impacts associated with the Project are discussed in this section.

5.1 Aesthetics and Visual Quality

The City of Beverly Hills General Plan does not delineate or designate any specific views as protected scenic vistas within the RSA. The mountains to the north may be visible from the streets and residential areas in and around the Project site, but views are limited by the multi-story development lining the surrounding street corridors. There are no other significant natural features (such as rock outcroppings, bodies of water, substantial stands of native vegetation, etc.) or native California trees of particular aesthetic value (e.g., oak trees) on the Project site. There are no natural open spaces on the Project site, and the site is not within a City- or state-designated scenic highway. The Project site is within an urban setting within the Wilshire Boulevard commercial corridor. The Project would include a new station portal entrance/exit on

the north side of Wilshire Boulevard to the previously approved Wilshire/Rodeo Station. The portal would involve the construction and operation of a one-story aboveground portion, and additional levels below-grade. The construction and operations of the Project would include visible features; however, the Project would not alter the views of a designated scenic vista. Therefore, construction and operational impacts related to effects on a scenic vista would be less than significant.

In addition, the visual character of the Project site would change temporarily from existing conditions during construction. The Project would not include the demolition of any existing buildings; however, demolition of existing public roadway and sidewalks would be required. The Project site would be fenced off with a chain-linked fence and noise barriers, resulting in a contrast and change in visual character from the existing roadway and sidewalk area. Passing motorists would primarily experience views of construction activities while driving along the roadways adjacent to the Project site, including Wilshire Boulevard and the portion of Beverly Drive north and south of the closed construction area. However, passing motorists are considered to have a low sensitivity to any visual changes on the Project site as they are likely passing through the Project area to reach their destinations and do not necessarily have a personal investment in the visual character of the Project site.

The patrons and employees of commercial and other land uses in the Project area would primarily experience views of the construction activities on the Project site as they approach and leave their commercial destination or place of work. The land uses would include the Maybourne Beverly Hills Hotel (formerly known as the Montage Beverly Hills Hotel); Bank of America Financial Centre offices; Union Bank offices; Chase Bank offices; MGM studios; and surrounding fitness centers, restaurants, and retail establishments. The employees of Project area land uses would not be highly sensitive to visual changes occurring on the Project site during the construction phase. In addition, patrons of Project area land uses may be more sensitive than the employees, but nevertheless would not likely change their patronage due to visual changes taking place on the Project site during the construction phase. Guests or patrons of the Maybourne Beverly Hills Hotel would have private window views of the Project construction site to the west located beneath the hotel on the streel level. However, the Project construction activities would be temporary and construction work is already occurring related to the Wilshire/Rodeo Station. A temporary, although less than significant, impact to the visual character would result for Project area patrons and employees, a viewer group that would be moderately sensitive to visual changes but may have less of a personal investment in the visual appearance of the Project site.

The Project would represent a change in visual character as compared to the existing Project site. However, the Project is in an urban area that currently has a mix of architectural styles and building materials and colors, as well as a mix of modern and traditional style buildings. Viewers including pedestrians, commuters, and patrons and employees of Project area commercial businesses and offices would have a low to moderate sensitivity to the visual change and may have less of a personal investment in the visual appearance of the Project site. Additionally, the Project would be consistent with the City's General Plan goals to protect scenic views and vistas, including urban views in the City. The operation of the Project, therefore, would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The Project would be within the public ROW; therefore, zoning regulations relating to aesthetics would not be applicable. In addition, the Project would not conflict with the applicable policies within the City of Beverly Hills General Plan Open Space Element because the Project would not substantially change views in the area. Therefore, construction and operational impacts related to visual character would be less than significant.

Related projects identified within approximately 1 mile of the Project generally include commercial and residential construction or expansion, as well as the Wilshire/Rodeo Station as part of the Purple Line Extension Project. A majority of the related projects are not within the line-of-sight of the Project site. Also, the aboveground features of the Wilshire/Rodeo Station would not be located adjacent to the Project. The Project would have less than significant construction impacts related to vistas, protected views, and visual character. It is possible that nighttime construction lighting may be used by the Project and the Metro Purple Line construction concurrently. However, all local lighting regulations and standards would apply. With implementation of Mitigation Measure AES-B, the Project would ensure lighting and glare impacts during nighttime construction activities are less than significant. Therefore, the Project would not have cumulatively considerable construction impacts related to aesthetics and visual quality.

5.1.1 Findings

Based on the Draft EIR, the Final EIR, response to comments, and the whole of the record, the City finds the Project would result in less than significant aesthetics impacts to scenic vistas and visual character and would not cause cumulatively considerable aesthetics impacts.

5.2 Air Quality

Construction emissions are short term or temporary but have the potential to result in a significant impact on air quality. Construction activities for the Project would generate temporary emissions of precursors to ozone (VOC and NOX), CO, PM10, and PM2.5. VOC, NOX, and CO emissions are associated primarily with mobile equipment exhaust, including off-road construction equipment and on-road motor vehicles. Fugitive PM dust emissions are associated primarily with site preparation and travel on roads and vary as a function of parameters such as soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles. Earthmoving and material handling operations are the primary sources of fugitive PM dust emissions from construction activities. SCAQMD LSTs only consider the amount of on-site emissions generated by construction activities; off-site emissions, such as haul trucks and worker commutes, are not included. Emissions associated with vehicle trips to and from the Project site during construction would be dispersed throughout the region and would have a nominal localized impact at the Project site. The peak daily construction emissions associated with construction of the Project would not exceed any of the SCAQMD daily or LST thresholds. Therefore, construction impacts related to a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard would be less than significant.

Following construction, the Project would generate emissions associated with area sources, such as the use of consumer products and minor maintenance activities. The Project is not anticipated to result in an increase in vehicle trips or vehicle miles traveled (VMT). On the contrary, implementation of the Project is anticipated to reduce VMT in the region by encouraging people to take public transit. The operation of the Project would not exceed the established thresholds. Therefore, operation impacts related to a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard would be less than significant.

5.2.1 Findings

Based on the Draft EIR, the Final EIR, response to comments, and the whole of the record, the City finds the Project would result in less than significant air quality impacts for which the project region is non-attainment under an applicable federal or state ambient air quality standard and would not cause cumulatively considerable air quality impacts.

5.3 Energy

The 2017 California Air Resource Board (ARB) Climate Change Scoping Plan identifies the transportation sustainability sector to be a key area for fossil fuel consumption reduction strategies. ARB calls for encouraging public transit use and increasing public transportation opportunities in efforts to decrease fossil fuel demand from light-duty combustion vehicles (ARB 2017). Installation of an additional portal to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard would deliver improved, convenient, and safe public access to the Beverly Hills Business Triangle, thus encouraging increased ridership and reducing vehicle trip emissions from passengers who would otherwise drive. Therefore, the Project would be consistent with the energy conservation measures and strategies identified in the 2017 ARB Climate Change Scoping Plan.

Additionally, the SCAG 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is a plan that integrates land use and transportation in efforts for the region to grow sustainably. The sustainable themes include transportation choice and making transit and other active modes of transportation, such as walking and bicycling, more attractive and accessible options to driving to encourage fuel conservation and trip reductions (SCAG 2016). As such, the Project would also be consistent with the energy conservation strategies in the SCAG RTP/SCS.

Additionally, the City of Beverly Hills Sustainable City Plan also calls for minimizing the use of nonrenewable, polluting transportation fuels as an action for improving energy efficiency in City operations and Citywide. The Project would support this goal by providing improved, convenient, and safe public access to transit and the Beverly Hills Business Triangle, which would reduce vehicles miles traveled from passenger vehicles in the region. In addition, consistent with City efforts to convert existing streetlights to LED and the City Sustainable City Plan measure to maximize energy efficiency, such as the installation of efficient lighting, the Project would install light fixtures equipped with LED lights. LED is a highly energy efficient lighting technology that consumes less electricity, than incandescent lighting (DOE 2019).

As such, because the Project would encourage a form of transportation that is not dependent on traditional transportation fuels (i.e., diesel and gas), the Project would not conflict with state or local plans for renewable energy or energy efficiency. In addition, in accordance with the Renewables Portfolio Standard goals mandated by SB 100, SCE will continue to reduce the carbon content of electricity and increase its energy supply from renewable sources. Therefore, construction and operational impacts related to conflicting with or obstructing a state or local plan for renewable energy or energy efficiency would be less than significant.

5.3.1 Findings

Based on the Draft EIR, the Final EIR, response to comments, and the whole of the record, the City finds the Project would result in less than significant energy impacts related to conflicting with or obstructing a state or local plan for renewable energy or energy efficiency.

5.4 Geology, Soils, and Mineral Resources

The Beverly Hills fault zone traverses the Project RSA as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. At its closest, the fault zone is approximately 500 feet north of the Project footprint. No active faults are known to cross the Project footprint. However, the Project would be subject to strong seismic ground shaking as the RSA is within 500 feet of the Beverly Hills Fault zone. Development in the City is required to adhere to the Uniform Building Code (UBC) and California Building Code (CBC). The impact to people, buildings, or structures on or near the Project site from strong seismic ground shaking would be reduced by the required conformance with applicable building codes and accepted engineering practices. In addition, the Project would not be located within designated liquefaction or landslide hazard zones. The implementation of the Project would not introduce risk of loss, injury, or death as a result of rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, or landslides. Therefore, construction and operational impacts related to these geologic hazards would be less than significant.

The site for the Project is generally level, which limits the potential for substantial soil erosion. Additionally, the area is urban and developed, with much of the surrounding area paved. As such, the Project would not include exposed or undeveloped lands. The grading and excavation phase when soils are exposed has the highest potential for erosion. However, the use of standard construction BMPs on the construction site, as required by BHMC Section 9-4-507 (City of Beverly Hills 2019a), would reduce any potentially significant soil erosion impacts. Such BMPs include use of plastic coverings on unprotected areas to eliminate erosion; removal of any sediments tracked offsite by construction vehicles; and use of temporary sediment barriers where necessary. With implementation of these BMPs, construction and operational impacts related to soil erosion or loss of topsoil would be less than significant.

Clay soils beneath the City have the potential to expand (City of Beverly Hills 2005). As such, construction of the Project would require adherence to the UBC and CBC, which account for and mitigate the effects of adverse soil conditions through the incorporation of design requirements. Specifically, CBC Section 3307.1 states that, “Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities” (DGS 2016). The UBC employs a similar standard and states that, “Any person making or causing an excavation to be made exceeding twelve feet (12') in depth below the grade, shall protect the excavation so that the adjoining soil will not cave in or settle, and shall extend the foundation of any adjoining buildings below the depth of twelve feet (12') below grade at his own expense” (ICBO 1970/1997). With these requirements in place, construction and operational impacts related to expansive soils would be less than significant.

The construction and operation of the Project would be served by the City’s wastewater disposal system. The Project does not include a septic system; therefore, no potential exists for effects due to soil incompatibility. Therefore, construction and operation impacts related to the use of septic tanks or alternative wastewater disposal systems would be less than significant.

The Project RSA is within the San Vicente oil field; however, there are no known active, buried, or plugged wells within the RSA. Therefore, construction and operational impacts related to the loss of availability of a known mineral resource that would be a value to the region and the residents of the state would be less than significant.

In addition, there are no active oil wells within the RSA. Title 10, Chapter 5, article 3 of the BHMC addresses the topic of oil wells as they pertain to the City. The provisions of this article prohibit drilling either on the surface or in the subsurface of the City for oil and gas except as strictly permitted. Therefore, because no active oil wells currently exist in the RSA, there would not be any loss of availability of a mineral resource as designated in the local, specific, or other land use plan. Therefore, construction and operational impacts related to 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 would be less than significant.

5.4.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant geology and soils impacts to exposing people or structures to risks involving rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, or landslides, and soil erosion. In addition to impacts related to loss of topsoil, expansive soil and soils incapable of adequately supporting septic tanks or destroy paleontological resources.

5.5 Hazards and Hazardous Materials

The potential to encounter contaminated soils and groundwater from nearby hazardous materials sites during construction activities for the Project is low. Construction of the Project would use limited quantities of hazardous materials, such as fuels, which are not considered acutely hazardous. As is typical in construction, there exists a potential for hazardous materials and waste spills to occur. Nevertheless, the storage and disposal of hazardous materials and waste is highly regulated and would be conducted in accordance with all federal and state regulatory requirements that are intended to prevent or manage hazards. If a spill does occur, it would be remediated accordingly. All hazardous materials, soils, drums, trash, and debris would be handled, removed, and disposed of in accordance with state and federal regulatory guidelines at a licensed Class I, II, or III disposal facility, depending on the amount and type of material encountered. Therefore, construction impacts related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant.

It is anticipated that operations and maintenance of the Project would include limited quantities of hazardous materials, such as oils, paints, solvents, and cleaners, which are not acutely hazardous. No industrial uses or activities are proposed that would result in the use or discharge of unregulated hazardous materials. Storage and disposal of hazardous materials and waste would be conducted in accordance with all federal and state regulatory requirements that are intended to prevent or manage hazards, and if a spill does occur, it would be remediated accordingly. Therefore, operational impacts related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be less than significant.

The Project would not be located within one-quarter mile of an existing or proposed school. The school nearest to the Project site is Beverly Vista Middle School, approximately 1,531 feet (0.29 miles) southeast of the Project. No construction or operation impacts related to emitting hazardous emissions or handling hazardous materials within one-quarter mile of a school would occur.

5.5.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to altering existing drainage patterns or contributing runoff water that would exceed system capacity and emitting hazardous emissions or materials.

5.6 Hydrology and Water Quality

The Project would not alter the course of any streams or rivers because no surface water bodies are located within the City of Beverly Hills. The Project site and surrounding area are completely developed and would not be susceptible to substantial erosion from uncontrolled runoff. As discussed under Impact HYD-1, an ESCP, which would include sediment control BMPs such as silt fences, sandbag barriers, stabilized construction site entrance/exit, and sediment and dust control, would be implemented during construction. The ESCP would prevent sediment flow into a water source. As such, the Project would not result in a substantial increase in erosion or siltation on- or off-site during construction. The impact would be less than significant.

The Project is not in locally-designated flood hazard areas. The Project is not susceptible to flooding as the area is predominantly flat, with a slight incline gradient when traveling in a northerly direction. Prior to construction activities, two storm drains within the Project site would be rerouted and/or temporarily suspended during construction activities so that flooding or ponding is not induced within the sites or adjacent properties, as well as to avoid upstream flooding. As such, impacts related to substantially increased runoff volumes would not result in flooding on- or off-site during construction. The impact would be less than significant.

Existing utilities would be extended to serve the Project site temporarily for water and sanitary sewer. During construction activities of the Project, dewatering would be required. Extracted groundwater would be used for reasonable and beneficial use, such as using the water on the property for irrigation or other non-potable use, pursuant to Section 9-4-610 of the BHMC. It is not anticipated that the Project would generate runoff water such that an exceedance of the capacity of the existing storm drainage system would occur during construction. The impact would be less than significant.

Following construction, utilities would be restored back to their original condition. The area of impermeable surfaces at the Project would be similar to existing conditions. As such, surface water runoff flows from the Project site would be similar to existing conditions during operations. In addition, pursuant to NPDES requirements and the BHMC, the Project would implement LID BMPs as applicable to manage surface runoff flows. Any runoff leaving the sites would continue to drain to the existing storm drain inlets in the surrounding area. Development of the Project would not introduce new surface water discharges substantially increase runoff volumes, result in flooding on- or off-site, or impede or redirect flood flows. The impact would be less than significant.

The Project is in a FEMA-designated minimal flood hazard area, but not within locally-designated flood hazard areas. The Project is also outside of the area within the City that may be severely threatened by flooding or seiche from the Greystone and Lower Franklin Canyon Reservoirs. The Project is approximately 1.78 miles south of the below-grade Greystone Reservoir. As discussed above in Section 3.9.3, the Project is south of Carmelita Drive, which, according to the City's General Plan, reduces the danger of flooding from the Lower Franklin Canyon Reservoir. The risk of a tsunami is negligible as the Project is 7 miles from the Pacific Ocean. Therefore, the risk release of pollutants during construction and operation of the Project due to inundation from flood hazard, tsunami, or seiche zones is less than significant.

5.6.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to the erosion or siltation, flooding, exceedance of the capacity of the existing storm drainage system and new surface water discharges.

5.7 Noise

Construction activity can generate varying degrees of vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of a construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, and to damage at the highest levels.

Considering all the construction equipment assumed to be utilized during construction of the Project, the piece of construction equipment with the greatest reference PPV is the drill rig (caisson drilling) with a PPV of 0.089 inches per second at 25 feet (FTA 2018). Peak construction vibration levels for the Project would not exceed the 0.3 PPV vibration damage significance thresholds. Therefore, construction impacts related to the generation of excessive ground-borne vibration would be less than significant.

Additionally, the Project would operate as a station portal on the north side of Wilshire Boulevard, and the use of construction equipment would not be required once the Project is built. The operational components of the Project would not include any substantial sources of ground-borne vibration. Any ground-borne vibration generated by operational aboveground components such as entrances to stairwells, escalators, and elevators would not be clearly perceptible and is expected to be below the thresholds of significance. Therefore, impacts related to operational ground-borne vibration would be less than significant.

5.7.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to excessive ground borne vibration or ground borne noise levels.

5.8 Public Services

Relative to the Project, Crescent Drive Mini Park is approximately 1,000 feet to the east, Reeves Mini Park is approximately 420 feet southeast, and Beverly Cañon Gardens is approximately 70 feet northeast, on the opposite side of Beverly Drive. Due to its proximity to the Project, Beverly Cañon Gardens is considered the most likely to experience temporary impacts as a result of the construction of the Project. Crescent Drive Mini Park and Reeves Mini Park are both more than 400 feet from the Project; therefore, these areas would not likely experience construction impacts.

While road closures and alterations to pedestrian access would occur during construction of the Project, access to Beverly Cañon Gardens would be maintained. Beverly Cañon Gardens can also be accessed via an alternative entrance on Cañon Drive. The Project is not expected to generate an increase in population during construction; therefore, construction of this Alternative would not result in increased use of existing neighborhood or regional parks. Additionally, no construction activities or use of the park for construction laydown or storage would occur. As such, no deterioration of the park would result from construction.

The Project would not impact parks in the RSA or require land from any publicly-owned, publicly-accessible parks or recreation areas. As such, impacts related to parks during construction of the Project would be less than significant.

The operation of the Project would not result in any road or pedestrian closures that would limit public access to parks within the RSA. Additionally, no use of any park for the operation of the Project would be required.

The Project would not generate an increase in population during operation; therefore, operation of the Alternative would not result in increased use of existing neighborhood or regional parks. It is not expected that parks or recreational facilities would be overburdened or subject to increased use that would accelerate physical deterioration of park facilities. No deterioration of these facilities would result from operation and impacts associated with the provision of new or physically altered parks would not occur. As such, impacts related to parks during operation of the Project would be less than significant.

5.8.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to parks.

5.9 Transportation

Construction of the Project would require a temporary closure of North Beverly Drive between Wilshire Boulevard and Beverly Cañon Gardens for the duration of construction. This closure would require motorists to travel along detour routes, which could cause VMT to temporarily increase during construction. In addition, construction of the Project would require truck trips to be made for delivery of materials to the construction site and export of materials from the construction site. The following truck trips are anticipated:

- Piling and Excavation: 12 export truck (20 cubic yard trucks) trips and two truck deliveries of supplies per day
- Construction of the North Station Entrance/Exit: up to two standard concrete trucks, eight large concrete pour trucks, and up to four support/delivery trucks per day. Backfill activity would be performed using 19 trucks during the peak backfill period.

For the Project, the preliminary inbound haul route would travel east/northeast on Santa Monica Boulevard from the I-405 off-ramps, and then east on Wilshire Boulevard to the Project site. The outbound haul route would be similar with travel west from the Project site to Wilshire Boulevard, and then west/southwest on Santa Monica Boulevard to the I-405 on-ramps. Additional haul routes specified for the construction of the Wilshire/Rodeo Station may also be utilized to limit disruptions to the community and road users. An alternative export haul route would travel east from the Project site on Wilshire Boulevard where it would turn south on South Robertson Boulevard, then west onto Pico Boulevard, then northwest onto Westwood Boulevard, and finally west onto Santa Monica Boulevard leading to the I-405 on-ramps

The inbound and outbound haul routes were selected to occur on major arterial streets to minimize noise, vibration and other effects to adjacent businesses, schools, major commercial developments and residential neighborhoods. Consultation would be carried out and approval would be sought from the City of Beverly Hills (as well as the City of Los Angeles and Caltrans if required) during the environmental approval process to ensure the overall suitability of the proposed haul route in terms of practicality and minimization of potential effects. As such, the final haul route for the Project may be subject to change.

For the Project, the primary access gate to the construction area for deliveries and hauling would be provided on Wilshire Boulevard and a secondary access gate would be provided on North Beverly Drive. The primary access gate on Wilshire Boulevard would be located adjacent to the northernmost traffic lane in the westbound direction of travel.

Any increase in VMT resulting from out-of-direction travel or construction truck delivery/hauling trips would be temporary in nature, and therefore, would not permanently conflict with CEQA guidelines section 15064.3, subdivision (b) related to transportation impacts. Therefore, the impact of the Project would be less than significant.

During operations, the Project would enhance access to the Wilshire/Rodeo Station by providing a second portal on the north side of Wilshire Boulevard in closer proximity to the business district. The installation of the Project is not expected to increase vehicle travel flows or increase VMT in the study area. By enhancing access to the Wilshire/Rodeo Station, the Project would either reduce or have no impact on VMT. An impact would not occur based on CEQA Guidelines section 15064.3.

5.9.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to transportation as defined in CEQA Guidelines section 15064.3.

5.10 Tribal Cultural Resources

Construction of the Project would include earth-disturbing activities, such as excavation, within the public ROW and at the staging yard site. No previously identified archaeological resources associated with Native American culture that are listed or eligible for listing in the NRHP, CRHR, or local register have been identified within a 1-mile radius of the APE, and no tribal cultural resources were identified in the archival research and outreach.

As discussed in Section 3.4 Cultural Resources, there are three historical resources within the APE: the Wilshire Beverly Center (Chase Bank), California Bank Building (Sterling Plaza), and the Beverly Hills Financial Center. The Wilshire Beverly Center and California Bank Building were both previously found eligible for the NRHP under Criterion C and the CRHR under Criterion 3, and therefore meet the definition of a historical resource under CEQA. The Beverly Hills Financial Center is eligible for the CRHR under Criterion 3 and also meets the definition of a historical resource under CEQA. However, none of these resources are considered a tribal cultural resource, as defined by PRC Section 21074. The Project would not impact any known tribal cultural resources. Therefore, construction and operation impacts related to tribal cultural resources that are listed or eligible for listing in the CRHR, or in a local register of historical resources would be less than significant.

5.10.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to tribal cultural resources.

5.11 Utilities and Service Systems

Construction of the Project would occur on the west side of North Beverly Drive, within the existing street ROW, north of Wilshire Boulevard. The footprint of the Project would be approximately 9,200 square feet and would extend from its connection to the Wilshire/Rodeo Station at Wilshire Boulevard to approximately 165 feet north up North Beverly Drive. Construction of the Project would require utility relocations, piling, and excavation.

Utility work is required for the Project construction. Utilities that conflict with the excavation support (piling/decking) would be relocated onto a new alignment, or reinstated on the same alignment, depending on the requirements of the utility owner. Utility relocations would be one of the first activities to be performed once the contractor mobilizes on-site (Parsons Brinkerhoff 2019).

The Project would require the relocation of a fiber optic line, two storm drains, and street lighting, all owned and operated by the City. In addition, a fire hydrant and 6-inch-diameter water main are present on the north side of Wilshire Boulevard and Beverly Boulevard that may require relocation (City of Beverly Hills 2018). Wastewater and gas line relocations would not be required. Utility relocations are anticipated to take approximately 8 months.

The Project is located in the Rexford service area, which finished construction on the existing fiber optic line in May 2019. The relocation of the fiber optic line would be limited to the immediate Project footprint; thereby, minimal disruption would occur to nearby residences and businesses. Typically, the first step involves laying and enabling the fiber optic line in the

adjacent sidewalk and installation of switching boxes, and the second phases would take the fiber optic line from the street to the Project footprint (City of Beverly Hills 2019a).

Storm drain relocation would involve asphalt removal, excavation, potholing, shoring, and the installation of storm drainpipe. All work would be performed under necessary permits and approvals, and disruption to service is not anticipated. Water line relocation may involve temporary service interruption but affected businesses and residents would be notified at least 30 days in advance if necessary.

Utility connections such as water and power would also be required. Temporary power would be supplied by Southern California Edison (SCE) and would be required to run lighting, ventilation fans, and other construction-related activities for the Project. Electricity would also be required for dewatering activities during Project construction.

Compliance with applicable regulations would ensure that the Project would accommodate all stormwater runoff. Stormwater BMPs would be implemented during construction and operation of the Project to lessen the amount of runoff from the Project to the maximum extent practicable. In addition, the City requires that applicants prepare an urban runoff mitigation plan prior to construction of a project. This plan must comply with the most recent Standard Urban Stormwater Mitigation Plan (SUSMP) and the current municipal NPDES permit. This process is intended to reduce stormwater discharges by requiring the applicant to increase pervious surface area and to reduce the amount of runoff to the City's storm drain system. The NPDES permit issued to the LARWQCB provides regulations for urban runoff discharges in Los Angeles County. With implementation of the aforementioned BMPs, SUSMP, and NPDES permit, Project construction would not require expansion of the City's storm drain facilities.

Construction activities could potentially result in the interruption of service while utilities are being relocated. However, with implementation of BMPs and coordination with the appropriate utility service provider, construction activities would have minimal impacts on utility services in the area.

Dewatering would be required during construction, and adherence to BHMC Chapter 4, Article 6 governs these requirements. Per the code, all extracted groundwater should be reused when possible. Reuse options include recharging the groundwater to the basin; placing the groundwater to reasonable and beneficial use on the property, including irrigation or other non-potable use, or delivering the groundwater to the City for treatment and use by the City.

As mentioned above, the Project would require storm drain and water line relocations. The relocations would provide capacity for the approximately 9,200-square-foot Project footprint and is not anticipated to cause significant environmental effects due to the size and scope of the project. There may be temporary disruption of service to nearby residences and businesses, but notification would be given at least 30 days in advance so impacts would be less than significant. The relocations would not be of a large scale or scope and would not cause significant environmental effects. There would be no impact related to the relocations of wastewater or gas utilities. Therefore, impacts related to relocation or construction of new or expanded water, stormwater drainage, electric power, or telecommunications facilities during construction would be less than significant.

The capacity of the City's water supply sources is adequate to meet projected ultimate demands for the City's service area, and the City does not anticipate an increase in water usage due to the Project that will exceed the current supply. Although the City's existing water storage reservoirs do not provide sufficient emergency storage, the City is taking measures to resolve

this issue. Construction for the Project is considered a reasonably foreseeable future development, as it would be physically connected to the previously approved Purple Line Extension Project.

Additionally, the operation of stairs, escalators, elevators, passenger information systems, ticketing machines, and ticket gates would not require water systems in excess of what has already been planned for the Purple Line Extension Project. There are no restrooms or facilities specific to the Project that would require large amounts of water for operation (although bathrooms would be constructed as part of the larger Wilshire/Rodeo Station). Water usage would be limited to irrigation of new trees and other minimal landscaping on the street level. Minimal water usage would be required for operation of the Project. Therefore, impacts related to water supply during construction and operation would be less than significant.

Construction of the Project would temporarily generate wastewater through dewatering and other construction activities. Dewatering would be performed in compliance with BHMC Chapter 4, Title 9, which specifies that dewatering would be conducted under the applicable Project permit conditions. The RWQCB NPDES dictates that all existing and future municipal and industrial discharges to surface waters within the City are subject to regulations, and NPDES permits are required for operators of MS4s, construction projects, and industrial facilities. These permits contain limits on the amount of pollutants that can be contained in each facility's discharge and the Project would be subject to those requirements. The existing wastewater treatment system would support the Project during construction.

Hyperion is the largest of four wastewater treatment plants in the area surrounding the City of Los Angeles. The plant has a dry weather capacity of 450 mgd for full secondary treatment and an 850 mgd wet weather capacity. Current flow is 340 mgd. The maximum recorded daily flow generated by the City is approximately 12 mgd and the average flow is approximately 6 mgd. Construction of the Project is not expected to substantially contribute to the amount of wastewater the City currently generates. Project construction would be conducted in accordance to applicable BMPs and NPDES permit requirements. Therefore, impacts related to wastewater treatment demand during construction would be less than significant.

In addition, operation of the Project would comply with the NPDES permit and Title 6 of the BHMC, which regulates the construction and operation of wastewater systems and the discharge of wastewater into the City wastewater system. The Project does not include any restrooms or other wastewater-generating facilities and is not expected to substantially contribute to what the City currently generates. Any wastewater generated by the Project would be collected and transported through existing local, trunk, and mainline sewers. The quality of wastewater from the Project is expected to be typical and would not exceed wastewater treatment requirements of the RWQCB. Therefore, impacts related to wastewater treatment demand during operation would be less than significant.

Construction of the Project would involve site preparation activities (e.g., excavation and building) that would generate waste materials. During construction, the handling of all debris and waste would be subject to the local and state (AB 939) requirements for salvaging, recycling, and reuse of materials from construction activity on the Project site. Due to the reduction in waste in complying with AB 939, the Project would not result in an increase in solid waste beyond the capacity of the two designated landfills. The incremental increase in solid waste would be within the permitted capacities.

The Project footprint is approximately 9,200 square feet, so it can be reasonably assumed that demolition and excavation to construct the Project would not exceed the landfill capacities as

described in Section 3.14.3. Solid waste would not be generated in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. The Project would comply with federal, state, and local reduction strategies and regulations related to solid waste. Therefore, impacts related to solid waste during construction would be less than significant.

Furthermore, AB 341 requires mandatory commercial recycling in California which began on July 1, 2012. Businesses or public entities that subscribe to a service of 4 cubic yards or more of solid waste per week must recycle; therefore, the Project would be subject to those requirements. Once constructed, the Project would operate as a station entrance portal and does not include any restroom facilities or other substantial solid waste-generating uses. It would not, itself, generate solid waste in excess of standards or in a way that would impair solid waste reduction goals and, therefore, impacts related to solid waste during operation would be less than significant

5.11.1 Findings

Based on the Draft EIR, Final EIR, all reference documents, responses to comments, and the whole of the record, the City finds that the Project would result in less than significant impacts related to the relocation or expansion of wastewater systems, sufficient water supplies, wastewater capacity, and compliance with federal, state, and local standards and regulations.

5.12 Significant Irreversible Environmental Changes

PRC Section 21100(b)(2)(B) and Section 15126.2(c) of the CEQA Guidelines require that an EIR analyze the extent to which the proposed project's primary and secondary effects would impact the environment and commit nonrenewable resources to uses that future generations would not be able to reverse. Construction of the Project would result in the use of nonrenewable resources, including fossil fuels; natural gas; water; and building materials, such as concrete. However, the Project involves the entrance/exit to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard, thereby delivering improved and direct public access to the Beverly Hills Business Triangle and does not represent an uncommon construction project that would use an extraordinary amount of raw material in comparison to other development projects of similar scope and magnitude. Additionally, the Project would reduce VMT in the region by encouraging people to take public transit and enhance the pedestrian network, thereby reducing the number of cars that operate in congested traffic conditions and transportation fuel use and the associated regional energy consumption. As such, the Project is not anticipated to consume substantial amounts of energy or use other resources in a wasteful manner. Although the Project would result in the consumption of nonrenewable resources, the impact would not be considered significant because construction activities would be temporary and relatively short-term. In addition, the Project would also encourage a decrease in reliance on fossil fuels and would reduce regional per-capita energy consumption, consistent with the objectives described in Appendix F of the CEQA Guidelines the Project would result in less than significant irreversible environmental changes.

6 FINDINGS OF LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS WITH MITIGATION

The Final EIR determined that the Project (Beverly Drive) would result in potentially significant environmental effects in the areas of aesthetics and visual quality (light and glare); air quality (air quality plan, pollutants, and other emissions); biological resources (habitat modifications); cultural resources (historical resources and archaeological resources); energy (energy resources); geology and soils (landslides and unstable geologic unit, and paleontological resources); greenhouse gas emissions (excessive emissions and local plans); hazards and hazardous materials (transport and disposal of materials and emergency response); hydrology and water quality (standards, water supply, and management plans); public services (police and fire); transportation (circulation plans and polices, geometric design hazards, and emergency access); tribal cultural resources (resources determined by lead agency to be significant). The Final EIR identified feasible mitigation measures to avoid or substantially reduce the environmental effects in these areas. Based on the information and analysis set forth in the Final EIR, impacts would be less than significant with the identified feasible mitigation measures incorporated into the Project.

The City also finds that the Project would not cause cumulatively considerable impacts related to public services after implementation of mitigation measures.

6.1 Aesthetics and Visual Quality

A significant impact would occur if the Project caused a substantial increase in ambient illumination levels beyond the property line or caused new lighting to spill-over onto light-sensitive land uses such as residences, some commercial and institutional uses that require minimum illumination for proper function, and natural areas.

The Project site is currently illuminated by existing adjacent standard streetlights and pedestrian-level lighting. Due to the densely developed commercial nature of the RSA, a high level of existing ambient lighting currently exists in the RSA.

Construction of the Project would occasionally involve nighttime construction activities, which would require nighttime construction lighting. Nighttime construction lighting, including limited amounts of glare, could spill over onto the hotel uses, which are located adjacent to the Project. Because the hotels include sleeping quarters, they would be considered light-sensitive. All applicable City regulations and lighting specification requirements would be implemented with regard to nighttime construction lighting required for the Project. However, to ensure that nighttime construction lighting does not spill over onto light-sensitive uses, Mitigation Measure AES-B would be implemented. This measure would prevent light spillover by shielding the light fixtures and directing the light downward toward the interior of the construction site. With implementation of Mitigation Measure AES-B, construction impacts related to the creation of a substantial source of light or glare that would result in adverse effects to daytime/nighttime views of the area would be less than significant.

The Project would include installation of new standard exterior and interior security lighting around and within the new station portal, which would operate regularly. The nighttime lighting fixtures that would be installed would direct the majority of the light to within and directly adjacent to the portal, and away from sensitive areas, to the maximum extent feasible.

Compliance with applicable City regulations related to light and glare would ensure less than significant impacts. In addition, the RSA is highly urbanized and has a high level of existing lighting. Therefore, operational impacts related to the creation of a substantial source of light or glare that would result in adverse effects to daytime/nighttime views of the area would be less than significant.

6.1.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to light and glare to a less than significant level.

AES-B: During nighttime construction activities lighting, including "down lighting," shall be directed toward the interior of the construction staging area and shall be shielded so that it would not spill over into adjacent light-sensitive areas.

With the incorporation of Mitigation Measure AES-B, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on aesthetics.

6.2 Air Quality

Construction of the Project would involve the use of off-road equipment, haul trucks, and worker commute trips. Assumptions for off-road equipment emissions in air quality plans are developed based on hours of activity and equipment population reported to ARB for rule compliance. The emissions inventory is divided into two major source classifications: stationary and mobile sources. ARB provides emission inventories for off-road equipment, which includes construction and mining equipment, industrial and commercial equipment, and lawn and garden equipment, among other categories (SCAQMD 2017a). ARB uses a number of models to estimate emissions for various off-road equipment categories. The models combine population, equipment activity, horsepower, load factors, population growth, retirement factors, and emission factors to yield the annual emission inventory by county, air basin, or statewide. The future emission forecasts are primarily based on demographic and economic growth projections provided by SCAG. The use of construction equipment in the AQMP is estimated for the region on an annual basis using ARB inventories, and construction-related emissions are estimated as an aggregate in the AQMP. As the Project would not increase population or employment in the region, the Project would not increase the assumptions for off-road equipment use in the AQMP.[2]

The construction contractor would implement dust control measures per SCAQMD Rule 403. Furthermore, construction-related emissions of the Project would not exceed the thresholds of significance and would not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new air quality violations. In addition, as described in the MOA between the City of Beverly Hills and Metro, the contractor would be required to

[2]As described in more detail in the SCAQMD 2016 AQMP, construction is an emission inventory source in the AQMP. Each emission inventory source grows based on its growth surrogate. Growth surrogates include industry output growth, employment growth, demographic growth, and others. The selection of the surrogate by which emission growth is projected depends on the type of activity. Employment growth is chosen for labor intensive sectors, such as construction (SCAQMD 2016).

implement Mitigation Measures AIR-A, AIR-B, and AIR-C to even further reduce emissions, dependent on which agency oversees the construction contractor. These measures would require reducing heavy equipment idling; encourage its contractors to lease new, clean equipment meeting the most stringent of applicable standards (e.g., Tier 3 or greater engine standards) or best available emissions control technologies on all equipment; and require its contractors to maintain and tune engines per manufacturer's specifications. Consistent with the goals and strategies of the AQMP (MOB-06, Retirement of Older On-Road Heavy-Duty Vehicles; and Off-Road Mobile Source Measures), these measures would decrease emissions of PM and NO_x (precursor to ozone) associated with on- and off-road heavy-duty equipment during construction activities. Therefore, with implementation of mitigation, construction activities would not conflict with the applicable air quality plan and impacts would be less than significant.

Construction-related activities of the Project would result in emissions of criteria air pollutants, but at levels that would not exceed the SCAQMD regional thresholds of significance. The nearest receptors of localized emissions would be the nearby hotel and commercial land uses. The localized emissions of the Project would not exceed the SCAQMD LST analysis. As such, the criteria air pollutant emissions associated with the Project would not expose receptors to substantial criteria pollutant concentrations.

In addition to criteria air pollutants, USEPA and ARB regulate hazardous air pollutants, also known as TACs. The greatest potential for TAC emissions during construction would be related to diesel PM emissions associated with heavy-duty equipment operations. The Office of Environmental Health Hazard Assessment (OEHHA) developed a Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015). According to OEHHA methodology, health effects from carcinogenic TACs are usually described in terms of individual cancer risk, which is based on a 30-year lifetime exposure to TACs. Construction activities for the Project are anticipated to last approximately 3 years.

The closest distance (the west façade), the Maybourne Beverly Hills would be approximately 55 feet from the Project. However, because off-road heavy-duty equipment would be used for a relatively short time period and would not be in the immediate proximity of the residential receptors for extended periods of time, construction activities are not anticipated to expose sensitive receptors to substantial TAC concentrations. In addition, emissions from construction equipment would occur intermittently throughout the day and would not occur as a constant plume of emissions from the Project site.

TAC emission exposure would also be reduced with implementation of mitigation measures in the MOA between the City of Beverly Hills and Metro. Mitigation Measures AIR-A through AIR-D would require the contractor to limit unnecessary idling; maintain and tune engines per manufacturer's specifications; encourage contractors to lease new, clean equipment meeting the most stringent of applicable federal or state standards, such as Tier 3 or greater engine standards; and place construction equipment away from sensitive receptors and fresh air intakes to buildings and air conditioners. Off-road construction equipment with Tier 3 and Tier 4 engines would typically result in an additional 13 to 92 percent reduction in exhaust PM emissions from the use of Tier 2 equipment, depending on the horsepower of the equipment (CAPCOA 2017). As such, due to the construction phasing schedule, distance to the nearest sensitive receptors, dispersive nature of diesel PM emissions, and implementation of the mitigation measures in the MOA, construction activities would not expose sensitive receptors to substantial pollutant concentrations. Therefore, with implementation of mitigation, construction

impacts related to exposing sensitive receptors to substantial pollutant concentrations would be less than significant.

Construction activities associated with the Project could result in short-term odor emissions from diesel exhaust associated with construction equipment. However, the Project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. In addition, consistent with the MOA between the City of Beverly Hills and Metro, the Project would implement Mitigation Measures AIR-A, AIR-B, AIR-D, and AIR-E, which are intended to further reduce other emissions, including those leading to odors. These mitigation measures would include monitoring and recording of hazardous gas levels at the worksites will be conducted; limiting unnecessary idling of heavy equipment; maintaining and tuning engines per manufacturer's specifications; and locating construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

With implementation of mitigation, the construction of the Project would not result in other emissions or odors. Therefore, construction impacts related to other emissions, such as those leading to odors, adversely affecting a substantial number of people would be less than significant.

6.2.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to air quality to a less than significant level.

AIR-A: Construction contractors shall be required to not unnecessarily idle heavy equipment.

AIR-B: Construction contractors shall maintain and tune engines per manufacturer's specifications to perform at USEPA certification where applicable, and to perform at verified standards applicable to retrofit technologies. Construction contractors shall also be subject to periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

AIR-C: Construction contractors shall lease new, clean equipment meeting the most stringent of applicable federal or state standards (e.g., Tier 3 or greater engine standards) or best available emissions control technologies on all equipment.

AIR-D: Construction equipment and staging zones shall be located away from sensitive receptors and fresh air intakes to buildings and air conditioners. In addition, equipment will be placed to minimize dust and exhaust away from outdoor areas where feasible. Refinements to construction mitigation measures may be incorporated during the final Design phase, prior to the preparation of construction bid documents.

AIR-E: Monitoring and recording of hazardous gas levels at the worksites shall be conducted. In areas of gassy soil conditions, hazardous gas levels in the working environment will be continually monitored and recorded.

With the incorporation of Mitigation Measures AIR-A through E, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on air quality.

6.3 Biological Resources

Four ornamental trees located on the west side of Beverly Drive would require relocation within the site, but one ornamental tree would be permanently removed and potentially relocated elsewhere in the area as feasible. None of these ornamental trees are protected under the Beverly Hills tree protection ordinance and impacts to non-native ornamental vegetation are not considered significant. However, by implementing and adhering to avoidance and minimization measures provided in Mitigation Measure BIO-A, the direct impacts of tree removal and construction on nesting birds that could utilize ornamental trees in the BSA, and surrounding area would be less than significant.

Indirect impacts to bird species protected by the MBTA and CFGC within the BSA could occur during construction of the Project as a result of noise, dust, increased human presence, and vibrations resulting from construction activities. Disturbances related to construction could result in increased nestling mortality due to nest abandonment or decreased feeding frequency. Therefore, indirect impacts would be considered significant. By implementing and adhering to construction BMPs regarding dust control and the avoidance and minimization measures outlined in Mitigation Measure BIO-A, indirect impacts to nesting birds would be less than significant.

6.3.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to biological resource to a less than significant level.

BIO-A: Construction activities, including the clearance of vegetation potentially suitable for special-status bird species, shall occur outside of the nesting season (generally February 15 through September 15). If avoidance of construction activities within this time period is not feasible, the following measures shall be employed:

1. Pre-construction nesting surveys shall be conducted by a qualified biologist both two weeks prior to and within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All nests found shall be recorded.

2. If construction activities must occur within 300 feet of an active nest of any passerine bird or within 500 feet of an active nest of any raptor, with the exception of an emergency, a qualified biologist shall monitor the nest on a weekly basis and the construction activity shall be postponed until the biologist determines that the nest is no longer active.

3. If the recommended nest avoidance zone is not feasible, the qualified biologist shall determine whether an exception is possible and obtain concurrence from the appropriate resource agency before construction work can resume within the avoidance buffer zone. All work shall cease within the

avoidance buffer zone until either agency concurrence is obtained or the biologist determines that the adults and young are no longer reliant on the nest site.

With the incorporation of Mitigation Measure BIO-A, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on biological resources.

6.4 Cultural Resources

Construction activities include sidewalk closure, cut and cover piling, and excavation adjacent to (less than 10 feet from) the Wilshire Beverly Center and the California Bank Building. Construction of the Project may also require the temporary removal and subsequent reinstatement of the boxed canopy on the east elevation of the Wilshire Beverly Center. Removal of the canopy would materially alter the Wilshire Beverly Center. However, implementation of Mitigation Measure CUL-A would avoid or minimize damage to the canopy, in adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties. An appropriate treatment plan that addresses careful handling during removal, storage, and reattachment, would be implemented to protect the historical resource. With implementation of Mitigation Measure CUL-A, the boxed canopy would be restored to its original location on the building, and direct construction impacts related to historical resources would be less than significant.

Although the atmospheric intrusions of the construction activities would disturb the setting of the buildings, audible and visual impacts related to construction would be temporary and would not permanently or materially impair the significance of the historical resources.

Subsurface construction activities that would occur next to the foundations of the Wilshire Beverly Center and the California Bank Building have the potential to cause differential settlement or vibration due to piling and excavation that may impact the historical resources; therefore, this impact is considered significant. Implementation of Mitigation Measure CUL-B would include a pre-construction survey of impacted historical resources for pre-construction conditions and further subsurface investigation to protect the buildings from differential settlement or vibration damage. With implementation of Mitigation Measure CUL-B, construction impacts related to historical resources would be less than significant.

Although the Wilshire Beverly Center is located adjacent to the aboveground elements of the Project, based on conceptual designs, the Project would not materially alter the historical resource or its setting or encroach into the building's property line. The Project would place the station portal within the existing parking lane and southbound right-turn lane on the west side of North Beverly Drive, near but separated from the east elevation of the Wilshire Beverly Center by the width of the sidewalk. The east elevation is minor in relation to the character-defining features of the overall building that are presented along Wilshire Boulevard (south elevation), and the proposed station portal canopy would not block the primary view of the building. Therefore, operational impacts related to historical resources would be less than significant.

The California Bank Building (Sterling Plaza) is across North Beverly Drive from the Project site and is situated on a triangular lot that faces Wilshire Boulevard. Due to the distance between the aboveground elements associated with the Project, the Project would not intrude on its setting, nor materially alter or impair the historical resource. Therefore, operational impacts related to historical resources would be less than significant.

The archaeological records search and survey identified no archaeological resources within or adjacent to the APE. However, unknown resources may exist below grade within the APE. A review was conducted of an analysis prepared for the previously approved Purple Line Extension Project, which found that the sensitivity of the Purple Line APE located immediately adjacent to and overlapping the APE of the Project ranged from moderate to high (Metro 2010b). Human activity on the North American continent is limited to the end of the Pleistocene and the Holocene epochs. The sedimentary deposit that represents these time periods is known as younger Quaternary alluvium, which consists of alluvial gravel, sand, and silt-clay derived from the nearby Santa Monica Mountains. Historic archaeological resources may exist relatively close to the surface, and the sensitivity for prehistoric resources increases with depth until the base of the younger Quaternary alluvium is reached. Below the younger Quaternary alluvium, sedimentary deposits date to the Pleistocene and earlier, and are anticipated to pre-date human activity on the continent. As such, there is potential to encounter previously undiscovered archaeological resources during construction activities. Implementation of Mitigation Measure CUL-C halts work if cultural resources are encountered and provides means of evaluation and treatment of such resources. Mitigation Measure CUL-C would therefore protect unknown archaeological resources that could be encountered during construction. With implementation of Mitigation Measure CUL-C, construction impacts related to archaeological resources would be less than significant.

Additionally, no evidence of human remains were observed during the field survey; as such, human remains are not expected to be encountered during construction. No formal cemeteries are known to occur within 0.25 mile of the APE. In addition, no formal cemeteries or other places of human internment are known to exist within the Project site. In the event that human remains, or related items are discovered during construction, such resources would be treated in accordance with state and local regulations and guidelines for disclosure, recovery, relocation, and preservation, as appropriate, pursuant to PRC Section 5097.98 et seq.; California Health and Safety Code Section 7050.5; and others. In addition, implementation of Mitigation Measure CUL-C would reduce impacts in the event human remains are discovered during construction activities. Mitigation Measure CUL-C would require halting work if human remains are encountered, initiating contact with the Coroner, and consultation with the appropriate individuals and organizations as defined by California state law. With implementation of Mitigation Measure CUL-C, construction impacts related to human remains would be less than significant.

6.4.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to cultural resource to a less than significant level.

CUL-A: For the historical resource, the Wilshire Beverly Center, a treatment plan for the removal and reinstatement of the existing boxed canopy on the east elevation of the building facing North Beverly Drive shall be required prior to removal of the canopy. The treatment plan shall determine and guide the appropriate removal, storage, and reattachment processes and techniques to avoid or minimize damage to historic materials, in adherence with the Secretary of the Interior's Standards for the Treatment of Historic Properties. An architectural historian or historical architect who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) shall prepare or provide input for the treatment plan prior to removal of the canopy. The City shall approve and implement the treatment plan to proceed with the removal of the canopy.

Implementation of the treatment plan shall be monitored and approved by an architectural historian or historical architect who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61). The monitor shall ensure that the treatment plan is implemented appropriately and provide a monitoring report or memorandum documenting the removal and reinstatement of the canopy.

CUL-B: For the historical resources, the Wilshire Beverly Center, California Bank Building, and Beverly Hills Financial Center, further geotechnical investigations shall be undertaken to evaluate soil, groundwater, seismic, and environmental conditions along the alignment. This analysis shall include a pre-construction survey of the historical resources to document their pre-construction conditions and shall assist in the development of appropriate support mechanisms and measures for cut and cover piling and excavation within construction areas. The subsurface investigation should also identify areas that could cause differential settlement as a result of using vibratory construction equipment in close proximity to historical resources. An architectural historian or historical architect who meets the Secretary of the Interior's Professional Qualification Standards (36 CFR Part 61) shall provide input and review of final design documents prior to implementation of the mechanisms and measures. The review shall evaluate whether the geotechnical investigations and support measures for cut and cover and measures to prevent differential settlement meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. The City shall approve the evaluation to proceed with construction.

CUL-C: If previously unidentified cultural resources are encountered during construction or earth-disturbing activities, all activities within 50 feet of the discovery shall be halted until a qualified archaeologist can examine the resources and assess their significance. If the resources are determined to be significant, the City shall notify the State Historic Preservation Officer within 48 hours of the discovery to determine the appropriate course of action. If human remains are encountered, all work must stop at that location and the County Coroner must be immediately notified and advised of the finding.

For resources determined eligible or assumed to be eligible for the Local Register of Historic Properties, the City of Beverly Hills, with the advice of the qualified cultural resources specialist, shall determine a course of action to avoid, minimize, or mitigate adverse effects. Parties may be invited to consult at the discretion of the City of Beverly Hills.

For resources determined eligible or assumed to be eligible for the CRHR, the City of Beverly Hills will notify Metro of those actions that it proposes to avoid, minimize, or mitigate adverse effects. Consulting parties will have 48 hours to provide their views on the proposed actions. The City will ensure that timely-filed recommendations of consulting parties are taken into account prior to granting approval of the measures that the City and its partners will implement to resolve adverse effects. The City will carry out the approved measures prior to resuming construction activities in the location of the discovery.

The City of Beverly Hills will ensure that the expressed wishes of Native American individuals, tribes, and organizations, and particularly tribal

governments, are taken into consideration when decisions are made regarding the disposition of other Native American archaeological materials and records relating to California Native American tribes.

Should Native American burials and related items be discovered during construction of the project, the City of Beverly Hills will consult with the affected Native American individuals, tribes, and organizations regarding the treatment of cultural remains and artifacts. These will be treated in accordance with the requirements of the California Health and Safety Code. If the County Coroner determines that the human remains are or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of PRC Section 5097.98(a)-(d), which provides for the notification of discovery of Native American human remains, descendants; disposition of human remains and associated grave goods.

With the incorporation of Mitigation Measure CUL-A through C, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on cultural resources.

6.5 Energy

Implementation of the Project would increase energy consumption for the duration of construction in the form of electricity, natural gas, and fossil fuels (e.g., gasoline, diesel fuel). Transportation energy use during construction would come from the transport and use of construction equipment (off-road), delivery and haul trucks (on-road), and construction employee passenger vehicles (on-road). Construction-related transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. The majority of construction equipment during excavation, site work, building construction, and paving would be gas or diesel powered. The use of fuel by on-road and off-road vehicles would be temporary and would fluctuate according to the phase of construction. Construction fuel use for the Project would cease upon completion of project construction.

The annual energy consumption associated with construction of the Project (including transportation fuel use by off-road equipment, worker vehicle trips, and material delivery trips) would be approximately 749, 714, and 669 million British thermal units (MMBtu), respectively. Based on the anticipated phasing of the Project, temporary nature of construction, and project type, the Project would not include unusual characteristics that would necessitate the use of construction equipment that is less energy efficient than at comparable construction sites.

Energy consumption during construction activities would be temporary and relatively short term, while the Project would operate for many years into the future. To the contrary, the Project would facilitate a reduction in energy demand, encourage the use of transit and reduce automobile vehicle miles traveled in the region, thus allowing the means of achieving goals, such as decreasing reliance on fossil fuels and decreasing overall per capita energy consumption, as identified within Appendix F (Energy Conservation) of the CEQA Guidelines.

Per Metro’s Construction and Demolition Debris Recycling and Reuse Policy, the Project would also give preference to recyclable and recycled products in the selection of construction materials and ensure that facilities used for disposal and recycling are complying with the applicable federal, state, or local rules and regulations (Metro 2007). As such, it is expected that

fuel consumption associated with construction of the Project would not be inefficient, wasteful, or unnecessary.

While the Project would require energy during temporary construction activities, this would facilitate long-term, operational reduction in energy demand in the largest energy-consuming sector: transportation. Mitigation Measures AIR-A and AIR-B, included in Section 6.2, Air Quality, would require that the contractor not unnecessarily idle heavy equipment and would require contractors to maintain and tune engines per manufacturer's specifications. Due to this, and the application of energy-reducing practices employed during construction, construction impacts related to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant.

6.5.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to energy to a less than significant level.

AIR-A: Construction contractors shall be required to not unnecessarily idle heavy equipment.

AIR-B: Construction contractors shall maintain and tune engines per manufacturer's specifications to perform at USEPA certification where applicable, and to perform at verified standards applicable to retrofit technologies. Construction contractors shall also be subject to periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

With the incorporation of Mitigation Measures AIR-A through B , the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on air quality.

6.6 Geology, Soils, and Mineral Resources

The Project does not have any conditions that pose unusual risks relating to soil or other potential secondary seismic hazards. Subsidence can occur as a result of excessive groundwater or petroleum withdrawals, which cause the ground surface to sink. Subsidence produces cracks in pavements, buildings, or other materials and typically impacts drains, foundations, and water pipes. Beverly Hills has experienced limited subsidence over the years; however, it is unknown if it is caused by fluid withdrawal or natural tectonic movement (City of Beverly Hills 2005).

Development in the City must adhere to the UBC and CBC, which regulate the design and construction of buildings, foundations, retaining walls, and other building elements to mitigate potential adverse soil conditions. However, the Project would utilize dewatering during construction; therefore, a potential exists for subsidence due to construction dewatering. To reduce the potential for subsidence, implementation of Mitigation Measure GEO-A would include geotechnical exploration methods such as the use of slurry walls, secant pile walls, and other methods to reduce potential settlement. With the implementation of mitigation, construction impacts related to a geologic unit or soil that is unstable, or that would become

unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, would be less than significant.

Additionally, the Project site has been previously disturbed by the construction of the public ROW including roadways and sidewalks, as well as by the use of the staging yard site by the Metro Purple Line Extension Section 2 project. As previously discussed, no fossil localities are known to exist specifically within the three-dimensional Project site. However, the Project has the potential to impact unknown, buried paleontological resources that may exist within the Older Quaternary alluvium at unknown depths beneath the three-dimensional Project site. Mitigation Measure GEO-B would include paleontological monitoring of ground-disturbing activities during construction, as well as the implementation of a paleontological monitoring plan. With implementation of Mitigation Measure GEO-B, construction impacts related to directly or indirectly destroying unique paleontological resources or geologic features would be less than significant.

6.6.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to geology, soils and mineral resources to a less than significant level.

GEO-A: The City shall include geotechnical exploration as identified in the Purple Line Extension EIS/EIR, and methods such as the use of slurry walls, secant pile walls, and other methods to reduce potential settlement, as required.

GEO-B: The City shall retain the services of a qualified paleontologist to review project plans and consult with construction staff during pre-construction meetings and as needed throughout the construction process. If subsurface resources are identified by a paleontological monitor during construction, all construction activities in the area of identified paleontological resources shall be temporarily halted so that the qualified paleontologist may document and remove any resources as necessary. At the completion of paleontological monitoring for the project, a paleontological resource monitoring report shall be prepared and submitted to the Natural History Museum of Los Angeles County to document the results of the monitoring activities and summarize the results of any paleontological resources encountered.

Metro developed a Paleontological Resources Monitoring and Mitigation Plan (PRMMP) for the Purple Line Extension Project that specifically addresses the monitoring procedures for the Purple Line in this area. This PRMMP shall be implemented for the North Portal Project, with slight modifications to address local laws and recognize the City of Beverly Hills as lead agency. The City or Metro shall implement the modified PRMMP during construction.

The City shall prepare to the level of identification all vertebrate fossils and the significant invertebrate and plant fossils recovered during the monitoring process.

The City shall prepare a report detailing the paleontological resources recovered, their significance, and arrangements made for their curation at the conclusion of the monitoring effort.

> The City shall provide the resources necessary to curate the identified and prepared fossils in a manner that meets the standards published by the Society of Vertebrate Paleontology. All significant fossils shall be curated at the Natural History Museum of Los Angeles County.

With the incorporation of Mitigation Measures GEO-A through B, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on geology, soils, and mineral resources.

6.7 Greenhouse Gas Emissions

Heavy-duty off-road equipment, materials transport, and worker commutes during construction of the Project would result in exhaust-related GHG emissions. Construction of the Project would not exceed SCAQMD's adopted significance threshold of 10,000 MT CO_2e per year, the adjusted SB 32 threshold of 6,000 MT CO_2e per year, nor the annual SMAQMD threshold of 1,100 MT CO_2e. In addition, GHG emissions during construction would be further reduced with implementation of mitigation measures. Mitigation Measures AIR-A through AIR-C, included in Section 3.2, Air Quality, would require the contractor to limit unnecessary idling, and to maintain and tune engines per manufacturer's specifications. With implementation of mitigation measures, construction impacts related to the generation GHG emissions, either directly or indirectly, that may have a significant impact on the environment would be less than significant.

The Project would provide an entrance/exit to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard, thereby delivering improved, convenient, and safe public access to the Beverly Hills Business Triangle. The Project is expected to improve pedestrian flow by providing more than one entrance/exit to avoid bottlenecks at peak hours. Because the need for the Project is to provide convenient pedestrian access to the northern side of the Wilshire/Rodeo Station, the Project is not anticipated to result in an increase in vehicle trips or VMT. As a result, the Project would promote the use of transit and enhance the pedestrian network and thereby potentially reducing GHG emissions by reducing the amount of vehicle miles traveled, and the number of cars that operate in congested traffic conditions (Metro 2010). Thus, the Project would be consistent with the goals of the 2019 CAAP, City of Beverly Hills Sustainable City Plan, 2017 ARB Climate Change Scoping Plan, and SCAG RTP/SCS, as they would promote an increase in ridership and reduce the use of motor vehicles.

In addition, the Project is consistent with State legislative framework and would not generate a significant amount of GHG emissions during construction or operations. Therefore, the Project would be consistent with established federal, state, and local plans adopted for the purpose of reducing GHG emissions. Furthermore, GHG emissions during construction would also be reduced with implementation of mitigation measures in the MOA between Metro and the City of Beverly Hills. Mitigation Measures AIR-A through AIR-C, included in Section 6.2, Air Quality, would require the contractor to limit unnecessary idling, and maintain and tune engines per manufacturer's specifications. With implementation of mitigation measures the Project would not conflict with any applicable plan, policy, or regulation for the purpose of reducing GHG emissions. Therefore, construction and operational impacts would be less than significant.

6.7.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to greenhouse gas emissions to a less than significant level.

AIR-A: Construction contractors shall be required to not unnecessarily idle heavy equipment.

AIR-B: Construction contractors shall maintain and tune engines per manufacturer's specifications to perform at USEPA certification where applicable, and to perform at verified standards applicable to retrofit technologies. Construction contractors shall also be subject to periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

AIR-C: Construction contractors shall lease new, clean equipment meeting the most stringent of applicable federal or state standards (e.g., Tier 3 or greater engine standards) or best available emissions control technologies on all equipment.

With the incorporation of Mitigation Measures AIR-A through C, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on greenhouse gas emissions.

6.8 Hazards and Hazardous Materials

Construction of the Project would require utility relocations, excavation, structure construction, and site restoration. No hazardous materials sites are located within the footprints for the Project, and the LUST sites within the RSA were considered closed cases. The Beverly Wilshire Hotel UST is permitted and subject to inspections by the SWRCB and cleanup should a leak be found. As such, the potential to encounter contaminated soils and groundwater from nearby hazardous materials sites during construction activities for the Project is low. Additionally, a dewatering permit would be obtained from the City prior to construction. The permit would require treatment of any contaminated waters prior to discharge; therefore, the impacts related to contaminated groundwater would be minimized. If any contaminated soils and groundwater are encountered during construction activities, construction-related impacts could be considered potentially significant. The Project would implement Mitigation Measure HAZ-A to ensure that impacts would be less than significant. The Project would also comply with local, state, and federal regulations and standards in place for the transportation, use, and disposal of hazardous materials. With implementation of Mitigation Measure HAZ-A and compliance to existing regulations and the dewatering permit, construction impacts related to the routine transport, use, or disposal of hazardous materials would be less than significant.

As discussed in the City's Emergency Operations Plan, the City of Beverly Hills Fire Department (BHFD) has primary responsibility in hazardous materials incidents. The City of Beverly Hills Police Department (BHPD) is also highly prepared to respond to hazardous materials incidents and conducts trainings related to hazardous materials incidents (nuclear, biological, chemical, biological, incendiary, and explosive) related to terrorism, as discussed in the City's Hazard Mitigation Plan. During construction of the Project, access disruptions may occur as North Beverly Drive would be closed for the duration of the construction between Wilshire Boulevard and Beverly Cañon Gardens. Two lanes on Wilshire Boulevard would also be temporarily closed; however, five lanes would remain open allowing for the continued operation of two westbound and two eastbound lanes plus the westbound left-turn pocket onto South Beverly Drive. Detour routes to the site and access for emergency vehicles would be available adjacent to the Project, via Wilshire Boulevard.

As a result of initial coordination with BHFD, it was determined that emergency vehicle access would likely be maintained during construction with the open access at the alleys located east and west of Beverly Drive. Compliance with all applicable City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire departments in the City of Beverly Hills would be required and construction contractor coordination with police and fire departments would ensure that the closures would not impair implementation of emergency response. Additionally, emergency vehicles, including fire trucks and ambulances, have sirens that would alert construction vehicle drivers to yield ROW to emergency vehicles, as required under the California Vehicle Code (§ 21806(a)(1)). The implementation of Mitigation Measures TRA-A, TRA-B, TRA-C, and TRA-D would provide traffic control plans, designated haul routes, a traffic management plan (TMP), and coordination for emergency vehicle access to reduce the potential obstructing of emergency vehicles. As such, impacts related to impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan would be less than significant.

6.8.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to hazards waste to a less than significant level.

HAZ-A: If contaminated groundwater or soils are encountered during construction of the Project or Cañon Drive-Half Portal Alternative, the contractor shall stop work in the vicinity, cordon off the area, and contact the appropriate hazardous waste coordinator and maintenance hazardous spill coordinator and immediately notify the Certified Unified Program Agencies (Los Angeles City Fire Department, Los Angeles County Fire Department, and LARWQCB) responsible for hazardous materials and wastes. Through coordination with the LARWQCB, an investigation and remediation plan shall be developed to protect public health and the environment. The contractor shall properly treat or dispose of any hazardous or toxic materials according to local, state, and federal regulations.

TRA-A: Site-specific traffic-control plans will be developed to minimize construction impacts to the degree possible for each work zone location. Traffic control plans will be prepared according to State guidelines and standards and approved by the City of Beverly Hills prior to implementation. Traffic control plans will encompass the necessary components of the street network effected by construction activities, such as travel lane widths, temporary lane closures, detour routes, traffic control devices, signing and striping, temporary access for pedestrians and bicyclists, and temporary business access. During peak travel periods, two travel lanes will be maintained in each direction on Wilshire Boulevard. The traffic control plans will identify pedestrian routes and access to adjacent business during construction. Temporary pedestrian facilities will comply with the requirements of ADA and will be properly signed and lighted.

TRA-B: Designated Haul Routes. Haul routes will utilize arterial streets to minimize impacts to circulation and residential neighborhoods. A truck haul route plan will be approved by the City prior to implementation. The plan shall include the haul routes to access the construction site, the allowable headways to avoid platoons of trucks along haul routes, and a schedule of hauling activities expected for each stage of construction.

TRA-C: A TMP will be prepared and submitted to the City for review and approval prior to implementation. The TMP will include public information regarding construction activities, traveler information, incident management, demand management strategies, and expected construction activities. In addition, the TMP would include parking management to minimize the effects of temporary parking removal during construction and identify adequate off-street parking locations for construction workers. Development of the parking management strategies will be coordinated with the adjacent property owners.

TRA-D: Emergency vehicle access will be maintained at all times to the construction work site, adjacent businesses, and adjacent residential areas. Emergency vehicle access will also be maintained at all times to and from fire stations, hospitals, and medical facilities near the construction site and along the haul routes. Construction activities, road closures, and lane closures will be coordinated with local law enforcement and fire department officials prior to implementation.

With the incorporation of Mitigation Measures TRA-A through C, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on hazards and hazardous materials.

6.9 Hydrology and Water Quality

Construction of the Project would require utility relocations, piling, excavation, and dewatering. Based on geotechnical explorations conducted for the Wilshire/Rodeo Station in 2015, groundwater seepage or perched groundwater conditions adjacent to the Project was encountered at depths as shallow as 32 feet below ground surface (Metro 2016). As such, construction of the Project would require dewatering during excavation. Construction activities have the potential to degrade water quality through the exposure of surface runoff to exposed soils, dust, and other debris, as well as from runoff from construction equipment. The City's stormwater program requires developers to implement an ESCP during construction. The ESCP developed for the Project would require implementation of site-specific construction erosion BMPs, which may include temporary sediment control BMPs; waste management BMPs; erosion control BMPs; and non-stormwater management. Implementation of the ESCP would ensure impacts related to water quality standards and waste discharge requirements would be less than significant during construction.

A dewatering permit would be required from the City of Beverly Hills and discharge permits would be required from the LARWQCB and LACPW prior to construction. Pursuant to Section 9-4-610 of the BHMC, a permit is required for extracting water from a basin or basin drainage area to ensure proper water extraction during construction. The permit also requires compliance with all federal, state, and local laws and regulations. A discharge permit would be obtained from the LARWQCB for discharges in the storm drain systems prior to construction. It is anticipated that dewatering flows would be processed on-site to remove oils and solids and then discharged to the local storm drain or sewer systems, according to permitting requirements. Contaminated natural water would require additional treatment and disposal procedures. Any contaminated natural groundwater encountered would be managed by the implementation of Mitigation Measure HAZ-A. Additionally, an industrial waste permit would be obtained from LACPW for the discharge of wastewater to sanitary sewers, private disposal systems, or off-site disposal. Depending on the anticipated discharge flows at each excavation location, the excess flow capacity in the sewer systems would be checked to determine the optimal discharge point(s).

With implementation of Mitigation Measure HAZ-A and BMPs, and compliance with permit requirements during construction activities, impacts related to water quality standards or waste discharge requirements would be less than significant during construction.

Any contaminated natural groundwater encountered would be managed by the implementation of Mitigation Measure HAZ-A. Uncontaminated natural groundwater collected during construction dewatering would be used for irrigation, dust control purposes, and mixing slurry to the extent feasible.

The Project site is in the Hollywood Subbasin, which has a surface area of 10,500 acres. The Project site is primarily paved, and the impermeable surface area at the Project site would not substantially interfere with the amount of percolation that could infiltrate into the ground during construction.

Compliance with the requirements of the City dewatering permit and LARWQCB discharge permit would ensure that impacts related to decreasing groundwater supplies or interfering substantially with groundwater recharge would be less than significant during construction.

It is not anticipated that the Project would decrease the amount of stormwater entering the groundwater table through an increase in the amount of impermeable surfaces or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin as the Project site is primarily paved.

With implementation of Mitigation Measure HAZ-A and BMPs, and compliance with existing regulations during construction activities, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the impact would be less than significant.

6.9.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to hydrology and water quality waste to a less than significant level.

HAZ-A: If contaminated groundwater or soils are encountered during construction of the Project or Cañon Drive-Half Portal Alternative, the contractor shall stop work in the vicinity, cordon off the area, and contact the appropriate hazardous waste coordinator and maintenance hazardous spill coordinator and immediately notify the Certified Unified Program Agencies (Los Angeles City Fire Department, Los Angeles County Fire Department, and LARWQCB) responsible for hazardous materials and wastes. Through coordination with the LARWQCB, an investigation and remediation plan shall be developed to protect public health and the environment. The contractor shall properly treat or dispose of any hazardous or toxic materials according to local, state, and federal regulations.

With the incorporation of Mitigation Measure HAZ-A, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on hydrology and water quality.

6.10 Public Services

No BHFD fire stations or BHPD police stations are within the defined RSA for the Project. However, should an incident or emergency occur at or near the Project, BHFD and BHPD personnel and equipment would be dispatched from the nearest possible fire station. The nearest fire station to the Project is the BHFD Headquarters, approximately 1,700 feet northeast of the site. Depending on the nature of the emergency, additional assistance may be required, and personnel and equipment may also be dispatched from the next available fire station, which is Station 3, Doheny Drive, approximately 3,100 feet southeast of the Project. BHPD personnel would be dispatched from the BHPD Headquarters,464 North Rexford Drive, approximately 2,150 feet north east of the Project.

The construction of the Project would typically take place within the preferred work hours prescribed by the City, which are Monday through Friday, 8:00 am to 6:00 pm. During the construction hours associated with the Project, the addition of workers within the RSA during these times would be negligible when compared to the approximate population of 35,700 people at night, and approximately 250,000 during the day (which includes workers and visitors). Additionally, the BHFD is cross-trained and equipped to respond to any type of emergency, including emergencies associated with incidents involving trenching and tunneling activities (Citygate 2010). BHPD offers emergency and non-emergency protection services and would respond to emergencies associated with incidents involving trenching and tunneling activities. As such, construction of the Project would not result in a substantial increase in demand for fire or police protection or affect BHFD and BHPD service ratios.

Traffic impacts could occur during the construction of the Project as a result of the presence of construction vehicles and increased truck movements. Access disruptions may occur as a result of the Project, as North Beverly Drive would be closed for the duration of the construction between Wilshire Boulevard and approximately Beverly Cañon Gardens. A cul-de-sac would be created north of the site boundary, and a turning head (a t-shaped terminus that provides turning space for large vehicles) would be provided between the crosswalk and the north site boundary to facilitate traffic movements at this location. During construction, two lanes on Wilshire Boulevard would also be temporarily closed (i.e., one lane would be closed for loading/off-loading construction materials and another lane would be closed during pile installation and installation/removal of decking). Construction contractor coordination with BHFD and BHPD would also occur to ensure that the closures would not impair implementation of emergency response.

Although the presence of construction vehicles and increased truck movements and road closures are expected to be temporary and intermittent, increased traffic congestion and access disruptions during construction as described above could affect BHFD and BHPD emergency response times. For these reasons, it is possible that the construction of the Project could result in a potential temporary impact to fire and police protection services. Implementation of Mitigation Measures TRA-A, TRA-B, TRA-C, and TRA-D would provide traffic control plans, designated haul routes, a TMP, and coordination for emergency vehicle access to minimize disruptions during construction would reduce the potential impacts to police and fire protection to less than significant.

6.10.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to public services to a less than significant level.

TRA-A: Site-specific traffic-control plans will be developed to minimize construction impacts to the degree possible for each work zone location. Traffic control plans will be prepared according to State guidelines and standards and approved by the City of Beverly Hills prior to implementation. Traffic control plans will encompass the necessary components of the street network effected by construction activities, such as travel lane widths, temporary lane closures, detour routes, traffic control devices, signing and striping, temporary access for pedestrians and bicyclists, and temporary business access. During peak travel periods, two travel lanes will be maintained in each direction on Wilshire Boulevard. The traffic control plans will identify pedestrian routes and access to adjacent business during construction. Temporary pedestrian facilities will comply with the requirements of ADA and will be properly signed and lighted.

TRA-B: Haul routes will utilize arterial streets to minimize impacts to circulation and residential neighborhoods. A truck haul route plan will be approved by the City prior to implementation. The plan shall include the haul routes to access the construction site, the allowable headways to avoid platoons of trucks along haul routes, and a schedule of hauling activities expected for each stage of construction.

TRA-C: A TMP will be prepared and submitted to the City for review and approval prior to implementation. The TMP will include public information regarding construction activities, traveler information, incident management, demand management strategies, and expected construction activities. In addition, the TMP would include parking management to minimize the effects of temporary parking removal during construction and identify adequate off-street parking locations for construction workers. Development of the parking management strategies will be coordinated with the adjacent property owners.

TRA-D: Emergency vehicle access will be maintained at all times to the construction work site, adjacent businesses, and adjacent residential areas. Emergency vehicle access will also be maintained at all times to and from fire stations, hospitals, and medical facilities near the construction site and along the haul routes. Construction activities, road closures, and lane closures will be coordinated with local law enforcement and fire department officials prior to implementation.

With the incorporation of Mitigation Measures TRA-A through C, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on public services.

6.11 Transportation

Construction of the Project would commence in the third quarter 2022, with an anticipated revenue service date of third quarter 2025. Construction would take approximately 2.5 to 3.5 years. The following transportation effects would occur during construction of the Project:

- North Beverly Drive would be closed between Wilshire Boulevard and Beverly Cañon Gardens for the duration of the construction
- A cul-de-sac would be provided southbound on North Beverly Drive to allow vehicles to turn around prior to the closure

- One lane of Wilshire Boulevard would be required to be closed for loading/off-loading construction materials
- Bus stops on Wilshire Boulevard would continue to be relocated away from the construction zone for the duration of construction (stops are currently relocated due to construction activities)
- South Beverly Drive will require restriping and re-signaling as traffic would be required to either turn left or right with no ability to travel north (except for construction vehicles)
- An additional lane along Wilshire Boulevard would be closed during pile installation and installation/removal of decking, resulting in a total of five lanes along Wilshire Boulevard (two eastbound, two westbound, and the westbound left-turn pocket into South Beverly Drive)
- The sidewalk on the west side of North Beverly Drive would be closed during piling activity
- The sidewalk on the north side of Wilshire Boulevard would be closed to provide construction vehicle access during piling activity
- Eight (8) metered on-street parking spaces along North Beverly Drive would be removed for the duration of construction
- The Metro Purple Line may be subject to a potential temporary closure when connecting the Project to the existing station platform and concourse
- Wilshire Boulevard would be restriped and re-signaled to eliminate turns from Wilshire Boulevard onto North Beverly Drive

Project construction would disrupt the circulation system through temporary roadway closures, lane closures, and sidewalk closures resulting in a temporary significant impact. The implementation of Mitigation Measures TRA-A, TRA-B, and TRA-C would provide traffic control plans, designated haul routes, and a Transportation Management Plan (TMP) to minimize disruptions during construction.

With the construction of the Project, the temporary closure of North Beverly Drive between Wilshire Boulevard and Beverly Cañon Gardens and lane closure(s) on Wilshire Boulevard would increase hazards due to geometric design features resulting in a temporary significant impact. One additional lane along Wilshire Boulevard would also be temporarily closed during pile installation and installation/removal of decking. Increased traffic congestion and access disruptions caused by closures during construction could affect emergency access and response times resulting in a temporary significant impact. The implementation of Mitigation Measure TRA-D would provide emergency vehicle access to the construction work site, adjacent businesses, and adjacent residential areas and require that construction activities be coordinated with City law enforcement and fire department officials prior to implementation. Therefore, impacts would be reduced to less than significant.

6.11.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to transportation to a less than significant level.

TRA-A: Site-specific traffic-control plans will be developed to minimize construction impacts to the degree possible for each work zone location. Traffic control plans will be prepared according to State guidelines and standards and approved by the City of Beverly Hills prior to implementation. Traffic control plans will encompass the necessary components of the street network effected by construction activities, such as travel lane widths, temporary lane closures, detour routes, traffic control devices, signing and striping, temporary access for pedestrians and bicyclists, and temporary business access. During peak travel periods, two travel lanes will be maintained in each direction on Wilshire Boulevard. The traffic control plans will identify pedestrian routes and access to adjacent business during construction. Temporary pedestrian facilities will comply with the requirements of ADA and will be properly signed and lighted.

TRA-B: Haul routes will utilize arterial streets to minimize impacts to circulation and residential neighborhoods. A truck haul route plan will be approved by the City prior to implementation. The plan shall include the haul routes to access the construction site, the allowable headways to avoid platoons of trucks along haul routes, and a schedule of hauling activities expected for each stage of construction.

TRA-C: A TMP will be prepared and submitted to the City for review and approval prior to implementation. The TMP will include public information regarding construction activities, traveler information, incident management, demand management strategies, and expected construction activities. In addition, the TMP would include parking management to minimize the effects of temporary parking removal during construction and identify adequate off-street parking locations for construction workers. Development of the parking management strategies will be coordinated with the adjacent property owners.

TRA-D: Emergency vehicle access will be maintained at all times to the construction work site, adjacent businesses, and adjacent residential areas. Emergency vehicle access will also be maintained at all times to and from fire stations, hospitals, and medical facilities near the construction site and along the haul routes. Construction activities, road closures, and lane closures will be coordinated with local law enforcement and fire department officials prior to implementation.

With the incorporation of Mitigation Measures TRA-A through D, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on transportation.

6.12 Tribal Cultural Resources

Construction of the Project would include earth-disturbing activities, such as excavation, within the public ROW and at the staging yard site. As previously discussed, Native American tribes and others may have resided in the vicinity of Beverly Hills. These groups of people and their activities may have left archaeological traces. However, the APE was developed between 1945 and 1975 when a large number of medium- to large-scale office buildings were erected along the commercial corridors of Beverly Hills, including Wilshire Boulevard.

Though no previously identified archaeological resources associated with Native American culture have been identified within a 1-mile radius of the APE, and no tribal cultural resources

were identified in the archival research and outreach, both the NAHC and Native American representatives contacted for the Project indicated that the area is sensitive for potential tribal cultural resources. Mitigation Measures TCR-A and TCR-B would be implemented to protect unknown tribal cultural resources that could be encountered during construction of the Project by retaining a Native American Monitor and providing the appropriate process for identifying discovered tribal cultural resources. With implementation of Mitigation Measures TCR-A and TCR-B, construction impacts related to tribal cultural resources that are a significant resource determined by the lead agency would be less than significant.

6.12.1 Findings

The City finds that the following mitigation measures shall be implemented to reduce impacts related to tribal cultural resources to a less than significant level.

TCR-A: Retain a Native American Monitor. A Native American monitor who is ancestrally affiliated with the project area shall be retained by the lead agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the Tribal governments which have commented on the project shall provide the Native American monitor. The Native American monitor shall be required to maintain documentation of activities monitored and daily finds that shall be kept confidential by the Principal Archaeologists, but which may be shared on request with Native American tribal governments recognized by the Native American Heritage Commission of the State of California.

TCR-B: Unanticipated Discovery of Tribal Cultural Resources. In the event the Native American or archaeological monitor identifies a potential tribal cultural resource, the monitor shall be given the authority to temporarily halt construction within 50 feet of the discovery and to contact the qualified or Principal Archaeologist. Construction activities can continue in areas more than 50 feet (15 meters) away from the find. The qualified or Principal Archaeologist shall investigate the find and recommend whether it is eligible for inclusion in the CRHR. Additional work such as archaeological testing may be required to make this recommendation. Tribal governments that have commented on the project will be apprised of the findings. The lead agency, in consultation with interested tribes and with the input of the qualified archaeologist, shall determine whether the resource is a tribal cultural resource under CEQA and significant. If the discovery is determined to be a significant tribal cultural resource, the lead agency shall consult with interested tribal governments in order to determine an avoidance or treatment strategy.

With the incorporation of Mitigation Measures TCR-A through B, the City Council finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effect on tribal cultural resources.

Page intentionally left blank

7 FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECTS

The Final EIR determined that the Project (Beverly Drive) would result in significant environmental effects related to construction noise levels. The Final EIR identified mitigation measures to reduce these environmental effects. However, even with the implementation of the proposed mitigation measures, impacts related to construction noise would remain significant and unavoidable.

7.1 Noise

Construction activities for the Project would result in temporary increases in ambient noise levels in the RSA on an intermittent basis. Noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between the noise source and receptor, and presence or absence of noise attenuation barriers. Construction activities would require the use of numerous types of noise-generating equipment including jackhammers, auger drill rigs, pumps, pneumatic tools, ventilation fans, and others.

The estimated on-site equipment noise levels associated with Project construction would exceed the existing ambient noise levels by more than 5 dBA at multiple sensitive receiver locations in the daytime, evening, and nighttime periods, respectively. The predicted noise levels also account for the up to 12-foot-tall noise barrier fencing that would surround the construction area, which is included as part of the Project. The impacted locations include the Maybourne Beverly Hills Hotel western façade balconies and roof-top area, the Beverly Cañon Gardens Park, and the outdoor sidewalk seating areas associated with the shops on South Beverly Drive. These locations are closest to the construction area and there is a lack of intervening structures. The implementation of the standard noise barrier fencing would not reduce noise levels below a level of significance. The daytime use of the jackhammers during demolition activities, the auger drill rig during excavation activities, and the pumps and pneumatic tools during structure construction were the primary contributors to daytime noise limit exceedances. The evening and nighttime use of ventilation fans during structure construction was the primary contributor to evening and nighttime noise limit exceedances.

The equipment listed above would be utilized intermittently during the various phases of Project construction over a 2.5- to 3.5-year timeframe. The noise increase would be temporary and intermittent but nonetheless would exceed the threshold, even with the presence of standard noise barrier fencing around the construction area. Measures listed in the MOA between Metro and the City would be implemented as applicable and feasible. Mitigation Measures NOI-A through NOI-I would be implemented to reduce construction-related noise impacts. Nonetheless, even after implementation of Mitigation Measures NOI-A through NOI-I, construction equipment could still result in a 5 dBA increase over the ambient noise level. Therefore, impacts related to temporary construction equipment noise would be significant and unavoidable.

In addition to on-site construction activities, noise would be generated off-site by construction-related trucks and construction worker vehicles. For the Project, the primary access gate to the construction area for deliveries and hauling would be provided on Wilshire Boulevard and a secondary access gate would be provided on North Beverly Drive. The construction ingress route would occur east/northeast along Santa Monica Boulevard, then east to Wilshire

Boulevard and the Project site. The construction egress route would travel west on Wilshire Boulevard where it would turn southwest onto Santa Monica Boulevard leading to the I-405 on-ramps. The preliminary maximum number of haul truck trips would occur during backfilling activities and is anticipated to result in up to approximately 19 haul truck trips per day. Construction worker trips would total approximately 16 trips per day and would likely occur within 1 hour during the start of a workday and 1 hour at the end of the workday. The incremental change in noise is not expected to exceed the ambient noise levels by more than 5 dBA considering the heavily travelled arterials and haul routes near the Project. The construction contractor would implement best management practices (BMPs) and applicable measures listed in the MOA between Metro and the City to reduce construction truck noise, including fitting the equipment with high grade engine exhaust silencers and engine casing sound insulation, reduced use of back-up alarms, and restrictions on tailgate slamming. Nonetheless, even after the implementation of Mitigation Measures NOI-A through NOI-I, construction equipment could still result in a 5 dBA increase over the ambient noise level. Therefore, impacts related to temporary construction equipment noise would be significant and unavoidable.

7.1.1 Findings

The proposed Project would cause a significant environmental impact due to temporary construction noise. Changes or alterations have been required in, or incorporated into the Project that substantially lessen the significant noise impact as identified below. The City finds that the following mitigation measures shall be implemented to reduce impacts related to noise. However, there are no feasible mitigation measures beyond NOI-A through I that would reduce the Project's significant impact on the generation of GHG emissions. Thus, this impact remains significant and unavoidable.

NOI-A: Temporary noise barriers shall be at least 12 feet in height and well-sealed around the construction site with overlapping sections to avoid gaps. Taller temporary noise barriers, up to 20 feet in height, shall be used in areas of predicted impacts, where possible.

NOI-B: Construction equipment shall be maintained to prevent noise due to worn or improperly maintained parts and shall be maintained with effective noise control devices (i.e., mufflers, lagging, and/or motor enclosures).

NOI-C: When possible, on-site electrical sources shall be used to power equipment rather than diesel generators.

NOI-D: Construction staging areas shall be located away from sensitive uses, as feasible.

NOI-E: Flexible sound control curtains shall be placed around all drilling apparatuses and drill rigs.

NOI-F: A noise and vibration disturbance coordinator shall be established. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. The noise and vibration disturbance coordinator shall determine the cause of the complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved.

NOI-G: The construction contractor shall provide a construction notice to residents within 1,000 feet of the construction site. The construction site notice shall include job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by the code or any discretionary approval for the site, and the City telephone number where violations can be reported. The notice will also include the phone number of the noise disturbance coordinator.

NOI-H: The construction contractor shall provide construction update notices to residences within 1,000 feet of the construction site upon the initiation of each major construction phase (site preparation, drilling, etc.) and shall include the anticipated equipment to be used and duration of the construction phase.

NOI-I: As described in the MOA in place between the City and Metro, noise monitoring shall be implemented at the start of the construction phase and noise levels shall be limited to the following:

- No more than five (5) dBA above pre-existing ambient noise levels at all times at the property line of any residential and transient occupancy buildings evaluated on a fifteen (15) minute average noise level (Leq 15 minute);
- No more than two (2) instances within a one (1) hour period between the hours of 9:00 p.m. and 11:00 p.m. above eighty-five (85) dBA evaluated at an instantaneous maximum noise level (Lmax) at the property line of any residential and transient occupancy buildings;
- No more than one (1) instance within a two (2) hour period between the hours of 11:00 p.m. and 9:00 a.m. above eighty-five (85) dBA evaluated at an instantaneous maximum noise level (Lmax) at the property line of any residential and transient occupancy buildings;
- No more than ten (10) instances within a one (1) week period between the hours of 9:00 p.m. and 9:00 a.m. above eighty-five (85) dBA evaluated at an instantaneous maximum noise level (Lmax) at the property line of any residential and transient occupancy buildings; or
- No more than two (2) instances within a one (1) week period between the hours of 9 p.m. and 9 a.m. above ninety-five (95) dBA evaluated at an instantaneous maximum noise level (Lmax) at the property line of any residential and transient occupancy buildings.

Page intentionally left blank

8 FINDINGS REGARDING PROJECT ALTERNATIVES

The City considered three build alternatives for the permanent station portal entrance/exit to the Wilshire/Rodeo Station on the north side of Wilshire Boulevard. In addition, included the No Project Alternative was analyzed, which is pursuant to Section 15126.6(e) of the CEQA Guidelines. The three build alternatives in the EIR included The Project – Beverly Drive Alternative, Cañon Drive Half Portal Alternative, and Cañon Drive Staging Yard Alternative. These alternatives are analyzed with the same level of detail throughout the EIR.

Chapter 5, Alternatives, of the Draft EIR discusses the alternatives considered in order to present a reasonable range of options. For alternatives considered but eliminated from further analysis, see Section 5.2.1 of the Draft EIR. The No Project Alternative would have the fewest environmental impacts, but would not meet any of the project objectives. As such, and as mentioned in Section 2.3 above, the analysis in the Draft EIR identified the Cañon Drive Staging Yard Alternative as the Environmentally Superior Alternative as it would result in the fewest environmental impacts overall when compared to the Project and Cañon Drive Alternative, and would meet project objectives. However, comments received during the public comment period identified the Project (Beverly Drive) as the preferred location for the north portal. As such, the Project (Beverly Drive) is the preferred alternative for the proposed project.

8.1 No Project Alternative

CEQA requires that existing conditions and the Project and Project Alternatives be evaluated against a No Project Alternative in an EIR. The No Project Alternative helps define mobility challenges in the areas adjacent to the Project and identifies the consequences of extending existing policies and plans without committing to larger capital improvements. The No Project Alternative represents the Project area in the year 2025 if the proposed north station entrance/exit is not built and construction of the previously approved Purple Line Extension Project would still occur, including a knockout panel on the north side of Wilshire Boulevard that was included in the design of the Wilshire/Rodeo Station. In addition, planned municipal projects would still be developed in the area. The detailed list of related projects is found in Chapter 2 (Project Description) of the Draft EIR.

8.1.1 Environmental Effects

As no development would occur under the No Project Alternative, no construction or operation impacts would occur. The No Project Alternative is used for comparison purposes in order to assess the relative benefits and impacts of constructing a new transit project versus only constructing projects which are already funded and planned for in local plans. Therefore, the No Project Alternative would avoid potentially significant impacts to all environmental considerations and would have no impact.

8.1.2 Findings

The City finds this alternative less desirable than the Project (Beverly Drive), since implementation of the No Project Alternative would not meet any of the project objectives.

8.2 The Project (Beverly Drive)

The Project would include a half portal located on the west side of North Beverly Drive, within the existing street and sidewalk right-of-way, north of Wilshire Boulevard. The Project footprint would be approximately 9,200 square feet and would extend from its connection to the Wilshire/Rodeo Station at Wilshire Boulevard to approximately 165 feet north up North Beverly Drive. Three levels would be provided at the proposed North Portal. The street level would be comprised of an entrance/exit, including two elevators, one stairway, and one “up” escalator. A covered canopy would also be located above the 12-foot-tall portal on the street level, which would be enclosed by a translucent glass exterior. The adjacent sidewalk would be extended. The intermediate stairway landing level would consist of a landing area serving as a transition between stairways. The walkway or concourse level would consist of an open area with adequate space for passengers to ingress and egress from the stairway, escalator, and elevators. The open area would also include a Metro ticket purchasing area followed by a passageway or walkway leading to the fare and turnstile gates, and then to the Wilshire/Rodeo Station walkway previously approved in the Metro and FTA EIS/EIR. Other minor supporting elements or ancillary facilities would also be provided as needed.

8.2.1 Environmental Effects

The Project would result in potentially significant impacts to aesthetics and visual quality, air quality, biological resources, cultural resources, energy, geology/soils and minerals, greenhouse gas emissions, hazards and hazardous waste, hydrology and water quality, public services, transportation, and tribal cultural resources, which would be mitigated to less than significant levels. In the addition, construction noise under the Project would remain significant and unavoidable even with the implementation of mitigation measures. Impacts related to the Project would be similar as compared to the Cañon Drive-Half Portal Alternative and Cañon Drive Staging Yard Alternative for areas including air quality, energy, geology/soils and minerals, greenhouse gas emissions, hydrology and water quality, public services, and tribal cultural resources. However, the Project would meet all of the project objectives including provide direct access from the north side of Wilshire Boulevard to the Wilshire/Rodeo Purple Line Station; providing direct pedestrian access to jobs, retail, and amenities in the City’s business triangle; improving pedestrian flow and avoid significant degradation of vehicular flow in the vicinity of the Wilshire/Rodeo Purple Line Station; and minimizing pedestrian street crossings on Wilshire Boulevard.

8.2.2 Findings

The City finds this alternative more desirable than the other No Project and two other Build Alternatives, as it would meet all of the project objectives and is the preferred location as stated in public comments received.

8.3 Cañon Drive-Half Portal Alternative

The Cañon Drive-Half Portal Alternative would include a half portal located on the west side of Cañon Drive, within the existing street and sidewalk right-of-way, north of Wilshire Boulevard. The footprint would be approximately 8,100 square feet and would extend from its connection to the Wilshire/Rodeo Station at Wilshire Boulevard to approximately 195 feet north along North Cañon Drive.

Similar to the Project, the Cañon Drive-Half Portal Alternative would include three levels. The street level would comprise the North Portal entrance/exit, including two elevators, one stairway, and one “up” escalator. A covered canopy would also be located above the 12-foot-tall portal on the street level, which would be enclosed by a translucent glass exterior. The adjacent sidewalk would not be extended with this alternative. The intermediate stairway landing level would consist of a landing area serving as a transition between stairways. The walkway or concourse level shown on would consist of an open area with adequate space for passengers to ingress and egress from the stairway, escalator, and elevators. The open area would also include a Metro ticket purchasing area followed by a passageway or walkway leading to the fare and turnstile gates, and then to the Wilshire/Rodeo Station walkway previously approved in the Metro and FTA EIS/EIR. Other minor supporting elements or ancillary facilities would also be provided as needed.

8.3.1 Environmental Effects

Similar to the Project, the Cañon Drive-Half Portal Alternative would result in potentially significant impacts to aesthetics and visual quality, air quality, biological resources, cultural resources, energy, geology, soils and minerals, greenhouse gas emissions, hazards and hazardous waste, hydrology and water quality, public services, transportation, and tribal cultural resources, which would be mitigated to less than significant levels. In the addition, construction noise under the Project would remain significant and unavoidable even with the implementation of mitigation measures. This alternative would meet most of the project objectives including provide direct access from the north side of Wilshire Boulevard to the Wilshire/Rodeo Purple Line Station; providing direct pedestrian access to jobs, retail, and amenities in the City’s business triangle; improving pedestrian flow and avoid significant degradation of vehicular flow in the vicinity of the Wilshire/Rodeo Purple Line Station; and minimizing pedestrian street crossings on Wilshire Boulevard. However, this alternative would be located slightly to the east of Rodeo Drive as compared to the Project.

8.3.2 Findings

The City finds this alternative less desirable than the Project as a result of public comments received, which indicated concerns regarding the temporary road closure during project construction.

8.4 Cañon Drive Staging Yard Alternative

The Cañon Drive Staging Yard Alternative would be located within the construction staging yard established for the Section 2 project, as well as the adjacent public sidewalk, located along Wilshire Boulevard and the alley (adjacent to Crescent Drive) between Cañon Drive and Crescent Drive. The footprint of this alternative would be approximately 3,800 square feet and would occupy Assessor Parcel Numbers 4343-005-901 and 4343-005-900.

Similar to the Project and the Cañon Drive Alternative, the Cañon Drive Staging Yard Alternative would include three levels. The street level would comprise the North Portal entrance/exit, including two elevators, one stairway, and an “up” escalator. A covered canopy would also be located above the 12-foot-tall portal on the street level, which would be enclosed by a translucent glass exterior. The adjacent sidewalk would not be extended with this alternative. The Cañon Drive Staging Yard Alternative would also include an approximately 52-foot-tall ventilation shaft at the southeastern corner of the site. This tunnel ventilation shaft is required by

Metro to be at least 40 feet from openings such as station entrances or portals. Due to the limited space available on the site this cannot be achieved by separating the shaft opening horizontally. Instead the opening is raised, resulting in a vertical shaft structure that extends 40 feet above the portal in order to satisfy the Metro requirement. The intermediate stairway landing level would consist of a landing area serving as a transition between stairways. The walkway or concourse level would consist of an open area with adequate space for passengers to enter and exit from the stairway, escalator, and elevators. The open area would also include a Metro ticket purchasing area followed by a passageway or walkway leading to the fare and turnstile gates, and then to the Wilshire/Rodeo Station walkway previously approved in the Metro and FTA EIS/EIR. Other minor supporting elements or ancillary facilities would also be provided as needed.

Additionally, this alternative could have a second escalator if a small below-ground portion of the adjacent parcel to the west (Assessor Parcel Number 4343-005-004) were utilized. This would result in additional land to be acquired by the City. Adding a second escalator would require approximately 900 square feet of this parcel, with all of it below-ground, therefore, not increasing the surface square footage of this alternative.

Aesthetic changes would be very minimal, construction impacts would not change, and any increase in excavation would be minimal and would be less than, or equal to, the other two project alternatives. The adjacent parcel is currently being used as part of the construction staging yard by Metro and was previously a commercial development. Therefore, the addition of this escalator would not result in any significant changes to the assumptions and analysis in this EIR.

8.4.1 Environmental Effects

Similar to the Project, the Cañon Drive Staging Yard Alternative would result in potentially significant impacts to aesthetics and visual quality, air quality, biological resources, cultural resources, energy, geology, soils and minerals, greenhouse gas emissions, hazards and hazardous waste, hydrology and water quality, public services, transportation, and tribal cultural resources, which would be mitigated to less than significant levels. In the addition, construction noise under the Project would remain significant and unavoidable even with the implementation of mitigation measures.

8.4.2 Findings

The City finds this alternative less desirable than the Project due to its location and proximity to the South Station Portal and further away from the City's business and shopping area near Rodeo Drive. Public input received also indicated concerns for the increased amounts of walking distance to the Rodeo Station. In addition, impacts to aesthetics and visual quality would be more severe as compared to the Project, due the height and location of the ventilation shaft, which is designed to Metro's Station Design Guidelines and Standards.

9 FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to Section 15091 (a)(1) of the CEQA Guidelines, the City finds that implementation of the mitigation measures and project design standards specified in the Final EIR would substantially lessen the significant environmental effects resulting from the implementation of the Project. These mitigation measures and design features have been required in or incorporated into the Project (Beverly Drive). In accordance with Section 15091 (d), and Section 15097 of the CEQA Guidelines, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program provided in the Final EIR is hereby adopted as the mitigation monitoring and reporting program for this preferred project. Nevertheless, as discussed in Section 7.1, even with implementation of the mitigations as presented in the EIR and the mitigation monitoring and reporting program (MMRP), impacts related to construction noise would remain significant and unavoidable.

Page intentionally left blank

10 FINDINGS ON CHANGES TO THE DRAFT EIR AND RECIRCULATION

10.1 Changes to the Draft EIR

In response to comments from the public and other public agencies, the proposed project has incorporated changes subsequent to publication of the Draft EIR. All of the changes to the Draft EIR are discussed in Chapter 2, Clarifications and Modifications, of the Final EIR.

10.2 Findings Regarding Final EIR

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the City finds:

1. Factual corrections and minor changes have been set forth as clarifications and modifications to the Draft EIR;
2. The factual corrections and minor changes to the Draft EIR are not substantial changes in the Draft EIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the proposed project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative;
3. The factual corrections and minor changes to the Draft EIR will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR;
4. The factual corrections and minor changes in the Draft EIR will not involve mitigation measures or alternatives which are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effect on the environment; and
5. The factual corrections and minor changes to the Draft EIR do not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.

Thus, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have been met. Incorporation of the factual corrections and minor changes to the Draft EIR into the Final EIR does not require the Final EIR be circulated for public comment.

Page intentionally left blank

11 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed Wilshire/Rodeo Station North Portal Project against the unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The City has also examined alternatives and has determined that adoption and implementation of the Project (Beverly Drive), is the most desirable, feasible, and appropriate action.

11.1 Significant Unavoidable Impacts

Based on the information and analysis set forth in the Draft EIR, Final EIR, responses to comments, and the record of proceedings, construction of the Project will result in significant impacts after mitigation related to construction noise.

Project noise levels were calculated using the RCNM methodology and reference levels. Direct impacts to ambient noise levels would exceed the existing ambient noise levels by more than 5 dBA at multiple sensitive receiver locations in the daytime, evening, and nighttime periods, respectively. The locations with direct impacts include the Maybourne Beverly Hills Hotel western façade balconies and rooftop area, the Beverly Cañon Gardens Park, and the outdoor sidewalk seating areas associated with the shops on South Beverly Drive. These locations are located closest to the construction area and there is a lack of intervening structures. The implementation of the standard noise barrier fencing would not reduce noise levels below a level of significance.

Mitigation Measures NOI-A through NOI-I would be implemented in order to reduce construction-related noise impacts. Nonetheless, even after the implementation of Mitigation Measures NOI-A through NOI-I, construction equipment could still result in a 5 dBA increase over the ambient noise level. Therefore, impacts related to temporary construction equipment noise would be significant and unavoidable.

11.2 Project Benefits

The City has balanced the proposed Project's economic, social, and other benefits, including region-wide or statewide environmental benefits against the significant and unavoidable impact identified under the Project. The City finds that the benefits of implementing the Project outweigh the significant and unavoidable impact, and the impact, therefore, is considered acceptable in light of the proposed Project's benefits. The City finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Project, notwithstanding the significant and unavoidable temporary construction impact related to noise. The Project would provide several public benefits, as described in the following:

- **Provide Direct Access to Jobs, Retail, and Amenities.** The Project would meet this objective by providing a station entrance/exit north of Wilshire Boulevard that provides direct access to the Beverly Hills Business Triangle which serves as a major employment and destination center.
- **Improve Pedestrian Flow.** The Project would improve access north of Wilshire Boulevard by allowing pedestrians direct access to jobs and retail services with a safe

and efficient pathway to businesses located north of the Rodeo/Wilshire Boulevard station.

- **Minimize Pedestrian Street Crossings.** The Project would provide direct access to the businesses and retail services north of Wilshire Boulevard by providing a safe and secure pathway along Wilshire Boulevard for pedestrians to safely access jobs and retail services located north of the Wilshire/Rodeo Station.
- **Minimize Impacts to Vehicle Flow.** The Project would minimize impacts to vehicle flow along Wilshire Boulevard by providing an alternative mode of access to the Business Triangle and reducing the number of pedestrians crossing Wilshire Boulevard.
- **Potential Economic Benefit to the Region.** The Project would provide access to jobs, shopping, and tourist attractions that may provide economic benefits to the region.

11.3 Conclusion

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

a) All significant effects on the environment due to approval of the Project (Beverly Drive) have been eliminated or substantially lessened where feasible, and

b) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.