

4.0 Environmental Impact Analysis

4.5 Geology and Soils (Paleontological Resources)

4.5.1 Introduction

This section of the Final EIR provides an analysis of the Project's potential impacts to paleontological resources. The analysis is based on database research and a paleontological records search conducted for the Project by the Natural History Museum of Los Angeles County (Natural History Museum) and included in Appendix F of this Final EIR. The Project's potential impacts related to the balance of the geology and soils issues (e.g., faulting, seismicity, landslides, soil erosion, etc.) were fully evaluated in the Initial Study included as Appendix A of this Final EIR and were found to be less than significant without mitigation.

4.5.2 Environmental Setting

4.5.2.1 Regulatory Framework

4.5.2.1.1 California Environmental Quality Act

The CEQA Guidelines provide guidance relative to the consideration of impacts on paleontological resources, and include the topic as part of the initial study checklist.

4.5.2.1.2 Beverly Hills General Plan Historic Preservation Element

The Beverly Hills General Plan Historic Preservation Element, adopted in January 2010, includes Policy HP-1.9 for the protection of paleontological resources and Policy HP-2.1 to support partnerships for public education on local historic resources. As stated in Policy HP-1.9, in the event that excavation reveals any paleontological resources, it is the City's policy to suspend earth disturbing work until the resource is evaluated to assess the significance of the find, and require appropriate mitigation before work resumes, with the associated Goal HP-1 for well-preserved and maintained historic and cultural resources that provide a sense of permanence, foster civic pride and stewardship, and contribute to the unique identity and charm of the City. Additionally, Goal HP-2 and Policy HP-2.1 recognize the City's responsibility for acknowledging the City's wealth of historic resources by developing educational programs in partnership with local private and nonprofit historic preservation groups to sponsor walking tours, self-guided tours, promotional brochures,

historic fairs and festivals, plaques, awards and similar recognition programs sponsored by the City, private organizations, or partnerships.¹

4.5.2.2 Existing Conditions

As described in a letter received from the Natural History Museum on August 14, 2020, a Project-specific paleontological records search was conducted through the Natural History Museum. The results of the paleontological records search, which are included in Appendix F of this Final EIR, indicate that no known fossil localities have been previously recorded within the Project Site. However, fossil localities were recorded from the same sedimentary deposits that occur either at surface or at depth within the Project Site on other nearby locations. The paleontological records search further concludes that potentially fossil-bearing units are present in the Project area, either at the surface or in the subsurface. Fossil localities recorded in the vicinity included four vertebrate localities from older alluvium consisting of sand and clay, Palos Verdes sand, and unknown formations consisting of Pleistocene claystone at depths of 40–100 feet as well as at unrecorded depths during the Hollyhills Drain Project.

Fill materials underlying the Project Site consist primarily of silty sand. The fill materials contain scattered brick, asphalt, and concrete fragments. Fill thickness on the order of 6 to 9 feet was encountered in the exploratory borings which were located within and adjacent to the Project Site in the existing alley and along Beverly Drive. Underlying this layer of fill material, upper native alluvium soils from the Holocene age was encountered as deep as twenty-nine feet and consists of silty sand to silty sand with clay, and sandy clay to clayey sand. The alluvium is generally massive and contains fine to medium grained sub-rounded gravels with weathered fragments of slate.² Older alluvium from the Pleistocene age was generally encountered below a depth of 25 to 29 feet below the existing site grade. The older alluvium consists of gravelly clayey sand to sandy clay and sand with gravel. The older alluvium is generally massive to interbedded and contains highly weathered fine to medium grained slate and sandstone gravels.³

The closest vertebrate-fossil localities, LACM VP 3355 and VP 3821, are located roughly 0.4 mile south-southwest of the Project Site, at the northeast corner of the intersection of Wilshire Boulevard and North Bedford Drive. These localities produced fossil specimens of horses (*Equus*). An additional three vertebrae fossil localities have been documented within a 2-mile radius of the Project Site. The specimens identified in

¹ *City of Beverly Hills General Plan, Conservation Element, January 2010, p. 63.*

² *Feffer Geological Consulting, Geotechnical Investigation, March 5, 2020.*

³ *Feffer Geological Consulting, Geotechnical Investigation, March 5, 2020.*

those localities include a deer (*Cervidae*), Proboscidea, and additional horses (*Equus*). Specifically, LACM VP 7673 and VP 7966 were recorded approximately 2.0 miles northeast of the Project Site in the City of West Hollywood at the intersection of Rosewood Avenue and Westbourne Drive and LACM VP 7672 was recorded approximately 1.6 miles east of the Project Site in the City of Los Angeles at the intersection of 3rd Street and San Vicente Boulevard.

In addition, two invertebrate fossil localities have been documented within a 2-mile radius of the Project Site. The specimens identified in those localities include fossil specimens of a shark (unspecified), other invertebrates (unspecified), and wood. Specifically, LACM IP 5051 was recorded approximately 1.1 miles southwest of the Project Site in the City of Los Angeles at the intersection of Santa Monica Boulevard and Avenue of the Stars and LACM IP 25992 was recorded 1.3 miles southwest of the Project Site on Constellation Boulevard between Avenue of the Stars and Century Park East.

The Project Site does not contain unique natural geologic features, such as natural hilltops, ridges, hillslopes, canyons, ravines, rock outcrops, water bodies, streambeds, or wetlands. The surface condition of the Project Site is fully developed with existing buildings and surface parking lots. The existing structure at 456 North Rodeo Drive was constructed in 1948. The building has been occupied by a variety of commercial tenants over the years, including electronics retailers, art galleries, and clothing and accessories boutiques. The building at 456 North Rodeo Drive is currently occupied by luxury retailer Celine. The existing structure at 468 North Rodeo Drive was constructed in 1997 as a flagship retail store for the clothing brand Tommy Hilfiger Corp., and later served as a flagship retail store for the Brooks Brothers clothing brand. The existing structure at 468 North Rodeo Drive was recently used for a temporary, pop-up art exhibition and is currently vacant. The existing structure at 461–465 North Beverly Drive was constructed in 1994-1996 as an extensive remodel of two previously-existing structures. The building formerly housed The Paley Center for Media and is currently leased to an art exhibitor. The existing structure at 449, 451, and 453 North Beverly Drive was constructed in 1921 and appears to have been significantly expanded around 1926. This building has been utilized for a variety of commercial uses, including retail stores, restaurants, cafés and offices, and is currently leased for private art storage.

The geological setting of the soils (below the surface conditions) is summarized above and explained in the Initial Study attached as Appendix A to this Final EIR, which found that there are no unique geologic conditions on the Project Site that would either result in significant impacts or otherwise preclude development of the Project.

4.5.3 Project Impacts

4.5.3.1 Thresholds of Significance

For purposes of this analysis, the Project would have a significant impact related to paleontological resources if it would:

Threshold (f): Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

As previously noted above in the Introduction subsection, this section of the Final EIR provides an analysis of the Project's potential impacts to paleontological resources. The Project's potential impacts related to the balance of the geology and soils issues identified in the Initial Study (e.g., faulting, seismicity, landslides, soil erosion, etc. in Thresholds a through e) were fully evaluated in the Initial Study included as Appendix A of this Final EIR and were found to be less than significant without mitigation.

4.5.3.2 Methodology

To address potential impacts to paleontological resources, a formal records search was conducted by the Natural History Museum to assess the paleontological sensitivity of the Project Site and vicinity. In addition, an evaluation of existing conditions and previous disturbances within the Project Site, the geology of the Project Site, and the anticipated depths of grading were considered to determine the potential for uncovering paleontological resources.

4.5.3.3 Project Design Features

No specific project design features are proposed with regard to paleontological resources.

4.5.3.4 Analysis of Project Impacts

Threshold (f): Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

4.5.3.4.1 Impact Analysis

4.5.3.4.1.1 Paleontological Resources

As previously discussed, a records search conducted for the Project Site indicates that no paleontological resources have been previously recorded at the Project Site. The paleontological records search indicates that potentially fossil-bearing units are present in

the project area, either at the surface or in the subsurface. Specifically, as indicated in the records search conducted by the Natural History Museum, there are no fossil localities that lie directly within the Project Site; however, there are fossil localities nearby from the same sedimentary deposits that occur in the Project area, either at the surface or at depth. As discussed in Section 2.0, Project Description, of this Final EIR, the Project would result in excavations to a maximum depth of approximately 44 feet at the Project Site. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction and other human activity on the Project Site may be inadvertently encountered during Project excavation activities. **Therefore, the Project could result in potential significant impacts to paleontological resources during the construction phase of the Project and mitigation is required.**

As discussed above in Subsection 2.a, Regulatory Framework, the Beverly Hills General Plan Historic Preservation Element, adopted in January 2010, includes Policy HP-1.9 for the protection of paleontological resources. Policy HP-1.9 provides that in the event excavation reveals any paleontological resources, it is the City's policy to suspend earth disturbing work until the resource is evaluated to assess the significance of the find and require appropriate mitigation before work resumes. The Project would comply with this City policy in addition to implementing mitigation measures to address the potential inadvertent discovery of paleontological resources within the Project Site, as provided below.

The operational phase of the Project will commence upon completion of construction. No excavation activities that may inadvertently encounter paleontological resources will occur during the Project's operational phase. **Therefore, the Project would not inadvertently encounter paleontological resources during operation and impacts to paleontological resources during the operational phase would be less than significant.**

4.5.3.4.2 Mitigation Measures

The following mitigation measures are proposed to reduce construction impacts to paleontological resources:

- GEO-MM-1:** A Qualified Paleontologist meeting the Society of Vertebrate Paleontology (SVP) Standards (SVP, 2010) (Qualified Paleontologist) shall be retained prior to the approval of demolition or grading permits. The Qualified Paleontologist shall provide technical and compliance oversight of all work as it relates to paleontological resources and shall be responsible for monitoring and overseeing paleontological monitors (meeting SVP standards) that will observe Project grading and excavation activities.

GEO-MM-2: The Qualified Paleontologist shall have the authority to temporarily halt or divert work away from exposed fossils or potential fossils in the event such paleontological resources are encountered at the Project Site during construction or the course of any ground disturbance activities. If paleontological resources are encountered, the Applicant shall notify the City and consult with the Qualified Paleontologist to assess the significance of the find. The assessment shall be prepared in accordance with Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City shall be followed unless avoidance is determined to be unnecessary or infeasible by the City. If avoidance is determined to be unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted.

GEO-MM-3: Any significant fossils collected during Project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage. The Qualified Paleontologist shall prepare a final monitoring and mitigation report for submittal to the City in order to document the results of the monitoring effort and any discoveries. If there are significant discoveries, fossil locality information and final disposition will be included with the final report which will be submitted to the appropriate repository and the City.

4.5.3.4.3 Level of Significance After Mitigation

Impacts to paleontological resources would be less than significant with the implementation of GEO-MM-1 through GEO-MM-3.

4.5.3.5 Cumulative Impacts

4.5.3.5.1 Impact Analysis

Impacts to paleontological resources are generally site-specific since the potential for discovery of such resources relate to the particular underlying conditions of a specific site. Also, the vicinity of the Project Site is highly urbanized and has been substantially disturbed and developed over time. In addition, while the paleontological records search indicates that vertebrate fossils (LACM VP 3355 and VP 3821) were recorded roughly 0.4 mile south-southwest of the Project Site near the northeast corner of Wilshire Boulevard and North Bedford Drive and in several other locations in the general vicinity, and while this suggests that one or more of the related Projects could impact paleontological resources, the Project would not contribute to any such impacts. This is because the Project would not include excavation/grading activities on adjacent properties (e.g., no combined impacts would occur), and would not result in significant Project-level

impacts to paleontological resources with implementation of the proposed mitigation. Furthermore, as part of the environmental review processes for the related projects, which are farther away from the Project Site, record searches with the Natural History Museum and/or other site-specific technical analyses would be conducted that would identify the potential for discovery of paleontological resources. If there would be a potential for the discovery of paleontological resources within a related project site, that related project would be subject to site-specific mitigation measures (like the Project) that would be established to address the potential for uncovering of paleontological resources. Therefore, the Project would not contribute considerably to cumulative impacts to paleontological resources, and cumulative impacts to paleontological resources would be less than significant.

4.5.3.5.2 Mitigation Measures

Cumulative impacts to paleontological resources would be less than significant. Therefore, no mitigation measures are required.

4.5.3.5.3 Level of Significance After Mitigation

Cumulative impacts to paleontological resources were determined to be less than significant without mitigation. Therefore, no mitigation measures were required or included, and the impact level remains less than significant.