10.0 Responses to Comments

10.0 Responses to Comments

This section includes comments received during public circulation of the Draft Environmental Impact Report (Draft EIR) prepared for the Cheval Blanc Beverly Hills Specific Plan Project (Project), and, as appropriate, responses thereto.

The Draft EIR was circulated for a 45-day public review period that began on September 17, 2021, and ended on November 1, 2021. The City received 19 comment letters on the Draft EIR during the 45-day public review period. The comment letters are included herein, along with responses to the environmental concerns raised by the commenters. The commenters and the page number on which each commenter's letter appear are listed below. In addition, responses to oral comments received during the October 28, 2021, Planning Commission hearing are provided after Letter No. 19.

The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1-1, for example, indicates that the response is to the first issue raised in Letter No. 1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (<u>underlined font</u>) where text was added. These changes in text are noted in the Final EIR's Executive Summary through Chapter 6, as applicable.

Letter No. 1

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

1-1

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. 1-2

Sincerely,

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

Letter No. 1

COMMENTER: Andrew Salas, Gabrieleño Band of Mission Indians—Kizh Nation

DATE: September 27, 2021

Response 1-1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 1-2

This comment, which concludes the letter, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

As described in Section 4.10, Tribal Cultural Resources, of this Final EIR (pages 4.10-8 through 4.10-9), in compliance with the requirements of SB 18 and AB 52, the City of Beverly Hills Department of Community Development provided formal notification of the Project on October 16, 2020, to the Native American tribes traditionally affiliated with the area. Letters were sent via certified mail and email to the following California Native American tribes:

- Gabrieleño Band of Mission Indians—Kizh Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino/Tongva Nation (Sandonne Goad, Chairperson)
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino–Tongva Tribe
- Santa Rosa Band of Cahuilla Indians
- Soboba Band of Luiseño Indians

Tribal Chairman Andrew Salas, on behalf of the Gabrieleño Band of Mission Indians—Kizh Nation, responded to the Project notification conducted by the City requesting consultation. On February 11, 2021, representatives of the City and the Tribe engaged in formal consultation pursuant to the requirements of AB 52 and SB 18, with

follow-up consultation communication occurring during the months of February, March, and July 2021. After release of the Draft EIR additional consultation occurred between representatives of the City and the Tribe in September and October 2021. The Tribe requested that Mitigation Measure TCR-MM-1 included in the Draft EIR, and which required that an archeologist to be retained by the Applicant carry out all mitigation measures related to archaeological and historical resources, not be included as a Tribal Cultural Resources mitigation. The Tribe requested that Mitigation Measure TCR-MM-1 be renamed and revised in the EIR to keep archaeology-related mitigation separate from Tribal Cultural Resources mitigations. The City responded that Mitigation Measure TCR-MM-1 will be relocated to the Cultural Resources section of the EIR. With City confirmation that the Tribe's request could be met in the Final EIR, the required tribal consultation was concluded. Mitigation Measure TCR-MM-1 has been included in Section 4.3, Cultural Resources, of this Final EIR and renamed Mitigation Measure CUL-MM-2. Five mitigation measures remain (renumbered TCR-MM-1 through TCR-MM-5) in Section 4.10, Tribal Cultural Resources, of the Final EIR, due to the potential presence of tribal cultural resources. These mitigation measures include, among others, requiring the presence of a qualified tribal monitor during ground disturbance activities.

Letter No. 2

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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 comments[1] 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.

2-7

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

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:

2-8

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

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.

2-9

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.

2-10

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

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.[7]) This fact matters for Local 11's members. 2-14 (Cont.)

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	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 my 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., rip 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.

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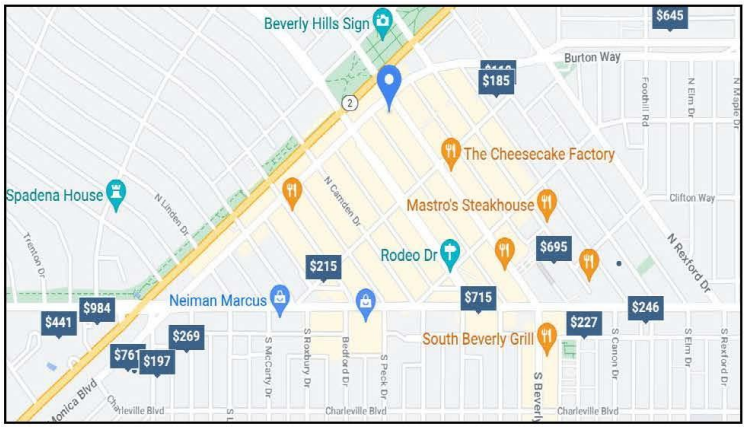
[9] Los Angeles Times (4/1/20) Rodeo Drive hotel planned by French luxury retailer LVMH (Quote by Amish Melwani, LVMH Inc. Roger Vincent), https://www.latimes.com/business/story/2020-04-01/rodeo-drive-hotel-planned-by-french-luxury-retailer-lvmh

[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/3Kn6djmj2C0jKi0xwLlkAxqn5FHtidBQYHLBh5wcibZ5ynjlLIgYzyUqMBw0omeToMC5EzL9SVPYqhbH0

[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://d3n8a8pro7vhmx.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.



2-19 (Cont.)

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_connectsocal_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/0903fconnectsocal-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.

	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

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.

2-25

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.

2-26

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]

2-27

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.

[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: 2-28

- 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.)

- 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 CAPCOA[18] 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_connectsocal_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/0903fconnectsocal-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, th*e 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]

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[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]

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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://scagrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf; SCAG (Apr. 2016) 2016 RTP/SCS Program EIR Response to Comments, PDF p. 85, http://scagrtpscs.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. <u>The DEIR Fails to Compare Relevant GHG Performance Benchmarks</u> 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.

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[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_connectsocal_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/2016fpeir_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

2-48 (Cont.)

	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

2-49

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/0903fconnectsocal-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_connectsocal_complete.pdf?1607981618.

2-49 (Cont.)

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.

2-50

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.

2-50 (Cont.)

> 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]

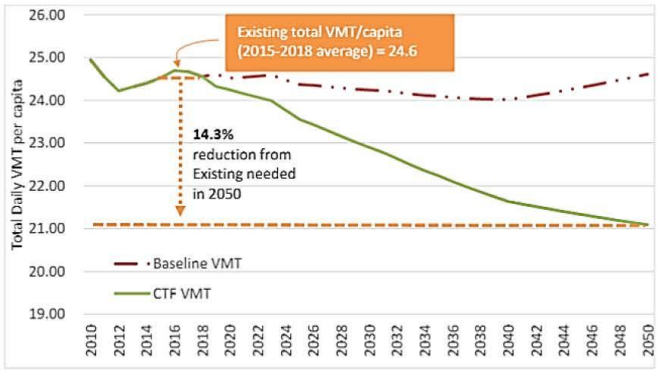

Figure 2: California Total Daily VMT Per Capita

[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_jan19.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.

2-50 (Cont.)

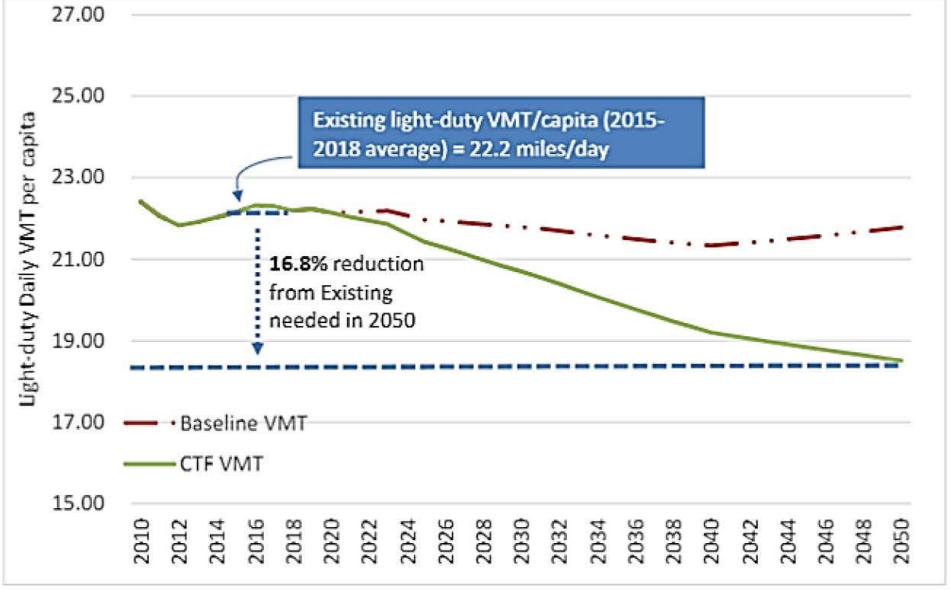

Figure 3: California Light-Duty VMT Per Capita

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.

2-51

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 Use[65] and Housing[66] 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. 2-58
- 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. 2-59

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[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.

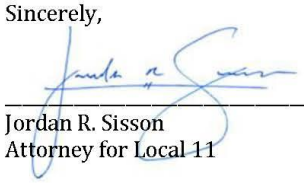
VIII. CONCLUSION 2-65

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).

Letter No. 2

COMMENTER: GK Law obo Unite Here Local 11

DATE: November 1, 2021

Response 2-1

This introductory comment notes that the comments regarding the Draft EIR for the Project provided in this comment letter are on behalf of UNITE HERE Local 11. This introductory comment also includes a brief summary statement of the various components of the Project.

Footnotes 1 and 2 in this comment reference how the page citations of the Draft EIR are provided in this comment letter and the web location of the Draft EIR, respectively. These footnotes have been reviewed and no further response is required.

Response 2-2

This comment summarizes the discretionary entitlements, reviews, permits, and approvals required to implement the Project as set forth in Section 2.0, Project Description, of this Final EIR.

Footnote 3 in this comment cites the CEQA Guidelines, as codified. This footnote has been reviewed and no further response is required.

Response 2-3

This introductory comment summarizes specific comments on the Draft EIR that are included and responded to in detail below. As demonstrated by the responses below, the proposed development on the 1.277-acre Project Site would not impair the City's ability to meet its State mandated affordable housing obligation (i.e., RHNA) nor would the Project result in significant VMT, LOS or GHG impacts, as alleged by the commenter.

Regarding the commenter's opinion that the Draft EIR failed to adequately address traffic impacts via a Vehicle Miles Traveled (VMT) analysis, refer to Responses 2-7 through 2-23 and Response 2-33 below.

Regarding the commenter's opinion that the Draft EIR failed to adequately address level of service (LOS), local transportation issues are not within the scope of CEQA review. Specifically, refer to Subsection 4.9.2.1.1 beginning on page 4.9-1 of Section 4.9,

Transportation, of this Final EIR wherein the changes to CEQA transportation analyses effected by Senate Bill 743 are described. For informational purposes, a LOS analysis was provided as part of the Local Transportation Assessment prepared for the Project and included as Appendix H.2 of this Final EIR. Also refer to Responses 2-24 through 2-32 below.

Regarding the commenter's opinion that the Draft EIR failed to adequately address greenhouse gas (GHG) impacts, refer to Responses 2-34 through 2-55 below.

Regarding the commenter's opinion about the mixed-use nature of the Project, refer to Response 2-20 below.

With regards to the commenter's opinion that no housing was considered at the Project Site, refer to Response 2-20 and Response 2-56 below.

Regarding the commenter's opinion about the Project's conflict with goals and objectives of the City's General Plan, refer to Responses 2-57 through 2-64 below.

Regarding the commenter's opinion that a Draft EIR should be recirculated with an updated CalEEMod modeling analysis and a revised alternatives analysis, refer to Response 2-4, Response 2-34 through 2-55, and Response 2-64 below.

Response 2-4

This comment provides the commenter's opinion that the City should delay actions related to the Project's requested entitlements and the Draft EIR until the issues included in the comment letter are addressed, including updated emissions modeling under the current CalEEMod and a study of alternatives that include housing. This comment also states that a CEQA-compliant Draft EIR be recirculated.

Regarding the request for recirculation of the Draft EIR, the Draft EIR for the Project was prepared in compliance with CEQA and the CEQA Guidelines. The Draft EIR provides thorough and comprehensive analyses of all required CEQA impact areas based on appropriate methodologies and, where appropriate, supported by expert technical analyses as well as input from numerous other agencies and input received in response to the Notice of Preparation of the Draft EIR. For each of the issue areas where significant impacts have been identified, mitigation measures have been proposed to reduce such impacts where feasible. CEQA requires recirculation of a Draft EIR only when "significant new information" is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA

Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states:

> *New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.*

As demonstrated in this Final EIR, no new significant information (as defined by CEQA Guidelines Section 15088.5) that would require recirculation of the Draft EIR has been identified. Specifically, upon review of all of the comments received and analyzed, there are no new significant environmental impacts from the Project or from a mitigation measure that was identified subsequent to circulation of the Draft EIR. In addition, upon review of all comments received and analyzed, there are no substantial increases in the severity of any of the significant environmental impacts identified in the Draft EIR. Neither the comments submitted on the Draft EIR nor the responses contained herein constitute new significant information warranting the recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Regarding the request for updated emissions modeling using the CalEEMod program issued following the November 13, 2020, publication of the Notice of Preparation (NOP) for the Draft EIR, refer to Response 2-35 below.

Regarding the request for a revised alternatives analysis including housing, refer to Response 2-64 below.

Based on the responses provided in this Final EIR, the existing analysis is adequate and recirculation is not required.

Response 2-5

This comment describing UNITE HERE Local 11 and the union's right to participate in the CEQA process is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-6

The commenter asserts that the Draft EIR arbitrarily screens out the Project from VMT analysis. The screening presumption for a less than significant VMT impact finding is

based on an analytical foundation that includes the CEQA Guidelines, the OPR Technical Advisory, and the City's CEQA Transportation Thresholds of Significance. The CEQA Guidelines Section 15064.3(b)(1) states, "Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact." This presumption is based on the legislative intent of Senate Bill (SB) 743 to "[m]ore appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions." OPR provides a wide variety of professional and academic research establishing the clear relationship between infill and transit-oriented development (TOD) on lower VMT generation rates and higher rates of walking, bicycling, and transit use on their website under Key Resources on SB 743: Studies, Reports, Briefs, and Tools (https://opr.ca.gov/ceqa/sb-743/). Complementing the CEQA Guidelines, OPR expanded the TPA screening to include additional checks to avoid the TPA presumption being applied for land use projects that would not achieve the SB 743 objectives. The City reviewed both the CEQA Guidelines and OPR Technical Advisory in establishing their CEQA Transportation Thresholds of Significance.

Following the guidance established in all three references above, the Project is located within a Transit Priority Area (TPA) and meets all requirements of screening out from further VMT analysis as explained on pages 4.9-28 and 4.9-29 in Section 4.9, Transportation, of this Final EIR. Specifically, the Project is less than 0.5 miles from six Metro Rapid bus stops, is 0.4 miles from the recently approved North Portal entrance to the Metro Line D Rodeo Station, exceeds the minimum floor area ratio (FAR) requirement of 0.75, does not exceed the amount of parking required by the City's Municipal Code and Parking Standard, and is consistent with the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). In addition to being located in a TPA, the EIR also states that the Project's retail component is less than 50,000 square feet, which means that it also meets local serving retail screening criteria as explained on page 4.9-29 in Section 4.9, Transportation, of this Final EIR. However, regardless of the amount of retail space being proposed as part of the Project, the Project's location in a TPA means that it can be screened from further VMT analysis as explicitly provided in the CEQA Guidelines noted above.

Footnote 4 cites the City's VMT Guidelines and Footnote 5 cites OPR's Technical Advisory. These footnotes cite to the documents mentioned in this comment and the associated comments have already been addressed above.

Response 2-7

The comment is correct that the VMT impact analysis relies on CEQA Guidelines Section 15064.3 and OPR's Technical Advisory. The comment is incorrect that these

guidelines were improperly applied to the Project. First, CEQA Guidelines Section 15064.3 state in section (a) that "Generally, vehicle miles traveled is the most appropriate measure of transportation impacts" and in section (b)(1) that "Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact." The Technical Advisory published by OPR has additional guidance on the types of project characteristics that would qualify as a TPA (i.e., FAR minimum, parking maximum, and consistency with regional plans) as described above in Response 2-6.

Footnote 6 cites pages of the Draft EIR and the City's VMT Guidelines. This footnote and the associated comments are responded to above.

Response 2-8

The commenter incorrectly confuses "screening" and "qualitative analysis." The former, pursuant to CEQA Guidelines Section 15064.3 and OPR's Technical Advisory, allows all projects within one-half mile of a TPA to "screen out" from any further qualitative (and from any quantitative) VMT impact analysis if the Project has a floor area ratio greater than 0.75, does not provide more parking than the City requires by its zoning code, and is consistent with the SCAG Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS). Further, Section 15064.3(b)(4) states, "A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled…" The commenter incorrectly states that the Project must meet more than one screening criterion to screen out. The City VMT guidelines include three separate screening categories: (1) Project type screening (local serving retail and projects generating less than 110 daily trips); (2) low VMT area screening (residential projects located in low VMT generating traffic analysis zones); and (3) Transit Priority Area screening. The Project only needs to meet one screening criterion, and as the commenter states, the Project meets two of the screening criteria—Project type screening for its retail portion and Transit Priority Area screening for the Project in its entirety. In addition, the commenter's reference to the City's VMT guidelines regarding the methodology for analyzing VMT is not relevant. As stated in the City's CEQA Transportation Thresholds of Significance, certain projects may qualify for VMT screening based on the defined screening criteria. Projects screened from requiring a VMT analysis would not have an impact under State CEQA Guidelines Section 15064.3. Thus, if a project meets the screening criteria, no further VMT analysis is needed, and the Project would result in a less than significant VMT impact. In accordance with Section 15064.3 of the CEQA Guidelines and the City's VMT guidelines, use of a qualitative analysis or a "customized analysis" as referred to in the comment applies to projects that meet applicable screen criteria, as does the Project here. In addition, the commenter does not provide any contrary evidence that screening projects in TPA's would result in worse VMT outcomes. According to the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate*

Vulnerabilities, and Advancing Health and Equity, California Air Pollution Control Officers Association, 2021, providing transit-oriented development is one of the more effective VMT reduction strategies (see Strategy T-3). Also refer to Response 2-11 below for more information.

Response 2-9

The commenter is correct that the OPR Technical Advisory does not specifically mention hotels. Besides residential, retail, and office land uses, OPR's Technical Advisory has very little guidance for other land use types and permits local agencies to determine and define their guidelines for VMT analysis consistent with the discretion allowed to choose their own VMT impact methodology as specified in Section 15064.3(b)(4) and discussed above in Response 2-8. Therefore, for the purpose of the City's CEQA Transportation Thresholds of Significance, the City relied on CEQA Guidelines Section 15064.3 that state in section (b)(1) that "Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact." Thus, the CEQA Guidelines, which set the requirements for impact analysis in California, say that "projects" in close proximity to high-quality transit "should be presumed to cause a less than significant impact," and do not exclude particular categories of projects, such as hotels, from application of the screening criteria identified in the Guidelines. The fact that OPR Guidance does not specifically mention hotels does not negate the fact that the CEQA Guidelines specify "projects" in high-quality transit areas. Also, according to the *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*, California Air Pollution Control Officers Association, 2021, providing transit-oriented development is one of the more effective VMT reduction strategies (see Strategy T-3) capable of reducing project generated VMT from 6.9 to 31.0 percent. The mix of uses includes those that cater to residents, workers, and visitors with the goal to provide all of these populations with high-quality and convenient transit service that encourages transit ridership and reduces vehicle travel.

The commenter is incorrect that the City's Guidelines state that hotel projects need more VMT analysis to address their impacts. Rather, the City's Guidelines state that *if* a VMT analysis is required, then unique trip generation and trip length data may need to be collected for certain project types, such as a hotel, to analyze its VMT. However, if a project is screened from VMT analysis, then no further VMT analysis is required. The six pilot studies included in the Transportation Analysis Updates in Beverly Hills Report were intended to help City staff and decision makers (i.e., Planning Commission) understand the process for reviewing projects under SB 743 and understand the types of projects that may require a detailed VMT analysis or mitigation measures. There are dozens of types of projects that could have been considered by the City as part of the pilot projects. The fact that a hotel was not selected as a pilot project in the City's implementation process does

not negate the appropriateness or defensibility of the City's CEQA Transportation Thresholds of Significance.

Further, the City of Beverly Hills did consider the types of projects that would qualify for TPA screening in the Transportation Analysis Updates in Beverly Hills Report[1] and made the criteria more stringent than recommended by OPR. First, instead of defining a TPA as a project within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor, the City decided that the project would need to be within one-half mile of a Metro Rapid Line bus stop[2] which provides service at much greater frequencies than the 15-minute headways suggested by OPR. Second, only parcels that were commercially zoned at the time the City's CEQA Transportation Thresholds of Significance were adopted could be applied to TPA screening.[3] This is because a site that is already zoned for commercial uses and has a commercial project proposed is expected to be complementary of the other nearby land uses and generate similar VMT to uses that are already in the City's urban areas that meet the definition of being in a TPA, whereas projects proposing commercial development on existing residential land may change the VMT characteristics in the City and would require further VMT analysis.

Response 2-10

The commenter presumes that because the Project intensifies the use of the Project Site and results in more people traveling to and from the Project Site that this translates to greater VMT. The Project intends to serve patrons and visitors to the Business Triangle and world-renowned Beverly Hills shopping district, including residents and employees. Based on the type of use and intended users, walkability and proximity between the Project Site and destination shops, restaurants and entertainment uses, and short distances between the Project Site and other uses in the Business Triangle, the Project results in more options for walking and the generation of fewer and shorter vehicular trips. In addition, the Project is less than ½ mile from six Metro Rapid bus stops, including the Santa Monica/Crescent eastbound stop, the Santa Monica/Cañon westbound stop, the Santa Monica/Wilshire bi-directional stop of Metro Rapid Line 704, and the Wilshire/Santa Monica bi-directional stop of Metro Rapid Line 720 as discussed in the Transportation

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[1] *Transportation Analysis Updates in Beverly Hills, Fehr & Peers, October 2019; included as Attachment B of Planning Commission Report, CEQA Thresholds and Local Transportation Assessment Guidelines, October 10, 2019.*

[2] *Planning Commission Resolution Exhibit A, Table 2, specifies "Metro Rapid bus stops" in the definition for TPA screening.*

[3] *Planning Commission Resolution Exhibit A, Table 2, specifies "projects located in the commercial zones" in the definition for TPA screening.*

Impact Report (page 35) included in Appendix H of this Final EIR. The VMT assessment and Project screening complies with the State's CEQA Guidelines, OPR's Technical Advisory, and the City's CEQA Transportation Thresholds of Significance.

In addition, to further demonstrate the project-specific and location-specific characteristics that substantiate the VMT screening of the Project due to its location in a TPA, additional data and resources were reviewed. As explained in the City's Transportation Analysis Updates in Beverly Hills Report, common land uses can be evaluated using travel demand models such as those maintained by SCAG. These models do not contain a specific land use input for hotels and would not be appropriately sensitive to the VMT effects of a hotel land use. Under these conditions, the CEQA Guidelines Section 15064.3(b)(3) allows for the use of a qualitative methodology and recommends considering factors such as the availability of transit and proximity to other destinations to gauge potential VMT impacts. These factors influence the ability to access the Project Site by walking, bicycling, and transit while also contributing to shorter trip lengths for vehicle trips. A final factor in the qualitative assessment is whether the approval of the Project would encourage development in a travel efficient location (page 17, OPR Technical Advisory). In consideration of the above information, the following qualitative assessment explains the Project's effect on VMT:

- In general, the provision of transit-oriented development is a VMT reduction strategy as documented in Strategy T-3 of the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, California Air Pollution Control Officers Association, 2021.

- The Project is intended to serve the Business Triangle and world-renowned Beverly Hills shopping district. Cheval Blanc's location in the Business Triangle and on Rodeo Drive will increase the availability of high-quality hotel accommodations for a clientele that desires to stay at this destination. The Project's main effect is to increase hotel room supply at a highly desirable destination, creating more room choices for visitors at their desired destination.

- Based on hotel occupancy data provided in Comment 2-19, the hotel occupancy in Beverly Hills ranged from 82 percent to 76 percent between 2017 and 2019. This suggests a strong market for hotels in the City (prior to COVID-19), while people looking for a hotel can generally find a room in the general area, though not necessarily in the desired location. On an annual basis demand is shown not to exceed supply. Thus, a new hotel would likely draw market share from other existing hotels in the area. While there may be an increase in the number of vehicles near the Project Site due to the new hotel, the trips would not necessarily be newly generated by the Project but would rather be shifted from trips associated with other existing hotels, many of which are some distance from the Business Triangle and Rodeo Drive.

- The Project would have a high number of internal and non-auto trips due to its mix of land uses and location in a TPA. The trip generation characteristics of the project were reviewed based on the Mixed-Use Trip Generation Model (MXD). Fehr & Peers partnered with the US EPA to create the MXD model in 2010.[4] Since then, Fehr & Peers has utilized new research to advance MXD (now called MXD+)[5] to more accurately reflect the trip generation for mixed-use development projects based on the land uses being proposed as well as the location. The MXD+ model uses research to more accurately predict vehicle trip generation from mixed-use development compared to traditional methods, such as unadjusted Institute of Transportation Engineers (ITE) trip generation rates. MXD+ eliminates a common bias against mixed-use projects by accounting for internal trip-making associated with complementary on-site land uses, considering how the surrounding environment may result in walking, biking, and taking transit to access the site. When analyzing the vehicle trip generation for the Project, MXD+ estimates a reduction of 34.5 percent daily trips, 39.3 percent A.M. peak hour trips, and 41.3 percent P.M. peak hour trips when compared to typical trip generation based on ITE rates (see Appendix H.5 of this Final EIR). The estimated vehicle trip reduction is based on the mix of land uses as well as the number of external trips that are expected to occur through walking, biking, and transit due to the project's location in a TPA. Thus, the Project's location in the Business Triangle and proximity to existing tourist destinations will provide patrons with a closer, walkable place to stay that will allow them to park once or be dropped off once and walk to many nearby uses.

- StreetLight origin-destination data for an average weekday in 2019 was also reviewed to compare travel patterns for other nearby hotels to the expected travel patterns for the Project. StreetLight is a source of transportation data that is based on anonymized location records from smart phones and navigation devices in cars and trucks. As shown in Table 10.0-1 on page 10.0-40, StreetLight data was collected for eight hotels located within or adjacent to the City of Beverly Hills: The Beverly Hilton, Waldorf Astoria Beverly Hills, The Peninsula Beverly Hills, Beverly Wilshire Four Seasons, The Maybourne Beverly Hills, The Beverly Hills Hotel, The Four Seasons Hotel Los Angeles at Beverly Hills, and Hotel Bel-Air. These hotels were selected to demonstrate the travel patterns for other luxury hotels in the area. The StreetLight data shows that 40 percent of vehicle-trips have an origin/destination within a 2-mile radius of the Business Triangle and 60 percent of vehicle-trips have an origin/destination north of the I-10 freeway and east of the I-405 freeway within a 3- to 3.5-mile radius of

[4] *MXD research documentation is available at www.epa.gov/smartgrowth/mixed-use-trip-generation-model.*

[5] *MXD+ research is contained in the American Planning Association planning advisory "Getting Trip Generation Right: Eliminating the Bias in Mixed-Use Development."*

Table 10.0-1
Vehicle-Trip Origin/Destination for Hotels in Study Area

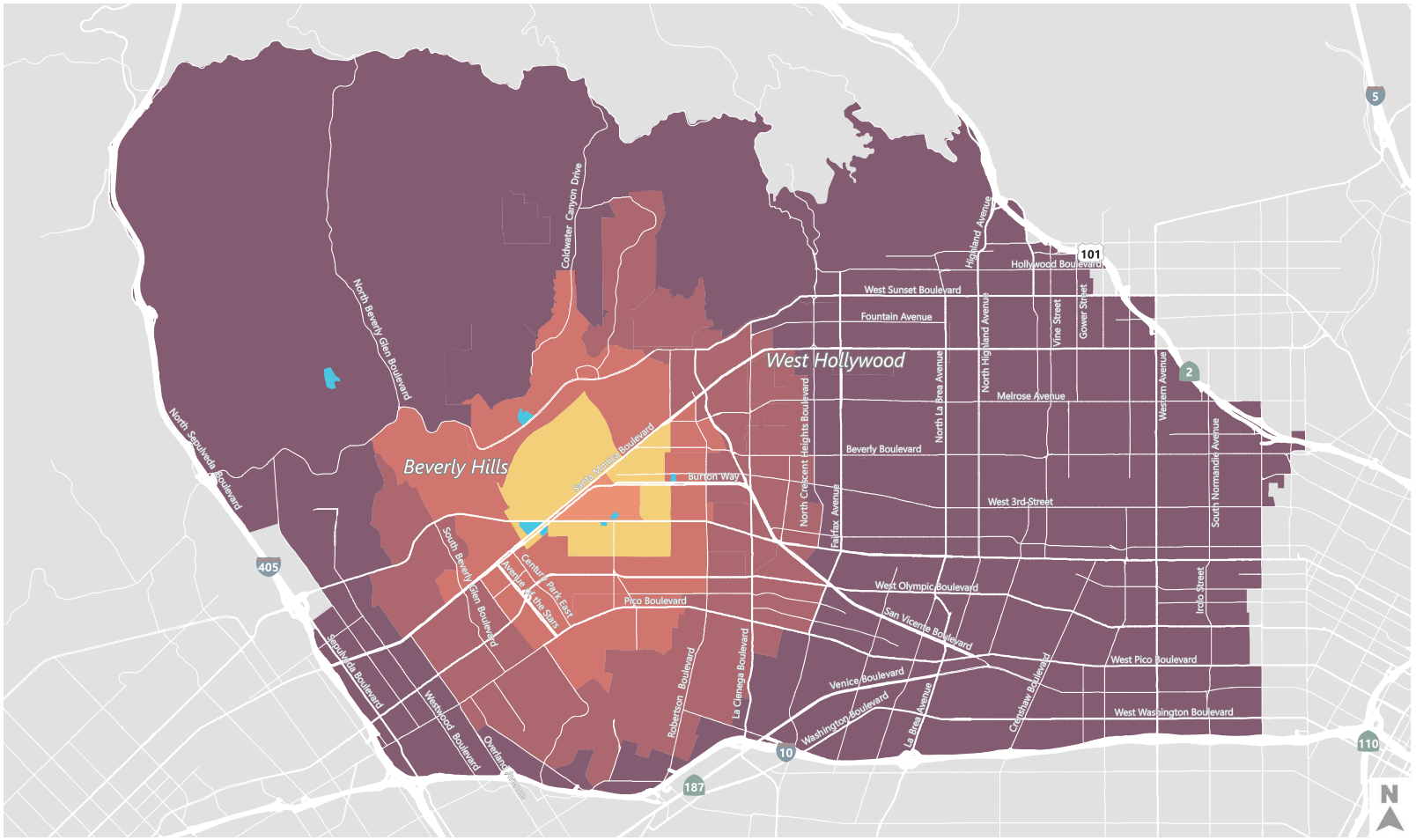
Hotel Origin/ Destination	Penin-sula	Four Seasons LA	Beverly Hills	Beverly Hilton	Waldorf Astoria	May-bourne	Beverly Wilshire	Bel-Air	All Hotels
Downtown Triangle	10.6%	7.3%	11.2%	8.5%	8.5%	3.4%	3.4%	5.4%	**7.2%**
Downtown Triangle + Immediately Adjacent Zone	20%	15.7%	21.3%	13.5%	13.5%	11.7%	10.1%	9.8%	**13.9%**

Green shading indicates hotels in the Project vicinity that are outside the Business Triangle. Orange shading indicates hotels in the Business Triangle. Blue shading indicates other luxury hotel on Westside of Los Angeles.

Source: Streetlight vehicle origin-destination data compiled by Fehr & Peers, 2021.

the Business Triangle (I-405 and I-10 are located approximately 3 miles from the Business Triangle; travel patterns to the east are reported to just east of La Brea Avenue which is 3.5 miles from the Business Triangle). It should also be noted that these travel patterns reflect vehicle-trips that are leaving the hotel site. Most of the hotels sampled have on-site amenities, such as restaurants and day spas, which would reduce the number of off-site trips taken on a typical day. In addition, off-site trips are likely underreported for those trips that occur between the hotel and an immediate adjacent use, such as a guest staying at The Beverly Hilton and dining at the Waldorf Astoria. Nevertheless, the StreetLight data demonstrates that the majority of people traveling to/from a nearby hotel by a vehicle have a trip length of less than 3.5 miles. In addition, the greatest concentration of vehicle-trips is between the hotels and the Business Triangle as illustrated in Figure 10.0-1 on page 10.0-41 and in Table 10.0-1. Given that this data reflects vehicle-trips and not trips made by walking, biking, or transit, the data shows that the two hotels in the Business Triangle (Maybourne and Beverly Wilshire) generate fewer vehicle trips to the Business Triangle given their close proximity and the ability for hotel guests to walk to nearby uses. Given that the Project will be located within the Business Triangle, more trips are expected to occur by walking to nearby uses resulting in shorter trip lengths and less VMT than other hotels in the area.

Based on the evidence presented above, it is appropriate to conclude that the Project's travel characteristics with over one-third of the trips estimated to occur by non-auto modes (MXD+) and with 60 percent of the trips being a distance of less than 3.5 miles (StreetLight Data) are appropriate for TPA screening and that the Project may be presumed to have a less-than-significant VMT impact based on available evidence.



65% of all hotel trips start/end in the above colored area

Trip Distribution

- Beverly Hills Downtown - **7.2%**
- Downtown Adjacent - **6.7%**
- 1-Mile Buffer - **13.8%**
- 2-Mile Buffer - **14.5%**
- East of I-405, North of I-10 - **22.7%**
- Beverly Hills and Nearby Hotels

Beverly Hills Hotel's Trip Distribution

Peninsula, Four Seasons LA, Beverly Hills, Beverly Hilton, Waldorf Astoria, Maybourne, Wilshire, Bel-Air

Figure 10.0-1

Beverly Hills Hotel's Trip Distribution

Source: Fehr and Peers, 2022.

Response 2-11

The commenter incorrectly assumes that a project resulting in substantial VMT would have a VMT impact. As described in OPR's Technical Advisory (page 1), SB 743 required changes to the guidelines implementing CEQA (CEQA Guidelines). OPR then quotes an appellate court that stated, "During the last 10 years, the Legislature has charted a course of long-term sustainability based on denser infill development, reduced reliance on individual vehicles and improved mass transit, all with the goal of reducing greenhouse gas emissions…" (Covina Residents for Responsible Development v. City of Covina (2018) 21 Cal.App.5th 712, 729.) Thus, the legislative intent of SB 743 is not to prevent projects that will generate new VMT. Rather, the intent is to: (1) reduce GHG emissions; (2) promote infill development; and (3) encourage travel by active modes of transportation, with the goal of reducing VMT per capita over time. Placing development in urban areas, such as the Business Triangle area of Beverly Hills, that are walkable with high-quality bus and future rail transit service, will help to reduce VMT and GHG emissions over time in comparison to developing outside this area. It will also help reduce VMT by providing hotel facilities at a highly desirable destination, where VMT by hotel guest is quite low by comparison, thereby reducing VMT that would otherwise result from visitors having to stay at more distant locations. Refer to Response 2-10 above. From this perspective, the Project would qualify as a VMT reduction strategy as documented in Strategy T-3 of the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, California Air Pollution Control Officers Association, 2021. This conclusion is reinforced in the Draft EIR air quality and greenhouse gas analysis impact sections as evidenced by the discussion found on pages 4.1-47 through 4.1-48 of Section 4.1, Air Quality, of this Final EIR.

Response 2-12

The commenter incorrectly presumes that the Project will have a significant impact because its trip generation exceeds 110 daily trips. This is one of four screening criteria identified in the OPR Technical Advisory. This criterion does not apply to the Project. Further, the Project is proposing 115 hotel rooms which is not a massive hotel and is actually smaller than many other luxury hotels in the City of Beverly Hills. Also refer to Responses 2-6, 2-8, 2-9, 2-10, and 2-11.

Response 2-13

The commenter incorrectly presumes that the Project will have a significant impact because it is not located in a Low VMT-Generating area based on screening maps designed solely for residential and employment uses. The Project consists of a unique mix of uses largely tailored to visitors. Hence, residential and employment only screening maps would not apply; however, screening based on location proximity to high quality

transit applies to all projects. And, as indicated in Response 2-10 above, as a luxury hotel in the Business Triangle and located on Rodeo Drive, the Project will result in particularly low VMT.

It should also be noted that the commenter accepts the use of screening in this comment as a basis for evaluating the Project's VMT impacts but all previous comments largely argued that screening is not applicable. This comment supports the use of screening and recognizes its value for being able to quickly assess potential VMT impacts even if it was applied incorrectly by the commenter.

Response 2-14

Pursuant to the OPR Technical Guidance, a VMT analysis is not required for transportation impacts because the VMT assessment determined that the Project is located within a TPA and meets all TPA requirements for screening out from further VMT Analysis. Further, as Response 2-10 shows, the Project is located in a low VMT area for hotel uses.

Regarding the comment about employee commute trip length used in the air quality and GHG modeling emissions and VMT analysis for operational emissions, CalEEMod is a regional air quality model and does not contain information specific to each City. The Project Site is located within the South Coast Air Basin, and therefore the CalEEMod data for, and provided by, the South Coast Air Quality Management District, was used including the Los Angeles County urban trip length of 16.6 miles for commercial worker (i.e., commute) trips. CalEEMod User's Guide (May 2021), Appendix D: Calculation Details for CalEEMod, Table 4.2. The data built into CalEEMod should not be altered absent substantial evidence that would support the use of other data. CalEEMod User's Guide (May 2021), pages 13–14. Therefore, it was appropriate to use the Los Angeles County CalEEMod default urban trip length of 16.6 miles.

The City of Beverly Hills adopted a VMT transportation impact threshold for land use projects which states that a significant impact would occur if the Project generates VMT higher than 15 percent below the regional average. The regional average reflects that average amount of VMT generated within the SCAG region. The SCAG RTP/SCS trip-based model was used to estimate the regional baseline VMT and the baseline VMT for the City. As shown in Table 6 in the Transportation Impact Report included in Appendix H of this Final EIR, the regional VMT baseline for Home-Based Work VMT is 17.7 and a 15-percent reduction from the baseline is 15.0. The average Home-Based Work VMT in the City of Beverly Hills is 16.0 as shown in Table 5 in the Transportation Impact Report. The 15.0 VMT threshold is specific to the transportation analysis and not relevant for purposes of evaluating air quality impacts within CalEEMod. Footnote 7 in this comment cites the CalEEMod (October 2017) User Guide, Appendix A, page 21 and the various

modeling classifications for commercial trip, commercial-work, and commercial-nonwork trips. This footnote has been reviewed and no further response other than the response already included above is required.

Response 2-15

The commenter is confusing OPR's VMT assessment and screening process with OPR's VMT analysis requirements. Analysis is only required if a project is not screened out. Pursuant to the City's CEQA Transportation Thresholds of Significance, the Project is located within a Transit Priority Area, and therefore, screened from requiring further VMT analysis under State CEQA Guidelines Section 15064.3. Further, the evidence and analysis in Response 2-10 show that the Project is located in a low VMT area for hotel uses.

The commenter incorrectly states that the tripling of the Project VMT as compared to the Existing Uses is significant. The VMT impact finding determination was made in the Draft EIR based on the VMT assessment and screening process as noted above. While the Project is larger than the existing uses, the amount, type, and mix of uses in this location will reduce the potential VMT growth of the area and region as envisioned by SB 743. This Project supports the State's goal of reusing and redeveloping in urban areas to reduce trip lengths and greenhouse gas emissions. Also refer to Responses 2-6, 2-8, 2-9, 2-10, and 2-11.

Response 2-16

The commenter is misconstruing the reference to local serving uses in the Draft EIR. The Draft EIR states that the Project's retail component, which is located and directly accessible from Rodeo Drive, is less than 50,000 square feet, which means that it also meets local serving retail screening criteria as explained on page 4.9-29 in Section 4.9, Transportation, of this Final EIR. The relatively small retail component of the Project is not itself regional serving retail in that it will not itself attract customers from within the broader region to the Business Triangle and Rodeo Drive area, but will instead serve hotel guests and others already staying and shopping in that area. It will accordingly improve rather than decrease destination proximity. Furthermore, regardless of the amount of retail space being proposed as part of the Project, the Project's location in a TPA means that it can be screened from further VMT analysis. While the Project intends to serve patrons and visitors of the Business Triangle and world-renowned Beverly Hills shopping district, including residents and employees, there is nothing in the CEQA Guidelines or OPR Technical Advisory that states only locally serving projects can be screened based on location in TPAs. The VMT assessment and Project screening complies with the State's CEQA Guidelines, OPR's Technical Advisory, and the City's CEQA Transportation Thresholds of Significance. Also refer to Responses 2-6, 2-8, 2-9, 2-10, 2-11, and 2-12.

Footnote 8 cites the transportation assessment guidelines of other jurisdictions. These documents are noted for the record and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-17

Creating "home away from home for that global luxury travel" is a concept that will reduce VMT by providing amenities at the hotel site for visitors that minimizes their need to travel off-site. As the commenter notes, the majority of services are limited to hotel guests and club members, and their use of these services will mean they are not engaging in activities off-site that require vehicle travel. As stated in Response 2-16, page 4.9-28 in Section 4.9, Transportation, of this Final EIR identifies that the retail component of the Project, which is limited to the retail tenant spaces facing and directly accessible from Rodeo Drive, meets the City's screening criteria for local serving retail and is not misclassifying a significant amount of the Project as local serving as is stated by the commenter.

Footnote 9 in this comment cites a Los Angeles Times article regarding the Project. This reference is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-18

Regarding Project-related VMT, refer to Responses 2-10 through 2-17. The amount of parking being proposed by the Project is based on the Parking Demand Analysis Study that was updated subsequent to the publication of the Draft EIR (see Appendix H.3 of this Final EIR). The parking demand analysis considers the Project's proximity to transit and proposed land types and size. While the Parking Demand Analysis Study also presents the amount of parking that would be required by the City's municipal code and two specific parking reduction credits that are available to projects with a mix of land uses close to transit, the actual parking demand is calculated based on parking principles described in *Shared Parking*.[6] The parking demand analysis demonstrates that a similar level of parking demand is arrived at by applying the Urban Land Institute's parking principles or the City's municipal code with the two eligible parking reduction credits, along with application of the Urban Land Institute's shared parking model. Therefore, the amount of parking being proposed for the Project is appropriate based on the mixed use nature of the Project, the Project's location in the City's central Business Triangle, and its proximity to transit. Further, California Public Resources Code 21099 (d)(1) states that "Aesthetic and

[6] *Urban Land Institute, Shared Parking, 3rd Edition.*

parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The secondary effects of parking, such as the number of vehicle trips generated by the proposed uses, have been accounted for in the environmental analysis of impacts and the total number of parking spaces was reduced to account for the Project's location in a TPA and the project's mixed uses. Regarding mitigation, the Project does not result in significant VMT impacts that require VMT mitigation, however, the Project is providing bicycle parking, showers and changing rooms for employees to encourage walking and biking to work, and the Project will also provide transit passes to hotel and club employees who commute by transit and to hotel guests upon request.

Footnote 10 cites a comment letter received from OPR during the NOP public review period for the Project. The comment letter referenced was from Caltrans and the comment associated with this footnote was responded to above.

Response 2-19

Refer to Responses 2-6, 2-8, 2-9, 2-10, 2-11, and 2-12. As explained in these responses, the Project was analyzed based on the screening and assessment process established through the CEQA Guidelines, OPR Technical Advisory, and City's CEQA Transportation Thresholds of Significance. The commenter ignores the fact that the Business Triangle, including Rodeo Drive, is a destination that regional and international tourists already come to. The Project is not the generator of these patrons, rather it proposes to serve this existing clientele by providing a conveniently located place to stay while visiting the many businesses, attractions, and amenities located within and near the City of Beverly Hills Business Triangle. The Project would place these visitors in a more walkable and transit friendly location, closer than most of the existing accommodations in the region, as shown by the evidence and analysis in Response 2-10. Therefore, the Project would result in improved travel efficiency for visitors from throughout the world seeking to visit this unique destination. .The commenter also fails to recognize the private membership club amenities that are intended to serve a need that is currently being met at locations outside of the Business Triangle area. In addition, as explained in Response 2-16, the retail and restaurant components of the Project will primarily serve hotel guests and others visiting the Business Triangle and Rodeo Drive and accordingly should be viewed as locally-serving rather than regional serving uses for purposes of considering vehicle travel.

Footnote 11 cites a google map search of hotels in the vicinity of the Project Site and Footnote 12 cites three hotel market studies and associated reports regarding the hospitality industry in the City of Los Angeles. These documents are noted for the record and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-20

This comment asserts that "true" and "genuine" mixed-use projects require a residential component.

The comment does not account for the overall VMT reduction benefit from co-locating complementary land uses.

California Air Pollution Control Officers Association's (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* Measure LUT-3 (Increase Diversity of Urban and Suburban Developments (Mixed Use)) describes mixed-use development as "having different types of land uses near one another," which "can decrease VMT since trips between land use types are shorter and may be accommodated by non-auto modes of transport."[7] The description of Measure LUT-3 cites a mixed-use neighborhood incorporating residential, retail and office buildings as "[a]n example" of one type of mixed-use development, but Measure LUT-3 does not require the inclusion of residential uses in order for a development to be considered mixed-use. Rather, projects including "diverse uses for urban" areas are described as "characterized by properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with functional interrelationships and a coherent physical design."

In addition to the hotel guest rooms, the multiple-use building includes a diverse set of uses with functional interrelationships, including pedestrian accessible retail uses located on Rodeo Drive; a private club offering facilities for social and recreational purposes; both publicly accessible and hotel guest/club member serving restaurants and a spa; and other appurtenant uses related to the hotel and club services and functions, such as a wellness center. The Project Site's proximity to a variety of commercial uses and services would encourage hotel guests, club members and employees of the Project to walk to nearby destinations to meet their shopping and entertainment needs. In addition, the retail and ground level restaurant components of the Project would be integrated into the City's established pedestrian-oriented Business Triangle. Furthermore, the Project Site is located in a transit-rich neighborhood serviced by Metro local and rapid bus lines, and will be within 0.4 mile of the Metro D (formerly purple) line currently under construction. Thus, the Project is consistent with the CAPCOA Measure LUT-3 description of mixed-use development.

[7] *CAPCOA, Quantifying Greenhouse Gas Mitigation Measures, August 2010, p. 162.*

The comment argues that the Project Site should be evaluated for dense, infill housing. On December 18, 2020, the City adopted the Mixed Use (MU) Overlay zone (Ordinance 20-0-2825). The Mixed Use Overlay zone allows residential uses as part of mixed use projects on much of the C-3 zoned land in the City. The City's decision-makers intentionally excluded the City's central commercial district (the Business Triangle) from the mixed use overlay zone. The Project Site is located within the Business Triangle. Thus, the City via an extensive and comprehensive recent planning effort came to the conclusion that the Project Site and the commercial properties surrounding the Project Site are not appropriate locations for mixed use residential development. The Mixed Use Overlay ordinance that was adopted significantly expands the number of sites within the City that can be redeveloped with residential development and creates significant opportunities to add net new housing units in the City. The number of units projected in the City's 2021–2029 Housing Element are well in excess of the City's 6th Cycle RHNA allocation.

Footnote 13 in this comment references OPR's Technical Advisory regarding mixed-use developments; CalEEMod (November 2017) User Guide, page 29 regarding mixed use projects; CAPCOA (August 2010) Quantifying Greenhouse Gas Mitigation Measures, PDF pages 173–176 regarding trips associated with residential uses located in proximity to retail and office buildings; *Developing a New Methodology for Analyzing Potential Displacement*, PDF page 253 regarding the construction of affordable housing units available for homeownership in Mixed Use buildings along transit corridors; SCAG's 2020 RTP/SCS Final Program Environmental Impact Report (PIER), page 681 that states that the land use strategies include 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; and the City of Beverly Hills General Plan, page 499, PDF page 41, which provides that 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. The various references included in this footnote are part of this comment regarding mixed-use development and housing at the Project Site, which are already addressed above. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-21

In response to the commenter's assertion regarding the regional supply of affordable housing, refer to Response 2-20 above discussing recently adopted City of Beverly Hills legislation that expands the number of sites within the City that can be developed with residential uses. The commenter's opinion of the City as a jobs-rich area and the job-housing balance is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Regarding the commenter's speculation as to the length of employee trips, refer to Response 2-14 above.

Response 2-22

Refer to Responses 2-6 and 2-10 above regarding TPA screening.

Refer to Response 2-20 above regarding recently adopted City of Beverly Hills legislation that expands the number of sites within the City that can be developed with residential uses, the Project's status as a mixed-use development as that use is defined in CAPCOA' s Mitigation LUT-3, and the number of units projected in the City's 2021–2029 Housing Element, which are well in excess of the City's 6th Cycle RHNA allocation.

Response 2-23

The commenter asserts that the Project exceeds the daily VMT per service population (sp) pursuant to SCAG's 2020 RTP/SCS.

CEQA Guidelines Sections 15064.4(a)(1) and (2) authorize the lead agency to use a model or methodology to quantify a project's GHG emissions as well as to rely on qualitative analyses. Further, CEQA Guidelines Section 15064.4 provides lead agencies the discretion to establish significance thresholds for their respective jurisdictions.[8] A detailed explanation on how the GHG significance threshold was determined is presented on pages 4.6-40 through 4.6-43 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR.

> *In the absence of any applicable adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. For this Project, as a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is SCAG's RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers qualitative consistency with regulations or requirements adopted by the AB 32*

[8] *Refer specifically to CEQA Guidelines Sections 15064(b) and 15064.4(b)(2).*

2008 Climate Change Scoping Plan and subsequent updates, and the City of Beverly Hills Sustainable City Plan.

As set forth in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the selection of significance criteria is at the discretion of the lead agency—here, the City of Beverly Hills. As the selection of thresholds is at the discretion of the lead agency (City of Beverly Hills), analysis prepared for another City (as cited by the commenter in Footnote 16) is not applicable.

As described in Table 4.6-7 on pages 4.6-60 and 4.6-61 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project would implement measures to reduce VMT, consistent with the goals of the 2020–2045 RTP/SCS. The Project would include features to reduce per capita VMT in comparison to existing uses such as: increasing density in comparison to existing uses; and the Project Site's location in the pedestrian-oriented Business Triangle and near mass transit, allowing employees and visitors to use alternative modes of transportation. The Project would also locate hotel uses near retail, service, entertainment and other visitor-serving uses to allow for visitors to reduce travel distances. Therefore, the Project would be consistent with the applicable goals of the 2020–2045 RTP/SCS. In addition, the daily VMT per service population for the Project, which includes not only employees but also hotel guests, club members and other customers and visitors of the Project's uses, anticipated pursuant to SCAG's 2020 RTP/SCS (cited in this comment in Footnotes 14 and 15) is to be achieved on a regional basis and it is not applicable to a specific project.

Footnotes 14 and 15 in this comment describe service population and point to SCAG's RTP regarding workers that have to commute to other areas for employment. Footnote 16 includes various website links to other environmental documents prepared by Eyestone Environmental. The various references included in this footnote are part of this comment and are already addressed above. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-24

Refer to Response 6-5 below regarding the private membership club trip generation rates. Further, the LOS and operational effects of vehicles generated by the Project are reported in the Local Transportation Assessment that was prepared according to City guidelines. The purpose of the Local Transportation Assessment was to analyze traffic operations with the new land uses and realigned alley that would occur with the development of the Project. Although SB 743 eliminated level of service (LOS) as a measure of vehicular capacity and traffic congestion as a basis for determining significant

transportation impacts under CEQA, changes to traffic operations are still considered for projects in Beverly Hills to inform decision makers on the overall effects of a project. Therefore, the City developed Local Transportation Assessment Guidelines at the time it adopted its new transportation VMT thresholds in October 2019 and the traffic operations analysis completed for the Project was based on the City's guidelines.

Response 2-25

The proposed Cheval Blanc Specific Plan includes a regulatory standard that limits club membership to a maximum of 500 members. The comment incorrectly asserts that the 500 member number is an applicant assumption that can be arbitrarily exceeded in the future. The comment is incorrect, the Project would be limited to a hard cap of 500 members per the regulations included in the proposed Specific Plan.[9] The Specific Plan also includes a regulatory requirement limiting all members to a maximum of two guests. These regulatory limits are reflected in the Local Transportation Assessment.

Response 2-26

Refer to Response 6-5 regarding the private membership club trip generation rates.

Footnote 17 in this comment cites the Draft EIR for a proposed project located at 9200 Sunset Boulevard in the City of West Hollywood. Refer to Responses 2-24 and 6-5 for a detailed response regarding the private membership club trip generation rates.

Response 2-27

The trip generation for the private club was based on its membership and not the square footage of uses that would be accessible to club members. The regulations contained in the proposed Cheval Blanc Specific Plan require that club membership be capped at 500 members. Therefore, the comments regarding the amount of space available for club members is irrelevant as the LOS analysis completed for the Project takes into account the maximum number of club members.

Response 2-28

The City has Local Transportation Assessment Guidelines not related to CEQA that require an LOS analysis. Therefore, the LOS analysis was not completed to replace a VMT analysis, it was completed to meet the City's requirement to also prepare a Local

[9] *On page 19 of the Specific Plan, it states, "No more than 500 individual Club memberships may be sold; no group or family memberships may be sold."*

Transportation Assessment to inform decision-makers on the overall effects of a project on local circulation. Nonetheless, the evidence provided in Response 2-10 regarding trip lengths from existing hotels in the surrounding area demonstrates that such trips are short. The evidence provided in Response 2-10 includes cell phone data that does not differentiate between private cars and TNCs, and therefore supports that TNC trips originating at hotels in the area generally include many trips terminating in the Business Triangle and Rodeo Drive. Thus, construction of the Project would replace some of these vehicle trips, including TNC trips, with non-auto modes of transportation (walking, biking). In addition, a Parking Demand Analysis Study was prepared to determine the amount of parking needed to accommodate the Project. As discussed in Response 2-18, parking is also not considered an environmental issue in CEQA. However, the parking demand estimate analyzed in the Parking Demand Analysis Study is also important information for City decision-makers in their review of the Project. In conclusion, neither the LOS analysis nor the Parking Demand Analysis Study are intended as replacements for a VMT analysis.

Response 2-29

The comment is referring to the Local Transportation Assessment that was included as an appendix to the Draft EIR (Appendix H.2). Although Senate Bill 743 eliminated LOS as a measure of vehicular capacity and traffic congestion as a basis for determining significant transportation impacts under CEQA, changes to local traffic operations are still considered for projects in the City of Beverly Hills to inform decision-makers on the overall effects of a project. However, the conclusions of the LOS analysis are irrelevant to the transportation analysis required by CEQA. Nevertheless, a response to the comment is provided as part of the Final EIR.

The comment is referring to the traffic operations scenario that assumed full occupancy of the existing uses that are located on the Project Site, referred to as the "Existing plus Existing Uses in Operation" scenario. The Local Transportation Assessment analyzed traffic operations at nearby study intersections under this scenario and a second scenario that compared traffic operations with the Project to existing traffic conditions. As discussed in the Local Transportation Assessment, the Project would replace 56,787 square feet of existing commercial space in four structures: 6,895 square feet of commercial with 9 surface parking spaces that is currently occupied located at 456 North Rodeo Drive; 20,265 square feet of commercial with 6 surface parking spaces that is currently vacant at 468 North Rodeo Drive; 6,276 square feet of commercial that is currently vacant located at 449, 451, and 453 North Beverly Drive; and 23,351 square feet of institutional uses with 5 surface and 45 underground spaces with driveway access on South Santa Monica Boulevard that is currently occupied at 461-465 North Beverly Drive. Given that some of the existing commercial spaces are vacant, a trip credit was not applied for these uses to the Project. In addition, the vehicle-trips being generated by these vacant uses are not included in the Existing conditions analysis. Therefore, an additional traffic

operations analysis was completed assuming full occupancy of the existing uses that are located on the Project Site, referred to as the "Existing plus Existing Uses in Operation" scenario. The purpose of this additional scenario is to compare traffic operations with the Project to the historic trip generation of the existing uses on the Project Site and determine if the Project would exceed the City's criteria for intersection operations. The trip generation (shown in Table 9 of the Local Transportation Assessment included in Appendix H.2 of this Final EIR) and report text states that full occupancy of the existing commercial spaces on the Project Site would generate approximately 2,145 daily trips with approximately 55 trips occurring during the A.M. peak hour and 215 trips occurring in the P.M. peak hour.

Response 2-30

Refer to Response 6-4 regarding the trip generation of the proposed day spa.

Response 2-31

The comment is referring to the Parking Demand Analysis Study that was included as Appendix H.3 to the Draft EIR. The Parking Demand Analysis Study was prepared to determine the amount of parking needed to accommodate the Project. Transit passes will be provided free of charge to hotel and club employees who commute by transit, and the Project area has high quality transit service including the future Metro D (formerly Purple) Line currently under construction less than ½-mile from the Project. As discussed above in Response 2-18, the parking demand analysis considers the Project's proximity to transit and proposed land uses and parking is not considered an environmental issue in CEQA.

Response 2-32

This comment is referring to the Parking Demand Analysis Study and estimated parking demand (see Appendix H.3 of this Final EIR for the updated Parking Demand Analysis Study). Appendix C and Appendix D of the Parking Demand Analysis Study provide data on hotel drive-in rates and restaurant drive-in rates for existing uses in the vicinity of the Project Site. This data was collected between 2017 and 2019 for luxury hotels and luxury stand-alone restaurants in Beverly Hills and similar communities. While the names of the businesses surveyed are proprietary, the data provided is still relevant in estimating the parking demand for the Project. As discussed in Response 2-18, parking is not considered an environmental issue in CEQA.

Response 2-33

The Project will result in a less than significant transportation impact; therefore, no VMT mitigation is required. Nevertheless, the Project will have sustainability and VMT

reducing features similar to some of the items identified in the bullet point list included in Comment 2-33. The Project incorporates green construction standards and design consistent with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System with a minimum rating of Gold. The LEED features related to transportation and VMT reduction are as follows: proximity to public transportation; providing transit passes to hotel and club employees who use public transportation to travel to and from work; providing transit passes to hotel guests on request; and installation of electric vehicle charging equipment and bicycle parking including charging facilities for electric bicycles.

Footnote 18 cites CAPCOA's Quantifying Greenhouse Gas Mitigation Measures. Footnote 19 cites the City's VMT Guidelines. Footnote 20 cites SCAG's 2020 RTP/SCS Addendum. These documents are noted for the record and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. Various citations to these comments are included by the commenter in this comment letter and the associated comments are responded throughout these responses.

Response 2-34

This comment introduces the commenter's opinions regarding the Project's air quality analysis and states that the air quality modeling in CalEEMod does not represent a proper analysis. The specific comments on the Draft EIR related to the air quality analysis provided by the commenter are responded to in Responses 2-35 through 2-41 below.

Footnote 22 cites to the CalEEMod User Guide. Specific comments regarding the CalEEMod version used in the Draft EIR and the updated modeling conducted in response to this comment letter are included and responded to in Responses 2-35 through 2-41 below.

Response 2-35

CalEEMod 2016.3.2 was the model available on the November 13, 2020, NOP publication date. CalEEMod 2020.4.0 was not released until May 2021. It was reasonable for the City to prepare the Draft EIR using the CalEEMod model available on the NOP publication date. Nonetheless, calculation of Project emissions using CalEEMod 2020.4.0 has been prepared in response to this comment. The updated analysis confirms, as the Draft EIR concludes, that no significant air quality and GHG impacts would occur from the Project. Refer to Appendix K of this Final EIR for the CalEEMod 2020.4.0 output files. As shown in Appendix K of this Final EIR, Project construction and operational emissions modeled using CalEEMod 2020.4.0 would result in higher CO emissions but lower NO_X emissions in comparison to CalEEMod 2016-3.2. In addition, Project construction and operational emissions would remain well below SCAQMD significance thresholds when modeled using CalEEMod 2020.4.0.

Footnote 23 cites to the CalEEMod frequently asked questions. As noted above, calculation of Project emissions using the latest version of CalEEMod (2020.4.0) has been prepared in response to this comment to confirm, as the Draft EIR concludes, that no significant air quality and GHG impacts would occur from the Project. No further response is required.

Response 2-36

The commenter suggests that Southern California Edison's renewable energy mix would no longer increase due to an outlier year (2020). Based on the 2020 sustainability report cited by the commenter, Edison states that "… emissions show worse performance in 2020 compared to 2019 due primarily to the sale of excess renewable energy credits to community choice aggregators (CCAs) and other load-serving entities." Edison continues to state that "SCE remains well positioned to meet it's 2030 and 2045 RPS and carbon-free power goals and interim targets."

The 364 lbs/MWH cited in the Draft EIR is based on Southern California Edison's 2020 Sustainability Report also cited by the commenter. In Year 2020, the carbon intensity factor was approximately 507 lbs/MWh. The 2020 Sustainability Report cites a 2030 interim target/forecast of 265 lbs/MWh.[10] As specific details on carbon intensity factors of future years is not available, a straight line interpolation was used as the best estimate to represent the carbon intensity between Years 2020 and 2030 targets to obtain a carbon intensity of 364 lbs/MWh for Year 2026. In addition, GHG emissions are analyzed over the life of a project, which is defined as 30 years.[11] The use of Year 2020 carbon intensity factors would not allow for the Project to take into account mandatory RPS targets for Years 2030 and 2045.

Footnote 24 cites to the CalEEMod User Guide related to the latest version of CalEEMod. Footnote 25 cites the Southern California Edison International 2020 Sustainability Report. The comments associated with these footnotes are responded to above and no further response is required.

Response 2-37

With the exception of the private club, trip generation rates for the Project were provided in Draft EIR Appendix H.1, Transportation Impact Report, based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual (10th Edition)*: "ITE trip generation

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[10] *Edison International, 2020 Sustainability Report, p. 40.*

[11] *SCAQMD Draft Guidance Document—Interim CEQA Greenhouse Gas Significance Threshold.*

rates estimate the number of trips to a given land use for all trip types, including the trips made by employees, residents, or visitors to the site." Draft EIR Appendix H.1, page 21. The ITE-based trip generation rates for the non-club Project uses are set forth in Draft EIR Appendix H.1 Table 2. As ITE does not provide a representative trip rate for a private membership club applicable to the Project, a custom trip generation rate was developed for the private membership club for member trips based on the expected daily member visitation as identified in the Parking Demand Analysis Study (July 16, 2020) for the Project. Based on the membership levels and site amenities, the membership club was estimated to generate 180 daily vehicle-trips, as listed in Draft EIR Appendix H.1 Table 2. This custom trip generation rate conservatively assumed that members would drive alone to the Project Site.

The commenter asserts that it is not clear that the Draft EIR's mobile emissions analysis is based on a VMT analysis. The Draft EIR's CalEEMod VMT analysis, for purposes of calculating mobile source emissions, is explained below. It should be noted that the data built into CalEEMod should not be altered absent substantial evidence that would support the use of other data. CalEEMod User's Guide (May 2021), pages 13–14.

Based on the ITE-generated trips for the Project's non-club uses and the custom trip generation for the club use, CalEEMod uses average daily trips "when calculating annual emissions from a project," and peak daily trips "when calculating peak daily summer or winter emissions." CalEEMod User's Guide (May 2021), Appendix A: Calculation Details for CalEEMod, page 20. While ITE trip generation rates are provided for weekday uses, CalEEMod applies adjustments to generate weekend trip rates based on CalEEMod default factors. CalEEMod's equation for calculating average annual and peak daily trips based on the Project-specific trip generation rates are set forth in CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, at page 20.

For commercial projects, CalEEMod differentiates among "commercial-customer (C-C), commercial-work (C-W) and commercial-network (C-NW) trips. A commercial-customer trip represents a trip made by someone who is visiting the commercial land use to partake in the services offered by the site. The commercial-work trip represents a trip made by someone who is employed by the commercial land use sector. The commercial-nonwork trip represents a trip associated with the commercial land use other than by customers or workers. An example of C-NW trips includes trips made by delivery vehicles of goods associated with the land use." CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 21.

CalEEMod's trip distance data for different uses and trip types "are based on the location and urbanization" characteristics of a project. CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 21. See also CalEEMod's

User's Guide (May 2021) Appendix D: Default Data Tables, Table 4.2 (Los Angeles South Coast Urban trip lengths for C-C, C-W and C-NW trip types. CalEEMod's equation for calculating average primary trip length for the different trip types is illustrated in CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod at page 22. Trip distances were not based on information in the Parking Demand Analysis Study, as asserted by the commenter, but rather on the CalEEMod data for the Project's uses, trip types, location and urbanization characteristics.

CalEEMod refines the calculation of trip length by adjusting average VMT associated with each trip type "to account for reductions from pass-by and diverted trips." Pass-by trips (e.g., a person shopping on their way to or from work) "generate virtually no additional running emissions but could generate additional resting or startup emissions." Diverted trips, e.g., a person traveling from home to work, while making a diversion to shop, and generate "fewer running emissions compared to primary trips, and can also generate additional resting and startup emissions." CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 22. "The average VMT associated with a trip is adjusted by modifying the primary trip length to account for reductions from pass-by and diverted trips." CalEEMod's data regarding reductions from pass-by and diverted trip links are based on data from ITE and the San Diego Regional Planning Agency (SANDAG). CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 23. CalEEMod's equation for calculating average overall trip length is shown at CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 22.

CalEEMod's equation for daily VMT is illustrated in CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod at page 23. That equation "relies on the average daily trip rates and lengths calculated from" the previously described equations. CalEEMod's User's Guide (May 2021) Appendix A: Calculation Details for CalEEMod, page 23. The VMT analysis used in the Draft EIR's mobile emissions analysis relied on the Project-specific inputs and CalEEMod data, assumptions, calculations and equations described above.

The comment does not provide any evidence that would support deviation from the CalEEMod data and assumptions used and no further response is necessary.

Response 2-38

The commenter critiques the CalEEMod analysis of building energy usage. As discussed on page 4.6-74 of Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the California Energy Commission (CEC) has estimated that residential and nonresidential buildings built under the 2019 Title 24 building codes would use about 30 to 53 percent less

energy than those under 2016 standards. As energy usage factors in CalEEMod 2016.3.2 are based on 2016 Title 24, a 10-percent reduction was taken to assume compliance with 2019 Title 24 energy efficiency standards. This 10-percent reduction in energy usage would be more conservative than the "30 to 53 percent" reduction suggested by the CEC when transitioning from 2016 Title 24 to 2019 Title 24 standards.

Regarding the use of CalEEMod 2016.3.2, refer to Response 2-35 above. As CalEEMod 2020.4.0 incorporates 2019 Title 24 energy efficiency standards, no additional reduction was included in this modeling. Refer to Appendix K of this Final EIR for the CalEEMod 2020.4.0 output files.

Response 2-39

The comment alleges that the CalEEMod modeling did not assume any overlap in the phases of construction. Page 19 of Appendix B, Air Quality and Greenhouse Gas Emissions, of the Draft EIR shows the construction phases/schedule evaluated and included in the CalEEMod output file. As shown therein, Phase 1 Building Construction would occur from January 16, 2023, through June 15, 2023, and Phase 2 Demolition would occur from May 1, 2023, through May 31, 2023. Phase 2 Grading would then occur beginning on June 1, 2023. Therefore, the Draft EIR correctly modeled the 1.5 months of overlap between Phase 1 and Phase 2. Year 2023 peak daily construction emissions would occur during the overlap of Phase 1 Building Construction (16.3 lbs/day of NO_X on-site and 10.6 lbs/day of NO_X off-site) and Phase 2 Grading (23.4 lbs/day of NO_X on-site and 28.9 lbs/day of NO_X off-site) for a combined 79 lbs/day of NO_X. As shown in Table 4.1-5 of the Draft EIR (Estimate of Maximum Regional Project Daily Construction Emissions (pounds per day)), Year 2023 results in 79 lbs/day of NO_X. Thus, pollutant emissions associated with the overlap of Phase 1 and Phase 2 construction was accounted for in the Draft EIR.

With regard to on-site construction noise, the Project would have overlapping construction of Phase 1 and Phase 2, specifically, during Phase 1 garage construction and during Phase 2 demolition and grading/excavation phases. As indicated in Section 4.8, Noise, of this Final EIR (page 4.8-27), construction hours for demolition and grading/ excavation would occur between 7:00 P.M. and 7:30 A.M. and between 8:00 A.M. and 4:00 P.M. for the remainder of the work (e.g., Phase 1 garage construction). Therefore, the construction of Phase 1 garage construction (occurring between 8:00 A.M. and 4:00 P.M.) and the Phase 2 demo and grading/excavation phases (occurring between 7:00 P.M. and 7:30 A.M.) would not overlap.

With regard to off-site construction noise, Table 10.0-2 on page 10.0-59 provides the estimated noise levels associated with off-site construction traffic due to the overlapping

Table 10.0-2
Off-Site Construction Truck Noise Levels—Within City of Beverly Hills (Overlapping Construction)

Construction Phase	Estimated Number of Construction Truck/ Worker Trips per Day[a]	Estimated Number of Construction Truck/ Worker Trips per Hour[a]	Estimated Truck Noise Levels Plus Ambient Along the Project Truck Routes, (CNEL (dBA)) (Project/Project + Ambient)						
			South SMB (Camden Dr. to Burton Way)	Burton Way (South SMB to Robertson Blvd.)	La Cienega Blvd. (Clifton Way to Wilshire Blvd.)	La Cienega Blvd. (Wilshire Blvd. to Olympic Blvd.)	Camden Dr. (Wilshire Blvd. to South SMB)	Beverly Dr. (Project Site to Wilshire Blvd.)	Wilshire Blvd. (Camden Dr. to La Cienega Blvd.)
Phase 1 Garage Construction & Phase 2 Demolition	160/250	18/100	60.7/73.0	56.8/65.4	59.2/69.8	64.9/70.7	61.6/67.1	62.0/73.1	64.6/75.1
Phase 1 Garage Construction & Phase 2 Grading	220/336	23/135	61.9/73.0	58.0/65.6	60.3/69.9	67.5/71.6	64.1/67.9	64.5/73.3	67.1/75.4
Existing Ambient Noise Levels along the Project Haul Routes,[b] CNEL (dBA)			72.7	64.8	69.4	69.4	65.6	72.7	74.7
Significance Criteria,[b] CNEL (dBA)			73.7	66.8	70.4	70.4	--[d]	73.7	75.7
Maximum noise Increase, CNEL (dBA)			0.3	0.8	0.5	2.2	2.3	0.6	0.7
Significant Impact?			No	No	No[c]	No[c]	No	No	No

[a] *Draft EIR Table 4.8-12, additions of Phase 1 Garage Construction and Phase 2 Demolition; and Phase 1 Garage Construction and Phase 2 Grading*

[b] *Draft EIR Table 4.8-12*

[c] *Not significant as there are no noise-sensitive uses along the La Cienega Boulevard segment within the City of Beverly Hills (i.e., between Wilshire Boulevard and Olympic Boulevard).*

[d] *Not applicable, as the noise increase criteria is only applicable when there are noise-sensitive uses (i.e., residential, hotel and church uses) present.*

Source: AES, 2022.

construction activities during Phase 1 Garage Construction and Phase 2 Demolition and during the Phase 1 Garage Construction and Phase 2 Grading. As indicated therein, the estimated noise levels generated by overlapping construction trucks during Phase 1 and Phase 2 construction would be below the 1 dBA CNEL significance criteria for the haul routes within the City of Beverly Hills that utilize the following roadways: South Santa Monica Boulevard, Burton Way, Beverly Drive, and Wilshire Boulevard. The estimated noise level from haul trucks along the Camden Drive segment and La Cienega Boulevard segment within the City of Beverly Hills (between Wilshire Boulevard and Olympic Boulevard) would increase the ambient noise level by up to 2.3 and 2.2 dBA CNEL, respectively. However, there are no noise-sensitive use along these roadway segments. As such, off-site construction noise impacts due to overlapping construction would remain less than significant.

Regarding the use of CalEEMod 2016.3.2, refer to Response 2-35 above. Calculation of Project construction emissions using CalEEMod 2020.4.0 has been prepared in response to this comment. The additional analysis confirms, as the Draft EIR concludes, that no significant air quality and GHG impacts would occur from the Project. Refer to Appendix K of this Final EIR for the CalEEMod 2020.4.0 output files. As shown therein, regional construction pollutant emissions would result in a reduction of the less than significant impacts summarized in Table 4.1-5 of Section 4.1, Air Quality, of this Final EIR. As an example, peak daily regional construction emissions of NO_X would decrease from 79 to 75 pounds per day (SCAQMD threshold is 100 pounds per day). Regional operations using CalEEMod 2020.4.0 would result in a slight increase in VOC and CO emissions, a slight decrease in NO_X emissions and similar SO_X, PM_{10} and $PM_{2.5}$ emissions in comparison to regional operational emissions summarized in Table 4.1-6 of Section 4.1, Air Quality, of this Final EIR. As an example, peak daily regional operational emissions of NO_X would decrease from 15 to 6 pounds per day (SCAQMD threshold is 55 pounds per day) and CO would increase from 20 to 31 pounds per day (SCAQMD threshold is 550 pounds per day). Project-related GHG emissions would decrease from 1,966 $MTCO_2e$/yr using CalEEMod 2016.3.2 (provided in Table 4.6-10 of the Draft EIR) to 1,752 $MTCO_2e$/yr using CalEEMod 2020.4.0. Overall, the changes within the model result in a slight increase in emissions from electricity and natural gas usage (as the model was updated to reflect new rates and 2019 standards), but the mobile source emissions decreased (use of EMFAC2017 emission factors replacing EMFAC2014 emission factor).

Response 2-40

As addressed in Responses 2-34 through 2-39 above with respect to air quality, and Responses 2-43 through 2-55 below with respect to GHG, the Draft EIR correctly analyzed potential air quality and GHG impacts. In addition, in comparison to CalEEMod 2016.3.2, CalEEMod 2020.4.0 results in reduced overall project air quality and GHG impacts. Also refer to Response 2-39 above for a summary of the Project's noise impacts during overlap

in construction phases. No additional air quality, GHG emissions, or noise analyses are warranted.

Response 2-41

This comment makes a general statement that CalEEMod modeling for the Project improperly took credit for CAPCOA reduction measures and makes the assertion that, "many of these measures do not apply to the Project." However, the comment only provides specific comments regarding LUT-3. A detailed discussion of the CAPCOA VMT reduction measures applicable to the Project is provided in Section 4.1, Air Quality, of this Final EIR beginning on page 4.1-47. See also Response 2-20 above. Further, for many of the measures CalEEMod requires Project specific information and then CalEEMod calculates internally whether any reduction in VMT is applicable based on the CAPCOA reduction measure methodology. The data built into CalEEMod should not be altered absent substantial evidence that would support the use of other data. CalEEMod User's Guide (May 2021), pages 13–14.

A short summary of each measure included in the Draft EIR analysis and input required is provided below.

- CAPCOA Measure LUT-1—Increase Density: Increased density, measured in terms of persons, jobs, or dwelling units per unit area, reduces emissions associated with transportation as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies, such as enhanced transit services. CalEEMod requires the number of jobs/residents for the Project. The Project would result in a net increase of approximately 250 jobs for the 1.277-acre Project Site and was therefore input into CalEEMod.

- CAPCOA Measure LUT-3—Increase Diversity of Urban and Suburban Developments (Mixed-Uses): As discussed above in Response 2-20, the Project would introduce new uses on the Project Site, including new hotel, private club, retail, and restaurant uses. The Project would locate these uses in proximity to other existing off-site retail and restaurant uses which would reduce the distance guests would have to travel to visit these retail and restaurant uses. The increased land use diversity and mix of uses on the Project Site would reduce vehicle trips and VMT by encouraging walking and non-automotive forms of transportation (i.e., walking and biking), which would result in corresponding reductions in transportation-related emissions. Based on CAPCOA LUT-3 methodology, the effectiveness and percent VMT reduction would vary based on the amount and type of land uses input into CalEEMod. Therefore, it is not possible to improperly take credit for the measure as this is an internal calculation within CalEEMod based on the Project's land uses. As such, if no

reduction in VMT is applicable, then CalEEMod would not result in any reduction in VMT and related pollutant emissions.

- CAPCOA Measure LUT-5—Increase Transit Accessibility: The Project would be approximately 0.4 miles from the future Metro D (formerly Purple) Line Rodeo Station and be serviced by Metro local lines. Bus stops that serve the Project Site (within a 0.3-mile walking distance) are currently provided along North Santa Monica Boulevard. The Project would also provide bicycle parking spaces, including charging facilities for e-bicycles, to encourage the use of alternative modes of transportation, and lockers and showers to encourage employees to bike commute. Free transit passes will be provided to hotel and club employees who use transit to commute and to hotel guests on request. Electric vehicle charging facilities will be provided in the underground garage. CalEEMod requires the distance to transit and a conservative 0.5 mile distance was input into CalEEMod.

- CAPCOA Measure LUT-9—Improve Design of Development: The Project would remove the existing commercial and institutional use and enhance the pedestrian environment by developing a ground floor restaurant use and maintain Rodeo Drive accessible retail uses to foster pedestrian activity. The Project also would improve the streetscape on the site's street frontages with amenities and by widening the sidewalk on South Santa Monica Boulevard, thus making the site more attractive to pedestrians and enhancing walkability. The Project would include a high level of street access, which would improve street accessibility and connectivity. CalEEMod requires the number of intersections per square mile in the Project vicinity (approximately 196).

- CAPCOA Measure SDT-1—Provide Pedestrian Network Improvements: The Project's design would improve pedestrian access by minimizing physical barriers and linking the Project Site with external streets, thus encouraging people to walk or take the Metro instead of driving. These types of direct access to the Project Site would reduce VMT and associated transportation-related emissions. Therefore, it was assumed in CalEEMod that the Project would make improvements on the Project Site to improve pedestrian access.

Based on the information above, these measures are applicable to the Project.

Footnote 26 in this comment cites to the CalEEMod User Guide. Footnote 27 cites CAPCOA's Quantifying Greenhouse Gas Mitigation Measures report. The comments associated with these footnotes are responded to above. No further response is required.

Response 2-42

This comment introduces the commenter's opinion regarding the Project's GHG emissions analysis included in the Draft EIR. The specific comments on the Draft EIR

related to the Project's GHG emissions analysis are addressed in Responses 2-43 through 2-55 below.

Response 2-43

Contrary to the statements in the comment, the regulatory criteria referenced do not only apply to locally-adopted CAPs. It is also critical to note that GHG emission impacts are not localized and are not tied to any specific geographic area, but disperse evenly throughout the atmosphere. This is why CEQA Guidelines Section 15064.4 allows determinations of significance to be based on compliance with statewide and regional plans as well as local plans—there is no localized impact whatsoever with GHG emissions but rather a global cumulative impact, making compliance with local, regional, or state regulations and plans for the reduction of GHG emissions effective and meaningful to reduce impacts.

The comment misreads the cited regulations and the relevant respective 2009 and 2019 statements of reasons for regulatory actions by the Natural Resources Agency. First, CEQA Guidelines Section 15064.4(a)(2) allows, in determining the significance of a project's impacts, a "qualitative" or "performance based" standard. Section 15064.4(b)(3) states that "[i]n determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable."

CEQA Guidelines Section 15064(h)(3) states, in relevant part, that a:

> *…lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program… that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, 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.*

In the Draft EIR, the Project's GHG impacts are analyzed in Section 4.6 and in Appendix B, the Project's Air Quality and GHG Emissions calculations. The analysis includes a quantified assessment of the Project's GHG emissions utilizing CalEEMod modeling software. As discussed therein, the Project includes characteristics that have been identified to reduce GHG emissions though reductions of VMT in accordance with the CAPCOA GHG Reduction Measures, which include the densification, location, and measures incorporated into the Project that are demonstrated through quantitative analysis to result in a 67-percent reduction in mobile-source GHG emissions as compared to a project that would not include the same VMT/GHG reducing elements and measures. (See Section 4.6, Greenhouse Gas Emissions, of this Final EIR, at page 4.6-73.) That no-impact conclusion has been confirmed by further modeling of the Project's GHG emissions using CalEEMod 2020.4.0 released subsequent to the November 13, 2020, NOP publication date, see Response 2-35 above.

The Draft EIR includes a detailed point-by-point analysis of the Project's consistency with SCAG's 2020–2045 RTP/SCS, the Climate Change Scoping Plan, and related regulations adopted to reduce GHG emissions and the City's Sustainable City Plan. The analysis concludes that the Project is consistent with the plans' key GHG reducing goals and requirements. In particular, the Project represents an infill development within an existing urbanized area that would concentrate new hotel and retail uses within a High Quality Transit Area (HQTA) with local bus routes within a quarter mile of the Project Site. Furthermore, the Project was designed to encourage walkability via integration into the pedestrian network of the City's central business district (Business Triangle) with improvements such as a publicly accessible pedestrian plaza and a widened public sidewalk on South Santa Monica Boulevard. Based on the Project's location, use, design features, and regulatory compliance measures, the Project was determined to be overall consistent with key GHG reduction goals and requirements of the analyzed plans. The effectiveness of this compliance is further demonstrated through a quantitative analysis provided for informational and demonstrative purposes. Based on these factors, the Draft EIR concludes the Project would result in a less than significant impact with respect to GHG emissions. This determination is well supported by substantial evidence.

The GHG analysis complies with the requirements of CEQA relative to an impact analysis based on consistency with appropriate plans. First, under CEQA Guidelines Section 15064.4(b)(3), the robust consistency analysis of the Project with the Scoping Plan and its subsequent updates and key regulations meets the CEQA Guideline's allowance of an analysis of project consistency with the "State's long-term climate goals or strategies." (see also, *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal.4th 204, 229-230 [Agency "did not proceed in violation of CEQA by its choice of Assembly Bill 32 consistency as a significance criterion.']) Here, substantial evidence in terms of that consistency analysis itself and the demonstration of the effectiveness of that consistency

through quantitative means provide ample substantial evidence to support the conclusion that the Project's incremental contribution to climate change is less than significant.

Second, the Draft EIR's robust analysis of the Project's consistency with the 2020–2045 RTP/SCS is consistent with the requirements of Section 15064(h)(3) because the plan "provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located," and is both "specified in law" and is "adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency."[12] Namely, the 2020–2045 RTP/SCS was adopted by SCAG pursuant to a certified EIR that includes various requirements and control and mitigation measures that are demonstrated to achieve the quantified GHG reduction targets set in the plan. Section 4.6, Greenhouse Gas Emissions, pages 4.6-60 through 4.6-61 of this Final EIR, further explain how implementing the particular requirements in the plan, regulation or program ensures that the Project's incremental contribution to the cumulative effect is not cumulatively considerable. This analysis is thus consistent with the CEQA Guidelines and demonstrates with substantial evidence that the Project would result in less than significant GHG emissions impacts consistent with the requirements of CEQA.

Section 15183.5(b)(1) of the CEQA Guidelines establishes criteria for the preparation of a "plan for the reduction of greenhouse gas emissions." However, it does not establish absolute requirements or minimum standards; it states only that certain Plan Elements "should" be followed. Lead agencies therefore have discretion in how they demonstrate consistency with these criteria. Moreover, contrary to various statements in the comment, an analysis of a project's impacts through consistency with a local Climate Action Plan or other similar local plan that incorporates the recommended elements of Section 15183.5 is not the only means available under the CEQA Guidelines of using local and regional plans to assess the significance of a project's potential GHG emissions impacts through a qualitative consistency analysis. As stated in the 2009 AB 97 Statement of Reasons at page 27, cited partially by the Commenter, "Section 15064.4(b)(3) is intended to be read in conjunction with the section 15064(h)(3)… and proposed section 15183.5. Those sections each indicate that local and regional plans may be developed to reduce GHG emissions. If such plans reduce community-wide emissions to a level that is less than significant, a later project that complies with the requirements in such a plan may be found to have a less than significant impact." (emphasis added.) Thus, it is not only local plans adopted consistent with Section 15183.5 that can validly be analyzed to determine the significance of project impacts, but also plans consistent with Section 15064(h)(3), which the 2020–2045 RTP/SCS is, as set forth above. Furthermore, this

[12] *CEQA Guidelines 15064(h)(3).*

consistency analysis is supported in the Draft EIR with a supplemental quantitative analysis demonstrating the Project would result in significant reductions in GHG emissions as compared to a project that does not include the Project's GHG emissions-reducing characteristics, features and measures that are consistent with plans including the 2020–2045 RTP/SCS, providing additional substantial evidence supporting the EIR's qualitative significance determination. (See Final EIR, at pages 4.6-60 through 4.6-61.) The analysis provided in the Draft EIR thus complies with CEQA.

Moreover, it is not reasonable to assert as the commenter appears to that, in the absence of an entirely voluntary local CAP or other plan that incorporates the recommended elements of Section 15183.5, a local lead agency is unable to conduct a valid qualitative GHG impact analysis based on consistency with GHG-reduction plans and regulations, particularly valid statewide plans and regulations and a plan such as the 2020–2045 RTP/SCS, which is determined in a certified EIR to result in substantial reductions of GHG emissions in the region if implemented by, among other things, projects consistent with its requirements such as the Project. In summary, the analysis in the Draft EIR meets all the substantive requirements of CEQA for the analysis of GHG impacts referenced herein.

Footnote 28 in this comment cites to the *McCann V. City of San Diego* case wherein the project's consistency with the city's climate action plan was not analyzed in the MND. As discussed above, the Project's consistency with SCAG's 2020–2045 RTP/SCS, the Climate Change Scoping Plan, and related regulations adopted to reduce GHG emissions and the City's Sustainable City Plan were evaluated in the Draft EIR. Footnotes 29 through 31 in this comment cite to the California Natural Resources Agency Final Statement of Reasons for Regulatory Action regarding use of plans and regulations. The comments associated with these footnotes are responded to above. Footnote 32 in this comment cites to the City of Beverly Hills Sustainable City Plan, which was considered in the GHG emissions analysis in the Draft EIR.

Response 2-44

The Draft EIR included Project Design Feature GHG-PDF-1, which required LEED Silver certification. Subsequently, Project Design Feature GHG-PDF-1 has been modified to provide that the Project incorporate design standards consistent with LEED Gold certification. Some measures taken by the Project include use of LED lighting, water efficient plantings and energy star appliances which will reduce energy usage and water consumption by the Project. As this measure is listed as a Project Design Feature, the requirements of LEED Gold certification will be included as part of the Project's conditions of approval. As discussed below, LEED certification would include features that are above and beyond what is required by Title 24 energy efficiency standards.

The commenter is incorrect that LEED Silver is "essentially the minimum of the 2019 California Building Energy Efficiency Standards…" The LEED certification process takes into account Title 24 requirements by preapproving 12 LEED prerequisites and six LEED credits for projects which meet Title 24 requirements. However, LEED Silver requires a minimum of 50 credits while LEED Gold requires a minimum of 60 credits. Additional measures above and beyond CalGreen and Title 24 will be required in order to achieve the 60 credits required for LEED Gold certification.

Under Project Design Feature GHG-PDF-1, the Project would commit to use of Energy Star appliances. However, as a conservative assumption, the CalEEMod modeling did not take credit for energy reduction with use of Energy Star appliances.

The Project would comply with CalGreen requirements which are discussed in Section 4.6, Greenhouse Gas Emissions, page 4.6-30, of this Final EIR. The 2019 CalGreen code requires at least six percent of total parking spaces to be ready for installation of electric vehicle supply equipment (EVSE) or EV ready.

Additionally, as provided in Response 2-10 above, the Project is intended to serve the Business Triangle and world-renowned Beverly Hills shopping district. The Project's location in the Business Triangle and adjacent to Rodeo Drive will enhance the experience for those already traveling to the area and will provide a new hotel option for travelers to stay nearby. The Project's main effect is to increase hotel room supply creating more room choices for visitors.

Refer to Response 2-41 above for a detailed discussion of the Project's modeling of CAPCOA mitigation measures. The analysis has properly accounted for a mix of uses within the CalEEMod modeling. Refer also to Response 2-20 above regarding the City's expansion of sites that can be developed with residential uses outside the central commercial district and the Project's characterization as a mixed-use development.

Footnote 33 cites the 2019 California Green Building Standards Code. Footnote 34 cites SCAG's 2016 RTP/SCS, CARB's 2017 Scoping Plan, CAPCOA's Quantifying Greenhouse Gas Mitigation Measures report, and OPR's Technical Advisory On Evaluating Transportation Impacts In CEQA. Footnotes 35 and 36 cite pages of the Draft EIR. Footnote 37 cites the City of Beverly Hills Sixth Cycle Regional Housing Needs Assessment Appeal Request Form. The comments associated with these footnotes are responded to above and no further response is required.

Response 2-45

The administrative record for the CEQA Guidelines Amendments clarifies that "the effects of greenhouse gas emissions are cumulative, and should be analyzed in the context of California Environmental Quality Act's requirements for cumulative impact analysis."[13] It is therefore appropriate that the Draft EIR analysis evaluated consistency with the AB 32 Scoping Plan. Given that energy use and mobile source emissions are the two main sources of GHG emissions, consistency with Cap-and-Trade, Renewables Portfolio Standard, and Low Carbon Fuel Standards is related to the Project. These important regulations/standards serve to substantially reduce project-related emissions.

Regarding Cap-and-Trade, this comment misrepresents what is stated in the Draft EIR to suggest that the Draft EIR is inconsistent with CARB guidance. Specifically, Section 4.6, Greenhouse Gas Emissions, pages 4.6-23 and 4.6-24 state:

> *The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period. Furthermore, the Cap-and-Trade Program covers the GHG emissions associated with the combustion of transportation fuels in California, whether refined in-state or imported.*

Contrary to what is suggested in this comment, nowhere in the cited language does it suggest that Cap-and-Trade covers mobile emissions from local land use projects. Regarding the Scoping Plan's appropriateness for a GHG emissions consistency analysis, see Response 2-43, above.

Footnote 38 again cites SCAG's 2016 RTP/SCS while Footnote 39 cites a letter from CARB regarding the Centennial Specific Plan Final Environmental Impact Report. The comments associated with these footnotes are responded to above and no further response is required.

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[13] *Letter from Cynthia Bryant, Director of the Governor's Office of Planning and Research to Mike Chrisman, California Secretary for Natural Resources, dated April 13, 2009.*

Response 2-46

The reduction strategies listed in Section 4.6, Greenhouse Gas Emissions, page 4.6-60, Table 4.6-7 are not aspirational as VMT reducing features such as mass transit and mixed use development are taken into account in the Project's GHG emissions inventory. As shown in Section 4.6, Greenhouse Gas Emissions, Table 4.6-10 on page 4.6-73, mobile source GHG emissions would be reduced by approximately 67 percent when taking into account VMT reducing features such as locating hotel uses near other retail, service, entertainment and visitor-serving uses to allow for visitors to reduce travel distances and in an area with convenient access to mass transit. Refer to Response 2-20 above regarding the mixed-use applicability of the Project.

Response 2-47

The SCAG 2020–2045 RTP/SCS Program EIR provides a list of measures that a lead agency can consider, as applicable and feasible where the lead agency has identified that a project has the potential for significant effects.

As shown in Table 4.6-10 on page 4.6-73 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project's GHG annual emissions would not exceed the 2008 SCAQMD draft screening threshold of significance of 3,000 $MTCO_2e$ per year. As the Project's GHG emissions would remain below the SCAQMD draft screening threshold resulting in a less than significant impact, further consideration of these measures was not warranted.

With that being said, the Project would incorporate a number of measures consistent with the SCAG 2020–2045 RTP/SCS project-level mitigation measures. The Connect SoCal (SCAG 2020–2045 RTP/SCS) acknowledges that many of these project level mitigation measures may be achieved through compliance with regulations from agencies such as the SCAQMD and CARB.[14] As discussed in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project would comply with SCAQMD and CARB regulations on reducing emissions from construction trucks and equipment. The Project would comply with the CARB ATCM limiting idling from trucks and equipment. The Project would implement measures to achieve LEED Gold certification, which requires construction waste management planning and detailed review of materials used for construction. The Project would also be consistent with CalGreen, which requires at least 65 percent of construction demolition debris to be recycled or salvaged. During operations, the Project

[14] *Southern California Association of Governments, The 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments, Connect SoCal, September 3, 2020, p. 86.*

would divert at least 60 percent of solid waste based on current City of Beverly Hills diversion rates. With regard to transportation and ride sharing, the Project would implement Project Design Feature TRA-PDF-2 which will provide transit passes to hotel and club employees who commute by transit and to hotel guests on request to encourage use of mass-transit.

In addition, the Project would implement measures which are above and beyond requirements such as Project Design Feature GHG-PDF-1 which would require LEED Gold certification, reducing energy usage and associated GHG emissions. In addition, Table 4.6-6 and Table 4.6-7 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR provide details on Project measures which are consistent with the RTP/SCS mitigation measures.

Footnote 40 cites SCAG's 2020 RTP/SCS Program EIR MMRP. The comments associated with this footnote are responded to above and no further response is required.

Response 2-48

Refer to Response 2-35 and Response 2-43 above for a detailed discussion of the adequacy of the Project's CalEEMod VMT analysis for purposes of calculating GHG emissions. As discussed therein, the Project's CalEEMod VMT analysis methodology is fully consistent with State guidance, and, therefore, it is appropriate to base the GHG analysis on the results of the CalEEMod VMT analysis. In addition, SB 375 reduction targets are regional in nature and not applicable to individual projects.

As described in Table 4.6-7 on pages 4.6-60 and 4.6-61 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project would implement measures to reduce VMT, consistent with the goals of the 2020–2045 RTP/SCS. The Project would include features to reduce per capita VMT in comparison to existing uses, such as increased density in comparison to existing uses and location near mass transit, which would allow for more employees and visitors to use alternative modes of transportation. The Project would also locate hotel uses near other retail uses to allow for visitors to reduce travel distances. Therefore, the Project would be consistent with the goals of the 2020–2045 RTP/SCS.

Footnote 41 cites various other environmental impact reports prepared by Eyestone Environmental. Refer to Response 2-23 regarding the cited documents.

Response 2-49

Refer to Responses 2-35 and 2-43 above for a detailed discussion of the adequacy of the Project's CalEEMod VMT analysis for purposes of calculating GHG emissions. As discussed therein, the Project's CalEEMod VMT analysis methodology is fully consistent

with State guidance, and, therefore, it is appropriate to base the GHG analysis on the results of the VMT analysis. The per capita auto/light-truck GHG emissions levels under the RTP/SCS are regional in nature and not applicable to individual development projects. However, as discussed above, the Project's daily VMT would be reduced by 67 percent in comparison to a project without VMT reducing features. This reduction in VMT supports the goals of the 2020–2045 RTP/SCS.

Footnotes 42 through 45 in this comment cite to SCAG's 2016 and 2020 RTP/SCS. The comments associated with these footnotes are responded to above and no further response is required.

Response 2-50

This comment correctly identifies that CARB's non-binding view is that SB 375 may not be enough to meet State's Long-Term GHG goals. Consistent with CARB direction (cited in this comment), SB 375 targets were not used as stand-alone CEQA thresholds for GHG. Refer to Responses 2-35 and 2-43 above for a detailed discussion of the adequacy of the Project's CalEEMod VMT analysis for purposes of calculating GHG emissions. As discussed therein, the Project's CalEEMod VMT analysis methodology is fully consistent with State guidance, and, therefore, it is appropriate to base the GHG analysis on the results of the VMT analysis. Ultimately, evaluation is up to the Lead Agency.

While CARB identified population and daily VMT scenarios (e.g., reduce daily VMT/capita by 14.3 percent) to achieve the State's mid-term 2030 and long-term 2050 GHG reduction goals, the targeted population and VMT are at the State level and not applicable to individual projects (similarly as discussed above in Response 2-49 regarding SB 375). This comment implies that a 'business-as-usual' (BAU) approach should be used to determine whether the Project would impede the states' compliance with the statutory emissions reduction mandate established by the AB 32 Scoping Plan and would contradict the California Supreme Court's decision published on November 30, 2015, in the *Center for Biological Diversity v. California Department of Fish and Wildlife,* 62 Cal. 4th 204 (2015). In that opinion the Court held that "the Scoping Plan nowhere related that *statewide* level of reduction effort to the percentage of reduction that would or should be required from *individual projects.*" This comment has not provided substantial evidence as to the percent reduction in VMT/capita from business as usual applicable to an individual project should be the same as for the entire state population and economy.

As described in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project would implement measures to reduce VMT, and would serve to help the State to achieve the mid-term 2030 and long-term 2050 GHG reduction goals. The Project would include features to reduce per capita VMT in comparison to existing uses, such as

increased density in comparison to existing uses and location near mass transit, which would allow for more employees and visitors to use alternative modes of transportation. The Project would also locate hotel uses near other retail, service, entertainment and visitor-serving uses to allow for visitors to reduce travel distances.

The commenter also infers that the Project would be required to implement measures (such as Cleaner Technologies and Fuels as referenced by the commenter) that are currently non-existent or speculative in order to achieve GHG reduction goals by Year 2050. In October 2020, CARB released a study that evaluated three scenarios that achieve Carbon Neutrality in California by 2045 as required by Executive Order B-55-18. The study will be used by CARB in development of the 2022 Scoping Plan update.[15] More ambitious carbon reduction scenarios that achieve carbon neutrality prior to 2045 may be considered as part of future analyses by the State.

The scenarios analyzed to achieve carbon neutrality include a High Carbon Dioxide Removal (CDR) scenario, Zero Carbon Energy scenario, and a Balanced scenario. The High CDR scenario achieves GHG reductions by relying on CO_2 removal strategies. The High CDR scenario would require 80 million metric tons (MMT) of CO_2 to be removed by CDR strategies in order to achieve carbon neutrality. The Zero Carbon Energy scenario is based on the assumption of zero-fossil fuel emissions by 2045. The Zero Carbon Energy scenario would require 33 MMT of CO_2e to be removed by CDR strategies in order to achieve carbon neutrality. The Balanced scenario represents a middle point between the High CDR scenario and Zero Carbon Energy scenario. The Balanced scenario would require 56 MMT of CO_2e to be removed by CDR strategies in order to achieve carbon neutrality. The scenarios would achieve at least an 80-percent reduction in GHGs by 2045, relative to 1990 levels without reliance on CDR. Remaining CO2e would be reduced to zero by applying carbon dioxide removal strategies, including sinks from natural and working lands and negative emissions technologies like direct air capture.[16]

Under each of these scenarios, CARB proposed reduction strategies for various sectors that contribute GHG emissions throughout the State. Although specific details are not yet available for the GHG reduction measures discussed above, implementation of these measures would require regulations to be enforced by the State. Therefore, the Project would be consistent with the State's mid-term 2030 and long term 2050 reduction

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[15] *Energy+Environmental Economics, Achieving Carbon Neutrality in California, PATHWAYS Scenarios Developed for the California Air Resources Board, October 2020.*

[16] *Energy+Environmental Economics, Achieving Carbon Neutrality in California, PATHWAYS Scenarios Developed for the California Air Resources Board, October 2020, p. 22.*

goals and mitigation is not necessary to further reduce per capita light-duty transportation related GHG emissions.

Footnotes 46 through 50 in this comment cite to CARB's 2017 Scoping Plan. The comments associated with these footnotes are responded to above and no further response is required.

Response 2-51

As discussed in Section 4.6, Greenhouse Gas Emissions, Subsection 4.6.2.3.2.3, of this Final EIR, the Scoping Plan includes the initial 2008 Plan as well as subsequent updates in 2014 and 2017. Analysis of Project consistency with the Scoping Plan includes the 2014 and 2017 updates. While the commenter states that the 2017 Scoping Plan applies to the Project, some measures contained in the 2008 Scoping Plan and 2014 update also apply to the Project. Refer to Tables 4.6-5 and 4.6-6 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR which contains measures listed in the 2008 Scoping Plan and subsequent updates (2014 and 2017).

Response 2-52

Refer to Response 2-43 above for a detailed discussion of the Project's analysis of GHG reduction plan consistency. Also, refer to Response 2-48 regarding GHG reduction strategies. The reduction strategies listed in Table 4.6-7 on page 4.6-60 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, are not aspirational, as VMT-reducing features, such as mass transit and mixed use development, are taken into account in the Project's GHG emissions inventory.

With regard to analysis of Project consistency with plans, CEQA Guidelines Section 15064.4 allows determinations of significance to be based on compliance with statewide and regional plans, as well as local plans—there is no localized impact with GHG emissions but rather a global cumulative impact, making compliance with local, regional, or state regulations and plans for the reduction of GHG emissions effective and meaningful to reduce impacts.

In the Draft EIR, the Project's GHG impacts are analyzed in Section 4.6, Greenhouse Gas Emissions, of the Draft EIR, and in Appendix B, the Project's Air Quality and GHG Emissions calculations, of the Draft EIR. The analysis includes a quantified assessment of the Project's GHG emissions utilizing CalEEMod modeling software. As discussed therein, the Project includes characteristics that have been identified to reduce GHG emissions though reductions of VMT in accordance with the CAPCOA GHG Reduction Measures, which include the densification, location, and measures incorporated

into the Project that are demonstrated through quantitative analysis to result in a 67-percent reduction in mobile-source GHG emissions as compared to a project that would not include the same VMT/GHG reducing elements and measures. (See Final EIR, Section 4.6, Greenhouse Gas Emissions, at page 4.6-73.)

Response 2-53

The California Supreme Court's decision published on November 30, 2015, in the *Center for Biological Diversity v. California Department of Fish and Wildlife*, 62 Cal. 4th 204 (2015), reviewed the methodology used to analyze GHG emissions in an EIR. The California Supreme Court suggested regulatory consistency as a potential "pathway to compliance," by stating that a lead agency might assess consistency with AB 32's goal in whole or in part by looking to compliance with regulatory programs designed to reduce GHG emissions from particular activities. The Court recognized that to the extent a project's design features comply with or exceed the regulations outlined in the Climate Change Scoping Plan and adopted plans by CARB or other state agencies, a lead agency could appropriately rely on their use as showing compliance with performance-based standards adopted to fulfill a statewide plan for the reduction or mitigation of GHG emissions. This approach is consistent with CEQA Guidelines Section 15064, which provides that a determination that an impact is not cumulatively considerable may rest on compliance with previously adopted plans or regulations, for the reduction of GHG emissions.

Response 2-54

The commenter is incorrect in suggesting that recommended measures in the 2017 Scoping Plan Appendix B should be used as mitigation. While the CARB 2017 Scoping Plan Appendix B provides a list of measures, CARB specifically mentions that these measures are merely examples:

> *This appendix should be viewed as a general reference document. It should not be interpreted as official guidance or as dictating requirements for a city or county in addressing greenhouse gases (GHGs) in its General Plan or for local project CEQA mitigation. It does not replace or modify existing or future laws, ordinances, regulations, or standards adopted by a regulatory entity and may therefore include examples of local actions that are currently, or may become, mandatory.*

However, the Project has several measures which are consistent with recommended measures from the CARB 2017 Scoping Plan. Refer to Response 2-47 above for a detailed discussion on the Project's GHG reduction features and measures.

Footnotes 53 through 55 in this comment again cite to CARB's 2017 Scoping Plan. Comments related to this citation are responded to above and no further response is required.

Response 2-55

As shown in Table 4.6-10 on page 4.6-73 in Section 4.6, Greenhouse Gas Emissions, of this Final EIR, the Project's GHG annual emissions would not exceed the 2008 SCAQMD draft screening threshold of significance of 3,000 MTCO2e per year. The 2008 SCAQMD Draft thresholds is structured on separate tiers. Under this tiered structure, Projects may evaluate GHG impacts starting with tier 1 and move on to the next tier if it is determined the Project may result in a significant impact. The 3,000 $MTCO_2$ per year threshold is based on Tier 3 thresholds. Refer to Response 2-20, which establishes that the Project is a Mixed-Use Development and that a 3,000 $MTCO_2$ per year threshold is appropriate. As the Project would remain below the 3,000 $MTCO_2$ per year threshold, it is not necessary and it would be inappropriate to move to the next tier (4) as suggested by the commenter.

Furthermore, the Project's GHG section includes an extensive analysis of the Project's consistency with GHG reduction plans. A significance determination was made based on consistency with applicable regulatory plans and policies to reduce GHG emissions, including SB 375, CARB's Climate Change Scoping Plan, SCAG's 2020–2045 RTP/SCS, and the City's Sustainable City Plan, which is consistent with CEQA Guidelines Section 15604.4 and the Newhall Ranch Case cited by the commenter.

Footnote 56 in this comment cites to various City of Los Angeles environmental documents where the City has applied a GHG emissions threshold of 1,400 MTCO2e/yr. Footnote 57 cites a white paper by the AEP regarding the Newhall case. The comments related to these footnotes are responded to above and no further response is required.

Response 2-56

The commenter is correct that the City's 6th Cycle RHNA allocation is 3,104 total units. The City appealed the allocation; however, that appeal was denied by SCAG on January 13, 2021. As identified in the Draft 2021–2029 6th Cycle Housing Element, on December 18, 2020, the Mixed Use (MU) Overlay zone became effective (Ordinance 20-O-2825). Refer to Response 2-20 above regarding adoption of the Mixed Use Overlay zone. This was a major change to the City's land use regulations as projects that include residential units could be built on properties that were previously limited to commercial only development. The City's decision-makers specifically excluded the City's central commercial district (the business triangle) from the mixed use overlay zone. The Project Site is located within the business triangle. Thus, through an extensive and comprehensive

planning effort, the City came to the conclusion that the Project Site and the commercial properties surrounding the Project Site are not appropriate locations for mixed use residential development. The mixed use ordinance that was adopted significantly expands the number of sites that can be redeveloped with residential development and creates significant opportunities to add net new housing units in the City. Over 103 acres of land was rezoned to be included in the mixed use overlay zone. The number of units projected in the housing element are well in excess of the 6th Cycle RHNA allocation (Draft Housing Element Appendix C: Housing Resources includes a sites inventory (Table C-3) (page C-24) that identifies sites where approximately 7,930 housing units could be potentially constructed in the City). The mixed use ordinance allows for new residential development on sites located directly on a transportation corridor (Wilshire Boulevard) with the greatest current (Rapid bus) and future (subway extension) Metro services. The mixed use ordinance carefully located mixed use development directly adjacent to current multifamily residential development, with height limitations meant to be compatible with current existing residential development. The mixed use development approach was meant to help avoid demolition of existing residential housing stock by facilitating mixed use development at appropriate locations at building heights compatible with the City's existing housing stock.

As provided in Section 5.0, Alternatives, of this Final EIR, the CEQA Guidelines state that the selection of project alternatives should be based primarily on the ability to avoid or substantially lessen significant impacts relative to the proposed project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed. In selecting project alternatives for analysis, potential alternatives must be feasible. CEQA Guidelines Section 15126.6(f)(1) includes the following:

> *Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).*

As indicated above, the intent of the alternatives analysis is to provide a comparative analysis of alternatives versus a project in order to identify opportunities to avoid or substantially lessen any of the significant effects of a project while feasibly attaining most of a project's objectives. Based on the analysis in Section 4.0, Environmental Impact

Analysis, of this Final EIR, implementation of the Project would not result in any significant impacts that cannot be feasibly mitigated at the Project level or cumulative level. The Draft EIR considered an adequate range of alternatives given the Project's less than significant or less than significant with mitigation impacts.

Additionally, it is noted that the City did consider a Residential Development Alternative. As provided in Section 5.0, Alternatives, of this Final EIR (page 5.0-10), residential uses would be incompatible with the current C-3 commercial zoning of the Project Site as well as with adjacent commercial uses. Furthermore, a Residential Development Alternative may result in greater environmental impacts, particularly with regard to an increased demand for public services. A Residential Development Alternative would also not meet the underlying purpose or any of the objectives of the Project. Due to these reasons, a Residential Development Alternative was rejected as infeasible and eliminated from further consideration.

In light of the Mixed Use Overlay ordinance as discussed in Responses 2-20 and 2-56 above, consideration of a housing alternative would not have been appropriate for the Project Site.

Footnote 58 cites SCAG's 6th Cycle Final RHNA Allocation Plan. Footnotes 59, 62, and 63 again cite the City of Beverly Hills 6th Cycle RHNA Appeal Request Form. Footnote 60 cites the City of Beverly Hills Housing Element. Footnote 61 cites SCAG's local profile of the City of Beverly Hills. Footnote 64 cites to CEQA Guidelines Section 15125(d) regarding discussion of inconsistencies between a proposed project and applicable general plans, specific plans, and regional plans, the *Pfeiffer v. City of Sunnyvale City Council* case, and the *Friends of the Eel River v. Sonoma County Water Agency* case. The comments associated with these footnotes are responded to above and no further response is required. In addition, as provided in Responses 2-57 through 2-63 below, the Draft EIR included a consistency analysis with applicable local and regional plans in Section 4.7, Land Use and Planning.

Response 2-57

Refer to Response 2-56 above. Also refer to Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR where this goal was specifically addressed. As provided therein, the quality and diversity of uses proposed by the Project would contribute to the unique character of Beverly Hills and the long-term competitiveness and stability of the Business Triangle. Additionally, although the Project Site would exceed existing density and height limits for the low density commercial zone in which it is located, the Project would establish consistency through 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.

Footnotes 65 and 66 in this comment cite the City of Beverly Hills General Plan Land Use and Housing Elements. The comments associated with these footnotes are addressed in Responses 2-57 through 2-63.

Response 2-58

As indicated by the commenter and addressed in Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR, trees to be removed by the Project would be replaced on a 1:1 basis. In addition, the Project includes a publicly-accessible 670 square-foot pedestrian plaza on the corner of North Rodeo Drive and South Santa Monica Boulevard that would be contiguous with the sidewalk and include private artwork. The Project would continue to support the City's Policy LU 2.2 Public Streetscapes and Landscape.

Response 2-59

Policy LU-9.1: Uses for Diverse Customers provides for retail, office, entertainment, dining, hotel, and visitor-serving uses that support the needs of local residents, attract customers from the region, and provide a quality experience for national and international tourists. As provided in Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR, the Project would develop a multiple use luxury, hotel-driven, anchor development with up to 220,950 square feet and up to 115 guest rooms, including a penthouse, as per the proposed Specific Plan, a private club offering facilities for social and recreational purposes, a publicly accessible street level restaurant as well as dining facilities and a spa in the upper levels of the building and retail uses that are publicly accessible from the street, and other appurtenant uses related to hotel and club services and functions such as a wellness center. This mix of uses would support Policy LU-9.1 by providing a choice of uses and activities for the City's residents and visitors, and a quality experience for national and international tourists.

The commenter's opinion regarding the users of the Project is not an environmental issue required to be considered under CEQA. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-60

Goal LU-14: Environmental Sustainability and Carbon Footprint provides for land uses and built urban form that are environmentally sustainable by minimizing consumption of scarce resources, pollution, greenhouse gas emissions, wastes, and exposure of

residents and visitors to toxics and hazards. As discussed in Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR, the Project would support Goal LU-14 and Policy LU-14.1 through its location in an area well served by a variety of public transit options, including local and regional bus lines. In particular, Metro serves several transit stops along North Santa Monica Boulevard and North Beverly Drive within approximately 0.25 mile of the Project Site. The Project Site is also located approximately 0.4 mile from the Metro D (formerly Purple) Line Rodeo Station currently under construction along Wilshire Boulevard generally between Cañon Drive and Rodeo Drive. Furthermore, the Project would enhance pedestrian activity by siting pedestrian-oriented commercial uses on the ground level, installing new landscaping and streetscape improvements around the Project Site, and providing the aforementioned pedestrian plaza at the corner of South Santa Monica Boulevard and North Rodeo Drive. The Project would also provide bicycle parking spaces, including charging facilities for e-bicycles, as well as employee lockers and showers on-site, to encourage bicycle commuting. Thus, the Project would provide opportunities for walking and biking, thereby promoting an improved quality of life and facilitating a reduction in vehicle trips, vehicle miles traveled, and air pollution. In addition, the Project includes dedication of land along South Santa Monica Boulevard to allow for the widening of the public sidewalk, replacement of street trees and the provision of a continuous landscaped parkway.

Refer to the above responses above regarding the Project's transportation and air quality impacts. As provided therein, the Project's impacts to transportation and air quality would continue to be less than significant and the Project would continue to promote the City's Goal LU 14 Environmental Sustainability and Carbon Footprint.

Response 2-61

Policy LU-16.4: Public Places sets forth the provision of plazas, open spaces, and other outdoor improvements that are accessible to and used for public gatherings and activities, either through capital improvement or as a development requirement. As discussed in Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR, the Project would support Policy LU-16.4 by providing a publicly-accessible 670 square-foot pedestrian plaza at the corner of South Santa Monica Boulevard and North Rodeo Drive that would be contiguous with the sidewalk and include privately owned artwork able to be enjoyed by the public. Furthermore, the Project would provide a variety of open space and recreational amenities onsite for hotel guests and visitors. The proposed Project plans identify approximately 45,201 square feet of open space. In addition to the publicly accessible pedestrian plaza proposed at street level on Rodeo Drive, the Project includes 4,760 square feet of outdoor restaurant and bar spaces on levels six and seven and the 742-square-foot 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.

Response 2-62

Goal OS-7: Improved Air Quality provides for improved health and sustainability of the community through improved regional air quality and reduced greenhouse gas emissions that contribute to climate change. As discussed in Table 4.7-1 in Section 4.7, Land Use and Planning, of this Final EIR, the Project would be located in an area well served by a variety of public transit options, including local and regional bus lines. The Project Site is also located approximately 0.4 mile from the Metro D (formerly Purple) Line Rodeo Station currently under construction along Wilshire Boulevard generally between Cañon Drive and Rodeo Drive. In addition, the Project would include bicycle parking, including charging facilities for e-bicycles, as well as employee lockers and showers to promote bicycle commuting and would be designed to attract and promote pedestrian activity. The Project has also been designed and would be constructed to incorporate environmentally sustainable building features and construction protocols required by the Beverly Hills Green Building Code and CALGreen. In particular, the Project would incorporate green construction standards and design consistent with the Leadership in Energy and Environmental Design (LEED) Green Building Rating System with a minimum rating of Gold. The Project would also be highly walkable for hotel guests, as the hotel would be sited in an urban area close to many visitor-serving retail, social and dining amenities.

Response 2-63

Section 4.7, Land Use and Planning, of this Final EIR considers the Project's consistency with the applicable goals and policies set forth in the City's General Plan. Since the Project does not include a housing component, the goals and policies related to housing are not applicable and thus were not included in the Draft EIR. As demonstrated by the above responses and as determined in the Draft EIR, the Project would not conflict with the goals and policies in local and regional plans that were adopted for the purpose of avoiding or mitigating an environmental effect. Impacts related to conflicts with applicable plans, policies, and regulations would be less than significant.

Also refer to Response 2-56 above regarding recently adopted City of Beverly Hills legislation that expands the number of sites within the City that can be developed with residential uses and the consideration of a residential development alternative within the Project Site.

Response 2-64

As noted by the commenter and as provided in Section 5.0, Alternatives, of this Final EIR, the CEQA Guidelines state that the selection of project alternatives should be based primarily on the ability to avoid or substantially lessen significant impacts relative to the

proposed project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. The CEQA Guidelines further direct that the range of alternatives be guided by a "rule of reason," such that only those alternatives necessary to permit a reasoned choice are addressed. In selecting project alternatives for analysis, potential alternatives must be feasible. CEQA Guidelines Section 15126.6(f)(1) includes the following:

> *Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).*

As indicated above, the intent of the alternatives analysis is to provide a comparative analysis of alternatives versus a project in order to identify opportunities to avoid or substantially lessen any of the significant effects of a project while feasibly attaining most of a project's objectives. Based on the analysis in Section 4.0, Environmental Impact Analysis, of this Final EIR, implementation of the Project would not result in any significant impacts that cannot be feasibly mitigated at the Project level or cumulative level. In addition, as demonstrated in the above responses, the Project's potential impacts related to transportation and air quality would continue to be less than significant even with consideration of the comments provided in this letter.

Regarding the asserted failure to consider a residential alternative, see Responses 2-20 and 2-56 above

Based on the above, the Draft EIR considered an adequate range of alternatives given the Project's less than significant or less than significant with mitigation impacts, including a No Project Alternative, a Reduced Excavation and Reduced Parking Alternative, a Zoning Compliant Alternative, a Reduced Height Alternative, and a Reduced Project Alternative.

Footnote 67 in this comment cites various cases and CEQA Guidelines Section 15126.6(a) regarding consideration of alternatives to a project. The comment associated with this footnote are responded to above and no further response is required.

Response 2-65

As detailed in the responses above, the Project's transportation, air quality, and GHG emissions analyses were adequately evaluated in the Draft EIR and in this Final EIR. The Project's transportation, air quality, and GHG emissions impacts would continue to be less than significant. Additionally, as provided in several responses above, the City's decision-makers specifically excluded the City's central commercial district (the Business Triangle), where the Project Site is located, from the Mixed Use Overlay zone, which allows residential development on certain commercial-zoned property. Lastly, the Draft EIR for the Project was prepared in compliance with CEQA and the CEQA Guidelines. The Draft EIR provides thorough and comprehensive analyses of all required CEQA impact areas based on appropriate methodologies and, where appropriate, supported by expert technical analyses as well as input from numerous other agencies and input received in response to the Notice of Preparation of the Draft EIR. For each of the issue areas where significant impacts have been identified, mitigation measures have been proposed to reduce such impacts where feasible.

Regarding the requirement to recirculate a draft EIR, see Response 2-4 above.

Upon review of all of the comments received and analyzed, there are no new significant environmental impacts from the Project or from a mitigation measure that was identified subsequent to circulation of the Draft EIR, and there are no substantial increases in the severity of any of the significant environmental impacts identified in the Draft EIR. Neither the comments submitted on the Draft EIR nor the responses contained herein constitute new significant information warranting the recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Response 2-66

This comment requests notification regarding future actions taken on the Project. The commenter has been added to the notice distribution list. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 2-67

This comment letter is part of the administrative record. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 3

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

Joël Barton
Business Manager

JB/bcm opeiu#537 afl-cio

297 North Marengo Avenue, Pasadena, CA 91101 • PHONE: (888) 423-9937 • **www.ibew11.org**

Letter No. 3

COMMENTER: Joël Barton, IBEW Local 11

DATE: September 24, 2021

Response 3-1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 3-2

This comment, which supports the Project and summarizes project elements that the Commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 4

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

KEITH HARKEY
Business Manager
Financial Secretary-Treasurer

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 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

Letter No. 4

COMMENTER: Keith Harkey, lronworkers Local 433

DATE: September 23, 2021

Response 4-1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 4-2

This comment, which supports the Project and summarizes project elements that the Commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 5

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.

2

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.

5-8

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.

5-9

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.

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.

Letter No. 5

COMMENTER: Murray D. Fischer obo Hermès and Chanel

DATE: October 28, 2021

Response 5-1

This introductory comment identifying the commenter and the commenter's representation of Chanel and Hermès is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. It is noted that the comments provided in this comment letter were originally presented at the Planning Commission Hearing on October 28, 2021. Subsequently, the commenter submitted those comments in writing, as presented herein.

Response 5-2

This comment notes that neither Chanel nor Hermès oppose the Project. The concern about the proposed alley reconfiguration impacts on patrons and employees was closely considered and fully analyzed as part of the design of the Project to ensure access to the alley would not be negatively affected. The existing north-south public alley connects South Santa Monica Boulevard and Brighton Way, parallel with North Rodeo Drive and North Beverly Drive. Westbound left turns are facilitated by a short painted median that provides approximately 50-feet of queueing for vehicles to make the left-turn movement into the alley. The proposed reconfiguration will improve access for westbound traffic traveling on South Santa Monica Boulevard by allowing vehicles to use the signalized westbound left turn lane on South Santa Monica Boulevard to turn left onto North Beverly Drive and make a right turn into the alley. Based on traffic counts collected in 2019, approximately two-thirds of the automobiles entering the alley are coming from the west as documented in the Transportation Impact Report (pages 25–26). These vehicles will make a right-turn onto North Beverly Drive and then a right-turn into the alley. Traffic traveling north on North Beverly Drive will have a much longer storage for left turning vehicles provided by the center two-way left-turn lane (approximately 150 feet) while waiting for a break in traffic to make a left turn into the alley. Based on the analysis, the reconfigured L-shaped alley will improve access and safety for patrons and employees. Refer to Response 6-32 for additional information on physical design changes that have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR.

Response 5-3

In response to this comment, the commenter is referred to Response 5-2 above. Additionally, it is noted that no changes to the alley will occur south of the Project. The new alley access will be located approximately 120 feet north of the existing signalized mid-block crossing on North Beverly Drive and approximately 90 feet south of South Santa Monica Boulevard. The alley will remain one-way in the westbound/southbound direction, and the existing exit onto Brighton Way will remain as is. Parking and valet operations located in the alley for sites adjacent to the Project Site will remain unchanged. The proposed alley relocation, including the turn geometry, has been designed in accordance with City standards to ensure emergency vehicle, utility, delivery, and other service truck access. The Master Plan of Streets (Sheets 31 and 32) would be updated to reflect the new alley alignment. In addition, the cross-section of South Santa Monica Boulevard would be updated in the Master Plan of Streets (Sheet 53) to reflect new curb radii at the intersections with North Rodeo Drive and North Beverly Drive and reflect the right-of-way width of 71.5 feet along the western two-thirds of the Project site and 82 feet on the eastern one-third of the Project Site (compared to 75 feet in current Master Plan of Streets).

Response 5-4

The comment incorrectly states that the club pedestrian entrance on North Beverly Drive and the entrance to the ingress ramp to the subterranean parking structure have the potential to create backups on North Beverly Drive. As stated in the Transportation Impact Report prepared for the Project included in Appendix H of this Final EIR, the building's motor court would be accessible from South Santa Monica Boulevard, provide staging space for nine vehicles as well as two circulation lanes for passenger drop-off/pick-up. The motor court is proposed to have valet operated drop-off and pick-up for the Project's hotel, club, spa, and retail uses. Valet driven vehicles will be transferred to the parking area via a right-turn onto South Santa Monica Boulevard, a right-turn on North Beverly Drive and right-turn into the relocated alley access to immediately enter a ramp to the subterranean parking garage. Valets will return the vehicles to the motor court via on-site ground level circulation provided by a direct ramp up from the parking garage. Vehicles entering the ramp would flow freely to L1 and would not queue onto North Beverly Drive. Passenger drop-off/pick-up would occur in the motor court and not in the alley. The pedestrian club entrance on North Beverly Drive is not a main entrance to the Project Site. Access from this entrance would be limited, as the entrance would be exclusively used by private club members choosing to directly access club facilities by foot. Also refer to Response 6-32 for additional information on physical design changes that have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR as well as for additional analysis conducted for the alley entrance on North Beverly Drive.

Response 5-5

As documented in the Transportation Impact Report included in Appendix H of this Final EIR, traffic counts were collected for the alley in 2019, including cars and trucks. The alley serves approximately 720 vehicles per day (91 percent automobiles, 8 percent single-unit delivery trucks, and 1 percent garbage trucks and motorcycles). Refer to Response 6-32 and 6-34 regarding the physical design changes to provide additional right-of-way for vehicles and trucks to travel through the realigned alley.

Response 5-6

Refer to Response 5-2 above. The reconfiguration of the alley will not alter the operations or use of the alley south of the proposed new entrance and east-west segment of the alley. The proposed configuration of the alley, with ingress from North Beverly Drive and egress onto Brighton Way, will minimize disruptions to existing businesses that utilize the alley for customer and employee access. This is because all deliveries will occur in the Project's loading docks located on-site and the entrance to the Project's subterranean parking facility is immediately west of the alley entrance on North Beverly Drive. The only Project vehicles utilizing the southern portion of the alley are employees exiting the project site and delivery, utility, and other service vehicles exiting the at-grade and below-grade loading docks. The Project estimates up to 17 deliveries on a daily basis and 84 deliveries throughout the week (Monday through Saturday).

Response 5-7

The commenter's opinion regarding potential other impacts associated with the reconfiguration of the alley is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. The Project may be conditioned by the City to require that the entrance to the alley be properly signed as publicly accessible and the reconfiguration be provided to wayfinding electronic application providers.

Response 5-8

The reconfiguration of the alley could result in up to 35 and 13 more vehicles turning right onto North Beverly Drive in the A.M. and p.m. peak hours, respectively. The operational effects of these additional vehicles are reported in the Local Transportation Assessment that was prepared according to City guidelines and included in Appendix H of this Final EIR. The purpose of the Local Transportation Assessment was to analyze traffic operations with the new land uses and realigned alley that would occur with the development of the Project. Although Senate Bill 743 eliminated level of service (LOS) as a measure of vehicular capacity and traffic congestion as a basis for determining significant

transportation impacts under CEQA, changes to traffic operations are still considered for projects in the City of Beverly Hills to inform decision makers on the overall effects of a project. Therefore, the City developed Local Transportation Assessment Guidelines at the time it adopted its new transportation VMT thresholds in October 2019 and the traffic operations analysis completed for the Project was based on the City's guidelines.

Regarding Chanel's valet circulation, valet vehicles would continue to circulate between the pick-up/drop-off area and the subterranean parking garage using the reconfigured alley. The approval of the proposed mixed use hotel Project would not conflict with the prior approval of the new Chanel building and associated valet operation (Planning Commission Resolution 1894). Specifically, Resolution 1894 Condition 4 makes clear that the Planning Commission "reserves jurisdiction relative to traffic, parking, loading, and noise issues and the right to impose additional conditions as necessary to mitigate any other unanticipated impacts caused by the Project as they arise." Therefore, any modifications to area traffic that results from the proposed Cheval Blanc Project would not conflict with the conditions imposed on the previously approved Chanel project.

Response 5-9

This closing comment introduces the comments from KOA Corporation (provided below in Letter No. 6) and expresses the goal of Chanel and Hermès to ensure the success of the Project as well as retailers on both Rodeo Drive and Beverly Drive. This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

This comment also notes that KOA's presentation would be followed by Hermès, MBH Architects, and Chanel. Oral comments provided by these parties are provided below after Letter No. 19.

Letter No. 6

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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

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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.

1

B. PROPOSED DAY SPA TRIP GENERATION

6-4

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.

C. PROPOSED PRIVATE MEMBERSHIP CLUB TRIP GENERATION

6-5

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.

6-6

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.

D. PROPOSED PROJECT INTERNALLY CAPTURED TRIPS

6-7

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*).

E. PASS-BY TRIP ADJUSTMENTS

6-8

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.

F. EXISTING PALEY CENTER FOR MEDIA TRIP GENERATION

6-9

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.

G. PROPOSED PROJECT VEHICLE TRIPS BY TYPE

6-10

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.

II. LOCAL TRANSPORTATION ASSESSMENT

6-11

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

A. PROPOSED PROJECT MOTOR COURT EXIT DRIVEWAY

6-12

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

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

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. 6-13

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

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. 6-14

A. PARKING CREDITS

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"). 6-15

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(I), 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 be 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

6-32

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:

A. INSUFFICIENT LOADING FACILITY CLEARANCES

6-33

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.

7

FIGURE 1: REALIGNED ALLEY & PROPOSED PROJECT LOADING BAYS

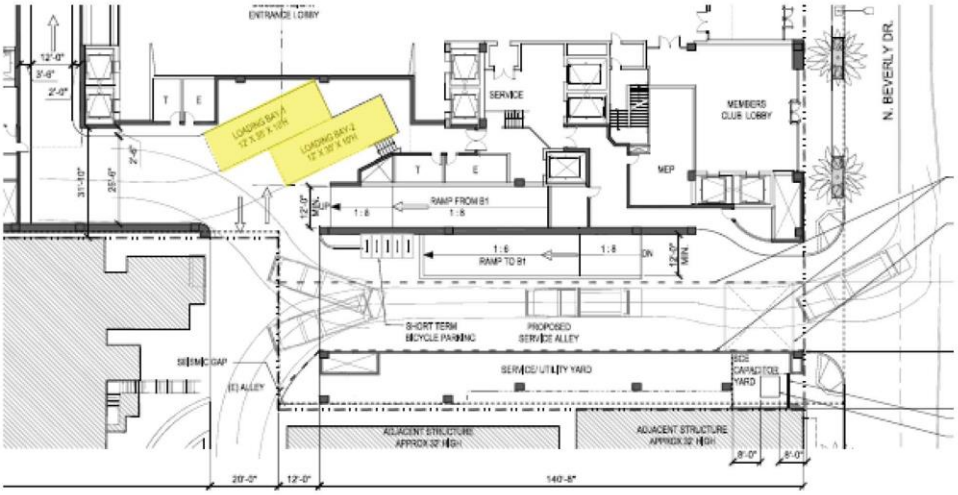
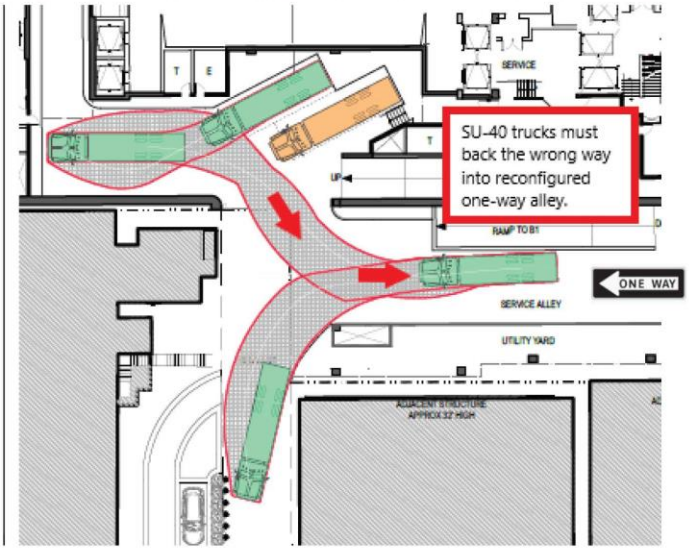


FIGURE 2: PROPOSED PROJECT LOADING BAY #1 EGRESS MANEUVERS FOR SU-40 TRUCK



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

6-33 (Cont.)

8

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

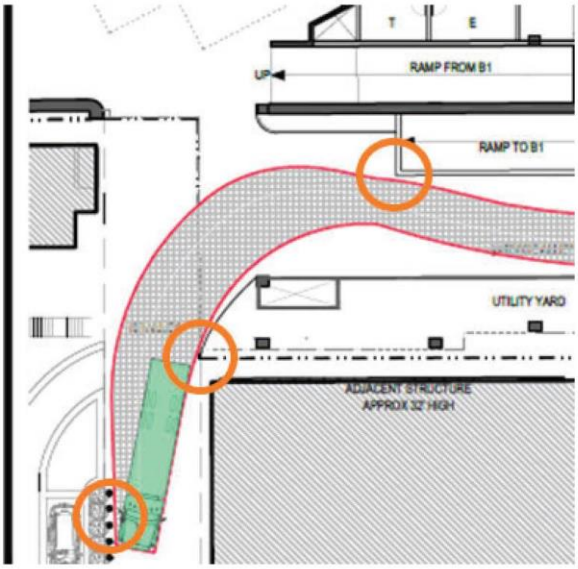


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FIGURE 4: LEFT-TURN AT PROPOSED 90-DEGREE BEND IN ALLEY - 44-FOOT PUMPER FIRE TRUCK

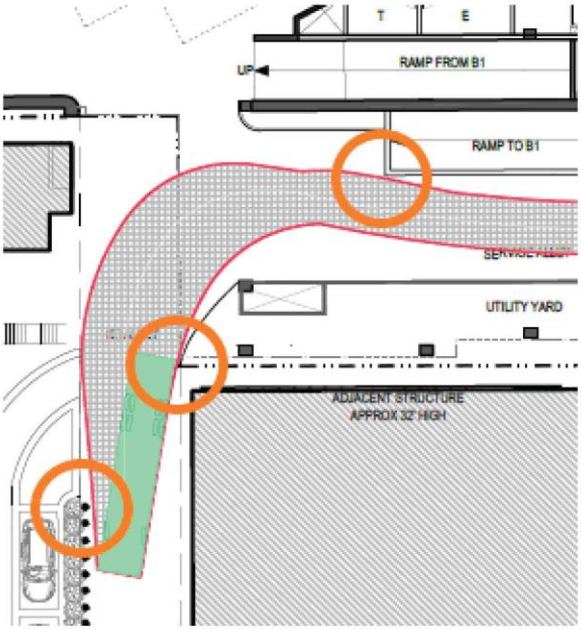
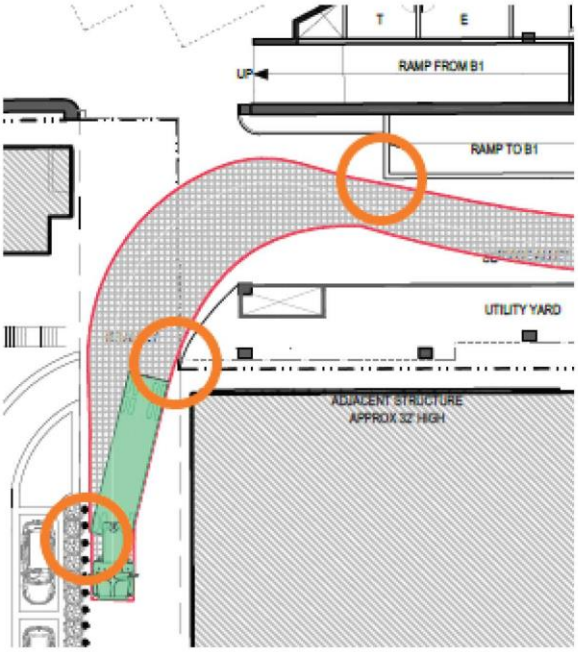


FIGURE 5: LEFT-TURN AT PROPOSED 90-DEGREE BEND IN ALLEY - WB-40 SEMITRAILER TRUCK



6-34 (Cont.)

10

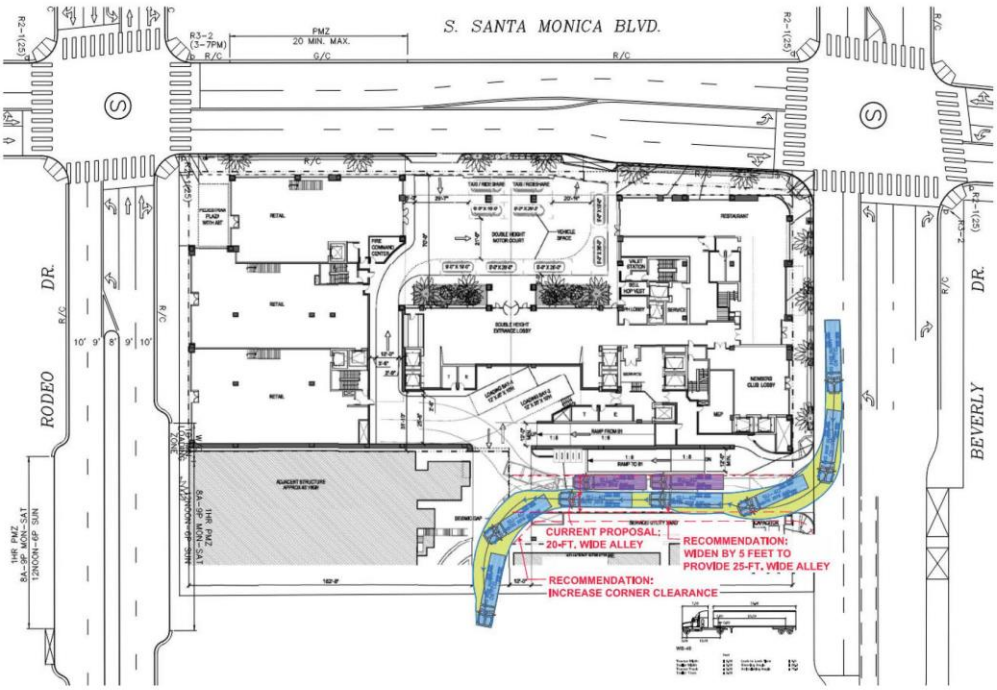
C. POTENTIALLY INSUFFICIENT EAST-WEST ALLEY WIDTH DURING CONGESTED ALLEY CONDITIONS

6-35

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



11

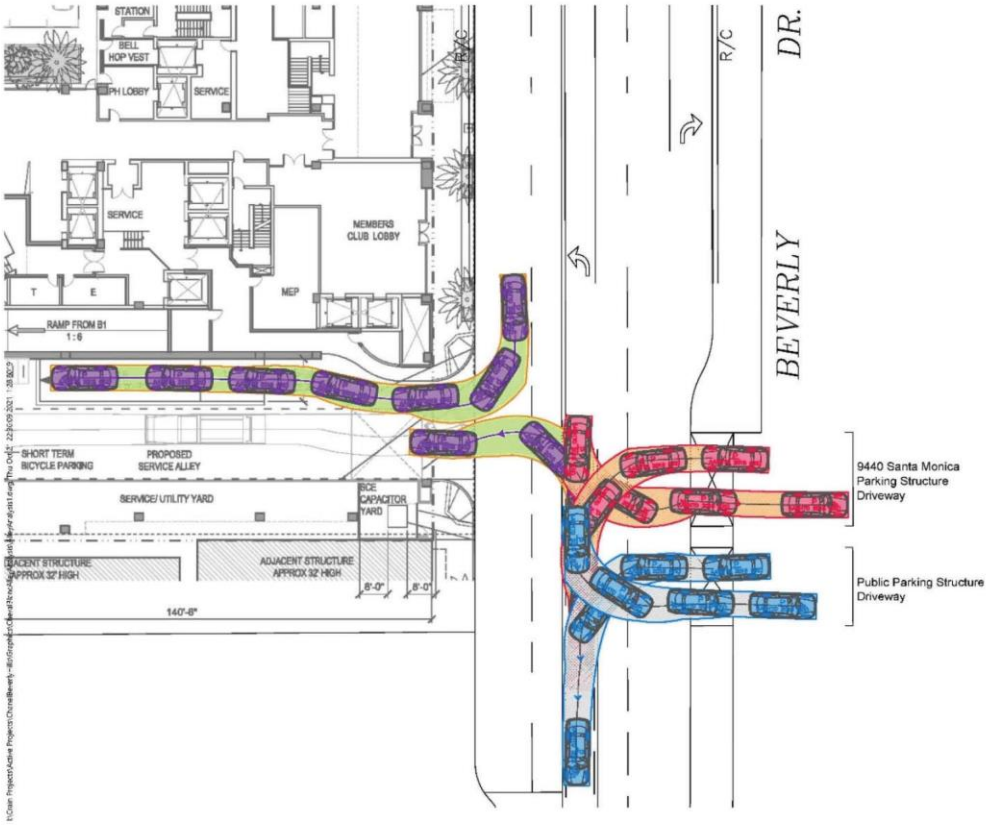
D. CONSIDERATION OF TWO EXISTING DRIVEWAYS ACROSS NORTH BEVERLY DRIVE

6-36

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



12

V. RECOMMENDATIONS

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

6-37

- 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. 6-38
- 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 Monic 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. 6-39
- 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. 6-40
- 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. 6-41
- The Project should conduct further analysis to provide more clearance on both sides of the realigned alley for the maneuvering of large vehicles. 6-42
- 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. 6-43
- 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. 6-44
- 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. 6-45

13

Letter No. 6

COMMENTER: KOA Corporation

DATE: November 1, 2021

Response 6-1

This introductory comment noting KOA Corporation's review of the transportation and parking analyses included in the Draft EIR is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. KOA's specific comments on the transportation and parking analyses are responded to below. It is noted that the comments provided in this comment letter were originally presented at the Planning Commission Hearing on October 28, 2021. Subsequently, the commenter submitted those comments in writing, as presented herein.

Response 6-2

This comment introduces comments regarding the Transportation Impact Report included as Appendix H of the Draft EIR. The commenter's specific comments regarding the Transportation Impact Report are responded to below.

Response 6-3

As noted in this comment, the trip generation rate for the restaurant was based on ITE Land Use—Quality Restaurant. The high-quality restaurant trip generation rate was used as a conservative estimate of the amount of vehicle trips that would be generated by the restaurant uses daily and during the A.M. and P.M. peak hours. The 18 peak hour trips estimated to occur in the A.M. peak hour is based on the expected operation of the restaurant space with breakfast service primarily for hotel guests.

In comparison to data collected for high-quality restaurants in Beverly Hills, the ITE trip generation rates are notably higher. As part of the Beverly Hilton Specific Plan transportation study, trip generation counts were conducted at several restaurants in February 2007 in the City of Beverly Hills including Spago, Mastro, and Lawrys. While this data was collected for use in the study for the Beverly Hilton Specific Plan, it was also applied to the study prepared for the 9900 Specific Plan in 2016 and the One Beverly Hills Overlay Specific Plan in 2020. A comparison of the trip generation rates collected for high-quality restaurants in Beverly Hills to ITE trip generation rates is summarized below.

- On a daily basis, the ITE trip generation estimate is 83.84 per KSF in comparison to 54.02 for local rates. Applying local rates would have reduced the number of daily trips from 2,104 to 1,356 (748 fewer trips).

- During the A.M. peak hour, the ITE trip generation estimate is 0.73 per KSF with 18 trips (9 inbound and 9 outbound). In comparison, the local trip generation rate is 0.33 per KSF with 8 trips (4 inbound and 4 outbound). Applying local rates would have reduced the number of A.M. peak hour trips from 18 to 8 (10 fewer trips).

- During the P.M. peak hour, the ITE trip generation estimate is 7.8 per KSF with 196 trips (131 inbound and 65 outbound). In comparison, the local trip generation rate is 4.18 per KSF with 105 trips (70 inbound and 35 outbound). Applying local rates would have reduced the number of P.M. peak hour trips from 196 to 105 (91 fewer trips).

In addition, the Project trip generation rates assume that only 20 percent of people dining at the hotel restaurants will be hotel guests. This assumption is also lower than other recent hotel projects such as the One Beverly Hills Specific Plan which assumed that trip generation of the restaurant uses were 50 percent hotel guests and 50 percent new external trips.

As part of the Beverly Hilton Specific Plan, trip generation rates were also collected at the Beverly Hilton Hotel in 2007. In comparison to data collected for this local hotel in Beverly Hills, the ITE trip generation rates are higher as summarized below.

- On a daily basis, the local trip generation estimate is 7.76 per room in comparison to 8.36 for Project rates. Applying the local trip generation rates would have reduced the number of daily trips from 961 to 892 (69 fewer trips).

- During the A.M. peak hour, the local trip generation estimate is 0.41 per room with 47 trips (28 inbound and 19 outbound). In comparison, the Project trip generation estimate is 0.47 per room with 54 trips (35 inbound and 34 outbound). Applying the local trip generation rates would have reduced the number of A.M. peak hour trips from 54 to 47 (7 fewer trips).

- During the P.M. peak hour, the local trip generation estimate is 0.57 per room with 66 trips (34 inbound and 32 outbound). In comparison, the Project trip generation estimate is 0.60 per room with 69 trips (35 inbound and 34 outbound). Applying the local trip generation rates would have reduced the number of P.M. peak hour trips from 69 to 60 trips (9 fewer trips).

Response 6-4

This comment states that the trip generation of the day spa should have been based on data collected for similar day spas to estimate the trip generation of the proposed day spa. As explained in Section 2.2 of the Transportation Impact Report included in Appendix H of this Final EIR, due to the statewide stay-at-home order and social distancing measures issued by the Governor of California and Los Angeles County Department of Health to slow the spread of COVID-19, data collection in 2020 or early 2021 when the transportation impact study was being conducted would not reflect typical travel conditions in the study area. Therefore, collecting local rates would not be valid for use in the analysis of the proposed day spa. In addition, while the sample size of the ITE trip generation rates is low, the number of trips that are stated to occur based on the size of the salon are higher than the number of trips that would be generated by a day spa. This is because the amount of space (i.e., square footage) allocated to a person in a hair salon is much smaller than the amount of space needed for various treatment rooms in a day spa. In addition, the amount of time a client spends in a day spa is also longer than the amount of time typically spent in a hair salon. Both of these factors mean that on a per square footage basis fewer people visit a day spa than a hair salon. As shown in Table 2 in the Transportation Impact Report, the trip generation of the proposed day spa is estimated to be 188 daily trips with 16 trips occurring during the A.M. peak hour and 19 trips occurring during the P.M. peak hour. Of these trips, only 20 percent are assumed to be hotel guests and internal to the Project Site. The proposed day spa is an ultra-luxury spa with large treatment rooms that is expected to primarily serve hotel guests. Therefore, the trip generation estimates reported in the Transportation Impact Report are expected to be higher than would actually occur at the Project Site.

Response 6-5

As stated in the comment, the trip generation for the private membership club was based on the maximum allowable number of members and the expected club operations. The employees of the private club will be employees serving the overall operations of the proposed hotel. The employee estimate included in Appendix B of the Transportation Impact Report for the private membership club was not intended to discount the trip generation of the club members. Rather, the employee trips are summarized for each use in the Project Site to estimate the number of vehicle-trips that would utilize the Motor Court and the number of employee trips that would travel directly to the subterranean parking garage that has access to/from the realigned alley. The percentage of trips generated by employees is based on the percentage of parking demand generated by employees for each use on the Project Site. For both the hotel and private club, 13 percent of the travel demand is expected to be generated by employees. For the private membership club, this results in an estimated 23 daily employee trips with 3 trips occurring during the A.M. peak hour and 5 trips occurring during the P.M. peak hour. No additional credits were applied to

the Project trip generation. However, it should be noted that hotel and club employees who wish to travel by transit would be provided with free transit passes, and secure bicycle parking, showers, and lockers, and charging facilities for e-bicycles, would be provided to encourage bicycle commuting, both of which measures may reduce employee vehicle trips.

As stated in Section 3.1.2 of the Transportation Impact Report, Project Trip Generation, the only proposed use that was not estimated using ITE rates was the 500-member private membership club. The club provides access to a screening room, bar, lounge and social spaces, and access to the hotel's wellness center and spa. The club will have the ability to hold a limited number of members-only events per year, subject to limits on the number of attendees. Due to the unique nature of the programmed activities, there is not a comparable trip rate provided by ITE. A custom trip generation rate was developed for the private membership club for member trips based on the expected daily member visitation as identified in the Parking Demand Analysis Study (July 16, 2020) for the Project. Based on the membership levels and site amenities, the membership club was estimated to generate 180 daily vehicle-trips and up to 40 vehicle-trips in a peak hour. This daily trip generation also assumes that members will drive alone to the Project Site; attendees at club special events are assumed to drive with two people in each car.

While there is not a comparable ITE rate for the membership club, a similar use proposed for the Amenities Access Program (AAP) for the One Beverly Hills Specific Plan relied on trip rates developed for the Arts Club West Hollywood Project,[17] located at 8920 West Sunset Boulevard in the City of West Hollywood. The Arts Club is a membership club founded in London and includes restaurants, lounges, private dining, guestrooms, an outdoor pool and deck, and a fitness center/spa. The trip generation rates are based on membership levels and employees working on site. Based on trip generation rates contained in Transportation Study for the Arts Club West Hollywood Project (West Hollywood, California), the trip generation rates developed for the Project are higher as summarized below.

- On a daily basis, the West Hollywood Club trip generation estimate is 0.29 per member in comparison to 0.36 for the Project. Applying the West Hollywood rates would have reduced the number of daily trips from 180 to 145 (35 fewer trips).

- During the A.M. peak hour, the West Hollywood trip generation estimate is 0.02 per member with 10 trips (8 inbound and 2 outbound). In comparison, the Project trip generation estimate is 0.04 per member with 20 trips (16 inbound and

[17] *One Beverly Hills Overlay Specific Plan Final SEIR, City of Beverly Hills, June 2021.*

4 outbound). Applying the West Hollywood rates would have reduced the number of A.M. peak hour trips from 20 to 10 (10 fewer trips).

- During the P.M. peak hour, the West Hollywood trip generation estimate is 0.02 per member with 10 trips (8 inbound and 2 outbound). In comparison, the Project trip generation estimate is 0.08 per member with 40 trips (32 inbound and 8 outbound). Applying the West Hollywood rates would have reduced the number of P.M. peak hour trips from 40 to 10 (30 fewer trips).

Response 6-6

The trip generation for the private membership club was based on the maximum allowable number of members and the expected club operations. As stated in the comment, all evening visitors were assumed to travel to/from the club during the P.M. peak hour, generating approximately 40 vehicle trips. For the other daytime visitors to the club, a portion were assumed to be generated during the A.M. peak hour. As a conservative assumption, 20 of the 50 total daytime visitors were assumed to occur in the A.M. peak hour. This is a conservative assumption because most of the daytime activities are expected to occur in the late morning, during lunchtime, or in the early afternoon outside of the typical morning commute period.

Response 6-7

The comment states that a reduction in trip generation due to internal capture was not taken for the hotel uses. This is correct; applying an internal capture reduction to the hotel would have resulted in a lower trip generation for the Project Site. The 20 percent internal capture rate reflected in the trip generation estimates for the restaurant, retail, and day spa uses assumes that the hotel is the primary generator of new vehicle-trips to the Project Site and that some hotel guests will also visit these other uses on the site. In addition, the comparison of hotel trip generation to the internal capture for the other uses is not appropriate. This is because internal capture does not only occur between the hotel guests and other uses on the site. For example, a person dining at the restaurant may also shop at one of the retail stores or a person visiting the day spa may also dine at a restaurant. While members of the private club are also expected to utilize these uses on site, no additional internalization was taken for club members.

As explained in Section 3.1 of the Transportation Impact Report included in Appendix H of this Final EIR, the internalization of the Project Site is consistent with the internal capture rate assumed in the Parking Demand Analysis Study included in Appendix H.3 of this Final EIR. In addition, the Mixed-Use (MXD+) Trip Generation Model, included as Appendix H.5 of this Final EIR, was also utilized to determine if this level of internalization was reasonable. The MXD+ Model was developed by Fehr & Peers and the Environmental Protection Agency (EPA), and it accounts for the site context and other

factors to estimate potential internalization and multimodal trip reductions. MXD+ takes into account the land uses that are being proposed and the built environment surrounding the Project Site. For the Project, the MXD+ model estimated a reduction of 34.5 percent daily trips, 39.3 percent A.M. peak hour trips and 41.3 percent P.M. peak hour trips due to internalization within the Project Site and other trips that are generated externally to the Project Site but expected to occur by walking, biking, and taking transit. While the 20-percent internalization reduction applied to the Project trip generation is reasonable when accounting for the interaction of on-site uses, the MXD+ model is estimating that there will be nearby trips between the Project and the adjacent uses in the Business Triangle area that can occur by a short walking trip. Applying the results from the MXD+ model would have reduced the trip generation of the Project from 3,503 to 2,744 daily trips, 114 to 80 A.M. peak hour trips, and 334 to 246 P.M. peak hour trips. To take a more conversative approach to estimating the trip generation for the Project, the MXD+ model results showing significant trip generation reductions were not applied to the impact analysis.

Response 6-8

The comment states that pass-by trips were not accounted for when describing the trip generation of the existing uses on the Project Site that would be demolished during construction of the Project. The purpose of Table 4 in the Transportation Impact Report included in Appendix H of this Final EIR is to provide an overall comparison between the number of vehicles expected to be generated by the Project and the estimated number of vehicles generated historically by the existing buildings. When analyzing Project impacts, the total number of vehicle trips generated by the Project were accounted for in the analysis. As shown in Table 2 of the Transportation Impact Report, the pass-by reduction for the proposed retail uses is estimated at 226 daily trips with 5 trips during the A.M. peak hour and 23 trips during the P.M. peak hour.

Response 6-9

As described in Section 3.1 of the Transportation Impact Report, the Project would replace 56,787 square feet of existing commercial space. A portion of the existing commercial space is the building located at 461–465 North Beverly Drive which has 23,351 square feet of institutional uses with 5 surface parking spaces and 45 underground parking spaces accessed by a driveway on South Santa Monica Boulevard. While this building was occupied by an art exhibit at the time the Transportation Impact Report was prepared, the site historically operated as the Paley Center for Media. Given the unique use of the Paley Center for Media and that data collection was not possible since the Paley Center was no longer in operation, a reasonable trip generation estimate for the site needed to be developed. Given that the ITE trip generation rate for a shopping center includes a broad range of uses that can be located within a retail and commercial complex,

the shopping center rate was used as a reasonable estimate for the historic trip generation for the existing uses. However, it should be noted that the purpose of estimating the historical trip generation of the existing buildings was simply to provide a comparison to the trip generation of the Project. When analyzing traffic operations with the proposed uses, the total gross Project-related trip generation was added to the existing (2019) traffic volumes at the study intersections as explained in the Local Transportation Assessment and only existing uses still in operation—not including the Paley Center for Media—were accounted for in the analysis of the adjacent study intersections.

Response 6-10

As explained in this comment, the trip generation rates applied to the Project were primarily from the ITE Trip Generation Manual (10th Edition, 2017). At the time the transportation study was completed, this was the most recent version of the Trip Generation Manual that was available. However, since the publication of the Draft EIR, a new 11th Edition (October 2021) Trip Generation Manual was released by ITE. The 11th Edition trip rates contain new data (as well as historic data) collected since the 10th Edition and captures the increased popularity of TNCs for daily travel needs. In comparing the 10th Edition and 11th Edition trip generation rates, the newest rates are the same or slightly lower than those reported in the Transportation Impact Report. For hotel uses, the daily trip generation rate was reduced from 8.36 daily trips per room to 7.99 and the A.M. and P.M. peak hour rates are also slightly lower (0.47 was reduced to 0.46 during the A.M. peak hour and 0.60 was reduced to 0.59 during the P.M. peak hour). The average trip generation rate for a shopping center was also slightly reduced from 37.75 daily trips per KSF to 37.01, the A.M. peak hour rate was reduced from 0.94 to 0.84, and the P.M. peak hour rate was reduced from 3.81 to 3.4. The trip generation rates for quality restaurants and hair salons remained the same. Applying the new 11th Edition rates to the Project reduces the daily trip generation by 53 vehicle trips, reduces the A.M. peak-hour trip generation by 2 vehicle trips, and reduces the P.M. peak hour trip generation by 6 vehicle trips.

The latest trip generation data published by ITE does not provide any evidence that trip generation rates are increasing due to TNCs. Rather, TNCs provide an alternative travel option to driving one's own vehicle. In addition, while TNCs reduce on-site parking demand, they are not assumed to decrease the trip generation of a project. As shown in Table 3 in the Transportation Impact Report, the shift from driving a private vehicle and parking at the Project Site to some visitors traveling in a TNC increases the trip generation by 6 vehicle-trips during the A.M. peak hour and 26 vehicle-trips during the P.M. peak hour. The request by the commenter that every inbound and outbound TNC trip at the Project Site be considered a separate vehicle-trip is not a reasonable assumption. Given the high demand expected for TNC activity, it is reasonable to assume that some of the TNCs dropping off a visitor will also pick-up a visitor leaving the Project Site. It is estimated that

19 of the 25 TNCs dropping off a passenger will also pick up a passenger during the A.M. peak hour and that 49 of 75 TNCs dropping off a passenger will also pick up a passenger during the P.M. peak hour. The transportation analysis also assumes that all TNC activity will occur in the Motor Court. While the Motor Court is being designed to accommodate the anticipated demand for valet pick-up/drop-off of vehicles and TNC operations, it is very likely that some TNCs will use other nearby loading or curbside parking areas adjacent to the Project Site. As explained in Section 2.2 of the Transportation Impact Report, due to the statewide stay-at-home order and social distancing measures issued by the Governor of California and Los Angeles County Department of Health to slow the spread of COVID-19, data collection in 2020 or early 2021 when the transportation study was being conducted would not reflect typical travel conditions in the study area. Therefore, collecting additional information on TNCs would not reflect typical conditions.

Response 6-11

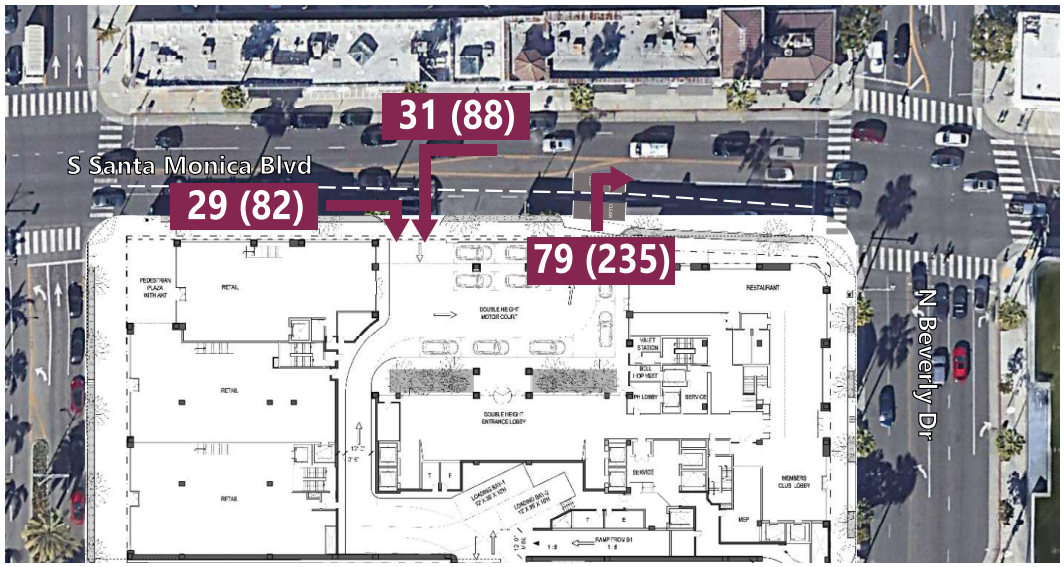
This comment introduces comments regarding the Local Transportation Assessment included in Appendix H.2 of the Draft EIR. Although Senate Bill 743 eliminated LOS as a measure of vehicular capacity and traffic congestion as a basis for determining significant transportation impacts under CEQA, changes to local traffic operations are still considered for projects in the City of Beverly Hills to inform decision-makers on the overall circulation effects of a project. However, the conclusions of the LOS analysis are irrelevant to the transportation analysis required by CEQA. Nevertheless, a response to the comments is provided as part of the Final EIR and the commenter's specific comments regarding the Local Transportation Assessment are responded to below.

Response 6-12

The technical calculation included in the appendix to the Local Transportation Assessment that reported the delay of 89.8 seconds for vehicles exiting the motor court during the P.M. peak hour under Year 2026 conditions does not reflect the "Keep Clear" lane striping that will be placed on South Santa Monica Boulevard at the motor court exit that is recommended as a condition of approval. The amount of delay reported by Synchro for vehicles turning from a side-street/driveway onto an arterial with higher traffic flows in urban areas is typically higher than observed through field observations. In addition, knowing that the delay was overestimated for vehicles exiting the motor court, the purpose of this technical calculation contained in the report's appendix was to analyze the delay and vehicle queuing for the inbound left-turning movement from westbound South Santa Monica Boulevard into the proposed motor court as reported in Tables 10, 11, 12, and 13 of the Local Transportation Assessment where it is noted that operations only on the public roadway approaches are reported. Figure 10.0-2 on page 10.0-114 shows two alternatives for vehicle access to the motor court. Option 1 would permit left turns from Westbound South Santa Monica Boulevard and right turns from eastbound

Option 1

Left turns permitted to access Motor Court



Option 2

Right turns only to access Motor Court

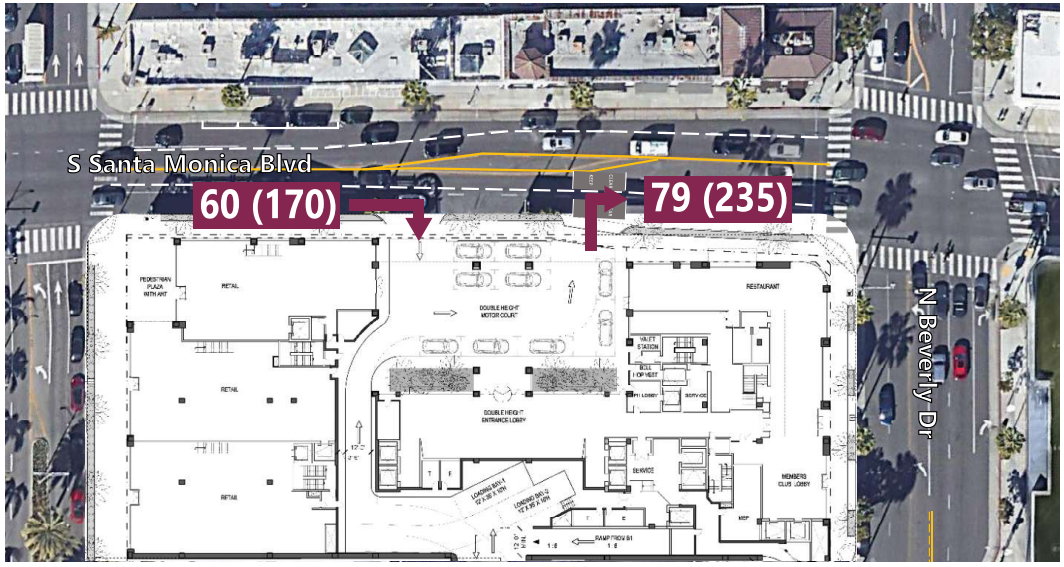


Figure 10.0-2

Proposed Options for Vehicle Access to the Motor Court with Turning Volumes

Source: Fehr and Peers, 2022.

South Santa Monica Boulevard into the motor court. Option 2 would restrict left turns and would only permit right turn access from eastbound South Santa Monica Boulevard. Both options would only allow right turn movements from the exit driveway of the motor court onto eastbound South Santa Monica Boulevard. It is recommended that the Project approval include a condition of approval to paint "Keep Clear" lane markings would be added on eastbound South Santa Monica Boulevard to accommodate vehicles exiting the motor court.

Figure 10.0-3 on page 10.0-116 shows the motor court trips by vehicle type. This includes visitor vehicles, valet trips, and TNC vehicles. The figure also shows the vehicles generated for each land use type proposed for the Project. As shown, on a daily basis, 28 percent of the vehicle-trips would be generated by the hotel, 5 percent would be generated by the private membership club, 48 percent would be generated by the restaurants, 14 percent would be generated by the retail uses, and 4 percent would be generated by the day spa. During the peak hour with the highest demand for vehicle trips, 19 percent of trips would be generated by the hotel, 11 percent would be generated by the private membership club, 51 percent would be generated by the restaurants, 14 percent would be generated by the retail uses, and 4 percent would be generated by the day spa. Visitors and TNC's would enter the motor court at the entrance driveway and would exit the motor court at the exit driveway. Valet drivers parking visitor vehicles would exit the motor court at the exit driveway onto eastbound South Santa Monica Boulevard and would enter the Project's subterranean parking facility at the realigned alley. Valet drivers would return visitor vehicles to the motor court from the parking garage by a one-way internal driveway providing direct access to the motor court. If the valet loading spaces in the motor court were occupied, valet drivers could wait in the one-way internal driveway until a loading space became available and not impact motor court operations. Given the size of the motor court in comparison to other existing sites in Beverly Hills and the ability for valet drivers to queue on the internal driveway until a loading space is available, vehicles are not expected to queue back onto South Santa Monica Boulevard.

Legend

- Visitor Trips
- TNC Trips
- Valet Trips
- Total Trips
- **35 (95)** AM (PM) Vehicle Trips

Motor Court Activity – Vehicle Trips by Project Use

Project Use	Daily Trips (% of total)	Highest Peak Hour Trips (% of total)
Hotel	836	60
	28%	19%
Club	157	35
	5%	11%
Restaurant	1,431	159
	48%	51%
Retail	428	43
	14%	14%
Spa	131	13
	4%	4%
TOTAL	**2,983**	**310**
	100%	**100%**

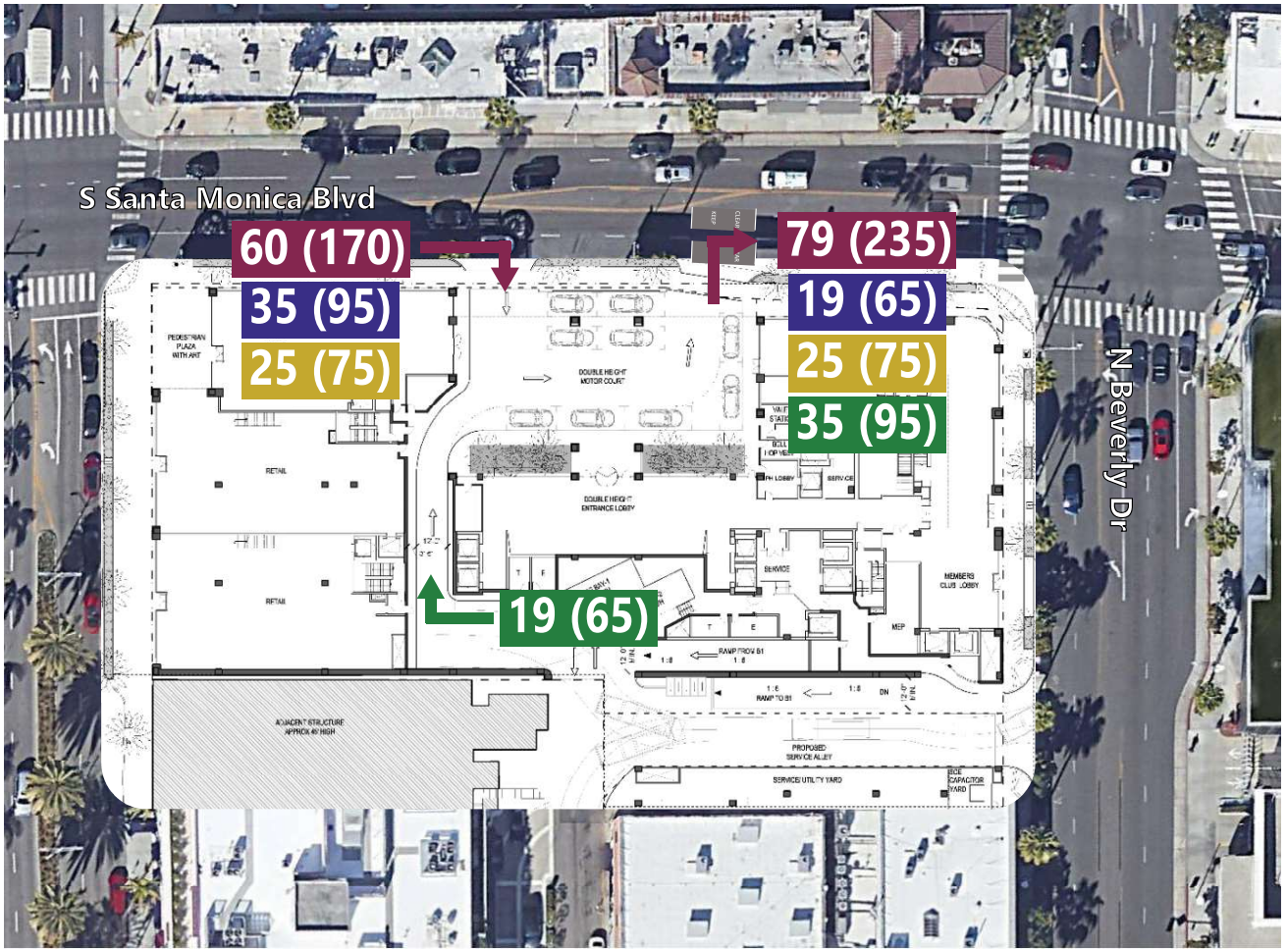


Figure 10.0-3
Motor Court Trips by Vehicle Type

Source: Fehr and Peers, 2022.

Response 6-13

During the preparation of the Local Transportation Assessment in early 2021, travel demand in the study area did not reflect typical conditions due to the Covid-19 pandemic and historical traffic count data was used. However, previous traffic counts for the driveways on N. Beverly Drive were not available. To estimate current travel demand and address comments received on the Draft EIR, new traffic count data was collected for the driveways on N. Beverly Drive serving the buildings at 9440 Santa Monica Boulevard, and the City's parking structure at 438 N. Beverly Drive. Traffic counts were collected on Thursday, November 18, 2021. Table 10.0-3 on page 10.0-118 shows the inbound and outbound turning movements by 15-minute increments for 9440 South Santa Monica Boulevard in the afternoon between 3:00 P.M. and 5:30 P.M. This time period was selected to capture the afternoon commercial and shopping activity in the area when traffic volumes to/from the parking facilities are expected to be highest on a weekday. Table 10.0-4 on page 10.0-119 shows the inbound and outbound turning movements in 15-minute increments for 438 North Beverly Drive.

Figure 10.0-4 on page 10.0-120 shows the inbound and outbound peak hour turning movements on North Beverly Drive and the Project's proposed realigned alley, 9440 South Santa Monica Boulevard, and the City's parking structure at 438 North Beverly Drive. As shown, 24 vehicles enter the two driveways on the east side from southbound North Beverly Drive during the peak hour (10 vehicles enter the northern driveway and 14 vehicles enter the southern driveway) and 108 vehicles exit the driveways (18 vehicles exit the northern driveway and 90 vehicles exit the southern driveway). The majority of vehicles exiting the driveways are making a right turn onto North Beverly Drive. The parking structure at 438 North Beverly Drive is signed to allow right-turns only for exiting vehicles; however, 3 vehicles were observed to make the left-turn movement. The driveway serving 9440 South Santa Monica Boulevard does not restrict turning movements for outbound vehicles. However, only 2 vehicles were observed to make a left-turn movement during the peak hour.

Traffic operations for the driveway intersections on North Beverly Drive was analyzed with the additional turning movements for the driveways on the east side of the street. Given the closely spaced driveways on the east side of North Beverly Drive, the left-turn movements were treated as a single travel lane (i.e., a vehicle can only turn into one driveway at a time). The traffic operations analysis results are summarized below:

- Under Existing Plus Project Conditions, the northbound left-turn movement into the realigned alley is expected to operate at LOS C and the left-turn movements into the eastern driveways is expected to operate at LOS A.

Table 10.0-3
9440 S. Santa Monica Boulevard Driveway Turning Movements

Time	9440 S. Santa Monica Blvd				
	Left Turn In	Right Turn In	Left Turn Out	Right Turn Out	Total
3:00–3:15 P.M.	0	1	0	7	8
3:15–3:30 P.M.	0	0	0	0	0
3:30–3:45 P.M.	6	0	0	6	12
3:45–4:00 P.M.	4	1	2	3	10
4:00–4:15 P.M.	0	0	0	5	5
4:15–4:30 P.M.	0	1	0	1	2
4:30–4:45 P.M.	1	0	1	5	7
4:45–5:00 P.M.	0	0	1	4	5
5:00–5:15 P.M.	1	1	0	15	17
5:15–5:30 P.M.	0	0	0	6	6
Total	**12**	**4**	**4**	**52**	**72**
Peak-Hour Period		**4:30–5:30 P.M.**			
Peak-Hour Volume					**35**

Source: Fehr & Peers, 2022.

- Under Future Plus Project Conditions, the northbound left-turn movement into the realigned alley is also expected to operate at LOS C and the left-turn movements into the eastern driveways is expected to operate at LOS B.

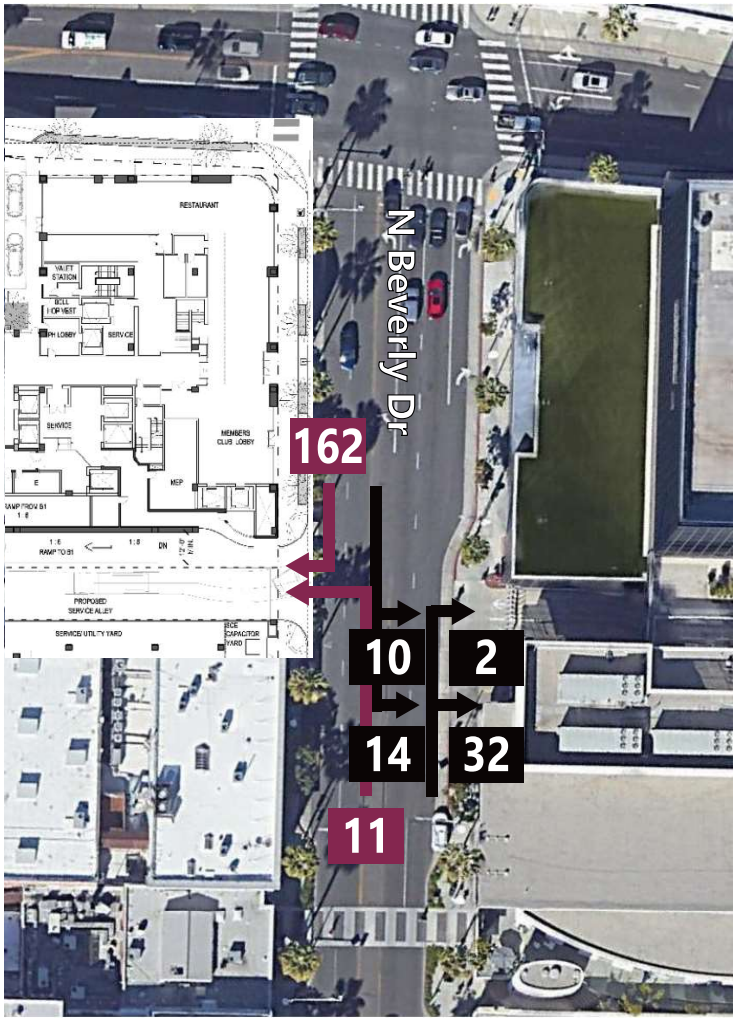
To prevent the conflicting turning movements for the realigned alley and the eastern driveways, the northbound left-turn movement could be prohibited. However, since North Beverly Drive contains a two-way center left-turn lane, physically restricting access for the northbound left-turn movement is not possible without also blocking access for southbound left-turning vehicles. Based on the turning movements for the existing alley entrance on South Santa Monica Boulevard and the expected travel patterns for the Project, most vehicles are expected to enter the alley from southbound North Beverly Drive. There will be times when the 11 peak hour vehicles making the northbound left-turn movement conflict with the 24 vehicles making the southbound left-turn movement; however, the design of a two-way left-turn lane is intended to serve areas with minimal access control and frequent turning movements such as the closely spaced driveways on N. Beverly Drive.

Table 10.0-4
438 North Beverly Drive Driveway Turning Movements

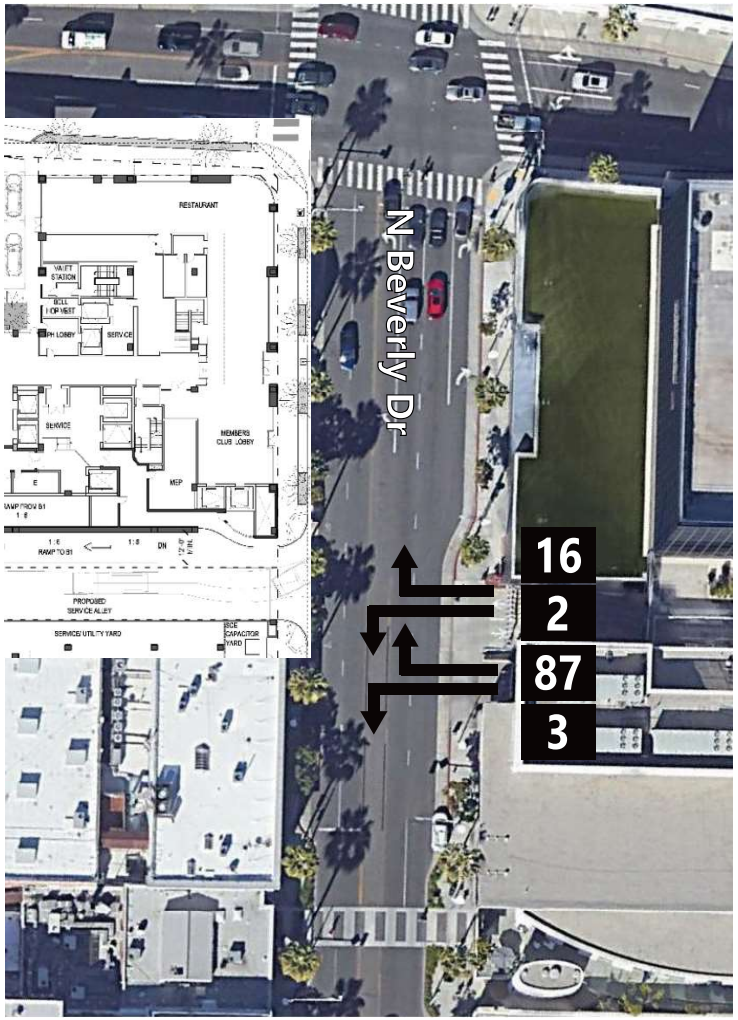
Time	438 N. Beverly Drive				
	Left Turn In	**Right Turn In**	**Left Turn Out**	**Right Turn Out**	**Total**
3:00–3:15 P.M.	2	12	2	25	41
3:15–3:30 P.M.	6	6	0	25	37
3:30–3:45 P.M.	2	7	0	21	30
3:45–4:00 P.M.	4	7	1	16	28
4:00–4:15 P.M.	4	10	1	20	35
4:15–4:30 P.M.	5	10	1	18	34
4:30–4:45 P.M.	7	8	0	11	26
4:45–5:00 P.M.	5	12	1	12	30
5:00–5:15 P.M.	5	9	2	19	35
5:15–5:30 P.M.	4	7	2	16	29
Total	**44**	**88**	**10**	**183**	**325**
Peak-Hour Period		**3:00–4:00 P.M.**			
Peak-Hour Volume					**136**

Source: Fehr & Peers, 2022.

Inbound Turning Movements on N Beverly Drive



Outbound Turning Movements on N Beverly Drive



Estimated Volumes for Cheval Blanc Alley Realignment

Existing Turning Movements for Adjacent Properties

Figure 10.0-4

Peak Hour Turning Movements on North Beverly Drive

Source: Fehr and Peers, 2022.

Response 6-14

The amount of parking being proposed by the Project is based on the Parking Demand Analysis Study that was updated subsequent to the publication of the Draft EIR (see Appendix H.3 of this Final EIR). The parking demand analysis considers the Project's proximity to transit and proposed land use types and sizes using two analytical frameworks. The Parking Demand Analysis Study first presents the amount of parking that would be required by the City's municipal code after application of two parking reduction credits that are available to hotel projects: (1) that include retail (BHMC Section 10-3-2866.D.1); and (2) that are close to transit (BHMC Section 10-3-2866.I). Second, the Parking Demand Analysis Study calculates the parking demand for each separate use based on the Urban Land Institute's *Shared Parking*'s[18] base parking demand rates, with drive ratios applied based on data collected from similar existing uses operating in pre-pandemic conditions. Under both scenarios, *Shared Parking*'s time of day shared parking principles are then applied to arrive at the parking demand anticipated for the multi-use Project. The amount of parking being proposed for the Project is appropriate based on the mixed use nature of the Project, the Project's location in the City's central business triangle, and its proximity to transit; the actual parking demand for the Project is based on parking principles described in *Shared Parking*. The Project is not requesting a conditional use permit, but rather proposing a Specific Plan. And, as explained in Response 6-16, the limitation in Beverly Hills Municipal Code section 10-3-2866(I) is not applicable. Further, California Public Resources Code 21099 (d)(1) states that "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Therefore, the conclusions of the Parking Demand Analysis Study are irrelevant to the transportation analysis required by CEQA. Nevertheless, a response to the comments is provided as part of the Final EIR and the commenter's specific comments regarding the Parking Demand Analysis Study included as Appendix H.3 of the Draft EIR are responded to below.

Response 6-15

The Parking Demand Analysis Study calculates the amount of parking that would be required by the City's municipal code including two specific parking reduction credits that are available to projects with a mix of land uses and are close to transit. The comment is incorrect that the parking reduction credit was applied to the member's club. Table 2 in both the original and updated parking demand studies show the parking reduction credit based on the City's municipal code. As shown, a 50 percent reduction in hotel room parking demand is credited to the parking required for retail uses (BHMC Section 10-3-2866.D.1) and a 15 percent reduction is applied to the hotel, hotel restaurant/bar,

[18] *Urban Land Institute, Shared Parking, 3rd Edition.*

restaurant/bar, and retail land uses (BHMC Section 10-3-2866.I). No parking reduction was applied to the member's club. Further, the actual parking demand for the Project is based on parking principles described in *Shared Parking*. The information contained in Appendix B: City Code Shared Parking Time-of-Day Parking Demand is based on the shared parking methodology and not based on the City's municipal code, and therefore, the parking reductions are not expected to match the municipal code reduction credits.

Response 6-16

The comment is incorrectly comparing the parking demand estimates based on the City's municipal code and the parking demand analysis based on ULI's Shared Parking methodology. The parking demand study presents two different methodologies to estimate the parking demand for the Project. First, the Parking Demand Analysis Study presents the calculation of the Project's parking requirements based on the application of the City's municipal code (pages 2 to 6 of the updated Parking Demand Analysis Study included in Appendix H.3 of this Final EIR) and includes the application of two available credits that would be available to a hotel project consistent with the City's hotel regulations (Article 28.6). The first credit applies to hotel projects with a commercial component (BHMC Section 10-3-2866.D.1) and the second credit applies to commercial uses located near transit (BHMC Section 10-3-2866.I). The comment that these credits would not be available to the Project is a misreading of the City's municipal code. Both of these parking credits are contained in BHMC Section 10-3-2866, and therefore, would be available to a project built under BHMC Hotel Regulations. The commenter's claim that BHMC Section 10-3-2866.I includes a statement that joint use provisions in Section 10-3-2730 negates the use of both credits is inaccurate. This language refers to a daytime/nighttime joint use credit in the general BHMC parking regulations (specifically Section 10-3-2730F) and that joint use credit was not applied in the parking demand study.

The Project's code-required parking was further analyzed using the principles of Shared Parking. This methodology was used to determine whether the amount of code required parking could be reduced through the provision of a shared parking supply for the different components of the Project. The shared parking methodology accounts for the type of use being proposed, applies the City's municipal code parking requirements for each use, and then utilizes shared parking time of day factors to estimate the peak parking demand expected to occur on a weekday and weekend. This analysis of code required parking presented in the Draft EIR concluded that the proposed parking supply of 178 spaces would meet the projected peak parking demand for the Project. The revised analysis of code required parking presented in the updated Parking Demand Analysis Study concluded that the Project's proposed parking supply of 185 spaces would meet the projected peak parking demand.

The second methodology used to estimate the Project's parking demand was based entirely on the ULI Shared Parking methodology (pages 8 to 10 of the updated Parking Demand Analysis Study) with the exception of the member's club given the unique nature of the use. The base parking demand ratios, time-of-day adjustment factors, monthly adjustment factors, hourly adjustment factors, and internal capture and drive-alone assumptions used in the ULI Shared Parking methodology are informed by data collected at numerous different land use types across the United States and represent the current state-of-the-practice for estimating shared parking demand for land use projects. Applying this methodology, the Draft EIR parking analysis concluded the Project's projected peak demand of 178 spaces could be accommodated by the proposed supply of 178 spaces. In the updated parking demand study, two different parking rates were applied to the member's club and the difference equated to a net increase in parking demand of one vehicle (see Response 6-17 for additional information on Scenarios A and B for the member's club). The higher parking estimate for the member's club (one space) and additional updates to the Shared Parking assumptions resulted in a peak parking demand and proposed parking supply of 185 spaces.

As described above, the comparison of the assumptions contained in Tables 2 and 3 is misleading because these tables rely on two different methodologies to estimate the Project's parking demand. Table 2 presents the parking required per the City's municipal code and Table 3 incorporates time-of-day adjustment factors from the ULI shared parking methodology. The information presented in Appendix E of the Draft EIR Parking Demand Analysis Study (Appendix H.3 of the Draft EIR), and in Appendix F of the updated Parking Demand Analysis Study, is based entirely on the ULI Shared Parking methodology and is therefore not comparable to the information presented in Table 2 and Table 3.

Response 6-17

Table 3 in the updated Parking Demand Analysis Study shows the parking demand for both visitors and employees for the hotel, hotel restaurant/bar (includes 14,668 SF of restaurant/bar on 2nd, 6th, and 7th floors and 2,260 square feet of private outdoor dining on L7), restaurant/bar (includes 5,666 square feet of restaurant/bar on Ground Floor and 2,500 square feet of private outdoor dining on L6), and retail uses. The only use that does not have a separate estimate for employee parking demand is the private member's club. This is because hotel employees will also serve the member's club. In addition, the updated Parking Demand Analysis Study included in Appendix H.3 of this Final EIR presents two scenarios for estimating the parking demand of the member's club (pages 9 and 10) including the parking demand for employees. Scenario A is based on the expected operations of the Project and the parking demand for employees is included as part of the hotel parking demand. Scenario B is based on information obtained for a similar proposed membership club in West Hollywood. The parking demand for the Arts Club West Hollywood Project was estimated separately for their members and employees. In

comparing the parking demand estimates for Scenarios A and B, Scenario B has a higher parking demand of one vehicle (184 versus 185 parking spaces). Therefore, Scenario B was used to calculate the parking demand and the Project proposes 185 parking spaces.

Response 6-18

The comment is expressing concern with the time-of-day adjustments applied to the shared parking methodology. The specific comments are addressed in the responses below.

Response 6-19

In the Draft EIR shared parking analysis, the visitor time-of-day adjustment was applied to hotel restaurant employees. In the updated Parking Demand Analysis Study, this factor was corrected and the appropriate time-of-day adjustment for hotel restaurant employees was applied.

In the Draft EIR shared parking analysis, the total estimated weekday parking demand was 170 and the total estimated weekend parking demand was 178. As described in Response 6-17, the updated Parking Demand Analysis Study presents two scenarios for estimating the parking demand of the member's club. In Scenario A of the updated Parking Demand Analysis Study, the total estimated weekday parking demand is 178 and the total estimated weekend parking demand is 184. In Scenario B, the total estimated weekday parking demand is 185 and the total estimated weekend parking demand is 180. The estimated parking demand for hotel restaurant employees did not change in Scenario A of the updated Parking Demand Analysis Study compared to the Draft EIR shared parking analysis. In both studies, the weekday parking demand for hotel restaurant employees is 4, and the weekend parking demand is 12. However, in Scenario B of the updated Parking Demand Analysis Study, the weekday parking demand for hotel restaurant employees is 11, and the weekend demand is 12.

Response 6-20

In the shared parking analysis that was prepared for the Draft EIR, the typical retail time-of-day adjustment for visitors and employees was applied for the weekday parking demand analysis. However, for the weekend parking demand analysis, the December time-of-day adjustment was applied to retail visitors, and the typical weekday employee time-of-day adjustment was applied for weekend employees. In the updated analysis, the typical weekend time-of-day adjustment factor has been updated and applied for retail visitors and employees.

As explained in Response 6-19, in the Draft EIR shared parking analysis, the total estimated weekday parking demand was 170 and the total estimated weekend parking demand was 178. As described in Response 6-17, the updated Parking Demand Analysis Study presents two scenarios for estimating the parking demand of the member's club. In Scenario A of the updated Parking Demand Analysis Study, the total estimated weekday parking demand is 178 and the total estimated weekend parking demand is 184. In Scenario B, the total estimated weekday parking demand is 185 and the total estimated weekend parking demand is 180.

In the Draft EIR shared parking analysis, the estimated weekday demand for retail visitors was 14 and the estimated weekday demand for employees was 7. The estimated weekend demand for retail visitors was 14 and the estimated weekend demand for employees was 3. The updated Parking Demand Analysis Study included in Appendix H.3 of this Final EIR has a higher parking demand estimate for retail uses. In Scenario A of the updated Parking Demand Analysis Study, the estimated weekday demand for retail visitors is 37 and the estimated weekday demand for employees is 8. The estimated weekend demand for retail visitors is 20 and the estimated weekend demand for employees is 3. In Scenario B of the updated Parking Demand Analysis Study, the estimated weekday demand for retail visitors is 37 and the estimated weekday demand for employees is 9. The estimated weekend demand for retail visitors is 39 and the estimated weekend demand for employees is 10.

Response 6-21

For hotel-leisure employees, the Shared Parking, 3rd Edition time-of-day adjustments are the same for weekday and weekend, which is reflected in the shared parking analysis included in the Draft EIR. For the fine dining land use, the employee weekday and weekend time-of-day adjustments were applied correctly in both the original and updated analyses. However, for the retail land use, weekday time-of-day adjustment for employees was applied to the weekend analysis in the original shared parking analysis. As explained in Response 6-20, the typical weekend time-of-day adjustment factor has been updated and applied for retail visitors and employees in the updated parking analysis.

Response 6-22

Refer to Response 6-17 regarding the two scenarios used to estimate the parking demand for the member's club in the updated Parking Demand Analysis Study. In both the Draft EIR shared parking analysis and the updated shared parking analysis, it is stated that the Time-of-Day parking demand percentages were supplied by Cheval Blanc based on expectations of how the member's club will be utilized. In the updated shared Parking Demand Analysis Study, these assumptions for the anticipated operations of the member's club were applied to the parking demand analysis for Scenarios A and B.

Response 6-23

The comment is stating that refinements were made to the *Shared Parking* default adjustment factors. The specific comments are addressed in the responses below.

Response 6-24

Appendix C of the updated Parking Demand Analysis Study contains data describing the parking characteristics of other luxury hotels in Beverly Hills. The drive-in rates for these existing luxury hotels are based on three years of parking data collected between 2017 and 2019. Data for drive-in rates on a weekday versus a weekend is not available. However, the commenter has provided no evidence that drive-in rates would differ between weekdays and weekends. The drive-in rates applied to the shared parking methodology are the best available data that reflect conditions for other luxury hotels in Beverly Hills.

Response 6-25

Appendix D of the updated Parking Demand Analysis Study contains data describing the parking characteristics of other luxury restaurants in Beverly Hills and similar communities. The drive-in rates for these existing restaurants are based on three years of parking data collected between 2017 and 2019. Data for drive-in rates on a weekday versus a weekend is not available. However, the commenter has provided no evidence that drive-in rates would differ between weekdays and weekends. The drive-in rates applied to the shared parking methodology are the best available data that reflect conditions for other luxury restaurants in Beverly Hills and similar communities.

Response 6-26

In the Draft EIR shared parking analysis, the drive-in rate for retail uses was assumed to be similar to the drive-in rate for restaurant uses (50 percent), but no supporting evidence was provided for this assumption. The drive-in rate for restaurant uses was informed by observations collected between 2017 and 2019, which suggested a rate of 29.7 percent. To provide a more conservative analysis of parking demand, this rate was increased to 50 percent. The updated Parking Demand Analysis Study applies a drive-in rate for retail uses of 75 percent (pages 8 and 9). This rate is based on observations at the Beverly Hills Cartier store from 2016 which had a drive-in rate of 84.1 percent. The drive-rate for the Project is estimated to be marginally more than 10 percent lower than the drive-rate observed in 2016 due to the increase in rideshare popularity and the increase in high quality transit near the Project site that has been built and will be built prior to the Project's opening.

Response 6-27

As noted in the updated Parking Demand Analysis Study on page 9 under the 'Captive Ratio Adjustments' subheading, captive ratio adjustments were applied for the retail and hotel restaurant/lounge uses only, and not for other uses. A 20 percent adjustment (from 100 percent to 80 percent) was made based on ITE's internal capture rate, resulting in a non-captive ratio of 80 percent. The ITE internal capture spreadsheet is provided in Appendix E of the updated Parking Demand Analysis Study and the ULI Shared Parking Time-of-Day Parking Demand that includes the 20 percent adjustment is provided in Appendix F of the updated Parking Demand Analysis Study.

Response 6-28

Refer to Response 6-17 regarding the two scenarios used to estimate the parking demand for the member's club in the updated Parking Demand Analysis Study. Regarding weekday versus weekend demand, the parking estimates reflect the expected member's club operations, which were provided by Cheval Blanc. Cheval Blanc anticipates that weekday operations will not differ from weekend operations.

Response 6-29

The updated Parking Demand Analysis Study includes references for the AVO assumption of 2.0. The sources cited are the National Household Travel Survey and the Federal Highway Administration which show a range of 2.1 to 3.0 for AVO. Therefore, the AVO assumption of 2.0 applied to the updated parking analysis is more conservative.

As noted in the updated Parking Demand Analysis Study on Page 11 under the "Event Parking Demand" subheading, for a scenario where Events A, B, and C are held concurrently, the 6th floor and 7th floor indoor and outdoor restaurant spaces would not be open to non-event attendees and would not generate parking demand for normal operations. The capacity of the fine dining restaurant was reduced to reflect this reduced indoor and outdoor restaurant space. The parking demand generated by Events A, B, and C are calculated separately for each event type, as shown in the spreadsheet provided in Appendix G of the updated Parking Demand Analysis Study.

Response 6-30

Updating the weekday and weekend parking analysis to use number of visitors as the independent variable as requested in the comment would be a significant deviation from the standard shared parking methodology and is not appropriate. The reason that the shared parking analysis uses the number of visitors as the independent variable in the

event scenario is because the number of expected attendees is the most appropriate variable for how events would affect parking demand.

In the Draft EIR shared parking analysis, the analysis of typical weekday/weekend parking demand applied a base parking ratio of 3.70 for the member's club using square feet of gross floor area (sf GFA) as the independent variable. The base parking ratio was developed in consultation with Cheval Blanc based on the expectation of a maximum of 500 club memberships, with average attendance of 50 daytime visitors to club facilities and 40 evening visitors to dining facilities. In the updated Parking Demand Analysis Study, typical weekday/weekend parking demand was analyzed for the member's club under two scenarios using club membership as the independent variable instead of sf GFA. Scenario A applies a base parking ratio of 0.06 per member and 0.00 per employee, which is informed by data from Cheval Blanc regarding how the member's club is expected to be utilized and assuming that employees of the club will also be hotel employees and are already reflected in the hotel employee parking demand. Scenario B applies a base parking ratio of 0.02 per member and 0.02 per employee, which is informed by data from a similar membership club approved by the City of West Hollywood.

In the Draft EIR shared parking analysis, the estimated weekday and weekend parking demand for the members club was 28. Under Scenario A of the updated Parking Demand Analysis Study, the estimated weekday and weekend parking demand for visitors to the center's club is 27, and employee demand is captured under the hotel use. Under Scenario B of the updated Parking Demand Analysis Study, the estimated weekday demand for visitors to the member's club is 6 and the estimated demand for employees is 10, yielding a total demand of 16. The estimated weekend demand for visitors to the member's club is 3 and the estimated demand for employees is 10, yielding a total demand of 13.

Response 6-31

The comment incorrectly concludes that the shared parking analysis of the member's club was based on a subset of club members (50) as opposed to the full club membership base (500). In the Draft EIR shared parking analysis, parking demand for the member's club was analyzed using square feet of gross floor area (sf GLA) as the independent variable, and a base parking ratio was estimated based on the anticipated operations of the facility, as determined by Cheval Blanc. In the updated Parking Demand Analysis Study, two scenarios were analyzed to estimate the parking demand for the Member's Club, as detailed in Response 6-17. In both scenarios, club membership was used as the independent variable, and an estimated base parking ratio was developed and applied to the full club membership base of 500. While the base parking ratio is informed by the anticipated daily attendance projections, it is not applied to a subset of the club's membership base.

Response 6-32

This comment introduces comments regarding the Alley Study included in the Draft EIR. It is noted that an updated analysis of alley operations was prepared and is included in Appendix H.4 of this Final EIR. The updated alley operations reflect several design features that have been modified to provide additional clearance for trucks maneuvering in the alley and to/from the proposed loading dock. These design changes are summarized below.

- The alley easement has been widened from 24 to 29 feet at the N. Beverly Drive entrance and to the west of the vehicle ramp from 20 to 25 feet;
- The western wall of the ramp providing ingress to level P1 has been shifted east 5 feet to provide additional right-of-way for a widened alley easement area;
- The width of the walkway into the building from North Beverly Drive was reduced to provide additional right-of-way for vehicles entering the alley; and
- The telecom and electrical rooms near the two ground level loading bays have been removed to provide additional circulation area for delivery trucks and vans using the two ground level loading bays.

The commenter's specific comments related to the Project and alley design features are addressed below.

Response 6-33

The truck loading dock at the Project Site and turning movement maneuvers for trucks entering and exiting the loading dock was reanalyzed based on the physical design changes described above in Response 6-32. The updated Alley Study included in Appendix H.4 of this Final EIR illustrates the turning movements for SU-30 and SU-40 delivery trucks entering and exiting the loading dock. Turning movements for an SU-30 truck entering and exiting Loading Bay 1 is shown with both an SU-30 and SU-40 parked in Loading Bay 2. Turning movements for Loading Bay 2 are also shown for SU-30 and SU-40 trucks. Larger delivery trucks would be prohibited from accessing the Project Site. In addition, while the turning movements indicate that adequate right-of-way is available for SU-30 and SU-40 delivery trucks, the Specific Plan has been updated to prohibit SU-40 trucks from parking in Loading Bay 1 (see Specific Plan section 4.4.E.1.a).

Response 6-34

The truck turning movements in the alley were reanalyzed based on the physical design changes modifying the alley described in bullet points one through three above in

Response 6-32. The updated Alley Study illustrates the turning movements for the following seven vehicle types: SU-30 delivery truck, SU-40 delivery truck, WB-40 semi-trailer truck, garbage truck, Beverly Hills fire apparatus, Pierce Arrow XT Pumper fire apparatus, and SMEAL Aerial fire apparatus. As illustrated in the updated Alley Study, the truck turning movements with the revised design features show that all turning movements are within the alley's public right-of-way.

Response 6-35

Refer to Responses 6-32, 6-33, and 6-34 above regarding the changes to the physical design features that provide additional right-of-way for trucks and vehicles traveling in the alley.

Response 6-36

Refer to Response 6-13 above. In addition, the diagram in this comment is inaccurate because vehicles exiting the southern driveway on the east side of N. Beverly Drive are not permitted to make a left turn onto southbound N. Beverly Drive.

Response 6-37

This comment introduces the commenter's recommendations based on their review of the Project's transportation and parking analyses.

Response 6-38

Refer to Responses 6-3 through 6-10 above. As demonstrated in these responses, the trip generation estimate provided in the Draft EIR reflects a conservative methodology for estimating the number of vehicle trips that will be generated by the Project.

Response 6-39

Refer to Response 6-12 above.

Response 6-40

As provided above, the Parking Demand Analysis Study has been updated since the publication of the Draft EIR. Refer to Responses 6-14 through 6-31.

Response 6-41

As discussed above, the truck loading dock at the Project Site and turning movement maneuvers for trucks entering and exiting the loading dock were reanalyzed based on the physical design changes. See Responses 6-32 and 6-34.

Response 6-42

Refer to Responses 6-32 and 6-34 regarding the changes to the physical design features that provide additional right-of-way for trucks and vehicles traveling in the alley.

Response 6-43

Refer to Responses 6-32 and 6-34 regarding the changes to the physical design features that provide additional right-of-way for trucks and vehicles traveling in the alley.

Response 6-44

Refer to Response 6-13 regarding the additional analysis conducted on N. Beverly Drive.

Response 6-45

The operational effects of vehicles generated by the Project are reported in the Local Transportation Assessment that was prepared according to City guidelines. The purpose of the Local Transportation Assessment was to analyze traffic operations with the new land uses and realigned alley that would occur with the development of the Project. Although Senate Bill 743 eliminated level of service (LOS) as a measure of vehicular capacity and traffic congestion as a basis for determining significant transportation impacts under CEQA, changes to traffic operations are still considered for projects in Beverly Hills to inform decision makers on the overall effects of a project. Therefore, the City developed Local Transportation Assessment Guidelines at the time it adopted its new transportation VMT thresholds in October 2019 and the traffic operations analysis completed for the Project was based on the City's guidelines. The City's guidelines do not require projects to conduct a micro-simulation analysis.

Letter No. 7

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.

501 SHATTO PLACE, SUITE 200 - LOS ANGELES, CA 90020-1786 - PHONE (213) 382-5255 - FAX (213) 382-2501

Letter No. 7

COMMENTER: Jarrod Ferruccio, Piping Industry Progress and Education

DATE: September 23, 2021

Response 7-1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 7-2

This comment, which introduces and describes the commenter, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 7-3

This comment, which supports the Project and summarizes project elements that the Commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

GLENDORA OFFICE
2120 AUTO CENTRE DRIVE
GLENDORA, CA 91740-6720
(909) 305-2800 • FAX (909) 305-2822

SHEET METAL | AIR | RAIL | TRANSPORTATION WORKERS
SMART
Local Union 105

*BAKERSFIELD OFFICE
620 ENTERPRISE WAY, STE. A
BAKERSFIELD, CA 93307-6821
(661) 832-1187 • FAX (661) 832-1292

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

Letter No. 8

COMMENTER: Luther B. Medina, SMART Local 105

DATE: September 27, 2021

Response 8-1

This introductory comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 8-2

This comment, which summarizes project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

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

Founded 1889

UA Local Union: **78**

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

Letter No. 9

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

Letter No. 9

COMMENTER: Jeremy Diaz, United Association Local 78

DATE: September 23, 2021

Response 9-1

This introductory comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 9-2

This comment, which summarizes project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

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
Affiliate AFL-CIO

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

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

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

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

GJS/sm
opeiu/537-afl-cio

Letter No. 10

COMMENTER: Glenn J. Santa Cruz, United Association Local 250

DATE: September 24, 2021

Response 10-1

This introductory comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 10-2

This comment, which supports the Project and summarizes project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 11

From: Mitch Bloom
To: Masa Alkire
Subject: Negative Comments: Cheval Blanc BHSPP
Date: Friday, September 17, 2021 3:05:06 PM

CAUTION: External Sender
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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 11-2

- 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!

The Traffic pattern throughout Beverly Hills has focused its residents South toward the triange 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 horning 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

Letter No. 11

COMMENTER: Mitchell Bloom

DATE: September 17, 2021

Response 11-1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. Specific comments regarding the Draft EIR are provided and responded to below.

Response 11-2

This comment summarizes more detailed comments provided below. Refer to Response 11-3 below for a detailed discussion of the Project's transportation impacts, Response 11-4 below for a detailed discussion of height and compatibility with surrounding uses, and Response 11-5 for a discussion of on-site parking.

Response 11-3

The commenter's description of traffic patterns in the area of the Project Site and objection to the "up zoning" of the Project creating major traffic events are noted for the record and have been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

As detailed in Section 4.9, Transportation, of this Final EIR (page 4.09-1 to page 4.09-3), Senate Bill (SB) 743, which was signed into law on September 27, 2013, established new criteria for determining the significance of transportation impacts, including by eliminating auto delay (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts for land use projects and plans in California. As set forth in SB 743, these changes to current practice were necessary to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions."

On January 20, 2016, OPR released the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, which revised the text of CEQA Guidelines Section 15064.3 to establish vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts.

As discussed in Section 4.9, Transportation, of this Final EIR, the VMT analysis included therein begins with a review of the baseline VMT metrics and VMT impact thresholds developed in conjunction with the City of Beverly Hills and based on OPR guidance and the City's adopted transportation impact thresholds. The Project was then evaluated under four VMT analysis screening options (project size, locally serving retail, low VMT area, and transit priority area) to determine if it may have a VMT impact and require further evaluation. As concluded in the Transportation Assessment prepared for the Project included as Appendix H.1 of the Draft EIR and as summarized in Section 4.9, Transportation, of this Final EIR, the retail component of the Project meets the City's adopted Screening Criteria 2 as a project that includes locally serving retail. The Project also meets the City's adopted Screening Criteria 4 as a project located in Transit Priority Area. As discussed in Section 4.9, Transportation, of the Draft EIR (page 4.9-17), once a project qualifies under one of the four screening criteria, the project (or, if applicable, a project component) is screened out from further consideration. Since the Project was found to meet two of the four criteria, the Draft EIR concluded that the Project will not have a VMT impact pursuant to CEQA Guidelines 15064.3, and operational transportation impacts would be less than significant.

Planning Commission Resolution #1901, which adopted City specific VMT thresholds for use in CEQA analysis in October 2019, also provided for continued consideration of the LOS intersection operation metric in a Local Transportation Assessment that can be considered during the City's local project review process (i.e., in consideration of the entitlements). Based on public comments received regarding the Project, an updated version of the Local Transportation Assessment is attached as Appendix H.2 to the Final EIR.

Response 11-4

The commenter accurately describes that the Project would exceed the height limitations of the C-3 commercial zoning that is currently applicable to the Project Site. However, as discussed in Section 4.7, Land Use and Planning, of this Final EIR, the Project also proposes the creation of the Cheval Blanc Beverly Hills Specific Plan which would allow a maximum height of 115 feet as measured from the ground floor at the highest point on the adjacent sidewalk. The Specific Plan request includes a set of regulatory changes that must be considered by the City's legislative body, the City of Beverly Hills City Council. If those are approved, the maximum height of 115 feet proposed under the Project would fall within the allowable height limits of the requested Specific Plan.

The commenter states that the building height request goes against recent determinations by the City regarding not allowing new development to block inbound and outbound views of the "business triangle" area of the City from existing offices and for residents of the hillside area of the City. In the last 20 years, the City Council has

considered and made determinations to approve other projects that included modified development standards, including allowing heights greater than the current C-3 limitations, on properties located within or near the City's "business triangle". These Projects include: a mixed use retail/commercial building (current MGM headquarters) on North Beverly Drive, a hotel project on North Beverly Drive (currently the Maybourne Beverly Hills Hotel) and the One Beverly Hills Overlay Specific Plan (including the Beverly Hilton Hotel). Furthermore, the heights and massing of the proposed building specifically respond to the Project Site's location in the Business Triangle and the character of the area. In particular, lower building heights (4 stories, 51 feet in height) would be located along the North Rodeo Drive frontage, Beverly Hills' premier shopping street, and at the intersection of North Rodeo Drive with Santa Monica Boulevard. Taller building heights would be placed along Santa Monica Boulevard (up to six stories, 78.5 feet in height) and North Beverly Drive (up to nine stories, 115 feet in height), transitioning to a similar height as the existing building located to the east across North Beverly Drive (the 110-foot-tall Bank of America building).

With respect to views, the Initial Study prepared for the Project and included as Appendix A of the Draft EIR, included visual simulation information. However, pursuant to the CEQA Guidelines (PRC Section 21099(d)), the aesthetic impacts of this Project shall not be considered a significant impact to the environment. Nevertheless, the visual simulation information is provided as additional information for the public and City decisionmakers as a resource for their review of the requested entitlements. This view analysis concludes that as the Project vicinity is fully developed and highly urbanized, the Project would not have a substantial adverse effect on a publicly available scenic vista. In addition, the City currently does not have standards or policies for evaluating, and does not evaluate, impacts from a proposed development on private views.

Response 11-5

Per PRC Section 21099 (d)(1), the Project's parking impacts shall not be considered a significant impact on the environment if: (1) the project is an employment center project; and (2) the project is located on an infill site within a transit priority area. Both of these conditions apply to the Project, as concluded in the Initial Study prepared for the Project and included as Appendix A of the Draft EIR.

As explained above in Response 6-19, in the Draft EIR shared parking analysis, the total estimated weekday parking demand was 170 and the total estimated weekend parking demand was 178. As described in Response 6-17, the updated Parking Demand Analysis Study presents two scenarios for estimating the parking demand of the member's club. In Scenario A of the updated Parking Demand Analysis Study, the total estimated weekday parking demand is 178 and the total estimated weekend parking demand is 184. In Scenario B, the total estimated weekday parking demand is 185 and the total estimated weekend parking demand is 180.

In the Draft EIR shared parking analysis, the estimated weekday demand for retail visitors was 14 and the estimated weekday demand for employees was 7. The estimated weekend demand for retail visitors was 14 and the estimated weekend demand for employees was 3. The updated Parking Demand Analysis Study has a higher parking demand estimate for retail uses. In Scenario A of the updated Parking Demand Analysis Study, the estimated weekday demand for retail visitors is 37 and the estimated weekday demand for employees is 8. The estimated weekend demand for retail visitors is 20 and the estimated weekend demand for employees is 3. In Scenario B of the updated Parking Demand Analysis Study, the estimated weekday demand for retail visitors is 37 and the estimated weekday demand for employees is 9. The estimated weekend demand for retail visitors is 39 and the estimated weekend demand for employees is 10. As provided in Section 2.0, Project Description, of this Final EIR, based on the results of the updated parking analysis (included in Appendix H.3 of this Final EIR), the Project would include 185 parking spaces for all proposed uses at the Project Site and Project employees.

The Conceptual Plans include 7,001 square feet of club facilities on the third floor, which include a 36-fixed seat screening room, lounge and social meeting spaces. The parking demand generated by the club use, including the club meeting rooms, was analyzed in the Parking Demand Analysis as explained above.

Response 11-6

Refer to Response 11-4, above, for a detailed discussion of height and compatibility with surrounding uses.

The commenter's preference for Alternative 4 is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project. As discussed in Section 5.0, Alternatives, of this Final EIR, while Alternative 4 would redistribute the massing of the hotel building to reduce the overall height to 89 feet consisting of seven stories as well as reorient the Project's proposed U-shaped building to the south, this alternative would develop the same uses, floor area, and parking as the Project. As such, Alternative 4 would not eliminate any Project impacts. In addition, Alternative 4 would result in greater impacts with regard to land use and planning as Alternative 4 would not be consistent with applicable land use policies, particularly those concerning excellence in design. Furthermore, due to the reduction of the Project's proposed streetscape improvements, elimination of the building step backs, articulation, and modulation in lieu of a shear-sided, blocky massing; elimination of the publicly accessible, 670-square-foot pedestrian plaza; elimination of the majority of the private and common open space; elimination of the trellis-like garden porte cochere over the motor court; elimination of the majority of the outdoor landscaping; and a significant reduction in access to natural light for a large number of guest rooms, as well as the club, wellness

center, spa and gym uses, Alternative 4 would not achieve all of the Project's objectives and would only partially meet the underlying purpose of the Project.

Letter No. 12

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

CAUTION: External Sender
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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

Letter No. 12

COMMENTER: Duke Hagenburger

DATE: October 2, 2021

Response 12-1

This comment, which introduces the commenter, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 12-2

This comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 13

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

Letter No. 13

COMMENTER: Michelle and Alan Kaye

DATE: None

Response 13-1

This introductory comment, which expresses the commenter's positive opinion of the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 13-2

This comment, which summarizes Project elements that the commenter considers positive such as its design and architecture and enhancement of the pedestrian experience at the ground level, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 13-3

This comment, which summarizes the results of the historical resources assessment of the existing buildings and expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 14

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

Letter No. 14

COMMENTER: David and Lilly Lewis

DATE: None

Response 14-1

This comment, which introduces the commenter and expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 14-2

This comment, which summarizes Project elements that the commenter considers positive such as the Project's design and architecture and the proposed pedestrian enhancing elements at ground level, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 14-3

This comment, which describes the Project's stepped back design and integration of the proposed building with the surrounding uses, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

As described in Section 2.0, Project Description, of this Final EIR, the proposed building would vary in height from four stories and a maximum height of 51 feet along North Rodeo Drive, stepping back to a partial nine-story penthouse with a maximum height of 115 feet along North Beverly Drive. The Project would incorporate modulation of building heights and massing, articulation of building façades at all elevations, and pedestrian-friendly treatments along the public right-of-ways. The heights and massing of the building are designed to be responsive to the Project Site's specific location within the City's Business Triangle. In particular, retail and lower building heights (4 stories, 51 feet in height) would be located along the North Rodeo Drive frontage, Beverly Hills' premier shopping street, and at the intersection of North Rodeo Drive with South Santa Monica Boulevard. Taller building heights would be placed along South Santa Monica Boulevard (up to 6 stories, 78.5 feet in height) and North Beverly Drive (up to 9 stories, 115 feet in height), transitioning to a similar height as the existing building located to the east across North Beverly Drive (the 110-foot-tall Bank of America building).

Response 14-4

This comment, which supports the Project and summarizes Project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 14-5

This comment, which provides an invitation for further communication if desired, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 15

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,

Jean S. Marks

Letter No. 15

COMMENTER: Jean S. Marks

DATE: None

Response 15-1

This comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 15-2

This comment, which summarizes the results of the historical resources analysis included in the Draft EIR and describes Project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

As evaluated in detail in the Historic Resource Assessment Reports prepared for the buildings on the Project Site, which are included in Appendix D of this Final EIR, the Project Site buildings do not exhibit the exceptional level of historical and/or architectural significance needed to substantiate their eligibility for federal, state, or local listing. For example, the buildings were not the subject of a major architectural award, exceptional examples within their respective architect's body of work, or rare examples for their style of architecture. As such, they are not eligible for listing in the National Register, California Register, or as Beverly Hills Landmarks. Therefore, there are no historical resources on the Project Site that would be demolished, destroyed, relocated, or altered as a result of the Project. As such, demolition of the existing buildings on the Project Site would not result in a direct impact to an historical resource.

Letter No. 16

From: Nooshin Meshkaty
To: Masa Alkire
Subject: Cheval Blanc
Date: Thursday, October 28, 2021 12:28:49 PM

CAUTION: External Sender
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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

Letter No. 16

COMMENTER: Nooshin and Yar Meshkaty

DATE: October 28, 2021

Response 16-1

This comment, which introduces the commenter and expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 16-2

This comment, which describes the proximity of the Project Site to the closest residential area as well as references the results of the noise study, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

As described in Section 2.0, Project Description, of this Final EIR, single-family residential uses are located approximately 525 feet from the Project Site. In addition, as provided in Section 4.8, Noise, of this Final EIR, the Project's construction and operational noise impacts were determined to be less than significant.

Response 16-3

This comment, which supports the Project and summarizes Project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 17

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

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

Letter No. 17

COMMENTER: Alma R. Ordaz

DATE: October 27, 2021

Response 17-1

This comment, which expresses support for the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 17-2

This comment, which expresses support for the work of the LVMH Group in the Beverly Hills community, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 17-3

This comment, which supports the Project and summarizes Project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Letter No. 18

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

Letter No. 18

COMMENTER: Sandy and Barry D. Pressman

DATE: None

Response 18-1

This introductory comment, which expresses support for the Cheval Blanc brand and for the Project specifically as well as summarizes project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 18-2

This comment, which expresses support for the Project and summarizes project elements that the commenter considers positive, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 18-3

This comment, which expresses support for the Project's design and Specific Plan, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Regarding the commenter's mention of the alternatives to the Project considered in the Draft EIR, Alternative 3, the Zoning Compliant Alternative, considers development of the Project Site in accordance with its existing land use and zoning designations. Alternative 3 would retain the hotel and retail uses proposed as part of the Project while eliminating the restaurant, bar, wellness center, spa, private club, and penthouse uses. As analyzed in Section 5.0, Alternatives, of this Final EIR, Alternative 3 would reduce construction and operational activities due to the reduction in development However, it would not eliminate any of the Project's impacts, which are less than significant or less than significant with mitigation. Impacts under Alternative 3 would be similar to, or less than, those of the Project. Additionally, Alternative 3 would not meet the underlying purpose of the Project to revitalize the Project Site by developing a high quality hotel development project that provides new lodging opportunities within the City to serve the region and tourists as well as publicly accessible neighborhood-serving restaurant and bar uses that encourage pedestrian activity in the vicinity of the Project Site. Specifically, the number of hotel rooms would be substantially reduced (36 rooms as compared to the Project's up-to 115 rooms) and all hotel amenities (restaurant, bar, pool, spa, wellness center with gym,

members club) would be eliminated, as are the sidewalk improvements. Alternative 3 would therefore not provide a high quality hotel development within the City to serve the region and tourists as well as publicly accessible neighborhood-serving restaurant and bar uses that encourage pedestrian activity in the vicinity of the Project Site.

Letter No. 19

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

Letter No. 19

COMMENTER: Umberto Savone

DATE: October 27, 2021

Response 19-1

This comment, which expresses gratitude to the Planning Commission, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 19-2

This comment, which expresses gratitude to the LVMH Group, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 19-3

This comment, which urges all commercial and residential property owners to support the Project, summarizes project elements that the commenter considers positive, and identifies that the commenter believes the Project will have a positive financial impact on the City, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 19-4

This comment, which is directed at commercial and residential property owners and describes previous experiences with a public improvement (sidewalk widening) and a development project in the City's business triangle area (the City-owned Beverly-Canon Building), is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Response 19-5

This comment, which relates to commercial property owners and describes the commenter's opinions with regard to the economic viability of commercial properties as it relates to height limitations as well as urges an open-minded approach to the Project, is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Responses to Comments at the October 28, 2021, Planning Commission Hearing

The Project was reviewed by the City's Planning Commission during a public hearing on October 28, 2021. Comments provided by the Commissioners and members of the public are summarized below. Responses to each comment are also provided below.

COMMENTER: Murray D. Fischer, Representing Hermès and Chanel

Comment Fischer 1

The commenter expresses multiple concerns regarding the proposed reconfiguration of the alley. Subsequent to the Planning Commission Hearing, the commenter submitted the entirety of the comments made at the October 28, 2021, Planning Commission Hearing to the City in writing. This comment letter is included above as Comment Letter 5.

Response Fischer 1

Refer to Comment Letter 5 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Ryan Kelly, KOA Corporation

Comment Kelly 1

The commenter provided several comments based on their review of the transportation, parking, and alley analyses included in the Draft EIR. Subsequent to the Planning Commission Hearing, the commenter submitted the entirety of the comments made at the October 28, 2021, Planning Commission Hearing to the City in writing.

Response Kelly 1

This comment letter is included above as Comment Letter 6. Refer to Comment Letter 6 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Chris Kapogiannis, Hermès

Comment Kapogiannis 1

The commenter introduced himself as the Vice President of Retail for the West Region and noted that he has been with Hermès for 16 years. The commenter also noted that Hermès has been in Beverly Hills since 1972 and their current boutique is located at 434 North Rodeo Drive in a building that Hermès owns. The commenter further noted that

Hermès spent tens of millions of dollars in 2013 to renovate their boutique and were encouraged at that time to make the rear alley the main entrance to their boutique. The commenter also noted that Hermès is a big provider of tax revenue to the City as a landowner and a significant business participant.

The commenter expressed that the primary concern with the Project is with regards to the alley and that Hermès has hired a traffic consultant to analyze circulation patterns and how the reconfiguration of the new entrance on Beverly Drive will impact access to the alley for Hermès VIP customers and Hermès employees. The commenter informs the Commissioners and other City staff that they will be receiving an analysis from a professional consultant on November 1, 2021, indicating these deficiencies.

Response Kapogiannis 1

This introductory comment identifying the commenter and the commenter's representation of Hermès is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

The transportation consultant retained by Hermès to evaluate perceived deficiencies regarding the proposed reconfiguration of the alley as part of the Project is KOA Corporation. As noted above, the comment letter provided by KOA Corporation is included above as Comment Letter 6. The responses to the specific comments provided in the comment letter by KOA Corporation, including responses to comments regarding the alley, are also provided above following Comment Letter 6.

Comment Kapogiannis 2

The commenter described that their VIP customers utilize their valet parking and VIP entrance, which is situated directly behind the boutique, and that the boutique generates approximately 75 cars per day Monday through Saturday and occasionally on Sundays. The commenter expressed that these are their most important customers and commented that their customers' experience will be hindered by the alley reconfiguration as it will not be as easy to find the alley entrance and the alley will not be as fast and efficient as it is now.

Response Kapogiannis 2

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the Project to ensure that alley operation would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley

which improves maneuverability for trucks to make the 90-degree turn since the publication of the Draft EIR as described in Response 6-32.

Comment Kapogiannis 3

The commenter noted that they also rent 67 parking spaces next door for employees to park at 436 North Rodeo Drive for boutique staff to have quick and safe access to the boutique. The commenter opines that there will be delays for them to make their various shifts with the new entrance access and deliveries to the hotel.

Response Kapogiannis 3

Refer to Responses 5-2 through 5-8 as well as Response 6-32 regarding the proposed alley reconfiguration.

Comment Kapogiannis 4

The commenter notes that Hermès also rents and occupies two large storage spaces across the alley from the boutique. There are deliveries once a week and boutique staff remerchandise back and forth many times a day between the storage spaces and the boutique. The commenter expresses concern for employee safety due to increased traffic generated in the alley due to the proposed hotel.

Response Kapogiannis 4

Refer to Responses 5-2 through 5-8 as well as Response 6-32 regarding the proposed alley reconfiguration. Regarding the safety of Hermès employees walking in the alley, the Project will result in a minimal volume increase in the portion of the alley adjacent to Hermès and the storage space. This is because the entrance to the Project's subterranean parking garage is immediately west of the alley entrance on North Beverly Drive and a direct access ramp is provided from the parking garage to the motor court for vehicles exiting the Project Site. Under the proposed design, the only Project vehicles utilizing the southern portion of the alley are employees exiting the Project Site and delivery, service, and utility vehicles exiting the loading docks.

On a daily basis, approximately 260 employee vehicles would travel through the southern portion of the alley to exit onto Brighton Way (as documented in the trip generation table included as Attachment A to the Transportation Impact Study) and up to 17 delivery vehicles would utilize the southern portion of the alley after exiting the on-site loading docks. Of the 260 employee vehicles, approximately six vehicles would utilize the alley during the A.M. peak hour and 20 vehicles would utilize the alley during the P.M. peak hour. Based on traffic counts collected in 2019, approximately 720 vehicles travel in the

alley on a daily basis including 110 vehicles during the A.M. peak hour and 48 vehicles during the P.M. peak hour. This level of alley activity reflects vehicle-trips generated by the uses adjacent to the alley that would be displaced with the Project (456 North Rodeo with 6,895 square feet of commercial and 9 surface parking spaces in the alley and 461-465 North Beverly with 23,351 square feet of institutional space and 5 surface parking spaces in the alley). Since the parking provided in the alley for these existing uses reflects only a portion of the parking available (461-465 North Beverly has 5 of 50 total parking spaces in the alley which equates to 10 percent of its parking supply), 10 percent of vehicle trips generated by these uses were assumed to utilize the alley. When comparing the vehicles generated by the Project to existing uses, the Project would add approximately 145 new vehicles to the alley on a daily basis (260 vehicles generated by Project employees compared to 115 vehicles generated by existing uses), three new vehicles during the A.M. peak hour (6 vehicles generated by Project employees compared to 3 vehicles generated by existing uses), and 8 vehicles during the P.M. peak hour (20 vehicles generated by Project employees compared to 12 vehicles generated by existing uses). This minimal number of new vehicle trips is not expected to degrade alley operations or safety for existing users. The alley also historically provided access to 6 parking spaces for 468 North Rodeo Drive which are not reflected in the traffic volume comparison because the use is not currently active. In addition, the trip generation estimate for Project employees does not reflect any reductions for non-auto travel and employees will be given free transit passes, and secure bicycle parking, charging facilities for e-bicycles, showers and lockers would be provided to encourage bicycle commuting, both of which measures may reduce employee vehicle trips as explained in the Transportation Impact Report (page 22) included in Appendix H of this Final EIR.

Comment Kapogiannis 5

The commenter describes that approximately 10 events ranging in size between 50 and 200 persons are held by Hermès annually. The commenter expresses concern about the impacts to the alley during construction of the Project, including closure of the alley when cranes and materials are delivered.

Response Kapogiannis 5

As identified in the construction phasing plan included in the Section 2.0, Project Description, of this Final EIR, the new east-west portion of the alley connecting to North Beverly Drive will be constructed and opened for public use prior to the closure of the northern portion of the alley. In addition, construction vehicles will not be permitted to park in the alley. Construction equipment typically will not be permitted to be located in the alley, and if any short duration use of the public alley to locate construction equipment is required, the Applicant will be required to obtain review and approval from the City's Public Works Department and must comply with any requirements imposed by the City. The

commenter's concern regarding any use of the alley for construction equipment is noted for decisionmaker consideration regarding the Project entitlement conditions of approval. A condition requiring notification of other alley users in the 400 block of the alley prior to any temporary placement of construction equipment in the alley could be adopted. Therefore, access to the alley will be provided throughout the construction of the proposed Project and construction is not expected to impact alley operations.

Comment Kapogiannis 6

The commenter states that no alternatives to the entrance off of Beverly Drive were ever studied and that there should be options that will eliminate impacts to individuals trying to use the alley, including Hermès VIP customers and employees. As suggested by the commenter, could the alley have its entrance off of Brighton Way, run north instead of south, or have two entrances into the alley such as off of Rodeo Drive instead of just one entrance on Beverly Drive?

Response Kapogiannis 6

The proposed configuration of the one-way alley, with ingress from North Beverly Drive and egress onto Brighton Way, will minimize disruptions to existing businesses that utilize the alley for customer and employee access in comparison to two-way alley operations or reversing the flow from southbound to northbound. Regarding the potential for two-way operations by providing an entrance on both North Beverly Drive and Brighton Way, the eastern side of the alley (adjacent to 436, 440, and 444 N. Rodeo Drive) currently has temporary loading zones that are located within the alley right-of-way and used by existing businesses. Restriping the alley for two-way operation would require the elimination of these loading areas. If the directionality of the alley was reversed, the southern portion of the alley would experience much higher traffic volume increases than the proposed reconfiguration with the Project. This is because the entrance to the Project's subterranean parking facility is immediately west of the alley entrance on North Beverly Drive which results in minimal Project vehicles utilizing the majority of the alley. If the directionality of the alley was reversed, Project vehicles would travel through the majority of the alley before being able to enter the subterranean parking garage. Under the proposed design, the only Project vehicles utilizing the southern portion of the alley are employees exiting the project site and delivery, service, and utility vehicles exiting the loading docks. Adding a second entrance to the alley off of Rodeo Drive would interrupt the continuous flow of retail street fronts on Rodeo Drive with a vehicle-dominated use, contrary to City General Plan policies prioritizing pedestrian-friendly development. The Project's design balances adequate vehicle access with applicable policies prioritizing pedestrian-friendly design.

Comment Kapogiannis 7

No clear information has been given regarding how the alley will be signed so that everyone knows that this is now the new way to access the alley.

Response Kapogiannis 7

The comment is noted for decisionmaker consideration regarding the Project entitlements. The entrance to the public alley may be conditioned to require signage to indicate the public's use of the alley. In addition, the reconfiguration will be provided to wayfinding electronic application providers.

Comment Kapogiannis 8

The hotel representatives have not given clear direction on how someone will be able to enter the alley if they are driving north on Beverly Drive. If you have ever driven this direction on any given day you would know that this would be next to impossible.

Response Kapogiannis 8

Refer to Response 6-13 regarding traffic operations at the alley entrance on North Beverly Drive.

Comment Kapogiannis 9

The hotel representatives have not been clear on what will happen when they have two delivery trucks on the dock at the hotel and how they will back up traffic entering the alley when one needs to back up.

Response Kapogiannis 9

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the Project to ensure access would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR as described in Response 6-32. In addition, Response 6-33 contains the additional analysis of turning movement maneuvers for trucks entering and exiting the loading lock. Both SU-30 and SU-40 trucks may exit Loading Space 2 without backing into the alley. The modified loading dock configuration would allow an SU-30 truck (in Loading Space 1) to exit the loading dock without backing into the alley even if the adjacent loading space (Loading Space 2) was occupied by a SU-40 truck. In addition, while the turning

movements show that adequate right-of-way is available, the Applicant has modified the proposed Specific Plan to limit operation of Loading Space 1 to SU-30 trucks or smaller.

Comment Kapogiannis 10

The hotel representatives have not been clear when deliveries will be made to the hotel and if these could happen before 8:00 to not impact our business.

Response Kapogiannis 10

As stated in Section 2.0, Project Description, of this Final EIR, a maximum of 17 deliveries are expected daily with the majority of deliveries occurring during an A.M. delivery window between 6:00 A.M. and 12:00 P.M.. The Applicant's comment that requests all deliveries occur before 8:00 A.M. is noted and may be considered by decisionmakers in their review of the Project entitlement requests.

Comment Kapogiannis 11

These are our concerns as business owners that utilize this alley daily. Thank you for the time to listen to our concerns.

Response Kapogiannis 11

This closing comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

COMMENTER: Ryan McNulty, MBH Architects

Comment McNulty 1

The commenter thanks the Commissioners and City staff for their time and introduced himself as Ryan McNulty, a principal at MBH Architects serving as the architect of record for Chanel's ongoing renovation at 400 North Rodeo Drive.

Response McNulty 1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment McNulty 2

The commenter stated that Chanel is not opposed to the Project; however, the new Chanel flagship boutique was designed in accordance with the City's General Plan that states that parking ingress/egress shall be accessed from the alley, where feasible, in the interest of promoting pedestrian friendly streets. As such, Chanel's design positions access to all underground parking, loading bays, and routes all valet traffic through the alley.

After reviewing the Draft EIR, the Chanel team has concerns about the reduction in alley width and the tight turning clearances associated with relocation of the alley. Chanel commissioned KOA Corporation to undertake a review of the Draft EIR and associated alley study. The review conducted by KOA Corporation identifies several issues with the alley study and proposes minor changes to the reconfiguration of the east-west segment of the alley.

Response McNulty 2

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the Project to ensure access would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR as described in Response 6-32. The existing alley consists of a 20-foot wide public easement. The relocated portion of the alley proposes a minimum 20-foot wide public easement, widened to 29 feet at the entrance on North Beverly, and from 25 feet to 37 feet-2 inches where the relocated portion of the alley joins the existing alley.

Comment McNulty 3

The commenter opines that based on KOA's review, the proposed design of the alley necessitates restudy with alternative options so that the alley will still be able to properly serve Chanel and the other businesses that rely on the alley without impacting the design of the Project.

Response McNulty 3

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the Project to ensure access would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley which improves

maneuverability for trucks to make the 90-degree turn since the publication of the Draft EIR as described in Response 6-32. Response Hermès 6 above also discusses two-way and reversed alley operations. No significant environmental impacts were identified associated with the proposed alley reconfiguration that would be addressed by an alternative analysis.

Comment McNulty 4

The commenter thanks the Commissioners and City staff for their time and expresses appreciation for the opportunity to make a comment.

Response McNulty 4

This closing comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

COMMENTER: Michael Howard

Comment Howard 1

The commenter introduces himself as Michael Howard, the head of retail for Fashion Division West Coast at Chanel. The commenter thanks the previous speakers and asks the Commissioners to consider his comments.

Response Howard 1

This introductory comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment Howard 2

The commenter expresses that Chanel is not opposed to the Project and welcomes the addition of an upscale hotel and the benefits it will bring to Beverly Hills and to Chanel clients.

The commenter notes that Chanel has been and upstanding retail citizen in the City of Beverly Hills since the 1980s and Chanel has always supported the City and its efforts to make Beverly Hills the wonderful place that it is. In addition to supporting the City's culture, arts, and business initiatives, Chanel has generated significant revenue for the City because of Chanel's business and as a result of various renovations. Chanel's current

renovation will be the second major renovation since the inception of the boutique and Chanel has spent significant sums with each renovation.

Response Howard 2

This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment Howard 3

The commenter notes that with each renovation, at the City's request, Chanel has made the alleyway an integral part of the design of the boutique's entrance, traffic flow, and parking used by clients, employees, and others. The use of the alley is extensive. The alley is also an integral part of the multiple events, promotions, and advertising ventures that Chanel holds and participates in each year and provides safe and discreet entrances for celebrities.

Chanel's current building under renovation has been designed in a manner consistent with the City's current requirements of the alley use only now to see that Chanel's alley use may be compromised by the proposed reconfiguration.

Response Howard 3

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the Project to ensure access would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR as described in Response 6-32.

Comment Howard 4

For the safety of Chanel's employees, clients, and others and for the extensive use of the alley, the commenter respectfully asks the Commissioners to take into consideration the comments previously presented regarding the alley that show the Draft EIR is flawed in many respects.

Response Howard 4

Refer to Responses 5-2 through 5-8 regarding the proposed alley reconfiguration. As detailed therein, the concern about the proposed alley reconfiguration impacts on patrons and employees was considered and fully analyzed as part of the design of the

Project to ensure access would not be negatively affected. Additionally, physical design changes have been made to increase vehicle right-of-way in the alley since the publication of the Draft EIR as described in Response 6-32. Regarding safety concerns, the Project would have deliveries occur in the on-site loading dock and would result in a minimal volume increase in the portion of the alley adjacent to Chanel. As explained above in Response 4 to the comments raised by Chris Kapogiannis, the entrance to the Project's subterranean parking garage immediately west of the alley entrance on North Beverly Drive and a direct access ramp from the parking garage to the motor court for vehicles exiting the Project Site results in minimal traffic volume increases on the southern portion of the alley and is not expected to degrade alley operations or safety for existing users.

The Draft EIR for the Project was prepared in compliance with CEQA and the CEQA Guidelines. The Draft EIR provides thorough and comprehensive analyses of all required CEQA impact areas based on appropriate methodologies and, where appropriate, supported by expert technical analyses as well as input from numerous other agencies and input received in response to the Notice of Preparation of the Draft EIR. For each of the issue areas where significant impacts have been identified, mitigation measures have been proposed to reduce such impacts where feasible.

As demonstrated in this Final EIR, no new significant information (as defined by CEQA Guidelines Section 15088.5) that would require recirculation of the Draft EIR has been identified. Specifically, upon review of all of the comments received and analyzed, there are no new significant environmental impacts from the Project or from a mitigation measure that was identified subsequent to circulation of the Draft EIR. In addition, upon review of all comments received and analyzed, there are no substantial increases in the severity of any of the significant environmental impacts identified in the Draft EIR. Neither the comments submitted on the Draft EIR nor the responses contained herein constitute new significant information warranting the recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

COMMENTER: Umberto Savone

Comment Savone 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Savone 1

The written comment letter submitted by the commenter is included above as Comment Letter 19. Refer to Comment Letter 19 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Michelle and Alan Kaye

Comment Kaye 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Kaye 1

The written comment letter submitted by the commenter is included above as Comment Letter 13. Refer to Comment Letter 13 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: David and Lilly Lewis

Comment Lewis 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Lewis 1

The written comment letter submitted by the commenter is included above as Comment Letter 14. Refer to Comment Letter 14 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Jean Marks

Comment Marks 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Marks 1

The written comment letter submitted by the commenter is included above as Comment Letter 15. Refer to Comment Letter 15 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Alma Ordaz

Comment Ordaz 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Ordaz 1

The written comment letter submitted by the commenter is included above as Comment Letter 17. Refer to Comment Letter 17 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Sandy and Barry Pressman

Comment Pressman 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Pressman 1

The written comment letter submitted by the commenter is included above as Comment Letter 18. Refer to Comment Letter 18 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Nooshin and Yar Meshkaty

Comment Meshkaty 1

This commenter submitted comments in writing, which were read by City staff at the Planning Commission Hearing. The commenter generally expresses support for the Project.

Response Meshkaty 1

The written comment letter submitted by the commenter is included above as Comment Letter 16. Refer to Comment Letter 16 for the detailed comments provided by the commenter and the associated responses.

COMMENTER: Chair Andy Licht

Comment Licht 1

Chair Andy Licht expressed his two comments regarding the alley: (1) that he would like a representative from the Fire Department to discuss their thoughts about the alley; and (2) that he would like to understand what a two-way alley would look like.

Response Licht 1

The City's Fire Department has reviewed the vehicle turn movement diagrams included in the project application and has concluded that the City fire vehicle that requires the most space to maneuver (Ladder Tiller Pierce Arrow) was reviewed in the Study. A representative of the Fire Department will be available for the Project public hearings.

Regarding two-way alley operations, refer to Response 6 to the comments of Chris Kapogiannis, above.

COMMENTER: Commissioner Peter Ostroff

Comment Ostroff 1

The Commissioner noted that he was reminded that he had a conversation with neighbor Umberto who submitted a letter (above) and Umberto mentioned that he thought it was a terrific project.

Commissioner Ostroff noted that one of the things he looked at carefully was the number of rooms compared to other hotels in the area. He notes that the Project is only providing between 109 and 115 rooms compared with the Beverly Wilshire which includes 395 rooms, Beverly Hills at 210 rooms, Peninsula with 195 rooms, the Hilton including 570 rooms, and the Maybourn at 202 rooms. The Project is not going to have a huge impact from this standpoint.

Response Ostroff 1

This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

Comment Ostroff 2

The Commissioner expressed that he does have questions about the traffic flow and hopes these can be addressed when alley operations are discussed. The Commissioner further expressed that he hopes the affected merchants will communicate with the Project team and discuss the concerns about the alley. Commissioner Ostroff specifically mentioned a concern with potential left turns from going northbound on Beverly and from going westbound on South Santa Monica. The Commissioner also wonders whether it should be a one-way alley as opposed to a two-way alley.

Response Ostroff 2

Additional site access options were explored following comments received on the Draft EIR. Figure 10.0-2 on page 10.0-114 shows two alternatives for vehicle access to the motor court. Option 1 would permit left turns from westbound South Santa Monica Boulevard and right turns from eastbound South Santa Monica Boulevard into the motor court. Option 2 would restrict left turns and would only permit right turn access from eastbound South Santa Monica Boulevard. Both options would only allow right turn movements from the exit driveway of the motor court onto eastbound South Santa Monica Boulevard. It is recommended that the Project approval include a condition of approval to paint “Keep Clear” lane markings would be added on eastbound South Santa Monica Boulevard to accommodate vehicles exiting the motor court.

To address concerns regarding access to the reconfigured alley from North Beverly Drive, additional traffic counts were collected in November 2021 for vehicles entering/ exiting the adjacent driveways at 9440 South Santa Monica Boulevard and 438 North Beverly Drive. Refer to Response 6-13 for the detailed findings of the data collection effort and additional analysis for turning movements on North Beverly Drive. In summary, the northbound left-turn movement into the realigned alley is expected to operate at LOS C and the left-turn movements into the eastern driveways are expected to operate at LOS A/B. To prevent the conflicting turning movements for the realigned alley and the eastern driveways, the northbound left-turn movement could be prohibited. However, since North Beverly Drive contains a two-way center left-turn lane, physically restricting access for the northbound left-turn movement is not possible without also blocking access for southbound left-turning vehicles.

Regarding the potential for two-way operations, refer to Response 6 to the comments of Chris Kapogiannis above.

Comment Ostroff 3

Commissioner Ostroff expressed his opinion that the Draft EIR was extremely thorough and that the staff report was outstanding and is really appreciative of that.

Response Ostroff 3

This comment is noted for the record and has been incorporated into the Final EIR for review and consideration by the decision-makers prior to any action on the Project.

COMMENTER: Commissioner Myra Demeter

Comment Demeter 1

The Commissioner expressed similar thoughts as Commissioner Ostroff regarding turning left into the alley from North Beverly Drive and left into the Project motor court from South Santa Monica as well as whether the alleyway should be one way or a two-way alley.

Commissioner Demeter expressed her opinion that the EIR is a wonderful document and would like to see the various parties who have concerns about the alley meet and work out those issues before the next meeting.

Response Demeter 1

Refer to Commissioner Ostroff's Comment 2 and associated Response 2 above regarding the concerns expressed in the comment.