

Appendix J

Draft EIR Comment Letters





GABRIELENO BAND OF MISSION INDIANS - KIZH NATION
Historically known as The Gabrielino Tribal Council - San Gabriel Band of Mission Indians
recognized by the State of California as the aboriginal tribe of the Los Angeles basin

September 27, 2021

Project Name: Cheval Blanc Beverly Hills Specific Plan Project

Thank you for your letter regarding the project above. This is to concur that we are in agreement with the Specific Plan. However, our Tribal government would like to request consultation for any and all future projects within this location.

1-1
1-2

Sincerely,

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians – Kizh Nation
1(844)390-0787

Andrew Salas, Chairman
Albert Perez, treasurer I

Nadine Salas, Vice-Chairman
Martha Gonzalez Lemos, treasurer II

Dr. Christina Swindall Martinez, secretary
Richard Gradias, Chairman of the council of Elders



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
(213) 629-2071 | Fax: (213) 623-7755
www.gideonlaw.net

Jordan R. Sisson
Direct: 213-629-2071 ext. 1102
E-mail: jordan@gideonlaw.net

November 1, 2021

VIA EMAIL:

Masa Alkire, AICP, Principal Planner
City of Beverly Hills
Planning Division
Community Development Department
455 North Rexford Drive
Beverly Hills, CA 90210
malkire@beverlyhills.org

RE: Draft EIR Comments on Cheval Blanc Specific Plan (SCH No. 2020110223)

Dear Mr. Alkire:

On behalf of UNITE HERE Local 11 (“**Local 11**”), this Office respectfully provides the following comments¹ to the City of Beverly Hills (“**City**”) regarding the Draft Environmental Impact Report (“**DEIR**”)² for a 212,034 square feet (“**SF**”) mixed-use building at the above-referenced 1.277-acre location (“**Site**”) that is proposed to be 109-115 guest room luxury hotel, including a penthouse, private club, wellness center, spa, restaurants and retail use (“**Project**”).

2-1

The Project contemplates various land use approvals pursuant to the Beverly Hills Municipal Code (“**BHMC**” or “**Code**”), including: (i) a Zoning Map and Zone Text Amendment to create the Cheval Blanc Specific Plan, (ii) a General Plan Amendment designating the Project Site as the Cheval Blanc Beverly Hills Specific Plan, (iii) a Development Agreement to provide for vested development rights and certain community benefits in connection with the Project, (iv) Amendment to the Master Plan of Streets to relocate the existing surface right-of-way for public alley purposes and to dedicate additional surface right-of-way for public sidewalk purposes along South Santa Monica Boulevard and allow public roadway along North Rodeo Drive and South Santa Monica Boulevard to remain in their current locations, (v) A Vesting Tentative Parcel Map to merge the existing contiguous lots and relocate the surface right-of-way of the public alley, (vi) Encroachment Permits, and (vii) all other approvals, as necessary (collectively “**Entitlements**”). Additionally, pursuant to the California Environmental Quality Act, Pub. Res. Code § 21000 et seq., (“**CEQA**”),³ the Project seeks approval of the EIR and associated environmental findings/approvals.

2-2

As discussed below, Local 11 is concerned about the Project’s compliance with CEQA. In short, the DEIR fails to adequately assess the Project’s traffic impacts—both vehicle miles traveled (“**VMT**”) and level of service (“**LOS**”), and greenhouse gas (“**GHG**”) impacts. The DEIR mischaracterized the Project to shortcut VMT and other environmental review – this is a 100

2-3

¹ Page citations contained herein are to the page’s stated pagination (referenced herein as “**p. #**”), or to the page’s location in the referenced PDF document (referenced herein as “**PDF p. #**”).

² Inclusive of all appendices (“**APP-##**”) documents retrieved from City’s Project website. (See <http://www.beverlyhills.org/departments/communitydevelopment/environmentalreportsanddocuments/>.)

³ Including “**CEQA Guidelines**” codified at 14 Cal. Code. Regs. § 15000 et seq.



percent commercial development without a single residential unit and, thus, is not a genuine mixed-use project consistent with smart growth principles. Additionally, the Project's failure to consider any housing at this unique Site puts the City behind the proverbial eight-ball in terms of every meeting its affordable housing obligations (i.e., Regional Housing Needs Assessment ["RHNA"]). These and other flaws in the DEIR mask the Project's genuine impacts, which infects the DEIR's consideration of mitigation measures and project alternative analysis. So too, these issues directly conflict with various goals and objectives under the City's General Plan and, thus, run against Code-required findings necessary for granting the Entitlements.

2-3
(Cont.)

Until the issues discussed herein are resolved, Local 11 respectfully urges the City to stay any actions on the Entitlements and DEIR (collectively "**Project Approvals**"). A CEQA-compliant DEIR should be recirculated—with updated emissions modeling under the most current CalEEMod modeling and a study of alternatives including housing—and subject to public review.

2-4

I. LOCAL 11'S STANDING

2-5

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix—including members who live and/or work in the City. The union has a First Amendment right to lobby public officials in connection with matters of public concern, like compliance with applicable zoning rules and CEQA, just as developers, other community organizations, and individual residents do. Protecting its members' interest in the environment and the availability of housing is part of Local 11's core function. Recognizing unions' interest in these issues, California courts have consistently upheld unions' standing to litigate land use and environmental claims. (See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.) Furthermore, Local 11 has public interest standing given the Project Approvals relates to the City's public duty to comply with applicable zoning and CEQA laws, and where Local 11 seeks to have that duty enforced. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169-170.)

II. THE DEIR UNDERSTATES THE PROJECT'S TRAFFIC IMPACTS

2-6

A. THE DEIR ARBITRARILY SCREENS THE PROJECT OUT OF VMT ANALYSIS

Here, the Draft EIR fails to provide a VMT analysis for the Project. Instead, citing the City's Local CEQA VMT Thresholds of Significance Guidelines ("**City VMT Guidelines**"),⁴ the DEIR qualitatively screened the Project's VMTs from any further analysis because it was "presumed" that the Project's retail component is local serving (i.e., Screening Criteria 2) and that the entire project is within a Transit Priority Area ("**TPA**") (i.e., Screening Criteria 4). (DEIR, p. 4.9-28 - 4.9-29; APP-H, PDF pp. 35-39.) Yet, this presumption of less than significance is not warranted and inconsistent with the Office of Policy and Research ("**OPR**") Technical Advisory on Evaluating Transportation Impacts in CEQA ("**Technical Advisory**").⁵

⁴ City (10/10/19) City VMT Guidelines (inclusive of documents attached thereto), https://beverlyhills.granicus.com/MetaViewer.php?view_id=57&clip_id=6789&meta_id=410583.

⁵ OPR (Dec. 2018) Technical Advisory, http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

1. The DEIR Departs from The CEQA Guidelines and OPR VMT Guidance

2-7

CEQA Guidelines § 15064.3 and OPR’s Technical Advisory have served as the primary documents guiding local governments in evaluating VMT impacts under SB 743. The DEIR suggests its improper application of the screening thresholds is *consistent* with, *based on*, and *relies* on these key authorities.⁶ This is incorrect for several reasons:

a. The Qualitative Analysis Not Appropriate for Hotel Projects Requiring Greater Analysis

2-8

First, the DEIR uses a *qualitative* Screening Criteria 2 (i.e., local serving retail < 50,000 square feet) and Screening Criteria 4 (i.e., any project within ½ mile of TPA) to find less than significant VMT impacts. However, CEQA Guidelines § 15064.3(c) allows a qualitative analysis when “existing models or methods are *not* available” (emph. added). Here, the City VMT Guidelines acknowledge that VMT per service population can be reported for “large-scale retail projects or other project types, such as special event venues and *hotels*.” (PDF p. 36 [emphasis added].) The City VMT Guidelines states that a “VMT analysis should be customized to determine the unique trip generation and trip length characteristics” for certain other types of projects, such as a “*hotel*, conference center, or performing arts center ...” (Id. at p. 50 [emphasis added]). Hence, a qualitative screening threshold is inappropriate when a quantitative analysis is not only available but in fact *encouraged* for unique hotel projects.

Second, while referencing OPR’s Technical Advisory, the DEIR suggests that Screening Criteria 4 is appropriate for any proposed use within ½ mile of a TPA. (DEIR, pp. 4.9-17 - 4.9-18, 4.9-28 - 4.9-29.) However, hotels are not mentioned anywhere in the Technical Advisory, which is limited to residential, retail, and office projects. In fact, OPR made clear that this TPA Screening Criteria and presumption of less than significance was appropriate for “certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) ...” (OPR Technical Advisory, p. 13.) Rather than less review, the City VMT Guidelines suggests hotel projects need *more VMT analysis* to address their unique VMT profile. (PDF pp. 36, 50-51 [discussed above].) Furthermore, when the City conducted a six-project pilot study to see the effect of the screening thresholds, not a single one included a hotel use. (Id. at 55-56.) Hence, neither OPR’s Technical Advisory nor the City’s VMT Guidelines contemplated Screening Criteria 4 for hotel projects.

2-9

b. DEIR Fails to Recognize Screening Presumption Can Be Rebutted with Substantial Evidence, Which Is Not Limited to Only Three Criteria

2-10

First, the DEIR claims once a project “qualifies” under a screening criterion, the project is “screened out from further consideration.” (DEIR, p. 4.9-17, - 4.9-18, 4.9-28.) This suggests that a TPA project must be presumed less than significant and exempt from any VMT analysis so long as it satisfies just three criteria (i.e., greater than 0.75 floor-area-ratio, not overparked, consistent with the Southern California Association of Government (“**SCAG**”) RTP/SCS plan). This is clearly incorrect when the DEIR admits the presumption is valid only to the extent there is “absent substantial evidence to the contrary.” (Id.) While a TPA projects may *generally* have less than significant VMT impacts, the City cannot *ignore project-specific or location-specific* information indicated significant levels of VMT generated, or refuse to stay in step with *evolving scientific knowledge on this issue*. (See CEQA Guidelines § 15064.3(b)(1) & (4); OPR Technical Advisory, PDF

⁶ See e.g., DEIR, p. 4.9-16 – 4.9-17, 4.9-27, 4.9-29, 4.9-31; City VMT Guidelines, PDF p. 4-5, 13, 18.

pp. 9, 14-16; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504.) Hence, any presumption of less than significance can be rebutted when supported by substantial evidence.

2-10
(Cont.)

Second, in considering the appropriateness of using Screening Criteria 4, the DEIR considers only three factors (i.e., greater than 0.75 floor-area-ratio, not overparked, consistent with SCAG RTP/SCS). However, neither the CEQA Guidelines nor OPR place a limit on the factors that should be considered. (See CEQA Guidelines § 15064.3(b)(3) ["Such a qualitative analysis would evaluate *factors* such as the availability of transit, proximity to other destinations, *etc.*" Emphasis added]; OPR Technical Advisory, p. 14 ["This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT." Listing four non-exclusive examples for consideration].) Hence, the City cannot limit its consideration to only three criteria.

2. VMT Factors Ignored by the DEIR Show VMT Analysis Is Required Here

2-11

As discussed below, the facts show that numerous factors demonstrate that this Project will have substantial VMTs and, thus, the Project in the middle of congested Beverly Hills should not be screened from a full VMT analysis.

a. This Is a Massive Hotel Project with Large Trip Generation

2-12

Both OPR and the City presume small projects generating less than 110 average daily trips ("ADT(s)") will have a less than significant VMT impact. (OPR Technical Advisory, p. 14 [noting 110-124 trips per 10,000 square feet office building]; City VMT Guidelines, PDF pp. 18, 38.) Conversely, that rationale indicates project generating more than 110 ADTs may have a potential significant VMT impact. Here, the 212,034-SF Project is expected to generate 3,503 ADTs—more than 30 times larger than the 110 ADT criteria. (DEIR, p. ES-7; APP-H, PDF pp. 61, 83-84.)

b. Project Is in A Non-Low VMT Screening Location

2-13

Both OPR and the City presume certain projects in certain low-VMT locations will have a less than significant VMT impact. (OPR Technical Advisory, p. 12-13; City VMT Guidelines, PDF pp. 18.) The City only has a residential low-VMT screening area because the City's employee VMT rate is not 15 percent below the regional average. (City VMT Guidelines, PDF pp. 5, 18.) Here, the Project is a non-residential project located in area where the City's employee generation is not 15 percent below the regional average. (Id., PDF p. 43 [Fig. 2 Low-VMT Area Screening – Office].)

c. Project Exceeds VMT Per Employee Threshold and Will Induce Long Employee Trips

2-14

First, OPR recommends a 15 percent below regional average as an appropriate threshold for residential and office projects. (OPR Technical Advisory, p. 15-16.) For the City, this threshold is 15.0 VMT per employee for home-based work trips. (APP-H, PDF p. 39; City VMT Guidelines, PDF pp. 17, 51.) Here, the DEIR does not explicitly provide a VMT analysis. However, the DEIR discloses the Project would include 250 employees generating 521 ADTs. (DEIR, p. 4.1-46; APP-H, PDF p. 84.) Buried in the DEIR's appendices includes the air/GHG modeling emissions modeling using CalEEMod (APP-B), includes trip summary indicating employee trips are estimated at 16.60 miles

so the 15.0 VMT per employee for home-based work trips is exceeded (see figure below [outline in red]). (APP-B, PDF p. 105.) This fact matters for Local 11's members.

2-14
 (Cont.)

4.3 Trip Type Information

Land Use	Miles			Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Enclosed Parking with Elevator	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Health Club	16.60	8.40	6.90	16.90	64.10	19.00	52	39	9
Hotel	16.60	8.40	6.90	19.40	61.60	19.00	58	38	4
Quality Restaurant	16.60	8.40	6.90	12.00	69.00	19.00	38	18	44
Strip Mall	16.60	8.40	6.90	16.60	64.40	19.00	45	40	15

d. This Redevelopment Project Triples Existing VMTs

2-15

For redevelopment projects, OPR recommends a presumption of less than significant when net overall VMTs decreases but further analysis when it increases net overall VMTs. (OPR Technical Advisory, pp. 17-18.) Here, the Project will generate 2.495 million annual (6,836 daily) VMTs compared to the existing uses estimated to generate 0.812 million annual (2,227 daily) VMTs. (Compare APP-B, PDF p. 104 [Tbl. 4.2 for Cheval Blanc] with PDF p. 63 [Tbl. 4.2 for existing uses].) This tripling of existing VMTs is significant.

e. This Hotel Is Inherently Regional, Non-Local Serving

2-16

First, OPR distinguishes between local serving (i.e., less than 50,000 SF) versus regional serving retail and urges lead agencies to consider project-specific information like market studies, economic impact analysis that bear on customer travel behavior. (OPR Technical Advisory, pp. 16-17.) This is because while local-serving retail may improve destination proximity (i.e., serving local community by providing underserved use), regional serving can lead to longer trips. (Id.) This issue is not limited to retail use under the City VMT Guidelines, which urges more detailed reporting of unique uses like large-scale retail, special event venues, conference centers, performing art centers, and *hotels*. (PDF pp. 36, 50-51.) Other lead agencies have similar identified unique uses and distinguish them between local-serving versus regional serving.⁸

///

⁷ See CalEEMod (Oct. 2017) User Guide, Appendix A, p. 21 (Modeling identifies commercial trip types including: commercial-customer (“C-C”) (i.e., trip made by someone who is visiting the commercial land use to partake in the services offered by the site); commercial-work (“C-W”) (i.e., trip made by someone who is employed by the commercial land use sector); and commercial-nonwork (“C-NW”) (i.e., trip associated with the commercial land use other than by customers or workers like delivery vehicles).), <http://www.caleemod.com/> (select “Archive”, “User’s Guide for CalEEMod Version 2016.3.2”).

⁸ See e.g., City of Los Angeles (July 2020) Department of Transportation (LADOT) Transportation Assessment Guidelines, PDF p. 18-19, 21-23 (public services, school and religious uses, event centers and regional-serving entertainment venues), https://ladot.lacity.org/sites/default/files/2020-07/ta_guidelines_all-sections_2020_07.04_attachments.pdf; WRCOG (Feb. 2020) Updated Traffic Impact Analysis Guidelines, PDF pp. 55-56, 70 (identifying local serving schools, community centers, parks, daycare centers, non-destination hotels, etc.), <https://wrcog.us/AgendaCenter/ViewFile/Agenda/02132020-386>; LA County Public Works (7/23/20) Transportation Impact Analysis Guidelines, p. 9; <https://dpw.lacounty.gov/traffic/docs/Transportation-Impact-Analysis-Guidelines-July-2020-v1.1.pdf>.

Second, unlike projects that are local serving, this Project explicitly targets global clientele and subsequently prioritizes ample private space to accommodate. It is the intended goal of the Project Developer to create a “home away from home for that global luxury travel.”⁹ In the below-grade parking structure, projections indicate “transient visitor cars make up 75% of cars parked” (APP-H, PDF p. 269.) This further reinforces the majority of Project benefits going to regional and global guests. Additionally, just about ten percent of the 212,000 square feet of the Project will be open to the general public as retail. The DEIR admits that 4,760 square feet of outdoor restaurant and bar spaces on levels six and seven and the 742-SF outdoor terrace on the seventh level may be publicly accessible by reservation only, unless otherwise reserved for hotel guests or club members and their respective guests. (DEIR, PDF p. 395.) The majority of the services provided at the Project are limited to hotel guests and club members, unavailable or highly restricted to the general public. With only a fraction of the Project being open to the public, the Project misclassifies a significant amount as local serving.

2-17

Third, unlike office projects (where majority of VMTs generated are from workers) or residential projects (where majority of VMTs generated by residents) (OPR Technical Advisory, p. 5, 15-16), the majority of VMTs generated by hotel projects and other regional-serving uses are their own patrons. Nowhere in the Technical Advisory does it say that these trips can be ignored or otherwise exempted from being subject to an appropriate threshold. Furthermore, in the letter to the City as a part of the Notice of Preparation (“NOP”) process, OPR noted that “due to the amount of car parking being provided, the Cheval Blanc Beverly Hills Specific Plan is still designed in a way that induces demand for additional vehicle trips.”¹⁰

2-18

f. The Area Is Not Underserved by Hotels and Has Excess Capacity

2-19

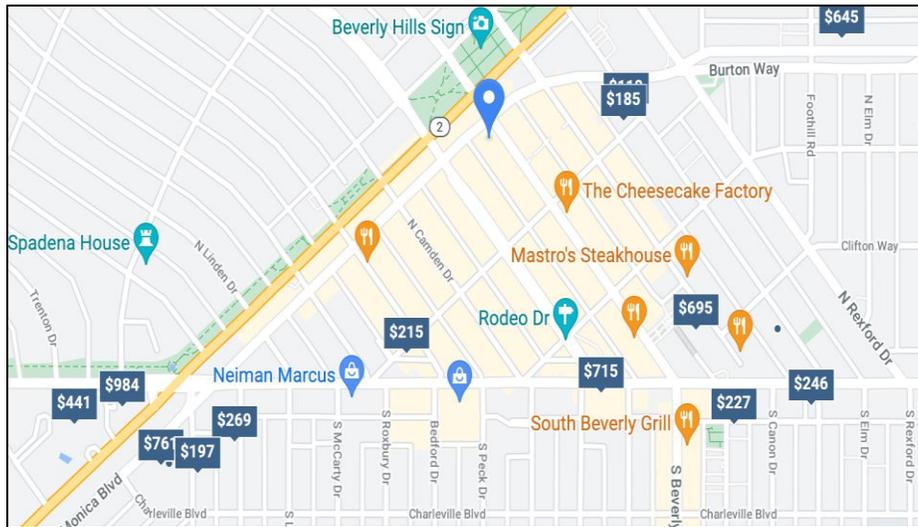
The DEIR highlights that the Business Triangle area is a marquee destination of regional tourist significance. (DEIR, PDF p. 17.) As such, the hotel, private membership club, and retail/restaurant components do function as a regional-serving use that must be considered in the VMT analysis. Moreover, with numerous hotels in the area (at least 13 according to Google Maps [see fig. below]),¹¹ it does not appear that the area is underserved by hotels or locally-serving uses that would normally indicate a reduction in VMTs from the Project. Additionally, it appears hotel occupancies were actually dropping from 82 percent to 76 percent between 2017 – 2019 (pre-COVID, which has likely reduced occupancies even more). (APP-H, PDF p. 267.) Not only is this less than the 80 percent typified by the City of Los Angeles,¹² but so too it demonstrates that there is excess hotel capacity to serve whatever local need there may be for hotel uses.

⁹ Los Angeles Times (4/1/20) Rodeo Drive hotel planned by French luxury retailer LVMH (Quote by Amish Melwani, LVMH Inc. Roger Vincent), <https://www.latimes.com/business/story/2020-04-01/rodeo-drive-hotel-planned-by-french-luxury-retailer-lvmh>

¹⁰ Letter from Office of Planning and Research re Cheval Blanc Beverly Hills Specific Plan – Notice of Preparation: <https://files.ceqanet.opr.ca.gov/265903-2/attachment/3Kn6djmj2C0jKiOxwLlkAxqn5FHtidBQYHLBh5wcibZ5ynjllgYzyUqMBwOomeToMC5EzL9SVPYqhbH0>

¹¹ See Google Maps, <https://www.google.com/maps/search/hotels+near+The+Paley+Center+for+Media,+North+Beverly+Drive,+Beverly+Hills,+CA/@34.1548296,-118.4892785,12z/data=!3m1!4b1>

¹² See e.g., City of Los Angeles (2017) Hotel Market Study, pp. 1, 5, https://d3n8a8pro7vhmxc.cloudfront.net/cd14/pages/2723/attachments/original/1508870241/CD14_Hotel_Market_Study-2017_Full_Report-Final.pdf?1508870241; City of Los Angeles (2017) 2017 Annual Report, p. 5, <https://ctd.lacity.org/sites/default/files/2017%20CTD%20Annual%20Report.pdf>; HospitalityNet (Apr. 2021) COVID-19’s Impact on the Los Angeles Hotel Market (hotel occupancy declined to 49% in 2020 compared to 80% in 2019). <https://www.hospitalitynet.org/opinion/4104106.html>.



g. Without Any Residential Component, This Project Is Not a Genuine Mixed-Use Project Consistent with Smart Growth Principles

2-20

Here, the DEIR’s faulty qualitative analysis characterize the Project as an infill, mixed-use project near transit as encouraged by SCAG’s RTP/SCS and other agencies. (DEIR, PDF pp. 363 - 364.) However, this Project has zero housing, which is a fundamental concept of smart growth/planning principles urged by California Air Pollution Control Officers Association (“CAPCOA”), OPR, SCAG, and even the City.¹³ A true mixed-use project is a residential housing project along with commercial purposes. With adequate existing infrastructure the Project Site should be reevaluated for infill, dense housing to address the regional crisis. Overall, the Project is wrongly defined as a mixed-use project when no housing is included and, thus, the DEIR should be reevaluated for its housing potential.

¹³ See e.g., OPR Technical Advisory, p. 15 (noting “residential component of a mixed-use development”) and p. 17 (example of mixed-use project “(e.g., residential and retail)”); CalEEMod (Nov. 2017) User Guide, p. 29 (example of mixed use project included residential), http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4; CAPCOA (August 2010) Quantifying Greenhouse Gas Mitigation Measures, PDF p. 173-176 (“...when *residential* areas are in the same neighborhood as retail and office buildings, a resident does not need to travel outside of the neighborhood to meet his/her trip needs.” Emph. added. Showing examples of mixed use projects that all include residential), <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>; Chapple, Karen, Loukaitou-Sideris, Anastasia, et al. (April 2017) Developing a New Methodology for Analyzing Potential Displacement, PDF pp. 253 (construction of affordable housing units available for homeownership in Mixed Use buildings along transit corridors.”) <https://ww2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-310.pdf>; SCAG 2020 RTP/SCS Final Program Environmental Impact Report (PIER), p. 681, (“[T]he land use strategies included in the Plan would encourage higher density development in existing urban cores and opportunity areas which would *encourage more multi-family and/or mixed-use projects, via vertical development*, instead of the traditional single-family home development...”), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618; City of Beverly Hills General Plan, pp. 499, PDF p. 41, (...Beverly Hills will continue to provide sites for a mix of single-family, multi-family, and *mixed use housing*, supported by a variety of programs to enhance affordability, to accommodate its RHNA and contribute towards addressing the growing demand for housing in the Southern California region...), <http://www.beverlyhills.org/cbhfiles/storage/files/6870944521688090786/BHHousingElementwmaps.pdf>

h. Lack Of Nearby Affordable Housing and The DEIR's Failure to Consider Job-Housing Balance/Fit

2-21

Here, as discussed further below (see Section V), the City is a jobs-rich area that is facing a drastic increase in new affordable housing opportunities. Yet, the Project will chiefly create low-paying, service worker jobs. Combine with the acute lack of affordable housing in the region, the Project will force workers into long commutes (likely beyond just 16 miles assumed in the CalEEMod modeling). This phenomenon, commonly referred as job-housing balance or fit, is well document and discussed further below and is critically important to Unite HERE (see Section V).

i. The DEIR Improperly Brushed Off Inconsistencies with the RTP/SCS

2-22

Both OPR and the City state a TPA screening is not appropriate when a project is inconsistent with SCAG's RTP/SCS. (OPR Technical Advisory, p. 18; City VMT Guidelines, p. 45.) The DEIR states the Project Site is designated as "mixed Residential and Commercial in the SCAGE RTP/SCS." (DEIR, p. 4.9-29.) However, as discussed above (Section II.A.2.h), the Project includes zero residents and is not the type of mixed-use project that typifies smart growth, infill development. Instead, it merely oversaturates the areas with more retail and commercial. Furthermore, by not developing residential in this prime location, the City is placing increased demand for developing housing elsewhere, such as high-VMT areas.

Furthermore, the Project exceeds the daily VMT per service population ("sp") anticipated pursuant to SCAG's 2020 RTP/SCS. Here, the Project will generate 6,836 daily VMTs, divided by the Project's service population (250 employees),¹⁴ results in a daily 27.3 VMT/sp. (APP-B, PDF p. 104 [Tbl. 4.2 for Cheval Blanc]; DEIR, p. 4.1-46.) However, under the 2016 and 2020 RTP/SCS, SCAG estimated the daily VMT/sp expected for the entire SCAG region and LA County, as summarized in the below table.¹⁵ This same type of analysis was used by Eyestone (same environmental preparer of this DEIR) to show consistency with the RTP/SCS.¹⁶ If being below said threshold is substantial evidence of consistency, then exceeding threshold is substantial evidence of inconsistency. Here, the 27.3 VMT/sp for the Project exceeds all SCAG VMT metrics:

2-23

¹⁴ Service population is limited to only residents and employees. (See e.g., CAPCOA (Jan. 2008) CEQA & Climate Change, pp. 62-64, 71-72 (service population is defined as "the sum of the number of residents and the number of jobs supported by the project."), <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>.)

¹⁵ 2016 RTP/SCS, p. 155, <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?16060%E2%80%8C05557>; 2020 RTP/SCS, pp. 122, 129, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

¹⁶ See e.g., Senior Residential Community at The Bellwood (Jul. 2021) Draft EIR, PDF pp. 59-60, <https://planning.lacity.org/eir/SrResidComm-TheBellwood/deir/files/IV.D.%20Greenhouse%20Gas%20Emissions.pdf>; Sunset Gower Studios Enhancement Plan (May 2020) Draft EIR pp. 57-58, https://planning.lacity.org/eir/Sunset_Gower_Studios/DEIR/files/D_IVF.pdf; 2143 Violet Street Project (June 2020) Draft EIR, PDF p. 571, https://planning.lacity.org/eir/2143VioletStreet/deir/files/D_IVE.pdf; Modera Argyle (April 2019), PDF p. 65, https://planning.lacity.org/eir/ModeraArgyle/deir/files/D_IVC.pdf; 222 West 2nd Project (March 2019), PDF p. 67, https://planning.lacity.org/eir/222West_2nd/DEIR/files/D_IVD.pdf; Promenade 2035 (April 2018), PDF pp. 69-70 https://planning.lacity.org/eir/Promenade_2035/DEIR/files/D_IVD.pdf; Paseo Marina (March 2019), PDF p. 66 https://planning.lacity.org/eir/PaseoMarina/DEIR/files/D_IVD.pdf; 713 East 5th Street Project (December 2018), PDF p. 63 https://planning.lacity.org/eir/713_East_5th/DEIR/files/D_IVC.pdf.

	<u>SCAG-Wide</u>		<u>LA County</u>	
	2016 RTP/SCS	2020 RTP/SCS	2016 RTP/SCS	2020 RTP/SCS
2012	22.8		21.5	
2016		23.2		22.2
2020		22.4		21.4
2035		21.1		19.7
2040	20.5		18.4	
2045		20.7		19.2

2-23
(Cont.)

B. THE DEIR'S LOS IMPACT ANALYSIS IS FLAWED

2-24

Here, the level of service (“LOS”) analysis in the DEIR is fundamentally flawed as it relates to estimating the proposed private club, as well as other issues.

First, *the assumption of the club serving only 500 members is entirely based on applicant’s claim untethered to evidence.* The basis of the club serving only 500 members is specious. The 500 members assumption was solely based on what the applicant’s say they “expect” in terms of members and peak demand. (APP-H, PDF p. 80-81, 259, 262). There is absolutely no indicia that any of this was verified or subject to reasonable expectation. Nor is there anything to prevent the applicant to increase that membership beyond 500 (i.e., what is to stop applicant from increasing to 750, 1000, etc.). Nor does the study account for guests of members.

2-25

Second, *the proposed trip rate is widely underestimated as compared to what has been used for nearby projects.* According to the DEIR, the 8,168-SF private club will generate 180 ADTS (App-H, PDF p. 28-30, 249, 255, 257)—roughly 22.03 ADTs per thousand square feet (“KSF”). This is woefully below the trip rate for a similar private club project in nearby West Hollywood where the CEQA document anticipated a trip rate of 55.03 ADTS per KSF.¹⁷

2-26

Third, *the private club is much larger than just an 8,000-SF private lounge and screening room.* The above trip rates fail to account for the fact that the private club is not limited to just the 8,168-SF private lounge and screening room. These members will “also have access to parts of the Cheval Blanc that are shared with hotel guests, including the Wellness Center and restaurants on the 6th and 7th floors.” (DEIR, PDF p. 77-78; App-H, PDF p. 259.) Thus, it appears that private club members would have access to nearly 30,000 SF of additional amenities, including: 6th Floor (e.g., 4,760-SF restaurant with immediate access to an approximate 14,250-SF pool and deck with cabanas and seating); 7th Floor (i.e., 4,760-SF “private club bar” and 742-SF outdoor Terrace); and 8th floor (The 4,924-SF health/wellness Center offering massage treatments). (DEIR, PDF pp. 15-18, 21, 38, 77-78, 107-108.) Given the size and extent of amenities afforded, it would be unreasonable to assume that the club did not have the capacity to increase well above 500 members.

2-27

¹⁷ See City of West Hollywood (5/7/09) Draft EIR for 9200 Sunset Boulevard Intensification of Use Project, PDF pp. 49, 128, 168, 210 (18,388-SF private club, anticipated to initial have 400 members but could increase up to 1,000 members after first year of operation, would generate 1,012 ADTS—roughly 55.03 ADTs per KSF.), <https://www.dropbox.com/s/z39f1kgcchuvxp1/Soho%20House%20DEIR.pdf?dl=0>.

Fourth, other issues and deficiencies with the LOS analysis beyond the private club include:

- A LOS analysis and parking study is no replacement for a VMT analysis. They deal with fundamentally different issues. For example, whether an Uber/Lyft (i.e., defined as “TNC” in the DEIR) needs a parking space has no bearing on whether the Uber/Lyft’s VMTs to the site should be ignored. So, while the DEIR assumed 50 percent of restaurant trips and 66 percent of hotel trips were from TNCs, that does not mean those VMTs do not matter. (APP-H, PDF p. 84.) | 2-28
- The DEIR tries to minimize LOS impacts via citing historic uses and traffic trips (APP-H, PDF p. 85, 101 [2,144 existing ADTs]), but does not show the traffic generation calculations. This needs to be clarified to verify calculations were done correctly. | 2-29
- The DEIR uses hair salon (ITE 918) for the project’s massage treatment spa use. (APP-H, PDF p. 249.) This project’s spa treatment in connection with a luxury hotel and private hotel does not appear to be anywhere similar to a typical hair salon one would find at a typical strip mall. This may cause underestimation of trips. | 2-30
- DEIR assumed 50 percent of employees will take transit, which is unrealistic given the great lengths hotel service workers will have to travel to the Site given the lack of affordable housing in the City and area. (App-H, PDF p. 259.) This is key for Local 11. | 2-31
- DEIR fails to provide any data underlying its drive-n rates for luxury restaurants in Beverly Hills and Similar Communities—evidently claiming disclosure of this information is proprietary. (APP-H, PDF p. 272.) | 2-32

C. FAILURE TO CONSIDER FEASIBLE TRAFFIC MITIGATION | 2-33

Due to the above errors, the Draft EIR incorrectly concludes the Project would have no VMT impact and, thus, requires no mitigation. As a result of this incorrect conclusion, the Project avoids numerous feasible VMT mitigation measures offered by CAPCOA¹⁸ and endorsed by the City,¹⁹ as well as other measures recommended by agencies like OPR and SCAG.²⁰ At a minimum, the City should consider the following mitigation measures that promote public transit, reduce VMTs, increase the Project’s overall efficiency, and which all have the additional benefit of further reducing the Project’s mobile emissions affecting air quality and GHG emissions:

- Establish a rideshare program that includes on-site transit/rideshare information, assistance for employees to form carpool/vanpools, and gift gas cards to reward

¹⁸ See CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 83, 155, 218-269 (listing and describing 15 measures as part of a “Commute Trip Reduction Program”), <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>.

¹⁹ City VMT Guidelines, PDF pp. 52.

²⁰ SCAG (Sep. 2020) 2020 RTP/SCS Connect SoCal Addendum, pp. 4.0-21 – 4.0-22 (noting “employer trip reduction measures” and “commute trip reduction marketing”), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420.

participation, and other measures consistent with CAPCOA VMT reduction measures.²¹ Local 11 strongly favors this.

2-33
(Cont.)

- Establish a local hire program with a goal of 40 percent of total full/part-time jobs are held by local residents.
- Free LA Metro day pass to hotel guests (upon request).
- Increase the number of electric vehicle parking spaces with actual chargers in-place.
- Require the Project achieve CalGreen Tier 1 or 2 compliance.

III. THE DEIR'S AIR QUALITY ANALYSIS IS DEFICIENT

2-34

The DEIR CalEEMod outputs in Appendix B of the DEIR do not represent a proper analysis. There are multiple problems.²²

First, *the DEIR relies on an older CalEEMod* (version 2016.3.2), which has been updated (version 2020.4.0). This newer version has significant updates that are not reflected in the older version, such as the California Air Resources Board (“CARB”)’s EMFAC2017 emissions, ITE trip generations under the 10th edition, 2019 Title 24 regulations, utility intensity factors for GHG emissions, to name a few.²³ These are important changes and the Project should be subject to an updated CalEEMod modeling run.

2-35

Second, *the CO2 intensity was substantial reduced from the CalEEMod default* (older version) of 702.44 lb/MWh down to 364 lb/MWhr (APP-B, PDF p. 85), which is well below the 393 lb/MWhr default value under the newer CalEEMod version that includes 2021 updates to SoCal Edison GHG emissions.²⁴ The DEIR claims that this adjustment was necessary to account for increase in SoCal Edison’s renewable energy from 8 percent in 2007 (CalEEMod default) to the expected 50 percent in 2026 (assumed compliance with SB2x and SB 100). (Id.; see also DEIR, p. 4.6-53.) However, the DEIR in the same paragraph notes that the SoCal Edison was already achieving a 48 percent renewable profile in 2019 (id.), which was revised to 51 percent according to SoCal Edison’s 2020 Sustainability Report.²⁵ Thus, SoCal Edison could have stopped making any further progress on its renewable profile and maintain the same intensity factor (which is reflected in the current CalEEMod at 393 lb/MWhr). Additionally, that 2020 report shows that 2020 saw a sharp decrease in SoCal Edison’s renewable energy percentage, which would be contrary to straight line interpolation, especially when current data is readily available and verified by CAPCOA (the agency responsible for updates to the CalEEMod) and the operation year of the Project is merely four years out.

2-36

²¹ 2016 RTP/SCS, p. 155, <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?16060%E2%80%8C05557>; 2020 RTP/SCS, pp. 122, 129, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

²² All changes to CalEEMod defaults must be justified. (See CalEEMod User Guide, pp. 2, 9, http://www.aqmd.gov/docs/default-source/caleemod/user-guide-2021/01_user-39-s-guide2020-4-0.pdf?sfvrsn=6.)

²³ CalEEMod, FAQs, <http://www.caleemod.com/>.

²⁴ CalEEMod (May 2021) User Guide, Appendix D, p. D-2 (select “User’s Guide”), <http://www.caleemod.com/>.

²⁵ SoCal Edison (June 2021) Edison International 2020 Sustainability Report. PDF p. 40, <https://www.edison.com/content/dam/eix/documents/sustainability/eix-2020-sustainability-report.pdf>; see also <https://newsroom.edison.com/releases/edison-international-launches-2020-sustainability-report-publishes-sustainable-financing-framework-in-alignment-with-clean-energy-strategy>.

Third, the CalEEMod shows workday and weekend trips were substantially changed (APP-B, PDF p. 87). (See figure below.) While the DEIR states “see trip generation” (id. at p. 85), it is unclear what trip generations is being relied upon. Moreover, as discussed above, the trip generation relies on a parking study that is entirely unreliable. Furthermore, a parking study does not serve the purpose of a VMT analysis, which is concerned with the number and distances of miles traveled—not the amount of parking needed at the Project Site. The unjustified changing of these trips infects the entire mobile emissions analysis.

2-37

tblVehicleTrips	ST_TR	20.87	6.34
tblVehicleTrips	ST_TR	8.19	8.38
tblVehicleTrips	ST_TR	94.36	87.96
tblVehicleTrips	ST_TR	42.04	35.81
tblVehicleTrips	SU_TR	26.73	8.12
tblVehicleTrips	SU_TR	5.95	6.09
tblVehicleTrips	SU_TR	72.16	67.26
tblVehicleTrips	SU_TR	20.43	17.40
tblVehicleTrips	WD_TR	32.93	10.00
tblVehicleTrips	WD_TR	8.17	8.36
tblVehicleTrips	WD_TR	89.95	83.84

Fourth, the CalEEMod inputs continue to be misleading, as the DEIR analysis on building energy usage included a “10-percent reduction in the CalEEMod calculated energy use to account for compliance with 2019 Title 24 standards.” (DEIR, p. 278.) However, the Project fails to bind itself to any such requirements, stating that the Project “may include use of efficient water heaters, cooking equipment, and other major support appliances [in order to meet the Title 24 energy performance requirement.]” (Id.) Moreover, all of this could be avoided by updated the CalEEMod with the 2019 Title 24 regulations already accounted for in the CAPCOA-vetted modeling.

2-38

Fifth, the Project involves two phases of construction, with plans to commence in 2022 and Construction of Phase 2 would overlap Phase 1 by approximately 1.5 months. (DEIR, p. 4.6-68; APP-A, PDF p. 23; APP-B, PDF p. 89 [Phase 1 Building Construction overlapping with Phase 2 Demolition]; APP-E, p. 7 [showing Phase 2 activity during Phase 1 construction].) However, the CalEEMod modeling does not show any overlapping construction phase where some emissions from Phase 1 and Phase 2 would overlap. This may cause air emissions during this period to be much larger than what is disclosed. This would also impact the potential for toxic air contaminants. The failure to consider overlapping phases is a fundamental error that requires correction via an updated CalEEMod run. So too, it is unclear if construction noise analysis/modeling accounted for this concurrent construction, which also must be corrected. (DEIR, p. 457 [Tbl. 4.8-12].)

2-39

Sixth, the above modeling error and questionable assumptions infects the entire emissions modeling. This forms the basis of the DEIR’s air quality and GHG impact analysis, which must be reassessed pursuant to an accurate updated modeling under the newer CalEEMod version. So too, the DEIR’s noise analysis must be reassessed to consider overlapping noise construction activities.

2-40

///

Seventh, in an effort to reflect purported sustainable features of the Project, the modeling improperly took credit for a variety of mitigation measures (APP-B, PDF pp. 104) that correspond to various CAPCOA mitigation measures.²⁶ However, as discussed below (Section IV.B), many of these measures do not apply to the Project. For example, for “Increase Diversity” (LUT-3),²⁷ CAPCOA shows that this measure is most effective when there is a diversity of housing in combination with a diversity in other commercial uses. Here, this Project is 100 percent commercial, is already surrounded by numerous restaurants and other hotels, but has zero housing.

2-41

IV. GHG IMPACTS ARE UNDERSTATED

2-42

Citing CEQA Guidelines § 15064(h)(3), the DEIR’s qualitative GHG analysis relies on the Project’s consistency with CARB’s 2017 Scoping Plan, SCAG’s RTP/SCS, and the City’s Sustainable City Plan to determine less than significant GHG impacts. (DEIR, p. 342.) This is incorrect for several reasons.

A. DEIR FAILS TO RECOGNIZE THAT PLANS MUST INCLUDE SPECIFIC, BINDING, AND ENFORCEABLE MEASURES SPECIFIC TO LOCAL LAND-USE PROJECTS

2-43

First, the DEIR fails to recognize that local GHG reduction CAP plans must include specific, binding, and enforceable measures specific to local land-use projects to be applicable under the CEQA Guidelines § 15064 (DEIR, p. 4.6-41.)²⁸ Under subdivision (h)(3), lead agencies can find projects not cumulatively considerable for GHG when a project complies with an approved plan or mitigation program that “provides specific requirements that will avoided or substantially lessen the cumulative problems within the geographic area in which the project is located ... [and] the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project’s incremental contribution to the cumulative effect is not cumulatively considerable.” (Emphasis added). When adopted, the Resources Agency explained that this subsection provides a “rebuttable presumption” for “certain” plans, such as local Climate Action Plans (“CAP(s)”).²⁹ As further explained, “consistency with plans that are purely aspirational (i.e., those that include only unenforceable goals without mandatory reduction measures), and provide no assurance that emissions within the area governed by the plan will actually address the cumulative problem, may not achieve the level of protection necessary to give rise to this subdivision’s presumption.”³⁰ (Emphasis added.) Hence, lead agencies must “draw a link between the project and the specific provisions of a binding plan or regulation,” before subdivision (h)(3) rebuttable presumption is to take effect.³¹

Here, none of the plans cited by the DEIR are a proper CAP, which must include project-specific measures and features that are project-specific, mandatory, tethered to quantifiable data, and directly serves to reduce the local projects’ contribution to GHG emissions. As discussed further below, the DEIR cites to actions and proposals that are purely aspirational and non-binding on the

²⁶ CalEEMod (Nov. 2017) User Guide, pp. 55 -65, http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4.

²⁷ CAPCOA, Quantifying GHG Mitigation Measures, PDF p. 174-177, <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>.

²⁸ *McCann v. City of San Diego* (2021) 70 Cal.App.5th 51, 96.

²⁹ Resources Agency (Dec. 2009) Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines, pp. 14-15, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf.

³⁰ *Ibid.*, pp. 16, 65.

³¹ *Ibid.*, p. 16.

Project—thus, the analysis fails to draw the required link warranting the rebuttable presumption afforded under Section 15064(h)(3).

2-43
(Cont.)

For example, the City of Beverly Hills Sustainable City Plan (“**Sustainable City Plan**”) was adopted in 2009, but fails to be a CEQA-compliant, qualified CAP.³² It lacks any of the hallmarks of a qualified CAP that ensures GHG reductions, such as: i) inventorying existing and future GHG emissions within the City; ii) establishing a numeric limit of total GHG emission for the City; iii) identifying specific mitigation measures with performance standards that can be implemented on a project-by-project basis that would achieve the City limit; iv) creating a monitoring program to ensure the CAP’s efficacy for the City to reach its limit; and v) subject to CEQA review. (See CEQA Guidelines § 15183.5(b)(1).)

Additionally, the Sustainable City Plan does not mandate any specific actions, but rather provides a list of potential programs and the foundation on which the City can build a unified sustainability strategy. The Sustainable City Plan places no mandatory requirements on the Project, but rather represents the aspirations of the community to become more sustainable. This is not a valid CAP allowing a qualitative-only consistency analysis for GHGs.

B. PURPORTED SUSTAINABLE FEATURES ARE OVERBLOWN AND FAIL TO DEMONSTRATE ADDITIONALITY

2-44

Much of the Project’s purported sustainability features are overblown, particularly as it relates to claims of going beyond what is already required for state and regional requirements. The Project Design Features as outlined in the DEIR are not specific or binding, and no actual quantifications are outlined (p. 4.6-50 – 4.6-51), for example:

- The Project touts itself for achieving LEED Silver energy efficiency requirements, which essentially is the minimum of the 2019 California Building Energy Efficiency Standards and the requirements of the CalGreen Building Code.³³
- The Project has failed to outline the percentage of Energy Star-labeled projects.
- The Project has not specified a percentage of electric vehicle (“**EV**”) spaces or EV infrastructure for the subterranean parking structure.
- While the Project promises to make investments in pedestrian infrastructure, the Project will attract patrons from around the state and globe, creating substantial increases in VMT from hotel guests. This will result in the Project being the antithesis of sustainability and inconsistent with fundamental smart growth strategies advocated by relevant agencies (e.g., SCAG, CARB, CAPCOA, and OPR).³⁴

³² See City of Beverly Hills Sustainable City Plan, <https://www.beverlyhills.org/cbhfiles/storage/files/24347783778629768/SustainableCityPlan.pdf>.

³³ Compare DEIR, pp. 44.32 with CalGreen Building Code 2019, https://calgreenenergyservices.com/wp/wp-content/uploads/2019_california_green_code.pdf.

³⁴ See e.g., SCAG (Apr. 2016) 2016 RTP/SCS, pp. 25, 58, 78 (reducing parking requirements), <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?1606005557>; CARB (Nov. 2017) 2017 Scoping Plan, Appendix B, p. 3 (reduce parking requirements), p. 8 (install fewer on-site parking spaces than required), https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2030sp_appb_localaction_final.pdf;

- While the Project Site may provide a variety of uses (e.g., retail, hotel guest rooms, club member area, restaurant, etc.), these uses are relatively abundant in the surrounding area—especially hotels (seemingly 13 with roughly one mile of the Site).³⁵ This contradicts the DEIR’s proposition that the Project would accomplish CAPCOA Measure LUT-3--Increase Diversity of Urban and Suburban Developments (Mixed-Uses).³⁶ The facts is visitors already have ample opportunities to shop, dine, or stay at another hotel within walking distance. To the contrary, the City and this area are, however, underserved by affordable housing—which this Project provides none.³⁷ Thus, the Project fails to maximize the Site’s mixed-use potential by providing diversity of uses needed in the area. Furthermore, under the DEIR’s rationale, a 99 percent office project with one percent of retail should claim complete credit from being technically mixed-use. This is nonsense.

2-44
(Cont.)

C. SCAG 2020 RTP/SCS CONSISTENCY ANALYSIS IS LACKING IN THE DEIR

2-45

1. The DEIR Offers Only Perfunctory Consistency Evaluation To Non-Specific, Non-Binding Plans

As discussed above, the rebuttable presumption allowing qualitative GHG consistency analysis afforded under CEQA Guidelines § 15064(h)(3) applies only when actions in the relevant GHG plans are specific, binding, and not merely aspirational. Here, however, SCAG has made it clear that the RTP/SCS is “non-binding” on local governments.³⁸ Additionally, the cited mandatory regulatory measures are not Project-specific (e.g., Cap-and-Trade, Renewables Portfolio Standard, Low Carbon Fuel Standards, etc.). (DEIR, p. 4.6-53 – 4.6-54 [Tbl. 4.6-5].) These are entirely the responsibility of state and regional agencies to adopt regulations that the Project cannot claim credit for. For example, CARB has stated it would be “misguided” to suggest Cap-and-Trade or other state regulations covers mobile emissions from local land-use projects.³⁹

///

CAPCOA (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 155, 207-209 (measures PDT-1 Limit Parking Supply whereby “The project will change parking requirements and types of supply within the project site to encourage “smart growth” development and alternative transportation choices by project residents and employees.”), <http://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>; OPR (Dec. 2018) TECHNICAL ADVISORY—On Evaluating Transportation Impacts in CEQA, p. 14 (presumption of less than significant VMT impact for projects near transit might not be appropriate for projects that “Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking”.), p. 27 (measures to reduce VMTs include “limit or eliminate parking supply”), https://opr.ca.gov/ceqa/docs/20190122-743_Technical_Advisory.pdf.

³⁵ DEIR, PDF pp. 106-109 (Related Projects, Table 3.0-1, 4, 18, 24, 36, 40, 41).

³⁶ DEIR, PDF pp. 161-163, pp. 4.1-47-49.

³⁷ The City affordable housing crises is well known. The City has routinely failed to meet objective affordable housing obligations to meet regional demand or as a part of the Regional Housing Need Allocation. (See October 2020 appeal letter, <https://scag.ca.gov/sites/main/files/file-attachments/beverlyhills-rhna-appeal-request.pdf?1604954426>.)

³⁸ See e.g., SCAG (Apr. 2016) 2016 RTP/SCS, PDF p. 70, <http://scagrtpscscs.net/Documents/2016/final/f2016RTPSCS.pdf>; SCAG (Apr. 2016) 2016 RTP/SCS Program EIR Response to Comments, PDF p. 85, http://scagrtpscscs.net/Documents/2016/peir/final/Final_RTC032816.pdf.

³⁹ CARB (12/5/18) RE Centennial Specific Plan Final EIR, p. 3-4, 6-7, 10-11, <https://ww3.arb.ca.gov/toxics/ttdceqalist/centennialfeir.pdf>.

Similarly, all of the reduction strategies listed (Id., at 4.6-60 [Tbl. 4.6-7]) are purely aspirational. For example, what binding, specific, and mandatory action is required to “focus growth near destinations, emphasize land use patterns, leverage technology innovations, support development,” etc.? Moreover, this Project is not focusing on regional jobs/housing balance or emphasizing land use patterns that capitalize on near transit investments because it squanders the opportunity to place housing in this prime location.

2-46

Furthermore, curiously missing from the DEIR is any discussion of whether the Project is consistent with the numerous project-level mitigation measures recommended by SCAG,⁴⁰ such as:

2-47

- Incorporate Best Available Control Technology (“BACT”) during design, construction and operation of projects to minimize greenhouse gas emissions;
- Adopt plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency’s decision;
- Use energy and fuel-efficient vehicles and equipment during construction;
- Use the minimum feasible amount of greenhouse gas emitting construction materials that is feasible;
- Incorporate design measures to reduce greenhouse gas emissions from solid waste management through encouraging solid waste recycling and reuse;
- Promote ride sharing programs e.g., by designating a certain percentage of parking spaces for high-occupancy vehicles, providing larger parking spaces to accommodate vans used for ride-sharing, and designating adequate passenger loading and unloading and waiting areas.

2. The DEIR Fails to Compare Relevant GHG Performance Benchmarks

2-48

First, as discussed above (Section II.A.2.i), the 2016 RTP/SCS had a VMT/sp goal for both SCAG-wide and LA County, which was updated under the 2020 RTP/SCS. (See figure below). Here, the Project generates 6,836 daily VMTs with a service population of 250 employees—resulting in a daily 27.3 VMT/sp. This is way above SCAG threshold metrics. If these same environmental preparers can argue being below this threshold is substantial evidence for showing consistency,⁴¹ so too being well above this threshold is substantial evidence of inconsistency.

⁴⁰ 2020 RTP/SCS (9/3/20) Program EIR, MMRP, pp. 6-11, 25-29, 44-50, https://scag.ca.gov/sites/main/files/file-attachments/exhibit-a_connectsocial_peir_revisedmmrp.pdf?1606004474; SCAG 2016 RTP/SCS (Apr. 2016) PEIR MMRP, pp. 15-19, 28-29, 31-33, https://scag.ca.gov/sites/main/files/file-attachments/2016f_peir_exhibitb_mmrp.pdf?1623887711.

⁴¹ See e.g., Senior Residential Community at The Bellwood (Jul. 2021) Draft EIR, PDF pp. 59-60, <https://planning.lacity.org/eir/SrResidComm-TheBellwood/deir/files/IV.D.%20Greenhouse%20Gas%20Emissions.pdf>; Sunset Gower Studios Enhancement Plan (May 2020) Draft EIR pp. 57-58, https://planning.lacity.org/eir/Sunset_Gower_Studios/DEIR/files/D_IVF.pdf; 2143 Violet Street Project (June 2020) Draft EIR, PDF p. 571, https://planning.lacity.org/eir/2143VioletStreet/deir/files/D_IVE.pdf; Modera Argyle (April 2019), PDF p. 65, https://planning.lacity.org/eir/ModeraArgyle/deir/files/D_IVC.pdf; 222 West 2nd Project (March 2019), PDF p. 67, https://planning.lacity.org/eir/222West_2nd/DEIR/files/D_IVD.pdf; Promenade 2035 (April 2018), PDF pp. 69-70 https://planning.lacity.org/eir/Promenade_2035/DEIR/files/D_IVD.pdf; Paseo Marina (March 2019), PDF p. 66 https://planning.lacity.org/eir/PaseoMarina/DEIR/files/D_IVD.pdf; 713 East 5th

	SCAG-Wide		LA County	
	2016 RTP/SCS	2020 RTP/SCS	2016 RTP/SCS	2020 RTP/SCS
2012	22.8		21.5	
2016		23.2		22.2
2020		22.4		21.4
2035		21.1		19.7
2040	20.5		18.4	
2045		20.7		19.2

Second, while the DEIR notes RTP/SCS’s GHG per capita reductions from auto/light-truck emissions (i.e., SB 375’s goal) (DEIR, pp. PDF pp. 126, 261, 287, 291, 364-367), it does not show the Project is coming close to this figure. This goal is reflected in SCAG’s 2016 RTP/SCS Program EIR (“PEIR”)⁴² that determined the per capita emissions were 23.8 pounds per day (“lbs/day”) in 2005, and that SCAG’s 2016 RTP/SCS plan would achieve per capita emissions of 21.4 lbs/day in 2020 and 19.5 lbs/day in 2035 (see table excerpted directly below).⁴³ (See figure below.)

**TABLE 3.8.4-3
 SB 375 ANALYSIS**

	2005 (Baseline)	2020 (Plan)	2035 (Plan)	2040 (Plan)
Resident population (per 1,000)	17,161	19,060	21,475	22,116
CO ₂ emissions (per 1,000 tons)	204.0*	203.6**	206.0**	203.0**
Per capita emissions (pounds/day)	23.8	21.4	19.5	18.7
% difference from Plan (2020) to Baseline (2005)				-8%*
% difference from Plan (2035) to Baseline (2005)				-18%**
% difference from Plan (2040) to Baseline (2005)				-22%***

NOTE:
 * Based on EMFAC2007
 ** Based on EMFAC2014
 ***Included off-model adjustments for 2035 and 2040

SOURCE:
 SCAG modeling, 2015
 Southern California Association of Governments. 5 November 2015. *Item No. 1 Staff Report: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS) – Proposed Major Components*. Available at: <http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf>

The above performance goals have been updated pursuant to SCAG’s adoption of the 2020 RTP/SCS.⁴⁴ (See figure below.)

Street Project (December 2018) PDF p. 63, https://planning.lacity.org/eir/713_East_5th/DEIR/files/D_IVC.pdf.

⁴² SCAG (Apr. 2016) 2016 RTP/SCS, pp. 8, 15, 153, 166, <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?1606005557>.

⁴³ SCAG (11/24/15) 2016 RTP/SCS Draft PEIR, pp. 3.8-37 – 3.8-38, https://scag.ca.gov/sites/main/files/file-attachments/2016dpeir_complete.pdf?1624320652.

⁴⁴ See e.g., SCAG (9/3/20) 2020 RTP/SCS, pp. 9, 48, 138, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176; SCAG (Nov. 2019) 2020 RTP/SCS Draft PEIR, pp. 3.8-73 – 3.8-74, https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618.

**Table 3.8-10
 SB 375 Analysis**

	2005 (Baseline)	2020 (Plan)	2035 (Plan)
Resident population (per 1,000)	17,161	19,194	21,110
CO2 emissions (per 1,000 tons)	204.0 ^{a/}	204.5 ^{b/}	198.6 ^{b/}
Per capita emissions (pounds/day)	23.8	21.3	18.8
% difference from Plan (2020) to Baseline (2005)			-8%
% difference from Plan (2035) to Baseline (2005)			-19% ^{c/}

Note:
 /a/ Based on EMFAC2007
 /b/ Based on EMFAC2014 and SCAG modeling, 2019.
 /c/ Includes off-model adjustments for 2035 and 2045
 Source: SCAG modeling, 2019.
<http://www.scag.ca.gov/committees/CommitteeDocLibrary/jointRCPC110515fullagn.pdf>

Here, however, the DEIR fails to conduct any analysis to show that the Project would come close to the per capita auto/light-truck GHG emissions levels under the 2016 RTP/SCS (i.e., 21.4 and 19.5 lbs/day/capita goal for 2020 and 2035 [respectively]) or the 2020 RTP/SCS (i.e., 21.3 and 18.8 lbs/day/capita goal for 2020 and 2035 [respectively]).⁴⁵ This analysis must be done to show that the Project is genuinely consistent with SCAG’s RTP/SCS and SB 375 by meeting these specific performance goals.

3. SB 375 Is Not Enough to Meet State’s Long-Term GHG Goals

SB 375 and VMT reductions anticipated under Sustainable Community Strategies (“SCS”) are listed as *one of many* policies/strategies needed to help the State achieve its 2030 GHG reduction goals.⁴⁶ However, CARB has made it perfectly clear that consistency with SB 375 and SCS is not enough, as reflected below:

“An RTP/SCS that meets the applicable SB 375 targets alone will not produce the GHG emissions reductions necessary to meet state climate goals in 2030 nor in 2050. This means that SB 375 targets are not stand-alone CEQA thresholds for GHG or transportation impact analysis (though SCS compliance may nonetheless entitle projects to certain CEQA exemptions or streamlining procedures pursuant to statute). In other words, a project that is consistent with an SCS may be eligible for certain exemptions, but compliance does not necessarily more broadly imply consistency with state climate goals nor with science-based GHG reduction targets, in CARB staff’s non-binding view. Some land use development projects contemplated in an SCS that will be operational in 2030 and 2050 will be consistent with state climate goals, and SB 375 defines project circumstances under which CEQA streamlining is available to qualified projects consistent with an SCS. Other projects may need to consider additional mitigation measures to further reduce per capita light-duty transportation-related GHG emissions to levels that would not conflict with state climate goals ... Ultimately, project evaluation continues to be in the purview of local planners. This paper’s function is to provide a crosswalk amongst potential metrics, as they relate to modeling and scientific analysis offered by the State. As shown below, VMT metrics

⁴⁵ Ibid., 2020 RTP/SCS Draft PEIR, Tbl. 3.8-10.

⁴⁶ CARB (Nov. 2017) 2017 Scoping Plan, pp. 25, 98, 101-103, https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

may serve as an important adjunct or complement to GHG metrics.” (Emphasis added.)⁴⁷

CARB continues to make clear that:

“... no single project alone will cause a detectable change in the global climate. However, when taken together, many land use development projects, large or small, that deviate from the needed trajectory to hit California’s GHG targets would result in a substantial conflict with California’s GHG emission reduction goals, which would amount to a cumulatively substantial contribution of GHG emissions and the resulting global significant environmental impact of catastrophic climate change.”

To help local lead agencies to evaluate project’s consistency with SB 32 and AB 32, CARB has provided analysis of the additional GHG reductions beyond that planned under the RTP/SCS that are necessary to achieve the State’s mid-term 2030 and long-term 2050 GHG reduction goals. To this end, CARB identified the population, and daily VMTs from total vehicles (i.e., all vehicles) and from light-duty vehicles (“LDV”) (a subcomponent of all vehicles) for each year between 2010 to 2050 under two scenarios: (i) a “baseline scenario” that includes VMT projections in existing RTP/SCSs pursuant to SB 375 (including SCAG’s 2016 RTP/SCS); and (ii) a “Cleaner Technologies and Fuels” (“CTF”) scenario combining cleaner vehicles technologies “combined with slower growth in VMT would be “necessary” to achieve climate goals for 40 percent reduction in GHG emissions from 1990 level by 2030 and 80 percent by 2050.⁴⁸ Accordingly, the State would need to reduce total (i.e., all vehicles) daily VMT/capita by 14.3 percent and LDV daily VMT/capita by 16.8 percent beyond the RTP/SCS baseline scenario (as reflected in the CARB figures below).⁴⁹

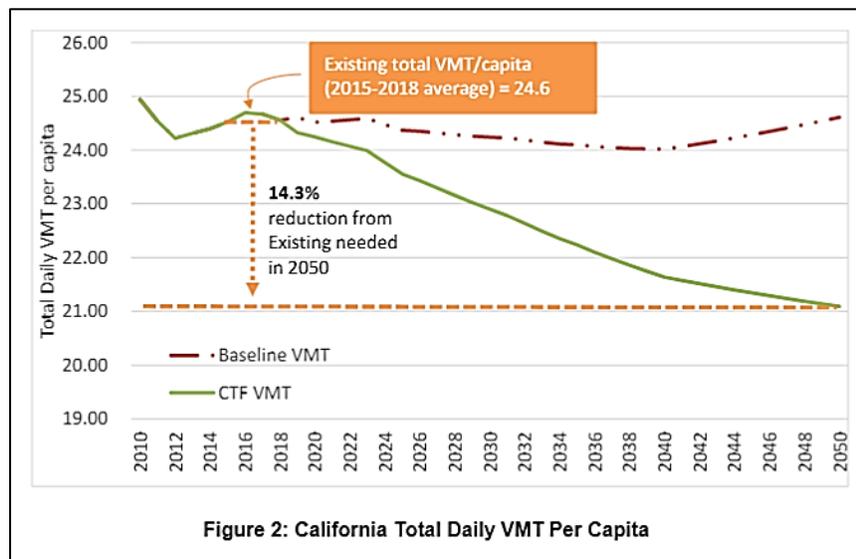
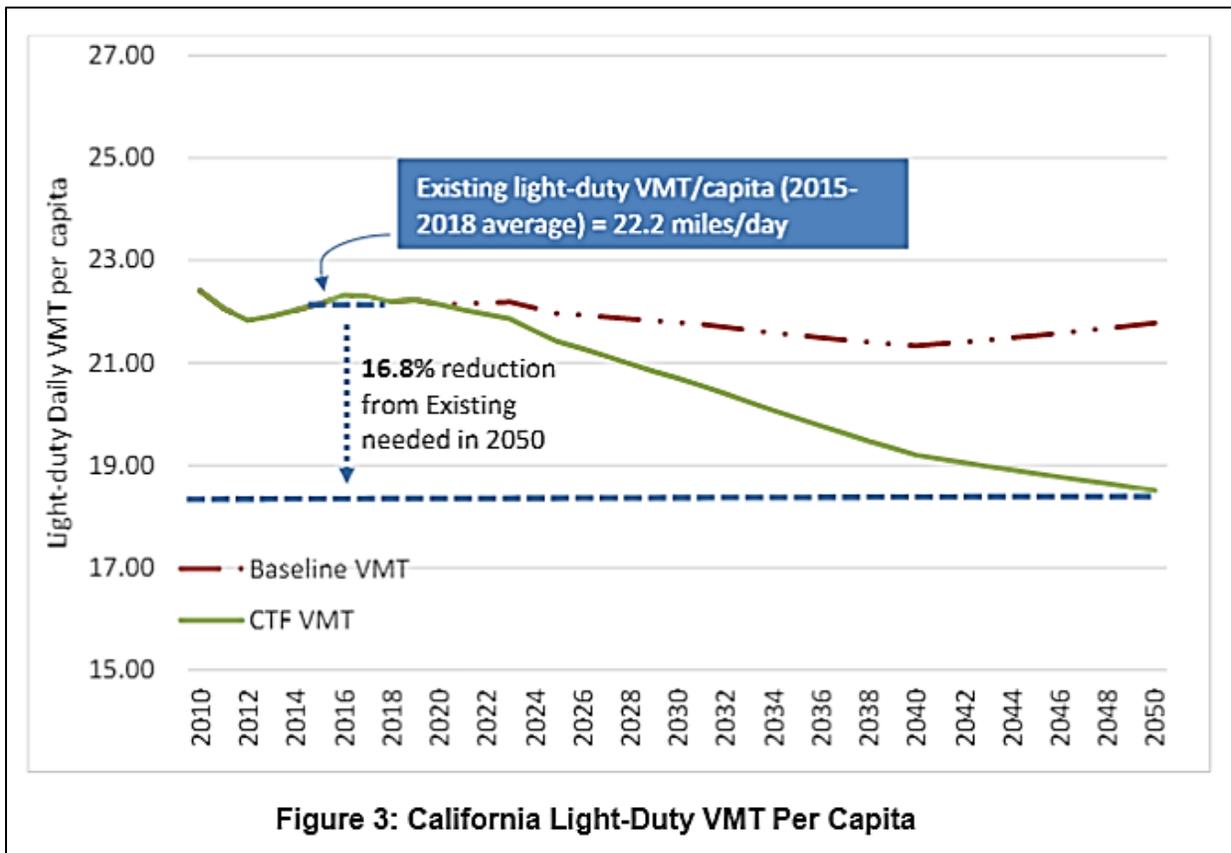


Figure 2: California Total Daily VMT Per Capita

⁴⁷ CARB (Jan. 2019) 2017 SCOPING PLAN-IDENTIFIED VMT REDUCTIONS AND RELATIONSHIP TO STATE CLIMATE GOALS, p. 4, https://ww2.arb.ca.gov/sites/default/files/2019-01/2017_sp_vmt_reductions_jan_19.pdf; see also id. at p. 6 (“While the majority of the mobile-source GHG emissions reductions in the modeling are assumed to come from new vehicle technologies and low carbon fuels, reductions from curbing growth in VMT are also necessary to meet climate targets.” Emphasis added).

⁴⁸ Ibid., pp. 5-6.

⁴⁹ Ibid., pp. 9-10.



When looking at CARB’s underlying data,⁵⁰ clear benchmarks can be established at the State and County levels to compare against the Project. Statewide, CARB explicitly provides the daily VMT/capita benchmarks for total vehicles and LDV vehicles under both the Baseline Scenario (i.e., just RTP/SCS reductions) and the CTF Scenario (i.e., RTP/SCS plus cleaner tech and slower VMT growth). The DEIR should have compared the Project to these benchmarks to see if this Project would even come close to these VMT/capita benchmarks.

D. DEIR’S CARB 2017 SCOPING PLAN IS LACKING.

1. The DEIR Relies on The Old Scoping Plan for GHGs

As a threshold matter, the DEIR cites the 2008 CARB Climate Change Scoping Plan, and explains the numerous revisions over the past decade. In narrative, the DEIR explains the 2017 Scoping Plan Update and other measures taken to comply with AB 32 and SB 32 targets. (DEIR, PDF p. 344.) However, the DEIR is inconsistent in referring to 2008 and 2017 Scoping Plans interchangeably, failing to explain which one the DEIR is applying the Project. (DEIR, PDF p. 353 [Tbl.4.6-5].) This should be clarified. The 2017 Scoping Plan applies to this Project.

⁵⁰ See CARB (Jan. 2019) 2017 Scoping Plan-Identified VMT Reductions and Relationship to State Climate Goals Webpage (including provided Excel file provided therein), <https://ww2.arb.ca.gov/resources/documents/carb-2017-scoping-plan-identified-vmt-reductions-and-relationship-state-climate>; see also Excel Sheet “Readme”, https://ww2.arb.ca.gov/sites/default/files/2019-01/sp_mss_vmt_calculations_jan19_0.xlsx.

2. Perfunctory Consistency Evaluation to Non-Specific, Non-Binding, Unrelated Actions

2-52

As discussed above, the rebuttable presumption afforded under CEQA Guidelines § 15064(h)(3) applies only when actions are specific, binding, and not merely aspirational. Here, however, CARB has made clear that the Scoping Plan guidelines and objectives are not binding on local agencies.⁵¹ As CARB states in the 2017 Updated Scoping Plan, “[i]mplementation of [GHG reductions] change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed under SB 375.⁵² Because local agencies retain permitting authority, consistency on state and regional land use goals are primarily achieved at the project level.

Additionally, the DEIR claims the Project is consistent with the 2017 Scoping Plan by listing 11 action and strategies—ten of which are admittedly state or regional responsibilities. Most of the actions and strategies are the sole responsibility of regulatory parties in Sacramento to adopt rules and regulations which result in GHG reductions otherwise required by law (i.e., SB 350’s renewable energy resources, Low Emission Vehicle Zones, increase SB 375 stringency, Low Carbon Fuel Standard, Short-Lived Climate Pollutant Strategy). (DEIR, pp. 4.6-55 – 4.6-57 [Tbl. 4.6-6].) Many are also entirely irrelevant actions, such as the California Sustainable Freight Action Plan.

2-53

Furthermore, the DEIR fails to consider any of the plan-level or project-level mitigation measures proposed by in the 2017 Scoping Plan Appendix B,⁵³ which has an entire section dedicated to Local Actions that lead agencies can take when implementing general or specific plans and projects.⁵⁴ The actions listed include increasing renewable energy generation, quantifying and preparing for electric charging infrastructure, and restricting idling of all vehicles.⁵⁵ The Project needs to do more of the here.

2-54

3. The DEIR’s Quantitative Analysis for GHGs is Inadequate

2-55

First, as discussed above (Section III), the DEIR relies on a flawed CalEEMod modeling and, thus, emissions are entirely unreliable and need to be remodeled. Second, as discussed in Section II.A.2.g above, the Project is not a genuine mixed-use project, but instead is a 100 percent commercial project. Thus, the most applicable GHG threshold would be 1,400 MTCO₂e/yr standard, which the Project exceeds.⁵⁶ Third, when the Project’s 1,966 MTCO₂e/yr is divided by its service

⁵¹ See e.g., CARB (12/5/18) RE Centennial Specific Plan Final EIR, pp. 3-4, 6-7, 10-11, <https://ww3.arb.ca.gov/toxics/ttdceqalist/centennialfeir.pdf>.

⁵² CARB 2017 Climate Change Scoping Plan, p. 76. https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf.

⁵³ CARB (Nov. 2017) 2017 Scoping Plan, Appendix B Local Action, pp. 8-11, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2030sp_appb_localaction_final.pdf.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ The City of Los Angeles has used this option numerous times. (See e.g., e.g., Venice Blvd. Self-Storage project (DCP Case No. ENV-2017-3855) MND, PDF pp. 49-50 (applying 1,400 MTCO₂e/yr threshold for commercial project), https://planning.lacity.org/staffrpt/mnd/Pub_101818/ENV-2017-3855.pdf; 6516 W. Selma Ave. project (DCP Case No. ENV-2016-4313) MND, PDF pp. 102-104 (utilizing Tier 4 analysis and noting

population of 250 employees, the Project achieves an efficiency level of 7.8 MTCO₂e/yr/sp—which exceeds SCAQMD’s Tier 4 per capita standards. So too, the Project efficiency threshold exceeds the 2.6 MTCO₂e/yr/sp threshold advanced by the Association of Environmental Professionals (“AEP”) for projects with a horizon between 2021 and 2030.⁵⁷

2-55
 (Cont.)

V. HOUSING ISSUES NEED BETTER CEQA ANALYSIS

2-56

The City is facing a steep increase in its Regional Housing Need Allocation (“RHNA”) obligations. SCAG has allocated the City an obligation of 3,104 new affordable units (i.e., moderate income or below) over the next eight-year planning period.⁵⁸ Although the City is currently appealing this allocation (asking for reduction of 1,486 units),⁵⁹ the City is still looking at a steep increase under its Draft 2021-2029 6th Cycle Element.⁶⁰ (See figure below.) The greater Los Angeles region is facing an extraordinary shortage of affordable housing, and the simple fact remains: all cities within the SCAG region need to produce more housing units—including Beverly Hills, which has twice as many jobs (74,800) as people (34,500)⁶¹ and not enough affordable homes for its lower paid workforce that is compelled to longer, VMT-inducing commutes. This matters a lot to Local 11.

City of Beverly Hills General Plan
 2021-2029 Housing Element

DRAFT

- Over-concentration of lower income households
- Physical constraints such as fire and flood hazards

SCAG’s RHNA allocation to Beverly Hills for the 2021-2029 planning period is shown in Table A-3.

Table A-3 Regional Housing Needs Assessment 2021-2029, Beverly Hills

Income Level	Percent of AMI*	Units	Percent
Very Low**	Up to-50%	1,008	32%
Low	51-80%	680	22%
Moderate	81-120%	602	19%
Above Moderate	120%+	814	26%
Total		3,104	100%

Source: <https://scag.ca.gov/housing>
 * AMI – Area Median Income.
 ** Includes the extremely-low income category

“SCAQMD’s draft thresholds have also been utilized for other projects in the City.”, http://clkrep.lacity.org/onlinedocs/2008/08-0887-S1_misc_7_02-22-2017.pdf)

⁵⁷ AEP (Oct. 2016) Beyond Newhall and 2020: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California, p. 40 (“Once the state has a full plan for 2030 (which is expected in 2017), and then a project with a horizon between 2021 and 2030 should be evaluated based on a threshold using the 2030 target. A more conservative approach would be to apply a 2030 threshold based on SB 32 for any project with a horizon between 2021 and 2030 regardless of the status of the Scoping Plan Update.”), https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

⁵⁸ SCAG 6th Cycle Final RHNA Allocation Plan, PDF p. 2, <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-proposed-final-allocation-plan.pdf?1614911196>.

⁵⁹ City of Beverly Hills Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal. <https://scag.ca.gov/sites/main/files/file-attachments/beverlyhills-rhna-appeal-request.pdf?1604954426>.

⁶⁰ City of Beverly Hills Draft 2021-2029 Housing Element, p. 49: <https://www.hcd.ca.gov/HousingElements/downloadFileServlet?id=1199>.

⁶¹ SCAG (2019) Local Profile–City of Beverly Hills, PDF p. 3, https://scag.ca.gov/sites/main/files/file-attachments/beverlyhills_localprofile.pdf?1605663947.

In its appeal letter to the Housing and Community Development Agency (“HCD”) and SCAG, the City claims to be “built out with little to no urban land for development of housing.”⁶² The City claims that it cannot possibly meet the housing goals of the region and state for multiple reasons, one being that the City lacks adequate space to put the housing. At the same time, the City has built and developed numerous hotels in the past decade — largely in the direct area around the Project Site. Regardless of whether the City implements the lower RHNA or original RHNA targets, the City must prioritize prime, transit-rich location—like this Site—for housing if the City is going to reach its RHNA obligations. By refusing to consider housing here at this Site the City is consciously choosing to not even try to satisfy its RHNA target.

2-56
(Cont.)

Additionally, as noted in its appeal letter, the City expressed significant concern about the demolition required to meet the RHNA allocation.⁶³ However, this Project has the potential to deliver housing without the need for demolition or risking displacement. No residents would be displaced by developing this Project Site into residential units, and this would address a sizable percentage of the City’s RHNA allocation. There is simply no reason why the City should not consider a Project alternative that would include more housing, which would not only address its RHNA obligation but also reduce the Project’s VMT/GHG impacts. Failing to do so violates CEQA’s requirement that an EIR address and analyze land use inconsistency.⁶⁴

VI. LAND USE IMPACTS & CODE-RECORD FINDINGS

2-57

By taking a prime location ripe for mixed-use housing and instead siting a VMT-inducing, 100 percent commercial use, the City disregards numerous Land Use⁶⁵ and Housing⁶⁶ goals and policies under the General Plan, such as:

- LU1 Long-term Stability: here, the Project cuts against the City’s ability to offer quality “housing stock which offers a variety of housing” particularly to affordable housing.
- LU2.2 Public Streetscapes and Landscape: here, the Project will “replace 15 trees that line the sidewalks adjacent to the onsite buildings,” (DEIR, PDF p. 390) running counter to the Beverly Hills Sustainable City Plan goal of preserving trees under the City’s Street Tree Plan, even as the Project aims to replace the trees at a 1:1 ratio.
- LU9.1 Uses for Diverse Customers: here, the Project will serve only high-income visitors to the City. The Project will fail to bring benefits to local residents, who will be prohibited from using many of the amenities provided to hotel guests and exclusive club members.

2-58

2-59

⁶² City (10/26/20) Appeal Letter to HCD and SCAG, p.4, <https://scag.ca.gov/sites/main/files/file-attachments/beverlyhills-rhna-appeal-request.pdf?1604954426> .

⁶³ Ibid. p. 5.

⁶⁴ See e.g., CEQA Guidelines § 15125(d); *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal.App.4th 1552, 1566; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881.

⁶⁵ http://www.beverlyhills.org/cbhfiles/storage/files/filebank/10278--2_LandUse%2001122010.pdf.

⁶⁶ City of Beverly Hills Housing Element. <http://www.beverlyhills.org/cbhfiles/storage/files/6870944521688090786/BHHousingElementwmaps.pdf>.

- LU14 Environmental Sustainability and Carbon Footprint: here, as discussed above, the Project will have a significant environmental impact and will not lead to a reduction in vehicle trips, VMT and air pollution. 2-60
- LU16.4 Public Places: here, as discussed above, the vast majority of the Project's square footage and development will be reserved for private access, usage, and enjoyment. The Project deceptively describes private open space as benefiting the general public. 2-61
- OS7 Improved Air Quality: here, as discussed above, the Project will create more traffic and air pollution from hotel guests and club members. The proximity to public transit and bicycle parking is irrelevant for hotel guests who will be traveling long distances to stay at the global destination. 2-62
- H2.9 Jobs/Housing Balance: here, the Project fails to promote any program that seeks to provide housing opportunities for people who work in the City like Local 11 members as a means of reducing long commutes, easing local traffic, improving air quality, and helping to achieve a balanced regional jobs/housing distribution for the western portion of Los Angeles County. (DEIR, PDF p. 127.) 2-63

Due to these issues, the Project is inconsistent with the General Plan and, thus, run against Code-required findings necessary to grant the Entitlements.

VII. THE DEIR FAILS TO PROVIDE AN ADEQUATE ALTERNATIVE ANALYSIS 2-64

Under CEQA, the discussion of mitigation and alternatives is "the core of an EIR," requiring a lead agency to select a reasonable range of alternatives for evaluation guided by a clearly written statement of objectives. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564-65; see also CEQA Guidelines § 15124(b).) It is the lead agency's affirmative duty to approve a project only after "meaningful consideration of alternatives and mitigation measures." (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 134.) This duty cannot be defeated by defining objectives too narrowly or too broadly or artificially limiting the agencies' ability to implement reasonable alternatives by prior contractual commitments. (See e.g., *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1447; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736.) Instead, a "reasonable range of alternatives" should be:

- "capable of being accomplished in a successful manner" (Pub. Res. Code § 21061.1);
- "attain most of the basic objectives of the project" (*Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1509 [citing CEQA Guidelines § 15126.6(a) and (f)]); and
- achieve the project's "underlying fundamental purpose" (*In re Bay-Delta* (2008) 43 Cal.4th 1143, 1164-1165 [citing CEQA Guidelines § 15124(b)]).

While alternatives must implement the most basic project objectives, they need not implement all of them. (See *California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991; see also *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 488-489.) The discussion must "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be costlier." (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873; see also CEQA

Guidelines § 15126.6(a); *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 436 [EIR discussion deficient where no alternative was considered that significantly reduced total vehicle miles traveled and where the alternatives labeled ‘transit emphasis’ was a “misnomer” given they only advanced certain rapid bus projects, left rail/trolley projects largely unchanged, and provided no increased transit projects/services].)

2-64
(Cont.)

Here, as discussed above, the DEIR fails to adequately assess Project impacts relating to VMTs, GHGs, and housing. As a result, the DEIR’s project alternative analysis is inadequate because it does not consider mitigation and alternatives that address these issues—such as a genuine mixed-use project with housing (particularly some affordable housing). This project alternative would serve many of the Project’s base objectives consistent with CEQA and would be consistent with smart growth principles called for by SCAG, CARB, and alike.⁶⁷ So too, it would produce more housing, which is a rare opportunity to put an enormous dent into the City’s desperately needed affordable housing requirements. Failing to even consider housing at the Site would be a missed opportunity for the City.

VIII. CONCLUSION

2-65

In sum, Local 11 is seriously concerned with the DEIR’s failure to adequately assess the Project’s impact on VMTs, GHGs, the City’s housing requirements. These flaws must be cured through a recirculated EIR, with adequate mitigation measures and project alternatives considered. Until these issues are addressed, Local 11 respectfully urges the City to stay any action on the Project Approvals.

Finally, on behalf of Local 11, this Office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (Pub. Res. Code §§, 21092.2, 21167(f) and Gov. Code § 65092) Please send notice by electronic and regular mail to Jordan R. Sisson, Esq., 801 S. Grand Avenue, 11th Floor, Los Angeles, CA 90017. (jordan@gideonlaw.net).

2-66

Thank you for consideration of these comments. We ask that this letter is placed in the administrative record for the Project.

2-67

Sincerely,



Jordan R. Sisson
Attorney for Local 11

⁶⁷ See e.g., *California Native Plant Soc’y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 991; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 488-489; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 436; CEQA Guidelines § 15126.6(a).



IBEW Local Union Number 11

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

JOEL BARTON – BUSINESS MANAGER / FINANCIAL SECRETARY

September 24, 2021

VIA ELECTRONIC MAIL

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Dr.
Beverly Hills, CA 90210
malkire@beverlyhills.org

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire:

My name is Joel Barton, and I am the Business Manager for IBEW Local Union 11. On behalf of my organization, I am writing to express our support for the proposed Cheval Blanc hotel project in Beverly Hills. 3-1

I am writing today because I believe that projects like this deserve to be supported vociferously. The applicant has proposed a thoughtful, environmentally minded project that will add much to the area. 3-2

But far more importantly, the project is an example for good development because the applicant has made several key commitments to the community.

The applicant has committed to local hire provisions, ensuring that the skilled construction workforce from the surrounding areas will be employed. This crucial commitment means that workers will be paid living wages to construct this project, and continue to have access to safe, sustainable worksites, maintain the highest quality standards on the jobsite, and receive good benefits for their work.

Sincerely,

Joël Barton
Business Manager

JB/bcm opeiu#537 afl-cio



Ironworkers Local 433

International Association of Bridge, Structural &
Ornamental Iron Workers A.F.L.-C.I.O.
Established 1929

7495 HURLEY STREET EAST

CITY OF INDUSTRY, CALIFORNIA 91744

PHONE: (626) 964-2500

FAX: (626) 964-1919

keith@ironworkers433.org

September 23, 2021

VIA ELECTRONIC MAIL

KEITH HARKEY
Business Manager
Financial Secretary-Treasurer

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Dr.
Beverly Hills, CA 90210
malkire@beverlyhills.org

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire,

On behalf of Ironworkers Local 433, I am writing to you today to express our organization's support for the proposed Cheval Blanc hotel project in Beverly Hills. | 4-1

We are enheartened by the fact that the Applicant has made steadfast commitments that will ensure the employment of a locally trained and skilled workforce for construction, maintain area wage and benefit standards, and support local workforce training and development. | 4-2

Such commitments are far more than on-paper and intangible benefits. Such commitments ensure that people who are part of my organization have the means to provide for their families and be upstanding and productive members of their communities.

At a time of great economic need like the present, we believe we need to advocate for exactly the sort of development that I have described above. This applicant has gone above and beyond their requirements to make the project stand on its own merits.

Because of this applicant's commitment and vision, we are enthusiastically in support of the project.

Sincerely,

Keith Harkey
Business Manager
Local 433

Murray Fischer
Attorney Representing Hermes and CHANEL

Honorable Chair and Members of the Commission:

My name is Murray D. Fischer, and I am here tonight on behalf of my clients Chanel and Hermes. Both of these clients are major luxury retailers on Rodeo Drive and have been on Rodeo Drive for over 25 years. They are part of what makes up the allure on Rodeo Drive.

5-1

These retailers provide substantial tax revenue to the city not only through their retail sales but through their VIP customers who frequent the stores. Neither of my clients oppose the hotel or its aesthetics, however, our biggest concern is the reconfiguration of the alley and how it is going to substantially and severely impact my client’s ability to serve their VIP customers and employees. The proposed L-shape configuration prevents the alley from effectively serving the other businesses located further south on the alley.

5-2

5-3

1. Customer and Employee Access

Both of these stores, as well as many others within the 400 block of Rodeo, use the alley not only for services, but for customers and employees.

While CHANEL and Hermes have walk-in entrances on Rodeo, due to the limited amount of parking spaces on Rodeo, both of these stores as well as other stores rely heavily upon the rear entrances which have been designed according to the General Plan to complement and become the main access point of their stores. This did not happen by chance, but is enumerated and obligated by the City as part of the General Plan in order to minimize double parking and cars circulation around the block to look for a parking space.

The reconfiguration materially changes the alley, and makes it more difficult for our VIP customers, employees, and others to access the rear of the stores.

2. Traffic Impacts

5-4

Further, because the design by LVMH has eliminated the north to south alley coming off little Santa Monica Boulevard, traffic to these stores and other stores will now be forced to go north on Rodeo to little Santa Monica and enter off of Beverly Drive which, according to our review, will impact the movement at both of the intersections at Beverly Drive and little Santa Monica. Further, the pedestrian club entrance and car ramp entrance for the hotel just north of the alley has the potential to create backup on Beverly Drive due to drop-offs and pickups along the curb, making alley access even more difficult. With the potential impact, this will cause longer delays in the public entry of the alley.

The hotels traffic and circulation study never addressed the left hand turn off of Beverly Drive into the alley in relationship to the traffic going north and the traffic coming out of the Bank of America building and the City parking structure.

3. Delivery Trucks

5-5

In addition, the alley is used by all stores during multiple times of the day by both UPS and Fed Ex and private service companies for both deliveries and pickups to service their customers as well as merchandise deliveries to the respective stores through the alley. In addition, they also have major deliveries from box size trucks that now will be impacted by the reconfiguration of the alley.

4. VIP & Movie Industry Events

5-6

In addition to the utility use for service and VIP customers, both of these entities have numerous events at their stores during the year in which the entrance off of the alley is used for both their valet, and parking to greet the foreign press, and national press, for their fashion week and special events. This reconfiguration will materially impact these events. Each store has multiple events a year from 50 to 200 people in attendance plus caterers and if the alley is blocked or if there is confusion as to the use of the alley, this will materially impact these luxury stores from having successful events.

5. Other Impacts

5-7

There are many other impacts that are going to be imposed by the reconfiguration of the alley, including a lack of proper signage at the alley entrance as people coming either north on Beverly Drive or south on Beverly Drive wishing to enter the reconfigured entry way will think that the entryway as it is currently designed is just part of the hotel.

Also when the City approved the new CHANEL store, the resolution specifically addressed the circulation path as part of CHANEL's EIR analysis and it was determined that in order not to create impacts at little Santa Monica and Rodeo or at Beverly Drive and little Santa Monica that the traffic should use the existing north south alley so as not to create further circulation and additional traffic at the intersections.

5-8

Now at this time I would like to turn it over to Ryan Kelly from KOA Corporation so that he can relay KOA's findings from their review of the transportation and circulation elements of the Draft EIR. It is the goal of both my clients to make this a project that not only works for the new hotel, but works for all of the retailers that are on both rodeo drive and Beverly Drive.

5-9

Ryan Kelly's presentation will be followed by:

Chris from Hermes

To be followed by Ryan McNulty of MBH Architects

And then Michael Howard of CHANEL

Thank you.



TECHNICAL MEMORANDUM

Date: November 1, 2021

To: Masa Alkire, Principal Planner – City of Beverly Hills Community Development Department

From: Ryan Kelly, Senior Engineer – KOA Corporation

Subject: Cheval Blanc Beverly Hills Specific Plan Project – Draft Environmental Impact Report Transportation and Parking Review Comments

KOA Corporation has performed a review of the transportation and parking analyses included as part of the Draft Environmental Impact Report (EIR) for the Cheval Blanc Beverly Hills Specific Plan project (the “Project”). The review focused on the adequacy and completeness of the following four transportation and parking analyses conducted for the Project:

6-1

- Transportation Impact Report (Fehr & Peers, September 2021) [Appendix H.1 of Draft EIR]
- Local Transportation Assessment (Fehr & Peers, September 2021) [Appendix H.2 of Draft EIR]
- Parking Demand Analysis Study (Kimley-Horn, July 16, 2020) [Appendix H.3 of Draft EIR]
- Alley Study (Hirsch/Green Transportation Consulting, April 28, 2020) [Appendix H.4 of Draft EIR]

While not exhaustive, the review was thorough enough to identify several areas of concern related to the Project’s potential effects on local transportation operations and safety.

I. TRANSPORTATION IMPACT REPORT

6-2

Some of the methodologies and assumptions underpinning the proposed Project transportation characteristics developed in the Transportation Impact Report (TIR) require clarification and/or revision. They include the following:

A. PROPOSED RESTAURANT SPACE TRIP GENERATION

6-3

In order to develop baseline weekday daily and peak-hour vehicle trip estimates for the 25,094 square feet of restaurant space proposed as part of the Project, the Quality Restaurant land use code was utilized from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition, 2017). With a weekday AM peak-hour trip generation rate (0.73 trips per thousand square feet of gross floor area) that is less than one-tenth of the PM peak-hour trip generation rate (7.80 trips per thousand square feet of gross floor area), this land use code’s AM peak-hour rate is generally reflective of restaurants that do not serve breakfast. If breakfast service is planned for any of the proposed Project’s restaurant space, a weekday AM peak-hour trip generation rate accounting for breakfast service should be used for the corresponding breakfast-serving portion of the restaurant floor area.



B. PROPOSED DAY SPA TRIP GENERATION

Baseline vehicle trips for the day spa component of the proposed Project were estimated using the Hair Salon land use code from the *ITE Trip Generation Manual* (10th Edition, 2017). The data contained in the manual for this land use are limited, with the weekday AM and PM peak-hour trip generation rates each based on a study of a single 4,000 square-foot hair salon in New York in 2007. With only one data point, the *ITE Trip Generation Handbook* (3rd Edition, 2017) cautions against the use of these rates for estimating vehicle trips. The *ITE Trip Generation Handbook* also recommends against the use of trip generation rates if the size of a study site is not within the range of data points in the *ITE Trip Generation Manual*, and the day spa component of the proposed Project is 12,936 square feet in size. Given these factors, the ITE recommends that local trip data be collected for a similar day spa or day spas in order to reflect accurately the potential vehicle trip generation of this land use component.

6-4

C. PROPOSED PRIVATE MEMBERSHIP CLUB TRIP GENERATION

Weekday daily and peak-hour baseline vehicle trips for the private membership club component of the proposed Project were estimated based information provided by the Project team. Per the Project team, an average attendance of 50 daytime visitors and 40 evening visitors is expected on a typical weekday. Assuming that 100 percent of membership club visitors will drive alone to/from the Project site, 180 daily trips (90 inbound, 90 outbound) were calculated for the membership club visitors. However, as shown in Appendix B of the TIR, the 180 daily trips for this use were broken out into employee trips (23 trips) and visitor valet trips (157 trips). Employee trips should have been added to, and not deducted from, the 180 daily trips associated with the membership club visitors. This inconsistency is also present in the weekday AM and PM peak-hour trip calculations.

6-5

Further, the weekday peak-hour vehicle trip generation estimates were calculated based on the daytime and evening visitor estimates provided by the Project team. To be conservative, all evening visitors were assumed to either arrive at or depart from the private membership club during the weekday PM peak hour. In contrast, during the weekday AM peak hour, only 20 of the 50 total daytime visitors were assumed to arrive at or depart from the Project site. Justification for the peak-hour trip generation assumptions for this use should be provided if conservative assumptions are not employed.

6-6

D. PROPOSED PROJECT INTERNALLY CAPTURED TRIPS

The calculation of internal trips for the proposed Project -- those being trips between component land uses made internal to the site that do not require the use of a vehicle -- yielded a few questions. For a mixed-use project, an internal trip between two component land uses is necessarily an outbound trip for one land use and an inbound trip for another land use. Therefore, the sum of internal trips between all component uses for a mixed-use project should balance for a given time period (i.e., total inbound internal trips should equal total outbound internal trips). For the proposed project, a coarse internal trip credit of 20 percent was applied to the baseline vehicle trip estimates for the restaurant, retail, and day spa uses to account for trips made internally between these uses and the hotel. However, no internal trip credit was applied to the hotel use. This methodology resulted in internal trip estimates that do not balance and an internal trip total in the weekday PM peak hour (62 internal trips) that is equivalent to approximately 90 percent of the hotel's baseline trips (69 trips). The TIR states that the Mixed-Use (MXD) Trip Generation Model was utilized to verify the internal trip assumptions; however, the results of the MXD Model analysis were not provided. The proposed Project's trip generation calculations should be updated to provide a more accurate and refined internal capture methodology (e.g., using the MXD Model or guidance from the *ITE Trip Generation Handbook*).

6-7



E. PASS-BY TRIP ADJUSTMENTS

The TIR analysis applied pass-by trip adjustments to the proposed retail land uses, thus reducing the proposed Project's vehicle trip contributions to local intersections. However, no pass-by trip adjustments were applied for the existing retail use, resulting in a larger-than-appropriate existing use trip credit. The existing use trip generation estimates should be updated to reflect pass-by trip activity.

6-8

F. EXISTING PALEY CENTER FOR MEDIA TRIP GENERATION

The vehicle trip generation for the site's existing active uses classified the Paley Center for Media located at 461-465 North Beverly Drive as a "retail" use, even though the land use is described as "institutional" on page 20 of the TIR. The Paley Center for Media functioned by and large as a museum before closing, and therefore it should not have been considered a retail use in the trip generation calculations. The trip generation for the existing active uses should be updated to reflect the institutional nature of the Paley Center.

6-9

G. PROPOSED PROJECT VEHICLE TRIPS BY TYPE

Once the proposed Project's vehicle trips were calculated with internal capture credits and pass-by trip adjustments, the resulting total gross vehicle trips were disaggregated into three categories: employee, visitor valet, and visitor Transportation Network Company (TNC) trips. Uber and Lyft are the most commonly used TNCs. This breakdown of proposed Project trips is inherently flawed given that the vast majority of the trip generation studies used to develop the rates in the ITE *Trip Generation Manual* (10th Edition, 2017) manual are too old to have included any Uber/Lyft trip activity. The TIR attempts to correct for the effects of TNC behavior by balancing outbound trips with inbound trips during the peak hours (e.g., 75 inbound visitor TNC trips and 49 outbound visitor TNC trips during the weekday PM peak hour is modified to become 75 inbound visitor TNC trips and 75 outbound visitor TNC trips). However, this approach assumes that all proposed Project patrons leaving the site via TNC will utilize a vehicle that just dropped someone off, and that no TNC vehicles will arrive passenger-less for pick-ups. Justification for this assumption should be provided. Given the dearth of TNC activity in the underlying trip generation rates, a more conservative approach would be (1) to consider the 75 inbound visitor TNC trips as 75 inbound visitor TNC trips and 75 outbound visitor TNC trips and (2) to consider the 49 outbound visitor TNC trips as 49 inbound visitor TNC trips and 49 outbound visitor TNC trips, resulting in a total of 124 inbound visitor TNC trips and 124 outbound visitor TNC trips for the weekday PM peak hour.

6-10

II. LOCAL TRANSPORTATION ASSESSMENT

A couple operational items from the Local Transportation Assessment (LTA) raise concerns regarding local area transportation operations and safety. They include the following:

6-11

A. PROPOSED PROJECT MOTOR COURT EXIT DRIVEWAY

During the weekday PM peak hour of the Project's opening year (2026), the LTA estimates that it will take 89.8 seconds for the average motorist to make a northbound right-turn from the motor court exit driveway onto eastbound South Santa Monica Boulevard. During the same peak hour, the Project is anticipated to generate 235 northbound right-turns at this intersection, composed of visitor valet and TNC trips. Based on the calculated average delay, it would take close to six hours to process the number of northbound right-turns expected in one hour. As such, substantial queuing will be expected from the motor court every weekday evening. For outbound visitor valet trips, the vehicle queue will extend from the motor court, along the site's internal drive, to the Project's subterranean parking facility. This queuing will have the potential to block access to the Project truck loading facility from the realigned alley segment. For TNC trips, the vehicle queuing will extend from the motor court onto South Santa Monica Boulevard and

6-12



potentially onto other roadways including North Rodeo Drive. An evaluation of vehicle queuing conditions within the Project’s motor court should be conducted to determine the level of queuing that would extend onto South Santa Monica Boulevard and local area roadways and identify the effects on local vehicular traffic flow.

6-12
(Cont.)

B. REALIGNED ALLEY INTERSECTION WITH NORTH BEVERLY DRIVE

6-13

The operational analysis of the intersection of North Beverly Drive and the realigned east-west alley segment ignores the presence of two existing driveways located almost directly across the street from the proposed alley connection. As shown later in this technical memorandum in Figure 7, the two closely spaced driveways intersect the east side of North Beverly Drive opposite and slightly south of the proposed realigned alley location. The 9440 Santa Monica Boulevard office building, an eight-story Class A office building, has only one driveway to its subterranean parking structure, which is located immediately east of the proposed realigned east-west alley. Just south of the 9440 Santa Monica Boulevard office building driveway, there is a driveway to the City’s self-park public parking structure at 438 N. Beverly Drive-439 N. Canon Drive.

The LTA did not take into account the turning movement volumes associated with these existing driveways, which will necessarily conflict with turning movements for the proposed realigned east-west alley. Instead, the LTA assumed that the North Beverly Drive/realigned alley intersection would operate as a T-intersection, with enough separation from existing driveways to allow the center two-way left-turn lane to function as a dedicated northbound left-turn pocket for the alley. This is not possible given the presence of the existing driveways on the east side of the roadway. The operational analysis should be updated to account for these driveways.

III. PARKING DEMAND ANALYSIS STUDY

6-14

The Parking Demand Analysis Study (the “Parking Study”) contains numerous inconsistencies that lead to questions about the validity of the results. The analysis does not clearly define the general methodologies and assumptions that form the basis of key parts of the Parking Study. Therefore, lacking clear explanations, sources, and data, it is difficult to determine if the inconsistencies were a result of the absence of defined assumptions or input error. The issues are noted below.

A. PARKING CREDITS

6-15

The Parking Study applied parking credits for two separate articles within City Municipal Code Section 10-3-2866. They are Article D (study defined it as “Retail and Hotel Combination”) and Article I (study defined it as the “Proximity to Transit and Shopping”).

A parking credit to the retail portion of the Project was incorporated based on City Code Section 10-3-2866(D), which states:

- 1. *Fifty percent (50%) of the parking furnished under subsection A of this section may be credited to the parking requirements under this subsection.*

This credit was applied in Table 2: City Code Parking Requirement (with parking credits), thereby reducing the retail parking requirement by 57.5 parking spaces. However, in Appendix B: City Code Shared Parking Time-of-Day Parking Demand, parking credits were also applied to the private membership club. This credit should not have been applied since the private membership club is not defined as a retail use.

Additionally, the Parking Study applied a proximity to transit and shopping credit based on the City Code Section 10-3-2866(l), which states:

6-16

The number of parking spaces required by this section may be reduced by not more than fifteen percent (15%) where a finding is made in approval of the conditional use permit that; because of the location of the hotel; availability of public transportation; or proximity and concentration of shopping to the hotel site, the hotel use will not generate a need for the number of parking spaces designated by this section. The provisions of section 10-3-2730 of this chapter relative to the joint use of parking facilities where one use is primarily a daytime use and the other use is primarily a nighttime use shall not be applicable to the parking required by this article. (Ord. 84-O-1937, eff. 11-1-1984; amd. Ord. 87-O-2005, eff. 10-15-1987; Ord. 96-O-2256, eff. 4-5-1996; Ord. 98-O-2304, eff. 8-7-1998; Ord. 98-O-2306, eff. 9-11-1998).

The Parking Study applied a 15 percent parking credit in Table 2, Table 3, and Appendix B. In each case, because of inconsistencies in all of the tables, the number of parking spaces that were reduced through the application of transit credits do not match. For instance, in Table 2, the transit credit was applied to all of the proposed Project's land use components; in Table 3, it was selectively applied to the hotel, retail, and private membership club components; and in Appendix B, because a Retail and Hotel Combination parking credit was applied to the private membership club, and the transit credit was applied to the entire Project, the credits do not match with either Table 2 or Table 3. It should be pointed out that in no case should transit credits be applied to the private membership club, based on the assumption set forth in the Parking Study that that every club member will drive alone (and there is no mention of employee parking demands). More importantly, it appears that the 15 percent transit credit should not have been applied according to the City Code. The Parking Study notes in the Time of Day Shared Parking section on page 9 that the various uses of the Project would experience peak parking demands at different times of the day – retail uses tends to be earlier in the day and restaurant/hotel uses later in the day. Therefore, based on this determination, the transit credit should not apply in this instance and the application of this credit appears overly generous.

B. PROPOSED EMPLOYEE PARKING DEMAND

6-17

The Parking Study did not clearly document the employee parking demand for all of the proposed Project's land use components. Specifically, for the City Code shared parking analysis, the hotel and hotel restaurant/bar use employee parking demands are specified in the tables. However, for the fine/casual dining and retail uses, the employee parking demands not defined separately. The private membership club did not account for any employee parking demand.

In Section III: Parking Demand Analysis, the Parking Study utilized the Urban Land Institute (ULI) *Shared Parking* model, which details visitor and employee breakdowns. However, because the private membership club was a customized land use and relied on the analyst to enter the data, it does not include the employee parking demand.

The City Code and ULI Shared Parking analyses are not evaluated properly because they do not include the potential private membership club's employee parking demand.

C. ULI SHARED PARKING TIME-OF-DAY ADJUSTMENTS

6-18

For the City Code shared parking demand analysis, the Parking Study states that the ULI *Shared Parking* (3rd Edition, 2020) time-of-day adjustments were applied to the proposed Project's land use components, except for the private membership club since data were not available. Appendix A: Shared Parking Time-



of-Day Parking Demand Percentages summarizes these adjustments. There are numerous issues with the time-of-day adjustments that were applied in the City Code shared parking analysis, as follows:

6-18
(Cont.)

- Weekday/Weekend Tables - Visitor adjustments for the hotel restaurant employees were used rather than employee adjustments. 6-19
- Weekday/Weekend Tables - The retail land use weekday and weekend periods were not evaluated in the same manner. The weekday table was based on the typical retail period, while the weekend table was based on the December retail period. 6-20
- Weekend Table - The employee weekday adjustments were used rather than the employee weekend adjustments. 6-21
- Private Membership Club - The adjustments were estimated by the Project team. There was no explanation regarding the derivation of these adjustments. The time-of-day adjustments were the same for both weekday and weekend conditions. Additionally, there were no adjustments for the private membership club employees. 6-22

D. PARKING DEMAND ADJUSTMENTS

6-23

As part of Section III: Parking Demand Analysis, this analysis was based entirely on the ULI *Shared Parking* principles, which include the application of parking demand adjustments based on time-of-day, month-of-year, driving rates, and non-captive demands. The analysis included refinements to the ULI default adjustment factors that are as follows:

Driving Adjustments

6-24

- Hotel-Leisure – The adjustment is based on empirical data provided by LAZ Parking between the years 2017 and 2019. The data are aggregated by year for Beverly Hills luxury hotels. It does not state the number of hotels or whether or not these hotels are comparable to the proposed Project. The data do not differentiate between weekday and weekend periods. Therefore, they may not account for variations that occur between weekday and weekend parking demands of a hotel.
- Restaurant – Similar to the Hotel-Leisure data, this adjustment is based on empirical data provided by LAZ Parking between the years 2017 and 2019. The data are based on three restaurants within Beverly Hills that are assumed to be comparable to the fine/casual dining options associated with the proposed Project. Again, the data do not differentiate between weekday and weekend period drive-in rates. Therefore, they may not account for variations that occur between weekday and weekend parking demands of restaurant uses. 6-25
- Retail – The retail uses were assumed to have similar drive adjustments as the restaurant uses. The Parking Study does not explain the reasoning for this assumption. Restaurant and retail uses serve different purposes and may require different driving adjustments. 6-26

Non-Captive Adjustments

6-27

- For the captive ratio adjustment, the Parking Study assumes 20 percent for the restaurant and retail components, or 80 percent for the non-captive adjustment. It appears that the analysis may have adjusted the Shared Parking Model default values. The adjustment was based on “the number of trips generated by one land use that would be ‘captured’ by other land uses that are also part of the development.” However, it does not provide further detail to substantiate the 20 percent adjustment and whether or not it accounts for simultaneous versus sequential visits.

E. PROPOSED PRIVATE MEMBERSHIP CLUB PARKING DEMAND

6-28

As noted earlier, the average private membership club attendances for typical weekday/weekend and special event conditions were based on information provided by the Project team.



For a typical weekday/weekend, the Parking Study assumed an average attendance of 50 daytime visitors and 40 evening visitors. To be conservative, the private membership club parking demand was added separately to the typical parking demands associated with the other Project uses. A drive-rate of 100 percent and average vehicle occupancy of one person per car was utilized. The methodology does not account for variations in club member attendance that may occur between weekday and weekend conditions, and no reasoning is provided for this assumption.

6-28
(Cont.)

For special events, the analysis assumes that three event types (Event Types A, B, and C) will occur concurrently. This would reduce the use of the restaurants on the 6th and 7th floors (from 16,928 to 2,419 square feet) under the Event Type A. Additionally, the fine/casual dining use area was reduced (from 8,166 to 5,666 square feet), but it is unclear why it was reduced since Event Type B is held in the Penthouse (which does not appear to be part of the fine/casual dining use area) and Event Type C would be held in the 3rd Floor Club Lounge and Screening Room (which also does not appear to be part of the fine/casual dining use area). Under this scenario, the Parking Study assumed a drive-rate of 100 percent and average vehicle occupancy of two persons per car. Again, the study does not explain how the passenger vehicle occupancy was determined for these special events.

6-29

The methodology used for the analysis of a typical weekday/weekend and during a special event are not consistent. For the typical weekday/weekend parking analysis, the independent variable used was gross floor area. However, for the event parking demand, the independent variable was number of visitors. With the use of floor area, a rate of 3.70 occupied parking spaces per thousand square feet of gross floor area was applied to determine the parking demand. There is no explanation where this rate came from or why it was used. The typical weekday/weekend period should utilize the independent variable based on visitors, as it would be more accurate and reflective of the assumptions stated in the Parking Study, as well as consistent in methodology with the special event estimation.

6-30

Lastly, it should be noted that the analysis is based on a subset of club members (50 members) rather than the full club membership base (500 members). Typically, an analysis would be based on the full membership base rather than a subset of members. Then, all the adjustments (time-of-day, month-of-year, drive-in, occupancy, mode split, etc.) would further reduce the parking demand and account for variations in parking use throughout the day. Instead, the analysis limits the number of members but tries to apply parking adjustments conservatively, which may not accurately reflect the actual parking demands associated with the proposed private membership club.

6-31

IV. ALLEY STUDY

Four operational areas of concern were identified in the Alley Study that require further study and/or potential site design modifications. They are as follows:

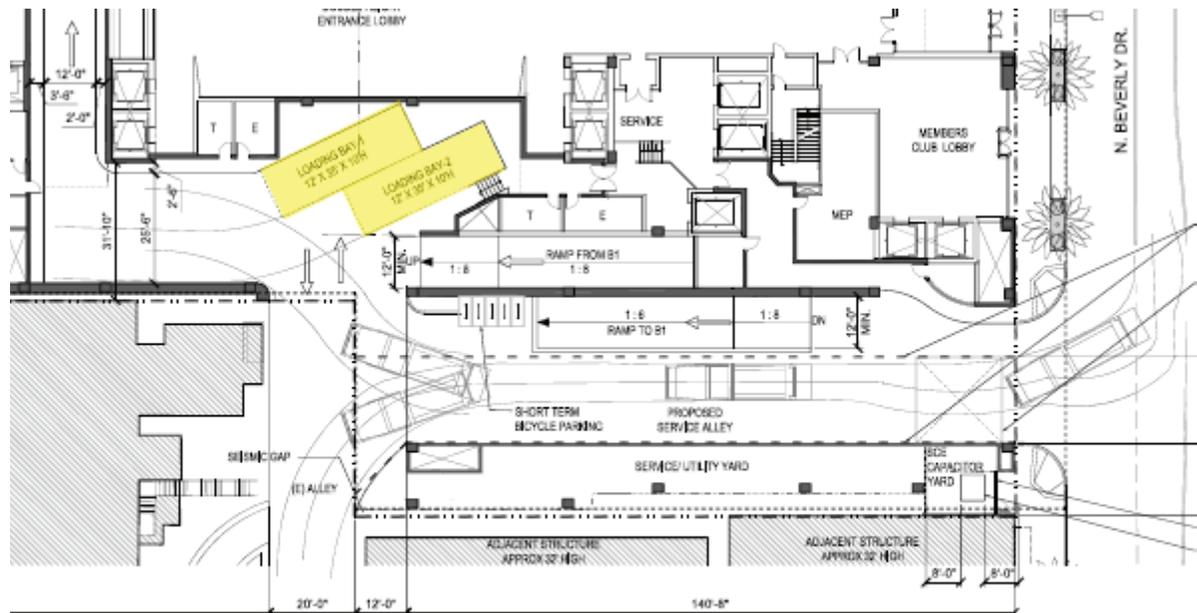
6-32

A. INSUFFICIENT LOADING FACILITY CLEARANCES

The proposed Project loading facility includes two loading bays positioned as shown below in Figure 1 (the loading bays are highlighted in yellow). The proposed design raises substantial concerns regarding the tight clearances and potential operational conflicts associated with vehicle movements to and from the loading facility. The proposed facility appears to have insufficient room for truck egress. For example, the Alley Study presented the exit maneuvers for a Single-Unit, 40-foot (SU-40) truck from Loading Bay #1, as shown in Figure 2 below.

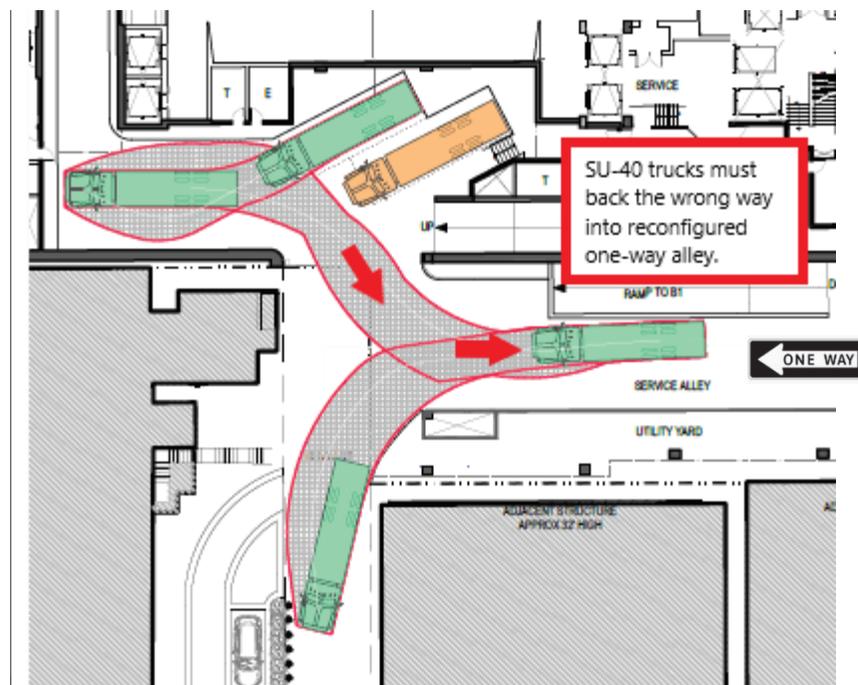
6-33

FIGURE 1: REALIGNED ALLEY & PROPOSED PROJECT LOADING BAYS



6-33
(Cont.)

FIGURE 2: PROPOSED PROJECT LOADING BAY #1 EGRESS MANEUVERS FOR SU-40 TRUCK



The maneuvers shown in Figure 2 indicate that an SU-40 truck parked in Loading Bay #1 would have to back up eastbound onto the proposed realigned westbound-only alley segment. This contra-flow maneuver could present a safety hazard for motorists turning onto the realigned alley from North Beverly Drive. This maneuvering would conflict with not only automobile traffic generated by the Project, but also

all other traffic expected to utilize the alley (including passenger and commercial vehicles, bicyclists, and pedestrians destined for properties located along the north-south segment of the one-way alley).

6-33
(Cont.)

B. TIGHT CLEARANCES FOR LARGE VEHICLE TURNING MANEUVERS

6-34

In addition to the aforementioned loading facility concerns, other Alley Study exhibits suggest that SU-40 trucks, 44-foot pumper fire trucks, and Intermediate 40-foot Semitrailer (WB-40) trucks would have to navigate through very tight clearances near the Project’s proposed 90-degree bend in the one-way alley. The westbound-to-southbound left-turn movements for larger trucks may clip the southeast corner of the proposed alley bend. The large vehicle left-turns also risk damaging the raised median separating the alley from the passenger vehicle drop-off/pick-up area for the 436-444 N. Rodeo Drive building. The clearance concern areas for these larger commercial vehicle turning maneuvers are indicated with orange circles in Figures 3 through 5.

The Alley Study vehicle turn simulations appear to have been performed using the AutoTurn® software, assuming optimal conditions with no traffic of any kind on the east-west and north-south alley segments. However, actual truck turns will not always occur under optimal conditions. As such, it is recommended that the Project design provide more generous clearances between the swept paths of the analyzed trucks and the vertical obstructions on either side of the proposed realigned alley.

FIGURE 3: LEFT-TURN AT PROPOSED 90-DEGREE BEND IN ALLEY - SU-40 TRUCK

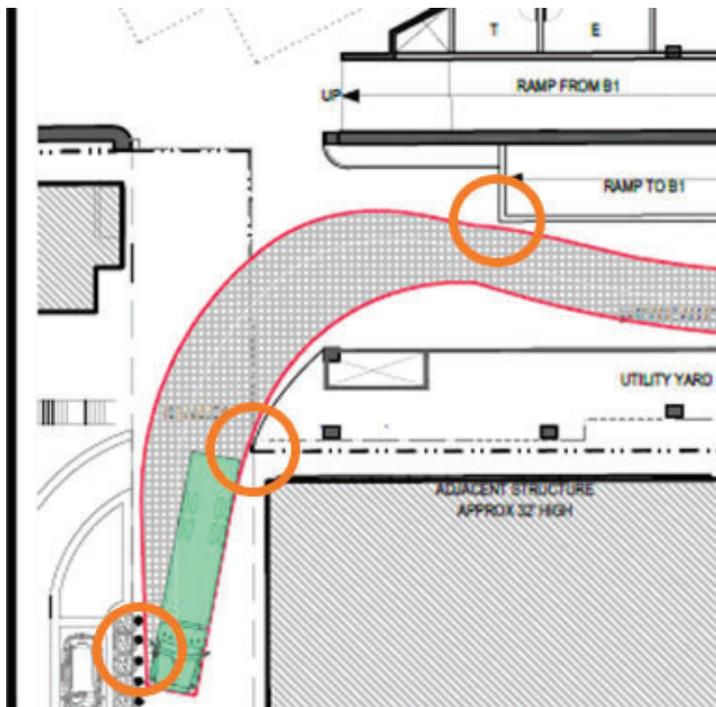


FIGURE 4: LEFT-TURN AT PROPOSED 90-DEGREE BEND IN ALLEY - 44-FOOT PUMPER FIRE TRUCK

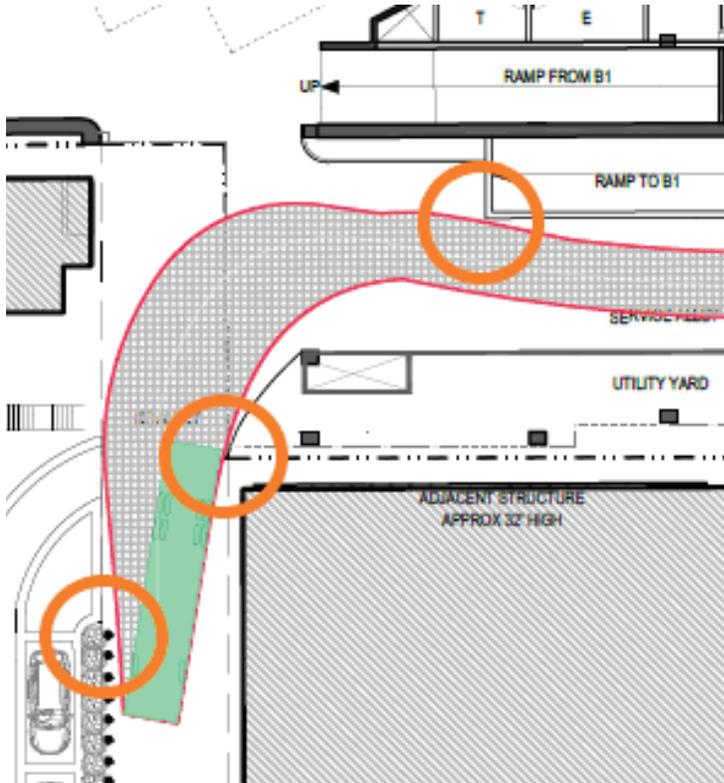
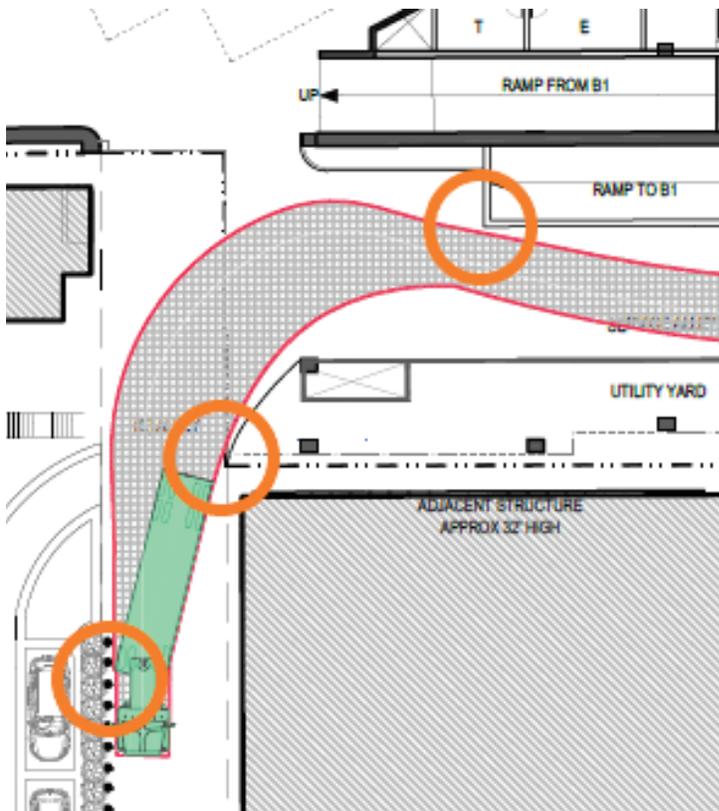


FIGURE 5: LEFT-TURN AT PROPOSED 90-DEGREE BEND IN ALLEY - WB-40 SEMITRAILER TRUCK



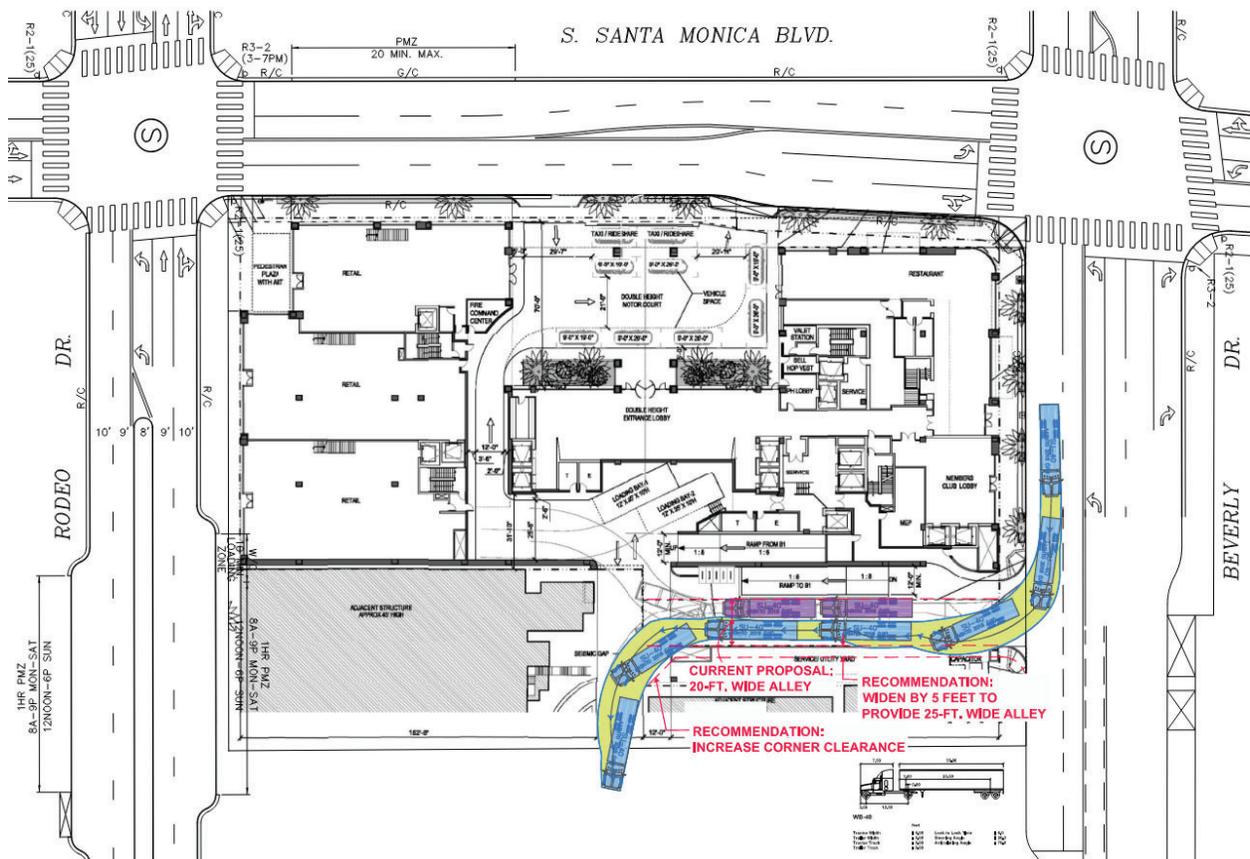
6-34
(Cont.)

C. POTENTIALLY INSUFFICIENT EAST-WEST ALLEY WIDTH DURING CONGESTED ALLEY CONDITIONS

The proposed width of the realigned east-west alley segment meets the City’s 20-foot minimum width standard for alleys. However, the provided width still raises concerns given the abovementioned loading truck egress and alley bend clearance issues. These concerns are amplified due to the demands that will be on this alley given its Project adjacency and general function as a service alley within the City of Beverly Hills. As a one-way service alley within the City, commercial vehicles will make use of the alley’s right-of-way for quick stops and deliveries. This is true of all one-way service alleys within the City’s Golden Triangle. Therefore, it is reasonable to assume that the east-west segment of the alley will sometimes operate with a stopped vehicle or stopped vehicles reducing the alley’s effective width.

At the Project’s proposed alley width, such a blockage would make it difficult for larger vehicles to bypass congestion on the east-west segment and reach destinations farther south down the alley. Adding an additional five feet of width to this alley would greatly facilitate potential vehicle bypass maneuvers during periods of expected congestion. Figure 6 presents a potential congested condition for the east-west alley segment, as shown by the stopped SU-40 trucks along the northerly portion of the alley. Figure 6 shows that by widening the east-west alley segment by approximately 5 feet and increasing the southeast corner clearance at the alley bend, an SU-40 truck can maneuver from southbound North Beverly Drive to the westbound segment of the one-way alley, past the stopped SU-40 trucks, and to the southbound segment of the one-way alley. The alley width and corner clearance improvements would be most beneficial for larger commercial vehicles, including WB-40 semitrailer and pumper fire trucks.

FIGURE 6: CONGESTED REALIGNED ALLEY CONDITIONS & PROPOSED MODIFICATIONS

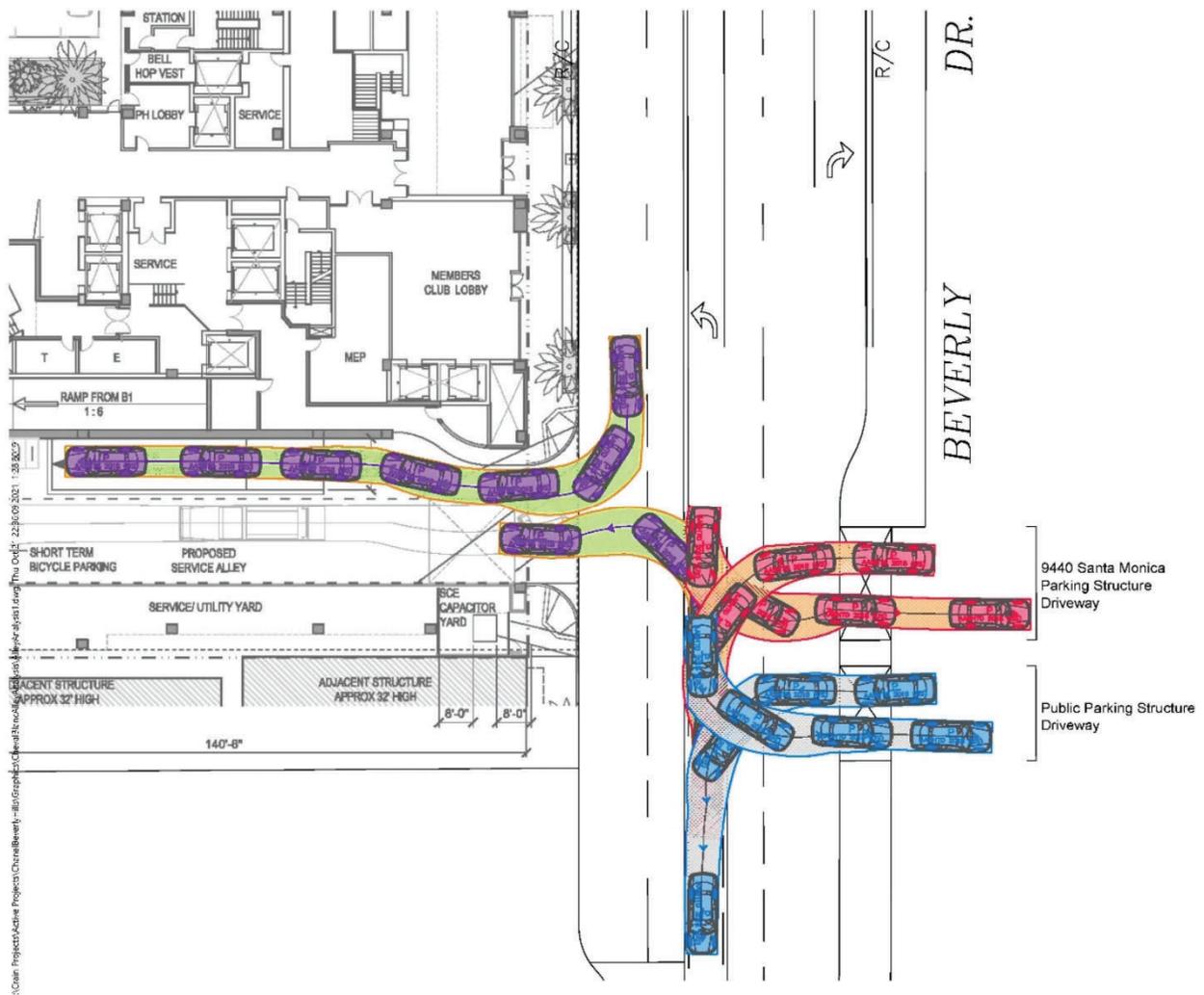


D. CONSIDERATION OF TWO EXISTING DRIVEWAYS ACROSS NORTH BEVERLY DRIVE

The proposed Project’s operational analysis did not take into account the presence of the two existing driveways located almost directly across the street from the proposed reconfigured east-west alley connection to North Beverly Drive, as discussed previously in the LTA section. The two closely spaced driveways intersecting the east side of North Beverly Drive are shown in Figure 7, located opposite and slightly south of the proposed reconfigured alley location.

The Alley Study did not take into account the overall traffic volumes and potential turning movement conflicts that would arise by positioning the reconfigured alley connection almost directly across from these two existing driveways on North Beverly Drive. As proposed, northbound left-turns from North Beverly Drive to the realigned east-west alley would directly conflict with existing southbound left-turns from North Beverly Drive to the two existing driveways, as well as with existing westbound left-turns from the two existing driveways to North Beverly Drive. As such, the realigned east-west alley configuration would introduce a potentially hazardous driving condition and threaten motorist safety. Therefore, further evaluation is necessary to assess accurately the operational impacts of the Project’s proposed access/egress and circulation scheme on North Beverly Drive and these existing driveways.

FIGURE 7: PROPOSED REALIGNED ALLEY AND EXISTING NORTH BEVERLY DRIVE DRIVEWAYS



V. RECOMMENDATIONS

Based on the findings of the review of the TIR, LTA, Parking Study, and Alley Study, we recommend the following:

- The Project’s trip generation calculations should be updated/modified to address the areas of concern mentioned from the TIR review. Accurate Project vehicle trip estimates are critical inputs for evaluating operational and safety concerns for transportation facilities adjacent to and surrounding the Project site. 6-37
- The Project should evaluate the effects of vehicle queuing that will result due to the heavy traffic volumes and delays projected for motorists exiting the proposed Project motor court onto South Santa Monica Boulevard during the weekday PM peak hour. Corrective actions should be considered to ensure that vehicle queuing does not spill back onto South Santa Monica Boulevard and North Rodeo Drive, nor block the truck loading facility adjacent to the realigned east-west alley. 6-38
- More clarity should be provided in the Parking Study analysis, as the questions and concerns outlined above make it difficult to validate the results of the shared parking analyses. 6-39
- The Project should modify the loading facility to improve the ingress and egress of trucks expected to serve the site, as the lack of a turnaround area for Project trucks may result in further congestion in the realigned alley. 6-40
- The Project should conduct further analysis to provide more clearance on both sides of the realigned alley for the maneuvering of large vehicles. 6-41
- The Project should provide additional width in the realigned alley and additional corner clearance at the southeast corner of the alley bend to facilitate the movement of vehicles from the east-west segment to the north-south segment of the alley. 6-42
- The Project’s transportation analysis should incorporate the two existing driveways on the east side of North Beverly Drive, with anticipated turning movement volumes and potential turning movement conflicts. Turning restrictions at the intersection of the roadway, realigned alley, and existing driveways may be necessary to avoid creating any hazardous conditions. 6-43
- In order to make sure that the Project’s proposed access/egress and circulation schemes will work safely and efficiently, we recommend that the Project perform a micro-simulation analysis of traffic operations adjacent to and surrounding the Project site. Anticipated peak-period traffic conditions at Project buildout should be evaluated for the study area analyzed in the LTA, with an assessment of vehicular delays, queuing conditions, etc. 6-44



PIPING INDUSTRY PROGRESS AND EDUCATION
Trust Fund

September 23, 2021

VIA ELECTRONIC MAIL

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Dr.
Beverly Hills, CA 90210
malkire@beverlyhills.org

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire,

My name is Jarrod Ferruccio, and I am writing to you on behalf of Piping Industry Progress and Education, or P.I.P.E., in support of the proposed Cheval Blanc hotel project in Beverly Hills.

7-1

P.I.P.E. was formed in 1980 to improve the critical relationship between labor and management, to explore joint approaches to fruitful collaboration and to anticipate areas of need in that relationship, and to improve occupational safety and health and other working conditions. We are the joint Labor and Management cooperation committee and trust fund for the unionized plumbing, piping, and HVACR industries in Southern California.

7-2

Therefore, we believe that the applicant for this project has made a great choice in its commitment to hiring locally. Hiring from the pool of professional, skilled, and responsible contractors of the region will have an appreciable effect on the entire local economy.

7-3

That decision will help the skilled workforce provide well-paying jobs with benefits to some of the most hardworking people in Los Angeles and ensure positive impacts throughout the region.

We stand completely behind this project.

Sincerely,
Jarrod Ferruccio
Chief Financial Officer, P.I.P.E.



Local Union 105

Letter No. 8

DAVID M. SHAVER
FINANCIAL SECRETARY-TREASURER
RECORDING SECRETARY

LUTHER B. MEDINA
PRESIDENT
BUSINESS MANAGER

STEVE HINSON
VICE PRESIDENT
BUSINESS REPRESENTATIVE

September 27, 2021

SENT VIA ELECTRONIC MAIL TO
malkire@beverlyhills.org

Mr. Masa Alkire, AICP, Principal Planner
City of Beverly Hills
Community Development Department
455 N. Rexford Dr.
Beverly Hills, CA 90210

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire,

On behalf of SMART Local 105, I am officially expressing my support for the proposed Cheval Blanc Hotel project in Beverly Hills. We believe that the project stands on its own merits, both in what it will offer to the City of Beverly Hills once it is constructed and what it is slated to offer the community during construction. 8-1

We believe that the applicant's commitment to hiring local responsible contractors of the region will have an appreciable effect on the entire local economy. That decision will help contractors provide middle class jobs with benefits to some of the most hardworking people in Los Angeles and ensure positive impacts throughout the region. 8-2

We stand completely behind this project and appreciate your support.

Sincerely,

Luther B. Medina
President/Business Manager

LBM:lat/ Support letter for the CWA for the Cheval Blanc Beverly Hills Project 092721
opeiu 537
afl-cio,clc

cc: Andrew Gonzales, Political/Communications Liaison, SMART Local Union 105
Jeff Modrzejewski, Executive Director, CREED LA

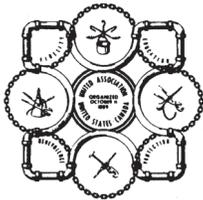
Business Representatives

Jesse Ayala
*Chris Gonzalez

Anthony Campos
Tim Hinson

Al Hernandez
Sam F. Hurtado

Donald P. Bennett
William "Bill" Shaver



Founded 1889

UNITED ASSOCIATION
of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of
The United States and Canada

UA Local Union: **78**

September 23, 2021

VIA ELECTRONIC MAIL

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Dr.
Beverly Hills, CA 90210
malkire@beverlyhills.org

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire,

On behalf of United Association Plumbers Local 78, I am writing to you today to express our organization's support for the proposed Cheval Blanc hotel project in Beverly Hills.

9-1

This project will represent another opportunity for our membership to participate in the great economic recovery that is unfolding across our country. We know that in these uncertain times over the last year and a half being able to provide steady employment for local, skilled, and responsible contractors will benefit everyone in the city and region.

9-2

We appreciate that the applicant has worked to include the skilled workforce and we support the project because we know that the project will benefit the local economy and drive real, positive growth in the region.

By using contractors such as the skilled construction trades, with responsible employment practices such as providing a living wage and offering benefits, the applicant is proposing far more than just a building to be constructed.

Because of this applicant's commitment and vision, we are enthusiastically in support of the project.

Sincerely,

Jeremy Diaz
Business Manager/Financial Secretary-Treasurer

JD/tp
OPEIU #537

Mark McManus
General President
Patrick H. Kellett
General Secretary-Treasurer
Michael A. Pleasant
Assistant General President

Letter No. 9

Local Union 250

Letter No. 10

PETER WOHLGEZOGEN
President

GLENN J. SANTA CRUZ
Business Manager/
Financial Sec'y-Treas.

BEN CLAYTON
Assistant Business Manager

RUDY RODRIGUEZ, SR.
PAC Chairman

STEAM - REFRIGERATION - AIR CONDITIONING - PIPE FITTERS, WELDERS AND APPRENTICES
OF THE UNITED ASSOCIATION OF THE UNITED STATES AND CANADA



Business Representatives
RAY CAMACHO
HECTOR CARBAJAL
OSCAR DELCID
DAVID GRIGGS
HERB KLEEMAN
TOM MORTON
BRANDON MORTORFF
GUS TORRES

Organizers
CRYSTAL LEWIS
RUDY RODRIGUEZ, SR.
NAT WILLIAMS

18355 SOUTH FIGUEROA STREET, GARDENA, CA 90248-4217
Bus. Mgr. (310) 660-0035 / Fin. Sec'y (310) 660-0042 / Ref. Div. (310) 660-0045
S.F. Appren. (310) 323-4475 / Ref. Appren. (213) 747-0291
Fax (310) 329-2465

September 24, 2021

VIA ELECTRONIC MAIL

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Dr.
Beverly Hills, CA 90210
malkire@beverlyhills.org

Re: Letter of Support - The Cheval Blanc Beverly Hills Project

Dear Mr. Alkire,

My name is Glenn Santa Cruz, Business Manager, representing United Association Local Union 250, and I am writing today to express our organization's support for the proposed Cheval Blanc hotel project in Beverly Hills.

10-1

I am writing today because I believe that projects like this deserve support for making the choice to protect working men and women in the skilled trades. The applicant has proposed a project that will add much to the area once it is completed. But far more importantly, the project is an example for good development because the applicant has made several key commitments to the community.

10-2

The applicant has committed to local hire provisions, ensuring that the skilled construction workforce from the surrounding areas will be employed. This crucial commitment means that Angelenos will be paid living wages to construct this project, and continue to have access to safe, sustainable worksites, maintain the highest quality standards on the jobsite, and receive good benefits for their work.

The United Association Local Union 250 stands in full support of this project.

Sincerely

Glenn J. Santa Cruz
Bus.Mgr./Fin.Sec'y-Treas

GJS/sm
opeiu/537-afl-cio

From: [Mitch Bloom](#)
To: [Masa Alkire](#)
Subject: Negative Comments: Cheval Blanc BHSP
Date: Friday, September 17, 2021 3:05:06 PM

CAUTION: External Sender
Use caution when clicking links or opening attachments

Dear Mr. Alkire

I have reviewed your letter and the USB drive provided. Thank you for providing the citizens of Beverly Hills a complete understanding of the EIR and the report itself; excellent transparency. While I agree that the project is a welcome opening into the City by a great developer/operator, as a 40 year resident of Beverly Hills I see this project as having major impact to our City in the forms of,	11-1
<ul style="list-style-type: none"> • Traffic at a major City hub for residents and transit workers, causing Increased traffic congestion • Height boundaries that are not in keeping with existing construction and triangle views • Inadequate on-site parking! 	11-2

The Traffic pattern throughout Beverly Hills has focused its residents South toward the triangle via Beverly Drive and/or Canon Drive....the two main North-South streets. With the recent closure of Canon Dr South of Dayton Way the only main throughput street is Beverly Drive (from Sunset Blvd through to Pico Blvd). We highly object to this up zoning creating major traffic events on little Santa Monica at Rodeo and Beverly Drives; little Santa Monica simply cannot handle this added traffic and I do not see, after analyzing the potential capacity of this hotel with its meeting rooms, retail etc, that it will be anything other than a traffic nightmare for our City.	11-3
--	------

The proposed height of the Project at 115 feet tall goes against recent determinations by the City which have not allowed new (non-conforming) developments to block inbound and outbound views from both existing office buildings and from hillside residents looking into our famed triangle. 115' is just too tall for this location. Just because the BofA building exists, which was developed in the 1970's under different (less stringent) rules, does not mean we should further mar our visual window to the Triangle.	11-4
---	------

Clearly, with 109 guest rooms planned (up to 115), unspecified meeting room capacity, private club, spa, substantial retail and dining spaces..... NOT TO MENTION EMPLOYEES TO SERVICE ALL OF THAT, 178 parking spaces is about half of what should be required. The numbers just do not work!	11-5
--	------

I just do not understand and request further clarification as to How does this project with all of its impacts get a negative declaration of Environmental Impact? It makes no sense. The Alternate 4 makes better sense and seems a good compromise, but truly..... shoe hornng a development this size directly into the main thoroughfare of the Triangle is bad Planning that will effect the City of Beverly Hills evermore.	11-6
---	------

Please feel free to contact me with comments or answers.

11-6
(Cont.)

Sincerely yours,

Mitchell Bloom
1187 Summit Dr.

Mitchell S. Bloom
President
Crown Associates Realty, Inc.
433 N. Camden Dr. Suite 888
Beverly Hills, CA 90210
(323) 272-7777

From: [Duke Hagenburger](#)
To: [Masa Alkire](#)
Subject: Cheval Blanc Beverly Hills
Date: Saturday, October 2, 2021 10:08:28 AM

CAUTION: External Sender
Use caution when clicking links or opening attachments

Hello M. Alkire-

I am a manager of a luxury menswear boutique on Brighton Way and a (recently) former BH resident. | 12-1

I want to voice very strong support for the Cheval Blanc project. This will be another powerful addition to the BH hospitality and retail existence that makes Beverly Hills a worldwide magnet for the global luxury client. | 12-2

I trust this will

--
Duke Hagenburger
General Manager
ISAIA Beverly Hills
9527 Brighton Way
424.204.1169 boutique
310.709.2221 mobile
duke.hagenburger@isaia.it
www.isaia.it

SEP
SEP

Dear Mr. Alkire

We are writing regarding the Cheval Blanc Beverly Hills Specific Plan being evaluated by the City of Beverly Hills. This is a very impressive proposal that will be a wonderful addition to the Golden Triangle.

13-1

Beverly Hills' General Plan favors proposals that exhibit a high degree of design quality and excellence. There can be no doubt that the proposed Cheval Blanc – the first to be built in the United States – fits this description to a T. Peter Marino has a 30-year history of delivering stellar architecture to Beverly Hills that stands the test of time. More broadly, this project will advance the City's objective of accommodating mixed-use, anchor developments at key locations in the City. This striking project will have an immediate positive impact on our commercial district, creating new ground floor uses that energize the pedestrian experience along Rodeo Drive, Beverly Drive and Santa Monica Blvd., along with beautiful new artwork for the community to enjoy.

13-2

The expert analyses performed by Architectural Resources Group show that the buildings currently on the site offer little in the way of cultural, architectural or historic value. The Cheval Blanc will add so much to the Beverly Hills landscape.

13-3

Thank you for your consideration.

Best Regards,

Michelle and Alan Kaye
Former City Commissioners

Mr. Masa Alkire
Community Development Department
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

Dear Mr. Alkire:

As Beverly Hills residents and adjacent property owners within the Golden Triangle, we are delighted to offer our strongest endorsement to the proposed Cheval Blanc project slated for Little Santa Monica Boulevard between Rodeo and Beverly. | 14-1

Although Rodeo Drive is one of America’s best-known commercial streets, this specific area has been economically underperforming for quite some time. With a beautiful design by Peter Marino – an architect well-known and highly respected in Beverly hills – the Cheval Blanc will be an anchor destination for the Golden Triangle that re-energizes the pedestrian experience along all three frontages with premiere quality retail, restaurant and hospitality options. Just as a rising tide lifts all ships, creating such a vibrant new destination in the Golden Triangle will benefit us and other property owners throughout the area. | 14-2

The building features a stepped-back design that integrates very appropriately into the surrounding community, locating the greatest height toward the Bank of America building nearby. The proposed Cheval Blanc Beverly Hills Specific Plan will set reasonable limits on height, size and density on the site. By contrast, a building that complies with the current, more limited zoning on the property would lose the elegance of Peter Marino’s design and fail to deliver the vitality and energy that makes this such an exciting proposal. | 14-3

The Cheval Blanc will be an economic engine and a welcome landmark for the Golden Triangle and all of Beverly Hills, and we hope it will be approved as presently designed. | 14-4

Should you wish to engage further, we would be more than happy to talk with you and your staff. | 14-5

Sincerely,

David and Lilly Lewis

David and Lilly Lewis

Mr. Masa Alkire, Principal Planner
Beverly Hills Community Development Department
455 North Rexford Drive
Beverly Hills, California 90210

Dear Mr. Alkire:

I am writing to express my strong support for the proposed Cheval Blanc Beverly Hills, which will create a world-class hospitality destination that will reinvigorate an underutilized portion of Rodeo Drive in the heart of Beverly Hills' Golden Triangle.

15-1

The detailed studies performed as part of the City's environmental review process makes clear that the buildings currently standing on the project site lack meaningful historic, architectural or cultural significance. The former Paley Center building and former Brooks Brothers store are both relatively recent, dating from the mid-1990s, and frankly pale in comparison to the exquisite, bespoke building designed for the site by renowned architect Peter Marino.

15-2

The Paley made the decision to close the site, which had become something of an island in the Golden Triangle. By contrast, the Cheval Blanc will be a vibrant landmark that welcomes the community with top-quality retail, dining and hospitality options and brings life to one of our marquee locations.

The architectural studies submitted as part of the Draft Environment Impact Report leave no doubt in my mind that the Cheval Blanc is the best use for this site, and I hope this project will be approved quickly, for the good of the city.

Sincerely, !



From: [Nooshin Meshkaty](#)
To: [Masa Alkire](#)
Subject: Cheval Blanc
Date: Thursday, October 28, 2021 12:28:49 PM

CAUTION: External Sender
Use caution when clicking links or opening attachments

Dear Mr. Masa Alkire, AICP, Principal Planner
City of Beverly Hills
450 N. Rexford Dr.
Beverly Hills, CA 90210

We live in a neighborhood located near the proposed Cheval Blanc project at Rodeo and Santa Monica. We are convinced that this hotel will be a good neighbor in the community.

16-1

Fortunately, the closest residential area is separated from the hotel by Beverly Gardens Park along with Santa Monica Blvd. and Little Santa Monica Blvd. This fact, combined with the results of the noise study, makes it much easier to support the Cheval Blanc project.

16-2

We are looking forward to the new restaurant and shopping options in this area of the Golden Triangle, which needs new life and new energy. It's time to remind the rest of the world that Rodeo Drive stands for class, style, and quality! We are eager for this project to be approved and to begin serving our community.

16-3

Most Respectfully,

Nooshin and Yar Meshkaty

From: [Alma Ordaz](#)
To: [Masa Alkire](#)
Subject: CHEVAL BLANC
Date: Wednesday, October 27, 2021 10:15:29 PM

CAUTION: External Sender
Use caution when clicking links or opening attachments

Dear Mr. Alkire,

I am writing in support of the proposed Cheval Blanc project. The presentation which I attended left me in no doubt that this was the right project at the right time for our community. | 17-1

LVMH has been active in Beverly Hills for a long time and they have always done right by our community bringing their trademark of excellence in everything that they do. | 17-2

Cheval Blanc is a unique property; unique in size and concept. With only 115 rooms, it will be smaller than many other hotels in town. And as an added bonus they will not be hosting conferences , conventions or large meeting spaces for corporate meetings. Cheval Blanc will be the perfect addition to our community and will once again set Beverly Hills apart as a world class destination. | 17-3

I urge you to approve this project without further delay.

Sincerely,

Alma R. Ordaz

Dear Mr. Alkire
malkire@beverlyhills.org
City of Beverly Hills

After the highly successful launch of the Cheval Blanc hotel in Paris, which opened to great acclaim this summer, many cities would love to claim the first Cheval Blanc in the U.S. Fortunately for us, we have been awarded that honor with the proposed Cheval Blanc Beverly Hills, the brand's first location anywhere in North America.

18-1

The Cheval Blanc will be an exquisite 5-star hotel, as well as a superb dining and retail destination for the Golden Triangle. It will generate significant economic activity and local jobs, and go a long way to cement Rodeo Drive's global reputation as a leading luxury destination in America and beyond.

18-2

The hotel has been designed by Peter Marino to match the scale of Beverly Hills with a stepped-back design that integrates into the surrounding community. I understand that the General Plan allows new anchor developments to relocate existing alleyways and responsibly exceed existing height limits. I strongly support these modifications, as the DEIR's Alternatives section shows that a project that remains fully within the limitations currently in place would simply not be able to offer the same high level of design quality or attractiveness, or fully revitalize this critical portion of the Golden Triangle, as the Cheval Blanc will do. The Cheval Blanc Beverly Hills Specific Plan will establish size, height and density limits that are appropriate for this site.

18-3

Beverly Hills will be even stronger as a result of the Cheval Blanc project and I urge the City to approve it.

Sincerely,
Sandy and Barry D Pressman

806 N. Camden Dr.
Beverly Hills, CA 90210

October 24, 2021

Masa Alkire, AICP, Principal Planner
City of Beverly Hills Community Development Department
455 N Rexford Drive
Beverly Hills, CA 90210
malkire@beverlyhills.org

RE: The Cheval Blanc Beverly Hills Project

Thank you to the planning commission.	19-1
Thank you to LVMH for bringing this project to the City of Beverly Hills	19-2
I am writing to you to urge all commercial and residential property owners to support The Cheval Blanc Beverly Hills Project. This luxury project, with it's art and sculpture, is needed in Beverly Hills and it can be a lifeline to help the City get back on its financial feet by bringing visitors and revenue that is so badly needed.	19-3
Many of you may recall the resistance that we had to the Crate & Barrel project as well as the widening of our sidewalks. Sure it was slightly inconvenient for a time but it brought so much to our great city.	19-4
Commercial property owners can only survive if the height restrictions are revisited and amended allowing property owners to increase their revenue and in turn pay more taxes to the city.	19-5
Please approach this project with an open mind - looking for solutions to any challenges.	

Umberto Savone
416 N Canon Drive
Beverly Hills, CA 90210
310.274.6395
babette@umbertobh.com