

Attachment 4

Responses to Questions from Councilmembers

Responses to Councilmember Questions

Note: Questions from Councilmembers are depicted below in **bold text**

1. **The letter mentions that “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.” Hasn’t the Council specified policies extending the noticing beyond 100 feet?**

- a. According to Section 5.4 of the Specific Plan, 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.’” Effective June 20, 2014, public noticing requirements for development projects were changed and consolidated across application types, and expanded to include blockfaces. According to the new public noticing requirements, Director Level Minor Accommodations in the Central Area of the City require mailed notices to all owners and occupants within 100’ radius plus blockface, as well as on-site posting. Staff followed the new noticing protocols and mailed notices to the expanded area for both the Notice of Pending Decision mailed on July 31, 2014, as well as the Notice of Decision mailed on September 5, 2014.

A. When and how was it determined that the modifications in questions were “administrative modifications”?

1. The modifications in question were formally determined to be subject to Administrative Modification on September 4, 2014, the date of the approval. Staff met and discussed with the applicant various iterations of the proposed plan prior to submittal. Once the request for administrative modification was formally submitted, staff conducted reviews of the proposed Phase 1 modifications, the municipal code, and the approved specific plan that applied to the project site to determine if the changes were in substantial conformance and that they did not constitute material changes.

2. **Will the hotel gym be accessible to non-guests?**

- a. Pursuant to Subsection B of Specific Plan Section 6.1, which governs operational standards for the Spa and Fitness Center of the hotel, any spa, fitness center and treatment rooms will primarily serve guests who are renting hotel guest rooms in the Specific Plan Area and their guests, and residents of the Specific Plan Area and their guests. Therefore, non-guests can patronize the gym, but the hotel must ensure that use of the facility remains “primarily” by guests.

A. How can we control that the hotel ensures that the use of the facility remains primarily by guests?

1. As is the case with many projects that are subject to conditions of approval, enforcement occurs when it is determined that the owner or operator is operating in violation of the conditions placed on the

project. Violations are typically identified by staff or reported by community members, and then followed up with an investigation by the City's Code Enforcement Officers.

3. Did the original (previous) plan for the hotel not include a fitness center? If it did, please give specifics about the location/distribution.

- a. The original conceptual plan in the approved Specific Plan included a combined fitness center and spa on the second floor of the podium. The current proposal includes spa/treatment rooms on the second floor of the podium, while the fitness center is located in the new mezzanine.

4. The letter states: "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." Please specify the figure of the total floor area allowed on the site. Since the mezzanine does contain additional floor area, how is it possible that the total floor area is not exceeded? Was there leeway built into the Specific Plan? If so, how much?

- a. Although the Specific Plan does not specify a maximum floor area for each individual building, it does limit the total Floor Area Ratio on the site to 2.5 to 1 ratio upon full implementation. Condition of Approval No. 5, which is included as Exhibit 1 to the approved Specific Plan, also specifies that in no case shall the site include more than 973,565 square feet in the locations shown on the Specific Plan. Thus, while total square footage on the Waldorf Astoria has incrementally increased, the site-wide square footage is still within the total allowed, and will be continually monitored as each phase of development is processed.

A. Jon Lait's June 4 letter says that the proposed changes "increase overall building floor area by approximately 7,000 square feet." Is this correct? If not, what is the correct figure? Please do not refer to the total square footage for the entire plan, but for the Hotel component. Please note, in order to fulfill the Specific Plan's provisions, it would be necessary to answer this question with a specific figure.

1. No, it is no longer correct to state that the overall building floor area increased by approximately 7,000 square feet. The June 4 letter was in reference to an earlier iteration of the proposal, which showed an increase in the building floor area. The final submittal of the application provided the table shown in Tab A3, which demonstrates that floor area was reduced in other areas of the hotel to offset any added floor area, resulting in no net increase in the building. The floor area of the Waldorf Astoria component of the project that was provided at the time the Specific Plan was approved is 207,100 square feet. The proposal shows that there is no net increase from that figure.

5. How many additional cubic feet do the amendments add to the overall scope of the project?

- a. Space volumes are typically not measured or regulated in the Zoning Code, nor are they contemplated in the Specific Plan. Thus, measurements of building volume were not provided in the application and proposal. In terms of square feet, the Specific Plan does not specify the allowed square footage of each building. The total square footage of the proposed hotel design, excluding the outdoor dining area, is 207,100 square feet.

A. While I appreciate that the Planning Department may not need the volumetric increase in the project, please provide me with a specific figure nonetheless (before/after). If it wasn't specifically given by the applicant, you should be able to calculate it on the basis of the building specs, which, of course, are a necessary component to approval.

1. Building square footages provided within the submitted plans are broken down by land use, rather than by floor, consistent with the originally approved specific plan. During the building plan review process, more detailed floor areas will be available and the exact volumetric increase can be calculated. Notwithstanding, staff has estimated the volumetric increase that results from the podium's height increase using the following formula:

(Approximate Podium Footprint Area) x (Height Increase) = Volumetric Increase

(21,000 square feet) x (4' height increase) = 84,000 cubic feet of volume

6. It is suggested that the mezzanine does not constitute a "story." Will there be an additional elevator stop as a result of the plan change? What is the access to the mezzanine.

- a. The proposed floor plans of the podium show two means of access to the mezzanine. These include stair access via a 'grand staircase' accessed from the first floor, as well as separate elevator vestibules that provide access from the first floor with stops on the mezzanine and second floor of the podium. Providing elevator access to every floor of a building, including mezzanines, is typically required per building codes and to ensure accessibility standards are met.

A. To clarify: the elevators will now have an additional stop because of the addition of the mezzanine. Yes or no please.

1. Yes.

7. The letter further states in a footnote: "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.”

- a. Please also refer to the response for question 8 below.

8. Is this language in the Specific Plan? If not, on what basis are the determinations of 60% resp. 3% made? Please cite the relevant paragraphs from the Municipal Code which are the basis for these determinations.

- a. The specific footnote language regarding the mezzanine is not contained within the Specific Plan. However, Section 5.3 “Administration” contemplates that interpretations may be necessary in specific cases, and that when such interpretations are necessary, the Director of Community Development shall be responsible for interpretation of the provisions of the Specific Plan, and the Director shall have the administrative authority for interpretation related to the enforcement of the Specific Plan. It is under the authority provided in these provisions that the Director made the interpretation regarding the mezzanine and whether or not it would constitute a story. In keeping with the intent of the Specific Plan that the hotel development meet the quality standards of five-star luxury hotels, the interpretation results in limitation of a mezzanine to no more than 60% of the floor area of the floor below it, and a resulting increase in building height of no more than 3%. These limitations are intended to ensure impacts would not result from any such mezzanine, and to result in a typical mezzanine and lobby design that is consistent with those of five-star luxury hotels, as denoted by the applicant in their request for the mezzanine as proposed.

A. Section 5.3 of the Specific Plan applies to “specific and unusual cases.” Please note the use of the word “and.” (So, it would only apply to cases which are both specific AND unusual).

1. **On the one hand, general standards are discussed about mezzanines that suggest that the addition of a mezzanine is not unusual. Is the suggestion now that a mezzanine is an unusual addition? If not, then how does Section 5.3 apply?**

- a. While mezzanines in general are not unusual in commercial buildings and hotels, the fact that this project is governed by a Specific Plan and is subject to a host of development standards that are different than the Municipal Code, constitutes an unusual circumstance. Furthermore, the interpretation is made specific to the mezzanine in the luxury hotel building, thereby making this case both unusual and specific.

2. **It has been asked for below, but wasn’t provided. What is the square footage of the podium, and what is the square footage of the mezzanine?**

- a. The first floor of the podium is approximately 21,000 square feet. The mezzanine is limited to 60% of the floor below, which would result in an approximately 12,600 square foot mezzanine.

- 3. How are the “quality standards of five-star luxury hotels” connected with a mezzanine that is no more than 60% of the floor area of the floor below it”? Is there a “luxury hotel handbook” or other professional/trade documents which suggest the 60% figure is the correct one for a luxury hotel? Are there 5 (or 6) star luxury hotels which don’t have a mezzanine with less than 60% of the floor area of the floor below it?**

 - a. Based on discussions with the applicant, the proposed changes are consistent with the design and operational standards set forth by the Waldorf Astoria hotel company. There are certainly 5 or 6 star hotels with varying designs that either include mezzanines or not. However, in this particular case, it was communicated to staff by the applicant, that the Waldorf Astoria requires reconfigurations that resulted in the need for the mezzanine.
- 4. The 60% square footage/3% height limitations “are intended to ensure impacts would not result from any such mezzanine, and to result in a typical mezzanine and lobby design that is consistent with those of five-star luxury hotels.” Please provide examples of luxury hotels where this is the case. To my knowledge, this standard doesn’t apply to any of the existing Beverly Hills 5-star luxury hotels. Please advise.**

 - a. As mentioned previously, the inclusion of the mezzanine was due to the design and operational standards set forth by the Waldorf Astoria (a brand known as a 5-star luxury hotel), as communicated to staff by the applicant.
- 5. The answer suggests that the 60/3 limitations avoid impacts from the mezzanine. Please confirm that there will be no impacts whatsoever as a result of the mezzanine. Please also advise how the 60% square footage/3% height limitations ensure the avoidance of any impacts as a result of the mezzanine. What studies have been performed to prove that there are no impacts?**

 - a. There are no impacts resulting from the inclusion of the mezzanine. Staff reviewed the changes to determine if the findings of the EIR would change as a result of the overall increase in height, and determined that the EIR findings would not change. The 60/3 limitations were established to place a cap on what is being approved, which has been determined not to result in any impacts.
- 9. Please list the floor area of the mezzanine, along with the individual floor areas of each of the floors of the project, on a floor-by-floor basis.**

- a. As is typical at this conceptual stage in the development process, exact square footages of each floor are not final and thus were not presented at the time of the submittal of the application. Furthermore, the Specific Plan does not regulate the luxury hotel square footage by story, but instead contemplates limits based on type of use. Thus, what was used in staff's analysis, and was provided in the proposal, was a breakdown of square footage by type of use. These figures as listed in the proposal are provided in the table below:

Use	Floor Area (SF*)
Hotel Restaurant	7,105 SF <i>Indoor Seating: 5,053 SF Kitchen: 2,052 SF (excluded: 2,408 SF outdoor dining¹)</i>
170 Hotel Rooms (10 floors)	144,880 SF
Meeting Rooms	6,300 SF
Hotel Office	489 SF
Hotel Retail	5,470 SF <i>(includes: 4,800 SF Spa)</i>
Hotel Support	42,856 SF
Total:	207,100 SF

*SF = Square Feet

A. Please provide the specific floor area of each of the floors as requested, on the basis of the information available today. Clearly, such information must be available in some form in order to comply with the requirements of the Specific Plan. Specifically, as requested above, this information would include the square footage of the podium vs. the mezzanine (in addition to all the other floors).

1. The submitted plans identify floor areas by land use, rather than on a floor-by-floor basis, consistent with the original specific plan, and floor-by-floor information was not provided by the applicant at this conceptual stage in the process. When building plans are submitted for building plan check, exact floor areas for each floor will be available.

10. Please define the concept mezzanine. What specifically distinguishes a mezzanine from any other floor other than the Italian-sounding name?

- a. In a general sense, mezzanine is a middle floor or landing area within a story, and is comparable to a balcony. In luxury hotels and other similar commercial buildings, mezzanines are typically distinguished from other floors in that they are built over a

¹ Beverly Hills Municipal Code Section 10-3-100 defines Floor Area for nonresidential zones in part as follows: "Floor Area" shall mean the area of all floors or levels included within the surrounding walls of a building or structure." Since the outdoor dining area is not included within the surrounding walls of a building or structure, it will not be counted as floor area.

percentage of the floor below with openings to the floor below. Such mezzanines typically contain back of house functions such as offices, storage, and guest-specific amenities. The definition of “story” provided in Section 10-3-100 of the Beverly Hills Municipal Code also provides exemptions for mezzanines meeting certain criteria from being considered a story.

11. Are changes in the pre-existing Beverly Hilton itself subject to the Specific Plan?

- a. Yes, all uses within the Specific Plan area are subject to the provisions in the Specific Plan. This includes the Welton Becket designed Beverly Hilton, referred to in the Specific Plan as the “Wilshire Tower”. For example, Section 3.3 A. 1, on page 10 of the Specific Plan, states in part, “[g]iven the significance of the Wilshire Tower, any material changes to the exterior features of the Wilshire tower, including colors, materials, and signage, shall be subject to the approval of the Director of Community Development (Director).”

12. What specifically do the additional meeting spaces in the Waldorf resp. Hilton entail? Where will they be, and what are their envisioned uses? Please be specific.

- a. 4,050 square feet will be demolished from the northern portions of the Beverly Hilton near the Wilshire Boulevard frontage, and adjacent to the area where the Waldorf Hotel will be constructed. Three separate meeting rooms totaling 4,920 square feet are to be constructed in roughly the same area. As for the Waldorf Astoria, three adjacent meeting rooms and a separate board room totaling 6,300 square feet will be included along the northeastern side of the second floor of the podium (the floor above the mezzanine). The three adjacent meeting rooms will presumably be separated by temporary walls that can also be removed to create a single large ballroom. Please see E of the “Application for Administrative Modification” for the proposed meeting room configuration.

A. It is mentioned that three adjacent meeting rooms will be able to be combined to “create a single large ballroom.” Although ballroom uses are permitted in the Specific Plan in relation to the Hotel Area, my understanding is a new ballroom wasn’t contemplated for the Waldorf. Please recount discussions surrounding a potential ballroom. Also, what would the traffic impacts be as a result of a new ballroom?

1. The Specific Plan contemplated meeting/function room capacity for the site, and does not specify whether ballrooms or separate meeting rooms are treated differently. Meeting/function room capacity is a function of square footage. Regardless of whether the rooms are separated or operate as a ballroom, the capacity does not change. Furthermore, since the amount of meeting space across the site is not being increased, there is no traffic impact as a result of the ballroom.

13. Which meeting rooms in the Hilton will be converted to storage?

- a. Six meeting rooms along the western end of the Wilshire Boulevard frontage of the Beverly Hilton will be converted, as well as an additional meeting room near the circular driveway. This will result in a total conversion of 7,400 square feet of meeting rooms to storage. Please see the yellow highlighted portions shown in Tab E of the “Application for Administrative Modification” for the exact location of the rooms to be converted.

14. Why wouldn't such a reconfiguration amount to a substantial alteration of the distribution of uses? If I convert more than 10k square feet to storage and a similar or greater amount to public meeting space – even if the suggestion is made that these changes will offset each other – the distribution of these uses would seem to be substantially altered. To give another example, if I converted a 10,000 square foot garage to living space, and 10,000 square feet of living space to garage, this would seem to be a material alteration of the distribution of uses, notwithstanding any potential net impacts. Please detail the logic behind suggesting that this switch is inconsequential in regard to the distribution of uses.

- a. The Director has interpreted a material alteration of the distribution of uses to mean a broader reconfiguration of the buildings throughout the Specific Plan area that is substantially different than contemplated in the Specific Plan, and that would have impacts on the community. For example, if the applicant had proposed to switch the location of the Waldorf Astoria with the residential towers, resulting in changes to traffic or view impacts, this would be considered a material alteration of the distribution and location of uses. However, reconfiguration of rooms within the buildings themselves were not interpreted as being a material alteration of the distribution of uses because the uses (hotel, residential, open space, etc.) remain substantially in the same locations set forth in the Specific Plan, and do not have material changes in building foot prints.

15. Please detail the 150 feet approved height. Does this include technical fixtures? How much of the footprint of the building does it impact? Please give as many specifics as possible.

- a. The Administrative Modification regarding the height increase affects the tower portion of the hotel building, which has a smaller footprint than the podium. The footprints of any rooftop enclosures for mechanical equipment would be smaller than the footprint of the tower. Building height for nonresidential uses is defined in the Municipal Code Section 10-3-100, in part, as follows: “‘height’ shall mean the distance from the highest point of the natural ground level at the perimeter of a building or structure (also referred to as adjacent grade) or from the highest point of the public sidewalk adjoining the lot or parcel upon which the building or structure is to be erected, whichever is higher, to the highest element of the building or structure.” In Specific Plan Section 4.6 “Building Height,” height limits are established as 150’ from **adjacent grade**, or 136’ from **an established datum point** shown in Figures 16D and 16E of the Specific Plan. It should be noted that measuring from a datum point and measuring from adjacent grade are simply two different measuring conventions that define that same point above the project site. The Municipal Code exempts certain elements of a building from being

considered when determining height of nonresidential structures. Some examples of these elements are structures used for mechanical equipment up to 15 feet, unoccupied architectural features up to 15 feet, and elevator equipment enclosure structures up to 15 feet. While the text of the Specific Plan does not contemplate a maximum height of any rooftop enclosures, Figure 16D of the Specific Plan shows a 25' dimension describing rooftop enclosures in the elevation drawings.

The following table breaks down heights as approved in the Specific Plan and as proposed in this Administrative Modification application:

	Measured from the Datum Point		Measured from Adjacent Grade	
	<i>Height at top of Roof Deck</i>	<i>Height at top of Mechanical Equipment</i>	<i>Height at top of Roof Deck</i>	<i>Height at top of Mechanical Equipment</i>
Specific Plan Section 4.6	136'	Not specified	150'	Not specified
Specific Plan Figure 16D	136'	161'	149'	174'
Proposed Waldorf Astoria	140'	162'	153'	175'
Difference	+4'	+1'	+4'	+1'

16. Have studies been done regarding the additional height in terms of visual appearance? Have any shade/shadow studies been performed? If not, on what basis is the statement made that there won't be any significant impacts regarding view, shadow, shade, etc.?

- a. View, shade, and shadow impacts were extensively studied in the project EIR, which was adopted as part of the project approval. Based on the findings regarding the EIR, which determined that the project would not create a new source of shade or shadow that would adversely affect existing shade/shadow sensitive structures or uses, the Director determined that an additional 4' in height would not cause a substantially increased impact from that studied in the EIR, nor would the increased height cause the findings of the EIR to change.

A. On what basis could it be determined that there would be no adverse effects related to shade/shadow if an additional study hasn't been performed? What is the threshold of additional height which would require an additional study? What are industry standards?

- 1. The shade and shadow studies conducted as part of the adopted EIR found that the Waldorf Astoria hotel would result in limited shadows on some surrounding residential properties and a limited portion of El Rodeo School between approximately 7:30 AM and 9:30 AM during the

Winter Solstice. The four foot increase in height was determined to be incremental and the area of additional shade it would create will be negligible, particularly given the very limited early morning hours that the Waldorf will cast shadows toward residential and school uses.

17. Please give specifics about how the 4 foot height increase can accommodate a mezzanine. Is the height of the other floors being reduced to accommodate? If not, please explain this seeming paradox.

- a. Specific Plan Figures 16D and 16E do not specify heights of individual floors in the hotel building. The mezzanine would be accommodated by increasing the height of the podium by four feet, and reducing the height of the portions of the first floor below the mezzanine. The table below demonstrates the heights of each floor as contemplated by the applicant at the time of Specific Plan approval and in the current proposal, and details the amount of change:

	Specific Plan	Current Proposal	+/- Change
Podium Level 1	20'	12'-8"	-(7'-4")
Level 1 Mezzanine	Not included	11'-4"	+(11'-4")
Podium Level 2	17'-6"	17'-6"	0
Levels 3 through 11	10'-8"	10'-8"	0
Level 12	15'-6"	15'-6"	0

A. The Podium Level 1 is being reduced from 20' to 12'-8". Is this considered a "minor modification to the height of the floor"? I understand that you are considering the overall increase to be "minor," but only looking at the context of the specific floor, would the reduction from 20' to 12'-8" in and of itself be considered minor? If so, please detail why.

- 1. The thresholds set forth in the Specific Plan for review of changes in height refer to material changes in overall building height rather than changes to individual floor heights.

18. If the 2408 square feet of outdoor dining isn't included within the walls of the building or structure, where is it included? Please be specific.

- a. Outdoor dining will be included within the terrace outside the northeastern edge of the Waldorf Astoria hotel along the Wilshire Boulevard frontage of the site. Please see Tab A1 of the "Application for Administrative Modification", which shows the exact location of the proposed outdoor terrace/dining area.

19. It is suggested that there will be additional parking built under phase 1 which can accommodate the 125 additional spaces required by the outdoor dining. Aren't these excess spaces meant to cover the parking requirements for phase 2? If these spaces are taken by the outdoor dining, won't phase 2 need to be altered to meet the parking requirements? If so, what would be the procedures for such alterations?

- a. It is correct that Phase 2 will need to be altered in order to meet the parking requirements of the Specific Plan. This could mean reducing the capacity of the Phase 2 uses (e.g. reducing the number of bedrooms in the condominium towers). Such alterations may potentially be considered for Administrative Modification, since they are a result of phasing of the project, and parking requirements resulting from phasing of the project is determined by the Director of Community Development, as set forth in the Specific Plan Section 3.3 (B.4) "Parking Facilities." Staff would review this issue and the applicable procedures in conjunction with the review of future phases of the project when proposed.

A. It is confirmed that "Phase 2 will need to be altered in order to meet the parking requirements of the Specific Plan." How is this not a significant change to the requirements of the Specific Plan? While the Specific Plan allows for phasing, where does it provide for significant changes to the project itself, whether they are the result of phasing (or something else)?

1. The parking requirement set forth in the Specific Plan is a minimum number of parking spaces required at full implementation. During implementation of various phases, the Director is given the authority to determine the parking requirements as long as there is adequate parking for the uses at that given time. Upon implementation of Phase 2, the applicant would need to provide adequate parking for the Phase 2 uses, even if that requirement is more than the minimum set forth in the Specific Plan. If the applicant proposes to reduce the capacity of future phases to avoid providing parking beyond the minimum, then those changes would be reviewed to determine if they are significant per the provisions of the Specific Plan.

20. How many excess parking spaces (not including the 125) are being built in Phase 1? Please explain how and why there are excess parking spaces.

- a. A total of 946 parking spaces are required for all the uses proposed in Phase 1, excluding the 125 additional spaces needed for outdoor dining. Based on the submitted plans, upon implementation of Phase I, there will be a total 1,084 parking spaces. This results in an excess of 138 parking spaces. While the Specific Plan contemplated phased implementation, it does not set forth a required number of parking spaces at each phase. Rather, it gives the Director of Community Development the ability to determine if there will be adequate parking for each phase. This determination is made based on the code required parking for all the uses implemented in each phase. There is no provision that prohibits the applicant from providing excess parking at any phase of implementation.

A. Please specify how the 946 plus 125 spaces were arrived at.

1. Please see Tab D of the Application for Administrative Modification for an overview of the parking requirement calculations for the Waldorf Astoria and the Beverly Hilton. The 946 figure is the sum of 770 existing spaces that satisfy the parking requirements for the Beverly Hilton, and 176 spaces that satisfy the new hotel guest rooms and hotel restaurant kitchen at the Waldorf Astoria. The 125 parking spaces are based on the code required parking standards of 1 space per 45 square feet of dining area. Thus, the total required parking for Phase 1 is 1,071 spaces, which is the sum of 946 and 125. The applicant is proposing to provide 1,084 spaces, which exceeds the amount required for Phase 1.

21. Please provide the supplemental parking study in connection with the outdoor dining. Please give specifics of any additional traffic created in the surrounding areas, specifically at the Wilshire/Santa Monica intersection.

- a. Traffic was studied and a supplemental traffic study was prepared and peer reviewed by the City's traffic engineer to confirm that no additional significant impact would result from implementation of Phase I. Please see the supplemental traffic study attached as Tab I. The study concludes that the intersection of Wilshire Boulevard and North Santa Monica Boulevard would see an overall improvement in traffic flow due to the street improvements to be completed as part of Phase I, which includes adding an additional eastbound through lane on Wilshire Boulevard, improving the right turn from Wilshire onto North Santa Monica, and re-timing the signal at the intersection, among other improvements.

A. The study provided was from 2013, before outdoor dining was contemplated. Please provide the updated traffic study which solely takes into account the impacts of the outdoor dining.

1. The 2013 traffic study is the most updated traffic study available. The proposed outdoor dining was reviewed by the City traffic engineer, who determined that no significant impact would result from the addition of the outdoor dining area. Thus it was determined that an updated traffic study was not necessary for the review of the administrative modification.

22. Outdoor dining was not previously envisaged, and not over 2400 feet of outdoor dining are proposed. How is it reasonable to suggest that this is not a substantial change in the location, distribution and/or extent of the previously approved uses? Is not the change/addition of a use from indoor to outdoor substantial by its very nature? If it is not substantial, would we simply permit another hotel to open an additional 2400 feet of outdoor dining if they could fulfill the parking requirement as a "minor accommodation"?

- a. Outdoor dining was contemplated in the Specific Plan for the hotel development. Specific Plan Section 4.2 "Permitted Uses" recognizes outdoor dining as a permitted

ancillary use to the hotels in the Specific Plan area, and Section 4.2(A) specifically lists outdoor dining as a permitted use in the hotel area. Requirements for the operation of outdoor dining (also referred to as 'Open Air Dining') are extensively discussed in Specific Plan Section 6.1(C) "Open Air Dining Facilities," providing operational limitations designed to ensure that impacts do not occur as a result of outdoor dining. Additionally, all previously contemplated indoor dining uses are proposed to be located in substantially the same locations as approved in the Specific Plan. The difference is that the proposal seeks to include dining facilities in the landscaped terrace outside the restaurant area. If additional outdoor dining areas were proposed, assuming that parking requirements were fulfilled, the Director would review the amount of open space that is being re-purposed for outdoor dining use and determine if the total reconfiguration constitutes a substantial alteration of the location, distribution, and/or extent of previously approved uses.

23. Please walk me through the process by which phase 2 parking requirements would be met. You seem to be suggesting "we'll deal with that problem when it comes along," but wasn't the very purpose of the Specific Plan to avoid such ad hoc solutions, instead, accounting for all scenarios (except minor changes) going into the project?

- a. Phase 2 of the project will be required to meet the parking capacity requirement set forth in the Specific Plan in Section 4.3 "Parking." Furthermore, Section 3.3 (B.4) "Parking Facilities" provides that if the project is constructed in phases, that sufficient parking for each phase shall be provided, as determined by the Director of Community Development.

24. Please provide designs reflecting the "before" and "after" so we can see what the architectural changes to the approved plan are.

- a. Please see Tab A of the "Application for Administrative Modification" for "before" and "after" renderings of the architectural design.

25. Please provide "before" and "after" renderings in regards to the building's footprint.

- a. Please see Tab A1 attached for renderings provided by the applicant comparing the specific plan footprint with the proposed footprint.

26. How were the design changes presented to the Architectural Commission? In what way were they given discretion to make an independent decision? Please be specific. Was any pressure exerted on the Architectural Commission in any way, shape or form to approve the new design?

- a. Specific Plan Section 4.9(l) "Architectural Review" requires that *"the final design, materials, and finishes of the buildings, and the proposed landscaping shall be subject to review and approval of the City's Architectural Commission. Thereafter, all development that, in the determination of the Director [of Community Development], is in substantial conformance with the Specific Plan shall be issued a building permit without further*

discretionary architectural review after final review by the Architectural Commission." Pursuant to the Specific Plan, the Architectural Commission was asked to review and make a determination with regard to the design, materials, and finishes of the proposed Waldorf Astoria hotel design. At the time of the Architectural Commission presentation, the landscape plan and outdoor lighting plan were not yet prepared, and thus those plans will require submittal to the Architectural Commission for review and final approval of those elements. As with all cases brought before City Commissions, staff conducted an independent analysis of the proposal, objectively evaluated the merits and drawbacks, and prepared a report with a recommendation that was presented to the Commission during the public meeting. The duty of making the decision rested with the Commissioners.

27. There seem to be no changes from the original plan to the current plan in regards to the graywater system. Why is it then even mentioned in your letter?

- a. The applicant requested in their application and proposal for the Director of Community Development to concur that certain elements of implementation were consistent with the approved Specific Plan, and that no changes were being proposed. The purpose of mentioning the Graywater System in particular was for the Director to memorialize concurrence that what is proposed is consistent with the Specific Plan, and that it is not subject to minor modification, administrative modification, or amendment of the Specific Plan. The underlying issue was one of the capacity of the greywater system. There are limitations on where and how graywater can be used for irrigation. The applicant proposes a graywater system that will produce a sufficient amount of water to meet irrigation demand for all areas of the luxury hotel site that can be irrigated with graywater. Processing all of the graywater generated by the luxury hotel would result in vastly more irrigation water than could be used on the site. Future phases of the project would also incorporate graywater systems with sufficient capacity to meet the irrigation needs for the areas on which graywater could be used.

28. Likewise the "off site improvements" seem not to have changed from the original plan. Why is there a need to mention them?

- a. The Specific Plan contemplated phased implementation of the various components included in the plan. The applicant requested in their application and proposal for the Director of Community Development to concur that the scope of the off-side right-of-way improvements being completed during Phase 1 were consistent with what was approved in the Specific Plan. The purpose of mentioning the off-site right-of-way improvements in particular was to demonstrate the Director's concurrence that what is proposed is consistent with the Specific Plan, and that it is not subject to minor modification, administrative modification, or amendment of the Specific Plan.

29. The letter states that the "determination" date is Sept. 4. Shouldn't it be Sept. 5, which is the date the letter is being sent according to the below?

- a. While staff makes every effort to mail notices on the same day as a determination is made, postal carrier hours of operation and the time required to prepare the notices and mail the envelopes often prohibits same day mailings, particularly when mailings are sent to large numbers of addresses. Municipal Code provisions for public noticing require that members of the public be given 14 days from the date of the determination to appeal the decision of the Director. The Municipal Code does not, however, require mailed notices to be sent on the same day as the determination. Notwithstanding, members of the public will be given 14 days from the mailing date of the Notice of Decision (Sept. 5), rather than the date of the determination (Sept. 4), in order to ensure that every member who may be impacted is given the opportunity to appeal.

30. Please provide PDF's of the approved and proposed architectural renderings as presented to the Architectural Commission at its public hearing, showing a 'before and after' comparison.

- a. Please see renderings included in Tab A of the "Application for Administrative Modification".

A. Renderings are only the current ones. Please provide all of the renderings used in the entitlement process, including those which are included in the Measure H campaign material and anything which was presented to City staff and/or commissions/Council at the time.

1. The renderings provided in Tab A include those presented at the time of the approval of the specific Plan, and those that have been proposed. Original renderings are labeled on the top of the first page of Tab A as "Renderings | Gwathmey Siegel 2008." The new renderings are labeled on top of the fifth page of Tab A as "Renderings | Gensler/Pierre=Yves Rochon 2014." Staff will inquire with the City Clerk to find any renderings associated with Measure H. It should be noted that while renderings may have been shown at various meetings for presentation purposes, no renderings were approved as part of the Specific Plan.

31. Please provide the staff report and attachments associated with the Architectural Commission's approval of the Waldorf Astoria hotel.

- a. Please see "Attachment 1 – Architectural Commission Staff Report with Attachments" and "Attachment 2 – Architectural Commission Resolution No. AC 40-14."

32. Please provide the link to the recent Architectural Commission meeting where the Waldorf Astoria was approved.

- a. The video of the June 18, 2014 public hearing of the Architectural Commission where the Waldorf Astoria project was considered can be viewed at the following link: http://beverlyhills.granicus.com/MediaPlayer.php?view_id=28&clip_id=3977&meta_id=231431

33. Please confirm that the landscape plans and exterior lighting designs are to be separately reviewed and approved by the Architectural Commission.

- a. Confirmed. In addition to the specific plan requirement, the resolution adopted by the Architectural Commission at its June 18, 2014 hearing also memorializes the outstanding requirement by including a condition that lighting plans and landscape plans shall be submitted to the Architectural Commission for review and approval.

34. In several emails, Jon Lait refers to "Exhibit B" – presumably to depict the bus turnout. Can you please provide a copy of Exhibit B, along with an explanation of why Jon was requesting it?

- a. Exhibit B refers to the exhibit that should have been included in the Development Agreement depicting the location of the bus turnout. During the review of the request for Administrative Modification, it was found that Exhibit B was inadvertently not included in the final project documentation, and was not recorded at the time the Development Agreement was recorded. After further investigation, Exhibit B was not found in any of the City's records. Jon Lait was requesting that the applicant review their records to locate a copy of the Exhibit. It was found that the applicant's documents also omitted Exhibit B from the Development Agreement.

35. In Jon's June 4 letter, he speaks about an "increase in capacity of function rooms." Is this the potential conversion of the meeting rooms to a ballroom mentioned in your response? If not, what is this? Jon mentions this, along with other potential modifications might require an addendum to the EIR. Haven't seen that, so I would be interested to know why it subsequently was not required.

- a. No, the comment in Jon Lait's letter refers to total meeting/function room capacity across the site. As mentioned before, the June 4 letter was in response to an early iteration of what the applicant was proposing to submit. Subsequent clarifications and additional information provided by the applicant in response to staff's requests showed that function room capacity would not increase and an EIR addendum was not necessary.

36. Finally, Jon says that "updated traffic studies" would be recommended. Since the most recent traffic studies were from 2013, these evidently were not actually done. What caused the Planning Department to change their mind about updated traffic studies? Why were they no longer recommended/required?

- a. After the date of the letter, the City's traffic engineer and staff peer reviewed the 2013 traffic study and determined that even with the new thresholds and inclusion of outdoor dining, no impacts would result from Phase 1 implementation. Additionally, Jon's comment referred to an earlier iteration of the project in which staff believed that additional function room space was being proposed. Upon clarification of the breakdown of uses, it was made clear that function room capacity was not being increased, thus informing the decision to not require a new study.

37. Jon Lait's June 4 letter states that any "changes to the corner landscape element that serves to enclose this space for the restaurant use as illustrated in the updated project renderings requires formal plan amendments." Can you please comment on this? Have the proposed changes been eliminated? Can you please provide before/after renderings/plans of this element?

- a. The applicant has not yet provided a landscape plan to demonstrate whether the changes to the corner landscape element have changed or not. The landscape plan is subject to review and approval by the Architectural Commission, and staff will review the landscaping for consistency with the approved Specific Plan, including the corner landscape element.