

6.0 Other CEQA Considerations



6.0 Other CEQA Considerations

6.0.1 Significant Environmental Effects

Section 15126.2(c) of the CEQA Guidelines requires that an EIR describe any significant impacts which cannot be avoided. Specifically, Section 15126.2(c) states:

Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

As evaluated in Section 4.0, Environmental Impact Analysis, of this Final EIR, implementation of the Project would not result in any Project-level or cumulative significant impacts that cannot be mitigated to a less than significant level.

6.0.2 Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate significant irreversible environmental changes that would be caused by implementation of a proposed project. As stated in CEQA Guidelines Section 15126.2(d), “[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.”

The Project would necessarily consume a limited amount of slowly renewable and non-renewable resources that could result in irreversible environmental changes. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for

electricity, natural gas, and transportation. As demonstrated below, the Project would not result in the commitment of large quantities of natural resources that would result in significant irreversible environmental changes.

6.0.2.1 Building Materials and Solid Waste

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

Project solid waste impacts are discussed in Sections 19.d and 19.e, Utilities and Service Systems, of the Initial Study included as Appendix A of this Final EIR. As indicated therein, pursuant to the requirements of Senate Bill 1374, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. In addition, pursuant to the requirements of Assembly Bill (AB) 341, the Project would adopt recycling practices during operation and the Project would provide for organic waste recycling in accordance with AB 1826. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced in accordance with applicable regulations so as not to result in the inefficient or wasteful use of building materials and minimize solid waste generation.

6.0.2.2 Water

Consumption of water from the Project is addressed in Sections 19.a and 19.b, Utilities and Service Systems, of the Initial Study included as Appendix A of this Final EIR. As evaluated therein, the Project would result in a net increase in floor area compared to existing conditions. As such, development of the Project would result in an increase in long-term water demand for consumption, operational uses, maintenance, and other activities on the Project Site. As evaluated in the Initial Study, the Project is estimated to result in a net new increase in water demand of approximately 68,090 gallons per day. The City's 2020 Urban Water Management Plan forecasts adequate water supplies to meet all projected water demands in the City for normal, single-dry, and multiple-dry years through the year 2045. Furthermore, as outlined in the 2020 Urban Water Management Plan, the City is committed to providing a reliable water supply for the City by prioritizing conservation and the efficient use of water, optimizing existing local water supplies, developing new local water supplies, engaging in long-term opportunities for developing new local water supplies, and reducing the use of imported water from the Metropolitan Water District. The 2020 Urban Water Management Plan also considers climate change and the concerns of drought and dry weather and notes that the City will meet all new

demand for water due to projected population growth through a combination of water conservation, water recycling, and groundwater recovery. By focusing on demand reduction and alternative sources of water supplies, the City would further ensure that long-term dependence on Metropolitan Water District supplies will not be exacerbated by potential future shortages.

The 2020 Urban Water Management Plan utilized Southern California Association of Governments (SCAG), City, and Metropolitan Water District demographic and employment data that provide for reliable water demand forecasts, taking into account changes in population, housing units, and employment. As discussed above, the Project would not generate a new residential or household population on the Project Site, although the Project would result in an increase in employment opportunities. According to the UWMP, the total water use for the City of Beverly Hills is projected to increase from 10,053 acre-feet per year (afy) in 2021 to 12,768 afy in 2045 (an increase of 27 percent). The net increase in water demand for the Project equals 76 afy, which represents approximately 2.8 percent of the anticipated increase in water use for the City between 2021 and 2045. In addition, the Project's potential employment growth would be a beneficial aspect of the Project. Therefore, the Project would be well within SCAG's growth projections for the City.

Thus, while the Project would result in some irreversible consumption of water, the Project would not utilize water in an inefficient or wasteful manner or result in a significant impact related to water supply.

6.0.2.3 Energy Consumption

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. As discussed in Section 4.4, Energy, of this Final EIR, construction activities for the Project would not require the consumption of natural gas but would require the use of electricity and fossil fuels. The consumption of electricity and fossil fuels would occur on a temporary basis during construction and would be offset by the removal of the existing uses on the Project Site. Project construction activities would also comply with all applicable emergency conservation requirements (such as Title 24 controls on construction lighting if this lighting is to last longer than 120 days). Therefore, as detailed in Section 4.4, Energy, of this Final EIR, energy consumption during construction would not occur in an inefficient or wasteful manner and would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of Southern California Edison and the Southern California Gas Company, respectively. As discussed in Sections 4.4, Energy and 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project would comply with all applicable state and local regulatory requirements, such as the provisions set forth in the California Building Energy Efficiency Standards and the CALGreen Code. In addition, the Project would also implement Project Design Feature GHG-PDF-1 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, which states that the design of new buildings would incorporate sustainability features (e.g., Energy Star-labeled products) in order to achieve LEED ~~Silver~~ Gold certification and incorporate water conservation features, such as drip/subsurface irrigation. Specific sustainability measures of the Project which relate to energy consumption include the incorporation of recessed windows, balconies and overhangs to shade window glazing, while allowing reflected and diffuse daylight into the building to enhance the use of natural light and reduce the need for artificial light sources; landscaping and exterior design utilizing subterranean parking and landscaped and shaded non-roof surfaces, light-colored, low-albedo roof surfaces to reduce local heat island effects; installation of electric vehicle charging equipment and bicycle parking, including e-bicycle charging facilities; and solar ready collectors for 15 percent of the roof area excluding skylight areas for energy efficiency. Also, under Project Design Feature GHG-PDF-1, the Project would use LED lighting, which would reduce electricity used for lighting purposes compared to non-LED lighting. These measures would reduce the Project's energy demand in comparison to the Project without reduction features. In addition, the Project would be subject to the 2019 Title 24 standards. Residential and nonresidential buildings built in compliance with the 2019 standards will use about 30 to 53 percent less energy than those under the 2016 standards. The Project would further comply with Section 110.10 of Title 24, which includes mandatory requirements for solar-ready buildings which would allow for installation of solar panels at a later date, and, as such, would not preclude the potential use of alternative sources of energy. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of electricity or natural gas during operation.

With regard to transportation fuel, Project characteristics, such as increasing density, increasing the diversity of land uses, and developing employment-generating uses within close proximity to existing residential uses, would potentially reduce vehicle miles traveled. In addition, the Project Site is located in an HQTAs designated by SCAG, which indicates that the Project Site is an appropriate site for increased density and employment opportunities from a "smart growth," regional planning perspective. As discussed in Section 4.9, Transportation, of this Final EIR, existing Metro bus lines within approximately 0.25 miles of the Project Site provide service in the Project Site vicinity and would provide employees and guests of the Project with various public transportation opportunities. In addition, the Project Site is located approximately 0.4 mile walking distance from the future Metro D (formerly Purple) Line Rodeo Station. Hotel and club employees who commute by

transit would be provided with free transit passes. Free transit passes would also be provided to hotel guests upon request. The Project would also provide bicycle parking spaces, including e-bicycle charging facilities and lockers and showers for employees, to further promote use of alternative modes of transportation. The Project's location near mass transit and the provision of free transit passes, as well as the installation of bicycle parking spaces and other facilities described above would encourage alternative modes of transportation, reducing VMT and associated energy usage. As such, the Project would minimize transportation fuel consumption through the reduction of VMT. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of transportation fuel during operation.

Based on the above, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy.

6.0.2.4 Environmental Hazards

The Project's potential use of hazardous materials is evaluated in Section 9, Hazards and Hazardous Materials, of the Initial Study included as Appendix A of this Final EIR. As discussed therein, the types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used during construction of commercial developments, including vehicle fuels, paints, oils, and transmission fluids. Similarly, the types and amounts of hazardous materials used during operation of the proposed uses would be typical of such developments and would include cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products. Hotel, restaurant, and retail uses, in particular, would involve the use of cleaning products, paints, and those used for maintenance of landscaping. All potentially hazardous materials to be used during construction and operation of the Project would be contained, stored, used and disposed of in accordance with manufacturers' instructions and handled in accordance with all applicable standards and regulations, including, but not limited to, those set forth by the federal and state Occupational Safety and Health Acts, the Federal Resource Conservation and Recovery Act and California Hazardous Waste Control Law, and other applicable laws and regulations. Such requirements include obtaining material safety data sheets from chemical manufacturers, making these data sheets available to employees, labeling chemical containers in the workplace, developing and maintaining a written hazard communication program, and developing and implementing programs to train employees about hazardous materials. Finally, the Project would not involve the routine transport of hazardous materials. Any associated risk would be adequately reduced to a less-than-significant level through compliance with relevant standards and regulations. Therefore, it is not expected that the Project would cause irreversible damage from environmental accidents associated with the use of typical, potentially hazardous materials.

6.0.2.5 Extension of Roads and Other Infrastructure

The Project represents an infill project within a fully urbanized area and would not extend roads or other infrastructure to areas not currently served by such roads and other infrastructure. Therefore, the Project would not open up new areas to development and commit future generations to such development.

6.0.2.6 Conclusion

As discussed above, Project construction and operation would require the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result, such changes would be less than significant. Considering that the Project would consume an inconsequential amount of natural resources and would replace an existing urban use on a redevelopment site, the limited use of nonrenewable resources is justified.

6.0.3 Growth-Inducing Impacts

Section 15126.2(e) of the CEQA Guidelines requires that growth-inducing impacts of a project be considered in a Draft EIR. Growth-inducing impacts are characteristics of a project that could directly or indirectly foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. According to the CEQA Guidelines, such projects include those that would remove obstacles to population growth (e.g., a major expansion of a wastewater treatment plant that, for example, may allow for new development in the service area). In addition, as set forth in the CEQA Guidelines, increases in the population may tax existing community service facilities, thus requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require a discussion of the characteristics of projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. Finally, the CEQA Guidelines state that it must not be assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment. Growth can be induced by: (1) direct growth associated with a project; and (2) indirect growth created by demand not satisfied by a project or the creation of surplus infrastructure not utilized by a project.

As discussed in Section 2.0, Project Description, of this Final EIR, the Project proposes the creation of the Cheval Blanc Beverly Hills Specific Plan, which would facilitate

the orderly and efficient development of the Project Site by, among other things, establishing appropriate size, height, and density limits. Under the Cheval Blanc Beverly Hills Specific Plan, proposed development could include up to 220,950 square feet and up to 115 guest rooms. The Project, as envisioned at this time, would involve the development of a single 212,034-square-foot multiple-use building that would include a luxury hotel with 109 guest rooms including a penthouse; a private club offering facilities for social and recreational purposes; restaurant and retail uses; and other appurtenant uses related to hotel and club services and functions such as a wellness center and spa. The building would be constructed over a 3-level subterranean parking garage. The Project would also provide open space areas totaling 45,201 square feet. The Project would require the removal of 56,787 square feet of commercial and institutional floor area and the excavation and export of approximately 124,920 cubic yards of soil. Additionally, the portion of the existing public alley bisecting the Project Site would be relocated to the southern portion of the Project Site as part of the tentative parcel map process. Because the Project would not include the construction of new housing that would generate a new population, it would not result in direct population growth. However, the Project is expected to result in varying types of indirect growth associated with employment. Below is a discussion of the potential indirect growth-inducing impacts of the Project.

The Project would have the potential to generate indirect population growth in the Project Site vicinity during construction. However, given the duration and temporary nature of construction, construction workers would not be expected to relocate their households' places of residence as a direct consequence of working on the Project. The work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Therefore, given the availability of construction workers, the Project would not be considered growth-inducing from a short-term employment perspective, but rather the Project would provide a public benefit by providing new temporary employment opportunities during the construction period.

The Project would also have the potential to generate indirect population growth in the Project Site vicinity during operation. The creation of hotel, restaurant, spa, wellness center, and private club uses would generate new employment opportunities at the Project Site. As provided in Section 14, Population and Housing, of the Initial Study, included as Appendix A of this Final EIR, this increase in employment would be a beneficial impact to the City and would not be expected to induce substantial indirect population or housing growth. Specifically, some of the employment opportunities generated by the proposed commercial uses may be filled to some extent by employees already residing in the vicinity of the Project Site. In addition, while it is also possible that some of the jobs created by the proposed uses would be filled by persons moving into the surrounding area, creating a demand for housing, it is anticipated that some of this demand would be filled by

then-existing vacancies in the housing market, and some from other new units in other developments. Therefore, given that the Project would not directly contribute to population growth in the Project area and as some of the employment opportunities generated by the Project would be filled by people already residing in the vicinity of the Project Site, the potential growth associated with Project employees who may relocate their place of residence would not be substantial. As such, the Project would not result in a notable increase in demand for new housing, and any new demand, should it occur, would be minor in the context of forecasted growth for the City.

Additionally, the area surrounding the Project Site is already developed with a mix of retail uses and restaurants and the Project would not remove impediments to growth. The Project may require local infrastructure upgrades to maintain and improve sewer, electricity, and natural gas lines on-site and in the immediate vicinity of the Project Site. Such improvements would be intended primarily to meet Project-related demand and would not necessitate regional utility infrastructure improvements that have not otherwise been accounted for and planned for on a regional level. No extension of roads or infrastructure to currently un-served areas would occur, and no expansion of water or wastewater treatment plants would be required. The Project employees' demand for convenient commercial goods and services would be met by existing retail, service, and other resources located within the surrounding community. No new development specifically to meet the Project's scale of commercial demand would be needed.

Overall, the Project would be consistent with the growth forecast for the SCAG Region and the City and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled by siting development within proximity to public transit options. Therefore, growth-inducing impacts would be less than significant.

6.0.4 Potential Secondary Effects of Mitigation Measures

Section 15126.4(a)(1)(D) of the CEQA Guidelines states that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the Project were reviewed. The following provides a discussion of the potential secondary impacts that could be associated with implementation of the proposed mitigation measures, listed by environmental issue.

6.0.4.1 Biological Resources

Mitigation Measures BIO-MM-1 and BIO-MM-2 are included in Section 4.2, Biological Resources, of this Final EIR, to reduce Project impacts on bats and their roosts. These mitigation measures require that: (1) a qualified biologist conduct surveys at least 30 days prior to construction to identify the presence of bats and any active or potential bat-roosting cavities. If found, impacts to bats and their roosts would be reduced through a variety of measures, including the safe eviction of bats from the area during the non-maternal season under the direction of the qualified biologist, the completion of preconstruction surveys by the qualified biologist immediately prior to tree removal, and biological monitoring during tree or building removal. If bats are disturbed during tree or building removal, work shall be safely and temporarily suspended until all bats leave the vicinity on their own. Furthermore, in the event a maternal colony of bats is found, no work shall be conducted within 100 feet of the maternal roosting site until the maternal season (April 1–September 15) is over or the bats have left the site, or as otherwise determined by a qualified biologist. The site shall be designated as a sensitive area and protected as such until the bats have left the site; and (2) If bats or any active bat-roosting cavities are found, construction activities shall be conducted during daylight hours, and no construction work shall be conducted at night. As discussed in Section 2.0, Project Description, of this Final EIR, in accordance with Section 5-1-205 of the City’s Municipal Code, construction of the Project would primarily occur between the hours of 8:00 A.M. and 4:00 P.M. However, site demolition, excavation, and export activities are planned to occur in the evening hours. Therefore, if bats or any active bat-roosting cavities are found and no evening construction is permitted until deemed appropriate by the qualified biologist, the duration of Project construction could be extended. Notwithstanding, the same construction activities evaluated throughout this Final EIR would continue to occur. Extending the duration of construction would not result in new or increased activities not already evaluated in this Final EIR. As such, extending the construction duration would not result in new or increased impacts. Overall, implementation of Mitigation Measures BIO-MM-1 and BIO-MM-2 would not result in significant physical impacts on the environment, would be beneficial in reducing Project impacts on bats and their roosts, if any, and would not result in adverse secondary impacts.

Additionally, Section 4.2, Biological Resources, of this Final EIR, includes Mitigation Measure BIO-MM-3 to ensure compliance with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Conditions of Approval were previously included in the Initial Study to ensure compliance with the Migratory Bird Treaty Act and California Fish and Game (CFG) Code. Specifically, as set forth in the Initial Study, in accordance with the MBTA and CFG Code, the Project Applicant would be required to conduct tree removal activities associated with the Project outside of the nesting season (February 1–August 31), to the extent feasible. Should vegetation removal activities occur during the nesting season, a biological monitor would be present during the removal activities to ensure that

no active nests would be impacted. If active nests are found, a buffer would be established until the fledglings have left the nest. As discussed in the Initial Study, these measures to be implemented by the Project in compliance with the MBTA and the CFG Code would be incorporated into the Project as Conditions of Approval. However, to further ensure compliance with the MBTA and the CFG Code, these Conditions of Approval will be incorporated as mitigation, as set forth in Mitigation Measure BIO-MM-3. As with Mitigation Measures BIO-MM-1 and BIO-MM-2 discussed above, implementation of Mitigation Measure BIO-MM-3 would be implemented to ensure compliance with existing regulatory requirements and would not result in adverse secondary impacts.

6.0.4.2 Cultural Resources

Mitigation Measure CUL-MM-1 ~~is~~ and Mitigation Measure CUL-MM-2 are included in Section 4.3, Cultural Resources, of this Final EIR to reduce Project impacts on archaeological resources. Specifically, Mitigation Measure CUL-MM-1 requires that a qualified archaeologist be retained to perform periodic inspections of excavation and grading activities at the Project Site and if archaeological materials are encountered, grading and excavation activities within 100-feet of the exposed material would be temporarily diverted to facilitate evaluation and, if necessary, salvage. The mitigation measure further requires the archaeologist to assess the discovered material(s) and prepare a survey, study or report evaluating the impact, a copy of which would be submitted to the City Planning Division, and compliance of the Applicant with the recommendations of the evaluating archaeologist. This mitigation measure could potentially require excavations to unearth additional archaeological resources, if such is the recommendation of the archaeologist. However, any such additional excavations would be expected to occur within the Project's excavation area, with any associated environmental effects subsumed in the construction impact analysis for the Project in Section 4.0 of this Final EIR. In addition, in the event grading and excavation activities are temporarily diverted, construction activities could be delayed and the duration of construction could be extended. As discussed above, if the duration of construction is extended, the same construction activities evaluated throughout this Final EIR would continue to occur. Extending the duration of construction would not result in new or increased activities not already evaluated in this Final EIR. As such, extending the construction duration would not result in new or increased impacts. Therefore, implementation of Mitigation Measure CUL-MM-1 would be beneficial in reducing Project impacts on historical and archaeological resources, if any, and would not result in significant adverse secondary impacts.

Mitigation Measure CUL-MM-2¹ requires that a qualified principal investigator, defined as an archaeologist who meets the Secretary of the Interior's Standards for professional archaeology and has a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California, be retained by the Applicant or their successor to carry out all mitigation measures related to archaeological and historical resources (hereafter qualified archaeologist). The qualified archaeologist shall be contacted in the event of an inadvertent archaeological discovery. Following completion of construction, the qualified archaeologist shall provide an archaeological monitoring report to the City and SCCIC with the results of the cultural monitoring program. Implementation of Mitigation Measure CUL-MM-2 would be beneficial in reducing Project impacts on historical and archaeological resources, if any, and would not result in significant adverse secondary impacts.

6.0.4.3 Paleontological Resources

Mitigation Measures GEO-MM-1 through GEO-MM-3 are included in Section 4.5, Paleontological Resources, of this Final EIR, to reduce Project impacts on paleontological resources. These mitigation measures require that: (1) a qualified paleontologist be retained to perform periodic inspections of Project excavations and grading activities at the Project Site; (2) if paleontological materials are encountered, the Applicant notify the City and consult with the Qualified Paleontologist to assess the significance of the find, in which case excavation and grading activities may be temporarily halted or diverted from the area to facilitate evaluation and, if necessary, salvage; and (3) any significant fossils collected during Project-related excavations be prepared to the point of identification and curated into an accredited repository with retrievable storage and a final monitoring and mitigation report evaluating the impact be prepared by the qualified paleontologist. This mitigation measure could potentially require excavations to unearth additional paleontological resources, if such is the recommendation of the paleontologist. However, any such additional excavations would be expected to occur within the Project's excavation area, with any associated environmental effects subsumed in the construction impact analysis for the Project in Section 4.0 of this Final EIR. In addition, in the event grading and excavation activities are temporarily diverted due to a find, construction activities could be delayed and the duration of construction could be extended. As discussed above, if the duration of construction is extended, the same construction activities evaluated throughout this Final EIR would continue to occur. Extending the duration of construction would not result in new or increased activities not already evaluated in this Final EIR. As such, extending the construction duration would not result in new or increased impacts. Therefore, implementation of GEO-MM-1 through GEO-MM-3 would be beneficial in reducing Project

¹ The Draft EIR included this mitigation as Mitigation Measure TCR-MM-1; however, since it relates to archaeological resources, the mitigation measure is most applicable to Cultural Resources.

impacts on paleontological resources, if any, and would not result in significant adverse secondary impacts.

6.0.4.4 Noise

Mitigation Measure NOI-MM-1 is included in Section 4.8, Noise, of this Final EIR, to reduce vibration impacts from on-site construction activities which may cause building damage to the two off-site commercial buildings immediately abutting the Project Site to the south. This mitigation measure requires that: (1) a structural engineer or other qualified professional inspect the two off-site buildings adjacent to the Project Site to the south to document the apparent physical condition of the buildings; (2) the retention of a qualified acoustical engineer to review proposed construction equipment and develop and implement a vibration monitoring program capable of recording and documenting the construction-related ground vibration levels at the two off-site commercial buildings during demolition, shoring, and excavation activities; (3) the implementation of vibration monitoring program; and (4) implementation of feasible steps to reduce vibration levels if the warning level of 0.4 inch/second is triggered, including but not limited to staggering concurrent activities (if doing so would not pose a safety risk to personnel or damage risk to buildings) and utilizing lower vibratory techniques. If construction activities must be staggered per this mitigation measure, the duration of construction could be extended. As discussed above, merely extending the duration of construction would not result in new or increased activities not already evaluated in this Final EIR as the same construction activities would continue over an extended duration. In addition, if other lower vibratory techniques are used, these would serve to further reduce the vibration levels resulting from construction activities. As such, this mitigation measure would not result in significant physical impacts on the environment, would be beneficial in reducing Project construction-related vibration impacts on adjacent buildings, and would not result in adverse secondary impacts.

6.0.4.5 Tribal Cultural Resources

Mitigation Measures TCR-MM-1 through TCR-MM-~~65~~ are included in Section 4.10, Tribal Cultural Resources, of this Final EIR, to reduce Project impacts on tribal cultural resources. These measures, would require: (1) ~~the retention of a Qualified Principal Investigator (hereafter qualified archaeologist) to be contacted in the event of an inadvertent archaeological discovery who, following completion of construction, shall provide an archaeological monitoring report to the City and SCCIC with the results of the cultural monitoring program;~~ (2) the qualified archaeologist or their designee shall provide training to construction personnel on information regarding regulatory requirements for the protection of cultural resources including tribal cultural resources; ~~(3)~~ (2) Native American monitoring shall be conducted by a representative of the Gabrieleño Band of Mission Indians-Kizh Nation, hereafter referred to as the "Monitoring Tribe" and monitoring shall occur during all Project-related, initial ground-disturbing construction activities (i.e.,

grubbing, pavement removal, tree removal, boring, grading, excavation, potholing, drilling and trenching etc.), with all feasible care taken to avoid any unnecessary disturbance, physical modification, or separation of tribal cultural resources; ~~(4)-(3)~~ a Cultural Resources Monitoring and Mitigation Plan shall be developed and, in the event a Native American monitor identifies cultural or archaeological resources, the monitor shall be given the authority to temporarily halt construction in the immediate vicinity and within 50 feet of the discovery and to contact the qualified archaeologist to investigate the find and notify the Gabrieleño Band of Mission Indians- Kizh Nation; ~~(5)-(4)~~ in the event that human remains are encountered at the Project Site, all work within 100 feet of the burial must cease, and any necessary steps to ensure the integrity of the immediate area shall be taken, including the placement of an exclusion zone around the discovery location and the Coroner must then determine whether the remains are Native American, in which case the Native American Heritage Commission (NAHC) would notify the person they identify as the most likely descendent (MLD); and ~~(6)-(5)~~ prior to the continuation of ground disturbing activities where human remains and/or ceremonial object has been identified, the Developer shall arrange a designated site location agreed upon between the MLD and the landowner within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects to be protected in perpetuity.

This mitigation measure could potentially require excavations to unearth additional tribal cultural resources if such is the recommendation of the qualified archaeologist. However, any such additional excavations would be expected to occur within the Project's excavation area, with any associated environmental effects subsumed in the construction impact analysis for the Project in Section 4.0 of this Final EIR. In the event grading and excavation activities are temporarily diverted or halted, construction activities could be delayed and the duration of construction could be extended. As discussed above, if the duration of construction is extended, the same construction activities evaluated throughout this Final EIR would continue to occur. Extending the duration of construction would not result in new or increased activities not already evaluated in this Final EIR. As such, extending the construction duration would not result in new or increased impacts. Overall, implementation of Mitigation Measures TRC-MM-1 through ~~TRC-MM-6~~ TRC-MM-5 would be beneficial in reducing Project impacts on tribal cultural resources, if any, and would not result in adverse secondary impacts.

6.0.4.6 Transportation

Mitigation Measures TRA-MM-1 through TRA-MM-3 are included in Section 4.9, Transportation, of this Final EIR to address potential impacts related to conflicts with City programs, plans, ordinances, and policies addressing the circulation system during construction. Specifically, Mitigation Measure TRA-MM-1 would require the preparation of a Construction Traffic Management Plan prior to the commencement of construction activities. Mitigation Measure TRA-MM-2 would require the preparation and

implementation of a Construction Workers Parking Plan identifying parking locations for construction workers prior to the commencement of construction activities. Mitigation Measure TRA-MM-3 would require that the developer for the Project coordinate with the City of Beverly Hills regarding all temporary roadway closures, all major deliveries, loading and unloading of delivery vehicles, and simultaneous construction activities. This mitigation measure would be beneficial in reducing construction-related transportation impacts in the surrounding area and would not result in adverse secondary impacts.

6.0.5 Effects Not Found to Be Significant

Section 15128 of the CEQA Guidelines states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the EIR. An Initial Study was prepared for the Project and is included in Appendix A of this Final EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each environmental area is or is not analyzed further in this Final EIR. The City determined, through the Initial Study, that the Project would not have the potential to cause significant impacts related to the following: aesthetics; agriculture and forestry resources; air quality (odors); biology (listed species,² sensitive communities, wetlands, wildlife movement,³ conflicts with local policies or ordinances, and conflict with an adopted habitat conservation plan (HCP) or natural community conservation plan (NCCP)); cultural resources (human remains); geology and soils (except for paleontological resources); hazards and hazardous materials; hydrology and water quality; land use and planning (division of an established community); mineral resources; noise (airports); population and housing; public services; recreation; transportation (hazards, emergency access); utilities and service systems (water, wastewater, stormwater drainage, telecommunications, and solid waste); and wildfires. Refer to the Initial Study included in Appendix A of this Final EIR for the full analysis related to these issue areas.

6.0.6 Mandatory Findings of Significance

In accordance with Section 15065 of the CEQA Guidelines, the City determined through the Initial Study that the Project could potentially degrade the quality of the

² While the Initial Study determined the Project's impacts on listed species would be less than significant, this Final EIR provides a supplemental analysis of the Project's potential to impact bats and their roosts under Section 4.2, Biological Resources, of this Final EIR, based on a comment letter received from the CDFW during the NOP public review period.

³ While the Initial Study determined the Project's impacts on wildlife movement would be less than significant, this Final EIR provides a supplemental analysis of the Project's potential to impact bats and their roosts under Section 4.2, Biological Resources, of this Final EIR, based on a comment letter received from the CDFW during the NOP public review period.

environment or affect important examples of California's history or prehistory, could potentially result in cumulatively considerable environmental effects, and that the Project's potential environmental effects could cause substantial adverse effects on human beings. Accordingly, per Section 15065 of the CEQA Guidelines, the City found that the Project could potentially have a significant effect on the environment and thereby required the preparation of this EIR. As summarized in the Executive Summary and analyzed in detail in Section 4.0, Environmental Impact Analysis, of this Final EIR, impacts to bats (biological resources), archaeological resources, paleontological resources, and tribal cultural resources as well as impacts associated with vibration during construction and impacts to transportation during construction were determined to be potentially significant prior to mitigation. However, with implementation of mitigation, potential impacts related to these environmental topics would be reduced to less than significant levels, and the Project would not result in any significant and unavoidable environmental impacts.