



Planning Commission Report

Meeting Date: December 19, 2011

Subject: **9360 Wilshire Boulevard
Thompson Hotel Development**

Request to renew the existing Conditional Use Permit and Development Plan Review Permit for rooftop uses and outdoor dining, a request to modify the existing Conditional Use Permit to allow increased occupancy on the rooftop pool-deck and bar area, and a request for an Extended Hours Permit to allow increased operating hours until 2:00 AM each day of the week on the property located at **9360 Wilshire Boulevard.**

PROJECT APPLICANT: Mitchell Dawson

Recommendation: That the Planning Commission:

1. Conduct a public hearing and receive testimony on the project; and
2. Direct staff to prepare a resolution conditionally approving the request to renew the existing Conditional Use Permit and Development Plan Review Permit, denying the request to modify the existing Conditional Use Permit to allow increased occupancy, and denying the request for an Extended Hours Permit to allow increased operating hours.

REPORT SUMMARY

This report analyzes a request to renew an existing Conditional Use Permit and Development Plan Review Permit for the Thompson Hotel, to modify the existing Conditional Use Permit to allow increased occupancy on the rooftop pool-deck and bar area, and a request for an Extended Hours Permit to allow increased operating hours until 2:00 AM each day of the week.

The rooftop pool-deck and bar area is currently limited to 125 persons, excluding hotel staff. The applicant requests a modification of the existing Conditional Use Permit to increase the permitted occupancy by approximately 48%, up to 185 persons. Additionally, the permitted hours of operation are until 1:00 AM, Sunday through Thursday, and until 2:00 AM, Friday and Saturday. The applicant requests an Extended Hours Permit to permit the hours of operation to extend until 2:00 AM each day of the week.

Attachment(s):

- A. Correspondence from Residents Opposing the Project
- B. Staff Recommended Findings and Conditions of Approval
- C. Public Notice
- D. Noise Measurements

Report Author and Contact Information:

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(310) 285-1191
cgordon@beverlyhills.org

BACKGROUND

File Date	10/12/2011
Application Complete	11/18/2011
Subdivision Deadline	N/A
CEQA Deadline	60 days from CEQA Determination (1/17/12)
Applicant(s)	Mitchell Dawson
Owner(s)	Beverly Pavilion, LLC
Representative(s)	Mitchell Dawson
Prior Project Previews	PL1004921 (CUP/DPR Renewal, Zone Text Amendment, Variance Amendment, Extended Hours Permit) PL0600809 (DPR – Open Air Dining) PL0564190 (CUP – Expansion of Pool Deck and Rooftop Gym Amenities)
Prior PC Action	PL1004921 – Approved with conditions PL0600809 – Approved with conditions PL0564190 – Approved with conditions
Prior Council Action	Ordinance No. 10-O-2589 – Approved

PROPERTY AND NEIGHBORHOOD SETTING

Property Information

Address	9360 Wilshire Boulevard
Legal Description	Beverly Hills Tract #6380 Lot 1717 and Lot 1718
Zoning District	C-3
General Plan	Commercial Low-Density
Existing Land Use(s)	Commercial Hotel
Lot Dimensions & Area	103.9' x 158.2' = 16,437 SF
Year Built	1963
Historic Resource	The property is not listed on any local, state or federal inventory
Protected Trees/Grove	None

Adjacent Zoning and Land Uses

North	C-3 Commercial, M-PD-2 Mixed Us Planned Development Overlay
South	R-4 Multiple-Family Residential
East	C-3 Commercial
West	C-3 Commercial

Circulation and Parking

Adjacent Street(s)	Wilshire Boulevard and South Crescent Drive
Adjacent Alleys	One-way 15' wide alley located at the rear of the property
Parkways & Sidewalks	Wilshire Boulevard: 15' parkway South Crescent Drive: 12.5' parkway
Parking Restrictions	Wilshire Boulevard: Parking prohibited (southside); Restricted peak hour parking (northside) South Crescent Drive: Parking prohibited (eastside); 1-Hour Parking 8:00 AM – 2:30 AM (westside)

Nearest Intersection	Wilshire Boulevard and South Crescent Drive
Nearest Signalized	Wilshire Boulevard and South Crescent Drive
Circulation Element	Wilshire Boulevard: Arterial South Crescent Drive: Local
Average Daily Trips	Wilshire Boulevard: 45,000 South Crescent Drive: 2,400 (south of Wilshire); 9,200 (north of Wilshire)

PROJECT HISTORY

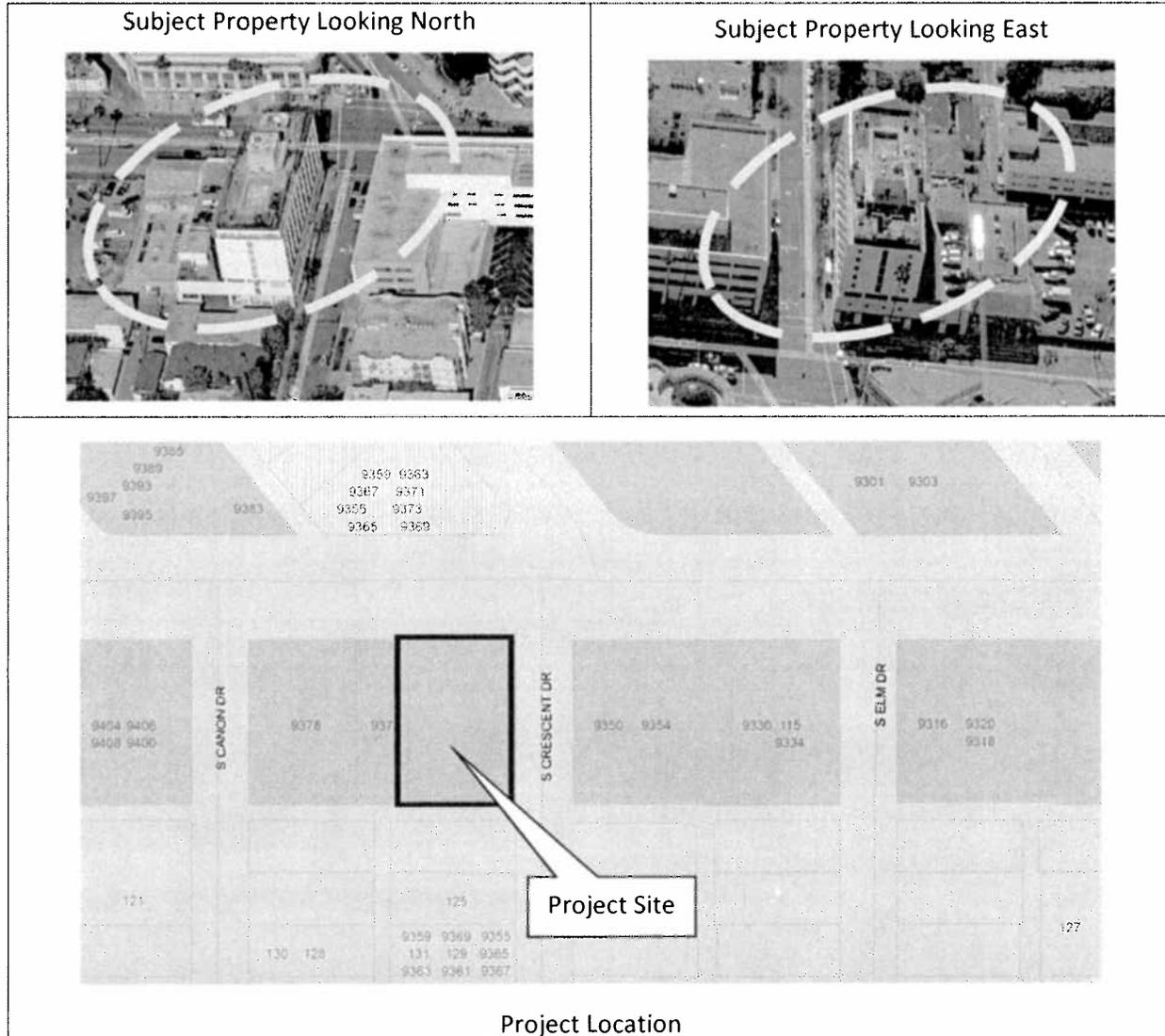
The subject property was developed in 1963, per the Los Angeles County Office of the Assessor, and has been continuously operated as a hotel since that time. The City Council approved development of the property pursuant to the issuance of a variance for increased height and floor area; this development included a restaurant and rooftop pool. A condition of the variance limited the maximum floor area of the restaurant and bar area to 1,500; however, in 2006, a Conditional Use Permit and Development Plan Review Permit was granted by the Planning Commission to allow expanded rooftop uses, including a larger pool deck, a bar/lounge area, a rooftop gymnasium, and a rooftop food preparation room. As a condition of approval, and to prevent detrimental impacts to the surrounding residential neighborhoods, rooftop occupancy was limited to 92 persons, excluding hotel staff, and rooftop hours were limited to 1:00 AM.

In 2010, the applicant submitted for a renewal and modification of the existing Conditional Use Permit and for a renewal of the existing Development Plan Review Permit. The proposed project requested an expansion and modification of hotel dining and rooftop operations. The Planning Commission granted the request for additional outdoor dining along Wilshire Boulevard, additional indoor dining at the first floor and mezzanine levels of the hotel, a new stove within the existing rooftop food preparation room, extended hours on Friday and Saturday until 1:00 AM, and increased occupancy up to 125 persons, excluding hotel staff.

The work associated with these entitlements has been completed and is fully operational, with exception of the open air dining element. However, a condition of approval imposed by the Planning Commission in 2006 and 2010 called for the Conditional Use Permit and Development Plan Review Permit to expire one year after the original issuance, unless a renewal was applied for and granted. The purpose for the one-year expiration was to provide the Commission with an opportunity to re-review the entitlements and make any modifications that might be needed in order to ensure that the project would function as the Commission had originally intended. The one-year expiration has since passed, and a renewal of the entitlements must be granted in order for the hotel to continue current rooftop and outdoor dining operations. Because the applicant has submitted the application and renewal request, no action has been taken by the City to terminate rooftop uses.

Neighborhood Character

The area near the Thompson Hotel is located on the southwest corner of the intersection of Wilshire Boulevard and South Crescent Drive. The subject property is zoned C-3 (Commercial) and is immediately outside of the City's Business Triangle. It is currently developed with an eight-story hotel, of which three levels are used for vehicle parking. Commercial properties surround the subject property along Wilshire Boulevard; multi-family residential properties are located to the north and south of the property and Wilshire Boulevard. The surrounding multi-family residential properties to the south range in height between two and four stories and are separated from the commercial uses on Wilshire Boulevard, and the Thompson Hotel, by a 15' alley.



PROJECT DESCRIPTION

As proposed, the project would renew the hotel’s existing Conditional Use Permit and Development Plan Review Permit, allow increased rooftop occupancy, and allow increased hours of operation at the rooftop. The table below outlines the existing conditions and proposed changes within the hotel as they relate to the project.

REGULATIONS	EXISTING	PROPOSED
Primary Building		
Use	Commercial – Hotel	No Change
Guestrooms	114	No Change
Height	100 Feet (per 1961 variance)	No Change
Parking	129 spaces on-site (required)	No Change

	40 spaces off-site (required)	
Rooftop Hours	5:00 AM – 1:00 AM (Sunday – Thursday) 5:00 AM – 2:00 AM (Friday – Saturday)	5:00 AM – 2:00 AM (Everyday)
Rooftop Occupancy	125	185
Restaurant and Bar Floor Area	2,007 SF (2010 approval)	No Change
Restaurant Seats	140	No Change
Outdoor Dining (no rooftop)	926 SF (2010 approval)	No Change

Requested Permits

The entitlements requested as part of the proposed project are as follows:

Conditional Use Permit. The existing Conditional Use Permit for rooftop uses is subject to an annual review by the Planning Commission and a modification is requested to increase the occupancy of the existing roof top pool-deck and bar area from 125 persons to 185 persons.

Development Plan Review Permit. The existing Development Plan Review Permit for open air dining and the rooftop gymnasium is subject to an annual review by the Planning Commission

Extended Hours Permit. An Extended Hours Permit is required for any site located in a commercial-transition area in the City to operate a business during of the hours of 10:00 PM and 7:00 AM.

DISCUSSION

The Applicant seeks to renew and modify the approvals granted by the Planning Commission in 2006 and 2010, which allow for outdoor dining on private property and rooftop uses. There are three components associated with this project: 1) Renewal of existing entitlements; 2) Increased occupancy at the rooftop; and 3) One hour increase in operation hours, Sunday through Thursday. Each of these components is further discussed below.

RENEWAL OF EXISTING ENTITLEMENTS

In approving the outdoor dining and rooftop uses in 2006, the Planning Commission required a yearly renewal. Specifically, Condition No. 11 of the Planning Commission Resolution No. 1418 states that:

...the City may extend the permits for additional one-year terms if the reviewing authority determines that the open air dining and rooftop uses are operating in a manner substantially the same as described to the Planning Commission and approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating an adverse impact on the surrounding area.

This conditioned was reaffirmed during the project renewal in 2010 with Condition No. 4 of the Planning Commission Resolution No. 1581, which reads:

Unless specifically modified by this Resolution, all conditions of approval contained in Planning Commission Resolution No. 1418 shall remain in full force and effect throughout the life of the project.

Staff has reviewed the previous approvals and has determined that the open air dining and rooftop uses have been established consistent with the projects approved by the Planning Commission.

Additionally, the Planning Commission imposed conditions of approval regarding the operational aspects of the outdoor dining and rooftop uses to protect the adjacent neighborhood. Staff has reviewed applicable Code Enforcement files and Police Department records regarding complaints involving the Thompson Hotel. Approximately 50 complaints associated with the property have been documented between July 2010 and October 2011. Of those documented, 18 complaints (2 Code Enforcement Cases and 16 calls to the Police Department) have been associated with hotel operation and rooftop uses. The Code Enforcement Cases involved hotel operations, such as early morning deliveries and mechanical equipment, while the calls to the Police Department have generally been associated with loud music, parties, or noise. These cases and calls have predominately been reported by properties in the near vicinity of the hotel. No citations were issued in connection with these complaints, and 9 of the 16 calls to the Police Department resulted in corrective action being needed. One of the two code enforcement cases has been closed and the other is in the process of being closed.

EXPANSION OF ROOFTOP USES

The project includes a request for intensification of rooftop uses through increased occupancy and hours of operation. Existing approvals permit the rooftop areas of the hotel to be used between the hours of 5:00 AM and 1:00 AM, Sunday through Thursday, and between the hours of 5:00 AM and 2:00 AM, Friday and Saturday. Rooftop uses are restricted to a maximum occupancy of 125 persons. The applicant proposes to extend the hours of operation for one additional hour, Sunday through Thursday, to allow patrons to use the rooftop areas until 2:00 AM each day of the week. Additionally, the applicant proposes to increase the occupancy to 185 persons, a 48% increase over what is currently permitted.

The applicant has submitted noise survey results (Attachment D) indicating that, at the time the surveys were conducted, no impacts were observed at the five selected properties due to rooftop activities. The surveys were conducted on Thursday, October 23, 2011; Friday, October 21, 2011; and Saturday, October 22, 2011.

Agency Review

The proposed project was not reviewed by other City departments.

GENERAL PLAN¹ POLICIES

The General Plan includes several goals and policies. Some policies relevant to the Planning Commission's review of the project include:

- Policy LU 15.1 Economic Vitality and Business Revenue. Sustain a vigorous economy by supporting businesses that contribute revenue, quality services and high-paying jobs.
- Policy ES 1.4 Retain Existing Industries. Consistent with future economic sustainability plans, encourage existing industries such as luxury retail, tourism, hoteling, finance, entertainment and media businesses and services to remain and expand within the City.

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

ENVIRONMENTAL ASSESSMENT

The proposed project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines², and the environmental regulations of the City. The project qualifies for a categorical exemption pursuant to Section 15303 Class 1 (Operation of Existing Facilities).

PUBLIC OUTREACH AND NOTIFICATION

The following methods were utilized for public outreach and notification of the renewal of the existing entitlements and proposed modifications of the Conditional Use Permit.

Type of Notice	Required Period	Required Notice Date	Actual Notice Date	Actual Period
Posted Notice	N/A	N/A	N/A	N/A
Newspaper Notice	10 days	12/9/2011	12/9/2011 (BH Courier) 12/15/2011 (BH Weekly)	10 days
Mailed Notice (Owners & Residents - 300' Radius)	10 days	12/9/2011	12/8/2011	11 days
Website	N/A	N/A	N/A	N/A

Public Comment

As of the date of the preparation of this report, staff has received numerous comments from nearby residents and individuals acting on behalf of nearby residents in opposition of the proposed project. All received correspondence is provided as Attachment A.

ANALYSIS³

RENEWAL OF EXISTING ENTITLEMENTS

The Thompson Hotel is required to seek Planning Commission approval for an annual review of its previously approved outdoor dining and rooftop uses to ensure they are operating according to approved plans without adversely affecting the surrounding area. The outdoor dining and rooftop areas have been established consistent with the approved plans and staff has not identified any code enforcement issues or complaints associated with the rooftop gym or the outdoor dining area and does not believe that the renewal of these aspects of the hotel’s operations are impacting the surrounding area.

Conversely, the rooftop operations have resulted in numerous complaints to the Police Department. These complaints have not resulted in citations, as it has generally been the City’s policy to verbally alert hotel staff to the issue, and if compliance is achieved, the case is closed. The Planning Commission’s

² The CEQA Guidelines and Statute are available online at <http://ceres.ca.gov/ceqa/guidelines>

³ The analysis provided in this section is based on draft findings prepared by the report author prior to the public hearing. The Planning Commission in its review of the administrative record and based on public testimony may reach a different conclusion from that presented in this report and may choose to modify the findings. A change to the findings may result in a final action that is different from the staff recommended action in this report.

previous approvals contained specific conditions related to the rooftop uses to offset potential impacts to the surrounding area, including:

- Limiting rooftop occupancy;
- Prohibiting live entertainment;
- Limiting the noise level of pre-recorded (DJ) music not to be audible beyond the hotel's property lines;
- Restricting the hours of operation of rooftop uses;
- Reduced parking rates for non-hotel rooftop guests;
- Installing speakers at rooftop at base of the perimeter wall around the deck areas;
- Prohibiting speakers to be installed on the rooftop cabanas;
- Directing sound toward patrons to prevent possibility of sound being plainly audible beyond property line; and
- Require sound system volume controls be fitted with a locked cover to prevent tampering.

EXPANSION OF ROOFTOP USES

The project includes a request for intensification of rooftop uses through increased occupancy and hours of operation. Existing approvals permit the rooftop areas of the hotel to be used between the hours of 5:00 AM and 1:00 AM, Sunday through Thursday, and between the hours of 5:00 AM and 2:00 AM, Friday and Saturday. The applicant proposes to extend the hours of operation for one additional hour, Sunday through Thursday, to allow patrons to use the rooftop areas until 2:00 AM. The applicant also proposes to increase the occupancy to 185 persons, a 48% increase from the currently permitted 125 persons.

Due to the complaints generated by late-night rooftop activities, staff recommends maintaining the existing maximum occupancy at 125 persons and operating hours of 5:00 AM to 1:00 AM, Sunday through Thursday, and 5:00 AM to 2:00 AM, Friday and Saturday, until such a time when the Applicant is able to show that the operation of such rooftop uses does not generate complaints beyond a reasonable expectation. Additionally, per conversations with staff at Caulfield's, the existing restaurant has been operational for approximately one month and the full impacts of the restaurant use on the rooftop area are not yet known. The open air dining area of the restaurant is not yet operational and further adverse impacts to the surrounding neighborhood may result at that time when it becomes fully operational.

Furthermore, staff has not identified any other hotels in such a proximity to residential areas that are permitted to have operating hours until 2:00 AM each day of the week. On average, hotels adjacent to residential uses were typically limited to operating hours that end between 10:00 PM and 11:00 PM. No such permits were identified that allowed any hotel within the City to operate until 2:00 AM each day of the week. Such an approval would prove to be precedent setting for the City with potentially adverse impacts to other residential areas throughout Beverly Hills. Below are some of the hours of operation restrictions for hotels located throughout the city:

- L'Ermitage (9291 Burton) – 10:00 PM for rooftop uses
- Avalon Hotel (9400 Olympic) – 11:00 PM for restaurant, open air dining, and poolside lounge
- Beverly Hilton Hotel (9876 S Santa Monica) – 10:00 PM for swimming and other outdoor activities

- Maison 140 (140 Lasky) – 10:00 PM for rooftop pool and lounge area with a maximum occupancy of 84 persons
- Crescent Hotel (403 North Crescent) – 11:00 PM (Sunday through Thursday) and 12:00 AM (Friday and Saturday) for outdoor patio uses

NEXT STEPS

It is recommended that the Planning Commission conditionally approve the renewal for the Conditional Use Permit and Development Plan Review but deny the request for the Extended Hours Permit and increased rooftop occupancy.

Alternatively, the Planning Commission may consider the following actions:

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

Report Reviewed By:

David Reyes, Principal Planner

ATTACHMENT A
Correspondence from Residents Opposing the Project

Cindy Gordon

From: Stephanie Johnson <sajie@mac.com>
Sent: Saturday, December 10, 2011 12:38 PM
To: Cindy Gordon
Subject: 9360 Wilshire Blvd

Ms. Gordon,

I am a resident living in the apartment building at 120 S. Canon Drive. I would like to register my complaint at the proposed renewal and changes to the existing Conditional Use Permit for the Thompson Hotel Roof aka building at 936 Wilshire Blvd. I also would like to complain that these hearings are held at a time when most people are working, therefore unable to attend the Public Hearing and lodge their complaints.

My bedroom windows faces the alley which backs up to the hotel. All summer I had to deal with loud music in the middle of the day on Sunday's as well as screaming people, and several days of the week. My only saving grace at times, was that I knew it would be over by 11:00pm. As a long time resident (more than 15 years), I shouldn't have to deal with people screaming and not being able to relax in my home where I pay rent. If I wanted to live at a night club, I wouldn't have moved to Beverly Hills.

I have had to call the hotel many times to complain about how loud the music gets and how loud their customers are. Most of the time, I get "well they paid to be here," which means I am just supposed to endure all the noise. I can't sleep, I can't read, often I can't even hear my own television. Drunk loud people walk through the alley. The cars that park under our building have been vandalized, although I can't say it's because of the element coming from the hotel. But in my years of living here, I've never had any issues until that hotel started having people there late at night.

The economy is a big reason why I'm still living in this apartment, but I have to say If I have to deal with loud people and music into 1:00 am in the morning, I will have no other recourse then the move, which I'm sure will just as adversely effect my landlord as well as the money I spend at the grocery stores and shops in the area, since I will have to move somewhere else.

Is having that club cause issues for the residents more important to the city than having residents who are happy and spend money in the area? Let me know so I can decide when I need to move.

A very upset resident,

Stephanie Johnson

**Joy Strickland
121 S. Elm Drive, #12
Beverly Hills, CA 90212
(310) 273-9724**

December 12, 2011

Cindy Gordon
Assistant Planner
City of Beverly Hills
455 N. Rexford Drive
Beverly Hills, CA 90210

Dear Cindy,

After receiving the Notice of Public Hearing about the special meeting that will be held on December 19, 2011, I feel it important to relay my concern to you about the request for an Extended Hours Permit for the rooftop pool-deck and bar area of the Thompson Hotel located at 9360 Wilshire Blvd.

I am the apartment building manager at the Elm Drive Apartments in Beverly Hills, located at 121 S. Elm Drive. As a tenant myself there for twenty-one years, I am well aware of the noises the tenants in this building have to put up with in the middle of the night. We are affected adversely by the Thompson Hotel's request to increase their hours each day of the week to 2:00 AM. Tenants in our building often hear people in the middle of the night who have been partying in the immediate area, walking by in loud fashion or walking back to their cars. It disrupts our sleep and ability to live peacefully, and I would like to raise an objection to this proposal.

If residents of Beverly Hills were not living in such close proximity to the Thompson Hotel, this would not be a problem, but for those of us who live and sleep nearby, it does impact our lives.

Please feel free to contact me with any questions you may have. My home phone is (310) 273-9724.

Sincerely,

Joy Strickland
Manager

Cindy Gordon

From: Thomas Bernard <bernartb@me.com>
Sent: Tuesday, December 13, 2011 11:55 PM
To: Cindy Gordon
Subject: Thompson Hotel

Cindy Gordon
Assistant Planner
Planning Division
310-285-1191

Cindy,

I am writing to you regarding the public hearing to be held on Monday 19th December 2011 by the planning commission dealing with requested permit changes by the Thompson Hotel. I had wanted to attend this meeting in person to voice my concerns about the preposed permit changes for the Thompson Hotel, located at 9363 Wilshire Boulevard. I will try to make it but, in case I do not, I hope the concerns and suggestions I include here will be given consideration.

I live in the apartment building directly behind this hotel, at 121 South Crescent Drive. It is possible that some of the other tenants in the building will be there. I have asked and they all assured me that they shared my concerns, have the same issues with the proposals and are planning to attend. Those that can not have asked that I write on their behalf. The problems generated by the Thompson are most severe at 121 South Crescent but the other apartment buildings in the immediate area all feel the effects.

The real problem is noise. It starts every morning at about 7am when the garbage is collected and runs all day into the small hours (when the pool bar closes). Delivery trucks are constantly blocking the alley and, when asked to move, the response is usually a rude hand gesture or simply an expletive. Several months ago when the city was doing road work on Charleville we could not get our cars out at certain times. I realize that it is a business and as such, deliveries will be made and garbage needs to be

collected but, at the same time, they are bad neighbors who make no effort to ease the problems. Recently my neighbor called the police which did result in something positive. Around 11pm they close off their access to the alley and make cars depart through the front onto Wilshire Blvd. This does cut down on late night traffic in the alley but this was never the worst of the problem.

The real problem, that generates the most noise occurs when they close the upstairs bar. The customers come down to collect they're cars from the valet and this is when the real disturbance occurs. These folks are loud and boistress, in many cases just drunk. They come out laughing and shouting, generally conversing in loud tomes in the garage while waiting for they're cars. The volume of this is amplified by the environment of the garage. It is all concrete which results in, what is in affect, an echo chamber. People's conversation bounces off of the concrete walls and is amplified by this echo chamber effect.

The situation is intolerable now but if the hotel is allowed to increase the capacity in the pool deck bar area (from 125 to 185) It is going to make the problem that much worse. It will also take much longer to get these people into they're cars and away. I have spoken with the owners of the building I live in and know for a fact that they cannot collect the full rent apartments in the area should fetch because of the noise problem. I am told that often perspective tenants, while viewing the apartments hear the noise and see the problem and are detracted from renting here. They have a much more difficult time renting here than in another building they own a few blocks away.

Again, I understand that is a business and they are in business to make money. I do not want to interfere with they're business or bottom line, but I do believe that they need to become better, more caring neighbors and make some effort to address the problem. As of now they make no effort at all. Their own employees contribute to the problem by shouting amongst themselves rather than walk over and speak in hushed tones. Every evening they are shouting and whistling to each other. They are doing so as I write this and I only which you could hear it. The cacophony of sound when the bar closes is incredibly loud.

When I have complained they simply say that they cannot control the public. While to a certain extent this is true it is not true that they are helpless to do something about it. I have made several suggestions to them, none of which they have adopted. First, I suggested that they should keep the people inside until they're cars are there. They said they're lobby is too small. Well then, let them sit in the restaurant and wait. This idea was rejected as impractical, they never said why. Surely at 2am the kitchen is closed and so the restaurant is empty. When I have gone over late at night I do not see anyone in there. Then I suggested they could post prominent signs in the area where the public is waiting, asking them to be courteous and respect the neighborhood residential area by being silent while waiting. This was not done. I suggested at the very least that they're garage personnel could try to keep the noise down by asking folks to be quiet. Instead of doing this they, as I say, contribute to the melee by shouting amongst themselves.

Again, I understand it is a business but I feel they should make SOME effort to deal with this problem. Instead they simply asked to be allowed to make it worse, with no consideration whatsoever for the residents in the immediate area. If they are given permission to keep the pool bar open till 2am every day then that will mean that the increased noise will be that much later and so continue to prevent anyone from getting any sleep. I personally cannot get to sleep at night until after 2am each night, then am awoken early by the garbage collection. Some times I can go back to sleep but most days I cannot. After all, the deliveries start up and the noise is pretty constant all day, besides, I have to be up to go to work. They behave as if there is no problem and no one has ever raised any concerns with them. As a result I am always tired and my work performance is suffering. Beverly Hills is a wonderful place to live and I should not be forced to move to enjoy a good nights sleep, just because the folks at the Thompson are inconsiderate and disrespectful. I feel that if they want to do business here they should be more respectful. I am not in complete objection to the revised permits they have asked for but I think they should be allowed only if they adopt some form of noise reduction policies. I was under the impression that there were laws governing when

they are permitted to allow noise on they're property. I simply want them to have more respect for the residents in the area.

Thomas Bernard
121 South Crescent Drive
Apartment E
BeverlyHills CA. 90212
Telephone:
Home: 310-746-3296
Mobile: 310-666-8476

ATTACHMENT B

Draft Findings and Conditions of Approval

DRAFT FINDINGS

Conditional Use Permit

1. *The proposed location of any such use will not be detrimental to adjacent property or the public welfare.*

The renewal of the Conditional Use Permit, as conditioned, will result in hotel operations that are substantially similar to the existing and previously approved hotel operations. Based on the operating history of the hotel, hotel operations have not resulted in detrimental impacts to the surrounding neighborhood or to the public welfare. However, rooftop uses have generated noise that has caused disturbances to the surrounding properties. As such, specific operational conditions imposed on the subject property as a part of this review will prevent future detriment to the area.

In regard to the requested amendments to the Conditional Use Permit, the proposed increase in rooftop occupancy to 185 persons, excluding hotel staff, is anticipated to be detrimental to the surrounding area, as increased occupancy will result in increased noise levels. The current 125 person rooftop occupancy limit has generated noise complaints, and it is anticipated that the proposed 48% increase in rooftop occupancy would result in increased impacts to the surrounding neighborhood. Subsequently, until such time as the applicant is able to demonstrate that the rooftop uses are no longer resulting in noise complaints, the findings cannot be made to support an increase in rooftop occupancy.

Development Plan Review Permit

1. *The proposed plan is consistent with the general plan and any specific plans adopted for the area;*

The proposed plan was previously reviewed for consistency with the general plan and any specific plans adopted for the area, and was determined to be in compliance. The proposal is for renewal of a previous approval, and does not change the previous findings.

2. *The proposed plan will not adversely affect existing and anticipated development in the vicinity and will promote harmonious development of the area;*

The proposed plan was previously found to promote harmonious development of the area and not to adversely affect existing and anticipated development in the vicinity. The proposal is for renewal of a previous approval, and does not change the previous findings.

3. *The nature, configuration, location, density, height and manner of any commercial development proposed by the plan will not significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property;*

The propose plan was previously found not to significantly and adversely interfere with the use and enjoyment of residential properties in the vicinity of the subject property. However, noise complaints generated by rooftop uses at the subject property have adversely interfered with the use and enjoyment of residential properties in the vicinity of

ATTACHMENT B

Draft Findings and Conditions of Approval

the subject property. Subsequently, additional operational conditions are required in order to prevent adverse impacts to surrounding properties. This approval incorporates additional conditions, as well as a provision for the Conditional Use Permit, Development Plan Review Permit, and Extended Hours Permit to expire two years from the date of approval with the authority given to the Director of Community Development to further extend such entitlements if they are found to be operating consistent with the conditions set forth by the Planning Commission. Therefore, the added conditions and future reassessment of the property ensure that the rooftop uses will not interfere with the enjoyment of residential properties.

4. *The proposed plan will not create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards;*

The proposed plan was previously found not to create any significantly adverse traffic impacts, traffic safety hazards, pedestrian-vehicle conflicts, or pedestrian safety hazards. The proposal is for renewal of a previous approval, and does not change the previous findings.

5. *The proposed plan will not be detrimental to the public health, safety, or general welfare, and will not result in:*
 - a. *Any significantly adverse parking impacts as a result of employee or patron parking demand;*
 - b. *Any significantly adverse impacts on neighboring properties as a result of the accumulation of garbage, trash, or other waste;*
 - c. *Any significantly adverse impacts on neighboring properties as a result of noise created by the operation of the restaurant or by employees or visitors entering or existing the restaurant;*
 - d. *Any significantly adverse impacts on neighboring properties as a result of light and glare; and*
 - e. *Any significantly adverse impacts on neighboring properties as a result of odors or noxious fumes.*

The proposed plan was previously reviewed and determined not to create impacts related to parking, accumulation of garbage, noise, light and glare, or odors and fumes. Although these findings were previously made, noise complaints generated by rooftop uses at the subject property have demonstrated that the hotel does generate adverse impacts related to noise. Subsequently, additional operational conditions are required in order to prevent such noise-related impacts to surrounding properties. This approval for renewal incorporates additional conditions, as well as a provision for the Conditional Use Permit, Development Plan Review Permit, and Extended Hours Permit to expire two years from the date of approval with the authority given to the Director of Community Development to further extend such entitlements if they are found to be operating consistent with the conditions set forth by the Planning Commission. Therefore, with the added operational conditions and future reassessment of the property, the project can be found not to adversely impact parking, accumulation of garbage, noise, light and glare, or odors and fumes.

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Extended Hours Permit

The extended hours operation will not 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 the subject site;*

The request for the Extended Hours Permit is related to rooftop uses only. Collection of garbage, litter, or other waste is carried out by staff during regular operation of the rooftop areas. An increase in operating hours can be accommodated by existing resources and staff; the proposal is not anticipated to result in the additional accumulation of garbage, litter, or other waste.

2. *Noise created by the extended hours operation or by employees or visitors entering or exiting the extended hours operation;*

Noise complaints identified by staff are predominantly related to late-night rooftop operations at the hotel. Approximately 18 complaints have been received by the City between the months of July 2010 and October 2011. This level of complaints is unacceptable, and further extending the hours of operation at the rooftop areas from Sunday through Thursday would serve to exacerbate the situation. As such, extending the hours operation would result in additional noise impacts and would be detrimental to the surrounding neighborhood, and this finding cannot be made in support of the request at this time.

3. *Light and glare;*

The requested Extended Hours Permit is not anticipated to result in additional light and glare beyond what currently exists at the property. The City has not received any complaints regarding light and glare impacting the surrounding neighborhood. As such, extending the rooftop hours by one hour, Sunday through Thursday, is not anticipated to create any adverse impacts related to light and glare.

4. *Odors and noxious fumes;*

The requested Extended Hours Permit is not anticipated to result in odors or noxious fumes beyond what currently exists at the subject property. The City has not received any complaints that would suggest that odors and noxious fumes are impacting the surrounding neighborhood. As such, extended the rooftop hours of operation by one hour, Sunday through Thursday, is not anticipated to create any adverse impacts related to light and glare.

5. *Pedestrian queuing;*

The requested Extended Hours Permit is related to rooftop uses only with a request to extend the hours of operation by one hour, Sunday through Thursday. As the request is related only to rooftop operations, rather than those at the ground floor, the proposed project is not anticipated to create any adverse impacts related to pedestrian queuing.

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6. *Crime or peril to personal safety and security;*

The requested Extended Hours Permit is related to rooftop uses only, and the request is for one additional hour beyond current operations, Sunday through Thursday. The request is related to rooftop activities, as opposed to ground-floor activities. Patrons of the hotel typically utilize the hotel's valet parking operation or park within the Business Triangle, as parking on the residential streets is regulated by permits. 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.

7. *Use of residential streets for parking which is likely to cause activity associated with the subject extended hours operation to intrude substantially into a residential area;*

Parking on residential streets in the vicinity of the subject property is regulated by permits and a one-hour time restriction for vehicles without permits. These regulations prevent hotel patrons from parking in the residential areas. Because the subject property is directly adjacent to the City's Business Triangle, it is more likely that patrons who do not utilize the hotel's valet service would utilize the commercial streets rather than the residential streets. As such, the proposed project is not anticipated to result in adverse parking impacts and intrusion into residential areas.

8. *Effects on traffic volumes and congestion on local residential streets; and*

The requested Extended Hours Permit does not modify existing hotel operations or capacities and requests one additional operating hour, Sunday through Thursday. The time period (early AM) typically has lower traffic volume as compared to peak hours. As such, an operation increase of one hour is not anticipated to adversely impact traffic volumes and congestion on local residential streets.

9. *Cumulative impacts relating to the existing concentration of extended hours operations in the vicinity of the proposed extended hours operation.*

The subject property is located along the Wilshire Boulevard commercial corridor. This area is primarily comprised of office buildings and retail stores that generally do not operate beyond 10:00 PM. As such, the proposed project is not anticipated to result in a concentration of extended hours operations within the vicinity of the subject property.

DRAFT CONDITIONS

1. Unless specifically modified by this resolution, all conditions of approval contained in Planning Commission Resolution No. 1418 and Planning Commission Resolution No. 1581 shall remain in full force and effect throughout the life of the project.
2. EXPIRATION AND RENEWAL. The Conditional Use Permit (CUP), Development Plan Review Permit (DPR), and Extended Hours Permit shall expire two years from the date of approval, and

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all rights granted by the CUP, DPR, and Extended Hours Permit shall terminate at that time. Unless the CUP, DPR, and Extended Hours Permit are renewed, or new entitlements granted, the Applicant shall immediately cease operation of all uses permitted by such entitlements. Any application for a new CUP or DPR must be filed at least sixty (60) days prior to the expiration of these approvals.

Upon application by the Applicant at least 60 days prior to the expiration of the CUP and DPR, the Director of Community Development (the "Director") may extend the Permits for additional two-year terms if the Director determines that the open air dining and rooftop uses are operating in a manner substantially the same as described to the Planning Commission and approved by the Planning Commission, are abiding by the conditions imposed by the Planning Commission, and are not creating an adverse impact on the surrounding area. Any decision by the Director pursuant to this paragraph may be appealed to the Planning Commission by filing a notice of appeal with the Director within ten days after the Director has issued the decision. Notice of the Director's decision shall be mailed to any person who submits to the Director a written request for such notice. If the matter is appealed to the Planning Commission, the Planning Commission shall hold a noticed public hearing on the matter in accordance with the hearing procedures set forth in Article 38 of Chapter 3, Title 10 of the Beverly Hills Municipal Code. In addition, the Director may, in his or her sole discretion, refer the renewal application to the Planning Commission for review.

If neither the Director nor the Planning Commission extend the Permits, then the Permits shall expire and all rights possessed by the applicant under the Permits shall be terminated. Provided, however, that if the Applicant files an application for an extension, any existing Permits shall be extended until the City takes final action on the application. Provided, further, that if the Director or Planning Commission extend only one of the Permits (either the CUP or DPR) but do not extend the other Permit, only those rights authorized by the Permit that was not extended shall be terminated.

Any application for an extension of the Permits shall be subject to the application fees by resolution of the City Council. In considering any application for an extension of Permits, the Director or Planning Commission may impose additional conditions of approval on the Project to ensure that the Project does not adversely impact adjacent uses or create significant environmental impacts on the community within the meaning of the California Environmental Quality Act.

3. **APPEAL.** Decisions of the Planning Commission may be appealed to the City Council within fourteen (14) days of the Planning Commission action by filing a written appeal with the City Clerk. Appeal forms are available in the City Clerk's office. Decisions involving subdivision maps must be appealed within ten (10) days of the Planning Commission Action. An appeal fee is required.
4. **RECORDATION.** The resolution approving the renewal of the existing Conditional Use Permit and Development Plan Review 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 the resolution as an exhibit. The Applicant shall deliver the executed covenant to the Department

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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 Project 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 Project.

5. VIOLATION OF CONDITIONS: A violation of these conditions of approval may result in a termination of the entitlements granted herein.

ATTACHMENT C
Public Notice



NOTICE OF PUBLIC HEARING

DATE: December 19, 2011
TIME: 1:30 PM, or as soon thereafter as the matter may be heard
LOCATION: Council Meeting Room 280A
Beverly Hills City Hall
455 North Rexford Drive
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its SPECIAL meeting on Monday, December 19, 2011, will hold a public hearing beginning at 1:30 PM, or as soon thereafter as the matter may be heard to consider the following entitlements that are being requested for the property located at 2360 Wilshire Boulevard, more commonly known as the Thompson Hotel:

A request to renew the existing Conditional Use Permit for rooftop uses and a request to modify the existing Conditional Use Permit to allow increased occupancy on the rooftop pool-deck and bar area from a maximum occupancy of 125 persons to a maximum occupancy of 185 persons; and

A request for an Extended Hours Permit for the rooftop pool-deck and bar area to allow increased hours of operation. Existing entitlements allow the rooftop area to operate until 1:00 AM Sunday through Thursday and until 2:00 AM Friday and Saturday. The applicant requests that the Extended Hours Permit be modified to allow patrons within the rooftop pool-deck and bar area until 2:00 AM each day of the week, which would be a one hour increase in operating hours Sunday through Thursday.

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The project qualifies for a Class 1 Categorical Exemption for operation of existing facilities.

Any interested person may attend the meeting and be heard or present written comments to the Commission.

According to Government Code Section 65009, if you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

If there are any questions regarding this notice, please contact Cindy Gordon, Assistant Planner in the Planning Division at 310.285.1191, or by email at cgordon@beverlyhills.org. Copies of the applications, plans, and Categorical Exemption are on file in the Community Development Department, and can be reviewed by any interested person at 455 North Rexford Drive, Beverly Hills, CA 90210.

Approved as to form:


Jon Lait, City Planner

Mailed: December 8, 2011

City of Beverly Hills 455 N. Rexford Drive Beverly Hills, California 90210 p (310) 285-1123 f (310) 858-5966 BeverlyHills.org

**ATTACHMENT D
NOISE MEASUREMENTS**



Veneklasen Associates
Consultants in Acoustics | AV | IT | Environmental Noise

October 24, 2011

Dawson Tilem & Gole
9454 Wilshire Blvd., Penthouse
Beverly Hills, CA 90212

Attention: Mr. Mitchell J. Dawson

**Subject: Thompson Hotel, Beverly Hills, CA
Noise Survey Results
VA Project No. 4580-002**

Dear Mr. Dawson:

We have performed a series of noise measurements at a number of locations around Thompson Hotel and the results are included in the attached Table 1. Section 24 of the Conditional Use Permit (Resolution Number 1581) requires noise measurements between the hours of 10:00 PM and 2:00 AM, on a Thursday, Friday and Saturday.

During this survey we did not observe any impacts at these locations due to rooftop activities.

If you have any questions concerning the information contained in this report please do not hesitate to contact me

Sincerely,

Veneklasen Associates, Inc.

Hooshang Khosrovani, Ph.D., P.E.
Associate principal

G:\dawsontilemgoal\thompson hotel\occupancy increase\11hk001

Table 1

Thompson Hotel

Results of Noise Measurements

Location	Thursday 10/13/2011	Friday 10/21/2011	Saturday 10/22/2011
In the alley behind the hotel	61 dBA	60 dBA	62 dBA
140 Crescent	48 dBA	50 dBA	52 dBA
151 Crescent	45 dBA	47 dBA	48 dBA
157 Cannon	47 dBA	53 dBA	50 dBA
145 Cannon	47 dBA	51 dBA	52 dBA