

TAB 3

Thompson Hotel Staff Report

Part 1: Staff Report and Attachments A-C

Part 2: Attachments D and E



Planning Commission Report

Meeting Date: July 12, 2012

Subject: **9360 Wilshire Boulevard
Thompson Hotel**

Request to modify the existing Conditional Use Permit to allow a limited number of special events to occur throughout the year within the rooftop areas and to allow increased occupancy within the rooftop area from a maximum occupancy of 125 persons to a maximum occupancy of 150 persons, and a request to modify the existing Extended Hours Permit to allow special events, when taking place on the rooftop, to operate until 2:00 AM on the property located at **9360 Wilshire Boulevard.**

PROJECT APPLICANT: Mitchell Dawson

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Approve the attached resolution conditionally approving the requested Conditional Use Permit and Extended Hours Permit modifications.

REPORT SUMMARY

This report analyzes a request to modify the existing Conditional Use Permit to allow a limited number of special events throughout the year to occur within the rooftop area and to allow increased occupancy on the rooftop area, and to modify the existing Extended Hours Permit to allow the rooftop area to operate until 2:00 AM during the special events.

Currently, no special events are permitted within the rooftop area. The rooftop area is currently limited to 125 persons, excluding hotel staff. The applicant requests a modification of the existing Conditional Use Permit to allow up to twelve special events on the rooftop annually and to increase the permitted occupancy by 20%, up to 150 persons. The current permitted hours of operation of the rooftop area are until 12:00 AM, Sunday through Thursday, and until 2:00 AM, Friday and Saturday. The applicant requests a modification to the existing Extended Hours Permit to permit operation until 2:00 AM on weekdays during the requested limited number of special events within the rooftop area. No modifications to the hours of operation are requested beyond those identified for special events. Staff is recommending approval of the expanded occupancy and hours but limiting special events to a maximum of six annually.

Attachment(s):

- A. Staff Recommended Findings and Conditions of Approval
- B. Correspondence from Residents Opposing the Project
- C. Public Notice
- D. Applicant-prepared Noise Mitigation Documentation
- E. Draft Approval Resolution

Report Author and Contact Information:

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Specific analysis regarding noise-related impacts to the surrounding residential neighborhoods is discussed and project-specific conditions are provided to limit potential adverse impacts to the surrounding neighborhoods that may occur as a result of the special events and increased hours and occupancy.

BACKGROUND

File Date	5/2/2012
Application Complete	6/5/2012
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination (8/6/2012)
Applicant(s)	Mitchell Dawson
Owner(s)	Beverly Pavilion, LLC
Representative(s)	Mitchell Dawson
Prior Project Previews	None
Prior PC Action	PL1128056 – Approved with conditions PL1004921 – Approved with conditions PL0600809 – Approved with conditions PL0564190 – Approved with conditions
Prior Council Action	Ordinance No. 10-O-2589 – Approved

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9360 Wilshire Boulevard
Legal Description	Beverly Hills Tract #6380 Lot 1717 and Lot 1718
Zoning District	C-3
General Plan	Commercial Low-Density
Existing Land Use(s)	Commercial Hotel
Lot Dimensions & Area	103.9' x 158.2' = 16,437 SF
Year Built	1963
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	C-3 Commercial, M-PD-2 Mixed Us Planned Development Overlay
South	R-4 Multiple-Family Residential
East	C-3 Commercial
West	C-3 Commercial

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard and South Crescent Drive
Adjacent Alleys	One-way 15' wide alley located at the rear of the property
Parkways & Sidewalks	Wilshire Boulevard: 15' parkway South Crescent Drive: 12.5' parkway
Parking Restrictions	Wilshire Boulevard: Parking prohibited (south side); Restricted peak hour parking (north side) South Crescent Drive: Parking prohibited (east side); 1-Hour Parking 8:00 AM – 2:30 AM (west side)
Nearest Intersection	Wilshire Boulevard and South Crescent Drive
Nearest Signalized Circulation Element	Wilshire Boulevard and South Crescent Drive Wilshire Boulevard: Arterial South Crescent Drive: Local
Average Daily Trips	Wilshire Boulevard: 45,000 South Crescent Drive: 2,400 (south of Wilshire); 9,200 (north of Wilshire)

PROJECT HISTORY

The subject property was developed in 1963 pursuant to City Council approval of a variance for increased height and floor area. It has been continuously operated as a hotel since that time and included a restaurant and rooftop pool. A condition of the variance limited the maximum floor area of the restaurant and bar area to 1,500 SF; however, in 2006, a Conditional Use Permit and a Development Plan Review Permit were granted by the Planning Commission to allow expanded rooftop uses, including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. As a condition of approval, and to prevent detrimental impacts to the surrounding residential neighborhoods, rooftop occupancy was limited to 92 persons, excluding hotel staff, and rooftop hours were limited to 1:00 AM.

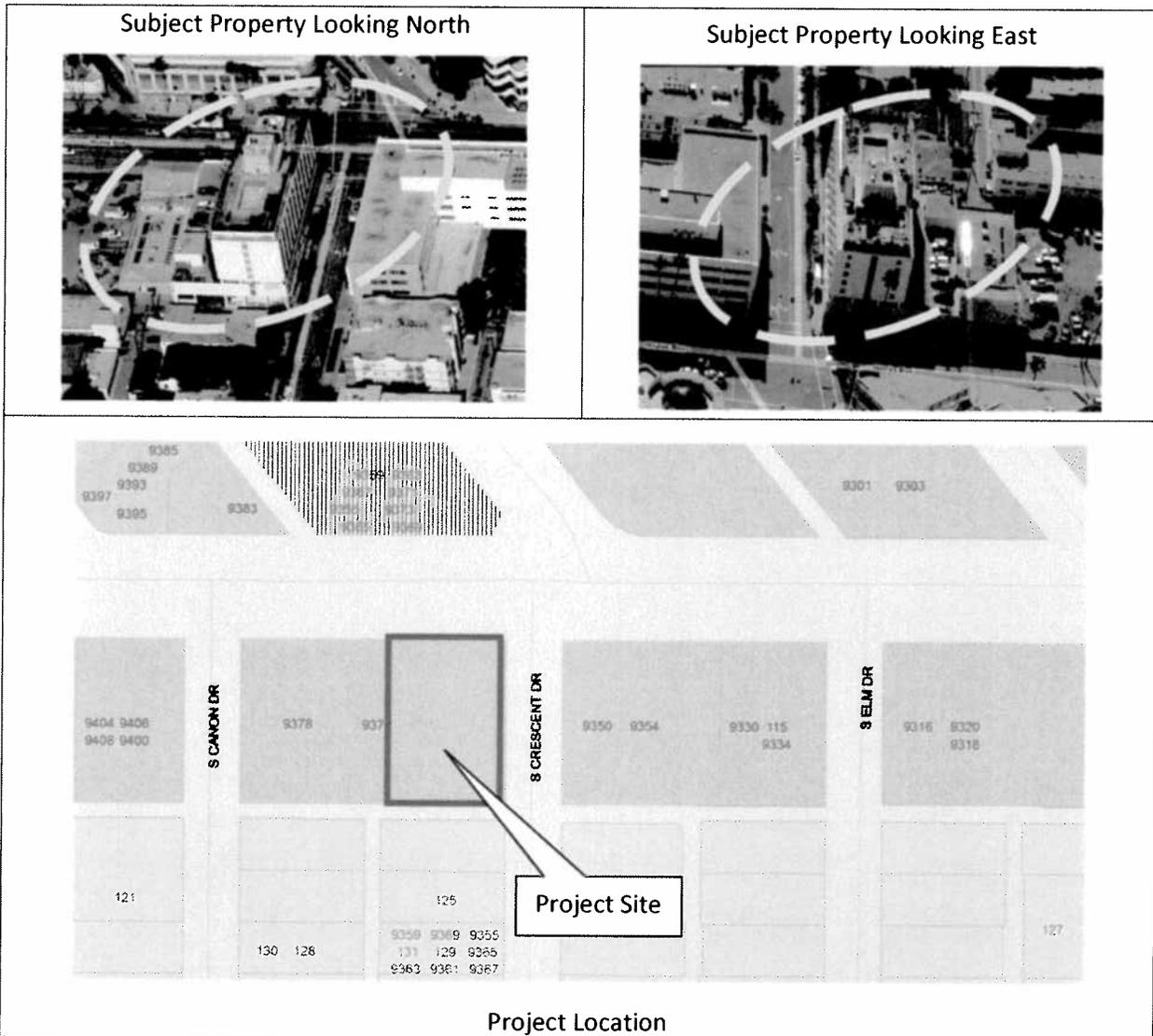
In 2010, the applicant submitted an application for renewal and modification of the existing Conditional Use Permit and for a renewal of the existing Development Plan Review Permit. The proposed project requested an expansion and modification of hotel dining and rooftop operations. The Planning Commission granted the request for additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine levels of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 1:00 AM, and increased occupancy up to 125 persons, excluding hotel staff.

In 2011, the applicant submitted an application for renewal and modification of the existing Conditional Use Permit and Extended Hours Permit and for renewal of the existing Development Plan Review Permit. The proposed modifications to the project included a request for increased occupancy at the rooftop (from 125 persons to 185 persons) and increased hours of operation, until 2:00 AM, each night of the week. The Planning Commission granted the renewal of existing entitlements, but modified the existing Extended Hours Permit to reduce operating hours, Sunday through Thursday, until 12:00 AM, and denied the request for increased occupancy within the rooftop area. The modification of hours and denial were the result of Commission concerns about complaints that were

received at that time regarding hotel operations.

Neighborhood Character

The area near the Thompson Hotel is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject property is zoned C-3 (Commercial) and is immediately outside of the City's Business Triangle. It is currently developed with an eight-story hotel, of which three levels are used for vehicle parking. Commercial properties surround the subject property along Wilshire Boulevard; multi-family residential properties are located to the north and south of the property and Wilshire Boulevard. The surrounding multi-family residential properties to the south range in height between two and four stories and are separated from the commercial uses on Wilshire Boulevard, and the Thompson Hotel, by a 15' alley.



PROJECT DESCRIPTION

As proposed, the project would modify the existing Conditional Use Permit to allow a limited number of special events throughout the year and to allow increased occupancy on the rooftop up to 150 persons

(without the need for a special events permit), and to modify the existing Extended Hours Permit to allow the rooftop area to operate until 2:00 AM during such events. The table below outlines the existing conditions and proposed changes within the hotel as they relate to the project.

REGULATIONS	EXISTING	PROPOSED
Use	Commercial – Hotel	No Change
Guestrooms	114	No Change
Height	100 Feet (per 1961 variance)	No Change
Parking	129 spaces on-site (required) 40 spaces off-site (required)	No Change
Rooftop Hours	5:00 AM – 12:00 AM (Sunday – Thursday) 5:00 AM – 2:00 AM (Friday – Saturday)	<i>Normal Operating Hours</i> 5:00 AM – 12:00 AM (Sunday – Thursday) 5:00 AM – 2:00 AM (Friday – Saturday) <i>Special Event Operating Hours</i> 5:00 AM – 2:00 AM
Rooftop Occupancy	125	150
Rooftop Special Events	0	12 (staff recommends 6)
Restaurant and Bar Floor Area	2,007 SF (2010 approval)	No Change
Restaurant Seats	140	No Change
Outdoor Dining (no rooftop)	926 SF (2010 approval)	No Change

Requested Permits

The entitlements requested as part of the proposed project are as follows:

Conditional Use Permit. The requested modifications to the existing Conditional Use Permit are subject to review by the Planning Commission. Modifications include a limited number of special events within the rooftop area and an increase in occupancy within the rooftop area, up to 150 persons from 125 persons.

Extended Hours Permit. The existing Extended Hours Permit is subject to review by the Planning Commission. Modifications include allowing the rooftop area to operate until 2:00 AM during special events. No modifications to the existing hours of operation beyond those proposed through the Extended Hours Permit are proposed.

DISCUSSION

The Applicant seeks to modify the approvals granted by the Planning Commission in 2006, 2010, and 2011. There are three components associated with this project: 1) Allowance of a limited number of special events to occur throughout the year within the rooftop area; 2) Increased occupancy at the rooftop up to 150 persons; and, 3) Two hour increase in operation hours at the rooftop, Sunday through Thursday, during special events. Each of these components is further discussed below.

CONDITIONAL USE PERMIT MODIFICATIONS

The project includes a request to modify the existing Conditional Use Permit to allow a limited number of special events throughout the year to occur within the rooftop area. The applicant also requests modification of the existing Conditional Use Permit to allow an increased occupancy within the rooftop area, up to 150 persons from 125 persons, which is a 20% increase in occupancy over current conditions. The requested increase in occupancy would not be limited only to special events but is a general request for rooftop operations.

The Planning Commission has previously imposed conditions of approval on the operational aspects of the rooftop area to protect the adjacent residential neighborhoods. Since the previous Planning Commission approval granted in January 2012, there have been no code enforcement cases regarding hotel operations but there have been 16 total complaints registered with the Beverly Hills Police Department (BHPD) regarding the Thompson Hotel during the period (January 2012 – May 2012); of the 16 complaints that were registered, six were identified as noise-related. These complaints have predominately been reported by properties located to the south of the hotel. No citations were issued in connection with these complaints, and three of the six noise-related calls to the Police Department resulted in corrective action being needed (see Attachment D, Applicant-prepared Noise Mitigation documentation). It is noted that two-thirds of the complaints were registered in January 2012 and February 2012; noise-related complaints have since decreased throughout the year.

EXTENDED HOURS PERMIT MODIFICATIONS

The project includes a request to modify the existing Extended Hours Permit to allow the rooftop area to operate until 2:00 AM during those evenings when it hosts special events. As the rooftop area may already operate until 2:00 AM on Fridays and Saturdays, the request for extended hours applies only to Sunday through Thursday. Currently, the rooftop area may only operate until 12:00 AM on those nights.

The applicant has submitted noise survey results (Attachment D) from seven sites in the vicinity of the Thompson Hotel. At the time the surveys were conducted between the hours of 10:00 PM and 2:00 AM, no impacts were observed at the five selected properties due to rooftop activities. The surveys were conducted on Thursday, May 31, 2012; Friday, June 1, 2012; and Saturday, June 2, 2012.

Agency Review

Information was provided by the Beverly Hills Police Department as noted above.

GENERAL PLAN¹ POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy LU 15.1 Economic Vitality and Business Revenue. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.
- Policy ES 1.4 Retain Existing Industries. Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.

¹ Available online at http://www.beverlyhills.org/services/planning_division/general_plan/genplan.asp

ENVIRONMENTAL ASSESSMENT

The proposed project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines², and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 Class 1 (Operation of Existing Facilities).

PUBLIC OUTREACH AND NOTIFICATION

The following methods were utilized for public outreach and notification of the renewal of the existing entitlements and proposed modifications of the Conditional Use Permit.

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	7/6/12	N/A
Newspaper Notice	10 days	7/2/2012	6/28/2012 (BH Courier)	14 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days	7/2/2012	6/28/2012	14 days
Website	N/A	N/A	N/A	N/A

Public Comment

As of the date of the preparation of this report, staff has received comments from nearby residents and individuals acting on behalf of nearby residents in opposition of the proposed project. All received correspondence is provided as Attachment B.

ANALYSIS³

The subject hotel is legally non-conforming, primarily regarding the various residential-commercial transition zone standards set forth in the Beverly Hills Municipal Code (BHMC). However, the BHMC allows for non-conforming uses to continue operations and expand upon them when such changes do not result in further inconsistencies with the BHMC. Previous discretionary entitlements have allowed the Thompson Hotel to establish rooftop uses, extended rooftop area hours, expanded dining and bar areas, and outdoor dining along Wilshire Boulevard. The previous entitlements granted by the Planning Commission regulate various aspects of the hotel's operations to ensure the use is compatible with the surrounding neighborhoods, in particular the nearby residential areas. At the last Planning Commission review in December 2011 and January 2012, the Planning Commission reduced the rooftop area's hours of operation, Sunday through Thursday, to 12:00 AM; the rooftop may operate until 2:00 AM on Fridays and Saturdays. The reduction in operating hours during the week was due in part to public testimony and complaints registered with the BHPD. Over the past six months since the Planning Commission last reviewed the project, the applicant has attempted to minimize noise-related nuisances experienced by

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

³ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

residents in the nearby neighborhoods. The applicant has provided documentation regarding these changes (Attachment D). The changes made include, but are not limited to:

- Calibration and testing of sound system;
- Elimination of Sunday afternoon promotional parties;
- Neighborhood outreach;
- Installation of neighbor consideration signs;
- Noise curtains adjacent to alley entrance;
- Updated valet parking operations;
- Updated delivery operations;

The current request is to allow a limited number of special events annually and to extend the weekday hours of operation only for the purpose of these special events (the rooftop area is already permitted to operate until 2:00 AM on Fridays and Saturdays). The request for expansion of rooftop occupancy would allow this maximum occupancy at all times, not just for special events. The City has regulations pertaining to special events and, under most circumstances businesses are entitled to follow an administrative process to receive special event approval. A special events permit process was established to protect the public health, safety, and welfare of the community. It was also intended to allow for events that provide cultural and economic benefits to the city. In granting a special events permit, the City balances the potential temporary impacts to the community with the benefits of the event. However, the subject hotel is not eligible for the administrative process because of a pre-emption in the local special events regulations. Specifically, one criterion to obtain a special events permit requires that the event not violate conditions of a previous City permit. In this case, the previous City permit would be the Conditional Use Permit pertaining to rooftop occupancy, and the Extended Hours Permit pertaining to rooftop operating hours.

Hotels contribute significantly to the City's revenue base and provide amenities that are used by local residents and businesses and are enjoyed by visitors from all over the world. Hotels generally make a positive contribution to the City and support the brand and image of Beverly Hills. The opportunity for guests to use amenities offered by hotels for events such as weddings, religious celebrations, birthdays, and similar events is important to the success of a hotel and, therefore, the City. Accordingly, staff supports and considers it good policy to allow for special events at hotels. It is also important to the hotel and City that such events are operated and managed in a way that minimizes the temporary community impacts that may occur as a result of the event. Finding this balance when a hotel is located directly adjacent to residential neighborhoods can be a challenge.

With regard to the Thompson Hotel, noise-related complaints to the BHPD have diminished since the beginning of the year. The reduction in complaints appears to coincide with noise-mitigation improvements implemented by the hotel and the applicant has provided explanations with regard to certain complaints. On balance over the past year, it appears that recent changes in hotel and restaurant management and operations may have reduced the frequency of impacts experienced by area residents. While, ideally, the hotel operation would not result in any impacts to the residential neighborhoods, it is generally recognized that residential properties in close proximity to the city's commercial corridors will experience more impacts compared to other properties located further from such commercial activity.

Based on the foregoing, staff supports limited opportunities for temporary events at the Thompson Hotel. Staff recommends that no more than six (6) special events occur during a one-year period and that such events be limited to Thursdays, Fridays, and Saturdays; staff also recommends allowing such special events on Sundays that precede a Monday holiday. While the current Extended Hours Permit does not permit the hotel to operate beyond 12:00 AM on Thursdays and Sundays, proposed modifications to the CUP and Extended Hours Permit would allow a special event permit to be issued for rooftop events to operate until no later than 2:00 AM on those days. Staff proposes that the frequency of special events should not exceed two per month. Furthermore, staff recommends that the rooftop area occupancy be increased to 150 persons as requested.

Special Conditions of Approval

The recommendation in this report is for approval. In addition to the standard conditions of approval, the following project-specific conditions are also recommended:

- *"The hotel is permitted a maximum of six (6) special events permits in any one-year period for any special event that is proposed to operate beyond the hotel's currently permitted extended hours on a Thursday or a Sunday preceding a holiday. In no event shall a special events permit be issued on a Monday, Tuesday, Wednesday or Sunday not preceding a holiday that authorizes such event to operate beyond 12:00 AM. Nothing in this condition shall preclude the hotel from requesting a special events permit that is consistent with the hotel's approved extended hours."*

The purpose of the above condition is to limit the number of special events within the rooftop area that occur during extended hours to six within any one-year period while still allowing the hotel to host special events that comply with the hotel's current Extended Hours Permit, consistent with the regulations and conditions set forth with an administrative special events permit. Staff recommends limiting the number of occasions to six for which the hotel may request a special events permit to operate until 2:00 AM on Thursdays or on Sundays preceding holidays in order to prevent intrusion into the residential neighborhood.

- *"Use of all unenclosed rooftop areas shall be prohibited between the hours of 12:00 AM and 5:00 AM, Monday through Friday, and between the hours of 2:00 AM and 5:00 AM, Saturday and Sunday. During City-approved special events that occur on a Thursday or on a Sunday preceding a Monday holiday, use of all unenclosed rooftop areas shall be prohibited between the hours of 2:00 AM and 5:00 AM on Friday and Monday, respectively."*

The purpose of the above condition is to allow special events to that occur on a Thursday or Sunday preceding a holiday to operate until 2:00 AM, while maintaining previously approved extended hours.

- *"The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 150 persons unless and until the Planning Commission modifies this restriction at a future hearing."*

The purpose of the above condition is to allow the rooftop area a 20% increase in occupancy, from the 125 persons currently permitted to the requested 150 persons. This increase in occupancy is not limited only to special events but will apply to the rooftop area in general.

- *“The Director of Community Development shall review requests for all special events within the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare.”*

The purpose of the above condition is to ensure that all special events that are proposed to occur within the rooftop area operate in such a manner to limit any substantial adverse impact to the surrounding residential neighborhoods and are consistent with all entitlements approved by the Planning Commission.

- *“For all special events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise emanating from the special event in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.”*

The purpose of the above condition is to ensure that any noise-related impact that may occur as a result of special events hosted at the hotel is mitigated in a timely manner and that the residents of the neighborhoods in the vicinity of the hotel are not adversely impacted due to such events.

- *“The hotel operator shall pay for all costs related to police calls for service that occur as a result of a special event that results in a violation of the Special Events Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer.”*

The purpose of the above condition is to ensure that the City is not encumbered by costs associated with enforcing the conditions set forth in the entitlements required for a special events permit and that the applicant bear full responsibility for complying with such conditions.

- *“The Director of Community Services or their designee may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.”*

The purpose of the above condition is to allow the City to impose additional conditions as necessary to protect the public health, safety, and welfare of the community and to reduce, to the extent possible, any adverse impacts to the surrounding neighborhoods that may result from the issuance of a special events permit.

NEXT STEPS

It is recommended that the Planning Commission conditionally approve the modifications to the Conditional Use Permit and Extended Hours Permit.

Alternatively, the Planning Commission may consider the following actions:

1. Approve the project with modified findings or conditions of approval.
2. Deny the project, or portions of the project, based on revised findings.
3. Direct staff or the applicant as appropriate and continue the hearing to a date (un)certain, consistent with permit processing timelines, and at the applicant's request or consent.

Report Reviewed By:



Michele McGrath, Principal Planner

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ATTACHMENT A

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Conditional Use Permit

1. *The proposed location of any such use will not be detrimental to adjacent property or the public welfare.*

The hotel has provided documentation of operational and physical changes to the hotel to reduce noise-related impacts to the surrounding neighborhoods. As a result, the number of noise-related complaints to the BHPD has decreased and staff anticipates that allowing a limited number of special events to occur within the rooftop area will not be detrimental to the nearby neighborhoods or the public welfare with the conditions proposed by staff.

The proposed increase in rooftop occupancy from 125 to 150 persons, excluding hotel staff, is not anticipated to have substantial adverse impacts to the surrounding area. The hotel has demonstrated its efforts to reduce noise-related impacts to the surrounding residential neighborhoods and a 20% increase in rooftop occupancy is not anticipated to result in increased impacts to the surrounding neighborhoods. Further, special conditions of approval are proposed to ensure that the limited number of special events throughout the year will not have substantial adverse impacts on the surrounding neighborhood.

Extended Hours Permit

The extended hours operation will not substantially disrupt the peace, and quiet of the adjacent neighborhood as a result of any of the following:

1. *The accumulation of garbage, litter, or other waste, both on and off the subject site;*

The request for the Extended Hours Permit is related to rooftop uses only. Collection of garbage, litter, or other waste is carried out by staff during regular operation of the rooftop areas. An increase in operating hours during special events can be accommodated by existing resources and staff; the proposal is not anticipated to result in the additional accumulation of garbage, litter, or other waste.

2. *Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;*

Noise complaints identified by staff related to late-night rooftop operations at the hotel have decreased since the last Planning Commission review. Six noise-related complaints have been received by the City between the months of December 2011 and May 2012. Two-thirds of those complaints were received in January and February and the number of complaints has decreased since that time. The hotel has implemented operational and physical changes to the hotel property, including the rooftop area and valet services. Staff attributes the decrease in noise-related complaints to these changes and as such, it is not anticipated that allowing a limited number of special events throughout the year during extended hours within the rooftop area would result in substantial adverse impacts.

3. *Light and glare;*

ATTACHMENT A

Draft Findings and Conditions of Approval

The requested Extended Hours Permit is not anticipated to result in additional light and glare beyond what currently exists at the property. The City has not received any complaints regarding light and glare impacting the surrounding neighborhood. As such, extending the rooftop hours by two hours, on Thursdays and Sundays prior to a Monday holiday, during special events, is not anticipated to create any adverse impacts related to light and glare.

4. *Odors and noxious fumes;*

The requested Extended Hours Permit is not anticipated to result in odors or noxious fumes beyond any that may currently exist at the subject property. The City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. As such, extending the rooftop hours of operation by two hours, Sunday through Thursday, is not anticipated to create any adverse impacts related to light and glare.

5. *Pedestrian queuing;*

The requested Extended Hours Permit is related to rooftop uses only with a request to extend the hours of operation by two hours, on Thursdays and Sundays prior to a Monday holiday, during special events. As the request is related only to rooftop operations, rather than those at the ground floor, the proposed project is not anticipated to create any adverse impacts related to pedestrian queuing.

6. *Crime or peril to personal safety and security;*

The requested Extended Hours Permit is related to rooftop uses only, and the request is for two additional hours beyond current operations, on Thursdays and Sundays prior to a Monday holiday, during special events. The request is related to rooftop activities, as opposed to ground-floor activities. Patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. Because patrons are typically contained within the subject property and the request is for a two-hour increase for a limited number of times a year, the proposal is not anticipated to result in added crime or peril to personal safety and security.

7. *Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;*

Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits. These regulations prevent hotel patrons from parking in the residential areas. Because the subject property is directly adjacent to the City's Business Triangle, it is more likely that patrons who do not utilize the hotel's valet service would utilize the commercial streets rather than the residential streets. As such, the proposed project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. *Effects on traffic volumes and congestion on local residential streets; and*

ATTACHMENT A
Draft Findings and Conditions of Approval

The requested Extended Hours Permit does not modify existing hotel operations and requests two additional operating hours, on Thursdays and Sundays prior to a Monday holiday, during special events. The time period (early AM) typically has lower traffic volume as compared to peak hours. As such, an operation increase of two hours is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

9. *Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.*

The subject property is located along the Wilshire Boulevard commercial corridor. This area is primarily comprised of office buildings and retail stores that generally do not operate beyond 10:00 PM. As such, the proposed project is not anticipated to result in a concentration of extended hours operations within the vicinity of the subject property.

DRAFT CONDITIONS

1. Unless specifically modified by this Resolution, all conditions of approval contained in City Council Resolution No. 3013 shall remain in full force and effect throughout the life of the project.
2. Unless specifically modified by this resolution, all conditions of approval contained in Planning Commission Resolution Nos. 1418, 1581, and 1628 shall remain in full force and effect throughout the life of the project.
3. The hotel is permitted a maximum of six (6) special events permits in any one-year period for any special event that is proposed to operate beyond the hotel's currently permitted extended hours on a Thursday or a Sunday preceding a holiday. The frequency of such events shall not exceed more than two (2) events per month. In no event shall a special events permit be issued on a Sunday not preceding a holiday, Monday, Tuesday, or Wednesday that authorizes such event to operate beyond 12:00 AM. Nothing in this condition shall preclude the hotel from requesting a special events permit that is consistent with the hotel's approved extended hours.
4. Use of all unenclosed rooftop areas shall be prohibited between the hours of 12:00 AM and 5:00 AM, Monday through Friday, and between the hours of 2:00 AM and 5:00 AM, Saturday and Sunday. During City-approved special events that occur on a Thursday or on a Sunday preceding a Monday holiday, all unenclosed rooftop areas shall be prohibited between the hours of 2:00 AM and 5:00 AM on Friday and Monday, respectively.
5. The maximum occupancy of all rooftop areas, excluding hotel staff, shall be limited to 150 persons unless and until the Planning Commission modifies this restriction at a future hearing.
6. The Director of Community Development shall review requests for all special events at the rooftop area and impose conditions consistent with this permit to minimize community impacts and to protect the public safety and welfare.

ATTACHMENT A
Draft Findings and Conditions of Approval

7. For all special events, the hotel operator shall provide a Beverly Hills off-duty public safety officer, or other personnel approved by the Director of Community Development, to monitor noise, emanating from the special event, in the residential neighborhood to the south of the hotel. Noise generated by the event and determined by the public safety officer to be a nuisance or inappropriate shall be immediately reduced to an acceptable level. The applicant shall pay the cost of assigning the public safety officer.
8. The hotel operator shall pay for all costs related to police calls for service that occur as a result of a special event that results in a violation of the Special Events Permit, the Conditional Use Permit, the Extended Hours Permit, or any other public nuisance findings made by the public safety officer.
9. The Director of Community Services or their designee may impose conditions on any permit as the Director or designee deems appropriate to make the determinations set forth in Section 4-8-7 of the Beverly Hills Municipal Code or otherwise protect the public health, safety, or welfare. These conditions may include, but are not limited to, reimbursement to the city for the cost of assigning public safety or other personnel to ensure that the event is conducted without any adverse impact to the public safety and welfare. Any violation of the conditions of this permit shall be considered a violation of this code.
10. EXPIRATION AND RENEWAL. The Conditional Use Permit and Extended Hours Permit shall expire at the same time as the entitlements granted through Planning Commission Resolution No. 1628. Upon application by the Applicant at least 60 days prior to the expiration of such permits, the City may extend the Permits if the reviewing authority determines that the uses are operating in a manner approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating significant adverse impacts on the surrounding neighborhood. Permits shall remain valid until such a time as a decision is determined by the Planning Commission. The Applicant shall file all necessary applications and pay all applicable fees associated with said re-review.
11. APPEAL. Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
12. RECORDATION. The resolution approving the renewal of the existing Conditional Use Permit and Extended Hours Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department of Community Development within 60 days of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Project shall be null and void and of no further effect. Notwithstanding the foregoing, the Director of

ATTACHMENT A
Draft Findings and Conditions of Approval

Community Development may, upon a request by the Applicant, grant a waiver from the 60 day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Project.

13. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

ATTACHMENT B
Correspondence from Residents Opposing the Project

Begins on following page.

JUL 6 2012

PLANNING DIVISION
COMMUNITY DEVELOPMENT

HELENA MIGDAL
826 Glenmont Avenue
Los Angeles, CA 90024

July 3, 2012

City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210
Attn: Planning Commission

Re: Proposed Modification to Conditional Use Permit for Thompson Hotel at
9360 Wilshire Blvd., Beverly Hills

To Whom It May Concern:

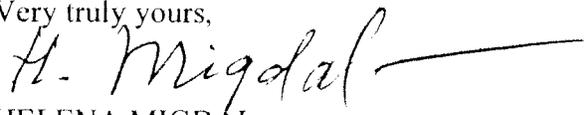
As the owner of the residential rental property located at 129-131 Crescent Drive, three doors away from the Thompson Hotel, I object to the proposed modification to the hotel's existing Conditional Use Permit and particularly to the proposal to allow the hotel to operate special events on the rooftop until 2:00 a.m., Sunday through Thursday.

The tenants at my property include a nonagenarian, as well as a family with two young children. They would find the noise generated by the proposal to extend the hotel's rooftop hours to 2 a.m. on school nights disruptive of their well being. Increasing the noise levels could also affect the rental value of my property going forward.

I hereby urge the Planning Commission to deny the Thompson Hotel's request for modification of their condition use permit.

Thank you.

Very truly yours,


HELENA MIGDAL

HM:am

Cindy Gordon

From: Stephanie Johnson <sajie@mac.com>
Sent: Sunday, July 01, 2012 3:35 PM
To: Cindy Gordon
Subject: Re: 9360 Wilshire Blvd

Ms. Gordon,

I sent the below email the last time there was a request to change the hours of the Thompson Hotel Roof aka building 9360 Wilshire Blvd. I am unable to attend the scheduled meeting on July 12, 2012 at 1:30 pm as I have to work in order to pay to live in the apartment I reside, in which my bedroom window faces the back of the Thompson Hotel.

Again, I would like to express how loud the noise is at that location and staying open until 2:00 am, just continues to keep me from going to sleep. In the past couple of weeks, I've had loud people either screaming from the hotel or walking down the alley late at night. If they could keep that from happening then I wouldn't care, but they can't. They also don't know how to keep a leash on the DJ's who perform there. Especially in the summer the music gets increasingly louder and louder until the attendees are screaming at the top of their lungs.

Once, last summer, when I called to complain about the noise getting louder, I was informed that the people have paid their money to attend. I don't care, I didn't pay to attend. I then had to ask for a manager in order to get any relief, which was short lived.

I also have a small business, where I read manuscripts and scripts and having pounding music all night doesn't help me get the rest I need in order to work, read and pay attention to what I'm doing. I should be able to have peace in my home and not have to listen to loud music and other people. If that happened in my apartment complex, someone would be asked to move. I was in this apartment building before the hotel and I shouldn't have to consider moving in order to live somewhere in peace and quiet.

You can read my objections below as well.

Please contact me if you need any other information about my objections.

Thank you,

Stephanie Johnson

On Dec 10, 2011, at 12:38 PM, Stephanie Johnson wrote:

> Ms. Gordon,

>

> I am a resident living in the apartment building at 120 S. Canon Drive. I would like to register my complaint at the proposed renewal and changes to the existing Conditional Use Permit for the Thompson Hotel Roof aka building at 9360 Wilshire Blvd. I also would like to complain that these hearings are held at a time when most people are working, therefore unable to attend the Public Hearing and lodge their complaints.

>

> My bedroom windows faces the alley which backs up to the hotel. All summer I had to deal with loud music in the middle of the day on Sunday's as well as screaming people, and several days of the week. My only saving grace at times, was that I knew it would be over by 11:00pm. As a long time resident (more than 15 years), I shouldn't have to deal with

people screaming and not being able to relax in my home where I pay rent. If I wanted to live at a night club, I wouldn't have moved to Beverly Hills.

>

> I have had to call the hotel many times to complain about how loud the music gets and how loud their customers are. Most of the time, I get "well they paid to be here," which means I am just supposed to endure all the noise. I can't sleep, I can't read, often I can't even hear my own television. Drunk loud people walk through the alley. The cars that park under our building have been vandalized, although I can't say it's because of the element coming from the hotel. But in my years of living here, I've never had any issues until that hotel started having people there late at night.

>

> The economy is a big reason why I'm still living in this apartment, but I have to say if I have to deal with loud people and music into 1:00 am in the morning, I will have no other recourse than the move, which I'm sure will just as adversely affect my landlord as well as the money I spend at the grocery stores and shops in the area, since I will have to move somewhere else.

>

> Is having that club cause issues for the residents more important to the city than having residents who are happy and spend money in the area? Let me know so I can decide when I need to move.

>

> A very upset resident,

>

> Stephanie Johnson

They need to deal
truthfully with
the city



Please see attached
my JULY 24, 2010
letter to you
as I HAD PREDICTED
This Business's
intentions.

NOTICE OF PUBLIC HEARING

DATE: July 12, 2012
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Commission Meeting Room 280A
City of Beverly Hills Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

JUL 3 2012

The Planning Commission of the City of Beverly Hills, at its REGULAR meeting on Thursday, July 12, 2012, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider:

A request to modify the existing Conditional Use Permit to allow a limited number of special events to occur throughout the year within rooftop areas, and a request to modify the existing Extended Hours Permit to allow special events, when taking place on the rooftop, to operate until 2:00 AM for the property located at 9360 Wilshire Boulevard (Thompson Hotel). Existing entitlements allow the rooftop area to operate until 12:00 AM, Sunday through Thursday, and until 2:00 AM, Friday and Saturday; however, special events are not currently permitted; and

A request to modify the existing Conditional Use Permit to allow increased occupancy within the rooftop area from a maximum occupancy of 125 persons to a maximum occupancy of 150 persons.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption for operation of existing facilities.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Cindy Gordon, Assistant Planner in the Planning Division at 310.285.1191, or by email at cgordon@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:

Michele McGrath, Principal Planner

Mailed: June 28, 2011

Hospitality Executive Management®
The Experience Edge

E. Lotfi P.O. Box 16805 Beverly Hills, California 90209 (310) 271-8564

Council of the City of Beverly Hills
455 North Rexford Drive
Beverly Hills, Ca 90210

July 24, 2010

Dear Council Members: The following issues need to be clarified on the proposed ordinance amendment 10-3-2868 of the municipal code;

- ✓ • Is this 50% addition for total seating including bars, lounges, pool terrace or just for the restaurant? A 300 seat restaurant would be excessive for a 200 room hotel.
- ✓ • Are the hotels going to get this approval and then turn around every other day close the restaurant and use the space for banquets and private functions? This would be adding to banquet capacity. What are the plans to ensure that we are not adding to banquet space; manipulations need to be prevented.
- ✓ • 50% additional seats would also require added parking spaces. 300 people coming to the restaurant or banquet does not arrive with the same number of cars for 200 people.


Sincerely, E. Lotfi

6-29, 2012

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: July 12, 2012
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Commission Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

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Approved as to form:


Michele McGrath, Principal Planner

Mailed: June 28, 2011