

Attachment 3

Administrative Modification Approval Determination



Susan Healy Keene, AICP, Director of Community Development
Community Development Department

September 4, 2014

Oasis West Realty LLC
Attn: Ted Kahan, President
9860 Wilshire Boulevard
Beverly Hills, CA 90210

Subject: 9876 Wilshire Boulevard: Administrative Modification Approval Determination

Dear Mr. Kahan,

This letter serves to memorialize the Director of Community Development's decision approving an Administrative Modification for project changes related to the Beverly Hilton Specific Plan located at 9876 Wilshire Boulevard, and focusing on the proposed Waldorf Astoria Hotel component (the "Modifications").

On April 29, 2008, the City Council adopted a Specific Plan, Development Agreement, and associated entitlements for the project, including certification of an Environmental Impact Report (April 21, 2008), to approve a luxury hotel, condominiums, and off-site right-of-way improvements. The Specific Plan sets forth procedures for plan implementation and administration (Chapter 5), including the evaluation of project-related modifications.

Pursuant to Section 5.4 of the Specific Plan, *"the Director of Community Development may, without the review and approval of the Planning Commission or the City Council, approve administrative modifications to the Specific Plan that do not substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan. An Administrative Modification shall be required with respect to changes to the site plan and building elevations that would materially alter the approved architectural style or modulation of the buildings. An Administrative Modification shall be processed pursuant to the procedures set forth in Article 36 of Chapter 3 of Title 10 of the Municipal Code for 'Minor Accommodations to Certain Development Standards'. The Applicant or any person aggrieved by any decision regarding an Administrative Modification may appeal to the City Council as provided in Section 10-3-3604 of the Municipal Code (or any successor provision)."*¹

¹ Article 36 of Chapter 3 of Title 10 of the municipal Code is available online at:
http://www.sterlingcodifiers.com/codebook/getBookData.php?id=&chapter_id=77442&keywords=

On June 25, 2014, an application for Administrative Modification was filed with the Community Development Department. Implementation of the Specific Plan is being completed in phases, as contemplated in the approved Specific Plan. The first phase consists of the construction of the Waldorf Astoria hotel, modifications to the Beverly Hilton Conference Center, and associated off-site right-of-way improvements. Future phases of implementation will include construction of two residential towers and additional off-site right-of-way improvements, however these phases are not yet proposed.

A notice of pending decision for the Administrative Modification Application was mailed on July 31, 2014 to owners and occupants of properties within 100 feet of the project boundaries, as well as owners and occupants along the blockfaces of those properties; site posting was carried out in accordance with applicable Beverly Hills Municipal Code provisions.

In accordance with the procedures set forth in the Specific Plan, the Director of Community Development hereby finds that the following Modification elements are eligible for an Administrative Modification and will not substantially alter the distribution, location, extent or density of the uses and buildings permitted in the Specific Plan:

- **Inclusion of a mezzanine in the first floor of the podium:** As contemplated in the Specific Plan, the proposed hotel intends to meet the standards of a five-star luxury hotel in terms of amenities and interior ceiling heights. To that end, a mezzanine is proposed that will be used to distribute back of house service and support uses, and will contain a hotel gym to be used as an amenity by hotel guests. Pursuant to Section 4.2 of the Specific Plan, day spas and fitness centers are permitted ancillary uses for hotels. Because these facilities must be ancillary, they do not have the potential to change the distribution, location, extent or density of the uses permitted in the proposed hotel building. While the mezzanine contains additional floor area, the total floor area of the proposed project will not exceed the total floor area allowed on the site per the requirements of the Specific Plan. Furthermore, with regard to the Specific Plan, the proposed mezzanine is interpreted not to be a story². Thus the inclusion of a mezzanine in the first floor of the podium of the Waldorf Astoria hotel is subject to administrative modification, and is hereby found not to substantially alter the distribution, location, extent or density of the uses and buildings permitted by the approved Specific Plan.
- **Reconfiguration of meeting and function rooms:** The proposed project consists of adding approximately 6,300 square feet of meeting space in the Waldorf Astoria, and approximately 4,920 square feet of meeting space to the Beverly Hilton (a total of approximately 11,220 square

² For the purposes of this determination, staff makes the following interpretation with respect to mezzanines: *For the five-star hotel within the approved Specific Plan area only, the term "story" shall include mezzanines, excepting mezzanines that meet the following criteria which would not be deemed a story: (a) The floor area of the mezzanine shall not exceed sixty percent (60%) of the floor area of the first floor below it; and (b) there is no material increase in the height of the building in which the mezzanine is located. For the purposes of this determination, a material increase in height shall be no more than 3% of the total approved height set forth in the Specific Plan. Only one such mezzanine shall be permitted in the five-star hotel within the approved Specific Plan area.*

feet). This new meeting space capacity will be offset by the conversion of 11,450 square feet of existing meeting space in the Beverly Hilton to storage area. While new overall floor area is being added, the conversion of existing meeting rooms to storage effectively offsets, and in fact decreases, the total square footage of meeting and function room. Thus, the proposed reconfiguration will not result in an increase of meeting and function room capacity as measured by square footage, and is therefore found to be in substantial conformance with the approved Specific Plan, and it would not substantially alter the distribution, location, extent or density of the uses and buildings permitted by the approved Specific Plan.

- **Overall height increase of 4 feet:** The proposed refinements to the Waldorf Astoria hotel design include increases to the height of the first floor of the podium to accommodate incorporation of a mezzanine to accommodate structural and mechanical systems, as well as provide appropriate ceiling heights for both of those levels. This increase results in an overall height increase of 4 feet. This represents a 2.6% increase from the approved height of 150 feet as set forth in the Specific Plan. A 154 foot tall hotel would not appear materially different or taller than a similarly 150 tall building with similar materials and design, when viewed from areas surrounding the project site. This conclusion is based in part on a comparison of the building elevations for the hotel building as approved by the Specific Plan against the revised building elevations showing the increased height, which diagrams are attached here to as Exhibit A. Additionally, staff does not anticipate any new shade, shadow, traffic, view, or other impacts to result from the proposed minor increase in height. Due to the relative amount of height increase and the determination that no new impacts will result from the height increase, this refinement is found to be a minor change to the building that does not materially alter the height of the building. Therefore, this modification is approved pursuant to Specific Plan Section 5.4 (g) and is not subject to the administrative modification process.
- **Outdoor dining area:** The proposed addition of 2,408 square feet of outdoor dining area is not included within the surrounding walls of the building or structure, and pursuant to the definition of floor area set forth in Beverly Hills Municipal Code Section 10-3-1, the outdoor dining area does not increase the overall floor area approved by the Specific Plan. Because the dining area will be open to both hotel guests and those who are not guests at the hotel, it is considered non-appurtenant to the hotel, and thus requires additional parking. The proposed number of parking spaces at the completion of Phase One will accommodate the additional 125 parking spaces required for the outdoor dining area, because the first phase includes construction of more parking than the minimum that would be required for the uses to be constructed as part of the first phase. Based on a supplemental traffic study prepared on behalf of the applicant, the outdoor dining area will not create any additional traffic impacts as measured by the City's current thresholds. This finding is confirmed through a peer review conducted by the City's traffic engineer. Because future phases of implementation of the Specific Plan will require each development to provide adequate parking as set forth in the Beverly Hills Municipal Code, the Director hereby finds the addition of outdoor dining area to be in substantial conformance with the approved Specific Plan, and that the outdoor dining will not substantially alter the

distribution, location, extent or density of the uses and buildings permitted by the approved Specific Plan.

- **Refinements to the architectural design of the podium and new hotel tower:** Section 4.9(F) of the approved Specific Plan sets forth the architecture and design requirements for the East Luxury Hotel Building (Waldorf Astoria). The proposed architectural design of the Waldorf Astoria podium and hotel tower has undergone a material change, and is thus subject to administrative modification. The Architectural Commission, as part of its review of the “final design, material and finishes” pursuant to Section 4.9 I. of the Specific Plan, and a review by the City’s Urban Designer of the proposed podium and hotel tower design, concluded that the proposed architectural design reflects the modern architecture design principles that honor the original Welton Becket architecture of The Beverly Hilton Wilshire Tower, and reflects the California climate and indoor/outdoor living through extensive transparency, open balconies, and a high degree of connectivity between the interior and exterior landscaped areas. The Director hereby concurs with those conclusions, and finds that the revisions to the architectural design that result from the incorporation of a mezzanine, increased building height, and additional outdoor dining space do not materially alter the architectural style or modulation of the Waldorf Astoria hotel building as contemplated by the Specific Plan. Furthermore, the proposed refinements to the footprint of the Waldorf Astoria hotel building do not constitute a substantial alteration from the approved footprint as shown in Figure 20A of the Specific Plan. Thus, the proposed architectural design of the podium and hotel tower is found by the Director of Community Development to be in substantial conformance with the requirements of the approved Specific Plan.
- **Implementation of a graywater system:** Section 5.4(E) of the approved Specific Plan requires that a graywater system be included to reduce overall project water demands, and limit the demand for irrigation water. The proposed implementation of Phase One includes provisions to implement a graywater system in conformance with the requirements set forth in the Specific Plan. Thus, the graywater system is not subject to administrative modification and is found to be in conformance with the requirements of the approved Specific Plan.
- **Off-site right-of-way improvements:** Phasing of the project was contemplated in the approved Specific Plan, and the proposed off-site right-of-way improvements coincide with implementation of Phase One of the Specific Plan. The improvements proposed for Wilshire Boulevard, Santa Monica Boulevard, and associated streetscape and landscape improvements are in conformance with the requirements set forth in the Specific Plan, and no modifications are proposed from what is required, other than the phasing of the implementation. Thus this phase of off-site right-of-way improvements is not subject to administrative modification and is found to be in substantial compliance with the requirements set forth in Section 4.4 of the approved Specific Plan.

The Director of Community Development hereby approves the requested Administrative Modification to modify the project as outlined above and detailed on the project plans on file in the Community Development Department, dated June 25, 2014, and identified by the Department's approval stamp and signed by the Director. The effective date of this decision is September 4, 2014.

This approval is only for those modifications presented on the plans referenced above, and described herein. Further project modifications or refinements that are not expressly addressed by this approval may require additional review. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Susan Healy Keene". The signature is written in a cursive, flowing style.

Susan Healy Keene, AICP
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