Beverly Hilton Specific Plan Amendment

Initial Study

prepared for

City of Beverly Hills
Community Development Department
455 North Rexford Drive
Beverly Hills, California 90210
Contact: Cindy Gordon, AICP

prepared by

Rincon Consultants, Inc.
250 East 1st Street, Suite 301
Los Angeles, California 90012

May 2018

Rincon Consultants, Inc.
Environmental Scientists Planners Engineers
www.rinconconsultants.com

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Initial Study

1. Project Title

Beverly Hilton Specific Plan Amendment

2. Lead Agency Name and Address

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

3. Contact Person and Phone Number

Cindy Gordon, AICP, Associate Planner
310-285-1191

4. Project Location

9876 Wilshire Boulevard
Beverly Hills, California 90210

Assessor's Parcel Numbers (APNs): 4327-028-004 through -015

The 8.94-acre Beverly Hilton Specific Plan area (project site) is located at the western edge of the City of Beverly Hills (City; Figure 1). The project site is bounded on the north by Wilshire Boulevard, on the south by Santa Monica Boulevard, on the east by the intersection of Wilshire and Santa Monica Boulevards, and on the west by Merv Griffin Way (Figure 2).

5. Project Sponsor's Name and Address

Oasis West Realty, LLC
9876 Wilshire Boulevard
Beverly Hills, California 90210

6. General Plan Designation

Specific Plan: Beverly Hilton

7. Zoning

C-3 Commercial and Beverly Hilton Specific Plan

8. Description of Project

The Beverly Hilton Specific Plan Amendment (herein referred to as the Modified Project) would include the demolition of portions of an existing hotel and associated parking structure and construction and operation of a luxury multi-family residential (condominiums) building, hotel/conference facilities, and an outside open space area on the project site.

Project Background

The Modified Project would involve an amendment to the Beverly Hilton Specific Plan (Specific Plan), which was approved in 2008 and subject to an Environmental Impact Report (EIR). The Final EIR for the 2008 Specific Plan was certified in 2008 and is herein referred to as the 2008 FEIR. The Specific Plan included the following demolition, renovation, and new construction on the project site (herein referred to as the Approved Project):

- Demolition of the Palm/Oasis Court Hotel
- Renovation of:
  - The original Beverly Hilton Wilshire Tower, with 352 guestrooms upon full buildout of the Approved Project
  - The Beverly Hilton pool, pool deck, and pool cabanas
- Construction of:
  - A subterranean parking structure containing a total of 1,572 marked parking spaces, 331 valet spaces, and capacity for 280 additional spaces to accommodate no less than 2,183 vehicles
  - An 8-story, 36-unit condominium building (Residences A)
  - An 18-story, 74-unit condominium building (Residences B)
  - A 12-story, five-star luxury hotel with a restaurant, a maximum of 170 guestrooms, and meeting room space (the Waldorf Astoria, also referred to as the East Luxury Hotel, which has already been constructed)
  - A 22,000-square-foot (sf) Beverly Hilton conference center
  - A maximum of 20,253 sf of restaurants
  - Approximately 142,799 sf of landscaped gardens and pedestrian amenities

Description of the Modified Project

The Modified Project would include modifications to the Specific Plan and related entitlements to consolidate the two condominium buildings (Residences A and B, with 110 units) into one 23-story residential building with 140 condominium units; change the configuration of the pool, open space, and restaurant(s); and modify the distribution of conference center space. The Modified Project would consist of the following specific changes (also refer to Table 1 and Figure 3). All other development on the project site would remain consistent with the approved Specific Plan:

- Construction of one 23-story Luxury Residences building with a maximum of 140 condominium units and up to 10 accessory staff spaces that could be used for various purposes (e.g., staff living quarters, rooms for offices, wine storage, or other ancillary storage) in the southwestern portion of the project site near the intersection of Santa Monica Boulevard and Merv Griffin Way. This 23-story building would replace the Approved Project's two residential buildings (one

8-story building and one 18-story building). The Luxury Residences building would be approximately 307 feet in height (up to 325 feet in height above Santa Monica Boulevard). Although the combined residential building would include up to 30 more condominium units than the Approved Project, as well as up to 10 accessory staff spaces, the residential floor area would be the same under both the Modified Project and the Approved Project (approximately 371,453 sf).

- Allowance of accessory rooftop structures and features associated with the proposed Luxury Residences building, including, but not limited to, changing rooms, pool cabanas, elevator overruns, enclosed emergency egress stairways up to 20 feet above the finished roof, and glass sound barriers up to 8 feet above the finished roof.
- Construction of approximately 5.34 acres of publicly accessible open space, including a public garden in the northwestern portion of the project site, in the general location of the 8-story Residences A building under the Approved Project. Approximately 1.7 acres of the open space would be dedicated as an open space easement to the City.
- Construction of a one-story (up to 17 feet in height) Conference/Hotel Facilities building to replace an existing Beverly Hilton building in the northern portion of the project site. The proposed conference and hotel facilities building would be constructed adjacent to the existing Beverly Hilton Wilshire Tower and proposed garden. The building may contain meeting rooms, restaurant and bar space, and other permitted ancillary hotel uses. The Beverly Hilton and Waldorf Astoria would contain a total of approximately 37,409 sf of meeting rooms (excluding ballrooms), consistent with the Approved Project.
- Construction of the replacement pool, pool deck, and poolside cabanas for the Beverly Hilton. The replacement pool and associated amenities would be located on the roof of the proposed Conference/Hotel Facilities building.
- Allowance of accessory rooftop structures and features associated with the proposed Conference/Hotel Facilities building, including, but not limited to, changing rooms, pool deck bar, pool cabanas, elevator overruns, enclosed emergency egress stairways, and glass sound barriers.
- Construction of a total of approximately 157,843 sf of landscaped gardens and pedestrian amenities throughout the project site. This amounts to an increase of 15,044 sf of gardens and pedestrian amenities compared to the Approved Project.

The Modified Project is anticipated to begin construction in 2019 and construction would be completed in about 50 months.

Table 1 Comparison of Approved Project and Modified Project

Specific Plan Characteristic	Approved Project	Modified Project	Difference
Site Area	8.94 acres	8.94 acres	No change
Demolition Area	204,349 sf	205,926 sf	Increase by 1,577 sf
Maximum Floor Area			
Beverly Hilton	395,012 sf	395,012 sf	No change
Waldorf Astoria	207,100 sf	207,026 sf	Decrease by 74 sf (construction has already occurred and the floor area of the Waldorf Astoria is not being reduced as part of the Modified Project)

Specific Plan Characteristic	Approved Project	Modified Project	Difference
Residences A	108,153 sf	--	Not included under Modified Project (replaced by Luxury Residences)
Residences B	263,300 sf	--	Not included under Modified Project (replaced by Luxury Residences)
Luxury Residences	--	371,453 sf	Not included under Approved Project (replaces Residences A and B)
Total Floor Area	973,565 sf	973,565 sf	No change in total maximum floor area
Maximum Floor Area Ratio	2.5:1	2.5:1	No change
Maximum Building Height*			
Beverly Hilton	95 feet (8 stories)	95 feet (8 stories)	No change
Beverly Hilton Conference/Hotel Facilities	29 feet (2 stories)	17 feet (1 story)	12 feet (1 story) shorter
Waldorf Astoria	150 feet (12 stories)	154 feet (12 stories)	Increase by 4 feet (construction has already occurred and the floor area of the Waldorf Astoria is not being reduced as part of the Modified Project; the 4'-0" height increase was approved by an Administrative Modification in 2014)
Residences A	97 feet (8 stories)	--	Not included under Modified Project (replaced by Luxury Residences)
Residences B	200 feet (18 stories)	--	Not included under Modified Project (replaced by Luxury Residences)
Luxury Residences	--	307 feet (23 stories)	Not included under Approved Project (replaces Residences A and B)
Tallest Building On-site	200 feet (18 stories) (Residences B)	307 feet (23 stories) (Luxury Residences)	107 feet (5 stories) taller under Modified Project
Number of Hotel Guestrooms			
Beverly Hilton	352	352	No change
Waldorf Astoria	170	170	No change
Total	522	522	No change in total number of hotel guestrooms
Number of Dwelling Units			
Residences A	36	--	Not included under Modified Project (replaced by Luxury Residences)
Residences B	74	--	Not included under Modified Project (replaced by Luxury Residences)
Luxury Residences	--	140	Not included under Approved Project (replaced by Residences A and B)
Total	110	140	30 more dwelling units under Modified Project
Meeting Rooms (not including Ballrooms)	37,409 sf	37,409 sf	No change
Restaurants	20,523 sf	20,523 sf	No change
Retail	12,810 sf	12,810 sf	No change

Specific Plan Characteristic	Approved Project	Modified Project	Difference
Publicly Accessible Open Space			
Landscape and Pedestrian Areas at Ground Level	3.28 acres	3.62 acres	0.39 acre more under Modified Project
Design Paving	1.22 acres	1.20 acres	0.02 acre less under the Modified Project
Landscape Space on Structure	0.51 acre	0.52 acre	0.01 acre more under the Modified Project
Total	5.01 acres	5.34 acres	0.33 acre more under the Modified Project
Parking Spaces (all subterranean)	2,183 parking spaces	2,183 parking spaces	No change

* Height above 285-foot datum point elevation. Heights do not include mechanical penthouses.

Requested Entitlements

The following entitlements have been requested as part of the Modified Project:

- Amendment of the Beverly Hilton Specific Plan to allow development of the Modified Project described above and in Table 1.
- Amendment of the Development Agreement by and between the City and Oasis West Realty LLC (the project applicant) to extend the term of the Development Agreement by five years and other modifications as may be negotiated by the parties.
- Draft Lot Line Adjustment (LLA) to illustrate potential modifications to the boundaries of Lots 2, 4, and 5 of Tract No. 66866 to reflect the Modified Project.

9. Surrounding Land Uses and Setting

As previously stated, the 8.94-acre project site is located at the western edge of the City (Figure 1). The project site is bounded on the north by Wilshire Boulevard, on the south by Santa Monica Boulevard, on the east by the intersection of Wilshire and Santa Monica Boulevards, and on the west by Merv Griffin Way (Figure 2). Surrounding land uses include the following:

- **North**. Located to the north of the project site, immediately across Wilshire Boulevard, is Beverly Gardens Park and a single-family neighborhood. El Rodeo School, a Beverly Hills Unified School District school for Kindergarten through eighth grade, is northwest of the project site.
- **South**. Located to the south of the project site, immediately across Santa Monica Boulevard, are commercial uses and South Santa Monica Boulevard (State Route [SR-] 2). The commercial uses include surface parking lots, 1- and 2-story retail shops, restaurants, and office buildings.
- **East**. The intersection of Santa Monica Boulevard and Wilshire Boulevard borders the project site to the east. The City's "Business Triangle," bounded by Wilshire Boulevard, Santa Monica Boulevard, and North Crescent Drive, lies east of this intersection and contains retail, restaurants, offices, and medical facilities.
- **West**. Directly west of the project site is the private Merv Griffin Way roadway and former Robinsons-May property. This site is currently vacant and graded, but is planned for two residential towers that also include a luxury hotel. West of the Robinsons-May property is a Union 76 Gas Station (within Beverly Hills City limits), the Los Angeles Country Club (a golf course), and Century City farther to the west.

10. Other Public Agencies Whose Approval is Required

None

Figure 1 Regional Location Map

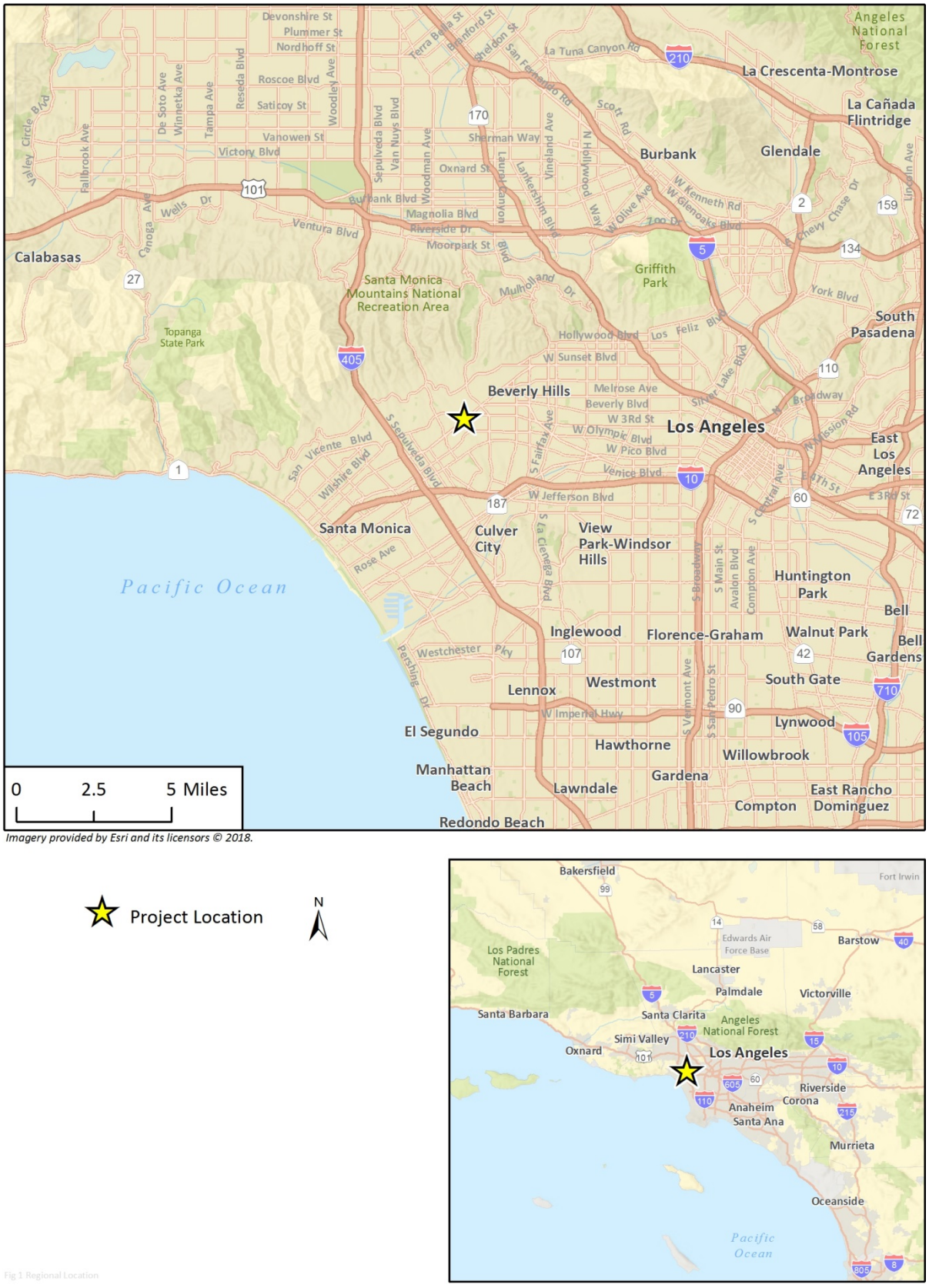

Figure 2 Project Vicnity Map

Figure 3 Illustrative Site Plan

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Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Substantial Change in Project That May Require Major EIR Revisions," "Substantial Change in Circumstances That May Require Major EIR Revisions," or "New Information Showing Potentially New or Greater Significant Effects than Previous EIR," as indicated by the checklist on the following pages.

■ Aesthetics	☐ Agriculture and Forestry Resources	■ Air Quality
☐ Biological Resources	■ Cultural Resources	■ Geology and Soils
■ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality
■ Land Use and Planning	☐ Mineral Resources	■ Noise
☐ Population and Housing	☐ Public Services	☐ Recreation
■ Transportation/Traffic	■ Tribal Cultural Resources	■ Utilities and Service Systems
■ Mandatory Findings of Significance		

Determination

Based on this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

■ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Cindy G

Signature

5/17/18

Date

Cindy Gordon

Printed Name

Associate Planner

Title

Environmental Checklist

The environmental analysis contained in this checklist compares the impacts of the Proposed Project to those of the Approved Project that was the subject of the Beverly Hilton Revitalization Plan FEIR (SCH No. 2006091053) certified by the City of Beverly Hills in April 2008.

1 Aesthetics

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Have a substantial adverse effect on a scenic vista?	■	☐	☐	☐	☐	☐
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☐	☐	■
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	■	☐	☐	☐	☐	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	■	☐	☐	☐	☐	☐

a. Would the project have a substantial adverse effect on a scenic vista?

According to the Open Space Element of the City's General Plan (City 2010), "Beverly Hills offers a variety of natural and man-made aesthetic resources that define its unique character. The City's built environment reflects its rich architectural heritage. However, the City's greatest aesthetic resource is its elaborate network of landscaping and scenic vistas, which fosters a sense of spaciousness in an urban setting, differentiating this community from others." The project site is currently developed and implementation of the Modified Project would include the development of

157,843 sf of landscaped gardens on-site, which would be 15,044 sf more than that proposed under the Approved Project.

While the Modified Project's landscaped gardens may enhance scenic vistas, such vistas could be impacted by construction of buildings on the project site. The Approved Project involved construction of two residential buildings—one 8-story, 36-unit building approximately 97 feet tall and one 18-story, 74-unit building approximately 200 feet tall. The 2008 FEIR concludes that the Approved Project would result in significant and unavoidable impacts to views, specifically identifying impacts to views of the Beverly Hilton from the intersection of Wilshire and Santa Monica Boulevards and panoramic views from the hotel's Wilshire Tower. The Modified Project would instead involve construction of a single, 23-story, 140-unit residential building approximately 307 feet tall. The Modified Project's residential building would be taller than any of the originally proposed construction projects included as part of the Approved Project. Therefore, the Modified Project could potentially create significant impacts to scenic vistas beyond those identified in the 2008 FEIR, and this issue will be studied further in a Supplemental EIR (SEIR).

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The 2006 Initial Study prepared for the Approved Project concludes that there would be no impact to scenic resources, noting the absence of state-designated scenic highways within or adjacent to the project site. While the Modified Project would involve a different site plan with different building heights, the project site would remain the same as that of the Approved Project. No highways or roads within or adjacent to the project site are designated as scenic (California Department of Transportation n.d.; City 2010). Because the project site is not located along a state-designated scenic highway, no impact would occur. Further analysis of this issue is not warranted.

NO IMPACT

c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The 2008 FEIR concludes that increased development intensity and building heights under the Approved Project would conflict with the Land Use Element of the General Plan, and that such impacts would be potentially significant. The 2008 FEIR also determined that no feasible mitigation measures are available to reduce impacts to below a level of significance (City 2008a).

The scale and massing of proposed development would be generally compatible with other urban development on Santa Monica Boulevard southwest of the project site in the neighboring City of Los Angeles, where buildings of similar scale are located. However, the Modified Project's proposed 23-story residential building would exceed the maximum building heights outlined in the Specific Plan for each of the residential buildings associated with the Approved Project. As a result, proposed development would be prominent in views from Santa Monica and Wilshire Boulevards and would be visible from nearby open space and residential land uses to the north, as well as views from mid-rise and high-rise buildings to the east. In addition, the height of the Luxury Residences building may create shade/shadow impacts that affect residential and other sensitive land uses on surrounding streets.

Accordingly, the Modified Project could potentially create significant visual character and quality impacts beyond those identified in the 2008 FEIR, and this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Project lighting is anticipated to include illumination of entrances to the site and on-site public walkways, building façade lighting, landscaping accent lighting, and security lighting. Project implementation would increase ambient light levels on the project site and in the vicinity. In addition to increasing the ambient "skyglow" associated with urban settings and this area of the City, project-related light sources would likely spill over onto, and potentially illuminate, off-site land uses and adjacent streets.

The 2008 FEIR concludes that implementation of the Approved Project would increase ambient nighttime light levels on the project site and illuminated buildings and outdoor areas on site would be visible from some off-site vantages. The potential for unshielded or misdirected light sources to adversely affect nighttime views is a significant impact. However, this impact was reduced to a less than significant level by implementation of the following mitigation measure, included as Mitigation Measure MM-LG-1 in the 2008 FEIR (City 2008a):

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

While impacts to nighttime views from misdirected light sources were less than significant with incorporation of Mitigation Measure MM-LG-1 for the Approved Project, the Modified Project would introduce a taller building onto the project site. As a result, additional lighting impacts could be potentially significant and this issue will be studied further in an SEIR.

With respect to glare, the intensity of daytime or nighttime glare and reflectivity is dependent on the types of building materials used and the ultimate design of the Modified Project. The 2008 FEIR concluded that building materials would be low reflectivity and would be intended to minimize glare, and that glare impacts would be less than significant. Although the project is anticipated to utilize non-reflective materials, further analysis of the project design is necessary to determine whether or not glare impacts would result from the Modified Project. This issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

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2 Agriculture and Forestry Resources

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☐	■
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☐	☐	■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☐	☐	■

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☐	☐	■

a. Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

e. Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

The project site is located in an urbanized area with no nearby agricultural land uses. The project site is currently developed with hotel buildings, ancillary facilities, and a five-story parking structure. Adjacent properties include residential, commercial, and recreational uses. The 2008 FEIR determined that the Approved Project would neither convert Farmland to non-agricultural use nor conflict with existing zoning for agricultural use or a Williamson Act contract. The 2008 FEIR also determined that no agricultural land uses exist in the vicinity of the project site; accordingly, the Approved Project would not result in changes in the existing environment that would convert Farmland to non-agricultural use. The Modified Project is located on the same site and has a similar footprint as the Approved Project. Therefore, the Modified Project would not result in impacts to agricultural resources and further analysis of this issue is not warranted.

NO IMPACT

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

Although not addressed in the 2008 FEIR, the project site and the surrounding area are not zoned for and do not contain forest land or timberland (City 2008b). Accordingly, the Proposed Project would not conflict with forest land or timberland zoning nor would it result in the loss of forest land or the

conversion of forest land to non-forest use. Therefore, the Proposed Project would not cause any significant impacts on forest or timberland resources and further analysis of this issue is not warranted.

NO IMPACT

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3 Air Quality

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Conflict with or obstruct implementation of the applicable air quality plan?	■	□	□	□	□	□
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	■	□	□	□	□	□
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	■	□	□	□	□	□
d. Expose sensitive receptors to substantial pollutant concentrations?	■	□	□	□	□	□
e. Create objectionable odors affecting a substantial number of people?	□	□	□	□	□	■

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

The 2008 FEIR concludes that during the demolition, grading and excavation, and building construction phases of construction of the Approved Project, oxides of nitrogen emissions (NO_X) would exceed established thresholds of significance, even with compliance with South Coast Air Quality Management District (SCAQMD) Rule 403 – Fugitive Dust, and that such an impact would be potentially significant. The following mitigation measures were included in the 2008 FEIR to reduce air quality impacts associated with the Approved Project and would apply to the Modified Project as well:

MM-AQ-1 The Developer shall prepare a Construction Traffic Emission Management Plan to minimize emissions from vehicles including, but not limited to, scheduling truck deliveries to avoid peak-hour traffic conditions, consolidating truck deliveries, and prohibiting truck idling in excess of 5 minutes.

MM-AQ-2 The Contractor shall ensure that the use of all construction equipment is suspended during first-stage smog alerts.

MM-AQ-3 The Contractor shall promote the use of electricity or alternate fuels for on-site mobile equipment instead of diesel equipment to the extent feasible.

MM-AQ-4 The Contractor shall maintain construction equipment by conducting regular tune-ups according to the manufacturers' recommendations.

MM-AQ-5 The Contractor shall promote the use of electric welders to avoid emissions from gas or diesel welders, to the extent feasible.

MM-AQ-6 The Contractor shall promote the use of on-site electricity or alternative fuels rather than diesel-powered or gasoline-powered generators to the extent feasible.

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

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

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

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

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

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

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

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

Although the 2008 FEIR includes Mitigation Measures MM-AQ-1 through MM-AQ-14, the document concludes that potential impacts associated with the Approved Project would remain significant and unavoidable after implementation of mitigation measures.

The Modified Project would involve alterations to the grading and development plans for the site as well as changes to the mix of uses on-site. As such, it may alter temporary construction-related and long-term operational emissions. Therefore, these issues will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

e. Would the project create objectionable odors affecting a substantial number of people?

A project-related significant adverse effect could occur if construction or operation of the Modified Project would result in generation of odors that would be perceptible in adjacent sensitive areas. According to the SCAQMD *CEQA Air Quality Handbook*, land uses and industrial operations that are associated with odor complaints include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The construction and operation of the proposed hotel/commercial and residential components would not introduce any land uses and industrial operations that are associated with odor complaints on the project site. The Modified Project would also comply with SCAQMD Rule 402, which prohibits the discharge of air contaminants that would cause injury, detriment, nuisance, or annoyance to the public.

The Modified Project would not change the types the uses allowed under the Approved Project. The 2008 FEIR concludes that odors from construction would occur primarily from the use of construction equipment on-site and would be temporary and less than significant (City 2008a). Odors from hotel/commercial and residential uses during project operation would occur primarily from food preparation activities and disposal of refuse. Odors from food preparation on-site would be similar to odors from existing commercial and residential uses surrounding the project site. In addition, the SCAQMD currently controls emissions from restaurant operations under Rule 1138, thus preventing objectionable odors from affecting surrounding land uses. With regard to refuse disposal, the residential and commercial components of the Modified Project would dispose of

waste in appropriate trash containers, which would be covered and closed as required by the Beverly Hills Municipal Code.

Therefore, no impact associated with odors would result and further analysis of this issue is not warranted.

NO IMPACT

4 Biological Resources

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☐	■
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☐	■
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☐	■

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☐	■
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☐	■
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☐	■

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is located in an urbanized area of the City and is currently developed with hotel buildings, ancillary facilities, a five-story parking structure, and ornamental landscaping. The 2008 FEIR concludes that the Approved Project would not have any significant impacts on biological resources since the area does not include any endangered, threatened, or rare species or their habitats, locally designated species (including protected oak trees), locally designated natural communities, wetland habitats, or wildlife corridors. The Modified Project would require removal of the same on-site trees as the Approved Project, which would be replaced as part of implementation of the landscape plan for the Modified Project. The site is also not within the area of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (City 2008a).

The Modified Project would involve a similar development footprint as that of the Approved Project. Therefore, the Modified Project would not result in impacts to biological resources. Further analysis of this issue is not warranted.

NO IMPACT

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5 Cultural Resources

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	■	□	□	□	□	□
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	□	□	□	□	■	□
c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	□	□	□	□	■	□
d. Disturb any human remains, including those interred outside of formal cemeteries?	□	□	□	□	■	□

a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

The 2008 FEIR concludes that impacts of the Approved Project to historical resources would be significant and unavoidable. Specifically, the Approved Project would demolish a portion of the Beverly Hilton property, including the Wilshire Edge building, Wilshire Boulevard pedestrian entrance, pool, and former Trader Vic's restaurant, all determined to be potentially eligible for listing on the National Register of Historic Places and California Register of Historic Resources. Demolition is considered a substantial adverse change of the significance of an historical resource under Section 15064.5(b)(1) of the *CEQA Guidelines*, which would be a significant impact. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project:

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

While Mitigation Measure MM-CR-1 would reduce impacts associated with demolition of portions of the Beverly Hilton, such impacts would not be mitigated to below a level of significance with implementation of mitigation (City 2008a).

The 2008 FEIR also identifies potentially significant impacts to 16 potentially historic street lights located adjacent to the project site (nine along Wilshire Boulevard and seven along Santa Monica Boulevard). These street lights are potentially eligible for local listing or designation as historic resources. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce impacts to the 16 potentially historic street lights to a less than significant level (City 2008a):

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

The 2008 FEIR also identifies potentially significant impacts to three potentially historic sign posts located between Wilshire and Santa Monica Boulevards along Merv Griffin Way. These sign posts have not been formally surveyed or evaluated and are currently considered potential historical resources. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce impacts to the three potentially historic sign posts to a less than significant level (City 2008a):

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

Subsequent to certification of the 2008 FEIR, the City adopted a new General Plan that includes new policies related to the preservation of historic resources. In addition, conditions on-site and in the site vicinity have changed (e.g., increased development of nearby properties such as the project to the west) and the proposed 23-story tower could potentially alter the historic setting for previously identified historic resources on and in the vicinity of the project site. Therefore, this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

b. Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?

d. Would the project disturb any human remains, including those interred outside of formal cemeteries?

The 2008 FEIR concludes that no known archaeological resources or human remains exist on the project site but that excavation of the project site would have the potential to disturb unknown archaeological resources and/or human remains, resulting in a potentially significant impact to such resources (City 2008a). The 2008 FEIR incorporates the following mitigation measures, which would also apply to the Modified Project, to reduce such impacts to a less than significant level:

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

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

The Modified Project is located on the same site and has a similar development footprint as the Approved Project. Therefore, implementation of Mitigation Measures MM-CR-4 and MM-CR-5 in the 2008 FEIR would reduce the Modified Project impacts to a less than significant level. The Modified Project would include excavation up to 50 feet below ground surface; however, the average excavation depth under the Modified Project would be between 40 and 45 feet below ground surface. In comparison, the maximum depth of excavation under the Approved Project would be up to 40 feet below ground surface. Because the overall extent and depth of grading associated with the Modified Project would not substantially differ from that of the Approved Project and because potential impacts to unknown archaeological resources and/or human remains would be adequately mitigated to less than significant levels by implementation of mitigation measures included in the 2008 FEIR, the Modified Project would not result in any new significant archaeological impacts or increase the severity of significant impacts related to archaeological resources and human remains beyond those identified in the 2008 FEIR. In addition, the increase in maximum excavation depth from the Approved Project (40 feet) to the Modified Project (50 feet) would not increase the potential severity of the significance of impacts to unknown archaeological resources and/or human

remains. Therefore, further analysis of these issues is not warranted. The reader is referred to Section 17 of this Initial Study for a discussion of tribal cultural resources.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The 2008 FEIR determined that the no known paleontological resources have been discovered on the project site but that excavation of the project site would have the potential to disturb unknown paleontological resources, resulting in a potentially significant impact to such resources (City 2008a). As previously stated, the Modified Project would include excavation up to 50 feet below ground surface; however, the average excavation depth under the Modified Project would be between 40 and 45 feet below ground surface. In comparison, the maximum depth of excavation under the Approved Project would be up to 40 feet below ground surface. Nonetheless, the increase in maximum excavation depth from the Approved Project (40 feet) to the Modified Project (50 feet) would not increase the potential severity of the significance of impacts to unknown paleontological resources. The 2008 FEIR incorporates the following mitigation measure, which would also apply to the Modified Project, to reduce impacts to paleontological resources to a less than significant level:

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

The Modified Project is located on the same site and has a similar development footprint as the Approved Project. Consequently, implementation of Mitigation Measure MM-CR-6 in the 2008 FEIR would similarly reduce impacts associated with the Modified Project to less than significant levels. The Modified Project would not result in any new significant paleontological impacts or increase the severity of significant impacts related to paleontological resources beyond those identified in the 2008 FEIR. Therefore, given that Mitigation Measure MM-CR-6 would apply and that the Modified Project would not result in new or more severe impacts beyond those identified in the 2008 FEIR, impacts to paleontological resources would be less than significant and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

6 Geology and Soils

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:						
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	■	☐	☐	☐
2. Strong seismic ground shaking?	☐	☐	■	☐	☐	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	■	☐
4. Landslides?	☐	☐	☐	☐	☐	■
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	■	☐
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☐	■	☐

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	■	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐	☐	■

a.1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

The project site is not located in an Alquist-Priolo Earthquake Fault Zone. The 2008 FEIR states that the closest Alquist-Priolo Earthquake Fault Zone (Newport-Inglewood) is 3.4 miles away from the project site (City 2008a). However, the Alquist-Priolo Earthquake Fault Zoning Map for the Beverly Hills Quadrangle was revised in January 2018 to include an extension of the Santa Monica fault zone northeast into portions of Beverly Hills. The project site is located adjacent to the delineated earthquake fault zone boundary, but lies northwest of the zone of required investigation (California Geological Survey 2018). Nonetheless, due to the recent discovery of the extension of the Santa Monica fault along the southern boundary of the project site, the Modified Project may result in exposure of people or structures to potential substantial adverse effects associated with strong seismic ground shaking. Therefore, this issue will be studied further in an SEIR.

NEW INFORMATION SHOWING POTENTIALLY NEW OR GREATER SIGNIFICANT EFFECTS THAN PREVIOUS EIR

a.2. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

The 2008 FEIR concludes that the project site is in close proximity to several faults, the nearest of which being the Santa Monica fault, which runs adjacent to the southeastern border of the project site. The proximity to these faults may expose residents to strong ground shaking in the event of an earthquake. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce impacts related to seismic ground shaking:

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

Implementation of Mitigation Measure MM-GEO-1 would reduce impacts related to seismic ground shaking to less than significant levels (City 2008a). The Modified Project is located at the same site as the Approved Project; therefore, impacts related to seismic ground shaking would also be reduced to a less than significant level by implementation of Mitigation Measure MM-GEO-1 under the Modified Project. The Modified Project would not create any new impacts related to seismic ground shaking, nor would it increase the severity of impacts identified in the 2008 FEIR. Nonetheless, due to the recent discovery of the extension of the Santa Monica fault along the southern boundary of the project site, the Modified Project may result in exposure of people or structures to potential substantial adverse effects associated with strong seismic ground shaking. Therefore, this issue will be studied further in an SEIR.

NEW INFORMATION SHOWING POTENTIALLY NEW OR GREATER SIGNIFICANT EFFECTS THAN PREVIOUS EIR

a.3. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

The 2008 FEIR concludes that the project site is not within a State of California designated Liquefaction Hazard Zone. In addition, density and laboratory testing of the subsurface materials at the site indicates the liquefaction potential on the project site is low. Therefore, the potential for seismic-related ground failure would be less than significant under the Approved Project (City 2008a). The Modified Project would be located on the same site as the Approved Project; accordingly, impacts associated with liquefaction under the Modified Project would be less than significant. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

a.4. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The 2008 FEIR concludes that the Approved Project would not result in impacts involving landslides. The topography of the project site and its immediate vicinity is relatively flat and devoid of any distinctive landforms. Project site elevation ranges from approximately 225 to 250 feet above mean sea level (City 2008a). The Modified Project is located on the same site as the Approved Project. Therefore, given the relatively flat nature of the project site and its vicinity, no potential for landslides exists, and the Modified Project would not result in impacts related to landslides. Further analysis of this issue is not warranted.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The Initial Study for the FEIR determined that the Approved Project would have less than significant impacts involving loss of topsoil because of the implementation of a Storm Water Pollution Prevention Plan (SWPPP) and the use of Best Management Practices (BMPs) on the project site

during demolition and construction. Demolition and construction activities for the Modified Project would be similar to those analyzed for the Approved Project, and the Modified Project would be subject to current regulations regarding control of stormwater runoff and erosion control; therefore, the Modified Project would not result in any new significant impacts beyond those identified in the 2008 FEIR. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

c. Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The 2008 FEIR determined that while the project site is not located within a designated Liquefaction Hazard Zone, due to the shallow depth of groundwater and required excavation activities, there is the potential for the Approved Project to be constructed on a geologic unit or soil that is unstable or could become unstable as a result of construction-related activities. This impact was determined to be potentially significant, but was reduced to a less than significant level with the implementation of Mitigation Measure MM-GEO-1 (City 2008a). The Modified Project is located at the same site as the Approved Project; therefore, potential impacts from unstable geologic units or soil would also be reduced to a less than significant level by implementation of Mitigation Measure MM-GEO-1 under the Modified Project. Given that Mitigation Measure MM-GEO-1 would apply, the Modified Project would not create any new impacts related to unstable geologic units or soil, nor would it increase the severity of impacts identified in the 2008 FEIR. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

According to the 2008 FEIR, upper soils on the project site have medium expansive potential. Additionally, the shallow depth of groundwater on the site has the potential to result in significant geologic and soils impacts. Impacts associated with the Approved Project would be reduced to less than significant levels with the implementation of Mitigation Measure MM-GEO-1 (City 2008a). The Modified Project is located at the same site as the Approved Project; therefore, potential impacts related to expansive soils for the Modified Project would also be reduced to a less than significant level with implementation of Mitigation Measure MM-GEO-1. Given that Mitigation Measure MM-GEO-1 would apply, the Modified Project would not create any new impacts related to expansive soils, nor would it increase the severity of impacts identified in the 2008 FEIR. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

As stated in the 2008 FEIR, the Approved Project would connect to the City's existing sewer lines that serve the project site and would not use septic tanks or alternative wastewater disposal

systems. The Modified Project would also connect to the existing sewer system and would not use septic tanks or alternative wastewater disposal systems; therefore, no impact related to the use of septic tanks or alternative wastewater disposal systems would occur and further analysis of this issue is not warranted.

NO IMPACT

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7 Greenhouse Gas Emissions

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	■	☐	☐	☐	☐	☐
b. Conflict with any applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	■	☐	☐	☐	☐	☐

a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The 2008 FEIR does not analyze greenhouse gas (GHG) emission impacts related to the Approved Project because that was not an environmental issue under CEQA at that time. The Modified Project has the potential to generate GHG emissions that may have a significant impact on the environment. In addition, the Modified Project would be subject to and may potentially conflict with various plans and policies adopted for the purpose of reducing GHG emissions, including the City's Sustainable City Plan (City 2009) and the Southern California Association of Governments' (SCAG) *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS; SCAG 2016). These issues will be studied in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

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8 Hazards and Hazardous Materials

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	■	☐
b. Create 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?	☐	☐	☐	☐	■	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	☐	☐	■	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	■	☐

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☐	■
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☐	■
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	■	☐
h. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	■	☐

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The 2006 Initial Study for the Approved Project determined that construction and operation of the hotel and the associated condominiums would not require the extensive or ongoing use of materials expected to constitute a significant hazard to the public. The occasional use or disposal of hazardous materials generally associated with these types of uses include unused paint, aerosol cans, cleaning agents (solvents), automotive supplies (by-products), landscaping-related chemicals, and other

common cleaning products and household substances. These materials are generally disposed of at non-hazardous Class II and III landfills (along with traditional solid waste). With compliance with the required applicable procedures and guidelines during construction and throughout operation, Approved Project impacts on the environment related to the routine transport, use, or disposal of hazardous materials would be less than significant (City 2006). The Modified Project would involve hazardous materials use similar to that of the Approved Project, which would not create a significant hazard to the public or the environment. Accordingly, impacts would be less than significant under the Modified Project and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

b. Would the project create 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?

As stated in the 2008 FEIR, the Phase I Environmental Site Assessment (ESA) prepared for the Approved Project indicated a moderate potential for the existing building materials to contain asbestos. All asbestos-containing materials (ACMs) would be removed and disposed of prior to demolition or renovation in accordance with the requirements of SCAQMD Rule 1403, *Asbestos Emissions from Demolition/Renovation Activities*. The Phase I ESA also indicated that suspect lead-based paint (LBP), visible mold growth, and old unused fluorescent light ballasts potentially containing polychlorinated biphenyls (PCBs) exist on the project site. Therefore, construction activities would have the potential to temporarily result in upset and/or accident conditions involving the accidental release of hazardous materials into the environment. Such potential impacts could be significant; accordingly, the 2008 FEIR includes the following mitigation measures, which would also apply to the Modified Project:

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

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

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

The 2008 FEIR concludes that Mitigation Measures MM-HAZ-1 through MM-HAZ-3 would reduce impacts associated with the Approved Project to less than significant levels (City 2008a). The

Modified Project would include demolition of the same structures that have the potential to contain ACMs, LBP, mold, and PCBs. With implementation of Mitigation Measures MM-HAZ-1 through MM-HAZ-3, impacts related to these materials would be reduced to a less than significant level.

According to the 2008 FEIR, operation of the Approved Project would not involve uses with the potential to generate large quantities of hazards and/or toxic materials, and thus would not have a high potential to cause fires or result in accidents from hazardous materials or substances (City 2008a). Similarly, operation of the Modified Project would not include uses with the potential to generate large quantities of hazards and/or toxic materials. Operational impacts would be less than significant.

The Modified Project would not result in any new significant hazardous materials impacts or increase the severity of significant impacts related to hazardous materials beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

As stated in the 2008 FEIR, El Rodeo School is located north and west of the project site, across Wilshire Boulevard, and therefore lies within 0.25 mile of the project site. Construction activities associated with the Approved Project would have the potential to result in temporary upset and/or accident conditions involving the accidental release of hazardous materials into the environment. The 2008 FEIR included the following mitigation measures, which would also apply to the Modified Project, to reduce impacts associated with hazardous materials, substances, or waste near schools:

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

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

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

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

The 2008 FEIR concludes that implementation of Mitigation Measures MM-HAZ-4 through MM-HAZ-7 would reduce potential impacts from the Approved Project to a less than significant level. The Modified Project is located on the same site, involves demolition of the same buildings, and has a similar development footprint as the Approved Project. Because hazardous materials associated with the construction of the Modified Project would be the same as for the Approved Project,

Mitigation Measures MM-HAZ-4 through MM-HAZ-7 in the 2008 FEIR would also reduce impacts associated with the Modified Project to a less than significant level.

The 2008 FEIR concludes that operation of the Approved Project would not include uses with the potential to release hazardous materials or substances into the environment. Impacts would be less than significant. Similarly, operation of the Modified Project would not include uses with the potential to release hazardous materials or substances into the environment, and impacts during operation of the Modified Project would be less than significant.

The Modified Project would not result in any new significant hazardous materials impacts or increase the severity of significant impacts related to hazardous materials beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

d. Would the project be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The 2008 FEIR stated that the project site is not listed on any federal or state databases reviewed during preparation of the Phase I Environmental Site Investigation for the Approved Project. All listed sites are greater than 800 feet from the project site. Accordingly, development of the project site would result in less than significant impacts and risks to the public and the environment (City 2008a).

As indicated in the Regulatory Agency Records Review discussion, the project site is listed on the CalEPA Permitted UST (Underground Storage Tank) List due to the presence of one 15,000-gallon UST containing diesel fuel. The UST is permitted by the SCAQMD under Permit No. D20797, is not leaking, and does not pose any known hazard to the site. Implementation of the Approved Project would involve the continued use of this UST for operation of the emergency power generator on site and would not create an environmental concern above that generated by existing usage of the UST. The continued operation of the UST would take place in accordance with applicable regulatory procedures. Based on compliance with applicable regulations the continued use of the UST would not create a significant hazard to the public or environment (City 2008a).

The Modified Project is located on the same site as the Approved Project and has a similar development footprint. Therefore, the Modified Project would result in a less than significant impact related to hazardous material sites compiled pursuant to Government Code Section 65962.5. No impact beyond that identified in the 2008 FEIR would occur under the Modified Project and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f. For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?

As stated in the 2006 Initial Study, the project site is not located within an airport land use plan or within the vicinity of a private airstrip that would result in safety hazards for area residents (City 2006). Because the Modified Project would be located on the same site as the Approved Project, no impact would occur and further analysis of these issues is not warranted.

NO IMPACT

g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

As stated in the 2006 Initial Study, the Approved Project would not encroach into roadways or evacuation pathways subsequently interfering with any adopted emergency response plan or emergency evacuation plan (City 2006). The Modified Project would include a redesigned hotel access driveway off of Merv Griffin Way and two new residential access driveways for the proposed Luxury Residences building along Merv Griffin Way and Santa Monica Boulevard. The Modified Project, similar to the Approved Project, would be required to comply with all applicable City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire departments, as well as fire protection and security. Furthermore, in 2016, Beverly Hills Fire Department (BHFD) staff stated that the BHFD does not have any specific concerns or needs related to the Modified Project (Stephens, pers. comm. 2016), which was reconfirmed in 2018 by Beverly Hills Deputy Fire Marshal Chris Heyer. Therefore, it is anticipated that the BHFD would be able to provide adequate fire protection and rescue services without expansion of existing resources. As a result, the Modified Project would not conflict with applicable emergency response and evacuation plans, and impacts would be less than significant. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

h. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

As stated in the 2006 Initial Study, the project site is located in an urbanized area, which includes commercial, office, residential uses, roadways, recreational open space, and parking lots. No flammable brush, grass, or dense trees exist on the project site. However, prior to final plan approvals, the Modified Project, similar to the Approved Project, would be required by the City to comply with all applicable codes, regulations, and standard measures for fire protection. For example, prior to approval of the Modified Project, plot plans that show the site access points shall be submitted to the fire department for review and approval. Further, 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, items such as types of roofing materials, building construction, fire hydrant flows, hydrant spacing, access and design, fire sprinkler systems, and other hazard reduction programs, as set forth by the fire department and the Uniform Fire Code. Therefore, potential impacts to people and structures as a result of wildland fires would be less than significant, and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

9 Hydrology and Water Quality

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	■	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	■	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐	■	☐

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	☐	■	☐
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐	■	☐
f. Otherwise substantially degrade water quality?	☐	☐	☐	☐	☐	■
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?	☐	☐	☐	☐	☐	■
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows?	☐	☐	☐	☐	☐	■
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?	☐	☐	☐	☐	☐	■

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
j. Result in inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	■	☐

a. Would the project violate any water quality standards or waste discharge requirements?

f. Would the project otherwise substantially degrade water quality?

The 2008 FEIR concludes that the Approved Project would require compliance with a National Pollutant Discharge Elimination System (NPDES) Permit for demolition- and construction-related water quality impacts. Construction and operation of the subterranean parking garage under the Approved Project would also necessitate dewatering activities that would discharge treated water to the City storm drain system. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce this impact:

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

The 2008 FEIR concludes that implementation of Mitigation Measure MM-HYDRO-1 would reduce Approved Project impacts to less than significant levels (City 2008a). The Modified Project would require demolition, construction, and dewatering activities similar to those of the Approved Project, but implementation of Mitigation Measure MM-HYDRO-1 as proposed in the 2008 FEIR would reduce impacts under the Modified Project to a less than significant level.

The 2008 FEIR also concludes that water quality may be impacted by parking lot/garage-generated pollutants, as well as runoff from landscaped areas. The following mitigation measure is included in the 2008 FEIR to reduce water quality impacts from the parking lot/garage and landscaped areas and would also apply to the Modified Project:

MM-HYDRO-2 Prior to issuance of any grading or building permits, the project applicant shall prepare and submit to the City of Beverly Hills a Standard Urban Stormwater Mitigation Plan (SUSMP), to be prepared in accordance with the Los Angeles

County Manual for the Standard Urban Storm Water Mitigation Plan, which details the requirements of the SUSMP.

Implementation of Mitigation Measure MM-HYDRO-2 would ensure that the Approved Project would submit and implement a Standard Urban Stormwater Mitigation Plan (SUSMP) to reduce water quality impacts from the change in land use on the project site. The Modified Project would include construction and operation of a parking lot/garage structure similar to that of the Approved Project, and would incrementally increase the amount of landscaped area by 15,044 sf. Similar to the Approved Project, implementation of Mitigation Measure MM-HYDRO-2 in the 2008 FEIR would also reduce impacts associated with the Modified Project to a less than significant level.

The Modified Project would not result in any new significant water quality impacts or increase the severity of significant impacts related to water quality beyond those identified in the 2008 FEIR. Given that the mitigation measures included in the 2008 FEIR would also apply to the Modified Project, water quality impacts would be less than significant, and further analysis of these issues is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

The Modified Project would include excavation up to 50 feet below ground surface; however, the average excavation depth under the Modified Project would be between 40 and 45 feet below ground surface. In comparison, the maximum depth of excavation under the Approved Project would be up to 40 feet below ground surface. The 2008 FEIR concludes that construction of the Approved Project would have a less than significant impact on groundwater supplies based on the required dewatering and the location of the project site to the nearest City well. Groundwater at the site was encountered at depths of 30 to 45 feet below ground surface. There are certain techniques, including temporary dewatering wells, storage tanks, and filters, which may be used to dewater the site. Dewatering would not deplete groundwater supplies because the distance between the project site and the nearest City well is down-gradient and because potential site dewatering would be conducted only when shallow groundwater conditions are encountered (City 2008a). Both the Modified Project and the Approved Project would require excavation to depths where groundwater could be present on-site, so similar levels of dewatering would be necessary for construction of the Modified Project as the Approved Project. The Modified Project would also be required to comply with all aspects of the City's dewatering ordinance and to obtain an NPDES Permit for Groundwater Discharge from the Los Angeles Regional Water Quality Control Board (LARWQCB). Accordingly, potential impacts to groundwater associated with the Modified Project would be less than significant.

The 2008 FEIR also concludes that the Approved Project would have a less than significant impact on groundwater supplies based on the project location, available groundwater supplies, and proposed new pervious surface area. The project site is underlain by the Santa Monica sub-basin, and approximately 10 percent of the City's water supply comes from local groundwater sources. Groundwater consumed by the Approved Project would be utilized according to current plans and

projections from the Santa Monica sub-basin; therefore, the Approved Project's impact to groundwater supplies would be less than significant. The Modified Project would be located on the same site as the Approved Project. Groundwater demand by the Modified Project would be subject to the same plans and projections for the Santa Monica sub-basin to which the Approved Project is subject. The Modified Project would develop a smaller total building footprint than the Approved Project analyzed in the 2008 FEIR and the amount of pervious surface would increase under the Modified Project. Because the Modified Project would result in a similar demand for water supply and because groundwater comprises only 10 percent of the City's water supply, groundwater impacts associated with the Modified Project would be less than significant. Refer to Section 18, *Utilities and Service Systems*, of this Initial Study regarding the Modified Project's potential impacts related to increased demand for water under the current drought conditions. Further analysis of groundwater is not warranted as it relates to Hydrology and Water Quality.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?*

d. *Would the project substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?*

The 2008 FEIR determined that construction and operation of the Approved Project would not alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion, siltation, or flooding on-site or off-site. The project site also does not contain a stream or a river, nor is the site located in proximity to a stream or a river. The 2008 FEIR also determined that the majority of the project site was developed with impervious surfaces and served by an existing stormwater collection and conveyance system. The Approved Project was expected to increase the amount of pervious surfaces compared to existing conditions. The 2008 FEIR determined that potential drainage impacts under the Approved Project would be less than significant (City 2008a). The Modified Project would include a similar building footprint as the Approved Project and would incrementally increase the amount of landscaped area by 15,044 sf over the Approved Project. The Modified Project would be located on the same site as the Approved Project and therefore is not located near any stream or river. Furthermore, more stringent municipal separate storm sewer system (MS4s) requirements, which have been adopted since 2008, would apply to the Modified Project. The new MS4 requirements include Order No. R4-2012-0175 from the California Regional Water Quality Control Board for the Los Angeles Region, which covers all areas within the coastal watersheds of Los Angeles County, except those discharges originating from the City of Long Beach, that drain into the MS4 with the objective of ensuring that discharges from the MS4 comply with water quality standards, including protecting the beneficial uses of receiving waters. The Order requires that permittees (including the City of Beverly Hills) implement specific BMPs. The new requirements, as well as the other permitting requirements, would ensure that the Modified Project would not result in any new significant impacts related to drainage patterns or increase the severity of significant impacts related to drainage patterns beyond those identified in the 2008 FEIR. Therefore, further analysis of these issues is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

e. Would the project create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The 2008 FEIR determined that construction of the Approved Project would increase the area of pervious surfaces on the project site and would not increase stormwater flow compared to the existing conditions. Furthermore, to discharge the subdrain water proposed as part of the Approved Project, the applicant would be required to comply with all aspects of the City's dewatering ordinance and the NPDES Permit for Groundwater Discharge from the LARWQCB. Accordingly, the 2008 FEIR concluded that impacts associated with runoff would be less than significant (City 2008a). The Modified Project would increase the amount of landscaped area on the project site by 15,044 sf over the Approved Project and would not increase stormwater flow when compared to the Approved Project. Therefore, the Modified Project would result in a less than significant impact to runoff and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

g. Would the project place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?

h. Would the project place structures in a 100-year flood hazard area that would impede or redirect flood flows?

The 2006 Initial Study determined that no impacts due to flooding would occur under the Approved Project since the site is not located within a 100- or 500-year flood zone as mapped by the Federal Emergency Management Agency (City 2006). The latest update to the Flood Insurance Rate Map in which the project site is located occurred in 2008. According to the 2008 Flood Insurance Rate Map, the project site remains outside the 100- or 500-year flood zones (Federal Emergency Management Agency 2008). The Modified Project would not result in impacts because the Modified Project would be located on the same site as the Approved Project. Further analysis of this issue is not warranted.

NO IMPACT

i. Would the project expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?

The 2008 FEIR determined that no impact from a dam failure at the Lower Franklin Canyon Reservoir would occur due to the distance of the Reservoir from the project site (City 2008a). The Modified Project would be located on the same site as the Approved Project, and the severity of the impacts would not change beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

NO IMPACT

j. Would the project result in inundation by seiche, tsunami, or mudflow?

The 2006 Initial Study determined that no significant impact related to inundation by seiche, tsunami, or mudflow would occur due to the relatively flat nature of the site and distance from the ocean and other bodies of water (City 2006). The Modified Project would be located on the same site as the Approved Project, and the severity of the impacts would not change beyond those

identified in the 2008 FEIR. Therefore, impacts would be less than significant and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

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10 Land Use and Planning

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Physically divide an established community?	☐	☐	☐	☐	■	☐
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	■	☐	☐	☐	☐	☐
c. Conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☐	■

a. Would the project physically divide an established community?

As described in the 2006 Initial Study, the approximately 8.94-acre project site is presently developed with the Beverly Hilton Hotel, which encompasses the 8-story Wilshire Tower building, 3-story Palm/Oasis Court, 2-story Lanai Rooms, and ancillary buildings including an executive conference center, hotel offices, the former Trader Vic's Restaurant, and the hotel parking structure. Since the 2006 Initial Study, the Waldorf Astoria was constructed on the eastern portion of the project site and is fully operational. Land uses in the vicinity of the project site include Wilshire Boulevard, Beverly Gardens Park, a single-family residential neighborhood, and the Beverly Hills Unified School District's El Rodeo school to the north; Santa Monica Boulevard, South Santa Monica Boulevard, retail and office uses, and a parking lot to the south and east; and the private Merv Griffin Way roadway and former Robinsons-May department store site (currently vacant and graded) to the west. The City's "Business Triangle," its main business district, lies northeast of the intersection of Wilshire Boulevard and Santa Monica Boulevard (City 2006). The project site is presently zoned C-3 Commercial and Beverly Hilton Specific Plan; the approved Specific Plan allows for residential uses on the project site.

The project site is located near the western City limit, beyond which lie the Los Angeles Country Club (a golf course) and the community of Century City in the City of Los Angeles. Century City, just southwest of the project site, is characterized by a concentration of high-rise residential towers along the Santa Monica Boulevard corridor and office towers farther west and south. Low-rise retail buildings and mid-rise office buildings and medical facilities characterize the Business Triangle northeast of the project site (City 2006). The scale, mass, and height of the Modified Project, similar to the Approved Project, are generally consistent with existing developments in Century City to the west.

The existing Merv Griffin Way, a private roadway that forms the western border of the project site, provides a connection between Wilshire Boulevard and Santa Monica Boulevard. This roadway would remain open and accessible following project implementation and would continue to provide access between these two major thoroughfares (City 2006).

Similar to the Approved Project, the Modified Project would involve changes to the layout of uses on the project site, but does not include any components that would divide or disrupt the arrangement of the established community. Therefore, related land use impacts would be less than significant and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

As stated in the 2008 FEIR, with the adoption of the Beverly Hilton Revitalization Specific Plan, the project site's zoning and land use designations were changed to "Specific Plan." The Approved Project was determined to be generally consistent with most of the Elements of the City's General Plan and with the Beverly Hills Municipal Code. However, the Approved Project would have introduced residential land uses where none currently exist, substantially increase development density, and substantially increase building heights on the project site. For these reasons, the Approved Project was found to not be consistent with General Plan Land Use Element Objective 3, *Areas of Transitional Conflict*, and Objective 4, *Scale of the City*, or with Land Use Element development criteria for Commercial Areas recommending compatibility between commercial and residential areas. Accordingly, the 2008 FEIR concludes that a potentially significant impact could occur, and that feasible mitigation measures to reduce impacts to a less than significant level are not available.

The Modified Project would be similar to the Approved Project; it would include changes to the Specific Plan that could potentially conflict with City plans and policies. In addition, subsequent to certification of the 2008 FEIR, the City adopted a new General Plan that with new policies and programs to which the Modified Project would be subject. Therefore, land use and planning impacts under the Modified Project could be potentially significant, and this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

c. Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?

As stated in the 2006 Initial Study, there are no applicable habitat conservation plans or natural community conservation plans on or in the vicinity of the project site. As a result, no impacts related to such plans are anticipated under the Approved Project (City 2006). The Modified Project would be located on the same site as the Approved Project. Therefore, no impacts related to conflicts with an applicable habitat conservation plan or natural community conservation plan would occur under the Modified Project, and further analysis of this issue is not warranted.

NO IMPACT

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11 Mineral Resources

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☐	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☐	☐	■

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

As concluded in the 2006 Initial Study, no mineral resources of value to the region or the residents of the state are known to be within the project area other than petroleum, and the Approved Project did not include any policies that would have any effect on the petroleum resources located in the vicinity (City 2006). The Modified Project is located on the same site as the Approved Project, and no new mineral resources sites have been designated since the 2006 Initial Study was prepared. Therefore, the Modified Project would not result in impacts to mineral resources and further analysis of this issue is not warranted.

NO IMPACT

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12 Noise

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	■	□	□	□	□	□
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	■	□	□	□	□	□
c. A substantial permanent increase in ambient noise levels above those existing prior to implementation of the project?	■	□	□	□	□	□
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	■	□	□	□	□	□
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	□	□	□	□	□	■

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
f. For a project near a private airstrip, would it expose people residing or working in the project area to excessive noise?	☐	☐	☐	☐	☐	■

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

c. Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?

d. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

The 2008 FEIR notes that, under the Approved Project, exterior construction activities performed Monday through Friday between the hours of 8:00 AM and 6:00 PM would result in less than significant noise impacts; however, exterior construction activities performed outside of the hours specified in the City's noise ordinance, including before 8:00 AM, after 6:00 PM, and during weekends and holidays, would result in significant impacts at off-site sensitive receptors. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce construction-related noise impacts:

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

- Excavation, grading, and other construction activities related to the proposed project shall comply with Section 5-1-206, Restrictions on Construction Activity, of the City Municipal Code. Any deviations from these standards shall require the written approval of the Community Development Director.
- During the initial stage of construction, including site demolition and site preparation/excavation, and when construction activities are within 200 feet of the northern boundary of the site, an 8-foot temporary sound barrier (e.g., wood fence), with at least 0.5-inch thickness, shall be erected at the project site, to the extent feasible. Sound blankets will also be used. All stationary construction equipment (e.g., air compressor, generators, etc.) shall be operated as far away from the single-family residences and elementary school located north of the project site as possible. If this is not possible, the equipment shall

be shielded with temporary sound barriers, sound aprons, or sound skins to the satisfaction of the Director of Community Development.

- Haul routes for construction materials shall be restricted to truck routes approved by the City. Hauling trucks shall be directed to use commercial streets and highways, and, to the extent feasible, shall minimize the use of residential streets. The haul routes and staging areas for the project shall be established to minimize the impact of construction traffic on nearby residential neighborhoods and schools. Generally, haul routes to the 405 Freeway shall utilize Santa Monica Boulevard to minimize impacts to City streets.
- All construction vehicles, such as bulldozers and haul trucks, shall be prohibited from idling in excess of 10 minutes, both on site and off site. Construction vehicles will not be staged on streets located in the City of Beverly Hills.
- The General Contractor and its subcontractors shall inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment shall use available noise control devices, such as equipment mufflers, enclosures, and barriers.
- Prior to the start of every school year, the applicant shall obtain a schedule of testing periods at El Rodeo School. The applicant shall submit a construction schedule for review and approval by the Community Development Director and the Environmental Monitor that ensures that no construction activity generating the highest noise levels (e.g. demolition and grading) is undertaken during any designated testing periods at the school. Such testing periods typically occur for one week per semester; however, the exact dates and times will be determined by the School District.

While implementation of Mitigation Measure MM-NOISE-1 would reduce construction-related noise impacts under the Approved Project, the 2008 FEIR concludes that such impacts would remain significant and unavoidable (City 2008a). The construction timing of the Modified Project would be similar to that under the Approved Project (i.e., potentially working before 8:00 AM, after 6:00 PM, and during weekends and holidays), but the changes in the locations of structures and overall construction schedule could involve changes in the impacts of construction-related noise under the Modified Project. In addition, the City adopted a new General Plan Noise Element and associated noise policies, as well as revised noise regulations in the City's Municipal Code, to which the Modified Project would be subject subsequent to certification of the 2008 FEIR. Therefore, this issue will be studied further in an SEIR.

The 2008 FEIR also concludes that traffic noise on Santa Monica Boulevard, Wilshire Boulevard, and Merv Griffin Way in the future "with project" condition under the Approved Project would approach or exceed the multi-family residential exterior noise standard of 65 dBA. Based on the analysis in the 2008 FEIR, such an impact would be significant but would be reduced to a less than significant level with implementation of the following mitigation measure included in the 2008 FEIR:

MM-NOISE-2 The applicant shall implement sound attenuation features to reduce noise levels at all private outdoor livable spaces (i.e., balconies) on building floors 1 through 6 fronting Wilshire and Santa Monica Boulevards and Merv Griffin Way. Such features may include berms made of sloping mounds of earth, walls and fences constructed of a variety of materials, thick plantings of trees and shrubs, or combinations of

these materials, or the use of solid material for balcony construction such as double-paned or laminated glass, Plexiglas, or wood. Acoustical analysis shall be performed prior to the issuance of an occupancy permit to demonstrate that noise levels at the exterior livable spaces do not exceed state land use standards for residences. This requirement shall be incorporated into the plans to be submitted by the applicant to the City of Beverly Hills for review and approval prior to the issuance of building permits.

The 2008 FEIR also concludes that traffic noise along Santa Monica and Wilshire Boulevards would exceed the interior noise threshold of 45 dBA CNEL for residential spaces on-site even with compliance with Title 24 requirements. Such an impact would be significant but would be reduced to less than significant levels with implementation of the following mitigation measure included in the 2008 FEIR:

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

While the 2008 FEIR concludes that Mitigation Measures MM-NOISE-2 and MM-NOISE-3 would reduce impacts from traffic noise to a less than significant level under the Approved Project, the Modified Project would involve construction of approximately 30 additional residences in a different configuration. As a result, such impacts may be greater under the Modified Project and this issue will be studied further in an SEIR.

The 2008 FEIR also concludes the following impacts to be less than significant under the Approved Project:

- Daily transportation of construction workers, the hauling of materials both on- and off-site, and the transportation of equipment to the project site are not expected to result in a 3-decibel as measured on an A-weighted scale (dBA) noise increase (City 2008a).
- Project implementation would not result in an increase in Community Noise Equivalent Level (CNEL) of greater than 3 dBA on any of the study area roadway segments. The project would not exceed the significance criteria for off-site noise impacts (City 2008a).
- Development activities on the project site would comply with Beverly Hills Municipal Code Section 5-1-202, which requires that noise generated by mechanical equipment not exceed 5.0 dBA above ambient noise levels at adjacent property lines. Use of standard design features such as shielding, enclosures and parapets, proper selection and sizing of equipment, as well as

locating rooftop equipment a suitable distance from sensitive receptors, would ensure compliance with City Code (City 2008a).

- Use of the proposed subterranean parking structures would not result in audible noise at on- or off-site locations, since parking structure noise would be masked by traffic noise on nearby roadways (City 2008a).

Although the Modified Project would be similar to the Approved Project, noise impacts that were determined to be less than significant or less than significant with mitigation incorporated under the Approved Project could potentially be significant under the Modified Project based on changed noise conditions in the site vicinity, changes in trip generation, and new General Plan Noise Element policies and revised noise regulations in the City's Municipal Code; therefore, these issues will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

According to the 2008 FEIR, construction activity associated with the Approved Project would generate vibration levels of up to 75 velocity decibels (VdB) at 100 feet from the source. This exceeds 72 VdB, the Federal Railroad Administration's vibration threshold for hotels. Accordingly, the Approved Project's construction activity would result in significant vibration impacts on onsite receptors (i.e., the hotel). Although the Approved Project would implement Mitigation Measure MM-NOISE-1 to reduce the level of significance of the impact, construction-related vibration impacts would remain significant and unavoidable (City 2008a).

The Modified Project, while similar to the Approved Project, would involve construction of a taller residential building in a different configuration. As a result, greater vibration-related impacts could occur under the Modified Project. Accordingly, this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise?

As stated in the 2006 Initial Study, the project site is not located within an airport land use plan or within the vicinity of a private airstrip; therefore, the Modified Project, similar to the Approved Project, would not expose persons in the project area to excessive noise levels related to airport activity and no impact would occur. Further analysis of these issues is not warranted.

NO IMPACT

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13 Population and Housing

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☐	■	☐
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☐	■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☐	■

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The 2008 FEIR concludes that the Approved Project would have less than significant impacts related to population growth (City 2008a). Based on a 2017 estimate of 2.33 persons per household (California Department of Finance 2017), the Approved Project would generate an estimated 257 residents in the proposed 110 residential units. The Modified Project would include an additional 30 residential units and generate approximately 70 more residents than the Approved Project. SCAG forecasts that the population of Beverly Hills will reach 36,300 by 2035, an increase of 1,654 residents from the City's estimated 2017 population (SCAG 2012; California Department of Finance 2017). The Approved Project's contribution to population growth projections would be 16 percent of the population growth projected for 2035, and is thus accounted for by the short-term population growth projections for the City. The addition of 70 more residents due to the Modified Project would account for 20 percent of the projected population growth (by the year 2035), and is within SCAG's population forecast. In addition, cumulative projects would add an additional 371 dwelling units in

the City, with an estimated associated population increase of 865. Therefore, the Modified Project would also have a less than significant impact on population growth and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The 2006 Initial Study stated that the Approved Project would result in no impact related to the displacement of housing or people. The project site is currently developed with the existing Beverly Hilton Hotel and associated buildings; no permanent housing currently is present on the project site (City 2006). The Modified Project is located on the same site as the Approved Project; therefore, the Modified Project would not displace any existing housing or persons and no impact would occur. Further analysis of this issue is not warranted.

NO IMPACT

14 Public Services

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
1. Fire protection?	☐	☐	☐	☐	■	☐
2. Police protection?	☐	☐	☐	☐	■	☐
3. Schools?	☐	☐	☐	☐	■	☐
4. Parks?	☐	☐	☐	☐	■	☐
5. Other public facilities?	☐	☐	☐	☐	■	☐

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Fire protection, rescue services, and emergency medical (paramedic services) are provided by the BHFD. The 2008 FEIR concludes that adherence to City codes and requirements would reduce construction-related fire hazards associated with the Approved Project to a less than significant level

by adherence to existing City codes and requirements. However, the 2008 FEIR states that the BHFD indicated that the proposed traffic signal at the intersection of Merv Griffin Way and Santa Monica Boulevard had the potential to slow emergency response times and inhibit access to the site. The 2008 FEIR determined such an impact to be potentially significant, and included the following mitigation measure, which would also apply to the Modified Project:

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

The 2008 FEIR determines that implementation of Mitigation Measure MM-FIRE-1 would reduce impacts related traffic signal's slowing of emergency response times to a less than significant level (City 2008a). The Modified Project would be similar to the Approved Project and would result in the same potentially significant impacts related to emergency response times. Similar to the Approved Project, the Modified Project's impacts would be reduced to a less than significant level through implementation of Mitigation Measure MM-FIRE-1. Therefore, further analysis of this issue is not warranted.

The 2008 FEIR also states that the City Engineer had indicated that the fire flow of 1,000 to 1,500 gallons per minute (gpm) measured at hydrants serving the project site may not be adequate flow for the Approved Project, and that such an impact could potentially be significant. The 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce this impact:

MM-FIRE-2 The 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard shall be replaced with a 12-inch main in order to achieve adequate fire flow for the project. The line shall be replaced from the intersection of Wilshire Boulevard and Santa Monica Boulevard to the western boundary of the project site. The project applicant shall pay its "fair share" of the cost to upgrade 8-inch and 10-inch sections of the main feeding Hydrants No. 339, No. 340, No. 341, No. 342, and No. 343 along Wilshire Boulevard. Payment for this upgrade shall be made prior to the issuance of any building permit. Upgrading of the main shall be completed concurrently with project construction and prior to building occupancy. The project applicant shall coordinate with the City so that construction of the upgraded main shall not conflict with construction of the proposed project.

The 2008 FEIR concludes that implementation of Mitigation Measure MM-FIRE-2 would reduce impacts to less than significant levels (City 2008a). The Modified Project would be similar to the Approved Project and would also result in potentially significant impacts related to adequate water flow. However, similar to the Approved Project, the Modified Project's impacts would be reduced to a less than significant level through implementation of Mitigation Measure MM-FIRE-2. Therefore, further analysis of this issue is not warranted.

The 2008 FEIR also concludes that the Approved Project would incrementally increase demands on the BHFD, but that this increase would not require the construction of new fire protection facilities (City 2008a). Furthermore, in 2016, BHFD staff stated that the BHFD does not have any specific concerns or needs related to the Modified Project (Stephens, pers. comm. 2016), which was reconfirmed in 2018 by Beverly Hills Deputy Fire Marshal Chris Heyer. Therefore, it is anticipated

that the BHFD would be able to provide adequate fire protection and rescue services without expansion of existing resources. The Modified Project would be similar to the Approved Project, but would include up to 30 more residential units than the Approved Project. Nonetheless, the Modified Project would not increase demands on the BHFD significantly beyond that determined for the Approved Project; accordingly, because the Modified Project is required to comply with the California Health and Safety Code, which includes regulations for fire protection devices, such as smoke alarms and fire extinguishers and high-rise building standards (City 2008a). In addition, the City generally has a very low incidence of fire and the project site is not within or adjacent to the City's Very High Fire Hazard Severity Zone (City 2005). In addition, the City is almost entirely built out and the needs for fire stations are established (City 2005). Therefore, the increase in demand would not require the construction of new fire protection facilities. Impacts under the Modified Project would be less than significant and further analysis of this issue is not warranted.

Based on the above, the Modified Project would not result in any new significant impacts to fire protection services or increase the severity of significant impacts to fire protection services beyond those identified in the 2008 FEIR. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Police protection is provided by the Beverly Hills Police Department (BHPD). As stated in the 2008 FEIR, during project construction, the use of private security at the project site and the use of flagpersons and other standard construction practices would result in less than significant impacts related to police protection. Additionally, for both construction and operation of the Approved Project, the BHPD considered existing service to be adequate to service the project site. Impacts would be less than significant under the Approved Project (City 2008a). Construction activities for the Modified Project would not differ substantially from those under the Approved Project; therefore, construction of the Modified Project would result in a less than significant impact to police protection services and further analysis of this issue is not warranted.

The 2008 FEIR also concludes that the Approved Project would incrementally increase demands on the BHPD but that this increase would not require the construction of new police protection facilities (City 2008a). The Modified Project would be similar to the Approved Project, although the Modified Project would include up to 30 more residential units than the Approved Project. Nonetheless, the Modified Project would not incrementally increase demands on the BHPD significantly beyond that determined for the Approved Project because funding for police department staffing comes from the City's General Fund, and funding is allocated to the BHPD through the City's budget process. Occupancy and operation of future development projects in the City would generate revenues accrued to the City's General Fund (i.e., sales tax, property tax, etc.) that could be used to help meet the capital outlay for police services (City 2008a). Accordingly, the increase in demand would not require the construction of new police protection facilities. Impacts associated with the Modified Project would be less than significant and further analysis of this issue is not warranted.

Based on the above, the Modified Project would not result in any new significant impacts to police protection services or increase the severity of impacts to police protection services beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Based on a standard generation rate of 0.7 student per household, the Approved Project of 110 residential units would generate an estimated 77 students. Although such an increase in students could adversely affect schools, payment of the required school impacts fees would reduce this impact to a less than significant level (City 2008a). The Modified Project would include an additional 30 residential units and would generate approximately 21 more students than the Approved Project. Similar to the Approved Project, the Modified Project would be required to pay school impact fees. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully reduce the impacts of new development on school facilities to less than significant levels. Therefore, the Modified Project would not result in any new significant impacts to schools or increase the severity of impacts to schools beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The 2008 FEIR concludes that the Approved Project would incrementally increase demands on the existing public parks; however, demand would be lessened by the use of on-site recreational amenities, including a fitness center and swimming pools (City 2008a). The Approved Project would add an estimated 257 residents to the City, and the Modified Project would result in an additional 70 residents, which would incrementally increase demand for existing public parks above that of the Approved Project. According to the Open Space Element of the City's General Plan, the City owns and operates approximately 77 acres of developed parkland (City 2010). Based on the 2017 population estimate of 34,646 residents (California Department of Finance 2017), the parkland-to-population ratio in the City is presently 2.22 acres of parkland per 1,000 residents. Both the Approved Project and the Modified Project would reduce this ratio to 2.21 acres per 1,000 residents. However, the Modified Project would increase the amount of existing public parks with the development of 5.34 acres of publicly accessible open space, including a Public Garden in the northwestern portion of the project site that would be subject to an open space easement to be dedicated to the City. As with the Approved Project, under the Modified Project, the applicant would be required to pay the City's Park and Recreation Facilities Construction Tax, which would reduce any impacts to a less than significant level. Accordingly, the Modified Project would not result in any new significant impacts to parks or increase the severity of impacts to parks beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

The 2008 FEIR concludes that the Approved Project would incrementally increase demand on existing library services but would have a less than significant impact due to the availability of other libraries in proximity to the project site, the current adequacy of the City's main library branch, and the contributions of new residents to the tax base that funds library services (City 2008a). The Approved Project would increase the City's population by an estimated 257 residents, and the Modified Project would result in an additional 70 residents, which would incrementally increase demand for existing library services above that of the Approved Project. The City is primarily served by the 91,000-sf Beverly Hills Public Library. Based on the 2017 population estimate of 34,646 residents (California Department of Finance 2017), the Approved Project would reduce the existing library square footage per capita ratio from 2.63 to 2.61 sf per capita. The addition of 70 residents from the Modified Project would further reduce the existing library square footage per capita ratio to 2.60 sf per capita, which is not a substantial decrease as compared to the Approved Project. The incremental increase in demand for library services from the Modified Project would not result in any new significant impacts to library services or increase the severity of impacts to library services beyond those identified in the 2008 FEIR, and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

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15 Recreation

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	■	☐
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	■	☐

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As stated in the 2008 FEIR, the Approved Project would result in less than significant impacts related to recreational facilities and demand for recreation (City 2008a). According to the Open Space Element of the City's General Plan, the City owns and operates approximately 177 acres of public land for recreation, including approximately 77 acres of developed parkland and approximately 100 acres of open space area (City 2010). The Approved Project would add an estimated 257 residents to the City, and the Modified Project would result in an additional 70 residents beyond the Approved Project. Based on a 2017 population estimate of 34,646 residents (California Department of Finance 2017), the ratio of public land for recreation to residents in the City is 5.11 acres of public recreation land for every 1,000 residents.

The Approved Project would decrease the public recreation land ratio to 5.07 acres of public recreation land for every 1,000 residents, and the Modified Project would further reduce the ratio to 5.06 acres of public recreation land for every 1,000 residents, which would not substantially alter citywide demand for recreational lands. Neither the Approved Project not the Modified Project

would directly affect any existing or planned public land for recreation; however, the Modified Project would increase the amount of existing public parks with the development of 5.34 acres of publicly accessible open space, including a Public Garden in the northwestern portion of the project site that would be subject to an open space easement to be dedicated to the City. In addition, the project applicant would be required to pay its fair share of Parks and Recreation Facilities Tax to the City, which generates funding for City parks and recreational facilities. The Modified Project would have a less than significant impact on public recreational lands and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

16 Transportation/Traffic

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	■	☐	☐	☐	☐	☐
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	■	☐	☐	☐	☐	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☐	■

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	■	□	□	□	□	□
e. Result in inadequate emergency access?	□	□	□	□	■	□
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	■	□	□	□	□	□

a. Would the project conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?

b. Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Traffic generated by the Modified Project may impact existing circulation patterns and the traffic load and capacity of the existing area street system, which may significantly impact, either cumulatively or individually, levels of service (LOS) established by the Los Angeles County Congestion Management Agency and the City. Although the 2008 FEIR includes an analysis of traffic-related impacts for the Approved Project, as well as mitigation measures to reduce impacts to a less than significant level, due to the age of the Traffic Impact Analysis for the Approved Project (prepared in 2007), local traffic conditions may have changed and the City adopted a new General Plan Circulation Element subsequent to certification of the 2008 FEIR. Therefore, the Modified Project's impacts to traffic could potentially be significant and these issues will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

As stated in the 2006 Initial Study, the project site is not near an airport or in an air traffic pattern zone. The Approved Project would not result in a change in air traffic patterns or increase traffic levels that would result in a substantial safety risk. Therefore, no impact on air traffic patterns would occur as a result of the Approved Project (City 2006). The Modified Project is located on the same site as the Approved Project; therefore, no impact would occur under the Modified Project and further analysis of this issue is not warranted.

NO IMPACT

d. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

As stated in the 2006 Initial Study, an existing network of regional and local roadways serves the project area (City 2006). Similar to the Approved Project, the Modified Project would be designed to utilize the existing roadways in the vicinity, and no major changes to design or reconfiguration of existing roadways are anticipated. However, the potential modifications to site access, as well as on-site circulation that are proposed, including the reconfigured driveway access road to the hotel and new access driveways to the condominium and condominium hotel buildings, have the potential to increase hazards due to project design features. The final design of the Modified Project, similar to the Approved Project, including internal circulation characteristics, curb cuts, driveways and other streetscape changes, would be subject to review by the Community Development Department's Building and Safety Division. Compliance with applicable regulations and standards would ensure that no hazards due to a design feature would occur. Although the site plans for the Approved Project were reviewed and related impacts were determined to be less than significant, the Modified Project's site plans differ from the Approved Project's site plans and traffic conditions in the area have changed; therefore, the Modified Project could result in potentially significant impacts due to hazardous design features and this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

e. Would the project result in inadequate emergency access?

As stated in the 2008 FEIR, the Approved Project had a high level of accessibility for emergency vehicles, both from a regional and a site perspective. Both Wilshire and Santa Monica Boulevards provide direct routes to the project site for emergency vehicles. Once emergency vehicles have reached the site, they can access the on-site structures through Merv Griffin Way, Wilshire Boulevard, or Santa Monica Boulevard. Smaller emergency vehicles, such as police cars and ambulances, would be able to access the subterranean parking structure as necessary and impacts would be less than significant under the Approved Project. Similar to the Approved Project, the Modified Project would provide project site access from Merv Griffin Way, Wilshire Boulevard, and Santa Monica Boulevard, as well as provide access for smaller emergency response vehicles via the subterranean parking structure. The Modified Project's impacts related to emergency access would therefore be less than significant and further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

f. Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?

As stated in the 2008 FEIR, the Approved Project would not conflict with or create inconsistencies with adopted transit system plans, guidelines, policies, or standards. In addition, the Approved Project's anticipated increase in transit ridership would be approximately 10 to 20 persons during a one-hour period. While line-specific capacities are not available, approximately 50 to 60 buses stop adjacent to the site during peak hours; therefore, the Approved Project would generate less than one transit trip for every three buses. Accordingly, riders generated by the Approved Project could be accommodated with the existing transit system and impacts would be less than significant (City 2008a). Although transit-related impacts were determined to be less than significant under the Approved Project, due to the age of the Traffic Impact Analysis for the Approved Project (prepared in 2007), conditions have changed and the Modified Project could involve new or increased severity impacts. Therefore, this issue will be studied further in an SEIR.

As stated in the 2008 FEIR, there are no established bicycle paths in the City and no planned bicycle facilities along the project site frontages. The Approved Project would not interfere with planned bicycle facilities and impacts on such facilities would be less than significant. In addition, given that there are no existing or planned bicycle facilities along the project site frontage, the Approved Project would not conflict with adopted bicycle system, plans, guidelines, policies, or other standard. As a result, the Approved Project would have no impact on adopted bicycle systems, plans, guidelines, policies, or other standards (City 2008a). At their June 20, 2017 hearing, the City Council approved bicycle lanes along Santa Monica Boulevard between Wilshire Boulevard and Doheny Drive. While the approved bicycle lanes would not be located along the project site frontage, it can reasonably be expected that riders may travel along the project site frontage on their way to/from the approved bicycle lanes, as bicycle lanes appear to occur along Santa Monica Boulevard near the Century City Mall, located approximately 0.5 mile southwest of the project site. Because there are no existing or planned bicycle facilities along the project site frontage, the Modified Project would result in no impact to bicycle facilities. Therefore, further analysis of this issue is not warranted.

As determined in the 2008 FEIR, the Approved Project site plan would maintain the existing sidewalks along the project site frontage on Santa Monica and Wilshire Boulevards. The Approved Project would add additional driveways entrances along both project site frontages; however, it was determined that the project trips would be distributed between these driveways with less than one vehicle per driveway per minute. Given that the number of vehicles utilizing the project driveways would be minimal, it is not anticipated that the vehicles would disrupt pedestrian facilities. As a result, impacts on pedestrian facilities under the Approved Project would be less than significant (City 2008a). Although pedestrian-related impacts were determined to be less than significant under the Approved Project, due to the age of the Traffic Impact Analysis for the Approved Project (prepared in 2007), conditions have changed and the Modified Project could involve new or increased severity impacts. Therefore, this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

17 Tribal Cultural Resources

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:						
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	■	☐	☐	☐	☐	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Cod Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe?	■	☐	☐	☐	☐	☐

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, “tribal cultural resources.” AB 52 establishes that “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1?

The Approved Project was approved before AB 52 was adopted; accordingly, tribal cultural resources are not included in the 2006 Initial Study or the 2008 FEIR. The City is currently conducting AB 52 consultation for the Modified Project. The results of AB 52 consultation will be included in an SEIR that analyzes the Modified Project.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

18 Utilities and Service Systems

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	■	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	■	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	■	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	■	☐	☐	☐	☐	☐

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	■	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	■	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	■	☐

a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

In the 2008 FEIR, the Approved Project is estimated to result in gross wastewater generation of approximately 49,579,136 gallons per year, which represented a net increase in wastewater generation of 5,717,688 gallons per year over wastewater generation from the existing (2007) uses on the project site. The City Public Works Department anticipated that the existing wastewater system would be able to accommodate the additional flow generated by the Approved Project and that the Approved Project would not require the construction of new wastewater treatment facilities or an expansion of existing facilities. However, the proposed restaurant use under the Approved Project had the potential to generate a heavier discharge of fats, oils, and grease, which was considered a potentially significant impact. Accordingly, the 2008 FEIR includes the following mitigation measure, which would also apply to the Modified Project, to reduce the impact associated with discharge of waste from the proposed restaurant use:

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

The 2008 FEIR concludes that impacts associated with the proposed restaurant use's discharge of fats, oils, and grease to the wastewater system would be reduced to less than significant levels with implementation of Mitigation Measure MM-WW-1 (City 2008a). Similar to the Approved Project, the Modified Project could potentially result in significant impacts associated with proposed restaurant use and disposal of fats, oils, and grease; however, with implementation of Mitigation Measure MM-WW-1, such impacts would be reduced to a less than significant level.

The 2008 FEIR also concludes that sufficient treatment capacity exists at the Hyperion Wastewater Treatment Plant (WWTP) to accommodate the wastewater discharged by the Approved Project. Because the Hyperion WWTP has adequate capacity to meet the anticipated demand under the Approved Project in addition to existing demand, impacts on the wastewater treatment system would be less than significant (City 2008a). Under the Modified Project, impacts to LARWQCB standards would be less than significant impacts because there is sufficient capacity at the Hyperion WWTP to accommodate sewage generated by the Modified Project (refer to response to questions 18.b and 18.e below).

Based on the above, the Modified Project would not result in any new impacts related to wastewater treatment or increase the severity of impacts identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

With regard to water facilities, the 2008 FEIR stated that, according to the BHFD, although sufficient water supply existed in 2007 to serve the Approved Project (see response to question 18.d below), the fire flow of 1,000 to 1,500 gallons per minute from adjacent fire hydrants may be inadequate for the Approved Project upon buildout. Impacts to fire flow would be potentially significant under the Approved Project; therefore, the 2008 FEIR incorporated the following mitigation measure, which would also apply to the Modified Project:

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

The 2008 FEIR concludes that impacts to fire flow would be reduced to a less than significant level with implementation of Mitigation Measure MM-WTR-1 (City 2008a). Furthermore, in 2016, BHFD staff stated that the BHFD does not have any specific concerns or needs related to the Modified Project (Stephens, pers. comm. 2016), which was reconfirmed in 2018 by Beverly Hills Deputy Fire Marshal Chris Heyer. Therefore, it is anticipated that the BHFD would be able to provide adequate fire protection and rescue services without expansion of existing resources. Similar to the Approved Project, the Modified Project's fire flow may not be adequate without implementation of Mitigation Measure MM-WTR-1; however, with implementation of Mitigation Measure MM-WTR-1, impacts to fire flow would be reduced to a less than significant level. Therefore, further analysis of water facilities is not warranted.

With regard to wastewater facilities, the 2008 FEIR concludes that the existing wastewater system would be able to accommodate the additional flow generated by the Approved Project. The City's Department of Public Works is responsible for wastewater collection and distribution systems throughout the City, which generate an average flow of 6 million gallons per day (mgd). Sewage from the City and other jurisdictions is treated at the Hyperion WWTP, which is owned and operated by the City of Los Angeles and located in El Segundo. The Hyperion WWTP has a dry weather design capacity of 450 mgd and is currently processing an average of 275 mgd, resulting in 175 mgd of available capacity (LA Sanitation n.d.). The City of Beverly Hills has entered into a joint treatment and disposal agreement with the City of Los Angeles, which eliminates entitlements and reduces limitations previously set on the amount of sewage discharged to the Hyperion WWTP. The City has access to the Hyperion WWTP's excess capacity upon payment of Amalgamated Sewerage System Facilities Charges to the City of Los Angeles. The 2008 FEIR estimated that the Approved Project would generate 120,168 gallons of wastewater per day, or a net increase of 15,665 gallons per day above current generation (City 2008a). Based on the City of Los Angeles Bureau of Sanitation Sewage Generation Factor of 200 gallons per day per condominium dwelling unit, the Modified Project would generate an additional 6,000 gallons of wastewater per day (because of the 30 additional residential units proposed under the Modified Project) when compared to the Approved Project. This represents a five percent increase in wastewater as compared to the Approved Project. Given that the Hyperion WWTP has 175 mgd of remaining capacity, the increase in wastewater generation under the Modified Project would not significantly affect wastewater treatment capabilities. In addition, standard City conditions of approval include the requirement for graywater systems to reduce overall water demands and the amount of wastewater which must be treated at off-site treatment facilities. Accordingly, similar to the Approved Project, the Modified Project would have a less than significant impact related to wastewater facilities and generation, and further analysis of wastewater facilities and generation is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As discussed under response to question 9.e under *Hydrology and Water Quality*, the 2008 FEIR determined that construction of the Approved Project would increase the area of pervious surfaces on the project site and would not increase stormwater flow compared to the existing conditions. Furthermore, to discharge the subdrain water proposed as part of the Approved Project, the applicant would be required to comply with all aspects of the City's dewatering ordinance and the NPDES Permit for Groundwater Discharge from the LARWQCB. Accordingly, the 2008 FEIR concludes

that impacts associated with runoff would be less than significant (City 2008a). The Modified Project would increase the amount of landscaped area on the project site by 15,044 sf over the Approved Project and would not increase stormwater flow when compared to the Approved Project. Therefore, the Modified Project would result in a less than significant impact related to surface runoff and storm drain facilities. Further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

d. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

With regard to water supply, the 2008 FEIR determined that the Approved Project would result in an estimated gross water demand of approximately 61,973,920 gallons per year, or 190.2 acre-feet per year (AFY), which equates to a net increase in water demand of approximately 7,147,110 gallons per year or 21.9 AFY more than the water demand from the existing (2007) uses on the project site. The additional demand represents 14 percent of the City's projected increased water demand by 2030.

The City's water supply consists mostly of imported water purchased from the Metropolitan Water District of Southern California, with some groundwater pumping from the Hollywood Basin (City 2016). In 2007, the City Public Works Department confirmed that there would be sufficient water supply available to serve the Approved Project and potential service impacts would be less than significant. Although sufficient water supply was available for the Approved Project in 2007, ongoing drought conditions in California have changed the status of statewide water supplies since that time. Furthermore, the City has adopted new policies aimed at water conservation and explored the possibility of developing new supplies, such as increased pumping of groundwater from the Hollywood Basin underlying the project site. As such, the Modified Project could involve new or increased severity impacts to water supply and this issue will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The Solid Waste Division of the City Public Works Department is responsible for solid waste collection in the City. The City contracts with Athens Environmental Services for waste hauling and collection services. The disposal of solid waste occurs at one of three designated landfills: Sunshine Canyon Landfill, Calabasas Sanitary Landfill, and the Commerce Refuse-to-Energy Facility. As shown in Table 2, these landfills have a combined remaining capacity of 73.05 million tons with a combined maximum permitted throughput of 22,600 tons per day (CalRecycle 2018).

Table 2 Solid Waste Disposal Facilities

Facility	Permitted Daily Throughput (tons per day)	Average Daily Waste Quantities Disposed (tons per day)	Estimated Remaining Permitted Capacity (million tons)	Estimated Closure Date
Calabasas Landfill	3,500	951	5.95	2029
Sunshine Canyon City/County Landfill	12,100	7,496	62.11	2037
Commerce Refuse-to-Energy Facility	1,000	299	N/A	N/A
Total	**22,600**	**11,158**	**73.05**	**--**

Sources: CalRecycle 2018.
N/A = not applicable

The 2008 FEIR concludes that the Approved Project would result in a less than significant impact related to the generation of solid waste. Both construction and operation of the Approved Project would result in the generation of solid waste (City 2008a). During construction, the handling of all debris and waste would be subject to the City's and the State's (under AB 939) requirements for salvaging, recycling, and reuse of materials from construction activity on the project site. The anticipated volume of debris generated from demolition activities under the Approved Project was estimated at approximately 23,000 cubic yards, of which at least 75 percent would be diverted from landfills in compliance with AB 939 and the green building standards set forth in Section 4.10 of the Beverly Hilton Specific Plan. Given that the landfills currently serving the City have adequate capacity to accommodate the demolition and construction debris, impacts to solid waste during construction would be less than significant under the Approved Project. Because the Modified Project would involve construction activities similar to those of the Approved Project and would generate a similar amount of construction-related solid waste, impacts related to solid waste during construction would be less than significant. Therefore, further analysis of this issue is not warranted.

The 2008 FEIR found that the Approved Project would generate approximately 789 tons of solid waste per year, which represents a net increase of 167 tons per year in comparison to current (2007) hotel operations on the project site (City 2008a). Solid waste generated during operation of the Approved Project would result in a negligible increase in total disposal at the available landfills listed in Table 2, and impacts would be less than significant. Given a daily solid generation rate of 8.6 pounds per condominium dwelling unit, the Modified Project would generate approximately 258 pounds of solid waste per day during operation from the additional 30 residential units, which equates to approximately 47 tons more per year, or six percent more than what the Approved Project would generate. However, as required by law, at least 50 percent of solid waste would be diverted from landfills. Accordingly, solid waste impacts associated with operation of the Modified Project would be less than significant. The Modified Project would not result in any new significant impacts related to solid waste or increase the severity of impacts related to solid waste beyond those identified in the 2008 FEIR. Therefore, further analysis of this issue is not warranted.

LESS THAN SIGNIFICANT IMPACT/NO CHANGES OR NEW INFORMATION REQUIRING PREPARATION OF AN EIR

19 Mandatory Findings of Significance

	Substantial Change in Project That May Require Major EIR Revisions	Substantial Change in Circum-stances That May Require Major EIR Revisions	New Information Showing Potentially New or Greater Significant Effects than Previous EIR	New Information Showing Ability to Reduce, but not Eliminate Significant Effects in Previous EIR	Less than Significant Impact/No Changes or New Information Requiring Preparation of an EIR	No Impact
Would the project:						
a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	■	□	□	□	□	□
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	■	□	□	□	□	□
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	□	□	□	□	□

a. Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Based on the preceding discussion, the Modified Project would neither degrade the quality of the environment nor substantially affect any endangered fauna or flora. In addition, the Modified Project would not threaten rare, threatened, or endangered wildlife. However, demolition of portions of the Beverly Hilton Hotel may result in impacts to historic resources. As a result, the impact of the Modified Project is potentially significant, potential historic resource impacts will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Since certification of the 2008 FEIR, new developments have been constructed and additional developments in and around Beverly Hills have been approved or proposed. Potentially significant impacts associated with the Modified Project, in combination with the effects of other past, current, and future projects in the vicinity of the project site, may have a cumulatively considerable effect. The impacts of the Modified Project in combination with existing and currently planned and pending developments will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

As discussed in the respective issue areas, the Modified Project would have environmental effects that may cause substantial adverse effects on human beings, specifically related to air quality, noise, and transportation/traffic. These issues will be studied further in an SEIR.

SUBSTANTIAL CHANGE IN PROJECT THAT MAY REQUIRE MAJOR EIR REVISIONS

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