

ATTACHMENT 8
VIOLATION DETERMINATIONS



Ryan Gohlich, AICP, Assistant Director / City Planner
Community Development Department

June 1, 2016

Nicholas Rimedio
L'Ermitage Hotel
9291 Burton Way
Beverly Hills, CA 90210

Re: Determination of Violations

Dear Mr. Rimedio:

This letter serves to address one reported violation of Planning Commission Resolution No. 1772. The nature of the alleged violations and the City's formal determination pertaining to the reported violation is outlined as follows (this is the third such violation reported since adoption of Planning Commission Resolution No. 1772):

Reported Violation #3

Reported violation #3 was stated to have occurred on Sunday, May 8, 2016 at 9:48 AM, and consisted of a delivery being conducted in the alley. This was reported to be a violation because the delivery occurred prior to 10:00 AM, which is the authorized start time for Sunday loading hours set forth in Planning Commission Resolution No. 1772.

City Determination

In response to the reported violation, I have reviewed a photograph and video provided by the complainant, as well as security camera footage provided by the L'Ermitage. The security camera footage shows a truck arriving at 9:45 AM, and backing up to the hotel's loading area. Upon stopping, four furniture dollies are removed from the back of the truck and placed outside the hotel's loading dock. The truck is present in the alley for approximately three minutes and then departs at approximately 9:48 AM. In speaking with the L'Ermitage I was informed that the furniture dollies were associated with repair work being performed on several pieces of the hotel's exercise equipment, and that the

dollies were planned to be used later in the day to move the equipment within the hotel. Further, I was informed that the exercise equipment maintenance was scheduled to occur after 10:00 AM.

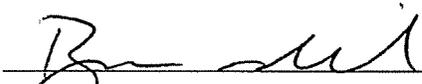
Condition No. 12 of Planning Commission Resolution No. 1772 states that no deliveries shall be accepted by the hotel prior to 10:00 AM on Sundays. While the dropping off of furniture dollies associated with exercise equipment maintenance does not appear to be a traditional hotel delivery (e.g. produce, linens, etc.), the resolution does not provide guidance on maintenance-type deliveries; therefore, all deliveries must be treated equally, regardless of the purpose. Furthermore, no hotel staff were present to reject the delivery.

Based on the above assessment, it is my determination that the delivery of furniture dollies is a violation of Planning Commission Resolution No. 1772. This counts as the second violation of the calendar year, and a \$2,500 penalty will be withdrawn from the hotel's deposited funds in accordance with Condition No. 24 of the Resolution.

This is a final determination, which may be appealed to the Director of Community Development within 14 days of the date of this decision. Accordingly, one violation is hereby assessed against the L'Ermitage as a result of the above review.

Please feel free to contact me at 310-285-1118 or rgohlich@beverlyhills.org if you have any questions regarding this determination.

Sincerely,



Ryan Gohlich, AICP, Assistant Director / City Planner
Community Development Department



Ryan Gohlich, AICP, Assistant Director / City Planner
Community Development Department

May 13, 2016

Nicholas Rimedio
L'Ermitage Hotel
9291 Burton Way
Beverly Hills, CA 90210

Re: Determination of Violations

Dear Mr. Rimedio:

This letter serves to address two reported violations of Planning Commission Resolution No. 1772. The nature of the alleged violations and the City's formal determination pertaining to each are outlined as follows:

Reported Violation #1

The first reported violation was stated to have occurred at 6:14 AM on May 3, 2016, and consisted of a delivery being conducted in the alley by a bread truck (see Attachment 1). This was reported to be a violation because the delivery occurred outside the allowed loading hours set forth in Planning Commission Resolution No. 1772.

City Determination

In response to the reported violation, I have reviewed the photograph provided by the complainant, as well as security camera footage provided by the L'Ermitage. The security camera footage shows a pastry delivery arriving at 6:09 AM, with said delivery being accepted by hotel staff at approximately 6:11 AM, as acknowledged by L'Ermitage management. In speaking with the L'Ermitage I was informed that the pastry delivery had been ordered by a hotel guest for a meeting, and that the order was not placed by the hotel.

While it is very unfortunate that the order was not placed by the hotel, and that the pastry delivery occurred a mere 4.5 hours after adoption of the Planning Commission Resolution, acceptance of the delivery by hotel staff is nonetheless a violation of Condition No. 12 of the Resolution, which prohibits deliveries from being accepted prior to 9:00 AM on weekdays.

Based on the above assessment, it is my determination that the pastry delivery counts as the first violation of the calendar year, and a \$1,000 penalty will be withdrawn from the hotel's deposited funds in accordance with Condition No. 24 of the Resolution.

Reported Violation #2

The second reported violation was stated to have occurred on May 3, 2016, and consisted of a U.S. Foods truck blocking garage access at the adjacent residential property located at 9297 Burton Way. Evidence was provided in the form of an email and photographs (see Attachment 2).

City Determination

In response to the reported violation, I have reviewed the photographs provided by the complainant, security camera footage provided by the L'Ermitage, and spoken with the L'Ermitage management. Upon reviewing the security camera footage, the following can be seen:

- The delivery truck in question arrives at 1:33 PM and begins to position itself in a manner that obstructs the alley and adjacent garage.
- At 1:39 PM a hotel staff member exits the rear of the building, approaches the driver, and although there is no audio, it is clear that the staff member refuses the delivery and tells the driver that he needs to reposition the truck in a manner that won't obstruct the alley or adjacent garage.
- After a brief conversation, the truck driver complies with the hotel's directions and moves the truck to a suitable loading position. The alley and garage obstruction is fully cleared by 1:43 PM.

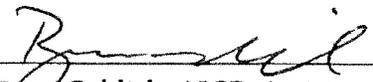
Although the time that passes between the truck's arrival and its repositioning is approximately 10 minutes, the security camera footage clearly shows that the hotel rejects the delivery and requires the truck to be repositioned prior to accepting the delivery. While it would have been desirable for the hotel to act more quickly in intercepting the delivery truck, the hotel's actions appear to be in compliance with Condition Nos. 12 and 13 of the Resolution since the delivery was rejected. In addition, the hotel subsequently terminated its contract with U.S. Foods as a result of the above event.

Based on the above assessment, it is my determination that the L'Ermitage acted in accordance with Planning Commission Resolution No. 1772, and that no violation occurred as a result of the temporary obstruction caused by the U.S. Foods truck. Accordingly no penalty will be assessed.

This is a final determination, which may be appealed to the Director of Community Development within 14 days of the date of this decision. Accordingly, one violation is hereby assessed against the L'Ermitage as a result of the above review.

Please feel free to contact me at 310-285-1118 or rgohlich@beverlyhills.org if you have any questions regarding this determination.

Sincerely,



Ryan Gohlich, AICP, Assistant Director / City Planner
Community Development Department

Attachments:

1. Reported Violation Regarding Bread Truck
2. Reported Violation Regarding Alley and Garage Obstruction

ATTACHMENT 1

Ryan Gohlich

From: Matti Bialer <bialermatti@aol.com>
Sent: Wednesday, May 04, 2016 7:36 AM
To: Ryan Gohlich; Mahdi Aluzri; George Chavez
Cc: 10-John Mirisch; lilibosse@icloud.com; 4-Nancy Krasne; ilanbialer@gmail.com; mikaelc@aol.com
Subject: 6:14am Bread delivery L'ermitage hotel May 3,2016
Attachments: IMG_20160503_061452325.jpg

Ryan,

The violations starting yesterday at 6:14 am with a truck delivery in the alley. It was a bread delivery. Attached is a photo of the 1st violation . I will be sending another email to you with photo's of 2nd violation . Could you please send to me the new resolution that is currently in force.

Thank You,
Matti Bialer



ATTACHMENT 2

Ryan Gohlich

From: Matti Bialer <bialermatti@aol.com>
Sent: Wednesday, May 04, 2016 7:41 AM
To: Ryan Gohlich; Mahdi Aluzri; George Chavez
Cc: 10-John Mirisch; lilibosse@icloud.com; 4-Nancy Krasne; ilanbialer@aol.com; mikaelc@aol.com
Subject: May 3,2016 Hotel delivery - 2nd violation

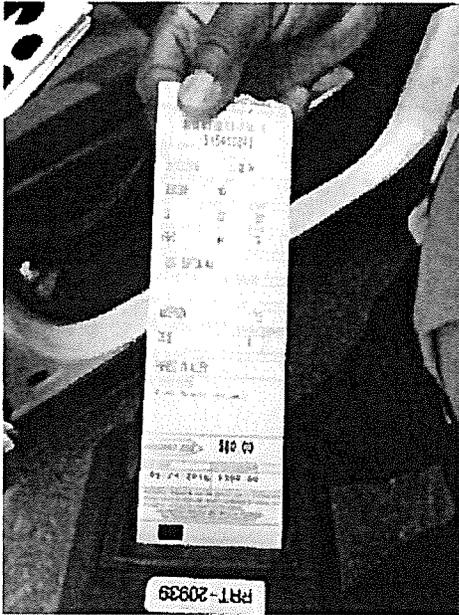
Ryan,

Attached find 2nd violation yesterday 5/3/16.

Thank You,
Matti Bialer







Sent from my iPhone