

Attachment 6

**Architectural Commission
Resolution Approving Design
and Materials**

RESOLUTION NO. AC 40-14

RESOLUTION OF THE ARCHITECTURAL COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING AN ARCHITECTURAL REVIEW PERMIT FOR APPROVAL OF A NEW HOTEL FOR THE PROPERTY LOCATED AT 9876 WILSHIRE BOULEVARD (PL1408652 – WALDORF ASTORIA HOTEL).

The Architectural Commission of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Kent Warden, agent, on behalf of the property owner, Oasis West Realty, LLC, and the tenant, Waldorf Astoria Hotel (Collectively the “Applicant”), has applied for architectural approval of a new hotel building for the property located at 9876 Wilshire Boulevard.

Section 2. Beverly Hills Municipal Code Article 30, Chapter 3 of Title 10, authorizes the Architectural Commission the authority to approve, approve with conditions, or deny design-related aspects of projects located in the city’s commercial and multi-family districts, subject to findings set forth in Beverly Municipal Code Section 10-3-3010.

Section 3. Consistent with Beverly Hills Municipal Code Section 10-3-3010, this resolution documents the official action of the Architectural Commission with respect to the project.

Section 4. The subject project has been reviewed pursuant to the provisions set forth in the California Environmental Quality Act (CEQA – Public Resource Code Sections 21000, *et seq.*), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*), and the city’s local CEQA Guidelines. On April 21, 2008 the City Council adopted Resolution No. 08-R-12600, which certified a Final Environmental Impact Report for the project. The subject resolution was adopted in accordance with the provisions of the California Environmental Quality Act, and the City Council made

environmental findings and adopted a statement of overriding considerations for the project. The Final Environmental Impact Report encompasses all aspects of the Specific Plan and development of the project, including Architectural Review. Accordingly, no new environmental assessment is required at this time, and the Architectural Commission relied on the Final Environmental Impact Report in its review of the project.

Section 5. The Architectural Commission conducted a duly noticed public hearing on June 18, 2014 at which time oral and documentary evidence was received concerning the application.

Section 6. Based upon the evidence presented at the hearings, including the staff report(s), oral and written testimony, the Architectural Commission hereby makes the following findings:

A. The plan for the proposed building or structure is in conformity with good taste and good design and, in general, contributes to the image of Beverly Hills as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality. Specifically the project incorporates an appropriate balance of color, high quality materials and appropriate architectural design principles to reinforce the city's urban form and promote the image of Beverly Hills.

B. The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment less desirable. The proposed project is proposed to be constructed using contemporary building materials and practices, and, as conditioned, compliant with all applicable building codes, including standards that protect against unwanted noise and vibrations.

C. Proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value. Specifically, the commission has reviewed the design and construction materials proposed for the project, which incorporates contemporary building material of known quality and durability. Moreover, the project design is appropriate to the building and surrounding improvements and is well matched to the selected materials.

D. As conditioned, the proposed building or structure is in harmony with the proposed developments on land in the general area, with the general plan for Beverly Hills, and with any precise plans adopted pursuant to the general plan. The proposed project complies with the applicable goals and policies set forth in the general plan, and, as conditioned, designed in a manner that complies with local ordinances. The overall design is consistent with and appropriate to other improvements in the general vicinity.

E. The proposed development is in conformity with the standards of this code and other applicable laws insofar as the location and appearance of the buildings and structures are involved. As conditioned, the project will be designed in compliance with all applicable regulations.

F. The proposed development is designed in a manner that protects and preserves those exterior elements of the building which the Planning Commission found contributed to the determination of the project as a "character contributing building" in accordance with section 10-2-707 of this title. The proposed project does not include a request and has not been determined by the Planning Commission to be a project that qualifies as a "character contributing building" under section 10-2-707. Therefore, this finding is not applicable to the subject project.

Section 7. Based on the foregoing, the Architectural Commission hereby grants the request defined in this resolution subject to the following conditions:

Project-Specific Conditions

1. The building design and materials are approved as presented at the Architectural Commission meeting of June 18, 2014. Any changes to the building design and materials will require further review and approval by the Architectural Commission.
2. Lighting plans and landscape plans shall be submitted to the Architectural Commission for review and approval.
3. The Architectural Commission approval granted by this resolution is specific to the final design aesthetic and building material palate only, and shall not be construed to constitute approval of building massing, siting, height, floor area, or any other project aspects controlled by the Specific Plan, Development Agreement, and the ordinances and resolutions adopted by the City Council for the project. In the event that the Architectural Commission's approval is found to be in conflict with any of the requirements of the Specific Plan, Development Agreement, or the ordinances and resolutions adopted by the City Council, the requirements of the Specific Plan, Development Agreement, and ordinances and resolutions adopted by the City Council shall prevail.

Standard Conditions

4. **Revised Plan Submittal.** For all projects that are approved with project-specific conditions, a revised plan set that has fully incorporated all such conditions shall be submitted to the project planner, both in hard copy format and in electronic format, prior to submitting for the building permit plan check process.

5. **Architectural Approval.** Project approval is for the design-related aspects of the project only. No approval is implied or granted with regard to applicable city zoning or technical codes, which may require review and approval from other city commissions or officials.
6. **Compliance with Municipal Code.** Prior to issuance of a building permit, the applicant shall demonstrate compliance with all applicable provisions of the city's municipal code and applicable conditions imposed by any discretionary review approval.
7. **Compliance with Special Conditions.** Any special conditions that require approval by the Director of Community Development, or designee, shall be submitted to the staff liaison to the commission within fourteen (14) days of approval or prior to submittal of the plan check review application, whichever is greater.
8. **Project Rendering.** Prior to issuance of a building permit, the applicant shall incorporate into the building permit set of plans, an updated color rendering of all building facades. The quality and detail of the rendering shall be subject to approval from the Director of Community Development, or designee, and shall include sufficient design information to evaluate project compliance during construction.
9. **Approval Resolution.** A copy of the signed resolution of approval shall be scanned onto the cover sheet(s) of the building permit set of plans.
10. **Substantial Compliance with Approved Plans.** The Director of Community Development, or designee, shall determine if changes to the approved project are in substantial compliance with the commission's action. This determination shall be subject to applicable fees and charges. A

substantial modification to the approved project requires approval from the Architectural Commission.

11. **Validity of Permits.** The rights granted by this approval shall remain valid for three (3) years from the date of approval, unless extended pursuant to Beverly Hills Municipal Code Section 10-3-207.

Section 8. The Secretary of the Architectural Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and its certification to be entered in the administrative record maintained by the Community Development Department.

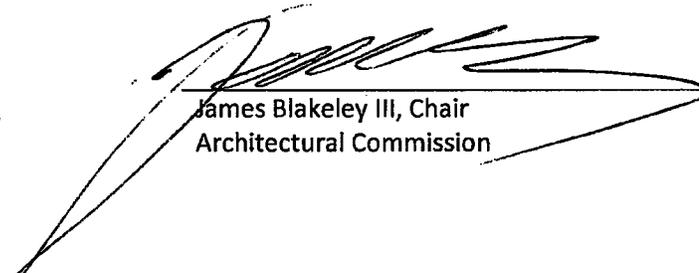
Section 9. Decisions of the Architectural Commission may be appealed to the City Council within fourteen (14) days of the final action by filing a written appeal and paying appropriate fees with the City of Beverly Hills City Clerk.

Approved as to Form and Content:



William Crouch, Commission Secretary
Community Development Department

Adopted: June 18, 2014



James Blakeley III, Chair
Architectural Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF BEVERLY HILLS)

I, WILLIAM CROUCH, Secretary of the Architectural Commission and Urban Designer of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. AC 40-14 duly passed, approved, and adopted by the Architectural Commission of said City at a meeting of said Commission on June 18, 2014 and thereafter duly signed by the Secretary of the Architectural Commission, as indicated; and that the Architectural Commission of the City consists of five (5) members and said Resolution was passed by the following vote of said Commission, to wit:

- AYES: Commissioners Kaye, Peteris, Vice Chair Bernstein.
- NOES: None.
- ABSTAIN: Chair Blakeley.
- ABSENT: Commissioner Gardner Apatow.



WILLIAM CROUCH
Secretary to the Architectural
Commission / Urban Designer
City of Beverly Hills, California