



Beverly Hills

Planning Division

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Planning Commission Report

Meeting Date: June 23, 2011

Subject: **9400 Olympic Boulevard**
Avalon Hotel
Request for time extension and modification of Conditional Use Permit

Recommendation: It is recommended that the Planning Commission conduct a public hearing and provide direction to staff

REPORT SUMMARY

The Avalon Hotel is a legally non-conforming hotel located within the City's multi-family (R-4) zone. The hotel has an existing restaurant with indoor and outdoor seating as well as an outdoor seating/lounge area that is adjacent to an existing swimming pool. The hotel's operations are currently regulated by a Conditional Use Permit previously approved by the Planning Commission to ensure compatibility with the surrounding neighborhood. This report transmits a request for an extension of existing entitlements and to amend existing conditions to allow the hotel to charge a competitive valet parking charge of \$9.00 for hotel guests and restaurant patrons.

Attachment(s):

1. Resolution 1582
2. Traffic Bureau Email
3. Applicant Outreach Letter
4. Letter from Kathy Bronte
5. Applicant Letter
6. Applicant Email

Report Author and Contact Information:

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BACKGROUND

File Date	April 19, 2011
Application Complete	May 19, 2011
Permit Streamlining	60 days from CEQA determination
CEQA Deadline	August 20, 2011, without extension from Applicant.
Applicant(s) Representative(s)	Mitch Dawson, Esq. for The KOR Group/Honeymoon Real Estate, L.P. None
Prior PC Action	Modification of Conditional Use Permit, approval of Extended Hours Permit (July 8, 2010)
Prior Council Action:	None

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9400 Olympic Boulevard
Zoning District	R-4 Multi-Family Residential
General Plan	Multi-Family
Existing Land Use(s)	Hotel and appurtenant hotel uses including restaurants
Lot Size & Area	Approximately 25,000 square feet
Year Built	1949
Historic Resource	Property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North (across Olympic)	R-4- /Multi-Family Residential Use
South	Church Zone /Religious Use
East	R-4 /Multi-Family and Hotel Use (directly across)
West	C-3 /Commercial and Hotel Use (directly across)

Circulation and Parking

Adjacent Street(s)	Canon, Olympic to North, Beverly to West
Adjacent Alleys	15 foot alley to west
Parkways & Sidewalks	5-foot sidewalk and parkway adjacent
Parking Restrictions	West side of Canon: Metered Parking: 2 hour parking 8AM to 6PM, Mon-Sat; NO Parking 10 PM to 2:30 AM, Daily East side of Canon: 1 hour parking 8AM to 8PM, Mon-Sat; NO Parking 8 PM to 2:30 AM, Daily
Nearest Intersection	Olympic/Canon

Neighborhood Character

The hotel is comprised of three different buildings that all contain guest rooms. The main building which has the restaurant and pool is the building located at 9400 Olympic Boulevard with the building at 412 South Beverly Drive located across the alley behind the main building and the 418 South Canon Drive building is located across the street from the main building.

The area surrounding the Avalon Hotel has apartment buildings on the easterly side of Canon Drive and on Olympic Boulevard and Commercially zoned (C-3) properties on South Beverly Drive separated by an alley.



Avalon Hotel Properties

PROJECT DESCRIPTION/REQUESTED PERMITS

The applicant seeks to extend existing entitlements granted by the Planning Commission in July of 2010. Specifically, as conditioned the applicant seeks to extend the Conditional Use Permit, Extended Hours Permit and Development Plan Review permit as required by Condition No. 33 of Commission Resolution No. 1582 (Attachment 1).

In addition, the applicant seeks to allow competitive valet rates to hotel guests and restaurant patrons. No other changes or modifications to the existing operating or parking conditions is requested.

Agency Review

The following City Departments conducted a preliminary project review as it relates to other technical provisions of local and state law:

- TRANSPORTATION DIVISION. Transportation advised that existing conditions imposed by Valet Permit should remain in effect and that they would evaluate an application for amendments to Permit Zone "E" should one be filed.
- CIVIL ENGINEERING. No comments on the proposal.
- BUILDING AND SAFETY. No comments on the proposal. No code enforcement cases during review period.
- FIRE DEPARTMENT. No comments on the proposal.
- POLICE DEPARTMENT. See Attachment 2.
- COMMUNITY SERVICES. No comments on the proposal.

GENERAL PLAN¹ POLICIES

The following General Plan policies are applicable to the subject project:

- Policy 12.1 Function and Operational Compatibility. Require commercial uses abutting residential neighborhoods be managed to assure that businesses do not create an unreasonable and detrimental impact on neighborhoods with respect to safety, privacy, noise, and quality of life by regulation hours of operation, truck deliveries, internal noise, staff parking and on-site loitering, and other similar business activities.
- 15.2 Priority Businesses. Retain and build upon the key business sectors contributing to the City's identity, economy, and revenue for resident services, such as entertainment-related Class-A offices, high-end retail and fashion, restaurant, hotel, technology and supporting uses.

ENVIRONMENTAL ASSESSMENT

The request is in conformance with the originally approved project and there have been no substantial changes to the surrounding environment that would cause additional significant impacts. Therefore, it is the determination of staff that the previously adopted Negative Declaration adequately addresses the impacts of the project.

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

PUBLIC OUTREACH AND NOTIFICATION

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Newspaper Notice	10 days	June 13	June 10	13 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days	June 13	June 10	13 days
Website	N/A	N/A	June 20	4 Days

Applicant Outreach Efforts

The Applicant has indicated that they've sent out a letter in February of 2011 (Attachment 3), identifying a phone number to reach an on-site hotel representative 24/7.

Public Comment

Staff received comments from two adjacent residents, Kathy Bronte (Letter included as Attachment 4) and LaShaun Jones (no letter as of the date of this writing). Ms. Jones indicated that the Hotel has been an increasingly improved neighbor over the last several years but expressed the belief that this is due to conditions imposed upon the hotel and that loss of free valet parking may negatively impact her and other residents in the area. Ms. Bronte's letter is discussed below.

ANALYSIS

Extension of Entitlements

COMPLIANCE WITH APPROVALS

In processing the requested application, staff solicited input from the divisions/departments of Code Enforcement, Transportation/Engineering, Police and Fire, to verify whether any complaints/warnings or violations have been issued, against or in conjunction with the ongoing operations of the hotel. Staff was informed that no violations were observed or issued regarding the hotel's operation from Code Enforcement and the Transportation/Engineering. Since July 1, 2010 until June 10, 2011, the Police Department indicated that of the 15 calls for service requested, none were of concern and are broken down as follows: Transient Complaint (2); Vehicle Impound (2); Parking Complaint (2); Traffic Accident (2); Lost Property; Vandalism; Alarm Call (3); Suspicious Circumstances (2).

Due to the change in operational hours granted by the Commission in July of 2010, a condition requiring a 6-month review was imposed on the project. Specifically the review was to occur prior to expiration of entitlements on January 8, 2011. However, staff was in regular contact with applicant subsequent to the most recent approval and the extended hours granted by the Commission were not effectuated until February of 2011, therefore, the subject application was submitted within the 6-month time period contemplated by the Planning Commission.

Allow Competitive Valet Parking Charges

The condition to require free valet parking was originally imposed on the property in 1998 with Resolution No. 1067 when the property was the "Beverly Carlton Hotel." In 2001, the current hotel operation (Avalon Hotel) applied for a Conditional Use Permit and Development Plan Review to allow

the hotel restaurant to be open to the public and to allow open air dining on private property. At that time they also requested that the Planning Commission modify Resolution No. 1067 to eliminate the condition to provide free valet parking to all patrons of the hotel restaurant. The Planning Commission approved the CUP and DPR but kept the condition to allow free valet parking to prevent any parking related impacts to the nearby residential streets from hotel restaurant patrons. Since that time the residential streets have all become permit parking zones with the closest adjacent residential street (400 block of South Canon Drive) designated as Permit Parking Zone "E" which restricts parking to one hour 8 a.m. to 8 p.m., Monday through Saturday, except by permit and no parking 8 PM to 2:30 AM, daily, except by permit on the east side of the street. The meters on the west side of the street are 2 hour metered parking 8 a.m. to 6 p.m., Monday through Saturday and no parking 10 PM to 2:30 AM, daily, except by permit.

In July of 2010, as part of a requested modification to hotel operations, the Applicant requested that the requirement to provide free valet parking be removed, as it created a significant financial impact to the hotel's operation. Although the Commission approved various other requests made by the Applicant that were designed to improve the financial viability of the use including reducing the amount of off-street parking required to be leased and extending the hours of operation of the restaurant, the Commission denied the request to eliminate the free valet operation.

The Applicant has submitted a letter (Attachment 5) identifying reasons for support the request to charge for valet services. The Applicant indicates that there are a mix of uses in this area, including commercial, religious, hotel and residential. The Applicant further indicates that existing street parking is restricted or regulated in favor of residents and that, if required to pay a service fee, only a relatively limited number of patrons would choose not to valet park.

Kathy Bronte, a resident of the 400 block of South Canon Drive has submitted a letter for the Commission's consideration. Ms. Bronte indicates that Avalon Hotel employees are utilizing on-street parking on the 400 block of South Canon Drive, thereby reducing the number of spaces for residents and requiring residents to park several blocks away or park in metered spaces until 8 pm. Ms. Bronte has indicated to staff that she will soon be submitting a formal request to the Transportation Department to restrict the east side of the 400 block of South Canon Drive to: No Parking – Permit Only 24/7. A copy of the petition, which is indicated to have been signed by 61% of the residents (no verification has been made) is included in her letter. The letter requests that the Planning Commission, "...not allow the hotel to have paid valet parking until the parking situation on 400 S. Canon is resolved." This letter was received by staff on June 15 and has not, as of the date of this writing, verified Ms. Bronte's assertions related to employee parking. The Applicant (Attachment 6) has indicated that he is unaware of these issues as of this writing, but will address these issues at the public hearing.

If the Commission believes that the free valet condition is most germane to the residents along the 400 block of S. Canon Drive, it may be appropriate to consider approval of the Applicant's request either conditioned upon the modification of the parking zone restrictions or requested that this request be made after approval of these modifications. However, if the free valet restriction is more global in nature and not limited to Canon Drive, amending these restrictions would not necessarily impact the Commission's actions.

NEXT STEPS

It is recommended that the Planning Commission receive the staff report, conduct the public hearing and provide direction to staff.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

David Reyes, Principal Planner

ATTACHMENT 1

RESOLUTION NO. 1582

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS AMENDING A CONDITIONAL USE PERMIT WHICH ALLOWS A HOTEL DINING FACILITY TO BE OPEN TO THE PUBLIC AND AMENDING AN EXTENDED HOURS PERMIT TO EXPAND HOURS OF OPERATION ON SUNDAY NIGHTS AT 9400 OLYMPIC BOULEVARD (AVALON HOTEL)

THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS DOES HEREBY FIND, RESOLVE, AND DETERMINE AS FOLLOWS:

Section 1. On January 24, 2001 the Planning Commission adopted Resolution No. 1156 issuing a Conditional Use Permit (the "CUP") and Development Plan Review Permit ("DPR") to allow a public restaurant within a nonconforming hotel and to allow open air dining at property located at 9400 Olympic Boulevard (Avalon Hotel). The Planning Commission subsequently granted annual renewals for the CUP and DPR through the adoption of Resolution No. 1232 on June 13, 2002, Resolution No. 1285 on March 24, 2003, Resolution No. 1340 on August 12, 2004 and Resolution No. 1382 on June 22, 2005. The Planning Commission's decisions were subject to various conditions to minimize impacts of the Project on neighboring residential properties. The most recent renewal was issued by the Director of Community Development for a period of three years with expiration on June 22, 2011 if not otherwise extended. However, this resolution requires a review within six months of the adoption date of this resolution.

This resolution amends the above-referenced resolutions to do the following (collectively, the "Project"):

(1) Amend the Extended Hours Permit to allow the restaurant, including the bar and dining area, the open air dining area, and the pool-side lounge area, to receive patrons, including hotel guests, up until 11 p.m. daily (previously, the restaurant closed at 11 p.m. on Sundays);

(2) Amend the Conditional Use Permit and Extended Hours Permit to allow the restaurant to serve alcohol up until 1 a.m. daily;

(3) Modify the parking supply and amend the condition requiring a lease for up to 200 parking spaces (available on an as needed basis in the evening) at the 1125 South Beverly Drive site.

(4) The request to allow the hotel to charge competitive valet parking charges for all hotel and non-hotel guests and restaurant patrons was denied by the Planning Commission.

Section 2. The Project has previously been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines. Based on the initial study, the previously adopted negative declaration, the comments received thereon, and the record before the Planning Commission, the Planning Commission hereby finds that there have been no substantial changes to the Project or the environment that would require the preparation of a subsequent negative declaration or a supplement to the previously adopted negative declaration because the requested approval will merely permit the existing restaurant to remain open to the general public and will not introduce new significant environmental effects or substantially increase the severity of the effects that previously were identified and analyzed in

the adopted negative declaration. Furthermore, there are no changed circumstances or new information, which was not known at the time the negative declaration was adopted that would require the preparation of a subsequent negative declaration or major revisions to the previously adopted negative declaration pursuant to CEQA Guidelines Section 15162. Therefore, the original negative declaration represents the independent judgment of the City and there is no substantial evidence that the approval of the Project, as modified, may have any significant environmental impact. The documents and other material which constitute the record on which this decision is based are located in the Department of Community Development and are in the custody of the Director of Community Development.

Section 3. On July 8, 2010, the Planning Commission held a duly noticed public hearing to consider the application to amend the CUP and Extended Hours Permit, at which time evidence, both oral and written, was presented.

Section 4. Mitchell Dawson of the Dawson Tile and Gole, on behalf of The KOR Group on behalf of the Honeymoon Real Estate, L.P., owner and operator of the Avalon Hotel, Inc. (hereafter the "Applicant"), filed an application to amend the CUP and Extended Hours Permit which allow the operation of a public restaurant within a nonconforming hotel and the DPR to allow open air dining at the Project.

Section 5. Based on the foregoing, the Planning Commission hereby finds and determines that, as conditioned under Resolution Nos. 1156, 1232, 1285, 1340 and 1382 (as compiled in this Resolution), the request to allow additional hours on Sunday evening to accept patrons up until 11 p.m. and to allow the restaurant to serve alcohol up until 1 a.m. daily is not anticipated to have an adverse impact on the surrounding neighborhood. During previous hearings for the project, the Planning Commission imposed conditions intended to prevent any

adverse impacts related to the restaurant open to the public operating in a non-conforming hotel within the R-4 zone.

The Planning Commission finds that there have been no violations of the conditions of the CUP, Extended Hours Permit or DPR. Planning staff solicited input from the division/departments of Building and Safety, Transportation/Engineering, Police and Fire to verify whether any complaints/warnings or violations have been issued against or in conjunction with the ongoing operations of the hotel. The Department of Transportation indicated that in the past two years no violations or any outstanding concerns regarding the hotel's valet service operation were observed. Code Enforcement Inspection reported no violations; and the Fire Department conducts periodic inspections and reported no violations.

Section 6. Pursuant to Beverly Hills Municipal Code Section 10-3.1207(c), the Planning Commission may grant a Conditional Use Permit to allow a restaurant to be open to the public within a non-conforming hotel if it finds that operation of the restaurant will not have a substantial adverse impact on the use and enjoyment of surrounding residential properties.

Section 7. In considering the application for the amendment to the Conditional Use Permit, the Planning Commission considered whether the operation of the restaurant within a non-conforming hotel will have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to:

1. The accumulation of garbage, trash, or other waste;
2. Noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;
3. Light and glare;

4. Odors and noxious fumes;

5. Parking demand created by the restaurant, including parking demand created by employees; or

6. Traffic.

Section 8. Based upon the entire record in this matter, including the staff reports, the Planning Commission finds as follows:

8.1 The revisions to the Conditional Use Permit including modifying the parking supply, and allowing extended hours on Sunday evenings to allow the restaurant, including the bar and dining area, the open air dining area, and the pool-side lounge area, to receive patrons, including hotel guests, up until 11 p.m. nightly are not expected to generate substantial additional waste and it is anticipated that the trash area and collection will be sufficient to prevent an accumulation of trash. By condition of this resolution, the Applicant is required to maintain the trash collection area in a satisfactory manner at all times. Given these conditions regulating waste management and the limited nature of the proposed extended hours, there is no significant danger of waste accumulation, odors or noxious fumes created by the operation.

8.2 There were two complaints to the police department related to noise within the last three years. Prior conditions of approval/renewal for the restaurant use require that all valet pick-up be conducted from the alley which is surrounded by commercial uses rather than the front of the hotel which is adjacent to residential uses. No other complaints have been received related to the operations at the hotel in the past three years. The additional hour to receive patrons on Sunday night and serve alcohol is not anticipated to result in an increase of noise related to the extended hours of operation.

8.3 The operation of the restaurant will not create any significant light or glare impacts for the neighboring residential areas. No new lighting for the establishment will be introduced as a result of the extended hours operation or changes to the Conditional Use Permit. The restaurant is located at the interior of the hotel and all valet pickup and taxi cab pickup and drop off after 10 p.m. is from the alley behind the building. The restaurant is surrounded by the hotel building and located in a completely enclosed area and is not exposed to the street or other properties. The proposed Extended Hours and amendment to hotel operating conditions would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, extending the hours to receive guests on Sunday night and serve alcohol and the proposed changes to parking supply are not anticipated to create any adverse impacts related to light and glare.

8.4 Due to substantial distance between the restaurant and the nearest residential property, there is no significant danger of odor or noxious fumes created by the restaurant operation. Therefore the proposed Extended Hours would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. Therefore, extending the hours of operation and modification of parking supply is not anticipated to create any adverse impacts related odors and noxious fumes.

8.5 The Applicant has submitted declarations from the current and past hotel managers attesting that they have sufficient parking for their needs without the use of the site at 1125 South Beverly Drive (which can provide up to 200 parking spaces after 6 p.m.). According

to the hotel managers' declarations, the site at 1125 South Beverly Drive has reportedly never been utilized by the hotel.

The Applicant also requested to charge competitive valet parking rates for patrons of the restaurant as the free valet parking has significant financial impacts on the operation. The Applicant was proposing to charge \$9.00; however the Planning Commission could not make the necessary findings to grant the request.

None of the revisions to the project entitlements would appear to result in an increased parking demand. Per Code Section 12-3-1207(B)(6), all employee parking is to be provided free which significantly reduces the chance that any employee would choose to park elsewhere. In addition, the adjacent residential streets are permit parking zones which restrict anyone from the hotel from parking in the evening.

8.6 The request to modify the Conditional Use Permit conditions does not increase the existing hotel capacities. Further, the Extended Hours Permit would provide for an additional hour to accept patrons on Sunday night. Therefore, an operational increase of one hour is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

In addition, to the findings stated above, the additional findings are necessary to be made in order to allow a restaurant to be operated within a legally nonconforming hotel:

The hotel is located on a street identified as an "arterial" street or "collector" street in the City's general plan.

The hotel is on a street identified as an "arterial street" in the City's general plan.

1. The total dining and bar floor area of all restaurants and private dining rooms in the hotel does not exceed the floor area of any dining and bar area that existed on or before November 1, 1995.

No change is proposed as to the total dining and bar area of the restaurant.

2. No patrons of the restaurant are seated after eleven o'clock (11:00) P.M.

The hotel currently has last seating at 11 p.m. Monday through Saturday and with closing by 11 p.m. on Sunday evenings. The request is to allow last seating at 11 p.m. daily.

3. No live entertainment is performed.

The hotel does not have live entertainment.

4. No banquets or similar private receptions or parties are held at the restaurant.

The Applicant is not proposing to allow banquets or similar private receptions or parties as part of this request.

5. Parking is provided free of charge to employees to ensure that employees do not park in the public right of way.

Hotel employees are provided with free parking.

Section 9. Pursuant to Beverly Hills Municipal Code Section 10-3.1958(c), the Planning Commission may grant an Extended Hours Permit if it finds that the extended hours operation will not substantially disrupt the peace and quiet of the adjacent neighborhood.

Section 10. In considering the application for the amendment to the Extended Hours Permit, the Planning Commission considered whether the Extended Hours will

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 of the Project site;
 2. Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;
 3. Light and glare;
 4. Odors and noxious fumes;
 5. Pedestrian queuing;
 6. Crime or peril to personal safety and security;
 7. Use of residential streets for parking which is likely to cause activity associated with the extended hours operation to intrude substantially into a residential area;
 8. The effects on traffic volumes and congestion on local residential streets;
- and
9. The cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.

Section 11. Based upon the entire record in this matter, including the staff reports, the Planning Commission finds that the extended hours operation will not substantially disrupt the peace, and quiet of the adjacent neighborhood as a result of any of the following:

11.1 The restaurant operation does not generate substantial waste and the existing trash area located off the alley behind the main building and collection is sufficient to prevent an accumulation of trash. The Crown Disposal currently provides garbage pick-up. The applicant is required to maintain the trash collection area in a satisfactory manner at all times. An increase in operating hours on Sunday night can be accommodated by existing resources and staff, and the proposal is not anticipated to result in the accumulation of garbage, litter, or other waste.

11.2 In reviewing complaints related to the Avalon Hotel, there were a total of two complaints related to noise in the past three years. The additional hour to receive patrons on Sunday evening is not anticipated to result in an increase of noise related to the extended hours of operation.

11.3 The restaurant is surrounded by the hotel building and located in a completely enclosed area and is not exposed to the street or other properties. The proposed Extended Hours would not result in any added light and glare beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that light and glare is impacting the surrounding neighborhood. Therefore, extending the hours to receive guests on Sunday evening is not anticipated to create any adverse impacts related to light and glare.

11.4 Due to substantial distance between the restaurant and the nearest residential property, there is no significant danger of odor or noxious fumes created by the restaurant operation. Therefore the proposed Extended Hours would not result in any added odors or noxious fumes beyond what currently exists at the subject property, and the City has not received any complaints that would suggest that odors and noxious fumes are impacting the

surrounding neighborhood. Therefore, extending the hours of operation is not anticipated to create any adverse impacts related odors and noxious fumes.

11.5 The requested modification to the Extended Hours Permit is not anticipated to have an adverse impact related to pedestrian queuing. As conditioned in previous resolutions, after 10 p.m., all valet return and taxi pickup and drop-off is limited to the alley. Hotel patrons are instructed to wait in the designated waiting area in the hotel near the exit door until their car arrives. Therefore, no adverse impacts related to pedestrian queuing are anticipated to occur as a result of the request.

11.6 The requested Extended Hours Permit is to allow the hotel to seat guests up until 11 p.m. on Sunday evening consistent with the hours currently in place Monday through Saturday. The patrons of the hotel typically utilize the hotel's valet parking operation, as parking on the nearby residential streets is regulated by permits and prohibited after 8 p.m. for residential street parking and 10 p.m. for parking meters. Because patrons are typically contained within the subject property and the request is for a one hour increase, the proposal is not anticipated to result in added crime or peril to personal safety and security.

11.7 Parking on residential streets in the vicinity of the subject property is regulated by permits and prohibited at night for vehicles without permits, which prevents patrons from parking in these areas. Further, sufficient parking is available to accommodate all uses within the subject property without causing overflow onto adjacent residential streets. Therefore, the proposed project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

11.8 The request for Extended Hours does not modify existing hotel operations or capacities. Further, the Extended Hours Permit would allow the restaurant to receive patrons

up until 11 p.m. Sunday evening, rather than close at 11 p.m. on Sundays. The time period (late PM and early AM) typically has lower traffic volumes (as compared to peak hours). Therefore, the proposal is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

11.9 The location of the subject property is on Olympic Boulevard within an existing R-4 zone that abuts a commercial zone. The adjacent area is primarily comprised of residential buildings and office buildings and retail stores that generally do not operate beyond 10:00 PM. Therefore, the proposed project would not result in a concentration of extended hours operations within the vicinity of the subject property.

Section 12. Based on the foregoing, the Planning Commission hereby amends the CUP and approves the Extended Hours Permit to expand the hours of operation on Sunday subject to all conditions existing conditions of approval except as modified by this resolution. Therefore, this resolution rescinds and otherwise replaces previous approvals. All applicable conditions of approval have been consolidated into this Resolution as follows:

1. Except as authorized by this resolution, the Project shall comply with all applicable provisions of the Beverly Hills Municipal Code, including but not limited to the City's zoning and building codes.

2. Except as otherwise modified by this Resolution, the Project shall substantially comply with the plans submitted by the applicant for the Planning Commission meeting of June 17, 2004.

Parking Conditions

3. Valet parking shall be provided free of charge to hotel guests, non-hotel guests and all restaurant patrons. [Resolution No. 1156.]
4. Free parking shall be provided to hotel employees and restaurant patrons at all times. [Resolution No. 1156 as modified by Resolution No. 1340.]
5. The applicant shall submit evidence satisfactory to the Director of Community Development attesting to the availability of sufficient parking to meet the parking needs for the hotel and restaurant, such evidence may include a parking demand study, if requested by the Director of Community Development. All leases for off-site parking shall be in writing and shall require the lessor to provide at least 30-days advance written notice to the City before such lease may be amended or terminated. The C.U.P. and all rights granted hereunder shall terminate if the applicant does not maintain parking leases for sufficient parking to satisfy the parking demand for the Project unless comparable alternative parking is provided to the satisfaction of the Director of Community Development prior to the termination of the off-site parking lease(s). If the C.U.P. is terminated pursuant to this condition, the Applicant shall immediately cease operation of the restaurant as a dining facility open to the public, including both the bar and dining area, and the open air dining area, including the pool side lounge area. [Resolution No. 1156 as modified by Resolution No. 1340.]
6. All conditions of the valet parking permit shall be incorporated as conditions of approval of this C.U.P. and D.P.R. [Resolution No. 1156.]
7. The hotel management shall require hotel and restaurant staff to advise all patrons of the restaurant of the hotel's restaurant reservation policy and of the availability of free

valet parking for restaurant patrons. The Hotel web site shall also clearly advertise the restaurant reservation policy and the availability of free valet parking on both the web site homepage and the dining page for patrons of the restaurant. In addition, the availability of free valet parking should be included in any advertisements, special promotions and/or related marketing materials.

8. The Applicant shall install and maintain at all times signage, satisfactory in form and quantity to the Director of Community Development, advertising the availability of free valet parking for patrons of the restaurant. The signs shall be installed at the main driveway of the hotel on Olympic Boulevard, in the parkway south of the main entrance driveway on Canon Drive, and at such other locations as the Director shall reasonably deem necessary. [Resolution No. 1232 as modified by Resolution No. 1340.]

9. The Applicant shall submit a parking management plan to the Directors of Community Development and Transportation for review and approval. The parking management plan shall incorporate all conditions of approval recommended by the Traffic and Parking Commission, including but not limited to the following: (1) availability of the new parking facility at 1150 S. Beverly Drive, (2) number of valet operators, and (3) the valet return location in the alley behind the Project site. The parking management plan shall include lease agreements for the parking locations. [Resolution No. 1232 as modified by Resolution No. 1340.]

10. After 10:00 p.m. daily, the valet return shall be located in the alley shall, subject to approval by the Department of Transportation or his designee. [Resolution No. 1232.]

11. After 10:00 p.m. daily, all taxi pick-up and drop-off activity shall be limited to the alley, subject to approval by the Director of Transportation or his designee. [Resolution No. 1285.]

12. To prevent vehicles from blocking the alley, the conditions of approval placed on the valet permit require no more than two vehicles to queue in the alley at one time, and prohibit valet vehicle staging in the alley. The hotel shall instruct patrons to wait in the designated waiting area in the hotel near the exit door until their car arrives. If a patron does not claim the vehicle upon return, the valet attendant shall be required to return the vehicle to the parking garage. [Resolution No. 1232.]

13. The Applicant shall maintain at all times the additional lighting in the alley where the valet return is designated as required by Resolution No. 1232.

14. The Applicant shall prepare and implement a comprehensive loading management plan for the hotel, including the restaurant, satisfactory to the Directors of Community Development and Transportation. The loading management plan shall include coordinated scheduling and advance authorization of deliveries to ensure that two vehicles do not arrive at the same time. The loading management plan shall also include procedures to minimize delivery times and presence of a loading manager at the loading area at all times when it is in use to ensure that trucks do not impede the flow of pedestrians or vehicular traffic in the alley. [Resolution No. 1340.]

Operational Restrictions – Public Restaurant/Open Air Dining Area

15. The hours of operation of the public restaurant and open air dining area, including the pool-side lounge area shall be as follows:

(a) Morning hours: The restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area, shall not receive patrons, including hotel guests, before 7:00 a.m. daily.

(b) Evening hours: The restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area, shall not admit patrons, including hotel guests, after 11:00 p.m. daily. [Resolution No. 1156 and Resolution No. 1285.]

16. The Application shall maintain the trash collection area in a satisfactory manner at all times.

17. No banquets or similar private receptions which would allow the entire restaurant, including the bar and dining area, the open air dining area, and the pool-side lounge area, to be rented out for an event shall be permitted. [Resolution No. 1156.]

18. No catered events shall be permitted in the restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area, at any time. The on-site restaurant kitchen facilities shall be used to prepare all food for events in the restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area. [Resolution No. 1285.]

19. The aggregate total of persons in the restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area, and any meeting room(s), at any given time shall not exceed 143 persons (excluding staff). Notwithstanding the foregoing, nothing in this condition shall be construed to bar the hotel operator from requesting an amendment to the Zoning Code at a later date to permit a greater number of persons to use the pool side lounge area. [Resolution No. 1285.]

20. No live entertainment shall be allowed in the outdoor dining area and the pool side lounge area at any time. [Resolution No. 1156 as modified by Resolution No. 1340.]

21. Pre-recorded music may be played inside the restaurant during the hours of operation, provided the volume levels conform to the noise level standard and would not be audible beyond the property line of the premises. [Resolution No. 1340.]

22. The hotel management shall post signs satisfactory to the Director of Community Development in the restaurant, the outdoor seating area, the pool-side lounge area and any meeting rooms displaying the aggregate maximum occupancy limits imposed by this Resolution. [Resolution No. 1340.]

General Operational Conditions

23. Large-scale film, video and other commercial shoots (as defined in the Office of Community Services Film Permit Guidelines) at the hotel shall be limited to one per month up to an aggregate maximum of ten (10) such events per year subject to City's approval. [Resolution No. 1285.]

24. The Applicant shall implement a program to deal with restaurant patrons who display signs of intoxication. [Resolution No. 1285.]

25. The Applicant shall comply with any conditions imposed by the California Department of Alcoholic Beverage Control on the Project's ABC license, including any restrictions imposed on the sale, service or consumption of alcoholic beverages at the restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area. [Resolution No. 1285.] All alcoholic beverage service shall cease at 1:00 a.m. daily.

26. All hotel contracts with persons or organizations who host events at the hotel shall include the conditions of approval set forth in the resolutions approving this CUP as a condition of such contracts. [Resolution No. 1285.]

27. The Applicant shall obtain a special events permit from the City for any event in the restaurant, including the bar and dining area, and the open air dining area, including the pool-side lounge area attended by an aggregate total in excess of 143 persons. Applications for a special events permit shall be submitted on the form provided by the City. [Resolution No. 1285.]

28. The hotel management shall designate specific hotel employees to coordinate community relations and to act as the liaisons with nearby residents to respond to any disturbances to the neighboring residents in a prompt manner. At least one designated community liaison shall be present and available at the hotel premises 24 hours a day 7 days per week to respond to any disturbances. The names and telephone numbers of the designated contact persons shall be transmitted to the Director of Community Development. In addition, the Applicant shall post the name and telephone number of the contact person on call on the site in a location readily visible to the general public and approved by the Director of Community Development. [Resolution No. 1285.]

29. No equipment, furnishings or any other items, including, but not limited to heaters or propane cylinders and other outdoor dining equipment, shall be stored in the loading area or any other area on or to the rear of the main hotel building on the property. [Resolution No. 1340.]

30. The establishment shall provide access to the Fire Department, Law Enforcement, and/or Code Enforcement Officers at any time.

Procedural Requirements.

31. Within 90 days of the adoption of this Resolution, the Applicant shall mail to the project mailing radius, a letter with the 24 hour contact names and phones of the hotel representations for the neighbors to contact in the event of noise disturbances from the hotel operations.

32. Commencing on the effective date of this Resolution, the Applicant shall be required to:

(a) Annually submit an affidavit to the Director of Community Development attesting to compliance with the conditions of approval set forth in this Resolution and the sufficiency of the on-site and off-site parking to satisfy the parking needs generated by the use. The City expressly reserves jurisdiction relative to traffic and parking issues. In the event the Director determines that operation of the use at this site is having unanticipated traffic and parking impacts, the Director shall require the applicant to pay for a parking demand analysis. After reviewing the parking demand analysis, if, in the opinion of the Director, the parking and traffic issues merit review by the Planning Commission, the Director shall schedule a hearing in front of the Planning Commission in accordance with the provisions of Article 38 of Chapter 3 or Title 10 of the Beverly Hills Municipal Code. The Planning Commission shall conduct a noticed public hearing regarding the parking and traffic issues and may impose additional conditions as necessary to mitigate any unanticipated traffic and parking impacts caused by the proposed Project, and the applicant shall forthwith comply with any additional conditions at its sole expense; and

(b) File any application for renewal of the C.U.P. and D.P.R. at least sixty (60) days prior to the expiration of this approval. A request to expand the hours of operation may be included as part of the renewal request. [Resolution No. 1156 and Resolution No. 1340.]

33. This C.U.P., D.P.R. and Extended Hours Permit (collectively the "Permit") shall expire on January 8., 2011, and all rights granted by this CUP, DPR and Extended Hours Permit shall terminate at that time. Unless the CUP, DPR and Extended Hours are renewed, or a new CUP, DPR and Extended Hours Permit is granted, the Applicant shall immediately cease operation of the public restaurant and the outdoor dining area. Any application for a renewal must be filed at least sixty (60) days prior to the expiration of these approvals.

All applications for renewal shall be in accordance with the provisions of Section 10-3-1240(e) and subject to applicable fees. The renewal hearing shall be conducted by the Planning Commission (the "Commission") to verify that the amendments to the Conditional Use Permit and Extended Hours Permit are not resulting in adverse impacts to the adjacent residential area. In addition, a parking demand study will be required to verify that the parking is sufficient to meet the demands of the hotel and restaurant operation. If the Planning Commission does not extend the CUP, DPR and Extended Hours Permit, the CUP, DPR and Extended Hours Permit shall expire and all rights possessed under the Permits shall be terminated. Provided, however, if the Applicant files an application for an extension, any existing CUP, DPR and Extended Hours Permit shall be extended until the City takes final action on the application.

Any application for an extension of this CUP, DPR and Extended Hours Permit shall be subject to the application fees established by Resolution of the City Council.

Upon expiration of the extension and any future extension, the Applicant may apply for further extensions pursuant to the procedures set forth above. The length of any further extensions granted shall be governed by the provisions of the Beverly Hills Municipal Code.

Compliance

34. The Applicant deposited with the City a ten thousand dollar (\$10,000) cash deposit to ensure compliance with the conditions of the resolutions. The deposit shall be maintained throughout the life of the CUP unless the Planning Commission determines otherwise. In the event that three or more such violations occur and the Applicant fails to cure, if applicable, such violations within a reasonable time, the City may: (a) retain the deposit to cover the costs of enforcement; (b) notify the Applicant that the Applicant may request a hearing before the City within ten (10) days of the notice; and (c) suspend the CUP until such time that an additional deposit of \$10,000 is deposited with the City to cover the costs associated with subsequent violations. If the Applicant timely requests a hearing, said deposit will not be forfeited until after such time that the Applicant has been provided an opportunity to appear and offer evidence to the City, and the City determines that substantial evidence supports forfeiture. Any subsequent violation will trigger forfeiture of the additional deposit, the immediate commencement of suspension proceedings, and the requirement to deposit an additional \$10,000, pursuant to the procedure set forth above. All amounts deposited with the City shall be deposited in an interest bearing account. The Applicant shall be reimbursed all interest accruing on monies deposited.

The requirements of this paragraph are in addition to any other remedy that the City may have in law or equity and shall not be the sole remedy of the City in the event of a

violation of the conditions of this resolution or the Beverly Hills Municipal Code. [Resolution No. 1285.]

35. If in any 90-day period the Applicant has two (2) violations of any of the conditions set forth hereinafter, the Director of Community Development shall immediately schedule a hearing before the Planning Commission to review this C.U.P, D.P.R. and Extended Hours Permit. Such proceedings shall be conducted in accordance with the provisions of Article 38 of Chapter 3 of Title 10 of the Beverly Hills Municipal Code. For the purposes of this Condition, violations of any of the following conditions shall constitute grounds for reviewing the C.U.P. and D.P.R. and may serve as grounds to revoke the same: Conditions No. 3, 4, 7, 8, 15, 19, 20, 22, 23, 25 and 28.

Standard Conditions

36. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the amendment to the C.U.P. 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 this 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 amendment to the C.U.P. and Extended Hours Permit **shall be null and void** and of no further

effect. Notwithstanding the foregoing, the Director of 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 C.U.P. and Extended Hours Permit.

Section 13. If this Resolution is invalidated for any reason, all rights granted hereunder shall terminate and the Applicant shall immediately cease all operations authorized by this Resolution.

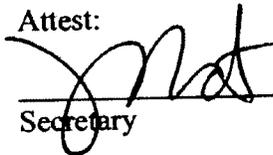
Section 14. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted: July 8, 2010



Lili Bosse
Chair of the Planning Commission of
the City of Beverly Hills, California

Attest:



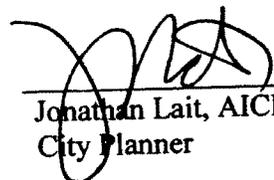
Secretary

Approved as to form:



David M. Snow
Assistant City Attorney

Approved as to content:



Jonathan Lait, AICP
City Planner

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

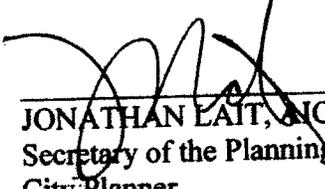
I, JONATHAN LAIT, Secretary of the Planning Commission and City Planner of the City of Beverly Hills, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 1582 duly passed, approved and adopted by the Planning Commission of said City at a meeting of said Commission on July 8, 2010, and thereafter duly signed by the Secretary of the Planning Commission, as indicated; and that the Planning 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 Cole, Corman, Furie, Vice Chair Yukelson, and
 Chair Bosse.

NOES: None.

ABSTAIN: None.

ABSENT: None.



JONATHAN LAIT, AICP
Secretary of the Planning Commission/
City Planner
City of Beverly Hills, California

ATTACHMENT 2

Donna Jerex

From: Michael Foxen
Sent: Friday, June 10, 2011 4:30 PM
To: Donna Jerex
Subject: RE: Avalon Hotel: 9400 Olympic

Hello Donna,

We've had 15 calls at the Avalon Hotel in the time period specified. None of them are anything of concern. They break down as follows:

- Transient Complaint (2)
- Vehicle Impound (2)
- Parking Complaint (2)
- Traffic Accident (2)
- Lost Property
- Vandalism
- Alarm Call (3)
- Suspicious Circumstances (2)

I hope this is what you needed. Feel free to contact me if you need any additional information or clarification.

Mike

Sgt. Michael Foxen
Traffic Bureau Supervisor
Beverly Hills Police Department
464 N. Rexford Drive
Beverly Hills, CA 90210
310-288-2696 office
310-274-2403 fax
mfoxen@beverlyhills.org

From: Donna Jerex
Sent: Thursday, June 09, 2011 4:21 PM
To: Michael Foxen
Subject: FW: Avalon Hotel: 9400 Olympic

Hello Michael:

I understand that you are our new contact for Planning issues. Haven't met you, so "Hello – nice to meet you!"

Can you please respond to the request below? Thanks very much!

Donna

From: Donna Jerex
Sent: Monday, June 06, 2011 2:45 PM

ATTACHMENT 3



February 9, 2011

Dear Neighbor,

The Avalon Hotel and Oliverio Restaurant wishes to continue to be good neighbors and provide you with appropriate service, attention and contact information should you wish to contact a representative on-site 24/7.

The phone number is as follows: (310) 277-5221

The representative to be contacted in the event you need any assistance or wish to report any inconvenience is as follows: AM Desk Manager (310) 277-5221; or PM Desk Manager (310) 277-5221.

As neighbors, we look forward to welcoming you to The Avalon and Oliverio Restaurant.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a series of loops and a horizontal line extending to the right.

Pradcep Raman
General Manager
Avalon Hotel

ATTACHMENT 4

June 15, 2011

To Whom It May Concern:

I am very sorry I could not be there in person to represent the residents on the 400 S. Canon block. I understand that it is important to have someone at the meeting to voice our concerns. I work as a teacher in Beverly Hills and June 23 is the last day of school. I could not disappoint my students by not being there to wish them well. Needless to say, the residents would appreciate the opportunity to speak at the meeting if you would consider putting the issues of 400 S. Canon/9400 Olympic off to another time. If you are not able to do this, below is an overview of our concerns.

The neighbors on 400 S. Canon understand the hotel is requesting to have paid valet parking. We feel the following information is most beneficial to you as you contemplate your decision.

The parking situation on 400 S. Canon, with the present parking restrictions, is horrible. The hotel employees park on the street daily even though, according to the hotel's agreement they are suppose to park in a lot down the street, leaving very few spaces for the residents. It is distressing to come home after work and NOT be able to park on our own street because the hotel employees and the guests take many of the spots. On the east side of the street, there are maybe 12-15 spaces of which 5-8 are taken up daily/hourly by the hotel. We have already begun a petition to change the parking

restrictions so residents can park on their own street and not two blocks away or have to feed the meter all day until 8 pm.

Enclosed you will find a copy of the petition that we submitted for a change in the present parking restrictions. As you can see, more than 61% of the neighbors favor permit parking only on the east side of the street because of the hotel and the lack of parking spaces for residents. Included in signing the petition, the residents would ask you not to allow the hotel to have paid valet parking until the parking situation on 400 S. Canon is resolved.

Many of the neighbors are fearful to approach the Commission as they receive "perks" from the hotel. Some neighbors get to use the pool at no charge, get free parking at the hotel for their guests when there is not parking on the streets and numerous other concessions. They do not want to lose those, yet...they are equally concerned.

We (the neighbors) have talked to the hotel many times to no avail. We are presently working with the city and parking enforcement to help us. WE often must park in Los Angeles(2 blocks away) as the employees and the guests park on our street until 8:00 pm. If the city allows the hotel to charge to valet parking, then MORE guests will park on the east side of the street to avoid the fee, taking up ALL our parking spaces during the day and evening until 8:00 pm. That is not fair to the residents who pay for parking permits for their own street. Right before I sat down to write this letter, I went outside. It was 4:30 pm... there were 5 employees cars right outside. (I know them because they are there daily and the residents have

their license plate numbers to verify they are consistently violating the agreement to park in the lot provided).

In conclusion, we ask you to NOT approve the requests of the hotel.

Thank you for your consideration

A handwritten signature in cursive script that reads "Kathy Bronte". The signature is written in black ink and is positioned above the printed name.

Kathy Bronte

DAY TIME RESTRICTION

REQUESTED TIME RESTRICTION (i.e., 2-hour, 1-hour, No Parking): _____

REQUESTED HOURS OF RESTRICTION: _____

EVENING TIME RESTRICTION

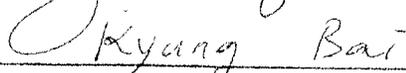
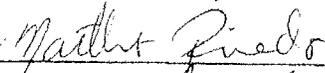
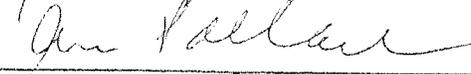
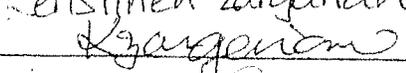
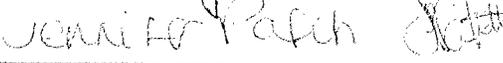
REQUESTED TIME RESTRICTION (i.e., 2-hour, 1-hour, No Parking): _____

REQUESTED HOURS OF RESTRICTION: _____

DAY RESTRICTION

REQUESTED DAYS OF RESTRICTION(i.e., Monday to Friday): _____

Please submit separately a list of reasons the zone is being requested.

LEAD PETITIONER	ADDRESS	PHONE #
PETITION FOR ESTABLISHMENT OF PREFERENTIAL PERMIT PARKING: _____ BLOCK OF _____		
PRINTED NAME & SIGNATURE	ADDRESS	Phone # Optional
NORMA MONTANO 	434 S. Canon Dr #402 Beverly Hills CA 90212	
 Kyung Bai	434 S. Canon Dr #506	
 Martha Pinedo	434 S. Canon Dr. #303	
 Ann Pallar	434 S. Canon - 406	
Keristineh Zargarian 	434 S. Canon Dr. #305	
JENNIFER PATEL 	440 S Canon Dr BH 90212	

DAY TIME RESTRICTION

REQUESTED TIME RESTRICTION (i.e., 2-hour, 1-hour, No Parking): _____

REQUESTED HOURS OF RESTRICTION: _____

EVENING TIME RESTRICTION

REQUESTED TIME RESTRICTION (i.e., 2-hour, 1-hour, No Parking): _____

REQUESTED HOURS OF RESTRICTION: _____

DAY RESTRICTION

REQUESTED DAYS OF RESTRICTION(i.e., Monday to Friday): _____

Please submit separately a list of reasons the zone is being requested.

LEAD PETITIONER	ADDRESS	PHONE #
PETITION FOR ESTABLISHMENT OF PREFERENTIAL PERMIT PARKING: _____ BLOCK OF _____		
PRINTED NAME & SIGNATURE	ADDRESS	Phone # Optional
K Bronte Kathy Bronte	9384 W. Olympic	
Elizabeth Stevens Elizabeth Stevens	402 S. Canon	

Print Name ~~WILLIAM BERRY~~
 Signature ~~[Signature]~~
 Phone number optional _____

Print Name GARY MARTIN SKLAR #304
 Signature [Signature]
 Phone Number optional _____

Print Name FELLOWS JAMES # 503
 Signature [Signature] 434 S. CANON DRIVE B.H.
 Phone number optional _____

Print Name Vincent DeFilippo
 Signature Vincent DeFilippo 434 S. Canon Drive #301
 Phone number optional 310-429-8133

Print Name _____
 Signature _____
 Phone number optional _____

Print Name _____
 Signature _____
 Phone number optional _____

→
over

ATTACHMENT 5

LAW OFFICES OF
DAWSON TILEM & GOLE

MITCHELL J. DAWSON
JOSEPH N. TILEM
GARY M. GOLE

9454 Wilshire Boulevard, Penthouse
Beverly Hills, California 90212
Telephone (310) 285-0880 / 273-3313
Facsimile (310) 285-0807

June 13, 2011

Mr. Dan Yukelson
Chairperson, Beverly Hills Planning Commission

Via Email
dreyes@beverlyhills.org
jlait@beverlyhills.org

Re: Avalon Hotel Valet Charges

Dear Chairperson Yukelson & Members of the Planning Commission,

My office represents the Avalon Hotel with regard to an upcoming hearing for Extension of a Conditional Use Permit and a request to amend the Conditional Use Permit to allow valet parking charges.

There are numerous factors that we believe support the right to charge a reasonable rate for valet.

1. The record of the Avalon Hotel as to quiet enjoyment of neighbors and the surrounding residential area surrounding the hotel remains totally intact and without problems. This has been supported by prior hearings and presumably the upcoming hearing as well.
2. There is not a great deal of "neighborhood" surrounding the hotel. It is bordered on the west by South Beverly Drive which is commercial. To the south is South Beverly Drive and Whitworth without residential. Further south the block on the west side of Canon is the Cavalry Church. Across the street on the east side of Canon are a few R-4 properties and the Avalon property, then office buildings at the end of Canon at Whitworth.
3. On Canon Drive south of Olympic, the very street of the hotel, evening parking restrictions on both sides of Canon PROHIBIT parking after 8:00 PM on the east side & after 10:00 PM on the west side.
4. To the north is Olympic Boulevard which is a six lane "highway" with more ambient noise than humans could possibly put forth. There is limited parking on Olympic Boulevard but there is no appropriate place to park one's vehicle for Avalon patronage on the north side of Olympic Boulevard. There are no crosswalks other than at South Beverly Drive and Olympic Boulevard which is hundreds of feet from the Avalon. To the east there is no crosswalk for an even greater distance.

Mr. Dan Yukelson

June 13, 2011

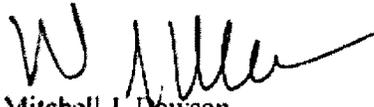
Page 2

5. The number of vehicles that would decide not to valet park is a relatively limited amount.
6. The Avalon Hotel is still within the worst economic downturn for hotels in decades. The Avalon Hotel is at a competitive disadvantage as the following hotels, each abutting residential areas, and in some instances far greater residential density than the Avalon, are allowed to charge for valet services. These include:
 - a. The Beverly Hills Hotel
 - b. The Thompson Hotel
 - c. L'Ermitage Hotel
 - d. The Peninsula Hotel
 - e. The Beverly Wilshire Hotel
 - f. The Beverly Hilton Hotel
 - g. The Crescent Hotel
 - h. Four Seasons Hotel

The Avalon Hotel is asking for a reasonable rate to be charged for valet services and will continue its appropriate record of compliance with and attention to neighborhood concerns. Conditions of the CUP can readily be adopted with appropriate safeguards.

We appreciate your review of this matter in light of these facts.

Respectfully submitted,



Mitchell J. Dawson

On behalf of The Avalon Hotel

ATTACHMENT 6

David Reyes

From: Mdawsonlaw@aol.com
Sent: Friday, June 17, 2011 11:02 AM
To: David Reyes
Cc: mdawson@dtglaw.com; pradeep.raman@viceroyhotelgroup.com
Subject: AVALON HOTEL CUP

Chairman Yukelson,

Yesterday Principal Planner David Reyes was kind enough to share with me a letter from Kathy Bronte regarding assertions of employee parking on the 400 block of South Canon Drive.

Until such time that I received the letter from Mr. Reyes I personally was unaware of any such issues.

The General Manager of the hotel, Mr. Pradeep Raman, will be present at the hearing to discuss each and every assertion contained in the letter of June 15, 2011.

I thank you in advance for your continued consideration of this matter.

Sincerely,

Mitchell J. Dawson

Mitchell J. Dawson

Dawson Tilem & Gole
9454 Wilshire Boulevard
Penthouse
Beverly Hills, Ca. 90212
310.285.0880 office
310.285.0807 facsimile
mdawsonlaw@aol.com

