VI. Other CEQA Considerations

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1. Significant Unavoidable Impacts

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

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

As evaluated in Section IV, Environmental Impact Analysis, of this Draft EIR and summarized below, implementation of the proposed Project would result in significant and unavoidable impacts related to noise and vibration (associated with human annoyance) from on-site construction activities, cumulative noise from on-site construction activities (in the event that Related Project No. 43 and the proposed Project are constructed concurrently), noise from off-site traffic during operation of the proposed Project in comparison to existing conditions, and cumulative noise from off-site traffic during operation of the proposed Project.

a. On-Site Construction Noise

As discussed in Section IV.H, Noise, of this Draft EIR, construction noise impacts due to on-site construction activities were evaluated by calculating the proposed Project's construction-related noise levels at four representative sensitive receptor locations and comparing these levels to the existing ambient noise levels (i.e., noise levels without construction noise from the proposed Project). The analysis determined that noise impacts from on-site construction activities would be significant at noise-sensitive receptor R1. Implementation of Mitigation Measure H-1 requires the installation of a temporary and impermeable sound barrier with a minimum surface weight of 2 pounds during construction, which would reduce the noise generated by on-site construction activities at noise-sensitive receptor R1 by 10 dBA. Mitigation Measure H-1 also requires, among other things, the scheduling of construction activities to avoid the simultaneous operation of construction equipment so as to minimize noise levels resulting from operating several pieces of high

noise level emitting equipment, using noise suppression devices for construction equipment, siting all fixed and/or stationary construction equipment so that it is located as far as possible from noise-sensitive receptors, and compliance with the WHMC Noise Ordinance, which prohibits construction between the hours of 7:00 P.M. and 8:00 A.M. on weekdays; or at any time on Saturday. Implementation of these requirements under Mitigation Measure H-1 would be beneficial and would have the physical effect of reducing noise impacts. [However, construction-related noise levels at noise-sensitive receptor location R1 would still exceed the 10-dBA significance threshold above the ambient noise levels despite implementation of all feasible mitigation measures.] Therefore, construction noise impacts associated with on-site noise sources would remain significant and unavoidable, even with implementation of Mitigation Measure H-1.

b. On-Site Construction Vibration

As discussed in Section IV.H, Noise, of this Draft EIR, the proposed Project would result in a vibration level that would exceed the significance threshold of 0.1 PPV at noise-sensitive receptor R1. While such construction vibration impacts would be temporary and would attenuate rapidly over distance, it has been concluded that there are no feasible mitigation measures that could be implemented to reduce such temporary vibration impacts from on-site construction associated with human annoyance to a less-than-significant level. Although a temporary wave barrier could be constructed to reduce the proposed Project's construction-related vibration impacts, a wave barrier would also, in and of itself, generate ground-borne vibration from the excavation equipment. Therefore, the proposed Project's construction-related vibration impacts associated with human annoyance would remain significant and unavoidable.

c. On-Site Cumulative Construction Noise

As discussed in Section IV.H, Noise, of this Draft EIR, in the event of concurrent construction of the proposed Project and Related Project No. 43, cumulative construction noise impacts associated with the proposed Project and Related Project No. 43 would exceed the 10-dBA significance threshold at noise-sensitive receptor location R1. Therefore, in such a scenario, cumulative construction noise impacts associated with on-site noise sources would remain significant and unavoidable.

d. Off-Site Operational Noise (Existing Plus Project Condition)

As discussed in Section IV.H, Noise, of this Draft EIR, noise impacts due to off-site mobile noise sources associated with operation of the proposed Project in comparison to existing conditions would be significant and unavoidable even with implementation of mitigation measures. Specifically, the estimated noise increase due to off-site traffic would result in a significant impact along Hilldale Avenue, south of Sunset Boulevard. Typical

noise mitigation to reduce traffic noise would be a noise barrier to block the line-of-sight between the receptor and the roadway. However, the impacted property is privately-owned, thereby creating access constraints and limitations relative to additional mitigation. Therefore, cumulative off-site traffic noise along Hilldale Avenue (south of Sunset Boulevard) would be significant and unavoidable. However, the Existing Plus Project traffic noise analysis is conservative as baseline ambient mobile noise levels are expected to increase by the time the proposed Project is completed (i.e., the traffic volumes and associated noise in 2020, which is the proposed Project's buildout year, would increase without the proposed Project due to ambient growth in the area, as well as other related projects that would be completed by that year).

e. Off-Site Cumulative Operational Noise

As discussed in Section IV.H, Noise, of this Draft EIR, cumulative noise impacts due to off-site mobile noise sources associated with operation of the proposed Project, future growth, and related projects would be significant and unavoidable even with implementation of mitigation measures. Specifically, the estimated cumulative noise increase due to off-site traffic would result in a significant impact along Hilldale Avenue, south of Sunset Boulevard. Typical noise mitigation to reduce traffic noise would be a noise barrier to block the line-of-sight between the receptor and the roadway. However, the impacted property is privately-owned, thereby creating access constraints and limitations relative to additional mitigation. Therefore, cumulative off-site traffic noise along Hilldale Avenue (south of Sunset Boulevard) would be significant and unavoidable.

2. Reasons Why the Project is Being Proposed, Notwithstanding Significant Unavoidable Impacts

In addition to identification of a project's significant unavoidable impacts, Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe the reasons why a project is being proposed, notwithstanding the effects of the identified significant and unavoidable impacts.

The reasons why the proposed Project has been proposed are grounded in a comprehensive list of Project objectives included in Section II, Project Description, of this Draft EIR, and are further described below. The proposed Project provides an opportunity to fulfill policy directives reflected in both local and regional land use plans by revitalizing an under-utilized site in the heart of the Sunset Strip by building a high quality commercial development that provides a variety of uses to complement the existing uses along Sunset Boulevard.

As detailed further in Section IV.G, Land Use, of this Draft EIR, the proposed Project would support many goals and policies in the City's General Plan Land Use Element, including, but not limited to, maintaining a balance and mix of land uses and encouraging a high level of quality in architecture and site design; maintaining Sunset Boulevard as a regional, national, and international destination for entertainment, and the primary economic engine to the City; maintaining an urban form and land use pattern that enhances the quality of life and meets the community's vision for its future; providing for an urban environment oriented and scaled to the pedestrian; encouraging a high level of quality in architecture and site design; creating a network of pedestrian-oriented, human-scale, and well-landscaped streets; and maximizing the iconic urban design value and visual creativity in West Hollywood.

The proposed Project would contribute to and expand the diversity of iconic entertainment and cultural venues on the Sunset Strip by developing a unique cultural use, with the establishment of the first U.S. West Coast location for the Arts Club, a historic private membership-based social club originally founded in London in 1863 for those interested in the arts, science, and literature. The Arts Club would provide a central location where creative and entrepreneurial patrons come together to meet, exchange ideas, dine, and participate in various cultural events. In addition, the proposed Project's mix of retail, art gallery, creative office, entertainment, hospitality, dining, bars, and other uses would all serve to support the community's vision of the Sunset Strip as a high-quality international entertainment destination as well as support the economic future and vitality of the City. The proposed Project would also serve to generate a substantial number of new permanent jobs with the addition of its new creative offices, restaurant and retail space, arts gallery and entertainment uses, bars, guestrooms, and fitness and spa facilities, thereby helping to secure a strong and continuous tax base and supply the region with greater employment options. The economic benefits, new jobs, and visitor-serving uses of the proposed Project would further support surrounding retail, restaurant, and other commercial businesses in the vicinity of the Project Site that would increase revenue for the City.

The proposed Project's design would incorporate unique architectural features, including a vibrant and highly modern building façade, creating an iconic design to enhance the Sunset Boulevard experience and the dynamic urban environment surrounding the Project Site. The exterior façade of the building would reflect and expose the project program with a transparent building skin system comprised of vertical fins that would visually appear to undulate and rotate. The proposed Project would also enhance the pedestrian connections and activity along Sunset Boulevard through the development of an open and inviting building façade at the sidewalk level featuring a landscaped community plaza and pedestrian promenade, with hedges, trees, and planters that engages the street and the neighborhood community.

Additionally, as discussed in Section IV.G, Land Use, of this Draft EIR, the Project Site is located in a transit priority area as designated under CEQA and in a High-Quality Transit Area (HQTA) as designated by the Southern California Association of Governments' (SCAG) 2016–2040 Regional Transportation Plan and Sustainable Communities Strategy (2016–2040 RTP/SCS). Transit priority areas and HQTAs are generally described as walkable transit villages or corridors that are within 0.5 mile of a well-serviced and/or major transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. Local jurisdictions are encouraged to focus employment growth within HQTAs, which the proposed Project would serve to provide. In addition, the proposed Project would be consistent with the applicable goals and principles set forth in the 2016–2040 RTP/SCS and the Compass Growth Vision Report, which seeks to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income. The proposed Project's characteristics (e.g., its location, proximity to transit, access to other nearby destinations, provision of pedestrian and bicycle amenities, etc.) would encourage visitors, guests, employees, and members of the Arts Club to use non-auto modes of transportation, which would reduce transportation related impacts and enhance mobility opportunities.

The proposed Project would also serve to construct an energy-efficient and environmentally conscious building by incorporating sustainable elements of design, construction, and operation to achieve Leadership in Energy and Environmental Design (LEED) Gold Level certification by the U.S. Green Building Council or equivalent green building standards. Thus, the proposed Project would support the green building and sustainable environmental goals and policies of the City..

Finally, the significant unavoidable impacts regarding construction noise and vibration are construction related impacts that are temporary and would be expected with most construction activity in the Project vicinity. Overall, the proposed Project's significant impacts are typical of those associated with development generally throughout the region. If the development of the proposed Project were to occur at alternate locations, equivalent impacts would be expected.

In addition, four alternatives to the proposed Project were considered in Section V, Alternatives, of this Draft EIR. Other potential alternatives that might eliminate the significant and unavoidable impacts of the proposed Project were considered as well; however, they were ultimately rejected as being technologically infeasible primarily due to the fact that the Project Site is an infill site with residential uses immediately adjacent to the south and any additional mitigation measures or changes to project design features would not avoid the proposed Project's short-term noise and vibration impacts during construction.

Among the four specific alternatives considered in Section V, Alternatives, of this Draft EIR, no feasible alternative was identified that would eliminate the proposed Project's significant and unavoidable noise and vibration impacts (associated with human annoyance) from on-site construction activities, as such impacts are a function of the Project Site's proximity to adjacent land uses, the average noise levels generated by common pieces of construction equipment, and the thresholds upon which the construction noise and vibration analysis is based. While the No Project Alternative would avoid all of the proposed Project's significant environmental impacts, such an alternative would not meet the underlying purpose of the proposed Project or any of the proposed Project's objectives. In addition, the proposed Project is focused on the development of a particular underutilized site, which is under the ownership of the Project Applicant, and given the built-out nature of the City, no equivalent and available alternate site exists. As such, the No Project Alternative is not considered a reasonable development alternative.

3. Significant Irreversible Environmental Changes

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

The proposed Project would necessarily consume a limited amount of slowly renewable and non-renewable resources, resulting in irreversible environmental changes. This consumption would occur during construction of the proposed Project and would continue throughout its operational lifetime. The development of the proposed Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. As demonstrated below, the Project would consume a limited commitment of natural resources and would not result in significant irreversible environmental changes.

a. Building Materials and Solid Waste

Solid waste generation during construction and operation of the proposed Project is addressed in Section IV.K.3, Utilities and Service Systems—Solid Waste, of this Draft EIR.

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

During construction of the proposed Project, a minimum of 80 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in accordance with Project Design Feature K.3-1. In addition, building materials with a minimum of 10 percent recycled-content would be used for the construction of the proposed Project in accordance with Project Design Feature K.3-2. Furthermore, during operation, the proposed Project would provide designated recycling areas to comply with AB 939, AB 341, and AB 1826 in accordance with Project Design Features K.3-3 through K.3-5. Thus, the consumption of non-renewable building materials, such as lumber, aggregate materials, and plastics, would be reduced.

b. Water

Consumption of water during construction and operation of the proposed Project is addressed in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of this Draft EIR. As evaluated therein, the water demand generated by construction activities for the proposed Project would be substantially less than the net new water consumption of the proposed Project at buildout and would be temporary in nature. In addition, the Project's operational water demand would fall within the projected water supplies for average, single-dry, and multiple-dry years, and the City of Beverly Hills would be able to meet the water demand for the proposed Project in addition to the existing and planned future water demands of its service area. Furthermore, pursuant to Project Design Feature K.1-1, the proposed Project would implement a variety of water conservation features, including, but not limited to, the use of high-efficiency washers, toilets, and faucets, tankless water heaters, and drought tolerant landscaping. Thus, as evaluated in Section IV.K.1, Utilities and Service Systems—Water Supply and Infrastructure, of this Draft EIR, while operation of the proposed Project would result in some irreversible consumption of water, the proposed Project would not result in a significant impact related to water supply.

c. Energy Consumption and Air Quality

During on-going operation of the proposed Project, non-renewable fossil fuels would represent the primary energy source, and, thus, the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Consumption of non-renewable fossil fuels for energy use during construction and operation of the

proposed Project is addressed in in Section IV.K-4, Utilities and Service Systems—Energy, of this Draft EIR. A discussed therein, construction activities for the proposed Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. As the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the construction consumption of fossil fuels would be less than significant.

As evaluated in Section IV.K-4, Utilities and Service Systems—Energy, the proposed Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the Southern California Edison and the Southern California Gas Company, respectively. In addition, the estimated net new electrical and natural gas consumption are conservative estimates and do not factor in reductions in consumption from the implementation of energy conservation features. Specifically, the proposed Project would comply with the City's Green Building Ordinance, as applicable, and, in accordance with Project Design Features D-1 and D-2, the proposed Project would achieve 90 points in the City's Green Points System and 15 percent better than the minimum standards of the California Energy Code. In addition, the proposed Project would also serve to construct an energy-efficient and environmentally conscious building by incorporating sustainable elements of design, construction, and operation to achieve LEED certification by the U.S. Green Building Council or equivalent green building standards. Therefore, with the implementation of energy conservation features, energy would not be used in a wasteful manner, and long-term impacts associated with the consumption of fossil fuels would not be significant.

d. Environmental Hazards

The proposed Project's potential use of hazardous materials is addressed in Section IV.E, Hazards and Hazardous Materials, of this Draft EIR. As evaluated therein, the types and amounts of hazardous materials that would be used in connection with the proposed Project would be typical of those used in commercial developments (e.g., cleaning solvents, pesticides for landscaping, painting supplies, and petroleum products). Construction of the proposed Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Ground disturbance associated with site clearance, excavation, and grading activities during construction is also not anticipated to encounter hazardous subsurface conditions. Any associated risk would be adequately reduced to a less-than-significant level through compliance with applicable standards and regulations. As such, compliance with applicable local, state, and federal regulations and standards relating to environmental protection and the management of hazardous materials would serve to

protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

e. Conclusion

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

4. Growth-Inducing Impacts

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

- Direct growth associated with a project;
- Indirect growth created by either the demand not satisfied by a project or the creation of surplus infrastructure not utilized by a project.

The proposed Project does not include a residential component and, therefore, would not directly contribute to population or household growth. As discussed further in Section VII, Effects Found Not to Be Significant, of this Draft EIR, it is estimated the proposed Project would result in 662 jobs and the existing commercial building is estimated to contain approximately 35 jobs, which would result in a net new employee estimate of approximately 627. Even if it were conservatively assumed that all 627 employees would relocate for work, this would fall within growth projections contained in SCAG's 2016–2040 RTP/SCS. As such, the proposed Project would not cause an exceedance of SCAG's population, housing, or employment projections, or induce substantial indirect population or housing growth related to Project-generated employment opportunities.

Construction workers would not be expected to relocate their households' places of residence as a direct consequence of working on the proposed Project as the work requirements of most construction projects are highly specialized so that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Therefore, given the availability of construction workers in the local area and in the region, the proposed Project would not be considered growth-inducing from a short-term employment perspective, but, rather, the proposed Project would provide a public benefit by providing new employment opportunities during the construction period.

The area surrounding the Project Site is already developed with residential and commercial uses, and the proposed Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. While the proposed Project may require minor local infrastructure upgrades to maintain and improve sewer, electricity, and natural gas lines on-site and in the immediate vicinity of the Project Site, such improvements would be intended primarily to meet Project-related demand and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted for and planned for on a regional level. In addition, the proposed Project would not require any major roadway improvements, and access improvements would be limited to driveways necessary to provide immediate access to the Project Site.

Overall, the proposed Project would be consistent with the growth forecast for the region and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction in vehicle miles traveled. . Therefore, growth-inducing impacts would be less than significant.

5. Potential Secondary Effects of Mitigation Measures

Section 15126.4(a)(1)(D) of the CEQA Guidelines requires that "if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure included for the proposed Project was reviewed.

As discussed in Section IV, Environmental Impact Analysis, of this Draft EIR, Project-level and cumulative impacts with regard to aesthetics, air quality, energy, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, land use, public services (fire services and police services), solid waste, traffic/transportation/ parking, wastewater, and water supply and infrastructure would be less than significant. Therefore no mitigation measures are required for such environmental issue areas, and no potential secondary impacts would occur. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the proposed mitigation measures for those environmental issue areas where mitigation is proposed.

a. Geology and Soils

Mitigation Measure C-1 requires the preparation and City approval of final design plans and a geotechnical engineering report. The preparation of these documents could require additional vehicle trips to the Project Site to conduct additional investigations. However, the overall air quality, greenhouse gas (GHG), and traffic impacts associated with a small number of vehicle trips for this purpose are not significant by themselves. Moreover, this mitigation measure would be beneficial in reducing potential geologic and soil impacts to a less than significant level. Therefore, this mitigation measure would not result in any significant adverse secondary impacts.

b. Noise

Mitigation Measures H-1 and H-2 pertain to construction noise and vibration. The majority of Mitigation Measure H-1, which includes proper maintenance of construction equipment, locating fixed and/or stationary equipment as far from noise-sensitive receptors as possible, and ensuring construction hours comply with the City's Noise Ordinance would not result in secondary impacts. Mitigation Measure H-1 also requires that a temporary and impermeable minimum sound barrier be erected between the proposed Project construction area and adjacent noise-sensitive receptors during construction activities. The short-term aesthetic impacts of the installation of construction fencing

around the perimeter of the Project Site would be temporary and minimal, and as such, impacts would be less than significant. Therefore, Mitigation Measure H-1 would be beneficial in addressing the proposed Project's construction noise impacts by reducing construction noise impacts on nearby sensitive receptors and would not result in any significant adverse secondary impacts.

Mitigation Measure H-2 requires that the Applicant survey and inspect the adjacent commercial building, prepare and submit a demolition vibration control plan, and perform subsequent monitoring to minimize construction vibration impacts on the property. This mitigation measure would require additional vehicle trips to the Project Site to conduct the survey and monitoring. However, this mitigation measure is a procedural requirement and would not result in physical changes that could cause secondary effects. Moreover, the overall air quality, GHG, and traffic impacts associated with a small number of vehicle trips for this purpose are not significant by themselves. Therefore, this mitigation measure would be beneficial not result in any significant adverse secondary impacts.